

# City Council Regular Meeting Transcript –2/9/2017

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[10:06:39 AM]

>> Mayor Adler: All right. We have a quorum present. Before we convene our meeting -- let's go ahead and do the invocation. Is chaplain van felt of the northlake church here? In Lago vista. Would everyone please stand?

>> Father god, creator of all things, we come to you in the name of Jesus, the name of names, the lord of lords and the king of kings. We ask you to give us patience, creativity and wisdom. I thank you, father, that the first job you gave Adam in the garden was to name all of the animals, which was a creative job, so we ask for your creativity to inspire us to solve problems today. We thank you that there are two prayers in the bible that you guarantee an answer to. One is when we ask you for the holy spirit, and the other prayer is when we ask you for wisdom and you invite us to ask you for wisdom. So we're asking you for wisdom today to help us approach these problems. We pray that you would bless this Austin city council meeting. We pray that you would bless the city of Austin and we pray that you would bless the great state of Texas. Amen.

>> Mayor Adler: Thank you. All right. Council, we have -- today let's convene this meeting. Today is Thursday, February 9th, 2017. We are in the council chambers, 301 west second street. We have some changes and corrections.

[10:08:40 AM]

Item number 26 is withdrawn. Item number 27 is related to item 51. Does that mean we should hold that until we consider item 51? 51 is on the a2015 dumb. So 51 can -- is the done addendum, so 51 can also be considered part of the consent agenda. Music at 5:30 is going to be ray prim. We have items

pulled off the agenda. Items pulled off the agenda are number 5 and 34 pulled by Ms. Alter. Item 25 pulled by Ms. Garza. Item number 29 pulled for discussion. Who pulled that? It's a blank.

>> [Inaudible].

>> Mayor Adler: So we have to decide. The backup doesn't have a name. So we have to pull in the name.

>> It's the manager search firm and you have to choose.

>> Mayor Adler: So it has to be pulled. Item number 30 has been pulled by kitchen and pool. Item 31 pulled by Ms. Kitchen. I pulled item 35. Our consent agenda goes between items number 1 and item 35. Item number 17 has been pulled by speakers.

[10:10:47 AM]

51 is on the consent agenda. We've said that. Did you have another one that was pulled by speakers?

>> Renteria: Mayor?

>> Tovo: Mayor, you might ask if John Rogers --

>> Mayor Adler: Is John Rogers here? Okay. Is Mr. Pena here? Okay. We'll get to those in a second. Mr. Renteria?

>> Renteria: Mayor, I'm requesting -- the neighborhood requested that we do item 46, the villa's at vision oaks, time certain at 4:00 if possible.

>> Mayor Adler: Time certain number 46, four P.M. It's a time certain item. At 2:00 I don't have a problem setting that for a time certain of 4:00. Ms. Pool?

>> Pool: I heard you pull item 35 pulled for you, but I didn't hear item 34 pulled for Ms. Alter?

>> Mayor Adler: The items I pulled were 5, 17, 25, 29, 30, 31, 34 and 35.

>> Troxclair: Can you repeat them a little slower?

>> Mayor Adler: Sure. Item number 5, 17, 25, 26 is withdrawn, 29, 30, 31, 34 and 35. The consent agenda is items 1 through 35 and also 51. Ms. Kitchen?

>> Kitchen: Item number 17 was pulled for speakers who all appear to be for it. So -- and that relates to the pathways at good ridge in district 5?

>> Mayor Adler: Is Mr. King here. Do you need to speak on this item?

[10:12:48 AM]

>> Yes, sir.

>> Mayor Adler: Okay. Is Mr. Pena here?

>> I'm here.

>> Mayor Adler: That will be pulled for speakers. Any other pulled items? Okay. So I'm now going to -- yes?

>> Kitchen: I have to confer with councilmember pool, but my thought was 30 and 31 were being pulled with the suggestion for postponement.

>> Pool: And I think we were looking at March 2nd. There's some additional information that we're rounding up before we -- before that's ready.

>> Kitchen: I believe we've talked to staff about that one.

>> Mayor Adler: Is staff okay with this item -- that being pulled? 30 and 31. Is staff okay with that being proposed? Yes?

>> Yes. Jim Dale, assistant director of transportation department. We're fine with them being postponed.

>> Mayor Adler: So we'll leave them on the consent agenda with a postponement to 3/1. Ms. Kitchen, is that right?

>> Kitchen: Yes.

>> Kitchen: It's 30 and 31.

>> Mayor Adler: 30 and 31 being postponed to March 2nd.

>> Mayor Adler: Ms. Alter? Equality I had a question or two I think it's --

>> Alter: I had a question or two I think it's on 24.

>> Mayor Adler: Okay. Let's put 24.

>> Alter: But it should be quick.

>> Mayor Adler: All right. Let's go to the speakers that we have. Mr. Pena?

[10:14:52 AM]

>> Good morning, Mr. Mayor, councilmembers. Gus Pena in the audience. Proud native east Austin austinite, proud united States Marine Corps veteran, served in the tail end of Vietnam. Mayor and councilmembers, I'm here to -- prompt me again, I'm sorry. I know you said number 17, right?

>> Mayor Adler: 17 has been pulled so you don't need to speak on that. I have you signed up to speak on 8, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21 and 22.

>> Great. First and foremost, I'm not a housing expert. I've known homelessness before. I can tell you the homeless problems we have now, and Mr. Mayor, I really do appreciate all you're doing. I see you how there in combat and support of veterans, but I want you to also mention supporting housing, and I know we do because we talked about it when you were running for office. Housing for single women and children who were homeless. Even president Obama before he left office mentioned that. So we're making a headlines nationwide. I want you to know also I support all of these except for one that doesn't -- that's market value unit that should be more affordable, but Mr. Mayor, let me read something because I tend to ramble. I am for affordable housing, but let's have a clear-cut definition of affordable housing. I support these efforts, but I would like to see -- we would like to see some transitional housing also. Back then -- in Bruce Todd's administration in 1991, et cetera, Richard Halpin -- he still is the king, and he's one of the experts you should retain, Mr. Mayor. Mr. Mayor, Richard Halpin he is an expert on housing. This guy has a wealth of knowledge because we were a product of utilizing affordable housing even back then, transitional housing. We need transitional housing to transition people from homelessness to self-sufficiency, but also jobs. And then for our military veterans that have the hud voucher, secretary of veterans affairs choken is going to be our new secretary of veterans affairs.

[10:16:54 AM]

I already spoke to his person that is going to be chief of staff, but I also let him know the problems we have here in austin-travis county with affordable housing, what the definition is. Anyway, he promised to come to Austin, Texas. I don't know about trump. I did send a letter to his office also. We need more transitional housing. We need more actually good-paying jobs to be able to afford the rent, the high-priced rent here in Austin. All these units I understand are affordable except one at the market value issue. We have a problem with that. Richard Halpin is a housing expert. He had American institute for learning, transitional housing in the 1990's, but

let me ask you this: You have a round table with experts. Let's have a round table of housing experts from the community that are facing problems that don't have affordable housing. Bring them here. They're the true expert of what they need. We don't have sufficient wages for them. We don't have health care for them. How can they be expected to also have housing.

[Buzzer sounds] Anyway, Mr. Mayor, keep up the good work, but let's really have affordable housing and a clear-cut definition and also a meeting with the stakeholders, not just the housing experts, so-called, because the homeless people are homeless experts and housing experts. Thank you.

>> Mayor Adler: Thank you. David king?

>> [Inaudible - no mic].

>> Mayor Adler: I had you signed up on item number 6.

>> [Inaudible - no mic].

>> Mayor Adler: 6 is not pulled.

>> [Inaudible - no mic].

>> Mayor Adler: 24 was pulled. 17 was pulled. Ms. Alter I actually just have --

>> Alter: I actually just have a question.

[10:18:55 AM]

I don't necessarily have to pull it. I think it may address Mr. King's --

>> Mayor Adler: On item number 6?

>> Alter: The combination of 6, 7 and 24. I don't know when the appropriate time is for that.

>> Mayor Adler: Sure. Do you want to go ahead and ask your question?

>> Alter: Sure. So this is a question probably for staff in charge of this purchase. I'm hearing concerns that in making this decision to purchase this property that we have made decisions about what happens to one Texas center. And it's my understanding that in approving item 6, 7 and 24, we are not approving any such actions with respect to the future of one Texas center, is that correct?

>> Yes, councilmember, that is correct.

>> Alter: Okay. Thank you. So Mr. King, I'd welcome to hear what Mr. King has to say, but I think that was a confusion that some neighbors are concerned about. So I wanted to clarify that.

>> Yes. Mayor, I'll be real quick if that's okay, and speaking on this. As councilmember alter has said, I appreciate that we're not making a decision about the future of one Texas center in this particular decision today, but I think it's important for the public to see the big picture, the broader picture, that that property has already been considered to be part of the south central waterfront project,

redevelopment of that project. I think we need to have transparency so the public understands this is not just a separate action we're taking today. It needs to be considered in the context of what will happen to one Texas center in the future. And my understanding with the south central waterfront project is that the city is considering donating or giving that property or part of that property, as part of the redevelopment of the south central waterfront, for use as affordable housing. And I think that's the part of the decision that needs to have transparency, that the public needs to understand. And I hope it's clear today that that is not what we're deciding on today, that that's a separate decision, but that there will be public transparency and public input allowed on what happens with one Texas center.

[10:21:05 AM]

Thank you very much.

>> Mayor Adler: Thank you. So is there a need -- Mr. Renteria?

>> Renteria: Yes. I also -- I don't know if it's appropriate right now to ask this question, but I also want all the information of all the other tenants that's in that building, Texas one center. It's -- all the other departments that is in that building. If you could give me that information.

>> Councilmember, to clarify, are you asking for a list of all the departments that are currently in the building?

>> Renteria: Correct.

>> Yes, I can get you a list of that.

>> Renteria: Thank you.

>> Mayor Adler: Ms. Alter?

>> Alter: I just wanted to reiterate a topic that came up on work session so we're very clear on what we think we're voting on here. A concern was brought up about the ability of staff to coordinate across departments, which is really important for the effective functioning of the planning and all of the other groups that will be moved over there. So it was our understanding as conveyed to us that there would be every effort to have co-location technology would be used to facilitate communication down to city hall as needed. There would be shuttle services and that that was a set of obstacles that were being addressed in the planning process so that we could continue to have as high functioning a process as we can. Or hopefully it would be improved, I should say, with the move.

>> Yes, councilmember. That was a commitment and I believe the city manager also made that commitment to co-locate all the staff in that building.

>> Alter: Thank you.

>> Mayor Adler: Okay. With that conversation, is anyone pulling this item number 24? Mayor pro tem is pulling that?

>> Tovo: No, I'm not pulling it, but I do need to make a couple of comments. I have submitted some questions and I did get them in a little late, and so I'm still working through those answers with regard to the financial -- some of the financial questions that we raised or I raised at Tuesday's work session about how much of the -- how much of the cost of the building would be paid for through the release of leases.

[10:23:40 AM]

And so let me say before there's any moving forward with this transaction I will need to understand some of the details better. I understand today we're not necessarily making a decision about the building, that we are allowing the staff to move forward with debt that would continue to explore this alternative. I'm willing to make this approval today to continue to explore that exploration, but I still have some of the concerns I raised on Tuesday about how some of the finances are going to work and whether this is the project that we should be pursuing. But I'm willing to -- again, I'm willing to raise those questions as we continue to think about the project. Matured.

>> Mayor Adler: Ms. Kitchen?

>> Kitchen: I do share all the concerns that we shared at the work session and as councilmember alter just articulated, we've made a lot of progress, I'll just say it this way, we've made a lot of progress with our planning and development departments and we cannot step back on that. We have to have a coordinated approach. And so I'm moving forward with this based on the assurances that there will be ways to do that. I remain troubled by it, the location, because of that, but I'm willing to move forward with it. So I just want to reiterate we cannot move backwards in terms of our efforts to make sure that we have a one-stop shop type of approach.

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

>> Tovo: I'm sorry, but I do need to ask Ms. Rizer just to confirm my understanding of the answer we got back this morning. There was an assertion on Tuesday that the new building and the debt service on it would be financed through the release of lease space. As I see -- as I understand the data that we just got back and the Q and a, a portion of that would be -- this proposal allows for lease savings of about \$2.8 million, but we currently have lease space at six million.

[10:25:45 AM]

So there still will be a gap there.

>> Yes, ma'am.

>> Tovo: So the building will not be wholly financed through the release of lease space?

>> Councilmember, to answer that fully that would take an executive session to talk about that. And we don't have all the numbers now. So I think that discussion, a thorough discussion of that would be more appropriate after we do a little more planning.

>> Tovo: Okay, thank you. This is a challenging conversation to have because it raises questions I think in the minds -- if we're talking about saving \$50 million, but we're not telling people the cost of the building. It's just a hard conversation because some of the information is public and some isn't. But I'll look forward to talking about that a little bit more in an executive session. Thanks.

>> Mayor Adler: Okay. So 24 will go back on to the consent agenda. Next consent speaker is John Joseph. Do you want to speak on item 25? Mr. Joseph?

>> Here to answer questions.

>> Mayor Adler: Okay. It's on the consent -- no. 25 was -- I'm sorry, 25 was pulled. That was pulled so we'll consider 25 in just a moment. Is synobia Joseph here?

>> Good morning, mayor. Thank you, councilmembers, I'm synobia Joseph, my remarks are to to where you are looking for staff to look the funding projects for east Austin.

[10:27:51 AM]

And I want you to specifically put the Deidra Hamilton house on that particular item. I do know you have language at the end that's vague enough for it to include the district 3 Dr. Ham -- Deidra Hamilton house, but I do believe and I have mentioned this to you before, September 1st, 2016 when you were doing the budget, I mentioned the spirit of east Austin funds. And as it relates to the hotel occupancy tax I think that you could also fund perhaps a book project. I mentioned to you that on September 18th, 2016 I met Darwin Hamilton, one of the descendents of the Deidra Hamilton house, the African-American V and on that list that you have in front of you in the backup materials, it actually lists the mexican-american cultural center. So as a matter of parity I think that that it would be reasonable for you to amend that resolution to include the African-American center as well. I do want you to recognize tangentially that this particular request also aligns with your item as it relates to the legislative priorities. You have an item specifically related to the school finance for pre-k through 12 and one of the items I want you to recognize and item is that there are very few items for teachers to teach African-American history or specifically the history of Texas. I gave you the example before that in the grade 4 textbook, for example, there were only three African-Americans in that book. Barbara Jordan, Clarence Thomas



and Dr. King. So it is very difficult to find the materials that are needed to teach the students. And I will lastly tell you that I did work on the 2006 project, which is the Austin past and present, which talks about the history from 1928 to 2006. And so the Deidra Hamilton house is missing the history as it relates to the eminent domain, the city's involvement in taking that property from the family and the back story of that particular block. So I would ask you to consider as an alternate project, a book, a literacy project, and if you could tell me, mayor, how to get the recommendations for other projects to staff.

[10:29:56 AM]

Is there someone in particular that I need to make these recommendations to?

>> Mayor Adler: I'm trying to think who on staff. I would say Dr. Washington would probably be the perfect staff person because he's working on the items in this area.

>> And are you able to amend the resolution or is the language vague enough for you to include it in the other?

>> Mayor Adler: I think it would allow for an inclusion of that. I'll make sure that gets discussed.

>> Thank you very much.

>> Mayor Adler: Is there anyone else here that's signed up on any of the unpulled items? Okay. Council, I have the consent agenda, 1 through 35, also 51, items I have pulled are 5, 25, 29, 30, 31 -- I'm sorry. 5, 17, 25, 29, 34 and 35. Is there a motion to approve the consent agenda? Ms. Garza. Is there a second? Ms. Troxclair. Any discussion on the consent agenda?

>> Houston: Mayor, I thought -- oh, the 30 and 31 are going to be --

>> Mayor Adler: Postponed to 3/2. Any discussion? Yes, mayor pro tem.

>> Tovo: I just wanted to speak for one minute to item 8. I am appreciative of this effort moving forward. I think it's very important that our -- the municipalities in this area speak with a strong voice about our areas of mutual concern. And I was particularly glad to see on there a bullet point related to the Austin state hospital and the work that senator Watson and others are supportive of with regard to improving behavioral health care at that facility as well as, as I understand it, renovating the existing buildings.

[10:31:59 AM]

I don't know much about this as the Austin state hospital falls within district 9. I don't know about where those proposals are, but I have undertaken to do so. I would comment there is a line in here talking about including the revitalization of the Austin state hospital and I wanted to say that I understand -- I understand the meaning of that to be to upgrade for health and safety issues those buildings. There are several buildings on that site that have been there for 100 plus years and it is an homework campus. It is a very rare example of a 19th century facility that survives into ours. So I think it's very important that the revitalization that happens there be done with that in mind. So again, I'm very appreciative of the senator and others' efforts on that score and I look forward to hearing more.

>> Mayor Adler: Okay. Any further discussion on the consent agenda? Any comments? Ms. Troxclair?

>> Troxclair: Mayor, I would like to be shown voting no on item number 3, which is the waller creek contract. We are -- let's see. The original -- the original election for voters who approved the use of the hotel occupancy tax to fund this project was for \$25 million. We are now -- we've spent \$162 million on this project, which is six times over what we originally asked the voters for. I am concerned that this is a single source contract, that there were no responsive bids, that we had to reach out to somebody because we did an rfp and did not get any responses, I think it speaks to some issues with our procurement process. And I'm just generally concerned that this project is the project that's never ending. And then the council created a tif in 2007 to continue funding it.

[10:34:00 AM]

And at what point is this project going to be done? I want to also be shown abstaining from item number 4, the corridor program management consultant, just for the reasons that I -- the questions that I asked about at work session on Tuesday. And the number 2 consultant having significantly more experience with large projects than the person that we're recommending. I want to be shown abstaining from item number 8, the legislative priorities, although there are some things that I support in here like the funding for the I-35 expansion. There are also some things that I oppose, like opposing revenue caps and roll back elections. I wanted to be shown abstaining from item number 9, just because I have some additional questions that I haven't been able to get answered yet. And also shown from abstaining from items number 11 through 22, which is the affordable housing support resolutions. As I've said for a couple of years now, the tdhca, the Texas department of housing and community affairs, is asking -- the reason they require resolutions from the municipality is because they want us to tell them where are the best projects for our city. We are the ones that are responsible for responsible development, implementing imagine Austin, putting affordable housing in places that have access to transit, job centers, et cetera. And when we blanket approve all of these affordable housing proposals, we are not treating them -- we're not following our own principles of smart development. I think it only happens once a year. And the four developments are not competitive grants. All they need is this approval from city council right now. And yet we really haven't taken the time to discuss where we want these affordable complexes located.

[10:36:06 AM]

And whether or not the proposals are the right fit or not. So I'm just going to abstain from all of them today. Thanks.

[Applause].

>> Mayor Adler: Okay. Any other discussion on the consent agenda? Ms. Houston?

>> Houston: Mayor, I want to thank mayor pro tem for talking briefly about the Austin state hospital. That has sort of been -- everybody knows it is a state property, but it's been kind of a closed discussion and there are some broader conversations that I think the community would like to have regarding not only the reservation of the homework buildings, but also about ways that we can develop some perhaps transitional housing for people who have mental health, behavioral health disorders who are not living on the street. The Austin state hospital serves 37 counties around this area. And what traditionally happens is that people are discharged and they are discharged and don't go back to their home community, but come to our streets. Historically the state legislature has reduced the amount of funding to provide appropriate services in communities so we find ourselves battling not only a homelessness issue, but also homes that have not been regulated. So that's one of the broader conversations that we think -- I think we should have with how that -- how that property is utilized in the future. And I know again it's state owned and the state controls that, but I think it's worthy of having some conversations.

>> Mayor Adler: Okay. Any further discussion on the consent agenda? It's been moved and seconded. Let's take a vote. Those in favor of the consent agenda please raise your hand? Those opposed. It's unanimous on the dais with the notations made.

[10:38:07 AM]

Now let's go to the pulled items. Ms. Alter, you pulled number 5, the ethics amendment. You had a quick question on that?

>> Alter: Actually, I would like to make a motion on that. I would like to move to approve item number 5 with the following change, which strikes from the ethics review commissions purview the governing interaction between the council and city staff in the city charter. So part 1 would be part 4, lines 21 through 36, where it says article 1, interference in personnel matters. Part 2 would be page 8, lines 10 through 11 where it says article 2, section nine, interference in personnel matters and this is precisely the point we discussed in work session.

>> Mayor Adler: Okay. Ms. Pool seconds that. Is there any further discussion on this motion? Those in favor please raise your hand? Those opposed? The amount is approved as amended.

-- The matter is approved as amended. That's number 5. Thank you. Item number 17? We have some speakers that are signed up to speak on this item number 17. Is staff here? On this item? This is the low income housing tax credit on pathways. Could you real quickly in a minute just set out what this is?

[10:40:14 AM]

>> This is a resolution supporting an application submitted by pathways at Goodrich for an award of low income tax credits at the Texas department of housing and community affairs for the proposed multi-family development called pathways at Goodrich apartments. >>

>> Mayor Adler: Let's go ahead and talk to the speakers that have signed up on this. We have first Gus Pena to speak on item number 17.

>> Good morning again, mayor and councilmembers. Councilmember troxclair, good comments, right on target. Thank you for that. I've been saying that for many years. Mayor and councilmembers, on item number 17 -- I'm all for it. I -- you know, I can't -- I can't be researching every darn thing that I've pulled on the backup, but I want to thank Mr. King for bringing this up. It's market value versus true affordability. He's going to talk to it better than I will. But anyway, I spoke to Tim Irving and he is the director of tdhca. I've been going to the capital for many years. You're right on target. They do want to know where they're going to be at, the bus lines. Those are very needed for a lot of us who don't have or are able to drive. Don't have a car or don't have an alternative transportation or the bus system is not near. Anyway, I met with him throughout the years. I just saw him-- I spoke to him last Thursday after the city council meeting.

[10:42:16 AM]

I just want to make sure that this is true blue affordable housing -- 29 affordability. What may be affordable for you may not be for me or Mr. Casar or whatever. We need to work together on this issue. I'll work with you as much as I can and the housing department. And the housing department of the city of Austin, I also know president Gerber, I support him. We might not agree on something that happened to me, but we're going to work on it to be more comfortable for myself and my family. But anyway, I'll leave y'all with this, mayor and councilmembers. Let's have a real true blue definition of affordable housing. And Kathie, mayor pro tem, when she first ran for office, remember what I said, affordable housing, helping the veterans, and she's done it. She's my queen over there. I support her highly. I'll

leave you with this much, each and every one of y'all, a society's worth is measured by its treatment of the less fortunate. A society's worth is measured by its treatment of the less fortunate. What are we doing to the poor people? The veterans who need help that are homeless. Mr. Mayor, I love you, man. As a Christian -- my wife, I love her, but we do have a lot of homeless veterans out there, okay? We are not zero on homeless veterans, okay? And I still want to meet with you, but if you have a chance, I have too many people blocking my way at your office. And I understand your busy, but you cannot be too busy to help with the homeless, Emmy precious women and children who are homeless. Those are my priorities. Thank you very much, mayor and council. I know you are working hard. Thank you.

>> Mayor Adler: Mr. King, David king.

>> Thank you, mayor, mayor pro tem and councilmembers. My name is David king. I live in the zilker neighborhood where this project is going to be built. Our neighborhood really supports affordable housing. We really look forward to the subsidized affordable housing that we will have available and for families with children.

[10:44:19 AM]

This is very important and we support the projects. I'm not here to speak against the project. But what I am here to speak about is a concern about the component of the project relating to market rate units. This project, this land is dedicated to subsidized affordable housing. And the developers and city staff met with us a couple of times, talked to us about the project. They're going to follow the city codes. They're going to do what they can do under the current zoning and ask for no rather thans or waivers and -- variances or waivers and that's great. We didn't ask for that. We didn't hear about market rate units until a week or so ago and that's concerning to me that we're going to have any market rate units in this project. So I don't understand how we're going to have market rate units in the subsidized project here. I worry about the precedent this will set for whatever good purpose this market rate housing is going to be used for. It's going to set a precedent that other projects are going to follow. I hope you're concerned about that. What I would ask is that we do not allow any market rate units in this project here. I don't know why it can't work as just a standard subsidized affordable housing project. So I hope that you will ask about that and help us understand why there needs to be any market rate units in there. Of course what you can tell prosecute my comments here -- from my comments here I don't support having any market rate units. If there's a market rate unit there it's not going to be available to a low income family. We need to have, especially in neighborhoods of opportunity like zilker, we support subsidized affordable housing. We look forward to having these families in our neighborhood, going to the school right down the street from where this project is located. So I do want to make that clear and I hope that you will dig into this and find out what the market rate housing is all about. And why that's part of this project.

[10:46:20 AM]

Thank you very much.

>> Mayor Adler: Thank you.

>> Kitchen: Mr. Mayor, I will have some follow-up questions. I think Mr. Gerber is next perhaps. Should I ask my questions now?

>> Mayor Adler: You can if you want to.

>> Kitchen: Okay. Mr. Gerber, when you speak to us if you could speak to the thinking behind the market rate housing and also one of the concerns that I want to make sure that we address is the ability for people to move back in there. So that we're not displacing anyone that's there right now.

>> Mayor Adler: Mr. Gerber.

>> Thank you for working with us through this project. Let me assure you that there are not going to be -- owe there's not going to be anything but affordable rate units at this property. We're intending to have -- we're currently at 40 public housing units at this property. What we're doing is increasing the density there to take advantage of a federal program known as the rental assistance demonstration. Our proposal is to build 120 units at this site. It's right off of south Lamar, one block north of bluebonnet. It's a very high opportunity area, a couple of blocks away from zilker elementary school. What we're proposing is to have 16 units serving folks at 30%. 44 units at folks with 50%. 15 units at folks at 60% and 10 units, which are the units that Mr. King is referring to, that will actually serve folks at 80%. Because we're taking advantage of some federal tools, low income housing tax credit program and the H.U.D. Federal demonstration, there are frankly we're worried about people getting boxed out. Public housing is not just folks who are making 30%. They come into the program making 30%, but over time they can in fact earn up to 80% and even higher. And their rents are adjusted accordingly. So we do have folks at higher income levels, particularly at 80 percent. And our concern is that when we switch over from public housing to rad that those folks cannot live in our properties.

[10:48:24 AM]

And we want to make sure they have the right to return because the right to return is the value that we have. So those 10 units is the only property today where -- public housing property today where we're adding density. And because we're not just doing Goodrich, we're also looking at converting meadow Brooke, golden oaks, Mann village. These are properties that we think there will be a number of people who may in fact fall through the cracks on those two federal programs and we want to protect them and that's why we've identified these 10 units. Does that help?

>> Kitchen: Okay. So I'm understanding that the intention of that is to allow some flexibility for people who may have earned some additional dollars. You're still talking about 80% of mfi and still talking about looking at their income.

>> Yes, ma'am. And just to be clear also, while we will noting putting that into the tax credit application and into our rad program, we will be having a land use restriction agreement in all of the underlying documents that we work it through the partnership and with our financial partners to make sure that's protected. The property is fully preserved for affordable purposes.

>> Kitchen: So it would be stated in those documents.

>> Yes, ma'am.

>> Kitchen: Thank you.

>> Mayor Adler: Mayor pro tem?

>> Tovo: I knew you said that, but I want to be sure I understand. Those higher level income apartments are intended for residents who have been at the property a long time, but their income now is at a higher level?

>> Correct. And because in the applications and the documents we need to work on for these federal programs there's not an easy way to explain it. So we need to just simply say for those purposes -- for those programs we're indicating that they are market rate, but as we operate the program here in Austin and as we work that through with our financial partners and others, we will make it clear there's a land use restriction on that property. The market rate units are in fact 80% units and we will operate them as such.

[10:50:24 AM]

>> Tovo: They're not 80% mfi units that are opened up to the whole community. They're really reserved for residents who are currently in one of your properties, but are now kind of hitting that max.

>> Correct. And new folks who come into the program. And we have, as you know, a pretty extensive wait list. We will be able to serve more folks with the increased density there at Goodrich.

>> Tovo: I'm looking to see what you just said because I missed the last part of it.

>> We have a waiting list of about 10,000 folks. So we will be able to serve -- we're going to use that increased density to serve more folks. And -- but our intent is to serve folks at the lowest possible income level that we can.

>> Tovo: Which is a great thing. We certainly need -- I mean, we certainly need the units and I'm really so pleased and supportive of the work that the housing authority is doing. I think the question that's been raised is whether those 80% units are set too high, but again I hear what you're saying that you're going to use those -- you're going to use all of your properties to serve the lowest income individuals as possible and those higher units are really reserved for your existing families.

>> Yes, ma'am. And mayor pro tem, it's really a balancing act in the tax credit program. The more the tax credit program really does sort of peg right at about 60%. So if you serve more folks -- if you serve more folks at 30%, which we are, you need to have more of those 80% units. There's a balancing act as you coordinate the financing for it. Many tax credit properties you just proved don't necessarily have a 30% component. So we're really serving those extremely low income folks in our community. Northbound and southbound to do that we need to balance it with the 80% folks. Our hope is when the folks come in at 30% and what's been frankly the path for most of our residents, is we work them towards a higher level of Independence and greater self sufficiency and they're at that 80% level and hopefully we'll get them out of our program and into market rate housing.

[10:52:31 AM]

That's the goal. It doesn't always work, but that's our intent. And with the supportive partners providing education and workforce and other programs, which we currently don't have combat rich, which we'll be able to -- have at Goodrich, which we'll be able to add we hope in the decision you make today, we think that Goodrich will be a tremendous asset for us.

>> Tovo: Thank you very much. Appreciate the work you're doing.

>> Mayor, councilmember kitchen had asked a quick question about also ensuring that folks have the right to return. And we have a tenant protection team that's headed up by ruby Roja and others that every tenant has the right to return. We'll move them to nearby properties such as Mann village, shadow bend and meadowbrook and we'll do that slowly over time and be sure they have access to their schools, health care, any other transportation needs that they may have. It's a delicate balancing act, but we want to make sure that no resident is left behind. That's our highest priority and our team has responsibility for that.

>> Mayor Adler: Mr. Renteria?

>> Renteria: I want to state that I know of incidents where people made a higher income living at the courts and where they're actually -- they faced the option of leaving and moving somewhere elsewhere you can't find affordable housing in the inner city, are just quitting their job and staying there. And I've seen people quit their jobs just so that they didn't have to move out of these. So, you know, that's why we do need those 80%. When people do start making a little bit more income, that they don't have to



leave. And I would hate to see them where they have to move out and they would have to literally just move out of Austin, especially in the central core.

>> Mayor Adler: Okay. Thank you. Ruby Roja?

[10:54:35 AM]

>> Morning, mayor, mayor pro tem, councilmembers. And I'm in support of this project. And let me explain to you why. I have met many residents, at least 10 residents at the housing authority where they've gone for either capital idea or another adult job training program, and they can continue to live there and their rent has gone up because they have a job now. So that's one main reason that I'm in support of this because they're living there with their children and they want to be successful. And the housing authority is helping them to do that. And that's why I'm here to support it. And I'm not here to support it because I work, I'm a contractor for the housing authority. If I didn't believe in this project, I would not be here in support. So I really appreciate your vote and let's keep our low income families in downtown or the south central. Thank you very much.

>> Mayor Adler: Thank you. We're back up to the dais on item number 17. There was another speaker, Henry flores, for it, but not wishing to speak. Is there any further discussion? Is there a motion to approve this item number 17? Ms. Kitchen moves. Mr. Renteria seconds. Discussion? Those in favor please raise your hand? Those opposed? Those abstaining? Troxclair abstains, the others voting aye. The item passes. Thank you.

[Applause]. The next item I have is item number 25.

[10:56:42 AM]

Ms. Garza, I think you pulled this one.

>> Garza: Is it Mr. Joseph is here for questions? Mr. Joseph is here to answer questions. I had some questions. So this is -- I'm still trying to get a full understanding and this might have been able to stay on consent, but I felt like I had too many questions to ask. So this is an old mud. It was created in I think 1986 --

>> '84.

>> Garza: '84? So there have been some changes, but I guess one of -- my first question is what is the process? If the council approves whatever -- whatever the council approves, does it go to your mud board or has it already gone to the mud board?

>> It's gone to the mud board and they've issued an amendment to be in support of the agreement.

>> Garza: What does the mud board consist of? Is it all residents?

>> Everybody on the mud board either has to live in the district or own property in the district. Two of the people that are on the board now live in the district. Three did. One's mother was very ill and had to move out, but they all own property and at a pay taxes in the district.

>> And how big is the mud board it.

>> There's five members.

>> Garza: And two of those are residents?

>> Yes, ma'am.

>> Garza: So I'm still trying to get an understanding of how this affects the people that are currently living there. But it sounds like they -- you used to be able to get reimbursed 70% from the residents. And this change would make it 100%. And then there's still parts of the mud that need to be developed, right? Because parts of the mud have been developed and there's other parts.

>> Yes, ma'am.

>> Garza: So a big concern -- maybe I'm not understanding it all correctly -- is that people who are living there now are being taxed a certain rate. And if this would be approved this would be taxed more.

[10:58:43 AM]

They would be taxed a little bit more for -- to develop another area of the mud. Is that correct?

>> No, ma'am, it's a little counterintuitive. You actually spread the tax burden out over more properties, more taxable properties and the tax rate will stay the same or actually go down.

>> Garza: But right now any bonds that you -- any money that you get is only 70% of it is reimbursed by taxes. And you're asking for a change to 100%.

>> Yes, ma'am. And the reason for that is this community has developed up as an affordable and sustainable community. And there's a chart that I provided you with in the powerpoint presentation that we presented you in the planning commission that shows that there's a tremendous amount of pressure locally through the other municipal utility districts that the price goes up. And what happens is whatever costs that are paid by the developer goes directly into the cost of the lot and the house. So there's a direct one to one correlation. If the bond proceeds are used to pay for that infrastructure, then it's spread out over a longer period of time and over the entire tax base. And so the incremental increase in

the lot costs are very small. So it's a way for the developer to keep providing low income and affordable housing stock within this district. Is by simply providing another financing mechanism which doesn't increase the tax burden on the residents of the district and allows that lot price to be allow. This district was supposed to provide -- 20% of the lots would be sold at \$13,760 and increase based on excuse me consumer price index.

[11:00:54 AM]

They have sold 955 lots, only 78 of those are -- are outside of the affordable range and they would like to continue to do that with the pressure on them for the -- for the prices rising. So they are offering to continue to provide at least 20% of affordable housing going forward in exchange for the increase in the reimbursement rate. There's some other things that we've offered as well. With a we're asking to do is get past this first hearing so we can go back with the staff and try to work out additional benefits to the city of Austin for our request. That's what the planning commission asked us to do. The motion, recommendation that they sent to y'all was, yeah, let's give them 100%, but they need to show more benefit to the city of Austin. What I'm asking you to do today is to give us that chance. The procedure that we have requires you to take some action by the second meeting after the expiration of 60 days from the time we filed our application. That's today. What I'm asking today is just help us move on and work with staff so we can bring back something to you on a subsequent date that we'll all be very proud of. And that we'll continue to provide affordable housing in this sustainable community. One more thing that I might add, if there's additional commercial property that is yet to be developed in the district, which will share a bigger burden to the tax obligations of the district.

>> Okay. And I'm good with that. I just wanted to make sure that -- that there are additional benefits. I'm concerned that that additional money would just be used for infrastructure for the new area being developed and I -- and I would hope that any additional money or taxes would also provide some kind of benefits to the residents who have been there for a while. Whether that's park area or whatever. I think it's important that -- that I want to understand the deal a little better and also understand that -- that there are -- there are community benefits being added for --

[11:03:03 AM]

>> Yes, ma'am. Your office came up with some very good innovative ideas that we're going to explore.

>> Garza: Okay.

>> If we're given the opportunity to go forward.

>> Garza: Thank you for being here to answer questions. I move to approve on first reading.

>> Thank you. Renteria I want to --

>> Renteria: I want to ask John a question, too.

>> Mayor Adler: Okay. Second, Mr. Renteria.

>> Renteria: Good morning, John. You know, I was on the original board there on that Morris crossing. Is this the same area, did it shrink or same boundaries.

>> Same boundaries Renteria were you able to use --

>> Renteria: Were you able to use any of the infrastructure out there? It literally just went bankrupt because the economy --

>> I don't know -- I'm sorry.

>> Renteria: You're just putting brand new infrastructure in.

>> That's correct. There's been a tremendous -- there's been a lot of roadways built by this particular district in the area, that's all usable. This district also built, I might add, this district doesn't have road improvement bonding authority, so all of the roadway improvements are built by the developer. And -- but the water and wastewater infrastructure is all usable for that district.

>> Renteria: Okay, thank you.

>> Mayor Adler: Ms. Alter?

>> Alter: I'm not sure if this is a question for you or not. I just want to clarify what we are voting on to make sure that I understand. It's a motion to approve the ordinance that then has the amendment in the -- in the exhibit and that amendment follows the staff recommendation and we are allowing this to move forward in the hopes that you will find better solutions moving forward, but procedurally we have to move forward today; is that the correct interpretation of what we are voting on?

[11:05:03 AM]

>> Yes, ma'am.

>> Okay. Thank you.

>> On staff's recommendation.

>> Pool: My question may be for staff instead of Mr. Joseph. Hi, thanks. I'm looking at the report here, from the rca, it says that the water and wastewater commission voted not approved on a 6th-0th vote with some people absent. Can you explain why the water and wastewater commission opposed this? This las like the date was January 11 this year. Thanks.

>> Austin water.

[Indiscernible]. At the time that the item was brought to the water and wastewater commission, we felt along with housing that the proposal by the developer wasn't clear enough of the benefits. And so when we took that to the commission, they felt that -- at that time that they couldn't support that. And so now with this action, we will be able to allow some time to -- to further vet any types of benefits to the city and then we can come back to -- with a recommendation to you.

>> Pool: Okay. Thank you.

>> Yes, ma'am.

>> Mayor Adler: Mayor pro tem?

>> Tovo: It's my understanding. Also a question for the staff. It's my understanding that the staff do not recommend the amendment to change the reimbursement rate from 70% to 100%. I wanted to invite our financial staff or other planning staff to come up and explain to us the rationale for that.

>> I can explain from a water and wastewater perspective. If you take a look at the bonds that have been approved thus far and particularly like the last bond, if you move from 70% to 100%, that would increase by one million dollars. The reimbursement to the developer. Given half of their authorized, not issued, but authorized funds, if they issued all of the remaining authorization, it could be up to \$5 million of additional bonds that would be issued.

[11:07:13 AM]

If the city annexed that property, upon issuing all of those bonds, the Austin water utility, as well as storm drainage would be taking on additional debt. So we take a look at, from a perspective of city wide, is there sufficient benefit to -- for the utility to take on that extra debt. And at the time, that we went to the water and wastewater commission, staff could -- could not find sufficient enough benefit but we want the opportunity to be able to talk to the developer and see if we can come back with a proposal that we would be able to as staff recommend.

>> And I heard -- thank you for -- for reaffirming that. I heard that as part of the answer to councilmember pool. So that would be a discussion that takes place between first reading and second reading or something of that sort.

>> Yes, ma'am.

>> Tovo: Do any of our staff have concerns about the reimbursement rate from 70% to 100% because of the increased financial burden it would place on residents there?

>> Virginia Callier from the planning department. That is true. There are residents that have been paying their mud taxes for as long as their houses have been there. So this would have an impact on those folks. But in addition, like mentioned, if the city moves to annex this area, we would absorb any outstanding debt. Increasing the reimbursement to the developer increases the amounts of bonds outstanding which could potentially increase the liability that the city takes on. So that was strictly what we were looking at in making that recommendation.

>> Tovo: Okay. Thank you. And then I have a question for Mr. Joseph. I see other colleagues with their hands up, so if they have questions for staff I'll hold my question for a just a moment.

>> Garza: I just wanted to be clear that I'm moving staff's recommendation. Which is not changing the reimbursement.

>> Tovo: Oh, okay, thank you councilmember Garza.

[11:09:14 AM]

That wasn't immediately clear to me. I appreciate that.

>> Mayor Adler: Mr. Flannigan.

>> Franchise I would like more information specifically about -- about the moving up to 100 -- compared to the pass through costs of that 30% to the developer.

>> Yes. >>

>> I'm also uncomfortable with staff making recommendations based on theoretical annexations. I would be fighting vehemently against annexing this, as I have fought against other sprawl properties. The nature of we should prohibit something because it's going to harm a future annexation, I think we're waiting as a city to have a better conversation with annexation policies and we haven't had that yet. But I'm going to be right in the thick of that. So I'm interested in other staff perspectives on this. If it's a non-starter and still comes back, that's fine, we're still going to have that annexation conversation. But staff recommending or not recommending based on a future possible annexation is not something that I'm comfortable with.

>> Could I respond to that? This project was initially in the city's full purpose jurisdiction and the intent the entire time was for it to become full purpose again. It's not something that staff is recommending. It's part of how this mud was designed and created initially.

>> Flannigan: If that was in the backup I must have missed it. Again if that comes back, please make sure that's delineated as such. Thank you.

>> Mayor Adler: Staff recommendation has been moved and seconded on first reading. Any further discussion? Those in favor please raise your hand. Those opposed? Unanimous on the dais with Ms. Houston off. Thank you. Okay. That gets us to -- to the city manager search firm discussion.

[11:11:20 AM]

We have staff here in case there are any questions. Does anyone want to make a motion? Anyone want to make a motion for city manager? Ms. Pool?

>> This is the city manager --

>> Mayor Adler: City manager. I'm asking if anybody wants to make a motion. Mr. Renteria? There were three proposals given to us on this item. Mr. Casar?

>> [Indiscernible]. Councilmember Renteria, were you going to make a motion on one in particular or should I?

>> [Indiscernible].

>> Renteria: I just made a motion to approve, but I -- you can go ahead.

>> Casar: If you had a good idea I would back you up on it. I will make the motion and then explain why. But my motion is going to be for us to have -- to have Russell Reynolds be our search firm.

>> Mayor Adler: Move for Russell Reynolds, is there a second for that?

>> Renteria: I will second it.

>> Mayor Adler: Mr. Renteria seconds that, yes, Mr. Casar?

>> Casar: I was impressed by all of the options and really appreciated staff bringing forward those options and all of the different firms coming and speaking to us. Frankly, I was ready to approve Ralph Andersen when they first came and if it was the will of the council to go that direction, I would be very excited. I thought that they were a fantastic option as well.

[11:13:22 AM]

The reason that I thought this was ultimately the best option was during work session, I was -- I felt that this firm brought something different, not because of their private sector expertise in particular and I think the gentleman from Russell Reynolds made it clear that his scope would not just be looking at private sector firms. He would be looking at all different kinds of people. But I think that we're a very different council. I think we want to do things in new ways and it felt to me that this consulting firm or this search firm would -- felt sort of the most open to -- to that kind of back and forth feedback for us to try all sorts of different things given the nature of the council. I thought that he barely squeaked by for me as the top choice, but if the council makes a different decision on this, I would look forward very much to working with any of the three firms.

>> Mayor Adler: Mayor pro tem?

>> Tovo: I'm just looking back at my notes and some of information we received and am I right in remembering that Russell Reynolds has never done a city manager search? Maybe that's a question for our staff.

>> Mayor Adler:

[Indiscernible].

>> Tovo: I agree that all of the firms had a lot of strengths. I -- I appreciate an interest in looking beyond -- beyond just those who have worked in government. Though I -- I continue to believe that likely will have -- you know, I think there's a great advantage to having a city manager who has worked in government before. And I am -- I have some reservations about a firm that has never done a city manager search conducting ours. So I just want to ask Ms. Hays whether that's the case.

>> Joy Hays, human resources department. That is accurate Russell Reynolds has never done a city manager search.

[11:15:28 AM]

I would direct your attention to the backup, which shows which each firm has with --

>> Tovo: Mr. Mayor --

>> Ms. Kitchen?

>> Kitchen: I don't know if the mayor pro tem was through? Okay. I just wants to say that I share the same concerns. I don't think that the choosing -- choosing a firm that has experience with -- with city manager recruitments necessarily means anything related to the status quo. I think that -- that to my mind I'm looking for experience and I have the same concerns about going with a private firm that's never done -- actually, they are all private firms. So we should take that -- we should take that term out.



I have some concerns going with the firm that doesn't have experience with what we're trying to do. And so -- so we're going to want anybody that we choose to take an innovative approach and we will be directing a lot of that innovative approach in terms of what we're looking for. You know, and how we set the scope and how we ask that it be done. So that's why I just have to express some reservations about going with a group that doesn't have any experience with what we're trying to do.

>> Mayor Adler: Ms. Pool?

>> Pool: When the representatives of the firms came to our work session a couple of weeks ago, I asked them all to submit some answers to questions, if they -- and the questions were how would you explain how the city responded to the tnc issue and also codenext. And in an attempt to find out from the representatives if they were able to get beyond the Austin brand to look -- delve a little bit deeper into the particular dynamics that we deal with here at the city. And I was really pleased to see that all three of them had responded to the questions that are in your backup and you can read them.

[11:17:32 AM]

I spent some time parsing through all of them and I think the -- two of them had pretty strong answers and one of them didn't. One of them was less strong and the one that was less strong was Russell Reynolds. I think it goes to the fact that they don't have the experience in dealing with a city manager level of search and it was just not as robust an understanding of the dynamics that were at play and that affected us here on the dais. And codenext is huge and the tnc issue really took a lot of time and a lot of energy from our community as a whole. So I am looking at either Ralph Andersen or govhr. I think the transsearch and hr -- is it govhr or hr governor? I see it both ways on here. The represents who came from govhr seemed to combine the challenge. They really chose to the challenge that the mayor had put out there, that was impressive to me. So I am leaning in the direction of govhr.

>> Mr. Casar?

>> Casar: Again, I will reiterate what I started my comments with. To me Ralph Anderson and Russell Reynolds were both firms that I felt would do a great job. I do want to clarify that I do not believe -- I agree finding somebody that likely worked in government was actually the recommendation of all three firms, so I'm not suggesting my motion because I particular am leaning towards somebody who most recently has had private experience. In fact I just think that from just like any interview process, you have a short amount of time with somebody, you get a feel for what it would be like working with particular staff and consultants and while they have not executed a city manager search, I actually asked that question during work session, they said that just hasn't been because other firms have captured some of that market.

[11:19:49 AM]

But they certainly have done large governmental searches in the hiring and recruitment of chief Acevedo, the recent hiring of the president of UT Dallas. I think that ultimately both of those firms I think have experience looking for executive level positions and -- and very high-stress jobs in government. And ultimately I would very feel comfortable with either one. Just my initial gut by a little bit from work session was this and so that's why I put it forward. But it's certainly not to say -- I think that both have experience in both fields. It's not to say that -- that this firm is somehow nor would I want it reported to say this firm is somehow searching for CEO execs that have never worked in government to come be the city manager of Austin. I'm not trying to suggest that's what I want to see happen by choosing this firm. It really is based on those work sessions. Now, of course if either Ralph Andersen or this firm or any other firm brought back somebody that did have that experience and the whole council and the community supported it, I wouldn't say no. But the fact of the matter is my inclination from the beginning is finding somebody that had extensive experience in government. I think that's what all of the applicants as far as search firms suggested to us at work sessions. Mr. Rentaria?

>> Renteria: I also liked their track record on diversity. It's just amazing what the -- they have done in the diversity section where, you know, they've -- especially with the non-profits where they -- a lot of the female candidates were, the women candidates ending up -- they recommended and got selected. So -- so I'm impressed on the diversity now. I know that they don't have the city manager's track record. But what I have seen so far, they have an excellent record on recommending a diverse field of candidates.

[11:21:56 AM]

>> Mayor Adler: Ms. Kitchen?

>> Kitchen: I'm sorry, I just wanted to add one other thing. So there was one other aspect of it that caused me some concern and that was the experience level with community stakeholders and engaging the public. I was concerned that Russell Reynolds had, you know, limited or, you know, as it's described in our backup, limited or minimal experience in that regard. Which I think is concerning to me.

>> Mayor Adler: Ms. Houston?

>> Houston: Thank you, mayor. I think that I'm probably confused about the diversity numbers or the percentages of Russell Reynolds. It's hard to say because they are a global organization and so globally they may have a lot of diversity. But on page 11 of our backup, you -- 10 and 11, you can see much more diversity, very specifically, in the hrgov U.S.A. And transsearch. So I am leaning towards one that has not global diversity but intentional diversity in their -- in their firms. I can think -- whether organization or firm and their firms.

>> Mayor Adler: For me, first, I want to thank staff because I think the staff did an incredible job of responding to what council wanted. And I think the -- the fact that, one, you gave us three options, that covered the -- the waterfront in terms of what we were looking for. Of. And I think that one measure of your success in doing as well is that -- is that all of them seemed to have supporters on the dais here today. So I think that you did a great job and thank you for that. For me, it's real close, too.

[11:23:57 AM]

I was impressed by all three folks that came and spoke and quite frankly I would feel comfortable with -- with them. I lean in support of this motion just by virtue of the conversation that we had, brief as it was, with the conversation about leadership, it was a conversation about the traits. I am -- I don't think that the fact there hasn't been a manager search before is a disqualifier for me because I think they fill to a position and I think it's significant that they've recruited the highest level positions other than manager in Houston for three successive mayors, very different mayors. Who are making choices and that to me indicates that they are doing a good job. And I -- and I believe that our staff, if need be, or other people in the community to get help with the community engagement pieces. So for that reason, I would support the motion. Ms. Alter?

>> Alter: I am thinking that I'm in favor of the motion as well. Because I'm giving more weight to what I heard when they came and spoke to us than I am to what was written down there. And with Russell Reynolds, I heard an ability to hear the questions and answer the questions succinctly and to understand that there is a role for making sure that the city manager wants to come to Austin and understands the unique opportunity that's involved in this. And I was impressed by the level of engagement and the ability to do that succinctly. I do have some indirect experience working with Russell Reynolds through the academic market and I will say that in the academic market, which is one of their strengths, there's plenty of outreach and there's -- there are quite a complicated group of stakeholders that you are often trying to balance in that environment, too.

[11:26:08 AM]

So I do believe that a lot of that experience with the outreach and the stakeholders would be transferable and might actually provide some interesting ways of handling that, that might be different than what they have done in the public sector, but yet have been successful previously.

>> Mayor Adler: Sorry. Further discussion on the dais. Ms. Pool.

>> Pool: I'm hearing support for govhr, so I would be prepared to make a motion to go with that contract if this -- if this months fails.

>> Mayor Adler: Okay. So this -- if this motion fails, we will go to the next candidate with that motion. Any further discussion? Mayor pro tem?

>> Tovo: I'll just say, you know, again I think all of the firms are very strong. But again I think there will be lots of innovative approaches, any of them bring to it. But I am much more comfortable with a firm that has conducted a search for a city manager motion. I think their contacts will be very good and I really liked the approach that govhr and transearch brought to it for the reason several of you suggested. I think their diversity numbers were strong. As councilmember kitchen said they have good experience with regard to community engagement, which I think is a key priority here in the city of Austin. So I would prefer to vote on a substitute motion rather than vote against -- vote against the firm that's on the table and so having just spoken, I can't make that motion myself. But if one of my colleagues brings forward a substitute motion for govhr transearch, I would support that.

[11:28:08 AM]

Whatever firm goes forward, I would like to rally behind. Voting against one in the hopes there's going to be a different motion makes me a little uncomfortable.

>> Mayor Adler: Ms. Garza?

>> Garza: I will make that substitute motion for govhr and transearch. Atom it's been moved to amend it by substituting the combined and seconded by Ms. Pool. So I'm trying to figure out what to do here. Because on any motion there's going to be votes for and against. Mr. Flannigan?

>> Flannigan: I like the substitute motion process because there are three options, we might end up going no, no, no. At least with the substitute motion we can more accurately get a sense of who people's second choice is if we were not any Roberts rules we height do a rank order around the table, 1st, 2nd, 3rd, that would sort out what people wanted. I think a substitute motion makes a lot more sense from a process matter and that gets us down to two options. I'm hearing a lot of disagreement on the dais. And my preference is Ralph Andersen, so I think there's a sequencing here where we don't have a majority for maybe anyone. The govhr is my third choice. I'm in favor of the substitute motion that I will not vote for because I think it helps us get to an outcome that we can get a yes on. Like mayor pro tem talked about. As opposed to just nos.

>> Garza: If I could speak to my substitute motion.

>> Mayor Adler: I'm sorry, what?

>> Garza: If I could speak to my substitute motion. I am as well leaning towards Ralph Andersen. I just felt listening to the discussion this seemed like a compromise of a private -- of a firm that's done private and a firm that's done public.

[11:30:09 AM]

It was -- that was an attempt to bring us to a compromise.

>> Mayor Adler: Let's stay on the dais here for just a little bit, just keep talking see if we can figure this out. Ms. Kitchen?

>> In the interest of clarity, my first choice is Ralph Andersen, my second one is the govhr and my last one is Russell Reynolds. Again with the caveat that we are all saying, I really appreciate the opportunity to be able to choose among three firms like this. In the interest of clarity, to let people know where I'm at, that's what I'll be voting on.

>> Casar: I will do my rank order as well.

>> Mayor Adler: That would be helpful.

>> Casar: For me again while I really do appreciate the transearch and govhr merge to the mayor pro tem's point govhr's two city manager searches were cities of 120,000 people, which I think frankly is a different category than the search for a police chief of Houston on the Russell Reynolds side or the search for the manager of sacramento, California on the Ralph Andersen side. So frankly for me Russell Reynolds and Ralph Andersen are the two that rose to the top. I made a motion first for Russell Reynolds again not because there's -- because they are a private sector leaning firm, but because of their presentation at work session. If that one doesn't prevail, then Ralph Andersen is my preference because of -- because I just -- govhr city manager searches I think while the city manager search of Ferguson, Missouri is a very impressive and difficult thing. As we discussed in work session, those are just much, much smaller municipalities.

>> Mayor Adler: Mayor pro tem?

>> Tovo: Mayor, can I suggest that we -- seems like there's a little bit more conversation to have here. I would suggest a couple alternatives. One we could try to talk this through in our work session.

[11:32:10 AM]

But if we're ready to move forward, could we just have a little bit of a straw poll? I was trying to capture who is -- first and seconds, it's sort of impossible. I mean if my colleagues would entertain it, could we just raise our hands --

>> Mayor Adler: I think that the concern that we had about not being able to take a vote works kind of -- I mean -- it is possible for us even under Roberts' rules of order to -- to cast votes differently than just yes, no. So we could rank order votes. We could do a voting process that had us casting votes in order and the bottom one drops off and then those votes are then recast. Which I think is what Mr. Flannigan suggested which might in this instance make the most sense. The way that we were talking on the dais I think was enabling us to be able to do that. Because I think they are all strong. And if no one has a majority of votes, then I think what we're trying to find out is, is there someone who is second gets us there. So we get that from talking on the dais here briefly, just by hearing what people's first two choices are. And that will tell us real quickly if there's a majority for number one and if not if there then would be some kind of poll that way.

>> Tovo: So then I think in terms of -- of that, if we're doing rank orders, again,, I haven't been able to capture everybody's. I think that I heard for Russell Reynolds a preference as number 1st from councilmember Casar and councilmember Renteria. I believe that I heard a number 1st preference --

>> Mayor Adler: Wait.

[11:34:11 AM]

>> Tovo: Alter, thank you. And, mayor, you also that is your number one?

>> Mayor Adler: Uh-huh.

>> Tovo: Okay. And councilmember troxclair. Thank you, for Andersen I heard a number one preference from councilmember kitchen and councilmembers Flannigan and Garza. And councilmember pool made a motion for govhr. And is that your number one?did I put you on the spot?

>> Pool: That's okay. I mentioned when I was making the motion I was leaning towards govhr, I could easily move into the Ralph Andersen column for my first. I did make the motion, so --

>> Tovo: I feel similarly. I am very happy to support govhr and transearch, but it's a slight -- that's a slight one preference over two being Ralph Andersen. Councilmember.

>> Houston: My preference would be hrgov U.S.A. And my second preference would be Russell Reynolds.

>> Mayor Adler: Would be what?

>> Houston: Russell Reynolds.

>> Mayor Adler: Okay.

>> Renteria: Mayor, my second one, too, is Andersen. Ralph Andersen.

>> Mayor Adler: Would be Andersen.

>> Mayor Adler: I was writing down my numbers differently than you were, minor, so I got confused the way that you were writing them down. So let me see if I can catch up to you. But what I had, Ms. Houston, if we were numbering them, with one being -- being Ralph Andersen, two being the [indiscernible] And -- Ms. Houston, I heard you say two and three?

[11:36:18 AM]

And then Mr. Rentaria you were three-one? And Mr. Casar you were three-one and Ms. Garciaza where were you?

>> Anderson and then the combined.

>> Mayor Adler: Then the combined. So one-two. Is how I would have that. Ms. Kitchen, you were one-two?

>> Yes.

>> Mayor Adler: And Ms. Troxclair you were --

>> Troxclair: Three. What was your second choice?

[Laughter].

[Indiscernible].

>> Mayor Adler: Might be useful information. Number seven?

>> Pool: I'm going to go one-two.

>> I was going with the portfolio the mayor laid out. One is Russell Reynolds and two is G -- one is -- two is transearch.

>> You were one-three? You were one-three? Mayor pro tem you were two-one?

>> Tovo: Upon reflex, I'm going to go Andersen -- I'm not understanding the one-two. But I think that I'm a one-two. Andersen, govhr transearch. I think that provides an easier path.

>> Mayor Adler: I have you then at one-two.

[11:38:19 AM]

And then Ms. Alter you were?

>> I put Russell Reynolds first and I have not expressed a second choice.

>> Mayor Adler: Would you like to?

>> Alter: I feel very strongly about Russell Reynolds.

>> Mayor, can I ask staff a question quickly? If I understand councilmember Houston's comments, because it seems like we're -- several of us are leaning strongly towards Russell Reynolds, if I understand councilmember Houston's comments she was asking about the diversity of the three firms and the -- they all laid out the responses to diversity a little bit differently whereas the second search firms kind of laid out a list of recent recruiting whereas Russell Reynolds put together a -- a few different sheets that talks about the percentages of diversity. Do you feel like -- like all firms are committed to diversity? Was there anything that jumped out to you when you looked at their responses when it came to diversity in their recruitments?

>> Houston: I would point out in our original process we received 10 proposals. One of the variables that we articulated to you that made us select Ralph Andersen was the commitment that they provided in their initial propose that speak to diverse -- spoke to diversity, not only from a position of race but also for gender. They listed for us since 1973 a listing of all of their hires and appointments relative to diversity for gender and a race. We initially and still today in terms of our recommendation as a department focused on the diversity that we saw in the actual candidate placement that we found within Ralph Andersen.

>> Okay. I guess that was a different maybe a response to -- maybe I didn't ask my question correctly.

[11:40:22 AM]

Because Russell Reynolds listed -- said a 40% for example 40% of successful non-profit candidates were women in 2015. Because they are such a large firm and recruiting a lot of people, if they have listed out every diverse candidate that they have recruited in the past several years, their list would also be long I'm assuming. They just presented the information in a different way.

>> Yes. Each firm had some focus on diversity. I think as articulated already by council, because Russell Reynolds is an international firm, the way in which they laid out their information speaks to diversity,



but speaks to it from a worldwide company perspective. Whereas the other two spoke about it from a government candidate selection perspective.

>> Troxclair: And they also mentioned in the end that we have conducted diversity inclusion and assignments across sectors, functions and geographies at the CEO, board and

[indiscernible] Level and it lists all of the -- of the diversity training I guess that they have done and all of the -- in all of the different sectors.

>> Yes. When we looked at all of the private sectors who submitted this time around, Russell Reynolds did stand out as the company with the most diversity and with the most experience and not only in private sector as a top company, but also in the identified areas where we identified where they had worked in public sector as well. Which is why we listed them as an option for you.

>> Troxclair: Thank you. So.

>> Mayor Adler: So the voting that I had five people putting number one as the first choice and five people putting number three as the first choice. When you do this kind of Progressive voting then, someone who didn't have their first choice then goes to their second choice. In this case, there was one person who had number two as their first choice, and their second choice was number three. And that was Ms. Houston. So if we follow that Progressive voting pattern then on the second ballot the choice would be number three.

[11:42:26 AM]

>> I don't get that.

>> Mayor Adler: You are going to have to run that by me again.

>> Mayor Adler: When you do the Progressive voting people indicate what their first and second choice is. You then see who, if someone wins, a majority vote, then they win. If someone didn't get a majority to vote, as we said the person who had the least number of votes drops off, then you look at that voter's second choice. To see then what happens to see whether -- which would give you a majority. In this case there were five people that voted number one first, five people that voted number three first. Ms. Houston voted number two first. She would be odd man out. Two would drop off, we would go to her second vote, which was number three, then that would be the vote that would have the majority votes.

>> I'm sorry. I apologize, I'm a little slow today. Say it one more time. You said five for number one and five for number two.

>> Mayor Adler: Number three.

>> I'm sorry.

[Multiple voices] Where was the last one was councilmember Houston.

>> Her second [multiple voices]

>> Combined one drops off.

>> Mayor Adler: Combined one drops off. Then you look at her second choice. Because she was the only one for number two, her ballot then falls off. You look at her second choice, her second choice was number three.

[Indiscernible] Ms. Houston --

>> But --

>> Houston: That was my second choice, I'm comfortable with that. I obviously don't have the votes for combined, so I either have to vote for three or one, my second choice was three, so I'm comfortable with voting for Russell Reynolds.

>> Mayor Adler: My sense is that we could have a vote for number two, it's not going to win. It will lose by that amount. Then you go to the second choice.

[11:44:28 AM]

[Indiscernible].

>> Mayor Adler: Yes.

>> Tovo: I'm not sure if that's a certainty because there were numbers of us who supported one and two. So it -- [indiscernible].

>> Another way to look at it would be to see which of the three firms appears to have the most general support. Or to talk some more.

>> The point is, councilmember Houston has now recognized --

>> Tovo: I understand.

>> Casar: If we call a vote on three now, there will be six votes.

>> Tovo: I was still talking, I didn't hear the vote that you were making.

>> Casar: If we call the vote on three now, there would be six votes.

>> Pool: Mayor, I would like to pull down my substitute motion to clear that off, which was for --

>> Tovo: I was saying -- okay. The motion on the table --

[multiple voices]

>> Mayor Adler: If we moved from number 1st and -- so the mayor pro tem is asking if number one doesn't win, maybe there's a tie -- maybe there's a majority for number two. Is the question. And -- and from the vote that we just took, some of the people that had number one voted for number two as their second choice. Some of the people had number three as their second choice. So that also gets us to the same place. We could force the vote on number two, but based on this it would look like if number two doesn't have the votes on either first or second vote choices, looks like it's going to be number three. Mr. Flannigan?

>> Flannigan: As councilmember pool has withdrawn her substitute and we are back to councilmember Renteria's original which is number three, if I'm doing this math right --

[11:46:36 AM]

>> Pool: Except that the second on my substitute, we didn't actually take action on it.

>> Flannigan: You withdraw it, though?

>> Pool: I said that I who seconded it didn't agree. So we haven't actually done that yet.

>> Mayor Adler: We can take the vote. We were trying to avoid taking a vote, but we can certainly do that. Yes, Ms. Kitchen?

>> It looks to me like we may still be really close to tied because -- because you mentioned that one person, one person had a -- a first preference for number one and a second preference for number three, whereas we have one person that was a first preference for number two and a second preference for number three. Which gets us back to a tie for number two, we have got ties all across the board. So -

-

>> Mayor Adler: Actually what this shows is that the person who has the most support is a tie in the first vote. If we look at people's first and second votes, number three, we could take the vote on number two -- let's take a vote. Those in favor of number two, please raise your hand. I'm sorry. Houston, mayor pro tem, pool, kitchen and Garza. It's defeated. Let's vote on number three. Those in favor of number three, please raise your hand. Now number two is out. So this is number three. Yes. Ms. Houston, Mr. Zimmerman

[laughter], Mr. Casar -- I'm sorry.

[Laughter]. Actually, you are incredibly constructive on this.

[Laughter]. It is -- Mr. Flannigan, Ms. Houston, Mr. Casar, myself, alter, Renteria and troxclair. That's seven votes. Those opposed to number three, please raise your hand. People opposed to number three you can raise your hand if you want to.

[11:48:39 AM]

Mayor pro tem and pool and Garza and kitchen, it wins 7th-4th. The choice is number three.

[Laughter]. The next item that we have is the committee structure issue. Yes, the committee structure issue, item no. 34. Ms. Alter, do you have a motion?

>> Alter: I do. I move to approve the resolution with amendments identified in the amended exhibit, which is on the back page of this, which is -- essentially I believe that at work session we had agreed we wanted to move forward with a stop-gap measure with the hopes of having a more fully renovated committee system coming out in conjunction with our strategic plan. So that the committee structure would be in a good place to forward the strategic plan. But at the same time, we have a need to move forward legally to codify some decisions that we did agree on. So essentially, my exhibit eliminates the public utilities committee, the public safety committee, the open space environment sustainability committee, the housing, the economic development committee and changes the planning and neighborhoods committee to the housing and planning committee. As we discussed in work session, none of these eliminations of committees are meant to suggest that we are not -- don't find these issues to be important, but rather we want them to come to council and we didn't feel a need for them to be going to committee at this point. So it's basically taking section B of the motion that was of the resolution that was put forward, and saying we can all agree on that one and to move forward with that. Right now.

>> Mayor Adler: It's been moved, is there a second to that motion?

[11:50:43 AM]

Mr. -- Mr. Flannigan seconds that motion. Ms. Kitchen?

>> Kitchen: I have a question or actually it may be a friendly amendment. The description of the housing and planning committee, drops off a lot of the original description that was under housing. I mean, I don't think it matters. I personally would be stating this as combining housing and community development and planning and neighborhood. As opposed to eliminating the housing and community development committee. So I would like to ask if we can make a friendly amendment to take -- to strike out housing and community development committee from the motion where it says eliminate and

change the last bullet to say combine planning and neighborhood committee and housing and planning committee. So I would like to ask if that could be done as a friendly amendment.

>> Alter: Sure.

>> Kitchen: Okay. And then related to that,.

>> Mayor Adler: What that --

>> Alter: I believe on the back side that was supposed to be exactly how you had it in yours --

>> Mayor Adler: B 7 says the combined is that what the change is?

>> Kitchen: The front says -- under the first bullet that says eliminate, you just strike out housing and community development committee and then in the second bullet you just say combine the planning and neighborhoods committee and the housing and planning committee.

>> Do you need a name?

>> Pool: Housing and planning.

>> Mayor Adler: Is your amendment the amended exhibit a that is on page 1st, is that what you are proposing? It is, but looks like on number 7th where we had combined housing and planning committee, looks like part of the description of that that was in the original exhibit a that got cut off of this motion sheet. That was not intentional.

[11:52:44 AM]

>> Mayor Adler: So it says the combined and then it would contain the combined descriptions? Let me make sure that I understand that. Is that what that is? We're calling it combined --

>> Alter: I'm double checking.

>> Mayor Adler: Okay.

>> Pool: I can help make that easier.

>> Mayor Adler: Okay.

>> Pool: What I would like to propose rather than taking the negative, which is the elimination of committees, what I would like to do instead is take a positive which is retaining the committees and if you will look at the rather Orange or yellow sheet, changes initiated by councilmembers pool, Garza, kitchen and the mayor pro tem, the first bullet there has the names of the four committees, including the name that we had agreed on for housing, housing and planning. So we would retain the following

committees audit and finance, health and human services, housing and planning, and mobility. What is not on here is the committee of the

[indiscernible] Which is Austin energy. So I would like to take the positive angle on that rather than the negative.

>> Kitchen: I have a question.

>> Mayor Adler: I'm confused, too. There was a big thick change proposed that was originally, we are not looking at that anymore. So now we're just looking at basically a one -- one pager. Ms. Alter moves this page. What's different about what you are proposing than the page that we have from Ms. Alter?

>> Pool: Nothing.

>> Mayor Adler: Then her pages would be then okay?

>> Pool: Yes. It's just that I would rather highlight the committees that we are keeping, the committees that are continued rather than the ones that we're eliminating. That's the difference. Because we also have the descriptions of the four -- I think councilmember kitchen had a document that had the descriptions on them.

>> Mayor Adler: But I'm looking at amended exhibit a and it contains the committees that we are keeping. If you look at Ms. Alter's page, it has the committees that we are keeping, keeping audit and finance, mobility committee.

[11:54:47 AM]

My understand -- am I understanding it correctly? Austin energy, health and human services, and the housing and planning and neighborhoods committee with the --

>> Pool: I guess that I'm looking at the back side of it. Am I supposed to look at this side? Very good, that's what I was looking for then, thank you.

>> Alter: Just to clarify, I am substituting my exhibit a for the exhibit a that you have, but it effectively does what I stated there. So I apologize if that was confusion -- [multiple voices] -- I am fine with the edits that councilmember kitchen suggested of deleting the housing and community development committee from the bullet point and saying combining, but that's already done on the other side so it's irrelevant. But it's really exhibit a that we are adopting.

>> Mayor Adler: What we're adopting --

>> Alter: We're amending exhibit a as it is on the back. The front side just explains, a description of it. However the amended exhibit a is missing a line of the description of housing and planning committee as in the original --

>> Mayor Adler: Correct. To be clear for the council we are voting on not the bullet points, we're voting on what says amended exhibit a, the changes to it, was it number 7th should say the combined, combined should be added. And then it continues as it reads but after the work grants, there are some additional words that should be added and the additional words that should be added are what? Ms. Alter?

>> Alter: I don't have it in front of me.

>> Kitchen: It's the same language.

>> Alter: The language that's in here should say the housing and planning committee may review housing and -- related land use -- land use and mobility issues, community development block grants, the city's comprehensive plan, the land development code, the development processes, neighborhood planning, noise, annexations, and related matters.

>> Mayor Adler: Okay.

>> Alter: Which is the same language which was in the original backup, exhibit a, in section 25103 B.

[11:56:54 AM]

>> Mayor Adler: Any objection to that amend being made? Hearing none that change is made. We have a motion from Ms. Alter. It's been seconded. Is there discussion? Ms. Kitchen?

>> Kitchen: I wanted it to be clear, there was -- this is different than what councilmember pool passed out, one of the differences being Austin energy, we are retaining the Austin energy subcommittee. Okay, got it. All right.

>> Okay. It's been moved and seconded. Further discussion. Mayor pro tem.

>> Tovo: So there's been a motion sheet passed out on the dais, I can speak to it, though this comes from the sponsors. It, in essence, overlaps with what councilmember alter just did. As you see the first bullet achieves the same name. When he went back -- I think because we suggested our changes through ordinance language, I think it made it seem as if the changes were massive. And it was a bit overwhelming. So it seemed like there would be a utility to breaking down what were in essence the shifts that we were recommending. And, you know, I apologize again to my colleagues that I wasn't able to attend the last part of our meeting on Tuesday. So I missed some of the conversation, I heard a lot of it, a lot of the conversation that transpired. But it really breaks down the changes that were suggested

with the original exhibit a break down to the following, one, we again have already done, two, was the amendment that committees develop a charter on an annual basis. And so I think that -- I hope that we can get consensus around moving that change forward today. The third was one that I know you all discussed on Thursday, but I want to have a little more discussion about here. And that was to decide committee membership at the council level and to have each committee annually elect a chair and a vice chair. The fourth bullet is to apply the same processes that we adopt for committees to task forces.

[11:59:00 AM]

So in essence it achieves the same thing that -- that was the intent of the original item from council that councilmember pool brought forward. We were only ever asking the staff to come back and bring those ordinance changes, we expressed those changes in ordinance language so I think it created some confusion. I know that there may be disagreement on some of these points, so I wanted to talk a little bit about my rationale for support of these, maybe my colleagues will as well. So let me just

>> This is awkward for a number of reasons. As I heard the discussion on Tuesday, I think all my colleagues and spoke to it were really careful to say this did certainly does not reflect in any way on our current mayor. Mayor, I think you did a tremendous job of setting up the original committees. They were balanced, they included representatives from different parts of town and it was ideal to do those committees that way for that time in Austin's history. It is in my opinion a divergence from what had happened in the past, and I thought we had considerable discussion at this time about that being a 1-time -- a one-time operational choice. I would submit to you that I don't -- I believe that this is really a function of the council, that we should take on, determining what committees we sit on. As I look across the dais, I think it's gonna be an easy matter to assign those committees. I doubt we'll have much disagreement about who is serving on which committees. In fact since we're kind of doing things a little differently today we could do a rapid fire strap hold just to convince ourselves I think this is gonna be an easy matter to decide those committees and I think it's important we do so and I think it's important that we handle the committee vice chair and chair in the same way. You know, the changes that we're putting in place in code that we put in place the first time, at the time I expressed some concern about it.

[12:01:01 PM]

Again, it was a -- expressed as a one-time deal and so I supported the changes. But I think structurally, as several of you allude to on Tuesday, the voters of this city had a choice. They went to the poles, and they vote -- they want they went to polls, they wanted a system where each councilmember had as strong a vote, and I think when we allocate the determination of our committees to one member of the



council, even if that mayor is elected at large, we are not respecting that vote that the people took. We do not have a strong mayor system here set up by charter. We have a system of elected -- of a city manager council form of government and I think this is this keeping with that. When we get down to four we can talk about what I think history shows us with regard to task forces but I would submit to you that I think determining the committees will be an easy matter, it will be a collegial matter. I'm determined to do my part in making it so, and I think in terms of setting in place what is in the best interests of the council and the community over the long run, I think it's important that we retain that determination at the council level. And, again, this is not a reflection and shouldn't be seen as you have such on our current mayor. Each one of us have to make decision about what is in the interests of this community and the best structure and that's my take on the committees.

>> Mayor Adler: Mr. Flannigan.

>> Zimmerman: I don't think that there's enough consensus about the appointment process to discuss that. That's why I supported councilmember alter's exhibit to move forward as a stopgap measure just to scale back the number of committees but reauthorize them so we could move forward with this process. I expect we will continue conversations about the committees. I have already put more information on the message board about a new model of committees that align with strategic outcomes among other things and in that proposal I specifically say we'll talk separately about how people get assigned because I think it's a contentious issue that is not the most important thing about how we build or committee structure.

[12:03:18 PM]

So like I said I seconded because I want to move forward with scaling back the committees so we can get back to business the people want us to be working on and hopefully in conversation through the public on the message board we can vet out a more robust committee system that's responsive to what we want to accomplish.

>> Mayor Adler: Council, it is after noon right now. I called this item up only because I thought that we had a chance to do just the stopgap measure I think in, like, six or seven weeks we're gonna get a report back from the strategic planning group so it's not a long delay. It just came out had it -- this issue came out in written form Friday of last week, when exhibit a came out and I think the discussion that we had was that we -- well, I would be moving to postpone this conversation. But if there was desire just to change the committees, I would do that, and that's what I had hoped I was calling up or thought that I might be, but it's apparent that's not necessarily the case. So I would recommend that we stop at this point and we go to citizens communication and then pick this item back up after lunch. Ms. Kitchen?

>> Kitchen: If it works for the folks that are bringing forward the motions, I'd like to make a little progress. I'd like to go ahead and vote on the first part of this. Because I think the mayor pro tem

mentioned that we might -- I don't know if the mayor pro tem mentioned -- was wanting to cover all four bullets at once. If so, then we should defer. If not, let's go ahead and vote on the first bullet.

>> Mayor Adler: The first bullets are what is in Ms. Alter's proposal.

>> Kitchen: That's right. We could get part of the work done right now and continue the conversation on the rest of it.

>> Mayor Adler: I'm comfortable having a vote on Ms. Alter's deal.

[12:05:20 PM]

It takes half the committees off and people don't have to show up and staff knows they don't have to move with those. I would be comfortable doing that. And then --

>> Kitchen: Having more of a conversation this afternoon.

>> Mayor Adler: I would be fine if people wanted to have a further conversation this afternoon. I will move to postpone it because I don't think it's time to have that conversation, but we can certainly bring that issue back up this afternoon.

>> Kitchen: Okay.

>> Mayor Adler: I didn't want to make it sound as if I was agreeing to have that conversation because I don't think we should.

>> Kitchen: Understood.

>> Pool: I really would like to take a vote on the alter amendment, we do need to establish which committees will continue and which won't. I would like to do a strap hold this afternoon since we're into strap holds today. I have a piece of paper for each councilmember to look at the committees that remain, and I would just like everybody to take that and indicate and then we can talk about them. If we just all indicate which ones we'd like to be on we may have that issue decided easily on the dais. And then we know who is gonna be on what committees. My guess is that the status quo will continue for most of us whose committees that we're already on that continue will stay on them but there are some committees that don't exist and so some of us don't have a full plate and so we may want to put ourselves on another committee. I'd like do a straw hold around the dais when we come back on who wants to be on what committee.

>> Mayor Adler: Ms. Alter has moved and seconded, and I understand that what's just been handed out on the white page has the complete version of it, the language that we were talking about adding. So if there's not objection we will substitute this white page front and back for what we're understanding to be Ms. Alter's proposal. No objection. That is now done. Mayor pro tem.

>> Tovo: I need to ask for clarification. I'm happy to go ahead and vote on the first point but in essence the motion on the table is this item with that amendment change.

[12:07:23 PM]

So I'm happy to Sloat as long as we're coming back after -- to vote as long as we're coming back after the break and discussing the other elements. I'm not sure how that happens procedurally if we pass the item.

>> Mayor Adler: I said that I would do that, and I will come back and call up this item.

>> Tovo: That's fine.

>> Mayor Adler: Number 34 again. And I was treating it almost as a divided question.

>> Tovo: As if this exhibit a that councilmember brought forward is the first of the amendments on item 34. Is that it? So we're voting on that --

>> Mayor Adler: I'm not going to stop anybody from talking about anything on committees when we come back.

>> Tovo: Okay. Thank you.

>> Mayor Adler: So for the first action it's been moved and seconded to change the committees this way. Is there any further discussion on that?

>> Alter: It has to be that is the change to the ordinance, not to exhibit a.

>> Mayor Adler: Correct. This amendment is made to the existing ordinance.

>> Alter: If we were to pass the full one of the other, since it is the same, it wouldn't conflict, if we wanted to pass the original one --

>> Mayor Adler: And I don't think that's the case. I think they're going to be bringing up individual items would be my guess. Mr. Renteria.

>> Renteria: Yeah. I don't see why we have to make a decision right then. We're gonna come right back and discuss this item. I just don't know why we need to take a vote right now.

>> Kitchen: I'm asking for that. I have to be -- I may be gone in the very first half hour after we come back. So that's why. And we've got it in front of us. I'd like to vote on it and then we can do the second part this afternoon.

>> Renteria: I guess I'm just gonna have to abstain on that.

>> Mayor Adler: Okay. It's been moved and seconded. The alter amendment to code. Let's take a vote. Those in favor of these changes please raise your hand.

[12:09:27 PM]

Those opposed? Mr. Casar is off the dais, Mr. Renteria is abstaining. So that aspect passes. That amendment to code. It is 12:00. We're going to --

>> Kitchen: Wait. I have a question you.

>> Mayor Adler: Yes.

>> Kitchen: I would like to suggest a time certain to bring up -- to come back and bring up the other amendments that the mayor pro tem had suggested. I just think that would be helpful, just me personally, helpful for me if I knew a time certain that we were gonna do that.

>> Mayor Adler: Let's --

>> Kitchen: I would say after 2:30 if it's okay.

>> Mayor Adler: Are there executive session items coming up? There is no executive session so we're gonna break here at 12:00. We have speakers coming back to speak here on -- let me see. So we have, what, six, seven speakers. So we'll probably break here about 12:30ish. Do we want to come back at 1:30? We can come back at 1:30. 1:30? Okay, we'll come back at 1:30 as far as I'm concerned we can take up committees when we came back or if people wanted to have that later in the day we could make that later in the day.

>> Kitchen: I apologize to my colleagues. I don't think -- I will not be back by 1:30.

>> Mayor Adler: What time do you think you'll be back?

>> Kitchen: Definitely 2:30, possibly 2:00.

>> Mayor Adler: I can say -- I won't call this until you're back on the dais.

>> Kitchen: All right.

>> Mayor Adler: Okay? That's right. Do you want us -- so hold back on the meeting conversation until you're back, which was item 35?

[12:11:33 PM]

>> Kitchen: No.

>> Mayor Adler: I mention that only because we can't take any action before 2:00 on anything other than 34 and 35. Did you want us to hold off on 35?

>> Kitchen: How does the rest of the day look? It might make more sense if you just come back at 2:00.

>> Mayor Adler: We can't take anything other up before 34, 35 until 2:00, the only question is whether we take up 35. The question I had for you is did you want --

>> Kitchen: My question was, looking at the rest of the things that we have.

>> Mayor Adler: Right.

>> Kitchen: -- If you just come back at 2:00 that gives people more of a block of time in the middle but there's plenty of time to take up everything if we come back at 2:00.

>> Mayor Adler: We can't take up anything before 2:00 any how. Do you want us to wait on 35 until you're back?

>> Mayor Adler: Then we'll take up 35, hold off on 34 and now we'll go to citizens communication. First speaker on citizens communication is Gravino Fernandez, junior. Mr. Fernandez.

>> Okay. My name is Gravino Fernandez. And I speak to you as coordinate of a coalition of Mexican manner neighborhood associations, Austin native, born and raised here in Austin, and I'd like to congratulate councilmember alter and Flannigan for your victories and look forward to working with you as you serve your community and the voters of this community have entrusted you to represent them. We are concerned about the increase of alcohol consumption in the proximity to our neighborhood. Recently we had two cases where businesses are wanting to open a lodge, a private club lodge and hold concerts on the property of pleasant valley and fifth street.

[12:13:41 PM]

This particular business called the Pershing is just across the street from it. This is a single-family home. This is their property, if you'll notice it's in the right-of-way. They have some structure in the right-of-way. Every time we've had issues in our community code enforcement comes out and takes action. Why this is there, we don't know. This is Mr. Leon, president of the neighborhood association who is challenging this permit. Again, this is a complex. It used to be an old lumber company, and this place is one that he wants to hold concerts. You'll see the large parking lot. He wants to hold concerts. If you go to the Pershing, their website, he announce that's the place is available for concerts. Can you imagine concerts during the week at 10:00, 11:00 when you have children across the street that go to school

Monday through Friday. Mayor, you're on the Facebook put a comment I strongly agree with you that we shouldn't locate businesses near homes. And vice versa. We shouldn't locate music -- homes next to music venues. This is a prime case of that. The other issue that we're addressing is tamale house, 2:00 A.M. Permit. Look what's across from the street from 2:00 A.M. Brand-new homes. Can you imagine people living right across the street and tamale house is not on sixth street, it's on fifth street. The Pershing house is on fifth street. Once we start divvying out 2:00 A.M. Permits to people, businesses that are right adjacent to our neighborhood, putting our children and our community and our seniors at charmers court, sant Rita court in harm's way and increase the risk of our children getting injured by alcohol and drunk drivers coming out at 2:00 A.M. This council -- I mean, the previous council has not given a 2:00 A.M. Permit ever since bucket case. Bucket, whether-up, blue owl, all those want twos A.M. And the previous counsels have worked with them to prevent that from happening.

[12:15:49 PM]

[ Buzzer sounding ] We ask you for your support and we'd like it to be down-zoned to what the neighborhood plan calls for. They already applied for a beer permit and they don't even have the permit. Thank you, mayor.

>> Mayor Adler: Next speaker we have is Joe quintero.

>> Good afternoon, council. My name is Joe quintero. I'm with the east Austin neighborhood association. This goes back to 2002, when the neighborhood plan was adopted under the Cesar Chavez neighborhood plan but it was a deception. The planning that the city has done, this government has changed. We have cases now that didn't have permits, then you have the parking department coming out within two blocks of a neighborhood. There's no interest in some of the homes and nobody can park there. So where do they park? You go around the block there's about 20 cars parked in front of Michael's house, the president of east Austin neighborhood association, in front of those properties. While two blocks on the other side nobody can park. So I'm asking you to deny this permit simply because if one of those streets becomes a parking facility, it's gonna involve the neighborhoods and the noise. Even the cities facing lawsuits or, like, the hotels here downtown because of the music, because of people that wants to sleep in the hotels, well, we're gonna have a problem here as it is. My neighborhood, the city council neighborhood plan is inundated with all these kind of permits, the contact team. I'm not a member of the contact team and I don't approve the government's agenda to our neighborhoods. You're displacing the minorities. You're not helping the minorities. Or the blacks or hispanics. Kurt got on TV yesterday he was opposed to sanctuary city because we didn't care.

[12:17:53 PM]

Wait a minute, Kurt, you're the one that signed the plan to kick us out of east Austin and here's your followers right here, senior Renteria, all these sell-outs. You haven't done nothing for us. My mother is 90 years old, she was concerned what are they gonna build down the street next to the elementary school. See? So what are you gonna do for our housing? That's the question. You want sanctuary cities? How you gonna plan housing for the sanctuary city people? You can't provide for us and we live here. That's our land. It's not yours. It's not your neighborhood. So represent us. Deny the permit. Thank you.

>> Mayor Adler: Next speaker is Leon Hernandez.

>> He's not gonna be here, mayor.

>> Mayor Adler: Thank you. Gloria Moreno.

>> I'm coming. Hello. Can you hear me?

>> Mayor Adler: Yes.

>> Okay. Thank you. It's been a long time since I've stood before council. My first time was in front of mayor Kurt Watson. He was so nice. He was. I would see him in the hallways and he would call me Gloria. And I kind of miss him, but I know he's doing bigger and better things now. But, anyway, my name is Gloria Moreno, and I represent Fernandez neighborhood association. We are not a homeowner association. It's all volunteer. And I get donations for printing and things. And when I first started with the community, I would work all day at motorola, come home, take my rake and just, you know, on blacktop how it sounds, like nails on a blackboard.

[12:20:06 PM]

Anyway, the thing is that I wanted to bring attention to the people and alert them to clean up the street in front of their curbs when they come home. If there's something there on the curb, pick it up, let's put it away in the trash where it goes. Anyway, after a few months of me doing that, you know, people started, hey, what's going on here? There's a lady coming through, and I found all my trash on my driveway, so they're gonna run over the trash and go in the driveway, fine. You know, but it's in their driveway. And so little by little, people in the community started learning that working together we can make a difference. And that's what I'm doing here today. Asking you to, please, not permit the Pershing house to have their permits to open up their business there. But I come from from a different perspective because I've been around a long time and I've seen a lot of things but I have never seen a who are house, I've never been in whore house. If you were to ask to go there I don't know what you would see and that whore house terminology is pretty severe. When I went, I saw things that I didn't like. I didn't see anybody in there. It was not open for business. But it had all of these flowy material curtains to divide sections, and each section had a different theme. Like, one was an early French provincial with cushions on a Sette with fringe on it, gold fringe, real pretty, expensive stuff, okay?

Another one had ham okays. I don't know if I said that right where you lay on it and swing like Gilligan's island?

[12:22:11 PM]

And all these curtains you could separate them.

[ Buzzer sounding ]

>> I'm sorry, I just need a few seconds more.

>> Mayor Adler: You can finish your thought.

>> Like with the curtains to divide the areas and each section had their own beautifully decorated bathroom, full shower, full tub. To me that's not a social club. To me, you know, you can go to the corner restaurant and plug in and do your surfing. Why go all the way over there to the east side? Where your kids can say, oh, yeah, I'm over there by the HEB. And their friends are gonna say, you know the marker? The whole house on this side and ebb over there, my grandma lives right in the middle.

>> Mayor Adler: Thank you very much.

>> I don't want that.

>> Mayor Adler: Thank you.

>> Please do not allow them.

>> Mayor Adler: The next speaker is --

>> Thank you.

>> Mayor Adler: Yes. The next speaker is Rosalinda Soto. Ms. Soto.

>> Thank you. Good afternoon, planning commission members. My name is Rosalinda Soto. I have been a resident of east Austin for more than 60 years. I have seen many changes in our neighborhood throughout the years, some good and some bad. Nonetheless, the Buena vista association area is an extension of my hispanic heritage. I can recall my parents working hard to furnish a safe place and a loving environment for us. My parents were able to acquire three properties on east fifth street. Their determination to live the American dream and provide a better future for us was their main purpose in life. When I learned about the Pershing house and their activities in our neighborhood, I was surprised. Leaders and members of the neighborhood have voiced their concerns about the illusive business practices at this location.



[12:24:21 PM]

After touring the Pershing house by invitation, we were told that the business is an exclusive private club. The private club wasn't designed for the neighborhood to enjoy. With a \$20,000 membership fee, who in the neighborhood could afford it? The venue definitely doesn't establish family values and has no right to be here. The Pershing house has been unclear about services provided for their membership fees from the beginning. The 24/7 private security is also a concern. For the neighborhood and brings up even more questions about what exactly is occurring in that building. As members for the council, I would like to ask you a

question: Would you allow business such as Pershing house to be in your neighborhood? And if so, would you -- will you allow late-night alcoholic serving and amplified sound from music events in your neighborhood? I thank you for your consideration, and we are opposing this permit that they're asking for. Thank you.

>> Mayor Adler: Thank you. Last speaker we have is Tracy Ekstrand.

>> Hi. I'm Tracy Ekstrand. I'm vice president of the pedernales neighborhood association about a block and a half from Pershing house and I want to oppose their permit. The president of the pedernales neighborhood association, the one that Pershing house is in, told me that this would be the first and only venue in the neighborhood that would serve alcohol.

[12:26:34 PM]

And it begs the question of why should we introduce alcohol into a residential neighborhood? When we toured the property, the bar that they pointed out was an open bar, in that people would serve themselves. So there wouldn't even be the minor check of a bartender refusing service to someone who was already inebriated. It would be up to the person to decide if they were drunk or not before they had their fifth or sixth or seventh drink and then drove through the neighborhood. They also want to be a concert venue with noise decibel limit of 75 decibels. The EPA recommends not greater than 55 decibels for quality of life on the outside of a residential house. So this would be 20 decibels above that every night of the week until midnight or 1:00. I wouldn't want to be living across the street from that if I had to get up and go to work the next morning or if I had kids going to school the next morning. It would interfere with our quality of life. Supposedly there's parking for 110 or 111 cars in the parking lot. I would really sincerely ask that that be double-checked and triple checked. Because having looked at it, I cannot imagine that many cars in that small lot. Even if there were that many, parking for a large event would spill out into the neighborhood. I've had that happen to me where I'm blocked into or out of my driveway because people park along residential streets for events and then -- it's a pain if you can't get into or out of your driveway.

[12:28:40 PM]

Also, this is one of the other -- as one of the other speakers mentioned, this is a modest neighborhood. No one in the neighborhood will be able to afford to be a member of this club, which seems especially glowing since they're the ones that are going to suffer the consequences, inconvenient, noise, extra traffic of this property.

[ Buzzer sounding ] So I'm opposed to it. Thank you.

>> Renteria: Mayor, can I ask you a question? Do you know that y'all just recently supported -- y'all supported a 60-foot apartment and 60-foot office complex right there on pedernales and sixth street?

>> Is it residential?

>> Renteria: One part of it is residential. 60 feet you're gonna have over 200 units. Then you've got an office unit right there on the corner of sixth and pedernales that's gonna be 60 feet also. So you're bringing in a lot of traffic. I'm just wondering do you know that?

>> You're talking about the one at pedernales and hid doll going in this direction, around there?

>> Renteria: Hidalgo, sixth street.

>> Right, we've talked with those people. They're going to stagger the buildings so the front of it isn't --

>> Renteria: You're okay with the traffic.

>> It's going to be residential. It's not going to be a venue for alcohol --

>> Renteria: I'm talking about the housing building also.

>> Fine. Office buildings are quiet.

>> Renteria: You don't mind about the parking.

>> They have their own parking, hundreds of spots.

>> Renteria: Okay. I just wanted to ask you if you knew about that.

>> Yeah.

>> Renteria: Okay. Thank you.

>> Mayor Adler: Council, those are all the speakers we had in citizens communication. We're now going to recess and come back at 1:30.

[ Recess ]

[1:48:13 PM]

>> Mayor Adler: Council, we had on the message board things related to both committees and meeting management. I think we were all trying to deal with the length of our meetings and deliberations and those kind of things. I filed this 35 consistent with the discussions I had earlier where I said it's -- I thought those things should move forward together because I thought they were all trying to hit the same issue. When the committee started moving ahead first and I noticed that it wasn't part of the agenda on Wednesday, the backup didn't come until late so it came out on Thursday, we filed that. Initially I had made it prescriptive with ideas for us to discuss and some of the folks in the quorum said don't make it prescriptive, make it nonprescriptive in general and that's how it was filed. Again I said the things on that list were things to talk about. I wasn't sure I supported them all. In fact the first one with respect to changing the meeting time I'm not sure I'm in favor of. But my suggestion would be that we see if there are elements of that that we agree to easily and with consensus, and if we do, then we can pass those the same way we just passed the reduction in committee. And then I would suggest that we postpone the balance of those to give us a chance to find or craft a solution on those issues that don't have us so divided. See if there's a better way forward. But that would be my suggestion with respect to handling those two items.

[1:50:14 PM]

Mr. Casar.

>> Casar: And I said before I spilled coffee on myself at work session I think there are consent items so I'm just going to make a motion on what I think the consent items likely are and if they are not, please do correct me. But I would make a motion that exhibit a instead start at number -- at the third item and instead of doing consider because folks were saying what would staff do, let's just make it in the affirmative, we want options for nonceremonial meetings and options for meetings focused on large public hearings. Closing speaker sign-up for items once the item is taken up by council. Reducing the number of people allowed to donate time per speaker, and instituting standard hard breaks for lunch and dinner. Those are bullet points 3, 4, 5 and 6. Of course, understanding that this is just initiating amendments and it's not saying that we're going to, you know, cut down the number of people allowed to donate down to nothing, but I think that each of those are items that at least from people's heads nodding during work session seem to me to be consent items to get started with. That excludes starting council meetings earlier and changing the ifc process.

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

>> Pool: I'd be happy to second.

>> Mayor Adler: Ms. Pool seconds that. Any discussion on the dais?

>> Pool: What I would like to do is see if we can add in there to request some data support from our -- some of our professional staff. I think the city clerk, the city manager and the city attorney are in really good positions to maybe offer us some information on where pain points are from their observation of how we operate here, and they also have more indepth understanding and knowledge of how what we do here affects the internal work goes of the city administratively.

[1:52:15 PM]

If they would be willing to help us, I think I would welcome their assistance.

>> Mayor Adler: Yeah, and I'll take staff's assistance on any and all these. They've seen a lot more council meetings than I have. So best ideas or suggestions or anything I would appreciate. Ms. Garza.

>> Garza: I guess there's just still a lot of questions even when I appreciate taking out the consider, but for example, options for nonceremonial meetings and options for focused on larger public hearings, that sounds to me -- because I don't know what that means. It could be in addition to our Thursday council meetings we will have Friday meetings for public hearings or it could mean that instead of having a council meeting that's already on the -- you know, our calendar, we have a meeting specifically just for public hearings. But the fact is is we have -- we would be replacing a council agenda item. Road. And so not knowing what that means and to say bring us these options and initiate code amendments, it's -- there's just too many questions for me still. If it changes to initiating recommendation for possible code amendments, I would feel more comfortable with that, but, you know, in one sense I feel that we made a lot of progress on the committee restructuring, reforming by taking away some of those committees with the purpose of saving us some time and giving us the ability to concentrate on things we each individually have as priorities, and now we are possibly maybe filling that time that we just saved ourselves with another meeting for a public hearing.

[1:54:18 PM]

So I still have a lot of questions and I would prefer not to be initiating code amendments, to be initiating code amendments.

>> Casar: Mayor, since that doesn't seem to be consent and actually I probably have concerns with additional meetings, I would amend my motion to keep -- retain everything but not have the section for options for meetings focused on large public hearings, just code amendments in which we would have more nonceremonial meetings. I think that leaves it with concrete changes. Number 3 would have the staff bring forward what more meetings are nonceremonial look like based on their judge. Options to closing speaker sign-up once you've taken it up. Reducing time allowed for donating time and I recognize options for more meetings is different. So if I scratch that, I wonder if there's consensus these are something the large majority could move on with.

>> Garza: Since that was in response to mine, there's still a lot of questions about what options for nonceremonial meetings means and my comments remain the same, and I would prefer initiating recommendations as opposed to code amendments.

>> Mayor Adler: Ms. Houston.

>> Houston: At our Tuesday work session, I think councilmember alter came up with a great suggestion is to ask the innovation office to help us because it's becoming -- I don't want to say the word divisive, but it's getting very tense around this issue and it may be well to have some -- for us to step out of this and have some suggestions come back from somebody that's arm's length away and be able to look at it more -- what is the word -- more reasonably in understanding what the parameters are and come back with some suggestions.

[1:56:32 PM]

A good suggestion and I'm not sure why we're not talking about that as an option for how these committees are formed, you know, what the relationships are to the council, the mayor. That's what they've got the expertise in doing and if they are not already overwhelmed with other stuff, this would be a short-term project for them.

>> Mayor Adler: Mayor pro tem.

>> Tovo: Yeah, thank you, and I think that was a good suggestion from councilmember alter, and as I thought back on what we -- I'm not sure we have anybody from the innovation office here, they were here on Tuesday but we took it up much later in the day. As I recall their commitment to the open government partnership, it is actually a component and one of the -- in one of the -- it's one of the initiatives they've committed to the global open government partnership they are going to undertake on behalf of the city. So they are looking at improvements that can be made with regard to our meetings in terms of length, but also improving transparency and civic participation and so it is, as I said, one of three projects that they are actually looking at. And I agree that I think they will come up with some real value at looking at the pain points and maybe offering us some suggestions. I appreciate the approach today because I do -- I feel like I would need to really discuss most of these before even asking our staff

to initiate amendments based on considerations. But I just want to speak for a minute about the practicality of 3. If that -- and I appreciate councilmember Casar your change, but you know, we had the zoning meetings. When we made it changes we set up two kinds of meetings, zoning and regular. The zoning meetings were nonceremonial so they didn't have proclamations and music and I guess this would go back to that, that some would have proke legislation -- proclamations and music.

[1:58:32 PM]

Those happen over the dinner break. I'm not sure we pick up a lot of savings of time and what it did do multiple times I tried to bring forward proclamations and they were filled on the ceremonial days. And so I think it is -- I think that's one we should maybe look at some data for because if we're -- if we're breaking for dinner from 5:30 to 7:00 and that's when music and proclamations happen, we have neither gained time -- and we've maybe created a problem in providing enough time to recognize those in our community who have worthy things. I would say that about the nonceremonial meetings. I too share the concerns raised about having meetings focused on large public hearings. I think too we tried an experiment with having two different kinds of meetings and it's really complicated to do that. And, you know, we have things that are public hearings and they are identified as public hearings on our agenda, and then we have items that are on consent like the simple recycling contract that we have lots of public comment about. It gets us back into the kind of when does that comment happen and then we'll be trying to make decisions about which goes to the special meeting, which don't. I guess I would -- I'm open to ideas about how to handle that differently, but I would caution us against trying to set up multiple different kinds of meetings again. I would like to look for other kinds of efficiencies first and I think we've made good strides like talking on Tuesday -- on Tuesday abouts what we think is gonna cause comment and discussion on Thursday. I think that's really valuable because we get a sense on Tuesday of what is on our plate for Thursday, and I think it helps us budget our time. I think we're all in - - I'll speak for myself, I'm really capable of asking a whole bunch of questions. On a extent item because I'm just trying to really understand a lot of different details but I play be planning on supporting it. Maybe some of those questions can happen after the meeting. I think a little more self-budgeting and collective budgeting of our time in the meetings themselves is really helpful.

[2:00:32 PM]

I think if we had a sense -- and sometimes we've done this on a Thursday, we've said our expectation is gonna that be we're gonna clear out the consent agenda by 11:00 and we'll have time -- if we have sort of a little bit of planning I think that goes a long way. I'd rather us try some of those strategies before we do -- before we initiative amendments regarding -- initiate amendments regarding three. I'm very

supportive of instituting hard breaks for lunch and dinner. I think that's a great idea. I'm open to thinking about reducing the number of people allowed to donate time. I think we can come up with a reasonable balance on that front. I'm gonna talk a little about consider closing speaker sign-up. I have had this discussion before and I apologize if I'm repeating myself with some of you, but I don't -- I don't see this as a significant time taker in our meetings. I don't think we have a lot of people who come down here and sign up on items just because they're here and the item is still open. I don't think that that is adding a lot of time to our agenda. And what it does do is really abridge the rides of those who rights of those who come down and want to speak. Before I sat on this dais, I spent a lot of time on that side watching items, and I had a full-time job for a lot of that time, and there were definitely evenings where I was still at work watching, watching the meeting or listening to the meeting, or getting emails from people, and I may not have made it down here in time to sign up before the item was closed. But I still had a right to speak when I got here because there was still dialogue going on. With a big item where we have a lot of people speaking, there may be people who budget their time who have family or work responsibilities and they know if there's a considerable amount of testimony that they have a little bit of time there before they need to come down. So I think we're -- I see that as -- it's an interesting resolution if we had a lot of people who were doing just that. Sitting there and then signing up just because they're here and that may not have been the issue that drove them, but I think we will end up cutting off the rights to speak for some people who have every right to come down here and speak but don't necessarily get here right when the meeting starts.

[2:02:43 PM]

We have a lot of traffic in this city as well, so for a 4:00 item somebody may have had the best of intentions to get down here before it starts and may just not make it. So I would prefer us not move forward with four, and I don't know what to do about three. If it were -- I would prefer not moving forward with that and really thinking through what some of those options would look like before we ask our staff to go initiate amendments on that front.

>> Mayor Adler: Ms. Pool.

>> Pool: Are we intending to direct the changes to be made, or are we asking staff to help us work through what all the options of possibilities are? Which way were you going on that?

>> Mayor Adler: You know, I think collectively we're just trying to make this thing better, and I certainly invite and would love to have staff taking a look at it and councilmember alter talked about letting the innovation officer take a look at this and Ms. Houston just came to that and I think asking her to take a look at these and take at the look at the committee structure both would be a real good use of that office. I think it might help us find solutions to some of these questions that otherwise are going to be difficult and perhaps divisive for us to resolve on the dais, and I think there's a benefit in us not going through that exercise. So, I mean, I saw this as something where we were -- I was perfectly fine sending

this open and saying, you know, look at best practices and look at the experience that you all have, take into account the conversations that you've heard to the dais, come back with ideas or suggestions.

[2:04:48 PM]

Mr. Renteria.

>> Renteria: Yes, mayor. Thank you. I thought we already had a hardened time for our meetings at 10:00? And we just vote to continue our meetings. Are we looking at something different here? I mean -

>> Mayor Adler: Well, my point in putting that up was that we move through that so fast I think we've created an expectation in the community that we would do that, and I would hate for somebody to be here waiting to speak on the first time when we said, no, no, actually, we mean that. So if we were going to do that, I think for the benefit of the community we should --

>> Renteria: We do have a hard time set.

>> Mayor Adler: We do, we do. It may be nothing more than just reiterating if we wanted to that now we're gonna be serious about it except in these instances, whatever those instances might be. Ms. Pool.

>> Pool: I think the mayor pro tem reminded me that the work that the innovation office is doing on open government is in fact looking at how the committees are run and also the meetings.

>> Tovo: I'm not sure about committees. I was it is expressed at looking at our council meetings specifically but we got a presentation last fall, and it was the host team, this issue and I think one other that is part of their commitment to the open government partnership. I don't know if it includes committees, though. Good question.

>> Pool: Thank you for that clarification and I did have one of those staffers from the innovation office stop by Tuesday afternoon to reiterate their interest in giving us a hand so I think they are lined up to do that work and to help us with it. There was one thing I wanted just to make a little more complicated, the bullet on reducing the number of people allowed to donate time per speaker, what may really be helpful -- and this is something that I understand from talking about with the city clerk about this item, is that the community doesn't know how many minutes they're gonna have to speak is it the first 20, three minutes, one minute after.

[2:07:02 PM]



So if we were able to work through that piece of it and it was a set amount of time that we didn't vary from, that might reduce some of the confusion out in the public. Sometimes we're confused by it too. I would say we also need to look at how we allocate the number of minutes, not just the amount of time, but how it's allocated. That should also be looked at. But I do think that our staff is ready, willing, and able to give us a hand to work through all the various permutations of this without actually making the decisions for us. I do think we still retain the ability to make that decision.

>> Houston: Mayor? On the second bullet point from the end where we talk about items from council, one of my issues is the lack of backup. And so if those two things could be put together so that setting a deadline that's far enough out so that we get the backup in time to actually review it and process it before it's coming on the agenda, that would be helpful for me. And I don't know what was intended by setting a deadline for items by council because we have a deadline now. So. . .

>> Mayor Adler: I'm sorry. What was intended was to hit exactly the issue that you have. It's things like this week when ifcs are being brought before us and the backup didn't exist until relatively close to us voting on it. I know the county by convention puts something on the agenda and then any one member of their dais can say, if it's on the agenda the first time, can say, I want more time for this. So effectively they have a custom where things are posted publicly, and that is important to me because it is not just us looking at it but a lot of people in the community don't look at something until it appears on the agenda.

[2:09:11 PM]

Even if we're having spent a lot of time with it and how we resolve these questions to me may impact how I vote on committees ultimately and the charges for committees. So, again, I -- you know, my preference would probably be for us not to try to dissolve the difficult issues today, but to ask -- and I know that the innovation officer is working on lots of things, but maybe we could say this one needs to be bumped up to the top so we can get this aspect done more quickly. That might give us a different place to resolve some of the issues that are otherwise difficult right now. Yes, Ms. Alter.

>> Alter: I just wanted to clarify in encouraging the innovation office be involved it was in conjunction with the clerk's office and law department which also have a the lot of knowledge and to broaden up a little bit the perspective that we're using because we have to try to achieve transparency and effectiveness and that means there are people out in the community who might be able to help us also. I'm not talking about about a giant public engagement process but it would be good to allow for those people who do regularly pay attention, they may have some suggestions on various things. I also wanted to -- I have the resolutions related to open government, and the impression that I got from my meeting with the innovation office is that it would be helpful to have a little bit more formal desires expressed by the council for their involvement, but it does squarely fit under the open government. I'm not exactly sure what would be required. The other thing I wanted to point out is that it's not clear to me all these

things require ordinance changes. This is Austin. We are a technology capitol and in a technology world you innovate, prototype and you start over again, and it seems to me that if the ordinance says that you're not supposed to submit your ifc no later than the sixth day we could try it and say, okay, for the next two months we're gonna try having the ifc 12 days before and that would still be consistent with the ordinance, wouldn't require a change to the ordinance but would allow us to see kind of whether it worked or not without making a big change.

[2:11:37 PM]

We're not gonna get all of these right at once, and I think that's part of the problem, is that we have to see if it works and not be so wed to the process and be more concerned about what the solution is to the problem that we have.

>> Mayor Adler: Mayor pro tem.

>> Tovo: Just to clarify, the motion before us is to move forward in instituting standard hard break, hard breaks for lunch and dinner, reducing the number of people allowed to donate time, closing speaker sign-up systems, and I'm not sure what the verb is options for non-ceremonial meetings.

>> Casar: Should consider options, I guess that's one we'll have to keep consider.

>> Tovo: Consider options, great. Just the piece I mentioned on that is as the staff are considering it, if they could give us a sense of whether that would be a time savings and, two, how that could impact the -- our ability to do proclamations. And that's fine with me. I can support that and just simply vote against the speaker sign-up system if you'll allow us to either do them separately or for me just to register my objection to that one, I can support that motion on the table.

>> Mayor Adler: Okay. Yes, Ms. Kitchen -- sorry, yes.

>> I was gonna make a representation. Since it seems like we're getting hung up on the part of the resolution that talks about drafting an ordinance. Could you just take that out and just have us come back with recommendations for you to then select and which when we come back we could tell you which ones staff recommends, which ones may result in programming changes to speaker sign-ups, different things like that, and give you a better feel for which of the items on attachment a you might actually be interested and then telling us to go forth and come back with a draft ordinance.

[2:13:44 PM]

>> Mayor Adler: I'm comfortable with that. I think it's effectively the same. We're looking for input at this point but I think that might be a way to get off the dime and I wouldn't limit to you these things. I think what we're trying to define is ways for us to meet more efficiently and not have people here until late at night in order to be able to talk to us. So agenda stuff and meeting stuff, that would be an acceptable change with me. I'd like it to move quickly because we're also working on the committee stuff and probably asking staff to take a look at the committee structure too the same way would be helpful, to tell us -- you've heard some of the things we're debating about, take a look at other cities, not making any decisions for us, but presenting us options, makes sense to me. Then you could bring it all back at the same time and give us things to consider, to think about. All of those various offices of the city, as well as giving people in the community the opportunity to also give you suggestions to incorporate.

>> Houston: Mayor, is the -- is the motion now to consider all of these on attachment -- exhibit a or just the four that councilmember Casar referenced?

>> Mayor Adler: Mr. Casar just -- the motion is just three, four, five, six.

>> Houston: Okay.

>> Mayor Adler: So my question for Mr. Casar is, does that -- if we didn't have -- initiate a new ordinance, was asking staff to gather best practices and give us suggestions or options that the various departments think fit, does that work for you? Or no?

>> Casar: That's fine. I was actually just -- I was going for consensus motion on this item as we were on the prior one, and so had less to do with my preferences and more to do with the preference of the dais.

[2:15:45 PM]

>> Mayor Adler: I'm going for the same consensus that and your my sense is there might be consensus on giving it to staff and asking them to come back with best practices.

>> Houston: The whole list because --

>> Mayor Adler: Sorry.

>> Houston: The whole list in exhibit a plus.

>> Houston: Plus anything else they see that's applicable.

>> Mayor Adler: I think as councilmembers if anybody has any additional ideas that they want staff to -- to consider, let staff know additional items you'd like to have staff consider.

>> Alter: I wanted to maybe not call it best practices because we might find this disfunction repeating in lots of other city councils so let's find the best practices for Austin as opposed to benchmarking. We do want to do some benchmarking but I do worry we'd repeat the dysfunctions of elsewhere too if we're not careful.

>> Mayor Adler: I think that's a good point. Ms. Ditch.

>> Kitchen: Point of clarification. I didn't think we were sending all of these. I thought we had --

>> Houston: That's the question I was asking because I asked that the deadline for items from council including backup be part of that. So I can ask to amend your motion to include that but then I heard a larger conversation that we said we'd send all of these plus anything else that the clerk's office can -- staff can come back with. So that's what I heard. That's why I was asking for clarification.

>> Mayor Adler: That's what I understood too. So if I'm mistaken, then I'd want to roll back and maybe do something that's more directive. But it seems to me at this point we're looking for best ideas and suggestions. Staff obviously doesn't make any choices for us, but giving us options or suggestions or thoughts, I can't see how that would do anything but help us potentially. Mayor pro tem.

>> Tovo: I think some of us -- well, I'll speak for myself. I will have concerns about some of these, and I'm happy to share them based on just what we've experienced as councilmembers getting ifcs forward and what not.

[2:17:46 PM]

I think -- I would suggest that if we're expanding the list could we keep it to the four that councilmember Casar started with and just add some language directing staff to bring us forward any additional recommendations then could help us in efficiency. I would say we do have an audit that shows how cities -- how other cities do it differently, and it's pretty clear that we could have an efficient and a very short meeting if we didn't allow as much public engagement but I think it is really critical. That's one of the wonderful things about serving on this dais. It was one of the wonderful things about being a community advocate and coming down and speaking at the podium to my elected leaders. It is, I think, one of the reasons why very often the decisions we make here are really fine decisions, because they've had the benefit of that public engagement and that public input and the councils and the council's before you have been extremely generous in the amount of -- generous in the amount of time they allot for public engagement. I'm certainly open to hearing best practices and I think the staff will return useful recommendations for meeting efficiencies but I guess I just wouldn't characterize what happens here as dysfunction. I think certainly because we allow a lot of public engagement we do have longer meetings. But I think it's a -- you know, in my mind, I think it's been a good trade-off. That doesn't say we shouldn't still look for meeting efficiencies and other ways to make the process, you know, better for the people who are sitting here so they don't sit here for eight hours and then don't get to talk until midnight. I'm

very supportive of continuing to work forward in that way. So I would just, again, to reiterate my suggestion, I would stick with the original motion and just add language, encouraging staff to bring forward any additional recommendations they feel would support the goal of, as expressed above, improving council meeting efficiency and deliberation including but not limited to the following.

[2:19:46 PM]

I guess I'll make that as an amendment and if it fails I'll talk about timeliness and the ability to respond to constituents and offer you some specific examples about why the earlier deadlines for me is really -- would be a very difficult suggestion to move forward.

>> Mayor Adler: What if we took off the last line in the resolution? The last line in the resolution. So that we're just doing the staff to come back to us, making the language change Ms. Alter pointed out, that best practices for Austin to improve council meeting efficiency and deliberation, and take out the sentence that references [indiscernible]. That leaves it wide open for the staff and doesn't point them to anything in particular. Does that work? That sounds like that works. Does that work for everybody on the dais? I do feel the need, though, mayor pro tem, that the -- I also believe that the public engagement process we have is incredibly valuable to the city. What I'm trying to address is I think that it's really -- I don't think that it's fair or helpful that some people when they're giving public comment have to do it at 1:00 in the morning to a council that may not be as attentive as they were at 7:00 or 8:00. I think I watch people who wait through other public hearings and that doesn't seem right to me. So I just think there might be a fairer or a better way for the public engagement to happen without putting people through that gauntlet. But I agree with everything else that you've said about the importance of having public engagement. So the -- number 35 at this point, without objection is the resolution as files except that the last sentence is deleted, and when it says best practices it's best practice for Austin to improve.

[2:21:55 PM]

>> Houston: And also I thought it said the council would not initiate code amendments, that the council directs the city manager to identify and present recommendations.

>> Mayor Adler: Yes.

>> Houston: Because I thought we wanted it to come back to us.

>> Mayor Adler: You're right.

>> Houston: Okay.

>> Mayor Adler: So the resolution would say the city council directs the city manager to identify and present recommendations to the city council regarding best practices for Austin to improve council meeting efficiency and deliberation. Is that everybody's understanding? Everybody comfortable with that? Ms. Garza.

>> Garza: Well, since we're directing staff and the mayor has encouraged us to give our input, that's what I want to do. I'm trying to look through these and see how -- I feel like of the four that we originally started with, I don't know -- first for reducing the amount of people allowed to donate time, is that in an ordinance -- that's in an ordinance. And then as we're doing kind of a catch-all and anything else that works, I do want to speak to the city and the deadline for ifc submittal. We already have the ability to postpone any item, and I've never seen an instance as someone that sat on that side or someone that sits on this side where a councilmember says, you know what, I'm not ready to vote on this, and he or she's colleagues ignore that request. I feel every time that -- when it's happened, if somebody really feels like they're not ready, nobody has ever asked for a postponement and it's reflected. We have that ability now.

[2:23:56 PM]

So, you know, that is one of the options to continue to have the ability to postpone any item. Just practically speaking about setting the deadlines for ifcs, you know, the Friday Dr. [-- Tomorrow, for example, is probably the first time that my staff even had time to look at next Thursday's agenda. I feel like we're saying we need more time to look at this stuff. Unless I get more budget for more staff, my staff's bandwidth is exceeded as we get to Thursday. And so I feel like we're assuming that -- we're now going to be able to give our staff the ability to get us to Thursday in addition to spend some time getting us to next Thursday. And I don't know -- I mean I can only speak for my office, but I know through the week we're doing everything we can just to get us to Thursday. And so I understand the concerns about feeling like stuff is last minute and not having time to dig into it. A lot of that is dictated by open meetings, and so I'm just wondering how these all fit together. And with regards to, you know, of course it's not fair that people have to sit until 2:00 in the morning. I've been one of those people that sits until 2:00 in the morning in here waiting to speak. But the only way practically speaking that we fix that is if we have a hard stop -- and I just want to make sure we're all considering these things, we have a hard stop at 10:00, that just means -- what is the option? We come back on Friday when we're fresh and ask those people to come back on Friday too? Like, for those of us who have sat in here and waited, there's so many more dynamics to this, and so we bring up an item at 6:00 P.M. And I'm waiting there and I'm number, you know, whatever to speak on it, but I guess, you know, we have reduced the number of people but there's times when we can't, it's a public hearing and we can't reduce the number of people.

[2:26:05 PM]

So if it's that situation, then we're asking people to come back a second time. We're saying we couldn't get to you at 10:00 and that's our hard stop but we want to listen to you with fresh eyes and ears and see you tomorrow at 10:00 and that might not work for somebody's schedule. So we really need to think about all the dynamics that go on when we're making these changes because it's not just as easy as we want to make it fair. We also need consider people's time. So. . .

>> Mayor Adler: Ms. Houston.

>> Houston: Thank you, mayor. And acknowledging that everybody's bandwidth is really be tested, especially when we have three meetings a week, the issue for me is not the item from council, it's more the lack of backup until the day before or the day of. And trying to put some distance between when we get an item from council and when we get the -- and when we get the backup. Because we can see the item from council but we keep waiting for the backup to come, and that puts me and my staff closer to the day that we have to make a decision on it. So it really doesn't give me and my staff time to process. I don't care about the item from council, but I need the backup and I need the backup before the day before or the morning of.

>> Mayor Adler: And I think it's good to give this -- because I think all these things, hopefully, staff would consider. My concern for having more time is not just for our staffs to have time to do it, but it's also -- I think there are a lot of people in the public that really don't pay attention to what the council is doing except on the agenda because that's when the council takes action. And for that part of our community, they don't see that until the very last minute, and then I get tons of calls from people saying "This just came up and when can I develop my coalition and when can I look at options?" I say to them you could have been involved in the process much earlier or there's a councilmember that's been working on this for months, that's not very satisfying.

[2:28:17 PM]

So I think all those things are things that we have to take into account when we do that. And then the other thing is, when we had naught list so that we -- put that list so we wouldn't cut off a public hearing in the meeting, that's why we had put on here hard stop except for the continuing of a public hearing. We were trying to address that but there might be a better way to do that. I just don't know.

>> Garza: Just for clarification, when councilmember Houston, you're talking about the backup, you know, if I'm bringing an ifc it's usually just a proposed resolution and that is -- that is the backup and that is required to be there by a certain day. So I'm just curious what you mean.

>> Houston: I don't have a specific example, but I know I've gotten items from council that there were some attachments didn't come in until the morning of. There have been some things from staff that the

information didn't get there until the day before and it's voluminous and you need to look through it if you're going to be able to ask questions or get all your questions answered. And so it's just the length of time between when we get it and when we get the backup is something that I noted as something that I wanted to address as far as efficiencies because it's inefficient for us to get stuff the day of and try to make some policy decision that afternoon.

>> Garza: So that seems to me we need to address late backup and when it's allowed because any thing on our agenda, it's supposed to be in by the Friday, I believe, and then there is late backup allowed but that seems more of a concern, which I agree with, I think we all have concerns about late backup, but not so much when a person posts or is able to submit an ifc. Anyway, we'll hear the recommendations from staff, and I appreciate changing it from initiating code amendments to just recommendations.

[2:30:21 PM]

>> Mayor Adler: We do have two people in the public to speak. Do you want to say something first, Ms. Alter.

>> Alter: Part of my impetus for bringing the innovation office is just like the strategic planning group went and talked to each of us individually about what we cared about most, they would be -- they would have an opportunity to do that in a way we as a council because of our open meetings can't talk to each other about this at some level unless we're in public forums where we can express and they can hear patterns we won't necessarily be able to surface just standing up here on the dais. I think that that kind of feedback and that information sourcing is important forgetting things right. And I will say as a newbie getting the ifcs on Friday that you have to vote on without a chance necessarily to reach out to your constituents is frustrating and if we could plan that we have them two weeks in advance then that would give us enough time. I'll be honest I haven't yet seen anything so urgent that it couldn't have waited as long as we're meeting every week as we seem to now, I don't see the urgency of doing them immediately.

>> Mayor Adler: Let's go to the public then. Is David king here? Do you want to address this?

>> Thank you, mayor, mayor pro tem, councilmembers. Yeah this is a very important item, and, you know, I tend to err on the side of being expansive in allowing the public to speak to you. I think that's a fundamental basic right of our country here, that the citizen can come to you and in their own voice with their own one, two, three minutes tell you what they think even if it's similar to what somebody else said. It is their right to stand before you and have that opportunity. So I hope that we do not infringe on that, although I do appreciate having been to many of these meetings and been here very late, as y'all have to do, I do appreciate your concern and you're trying to be efficient with your time and as well as ours.



[2:32:28 PM]

I do appreciate that. I am concerned about closing the speaker sign-up once an item is -- discussion has begun on an item because sometimes the discussion begins in the morning and picked up in the afternoon again so I'm very concerned about that. I would think that -- it doesn't sound like that's a big problem. I have to confess I'm one of the few people who -- I don't know how many people but I do that occasionally. Sometimes I'm listening to discussion here and then I hear something that sparks a concern or a question and then I'm able to go sign up and present that to you right kind of on the spur of the moment and I think that's important, for people to be able to listen to the discussion and have an idea or a concept or a concern and bring that to your attention right away. So I'm concerned about anything that would constrain the ability to sign up after an item is taken up. And then donating time. I think we need to look at that in terms of equity. When we have these cases where the applicant is allowed five minutes but then those who are not the applicant, may be speaking for or against it, they're limited in the amount of time they have. So I think it's important. Sometimes we have speakers who have done a lot of research. They're intimately knowledgeable about the issue, and, you know, nine minutes or six minutes is just not enough to get them through that. And I think that benefits you when you're able to get that information and have the sufficient time to receive that information. So I would also -- I'm concerned about limiting the amount of time folks can donate. So and I, you know, recognize that with the 10-1 system we have more voices on the council. And I appreciate that. And we have different voices that we have not heard in the past. And I appreciate that too. And I think that's important. That you have your time. So you need your time, but the public needs its time as well. So I'm here to just urge that you be expansive in allowing public input, and thank you very much.

[2:34:30 PM]

>> Mayor Adler: Thank you. Zenovia Joseph.

>> Thank you, mayor, councilmembers. My opposition is specifically to the bullet consider closing speaker sign-up for items once the item is taken up by council. Specifically on this item, I did will have the agenda last night, but the language is so broad that it did not stand out to me. So I didn't sign up this morning. Had you closed the speakers' ability to sporadically go and sign up on the item, I could not speak you to right now. One of the things that I would ask you to recognize as well is the bus system. You cannot ensure that you're going to get here by whatever time the meeting is to start. And if a person is in transit to city hall, as long as the item is open, then they are at least assured that they will be able to speak. I would ask to actually draw your attention to the Texas citizens participation act, the civil remedies code, if you'll look at chapter 27, specifically it's just related to the constitutional right to speak, free speech. And I will give you a real example of what it means to limit citizens communication. Under judge Visco, Travis county commissioners court, citizens can sign up as long as there was still

someone engaged in the public communication. Under judge Eckhardt, however, when she first instituted her rules she cut off the sign up at 9:00 because that's what time the meeting was to start, however they didn't necessarily start on time. So I was at least able to get her to recognize that citizens should be able to sign up as long as the meeting had not started. But I will tell you that it is problematic because, once again, if you do rely on capital metro, whether it's the 801 or the local bus, you cannot ensure that you're going to get there because of traffic.

[2:36:40 PM]

It is helpful if in fact you're able to sign up as long as the item is still open. The other thing that I would say is helpful is when there's a time certain item. At least the individuals have an idea of when it is, and as it relates to time, I am sensitive to the fact that you'd like to go home but I often am at the legislature and the public education hearings notoriously end at 1:00, 2:00 in the morning. It is a different culture there. I understand that. But I would ask you to recognize that it is not unusual for citizens who are want to go speak on an item to actually stay in that capacity wherever the elected officials are holding the meeting so that they can be heard. It's nice if they could speak before 10:00 here, but in reality it's just the culture of the capitol, where it is expected that you have to wait and speak on an issue whenever it councilmember Zimmerman up even if it means in the middle of the morning. I'd ask you to take that into consideration I echo Mr. King as well though I usually don't donate time or receive donated time I do find it is invaluable to hear speakers who do get donated time to say whatever.

[ Buzzer sounding ]

-- The group wants them to say on their behalf. Thank you so much.

>> Mayor Adler: Thank you. So the motion before us is the resolution as changed so that city council directs the city manager to come back with good ideas.

[ Laughter ] And options. Mayor pro tem.

>> Tovo: I hope that will also include work sessions as well. Today I think is a really unusual example where we're spending time talking about things but not [indiscernible] Because there's a lot of public input because we have a lot of conversation to have here on the dais. And so if we can look to at our work sessions and how we might really preserve time within our work sessions for that kind of discussion I think that helps us on Thursday.

[2:38:40 PM]

And, you know, lately we've had a lot of briefings and things of that sort on Tuesday and I think that's pushed us well beyond our noon end time on Tuesdays but it also means that we didn't take up this conversation until almost 3:00 on Tuesday after a couple of us had to leave. And it just -- I think we could have hashed out some things about the consulting firm for the city manager. You know, there are several items we've spend time today talking about and if we can look toward Tuesday and think about what strategies we might have. Again, one I might throw out is to shift some of the executive sessions from Tuesday back to Thursday during our lunch break so we can kind of maximize that time a little bit better on Tuesday which helps us on Thursday. I appreciate that we're not moving forward with the bullet on earlier timetables. I would just says that something that maybe the staff will come back and recommend. I think they have at various points said it would be more helpful for them if they got ifcs earlier. While there may not be anything on this agenda or maybe last week's anything that was time sensitive I really feel strongly as a council we should be able to move forward with things when we're lady and if the council as a body decides to postpone it because they need more time or the public needs more time that's appropriate. But I can name, you know, two issues right off the top of my head and I could probably come up with another six is that really needed to be dealt with right away. One I recall was a situation where we found out meals on wheels was out of money and they were going to without an infusion of cash pretty quickly they were going to not be able to serve meals from July on a couple summering and and -- ago and it needed not to wait and didn't need to be a discussion item and two weeks later a vote. It needed to move forward because it was a critical situation and because of the timing of our vacation schedule it needed to move forward then. Palma plaza was another and that was a situation where if the council was going to take action to intervene in a demolition it needed to do it soon before the council was gone.

[2:40:41 PM]

Ultimately this council voted against that resolution but I appreciated the opportunity to bring it in a time relevant manner and have that discussion before that structure was lost and the discussion would be moot. And, again, I could probably name six other instances where something needed to be -- a discussion needed to happen or it was not gonna be -- there would be no point in having it. So I hope that we can continue to think about other efficiencies other than earlier, so I would just mention that to the staff because I certainly think we may get back a recommendation to get our stuff in earlier but I'm gonna continue to push for a different solution there.

>> Mayor Adler: As we're giving you comments, I agree with the more expansive look that mayor pro tem was suggesting. We want as many good ideas as we can. So if there are things we can do about work sessions that make us more efficient at our meetings, great. If there are things we coulding doing on committees or ad hoc committees we could form coming out of work sessions that help us be more efficient at meetings, give us recommendations for things we would include in the committee structure as well. Where we're just trying to get more efficient and better as we do this, and I concur with the

mayor pro tem, whatever you do, there needs to be circuit breakers so that when there's emergencies we can respond in an emergency way. Anyone else? Ms. Houston.

>> Houston: Would it be helpful for us to have -- bring back by 90 days, 120 days, so that there is no appears that we're gonna -- appearance that we're gonna put this off forever, we really are trying to move efficiently to get to a place where everybody feels comfortable with all that we've been talking about?

>> Mayor Adler: How about if we do this? Tell me if this would work for you because I would like her to be able to talk to city staff and figure out so if you could visit with those departments and send us back a memo or post something that says you've now talked to the staffs and we ought to be able to come back with something, I think there's a real need on this dais to have this come back as quickly as possible because I think it's going to impact the committee conversations we may be having and we want to obviously -- we've talked about this a lot.

[2:43:00 PM]

It would be really nice to be able to get some suggestions and have them out for the public to be able to see, to discuss, and then make decisions just as quickly as we can. I would say this is a pretty high priority item. Does that work rather than giving a set date? Okay. It's been moved and seconded. Any further discussion? Those in favor please raise your hand. Those opposed? That passes unanimously. This now gets us back to number 34. Before somebody makes a motion, I, again, will say that my preference would be that as to the issues that are tough issues for us as a group that we get the input from staff the same way we just did on the meeting efficiency issue. I think they relate to each other and could enhance each other. And maybe they'll be able to come up with more creative or best practices or with arguments or suggestions that appeal to us that hopefully would get us closer to not having a divided council. Ms. Pool.

>> Pool: Right before we stopped for lunch, I offered the idea that we could maybe do a straw hold on which people who are on committees now want to stay on those mows and what committees do people want to be on otherwise. There's some thought we could just name the committee, people raise their hand, we could write things down. I would like to see what -- I think it's really important to know who is gonna be on committees because we have now established them and they will be happening I'm presuming on whatever schedule had been set up for the ones that continue. But we don't know who is gonna be sitting in them so we have to populate them.

[2:45:08 PM]

Okay, so I'd be happy to --

>> Mayor Adler: Sorry. I think --

>> Kitchen: My -- I'm sorry.

>> Mayor Adler: Go ahead.

>> Kitchen: My lemmings is that we send down a sheet and let people sign up. That would be my recommendation.

>> Mayor Adler: I'm uncomfortable with that process for populating committees. We've talked about a six-week deal. There has to be some way to populate them but, again, I'm not sure that that's the best way to do that. Let's talk about this on the dais.

>> Kitchen: Mr. Mayor, could you tell us what you'd prefer? Can you be more specific for us about why you're not comfortable with that approach?

>> Mayor Adler: Because generally speaking I think that, as I said at the work session, I'm not sure that people just signing up for the committees that they want to be on is the best way to get the best information back to the council. Part of it depend on what it is that we're asking the committees to be able to do or the acts that they have. So I'm gonna think about that for a second while I ask other people on the dais if they want to talk about this.

>> Kitchen: Could I --

>> Mayor Adler: It may be that other people -- certainly, you know, the will of council if everybody knows what committee they want to be on and are comfortable setting it up this way, I'm not gonna stand in the way of that happening.

>> Kitchen: I would just Luke to say that I think we all had discussion about we were going to twin the committees that we all just voted on earlier, recognizing that as we moved further along in terms of our outcomes process, I'll just call it outcomes process, y'all know what I mean, that in a couple months we may come back and want to revisit how we're going to align our outcomes and indicators with our committee process.

[2:47:10 PM]

But we all acknowledged at work session that we weren't there yet because we haven't finished that process. So I think what we're doing today is simply acknowledging. We created the committees earlier. We're simply acknowledging WHA wants to participate on them for now. And I also don't see any -- I personally am not concerned, I'm happy for people to participate on whatever committee they want. I think we have to -- I think it's -- I think we need to make those choices ourselves. And so I'm agnostic as

to how we actually gather they are information. Seemed to me the simplest thing was just to pass out a piece of paper and let people sign up. If that produces some kind of problem, then we can deal with that after it occurs, but I don't anticipate a problem with that approach.

>> Mayor Adler: By the way, council it's pointed out to us we can certainly have discussions but we're not posted to appoint committee members. Ms. Troxclair.

>> Troxclair: I am uncomfortable with this for a few reasons. I guess, first of all, I was comfortable with the previous process and having, I think, allowing the mayor to appoint committees as well as committee chairs helps us to have well-balanced committees, and I think that he would take -- he and future mayors, because this isn't a discussion about our council it's a discussion about future councils, would be in the best position to make sure the committees are balanced and that everybody's interests are taken into account and possibly reduce a lot of arguing between councilmembers over things and, secondly, if the will of the council is to appoint ourselves, I don't think that this is the proper venue to do it. I mean, we're in the middle of a council meeting with other things on our agenda, and I certainly was not prepared to make this decision today.

[2:49:20 PM]

So if the council does want to do it this way, I would think that the more appropriate venue would be at a work session or something else. Something we could get through our agenda at a reasonable time today.

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

>> Tovo: Mayor, and I can stand corrected if I'm wrong from councilmember pool, I understood that as an attempt to say, you know, I'm not sure if the concern about having the council decide it is because there's trepidation among you, my colleagues, that we might not be able to come to decisions on it. I think councilmember pool was trying to illustrate that likely we're not gonna be in disagreement, that people will have an opportunity to serve on the committee they want to serve and that we'll be able to populate the committees. I think I saw that as just an illustration of that principle. We are not posted to make appointments but that would help us determine, hey, is there an issue here or not if we take on the ownership of that and, you know, as I said before, I don't -- I don't understand a reason that I as a councilmember would delegate that choice to a mayor now or in the future. So that's just my preference. And, you know, as I researched it, I mean, it seems like it's been handled differently at different times and that in the past maybe the mayor did do appointments as we're doing now. But it does not appear to ever have been in the code until our council added it to the code and we're simply asking for a different option to be considered, that we have an opportunity to say, hey, I want to be on this and this and if there's general agreement among the council then we just move forward with those preferences.

>> Mayor Adler: Mr. Flannigan.

>> Zimmerman: I think given that we're not posted to make appointments today I think this might be an area to use the message board where we could individually post the committees that we wish to serve on. I think some of us on the dais may prefer to serve on none and I'm not saying that about myself.

[2:51:25 PM]

I'm just hearing whispers, but I think the role -- for me the role of the mayor is to help sort that out and then to come back with a proposal. We keep confusing the word "Appointment" and "Nomination." The mayor never made the appointments. The council always made the appointments. To me the role of the mayor is to stress out when everyone puts together what they wish to serve on and he puts forward the straw proposal we can discuss. I think it's a convenience moment more so than anything else. Given how difficult it was to choose between three different firms for city manager I don't think we want to see three or four different slates of nominations to appropriate. I think we may go through this process on the message board and realize it all figured itself out but since we are not posted to make these appointments here on the dais I think maybe we should go that as a process.

>> Mayor Adler: I guess what I would prefer at this point is simply I think that if people feel comfortable today because some people might not feel comfortable indicating today what they would want we can certainly -- all those that felt like they -- felt comfortable or wanted to could give these to Ms. Pool or she could post the ones that she gets onto the message board. Other people could just post directly themselves onto the message board. And then we could pick this back up Tuesday at the work session. Allowing for an item to be posted on the next council meeting Thursday for us to be able to act on appointments. That would probably be my preference. Ms. Pool.

>> Pool: I have responses from half of us. From five. And I'd be happy -- I can read them into the record.

>> Mayor Adler: Or you could post them on the board. I mean. . .

>> Pool: I think I'll read them. Do y'all want to hear? Okay. That may trigger the other five for participating.

[2:53:29 PM]

Mayor, you can be on committee too if you want?

>> Mayor Adler: Thank you.

>> Pool: Yeah. Okay. So in no particular order, this is from councilmember alter, and just as a default I think everybody is selecting Austin energy oversight, she has housing, planning, and mobility. I am the next one and I have Austin energy audit and finance and then I'm open to being on either housing and planning or mobility, depending on the need. The mayor pro tem's was next. She has audit and finance, Austin energy, health and human services, housing and planning, and she also is open to will of group, still thinking. Councilmember Garza, committee of the Austin energy, health and human services, and mobility, Ann kitchen, councilmember kitchen, health and human services, housing and planning and mobility. And Austin energy. And that's blank. So that's half of the councilmembers right there.

>> Mayor Adler: Okay.

>> Pool: I will definitely post it to the message board and encourage everybody else to jump in, the water is fine.

>> Mayor Adler: So put this on the work session for Tuesday and then on the action agenda next Thursday. Mayor pro tem.

>> Tovo: Just a roll-up from that it looks like mobility has at least three people who elected or expressed an interest in serving. Health and human services likewise, three members. Housing has three members, and audit and finance has two, although one of those is a duplicate because I only want to be on two committees. I just am open to sort of where people line up. In any case, it looks to me like there are still spots for people who want to be on those committees and they are going to be populated so I think it shows that as a group we could probably pull it off.

>> Mayor Adler: Okay. Anything else on this item? Ms. Garza.

>> Garza: On the item as a whole?

[2:55:30 PM]

>> Mayor Adler: On the item as a whole.

>> Garza: Sure. In the sheet that was passed out, revised exhibit a, the last bullet there is apply process for committees to task forces. And my understanding of this -- there is some concern of how task forces are created and what -- who can create those task force and how they can direct staff. And so we were - I was given I think this is from the code that defines a task force, it says a task force means a non-codified temporary advisory body established by resolution or ordinance for a specific purpose that expires upon the completion of its assigned task or according to the specified deadline, and I believe that is because it should take a resolution of the entire council if -- if we're creating a task force and they are going to commit time of our staff, which are paid by taxpayer dollars, that that should -- that should require resolution and that's what the code indicates. There was a change recommended to the



committee system and it's on page one under the applicability, and there was discussion at work session and it was how the sentence was written. It appears that it can be interpreted as the mayor on his -- on his or her own can create a temporary task force just unilaterally, and I think there are some on this council that are concerned that that was not intended to allow that, and it is a concern of -- for different reasons.

[2:57:36 PM]

I think there's a paper just handed out. It's from the chapter, which is basically our constitution for the city, and that speaks specifically -- it's a highlighted part. It explains what the mayor -- you know, what he or she shall do, but it does say he or she shall have no regular administrative duties. And in my mind, trying to be respectful to what our charter says, it seems administrative if -- if this line in our committee, page 1, is interpreted to say the mayor, on his or her own, can create a task force it, seems in direct opposition to this part of the charter that says that there are not administrative duties. Because in my mind, one person being allowed to direct city staff to do things, that's administrative. If one of us -- I can't go tell a single person, a staff member, you need to do this for me. I can ask questions. I can -- you know, but it doesn't -- it seems to -- and so that's the certain. I don't know if -- that's the concern. I don't know if really the issue is intervention of the charter and that -- interpretation of the charter and that line was in opposition to this and it should have never been there and now as a matter of law or as a matter of interpretation, I don't know what, we just make it clear that any task force needs to be done by resolution or ordinance in accordance with what our code describes as a task force. So I guess that's a question for law, if there is somebody who can speak to what the charter says. And as an administrative duty, is that allowed? Like, I can't direct staff to do anything, can I? Isn't that an administrative duty?

[2:59:40 PM]

>> I don't know whether my microphone is on. The term administrative duties here is largely intended to contrast our type of government here in Austin, which is a council manager form of government, from a strong mayor form of government, which for instance you have in the city of Houston. And so the charter provides that the city manager is the chief administrative officer of the city, and I think this provision of the charter is largely intended to confirm that the mayor does not have that type of administrative authority, nor do the councilmembers for that matter. The council acts with with respect to city staff through the office of the city manager.

>> Garza: And so that -- a councilmember nor the mayor can direct staff to do anything; is that right? It has to be through the city manager.

>> Yes, councilmember, that's what the charter provides is that the council deals either individually or collectively with the city staff through the city manager.

>> Garza: Okay. And so then I believe as -- then that part of our committee system seems to be in opposition. It seems to have been interpreted as saying the mayor can create a task force, and it sounds like that's in opposition to what this says, what this charter states. And so I don't -- so one of the things we wanted to change was to change that, but I don't think we have to do that. I think an interpretation of this says that the mayor nor a councilmember can create a task force on their own is what it seems like the charter says.

>> Mayor Adler: I would read that differently. I would read that and get legal counsel, I see the city manager as the administrative function in the city. And no mayor can do the administrative function, no council can do it.

[3:01:41 PM]

The council operating as a group can't do it because under our resolution the administrative function is a function for the manager. So that's not a question of can the mayor do it or can an individual council because together collectively as a council we can't do it. So we're talking about something that's different than -- than the council acting collectively or the mayor acting alone. That administrative function speaks to the division of power, and I agree, neither the mayor could act administratively and the council can't act administratively. That says that also in the charter.

>> Garza: But six votes allows the council to direct the city manager to do something and that --

>> Not an administrative thing because that's in the purview in the charter of the manager. That's the division of power.

>> Garza: And so who gives staff direction? I'm trying to understand who gives staff direction?

>> The charter provides that the city manager give staff direction and that the council directs the city manager on matters of policy, but under the charter the city manager is the chief administrative officer and responsible for executing the administration of the city government.

>> Garza: And so I'm going to give a specific example of what exactly I'm talking about. The task force on institutional racism I believe is an absolute wonderful cause, is something that is necessary, is something that we would all agree, been on board with. But when I -- when I'm in a situation to hear a news story, the council has created a task force that I had never heard of and as I start to investigate I find out that it wasn't a council initiative, it was the mayor created a task force that has significant staff resources on it, there's -- there's our plies chief, equity officer, assistant managers on this task force doing work that is paid for by the taxpayers seems very administrative to me.

[3:03:57 PM]

And so I have concerns about the separation of powers with that. And so in my -- what I -- what it looks like to me is that a task force needs to be created by resolution or ordinance and that is an example of it not happening that way. And so I just want -- I guess clarification on is -- is that okay for someone to unilaterally create a task force and use staff resources? Because it seems in opposition to what the charter says.

>> Mayor Adler: So if I could address that quickly, if I could, because I -- as I have not directed staff to spend any resources at all on that task force. In fact, I haven't asked the manager to spend any resources or staff time against that initiative. As the mayor in the community I was approached by people in the community relative to some of the shootings that we had. I was at numerous community meetings around the city, and I was asked to address that on the day of the shooting I promised the community that I would do something that went beyond just a meaningful conversation that actually had us moving toward things that we could actually see on the ground and would address things more broadly than just the police questions. I also spoke about it with some of the other leaders in the community including the president of HT, Dr. Burnett, and the superintendent of schools, Dr. Cruise, as they volunteered to have a group that would sit and discuss these issues and try to come back with the community.

[3:06:07 PM]

It helps that the mayor of the city endorses that and says this would be a good thing, and I certainly would like other people to appreciate, to participate in that. If you go to the council did that too, and certainly the council could have. The council still could. And anybody on the council could get together with any community leader or otherwise and say this would be a really good thing, yeah, go ahead and do that and if there's ways I can help facilitate that, please let me know. To the degree that the -- the manager has staff participating in that, I would assume that's because the manager felt that it was an appropriate use of the resources that she has in her function as manager. Quite frankly, I think that a conversation that has so many leaders around the community in so many different places, I was pleased to see that some of the city folks went to that, and I certainly don't think that we're intending by any of this action to stop the manager from being able to platoon or have her staff go wherever it is in the city and participate in whatever it is. But in terms of me being able to instruct the staff or the manager to spend resources as would a council action to do, that didn't happen here. And I hope that when the conversation comes back to us as a council from that task force, I hope that it's useful stock. But I -- I did not -- I did not ask the manager or demand of the manager to put resources against that.

[3:08:15 PM]

Of, mayor, what you asked the manager to do, the fact is there are city staff members on these -- on that task force, I'm assuming on city time, doing this work, which I will repeat is good work, is necessary work. But I feel it is in opposition to what the charter allows, to how the code defines a task force, and there's two -- there's layers to it. It's resources. It's resources that -- those staff members are doing work on, again, great work, but it's the use of resources that it appears our mayor directed those staff members to be on that to do that work. And it should have been -- what appears from the definition of how a task force is formed, it should have been a council resolution, especially when some of us have people reaching out to us and asking us, hey, can I get appointed to this task force and we have to respond we don't get appointments to the task force. What do you mean? I thought the council created that. And it's -- you know, it's also a optics thing and I just want to adhere to what our charter and our code requires. I just want to make sure that we are staying within the bounds of what we're allowed to do and how we're allowed to direct staff, and I would have hoped as a council we could have had that discussion on such an extremely important issue for our community. But I don't know, I don't -- that's one of the things that was on the bullets and is a concern of mine and, you know, we've said we're going to have continued conversation about this. We could run into an issue where now I've -- you know, I want to create a task force and what is that doing to staff's time. So I just want us to be clear on what we are allowed to do and how we're allowed to direct staff.

[3:10:16 PM]

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I have a suggestion perhaps. I do think there is conflict in our laws with regard to what a task force is, and I think we need to clear it up. And the conflict that I see, I recognize the type of conflict that is being raised with regard to the charter. I also think it's an even clearer conflict if you look under the definitions in 2-1-2. It very clearly defines a task force as established by resolution or ordinance. So we have that in existing law. If we -- and then we have the provision 2-5-101b that we put in plays with the committees. As allowing creation of task force without a vote of full council, which I would contend it doesn't say, but if we were to do that, then we would clearly have a conflict between that provision and 2-1-2. So regardless of all that, the bigger issue for us from a policy standpoint is what do we want, what do we think is appropriate in terms of how we create task force and how we direct the use of city resources around issues that rise to the level of importance of their task force. My suggestion would be perhaps what we want to do is similar to what we did with 35, ask for the staff to bring us back recommendations. We can certainly provide some discussion right now about -- and we may not agree,

but we can provide some discussion about what we would like the staff to consider when we ask for them to bring that back. That would also give us time to think about that and later align, you know, in a month or two or three or whatever, align what we do with task force to what we are going to end up doing -- when we come back with our outcomes and the consideration of alignment of our outcomes with our committees.

[3:12:35 PM]

Regardless, I think we need to fix this question of task force and I think it is a very important question for us particularly since we have now talked about instead of just having formal standing committees that we would be having task force and you might call them -- call them ad hoc committees, temporary committees or task force. We need some clarity. And so that would be my suggestion is that just as we did with 35, with 34, we ask for this last bullet we ask the staff to bring us back some recommendations. Or at least options. If they don't want to make recommendations, I don't want to put the staff on the spot. I mean obviously this is, you know, a question there's a lot of concern about, but what we could ask the staff to do is to bring us back their understanding of what's in the code right now so we would from an objective standpoint understand what is in the code right now. Then we might lay out a series of options of how we might address task force. And then it would be interesting for me to understand what have we done in the past as a city. It sounds like mayor pro tem is saying maybe there's been some -- you know, some difference in how it's been done in the past. But that would be interesting for me to understand also. And then on the basis of all that information aligned with what's going to come back to us with regard to outcomes, I think we might be in a better position to make some decisions and get some clarity around this issue.

>> Mayor Adler: If that's a motion, I second that motion.

>> Kitchen: Yeah, I'm making that motion. I want to see if my colleagues agree with that motion. If they don't, then I might pull it down, but that's a suggestion at the moment. What does everyone think?

>> Mayor Adler: Does that sound good? I think the motion is there and seconded. And when you look at that, I think looking back at the history is good because I'm not sure exactly how the mayor's task force on aging happened or the mayor's task force on mental health happened or the mayor's task force on the economy happened or the task force on libraries of the future happened or the task force on crime, drugs and gangs happened or the task force for smart growth happened.

[3:15:00 PM]

These are all mayor's task force. Or the smart streets -- smart streets task force. To take a look how this happened and whether they were productive. All those questions, I don't think we're limiting staff, I think we're trying to make it as broad a charge as we can recognizing we're trying to figure out how to do right and do best. Mr. Casar.

>> Casar: And I'm interested in seeing what comes out of this. I would just weigh in that of course in speaking with legal or thinking through it this doesn't work with our charter, then the answer is clear. But if it's in the gray, I see there being some benefit to -- since all these confrontations about our mayor, I see benefit to the ball advancing and the utilization of the bully pulpit to get important conversations going knowing no policy can change unless brought forward to council. I appreciate the work each of us does but I also appreciate the mayor has general convening power and ability in putting a name on something can get people who are very limited in their time and very busy to dedicate their time to something important. And so I'll be interested to see what comes back and to understand how all the different task forces were formed. I don't think it's a big deal for council to vote on it, but given the sort of receding of the federal and state government in our lives oftentimes cities just need to do more work and more stuff and to utilize the mayor's role with a bully pulpit to get more people to help with more stuff. I don't feel like that's taking anything away from the role of being a councilmember myself, but I'm interested in seeing what comes out.

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

[3:17:01 PM]

>> Alter: I just wanted since I was confused about something through this conversation when we got this yourself, I just wanted to throw out that we may through our committee discussion also want to talk about ad hoc committees of councilmembers, which I was previously calling task forces which I will no longer call a task force, but I think that may be an option where we want to be able to more openly have three or four of us have some conversations and bringing people to speak to us, and that may be a different format than what has been done in the past that may allow us to have more discussion without necessarily -- and I don't know how that intersects with the open meetings, but it would be something I would like to explore if that would be some format that might enable us to get more done. But I want to distinguish that's different from the task forces we are now talking about but something we might have called that.

>> Mayor Adler: That makes sense to call them standing committees and ad hoc committees or something like that. Ms. Houston.

>> Houston: This, again, is getting very tense. For example, I'm not sure where the vision zero atx task force came into being. I don't know who did it, does it have a time length, I know we give it money, I know they do good work, I'm not sure where some of the task force comes from. I know you didn't

appoint it but somebody did and there's no end date to that. So if a task force is going to have an end date, then all task force have an end date and product. Now, they did produce a product so those are the kind of concerns I have. Regarding the task force on institutional racism and equity, I saw the list of names that had been kind of suggested to be parts of those various subcommittees, and my question was all these are the same people.

[3:19:03 PM]

My role on this council is to increase the amount of input that people have from different parts of the city, and so I made several suggestions to add additional names, and it's my understanding that those names were made -- were added. But it's -- I think public perception about how committees are formed, task force are formed, who gets to be on them and if you see the same people on the same things over and over, then the community says this is the same thing we've always done. This is the same way Austin has always done business and there are no different voices on the committee. Everybody shouldn't be on there that agrees with one way of thinking. So I think there's some things that could be done a little differently and a little more intentionally so that we get the outcomes that I think all of us want is inclusion in a process to help shape and form the future of our city and not have the same people who are always down here, the special interest groups making those decisions for us.

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

>> Kitchen: Thank you. I think that -- I think this will be a good route for us. I just wanted to make a few other comments. You know, I think the mayor's task force on aging is a good example. That was appointed by -- that was passed by the council and there were points made to it. I think it benefited from the leadership that the mayor at that time brought forward with it. You know, someone had mentioned convening power, that's the way the mayor can bring forward some leadership but not in isolation, done as a team. You know, we had a the look of conversations when we first all ended up on the dais about how we could do things differently, how we could work as a team. So I want us to keep that in mind and part of our working as a team is all of us working together to on the things that make sense we all want to work on and bringing forward things like the resources, bringing forward some clarity, letting the opportunity for us all to participate in putting people on these task force, and then working with the special position that we've got with our mayor to bring some leadership to the table.

[3:21:22 PM]

But -- so those are the kinds of things I'm going to be looking for. I think that it is just critical that we really have some clarity around this and so I think that we've laid out a path that will help us get there.

>> Mayor Adler: It's been moved and seconded. Further discussion? Mayor pro tem.

>> Tovo: Yeah, I too agree with the direction. You know, probably a year or so ago I brought a resolution to the planning and neighborhoods committee and it directed the production of some research. And after a while it hadn't happened and we kind of checked in and it was because that recommendation never went to council to get the full vote and affirmation of the council. So it's just asking for some information, but it was extensive enough the staff very rightly said, you know, without a vote of the council, we can't go forward and initiate that work. And that is how our code, as you've heard, defines how a task force should proceed. It should have the vote of the full council regardless of whose idea it is to bring forward the task force, and certainly we may find and mayor you listed a whole lot of task forces I wasn't aware of and we may learn some very interesting things about how they were formed and they may have been formed just at the will of the council. At least one you heard did have appointments from the council, I know that because actual councilmember kitchen at the time was my appointment to the commission on seniors. So you know, we've done things differently through history, but in looking back it looks like ours was the council who actually added that ability into the code that says, you know, for those of us on the council who represent a district, we have to bring forward a task force for a vote of the whole, but the mayor has the ability to do it without a vote of the whole. Again, for the reasons that have been talked about, I think those are best done as a vote of the council and I hope that we can in this process consider that, not just aligning, but whether there's a real benefit going forward to the staff and to the community generally to have those be votes of the council to initiate those task forces,.

[3:23:28 PM]

People ask about them all the time and I think it's important for public transparency those be votes that have been here at the council and the public has an opportunity to participate or at least say, you know, we're interested in doing so.

>> Mayor Adler: Mr. Renteria.

>> Renteria: I would like to mention that we, you know, these kind of small type definitions, you know, it goes down the line especially I belong to the pan am recreation center advisory board. Well, technically we're not an advisory board. So clearly as staff said you can't use that name either, but we're still there and we're still advising them. You know, it just -- you know, we say okay, we won't call ourself advisory, but we advise the staff and what kind of projects and programs we should do on site and the staff really enjoys and appreciates the input that we give them back. So I -- I just don't feel like, you know, you should find just a different word and not call it a task force.

>> Mayor Adler: Anything else? Those in favor of the motion please raise your hand. Those opposed? Unanimous on the dais. And because I think we need just a moment of singing on the dais right now,



Saturday was councilmember troxclair's birthday. So I think it's important that we sing happy birthday to councilmember troxclair. Okay? Are we ready?

[Singing happy birthday]

[3:25:30 PM]

[Applause]

>> Mayor Adler: Halfway through I realized I had my Mike on. Someone needs to redact or destroy that tape.

>> Troxclair: Thank you. I thought I had gotten away with that one. So close.

>> Mayor Adler: Not here. All right. That gets us to -- next item on our agenda executive session items are passed. I think that gets us to the zoning and neighborhood planning. Why don't you walk us through those, Greg.

>> Thank you, mayor. Greg Guernsey, planning and zoning department. Our 2:00 zoning and neighborhood planning amendment items, items 41 and 42 are related. And we have postponements on those. Npa-2016-0013.01, various properties on south second street. This is in the bold -- bold increek neighborhood. C14-2016-0 on 077. The neighborhood and applicant are continue to go work on a private restrictive covenant and both parties have agreed a postponement is in order to your next meeting on the 16th so we have a joint -- I guess a request from the applicant, neighborhood concurs to postpone items 41 and 42 to February 16. Items 43, 44, 45 will be discussion. Item 46 for two properties on Vincent drive, this will be at 4:00.

[3:27:40 PM]

Item 47 for the property located at 623 west 38th street, the applicant requested postponement to March 2 agenda. 48 at 1301 west Koenig lane, applicant has requested a postponement. That concludes the items I can offer for consent.

>> Mayor Adler: So 41 and 42 are postponed to 2-16. 43 and 44 we need to consider now. And 45. Those we need to consider now. 46 we're going to call at 4:00. And 47 and 48 are postponed. To March 2nd. Is that right?

>> That's correct, mayor.

>> Mayor Adler: Mr. Renteria, let's call then this item 43, 44 and 45.

>> Mayor, did you want to take action on those postponements?

>> Mayor Adler: Okay. Is there a motion to postpone items 41 and 42 to February 16? Ms. Garza moves, Ms. Alter seconds. Discussion? Those in favor --

>> Tovo: These are the Bouldin creek items. I need the record to reflect I recuse on these items and I filed with the clerk.

>> Mayor Adler: Those in favor? Those opposed? Unanimous on the dais with the mayor pro tem recusing herself. Let's handle them --

>> Mayor, did you want to postpone 47 and 48.

>> Mayor Adler: Yes, 47 and 48.

>> 47 and 48 are both postponements, both by their applicants to, March 2.

[3:29:46 PM]

>> Mayor Adler: Is there a motion? Ms. Pool. A second, Mr. Renteria. Discussion? Those in favor please raise your hands. Those opposed. Unanimous on the dais. Those are postponed. That gets us then to -- those are all except 43, 44 and 45.

>> That's correct, mayor.

>> Mayor Adler: And my sense is that -- do you anticipate an agreement on the motion? Do we know?

>> Renteria: Yes, mayor. What my recommendation approve on first reading 43, 44, 45, with the exception of the increase of the height of the office building on tract 1, 2, 3 from the 60 feet after density bonus to 125, instead limit it to 70 feet on first reading.

>> Mayor Adler: A first reading only.

>> Renteria: Yes. And I just want to let you all know that there's an agreement on all except for the office building. And the community [inaudible] Have sat down and said they would like to have just a little bit more time to see if they could come up with a compromise on this issue. And that's why I'm making that recommendation, but I'm willing to sit down here and listen to the speakers.

>> Mayor Adler: Okay.

>> Renteria: Before we have a discussion on this.

>> Mayor Adler: Okay. So I can gauge the room, are there people here intending to speak today against the approval on first reading only of what councilmember Renteria just described? I ask that because we have 100 minutes of testimony signed up for this and I don't know -- because this will come back on second reading.

[3:31:56 PM]

Was it your intent to leave the public hearing open?

>> Renteria: I'm willing to, and I also see the chair so I'll just contact.

>> Mayor Adler: So my thought is that it might make more sense for people to speak next week when there may be moving parts. If not the question we would have as council is do we want to give people the option of speaking today or speaking next week as we have done in other instances? Ms. Pool.

>> Pool: I wouldn't be opposed to allowing it to happen on the 16th as well, but I want to make a note my understanding our agenda for next week is rather heavy. To the extent we can hear from people today, I would urge that we do that. Especially since they are here.

>> Renteria: I have no problem with that.

>> Mayor Adler: Yes, Ms. Garza.

>> Garza: I'm not sure if people that are here signed up to speak understood exactly what the mayor is asking because there are people signed up for and against. And so I don't know if the people signed up for are for -- I'm assuming for the 125 and that would mean that they would be against what councilmember Renteria just proposed. Anyway, I just wanted to point that out that just because there are folks here that I don't know if they know that what has just been changed. And I too would think it's good to hear from folks that have come here to speak today.

>> Mayor Adler: Okay. And I'm fine with hearing from folks too. Just to be clear, my understanding is that a lot of people in the community were supporting moving ahead on first reading, that that limited the height to the 68 or 72, whatever that range, not allowing the extra height for the tower on first reading, pending the additional conversations that are happening between the developer and the neighborhood where they were talking about additional height and community benefits.

[3:34:03 PM]

And that we would actually be hearing more on that next week. That's my understanding. So that some people would be voting -- would be supporting the first reading today not because they were expressing a final view on whether it had to be 68 or whether it had to be 125, but were more saying I support this moving forward today so that that conversation can happen. But I am real comfortable with letting everybody and anybody who wants to speak here today, but I would say that you have an option, you can either speak here today or speak next week. But not both. Accept from that the applicant so they can speak -- except from that the applicant so they can speak both now and next week and I would except a representative from the neighborhood or if there are two fractions then too so they would have an opportunity to address this potential and then speak next week. But for most people you have an election to make or a choice. Mr. Guernsey.

>> I'll present the case and we'll see what happens. These are items number 43, 44 and 45. I'll present them collectively together. These are the plaza saltillo. 43 case c14-2016-0050 and that affects Travis county 1, 2 and 3. C14-2016-0049, item 44, that affects tracts 4 and 5. And finally case c14-2016- c14-2016-0051, that's tract 6. The three tracts together comprise approximately 11 acres in size and the zoning change request is to transit oriented development, central urban redevelopment, neighborhood plan or tod cure np district zoning.

[3:36:11 PM]

The applicant is requesting rezoning to provide a range of medium family income levels of 60% including 30, 50 and 60% mfi on tract 6 under the tod density program which establishes a maximum of 50% level. To increase the height after a density bonus to 70 feet on tracts 1, 2 and 3. To increase the heights from 60 feet after a density bonus to 120 feet for the office building on a portion of tracts 1, 2, 3. And increase the height to 60 feet after density bonus to 68 feet on a portion of tracts 1, 2 and 3, tracts 4 and 5 and tract number 6. The plaza saltillo tod was created in 2008, updated in 2013. Designated as mixed use. Result in increased floors by using green building standards. Within the cure boundaries there is -- these properties can apply for cure rezoning. There are also capitol view corridors located within the view shed for a portion and there's exhibit D shows that in a little more detail. The existing land use on the property are capital metro rail facilities, rail and rail facilities. To the north is T.O.D. Np anchor door mixed use. There is multi-family, restaurant, retail, to the south of this property is also mixed use. There is limited industrial, manufacturing, petty cab storage. To the east is mixed use, plaza saltillo itself, which is a transportation terminal and the cocktail lounge and to the west is I-35 frontage road to mixed use destination.

[3:38:17 PM]

Also capital rail facilities. This was recommended to you by the planning commission. They recommended -- the staff recommendation which included some references to requiring transportation permits in the tia. The recommendation came to you on a split vote of 9-4, and they recommended that there are mechanisms that will ensure affordable housing units on tract 6 are constructed in appropriate time frame in relationship to the rest of the overall project, item number 2 that staff would examine options for future participation and increase number of affordable dwelling units up to 25%. Levels as described in section 4.3, the plaza saltillo regulating plan. The planning commission wanted to note it does not intend for support of the height increase on this project to be considered as a guiding precedent for the overall area. The planning commission did support the height request on the zoning cases because of the specific issues, namely that this is the plaza saltillo and located within a -- the project is located in central urban renewal combining district which allows a greater intensity in order to promote revitalization and the location of the proposed 125-foot I would abouting is located closest to ih-35. I believe the applicant has a presentation that they would like to make to you. Staff is available should you have any comments. Or you can bring us up later.

>> Mayor Adler: Any questions for staff at this time? Bring up the applicant. Mayor pro tem.

>> Tovo: Just one quick one. I'm still trying to understand the affordable housing housing benefits on this tract and how closely they comply to the transit oriented development requirement.

[3:40:19 PM]

>> I think --

>> Tovo: I've got a whole bunch of data in front of me that just generally does it comply, if you can quickly answer whether it complies --

>> Housing in this particular

[inaudible]

>> Tovo: 2, does it comply with what had been proposed and offered as part of the rfq process?

>> Hello, Rebecca, assistant director of neighborhood and housing and community develop and joined by Sandra Harkins. The -- mayor pro tem, the compliance to the regulating plan, the change the developer would be -- overall residential component versus the overall square footage of the development. So from the regulating plan perspective the affordable housing requirement, the development -- the developer is asking that instead of the overall square footage of the entire tract be considered, that the on site requirement be just applied to the residential. I think I repeat myself but I wanted to make sure I answer holistically.

>> Tovo: I appreciate because that was helpful. I knew there had been a shift so it would be a significant shift because we're moving from 15% of the overall square footage to 15% of just the residential component.

>> That's correct.

>> Tovo: So the net result is significantly less affordable housing, I would assume.

>> The net result is a reduction by 43 units.

>> Tovo: Okay. So -- and that is the change that we are being asked to contemplate here?

>> That's correct.

>> Tovo: Okay. Thank you.

>> Oh, and on the second part of the question, I would -- I would defer to the appropriate party. I cannot answer the question as it relates to what the rfq indicated.

[3:42:21 PM]

>> Tovo: Thank you. And I have information of that sort in my file. I just need to find it. Thank you.

>> Mayor Adler: Ms. Pool.

>> Pool: And I have a question. When the motion was made by councilmember Renteria, you talked about limiting the height of the towers. But then when Mr. Guernsey read it, he talked about the 125-foot height for some of the towers. So what we are -- what the motion is is for the lower tower, which is not what is in the staff recommendation. Correct?

>> The -- the height being contemplated would not impact the affordability requirements that are being put forward for consideration.

>> Pool: And then that will help to explain to the community members who are here to talk to us about what they want to see at that site based on what the staff recommendation is or what councilmember Renteria has the motion that's on the table.

>> That would further inform it. I want to be clear, the height change would impact a fee in lieu that is being considered for the commercial component. So currently right now the fee in lieu is being contemplated at 600,000, and so changing the height on a commercial component of the property would potentially impact the fee in lieu.

>> Pool: Could you also speak to the cure request?

>> I'm going to defer to Mr. Guernsey for that.

>> Pool: Okay. Mr. Guernsey. Would this be a good time to bring up Mr. Guernsey now?

>> Can I ask an affordable housing question? That's okay.

>> Houston: Mayor, Mr. Guernsey, we started using acronyms again and this is the first time we've had a cure. So if you would say to the public that are watching what cure means.

>> It's a central urban -- this says renewal, I think it's redevelopment combining district.

[3:44:23 PM]

It allows flexibility to change in this case the height limitations, but you can change standards, our site developments standards, you can reduce parking requirements, you could increase height and that's what's being suggested in this case. I know the motion I heard earlier was to limit the office to 60 feet in this case, this would be allowed as a tool to go up to 125. And so that is I think what is being requested by utilizing the cure.

>> Pool: That's how that request plays into it. The original plaza saltillo regulatory plans are the lower height.

>> Yes. There are bonus provisions they could take advantage of and they are asking to go above and beyond those with this request.

>> Pool: Right. And the motion is not to allow that.

>> That -- that councilmember Renteria has proposed, that's correct. A lower height for the office tract.

>> Pool: And then I just had one last housing question. Could you tell me how many units -- hang on a second. Would buy down for the city? Are they like two one bedrooms or one two bedroom --

>> What's being contemplated are two one bedrooms, but it is an excellent point, so the fee in lieu, although we may receipt those funds, what is considered and what we would recommend is that they be put forward for subsidy of additional on site.

>> Pool: And that does make me ask one additional question. The mix of units with more bedrooms views fewer bedrooms, can you run us through two and three-bed rook units versus one and studio?

>> I do have that. Sandra, if you've got that handy, you might want to come up. I don't know if my chart is the most recent.

[3:46:24 PM]

>> I'm right here. Currently for the 41 units that are proposed for tracts 1 through 4, which is considered the endeavor tracts, those are going to be floating units, and then for the tract 6, which is the 100 unit -- we're referring to it as the 100-unit tower, proposed are 16 one-bedroom units, one two-bedroom unit and that is at 50% mfi. Excuse me. 30. At 50%, 43 one-bedroom units, two bedroom units. 60% mfi, 31 one-bedroom and two two-bedroom. Four market rate, two one bedroom units and two two-bedroom units.

>> We're happy to put this in a Q and a so it's more available in writing.

>> Pool: That's great. I think as we move to second and third reading, I would like to see more -- a higher percentage of the two bedroom and the three bedroom units. See if we can try to accommodate families a little bit more completely.

>> Understood.

>> Tovo: I see councilmember Garza has a question. I'll call on her in just a minute. If there's ability to make a copy of that chart, that would be useful. And I'm too interested in how those affordable units mirror the other units that are being constructed on the site.

>> Very good.

>> Tovo: In terms of bedroom counts so I guess we have an opportunity to talk to the developer about that in a minute. Councilmember Garza.

>> Garza: I think you got to it with councilmember pool's questions, so right now there's a 600,000 fee in lieu required -- that's just the additional from 70 feet to 125? Is that right? Or is that the entire tower?

[3:48:24 PM]

>> That would be for the bonus area.

>> Garza: So the 70 to 125.

>> Correct.

>> Garza: Do we know what the -- so it would be 600,000 less if we go to 70.

>> Or we don't know that final number, but the developer has indicated, of course, that with a lower bonus area that the fee in lieu would be reduced. I just don't know that number. They might be able to speak to that.



>> Currently right now the -- the fee in lieu is being calculated at \$10 for 60,000 square feet. So just adjusting the height would just potentially impact the fee in lieu that is being realized from the commercial.

>> Garza: Okay.

>> Tovo: Councilmember Renteria.

>> Renteria: Now, the fee in 60 feet.

>> Sandra, can you talk about what is being -- what -- yeah, we might need some help on that piece.

>> I'll get Mr. Guernsey to help me with this.

>> I think it's -- we're talking about the difference of the height. Is that what you are asking?

>> Renteria: Required to put 10% of affordable housing on that office -- that's where the fee in lieu comes in.

>> Increase floor area established by the -- that's not there. The maximum height of building is described. You are talking about the difference of going from that base height up to 120 feet and with the proposed motion on the table that would be lower, so the effect would be is that that amount would be reduced.

[3:50:25 PM]

>> Renteria: Okay, but that -- instead of a fee in lieu, we could require them to offer us 10% of that space for affordable housing.

>> You could, yes. What the developer has requested that we have moved forward is that the requirement not be -- the requirement of on site not be applied to the commercial. If that answers the question. But yes, you could. The overall square footage based by what the regulating plan presents could be considered.

>> Renteria: Thank you.

>> Tovo: Councilmember Houston.

>> Houston: Thank you. The map is gone down, but I think it's tract 6, the one in the very back, is that the tower where we're going to place all of the units that are affordable and some market rate, I mean there in the back of the project, is that where these units are supposed to be found?

>> Yes, ma'am, tract 6 is what is being presented as the tax development application. The potential for the tax development application and where the affordable units, the majority of the affordable units tower would reside.

>> Houston: Okay. And Austin independent school district, are we supposed to get a -- what do you call that? Educational impact study, is that in the backup?

>> Refer to Mr. Guernsey on that. We'll definitely check. The ei -- it is typically part of the packet.

>> Houston: Because I think what -- what I'm concerned about is more units that have bedrooms for families with children or single parents with children so that they can then populate the schools in the area.

[3:52:29 PM]

So I didn't hear very many three-bedroom. You probably have it -- you are going to get that to us. And then one last question, help me understand what floating units are. I'm not sure I understand that.

>> Floating units would be that they are not necessarily being designated to a particular address or unit number, but that in our monitoring we would require that at all times a particular percentage be present and that income eligibility be monitored to -- as well as the rent rate being monitored at all times. It's just not requiring those specific units physically be designated. So it allows for the integration and the dispersement throughout.

>> Houston: Is that throughout tract 6 over the other residential towers?

>> The other residential towers.

>> Houston: And how many floaters do we have? I've got those in my eyes, by the way.

>> 41.

>> Houston: The longer -- the more I see.

>> You never quite see them.

>> Houston: See, that's my problem with this kind of thing, sometimes you see them and sometimes you don't. I'll having a problem with the units because I don't know which ones are which and how long they are going to be there.

>> Understood.

>> Houston: I'll have some more in a minute.

>> Okay.

>> Tovo: Mayor, I believe we've had several questions from the council and if we don't have any more, I think we're ready to go to speakers.

>> Mayor Adler: Okay. Then we'll go ahead and begin with the applicant. The applicant can open with five minutes and close with three minutes. In this case you also have donated time if you wanted to use it.

>> I think I can do mine in three minutes. Thank you. And thank you, council, for allowing us to -- have the -- us to have the opportunity to speak to you today.

[3:54:36 PM]

The reason we're here is after two and a half years we have completed the agreements necessary to move forward with the development of plaza saltillo. As a part of this project, capital metro has asked endeavor to add an office component to the project that will drive up transit ridership, increase revenue and create a more sustainable community. At I-35 and comes with an additional affordable fee to further affordable housing initiatives in the neighborhood. We also need eight to ten feet in height to build four levels of residential over retail as contemplated in the T.O.D. Stationary plan and in endeavor's proposal to us. There are numerous merits to this project. It turns a brown field site into a dense development that makes it easier and more efficient to serve with transit. This would be the largest T.O.D. Built in the city and offers more transit modes than any other development. It will also feature one of the region's most diverse mobility infrastructure programs including bus and rail. We'll also have electric vehicle stations, reserve spaces, a B cycle station and extension of the Lance Armstrong bikeway. Adding the office component adds daytime activity that will further support the neighborhood retail and create a more vibrant T.O.D. And support stronger transit ridership. We anticipate that with this project ridership will increase by more than 1700 daily trips. From examples across the country, we know that T.O.D. Residents use transit at high rates and numbers are even higher for commuters coming into the development.

[3:56:43 PM]

As capital metro negotiated adding the additional height to the office building generates an additional \$36 million in revenue to capital metro from endeavor over 99 years that can be put back into the transit system for much needed service. In addition, that extra height will generate an estimated additional 22 million in incremental tax and fee revenue to the city of Austin over a 99-year period, paid

by endeavor. Finally, affordable housing is an integral part of the development and will be provided in accordance with the saltillo regulating plan with at least 15% of the housing dedicated to income qualifying residents who earn an average of 50% of Austin's mfi.

[Buzzer sounding] We're very happy about the project. We remain committed to it and I will end there.

>> Mayor Adler: Thank you. Yes, Ms. Garza. Hang on one second.

>> Garza: Hi, Ms. Watson. So thank you for that overall perspective. And so what's been -- what's been moved is reducing from the 125 to 70. And so I'm wondering if you can articulate how that affects -- how that affects the revenue or community benefits, whatever that brings to cap metro so we can understand the decision before us.

>> The additional height gives us the ability to have office which we wouldn't have without that. The office brings a component where you have all day activity rather than just people living there and then the commercial development.

[3:58:44 PM]

And so that brings additional ridership to the transit system. When you have people commuting there to go to work or living there and walking to work, it is a big benefit to us. In addition to the revenue, which is about 36 million over the life of the project, 99 years, as you probably know, capital metro has a lot of service needs out there, and it's going to be difficult to provide everything the community wants and needs in terms of transit. So any time we can increase revenue that can be put back into the transit system, that's really good for this community. We rely heavily on federal funds and with the new administration we do not know the outcome of what might happen to federal funds. There have been a lot of discussion recently about whether they should continue. So every dollar we can find for more transit service is really important to us.

>> Garza: One more question

>> Garza: One more question. Serving on the board there was a lot of question about the community benefits and something that some of us strongly advocated for was a living wage for the construction workers in addition to safety standards. I just want to make sure I understand that what is the -- the way I remembered it was as I kept asking, we kept asking as a board for those additional benefits, that's when the additional request for height came in. You know, okay, we can maybe make this all work out if this happens. So do you know or is this a question for the developer?

[4:00:46 PM]

If we were to pass this on all three readings at 70 feet how does that affect those worker protections and safety benefits?

>> The worker protections remain intact whether it's at 70 or higher.

>> Garza: Okay. That's great information to know and I want to thank the developer for staying committed to that.

>> Mayor Adler: Ms. Kitchen?

>> Kitchen: Just to follow up and make sure I'm understanding, the 36 million over 99 years, is it -- does that apply to the whole property or is it the difference in height that's being proposed results in that much less that cap metro receives?

>> It's just for the additional height. We will get additional revenue or other revenue from the rest of the development.

>> Kitchen: And can you just remind me how that's spread out over the years? So in other words, if we just do the math that's about 2.57 per year. So do you remember if that's pretty much how it works out or is it ballooned in any way or anything like that?

>> It's pretty much spread throughout the term.

>> Kitchen: All right. Thank you.

>> Mayor Adler: Mayor pro tem?

>> Tovo: Thank you, Ms. Watson. I wanted to talk a little bit about -- if you could speak to, and I'll ask the developer as well, the original commitment, I believe, was for 25% affordable housing, and it sounds to me as if it's now down to a 15%. Can you speak to from capital metro's perspective why has that happened and how does that change?

>> From the beginning in our negotiations and in our discussions within endeavor and the other finalists, we understood that endeavor was willing to do 25%. 15% that we would provide and up to 25% if the city were to participate.

[4:02:53 PM]

That was our understanding from the beginning of the process and that has not changed throughout. There have been some public comments. I believe you've probably heard them made about affordable housing at 25%, but that wasn't really a drill-down of all the -- of all the information, but as we were

discussing behind the scenes -- as we have been discussing, the board and the staff with the developer, that has been the case.

>> Tovo: Is there a way -- I have heard actually that, yes, that sentiment for the community for last several months now at least including possibly some who were involved in the process, the original process. What would be the best place to get -- if I were to go back and look at the documents that codified that drill down understanding that 15% was only -- their commitment was 15% and it was only 25% if they had participation from the city, where would I find that back in those original documents?

>> We will be able to release those documents once we have a contract finalized. Our procurement policy requires that those stay where -- with staff and with the board until we finish the procurement.

>> Tovo: I wasn't sure if they were codified in any of the minutes at the time that the cap metro board may have had during their negotiations and discussions. I think the media articles may have captured that 25%, not the -- not the caveat that that was only with participation. I wasn't aware of that until just this very minute.

>> As we work through all the proposals and had questioned and asked for additional detail, in particular all of those kinds of items were sort of fleshed out and so literally from the very beginning we understood that to be the case.

[4:04:54 PM]

>> Tovo: Okay, thank you.

>> Mayor Adler: Yes, Ms. Alter? Quality I wanted to clarify the math in what we're thinking of in terms of missing the difference of the 36 million for the 70 feet to the 125 plus the 22 million.

(Alter). We do that over 99 years and that's about \$580,000 a year in revenue that cap metro is expecting to get with none of that adjusted for net present value because \$580,000.99 years from now is not going to be worth what it is now. Is that the way we should be thinking about those numbers?

>> Yes. It's about four million dollars in present day value, but if you look at it over the length of the 99 years that's where it calculates to 36 million.

>> Alter: And how big is your budget for capital metro?

>> Just under 300 million.

>> Alter: Okay. Thank you.

>> Mayor Adler: Okay. Any further questions? All right, thank you. Ms. House, I think you're actually the applicant. In fact, why don't you come up. You will have five minutes.

>> I think I had some townated time, mayor.

-- Some donated time, mayor. >>

>> Mayor Adler: And those a people donating their time would be using their time instead of next week.

>> Okay. I could just get through it in five minutes. Thank you very much. Good afternoon, mayor, mayor pro tem, and councilmembers. I'm Michelle Hausman with land use solutions representing endeavor real estate group. I think he's pulling up my presentation quickly.

[4:06:56 PM]

While he's pulling that up I can address some of the questions I think that come up in the last week. There had been some confusioning regarding the height of the office building on the block adjacent to I-35, which is the 125-foot proposal. And the planning commission supported the 125-foot tall office building on that block, on January 10th. And we understand that the motion that councilmember Renteria has made is to not support that particular request and only allow the 70-foot tall office building on that site. We wanted to make clear today that we will build a 70-foot tall office building on that site if that is what the council prefers, however we also want to make it clear that we think the taller building would be more appropriate for the project and that there are significant economic benefits to both capital metro and the city of Austin associated with the taller building. The employees associated with the additional office space will help activate and increase the demand for the residential and retail uses as well as ridership to capital metro. As Ms. Watson mentioned, our projections show that the increase in the height will allow a 36 millions over 99 years to cap metro with just 175 for the office building, and again that is approximately four million dollars in today's dollars, as well as our projections show that the increase in height of the office building from 70 feet to 125 will generate an additional 21.6 million in property taxes made by endeavor to the city over a 99-year period, which using the city's formula is equivalent to receiving \$2.6 million today. The taller of the building will also generate an additional 500,000 in affordable housing fees. This does not include the additional taxes endeavor pays to other entities such as aid and the county. So that total to the city is \$3.1 million. So I'm going to quickly go through this presentation that shows the project to the public.

[4:09:04 PM]

So here is an exhibit that is on fifth street. You can see the 68-foot tall buildings that have retail on the first floor and they have residential on the top four floors. It's called five over one, which was anticipated in the plaza saltillo regulating plan. You then see the glass office building, that is the 125 feet

that is on the tract adjacent to I-35 and then it steps down to 70 feet adjacent to I-35. Capital metro goals, I know Ms. Watson mentioned some of these, so I will restate that quickly. This is 'implementation of 20 years of planning. The first was 1999 east Cesar Chavez neighborhood plan, mix used, green space and promotion of transit and the implemented that plan with the transit oriented development, which included affordable housing, connectivity and open space. And 2011 imagine Austin affordability and compact and connected. We have had a significant community outreach process. It's been two and a half years since the rfp process, which was the planning and community outreach. And March of '16, capital metro held an open house for the public as well as they approved unanimously the proposal today. In June of '16 we presented to the east Cesar Chavez neighborhood planning team to give them an update of the project and the zoning cases. And between June and December we did not hear any opposition from the community, and when we did hear opposition we then presented to the eccna team again in December and January 4th. As Mr. Guernsey described you see the light blue. That's an increase in 10 feet. The Orange is the increase in 65 feet, which is the 125. And then the green the remainder is the 68. You see the pink color on the end, which is called block 6, and that we are requesting an average of five, which is 30%, -- of mfi, which is 30%, 50% and 60%, which is called for in the regulating plan and the affordable fee of \$600,000 for the commercial space only.

[4:11:22 PM]

So here's a pocket park for pedestrians and bicycles. Paseo. You see here another view, fourth street at Medina looking west and you see the rail line. Reconnecting people, parks and places is one of the important aspects of the regulating plan to connect north-south and east-west. You see here there are pedestrian connections in the pink color, Orange bike crossings and new vehicular crossing on San Marcos.

[Buzzer sounds] I'll just wrap up to say that in our view we hope this information is helpful in making your decision regarding the height of the office building on I-35, but this is not a decision for us to make in our view. This is a policy decision that you need to make. Endeavor will build either project. It's your decision, and we respectfully request support of councilmember Renteria's motion. Thank you.

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

>> Tovo: Thank you. I'm still trying to understand this yellow chart and what -- and you may be the best person to describe this. So the yellow chart is about the bedroom count and how the affordable units match, how close -- whether the bedroom count of the affordable units looks like the rest of the project. But I guess I have an overall question. Since this is an area where we certainly want to encourage families with children, it's in an area near two schools that are -- that have some enrollment challenges and, you know, it's certainly a goal to have families with children, as several of my colleagues have said. And I'm surprised to see -- so there are no three bedrooms and there aren't a good number of two



bedrooms either. The majority of the units have just the bedroom count of one. So I wondered if you could speak to the overall rationale there.

>> Sure, I'd be happy to. Thank you. The overall rationale was the unit count mix is based on a market study that was done in this particular area of the types of units that the market could bear.

[4:13:33 PM]

And that is 84% of one bedrooms on tracts 1 through 4. And on tract 6 -- I'm sorry, 84% of one bedrooms and 16% of two bedrooms. And what we would call the endeavor project, which is a total of 700. On tract 6, 90% one bedrooms and 10% two bedrooms and again that was based on the market study.

>> Tovo: So the -- are the affordable units -- do the affordable units fall along the same percentages into those two categories of one and two bedrooms? I haven't had the energy to run the percentages here myself. Up here on the dais. And then can you talk about the floating units and why that is? I think this is -- as councilmember Houston said, I'm not sure that we've encountered that before. Why is that the concept that you're promoting here?

>> Sure. And to answer your first question, it is yes the mix matches for the affordable units as it does the market rate. And the concept for the floating units is to have the finishes for the market rate units and the affordable units. And if a person or family comes to qualify for a unit, a unit is available for two bedroom or one bedroom, those will float and mix depending on the market and what type of person comes to qualify for those units. So there's not a differentiation between these are the affordable and these are the market rate. They're just mixed together and they float. So it's not affordable on one side and market rate on another.

>> Tovo: I think that certainly sounds like a great plan with the perspective of the residents. I'm a little concerned about the monitoring. I know that they intend to monitor that, but that would seem to make title more challenge willing. Are there other projects within the city of Austin that have that type of floating affordable unit -- that the affordable units float depending upon the vacancy and the residents' income level?

>> I'm not aware of any in hcd.

[4:15:34 PM]

And the pointing issue we have worked with hcd now for 10 months and will continue to work with them throughout this process and to ensure from the very beginning that the units will be available and monitoring will ensure that these units are affordable.

>> Tovo: Thank you.

>> Mayor Adler: Ms. Pool?

>> Pool: Thanks, Ms. Hausmann. I was looking at the chart that was put up from our staff and I don't know who should answer this one. I'm looking at tract 6 break out. Right above this it says on tract 6 there would be 10 units, but the number of breakdown is only 8.

>> Can you go to slide 22 in the presentation? We have that breakdown.

>> Pool: So you can see where it says 10%, 10 units, number of two bedrooms and right below it is for tract 6. If you add the one, three, two and two, there's eight.

>> It's just a little outdated. We have new numbers. If you can go to 22, please. Actually, 20. So here are the numbers. If you're talking about tract of, the one bedroom units there will be 90 of them and two bedroom units there will be 10.

>> Pool: Right. And this says 10 on also, but down blow it where it breaks it down on the 30, 50, 60 on market rate it only adds up to eight. So I'm losing two units.

>> I think the chart you're looking at just has a mistake on it where it's missing two units.

>> Pool: And which one would it be at, the 30, 50, 60 or market?

>> I don't know. Off the top of my head. I'd have to check and get back with you.

>> Pool: And maybe we could get more information before second reading.

[4:17:36 PM]

I would like to see how this proposal varies from the original plan that endeavor offered that some of the contact teams have. And I do have copies of the community benefits and the mix, the retail housing mix that were provided previously. And I can give you guys copies of this too, but of course you have them. I would like to see how or whether the proposal shifted from when it was first presented to the contact teams and the neighbors and where it is today. So I can pass this out to the dais. There's two pieces, so y'all can grab a stapled piece and then a plain piece behind it. The reason I bring that up is we've had concerns from the contact teams and the neighbors that there had been some changes so I wanted to give you guys some opportunities to show where that might have been.

>> Sure, we're happy to. And as Ms. Watson mentioned, the 25% affordable housing that was mentioned during the rfp, it was 15% provided by the developer and 10% provided by the city. I know that's been a question throughout the process.

>> Pool: Thank you.

>> Mayor Adler: Ms. Alter?

>> Alter: I wanted to clarify something if I'm understanding the fiscal impact of the increase in height and I think your numbers differed slightly from what we heard before. So the net present value of the 36 million is four million, but then the net present value of the 22 million would be the 2.6 million? Is that correct? And then --

>> Yes.

[4:19:36 PM]

>> Alter: So there's two -- those two parts, that present value for one is four until and the present value for the other is 2.6 million. And you went really fast on the fees part. Is that the marginal difference on the fees or for the whole project?

>> So the difference in fees between 70 feet and 125 would be an additional \$500,000. So if it remains at 70 feet, the fee-in-lieu would be \$500,000 less.

>> Alter: And that's the affordability. And there were some other fees that you mentioned as well.

>> Yes, ma'am.

>> Alter: It sounded like.

>> That's the only fee that would change.

>> Alter: So in terms of the fiscal impact, just thinking about that difference in height, we might shorthand it to say the net present value of the four million from the 36 million part from the rent and the 2.6 million from the taxes.

>> Correct.

>> Alter: And then the 5 Hupp thousand for the -- 500,000 for the affordability fees.

>> It's 4 million for cap metro and 3.1 million for city.

>> Alter: Thank you.

>> You're welcome.

>> Mayor Adler: Ms. Garza?

>> Garza: Back to the units on the tract 6. So you said this sheet was I believe outdated. This sheet showed four at market rate. So that is not the case anymore? The numbers I saw were 90 and 10. So is there no market rate now in tract 6?

>> No, that chart that we showed was the affordable housing piece. So it's approximately five units. It could be six, it could be five, could be four market rate units within that block 6.

>> Garza: Thanks. I was concerned about an entire building just affordable. I think it's important to have some market rate mixed in there.

>> Yes.

>> Mayor Adler: Anything else before we go back to the room. For the people who were speaking against this I want to give one person the opportunity to speak both today and next week.

[4:21:43 PM]

And I don't know if Jose Valero wants to be that person.

>> I'm sorry, I didn't hear the part after the opportunity --

>> Mayor Adler: We're letting people choose whether they want to speak this week or next week, but applicant will speak both times so I wanted to give the neighborhood an opportunity to speak both times as well.

>> Yes, that will be me.

>> Mayor Adler: Proceed.

>> As far as the other speakers, we have one person that may not show up. I'm Jose Valero, I'm the chair of the east Cesar Chavez planning team. And first I appreciate the bifurcation of the discussion here from the 68 to 70 height and later when we start discussing possibly going higher than that. There has been some discussion on the 125 feet piece, so I feel obligated to speak on that as well. And I'd also like to level set the position of the Cesar Chavez team. We have not had an opportunity to vote on the 68, 70-foot proposal yet and we haven't had the opportunity to vote on the current affordable housing plan within that 68, 70 feet paradigm, but I do feel comfortable saying that I don't think if the affordable housing piece is truly the best we can do at this time, that you will find a lot of opposition on the 68 to 70 feet piece. But again, we'll talk more about whether that assumption is true or not. And again, we very much again appreciate the bifurcation of the issue so that we can meet next week, see a proposal

on the height, what affordable housing that extra height might bring, what further community benefits that might bring and we are fully engaged with the developer, with capital metro.

[4:23:47 PM]

So that's just to ask -- that's really just to avoid the temptation to amend the motion to vote and go higher than 70 feet because we are really actively trying to find a way to support something like that. And our team obviously is in one of the most challenging neighborhoods in the city of Austin. We are a resilient community. We adapt to change and we really are truly trying to find a way to support capital metro in this project. We understand the need for housing in the center city. We understand that we're changing to a higher, denser type of construction. And we certainly support affordable housing. We are a community that is inviting affordable housing in a time when some communities trying to resist that affordable housing. We also understand that this is a capital metro project, our transit provider, and we want to support them as well. We want them to generate that revenue, to improve that service, and to be able to provide something to the people that need affordable housing as well. So we are sincerely trying to find a way to be behind this. So it's unfortunate that it's just for and against and not working on it somewhere in the middle ground there. So -- but we truly have an incredible opportunity. This is an 11-acre development in the center of Austin. We have a generational opportunity. And more to the point an obligation --

[buzzer sounds]

>> Mayor Adler: You can finish your thought.

>> I thought I had 12 minutes or is this just the --

>> Mayor Adler: You can, but the people that then donate the time are doing it in lieu of speaking next week.

>> That's fine.

>> Mayor Adler: That would be Jim Duncan --

>> There are other people associated with me that have donated their time.

>> Mayor Adler: Hang on one second. I'm sorry. So Julio Perez is here? Is he here?

>> We have others.

>> Mayor Adler: He's not here.

[4:25:50 PM]

Would you go ahead and give your name to the clerk? Is there anyone else donating time? So you have three more minutes.

>> Three more minutes.

>> Mayor Adler: Would you give your name to the clerk, please? Go ahead.

>> So within the 68-70-foot component we really want to make sure that the affordable housing is maximized. And I think, councilmember tovo, you've already addressed some of these issues. Is 15% of residential space versus 15% of the total area really the appropriate calculation? Early on we had a mention of a positive possible and additional 43 units and that has dropped off of this conversation and we need to find a way to get those 43 units back. We are very, very much dependent on you all. We are volunteers. We need to stress that you all are working for us to maximize that affordable housing. Again, we did vote in opposition to the plan as proposed at planning commission, and one of those -- the first major concern was whether this was the best we could do on affordable housing. The other was the office tower and what kind of precedent this would set for taller buildings in this area. And it will set a precedent because at planning commission a building nearby that was 80, 90 feet was listed as a reason to support this one. So that will happen. So if you do go higher, we ask that you bound that exception, that because it is cap metro, because it's cure, because it's near the highway, because this is a unique circumstance, if you do go higher. And I think it's also time to move past just is this -- are they meeting what the rfq said? Maybe they are, and that's important and this is not an attack on endeavor, right? But are we properly balancing the entitlements that they will receive with the affordable housing benefit that we will also receive on that area? So I do think it's important to go back and look at the rfq process to look at the proposals, to look at the videos that show 25% as a very real possibility and compare it to the currently requested entitlements.

[4:27:52 PM]

But I also think it's important to fall back on what's really, really key, is this truly the best that we can do with the affordable housing piece? And I think it's going to take time whether it's 60, 70 feet or possibly higher, to address those issues. And then lastly I would just like to highlight again, let's find where those 43 units went, make it family affordable housing. Again, schools are having enrollment issues. So we very much are relying on you to help us through this process. And if you can do that I think you will find a contact team behind you. Thank you for your time.

>> Mayor Adler: Thank you very much.

>> Mayor Adler: Now we're getting into speakers where you have a choice to speak this week or next week. Ken Johnson, do you want to speak now, this week or next week? Okay. Dan Alvarez? This week or next week?

>> This week.

>> Mayor Adler: That's fine. Come on up.

>> Hello, councilmembers, mayor. My name is Dan Alvarez. I've lived in the ecc for five years. I actually live one and a half blocks from this project. My property faces adicate street between third and fourth street. So I would argue that no one in the neighborhood is more proximal or will be affected more by this project either in its advancement forward or in its continued delay. In regard to the overall scope, design, including the 125-foot variance, I'd like to express my full support of the project. I think everyone involved thus far has done a wonderful job of creating something that will really tremendously benefit my family, the neighborhood and the city at large.

[4:29:55 PM]

Most importantly the pedestrian corridors. Right now there are no sidewalks in the area. There are no bike lanes. There's no way to cross the railyard except on waller street, which has no sidewalks whatsoever. You're walking with traffic. And that's the only north-south passageway. This new project brings miles of sidewalks, bike lanes, north-south passages through the railyard. In fact, I biked over here today and I didn't see a single sidewalk down Adi cate or down fourth street. It wasn't until I got to the highway that I found a sidewalk. So please, let's get this project going and get those pedestrian passageways. Additionally the benefits of this project, they're all kind of self-evident, but we're going to clean up a desolate railyard which has just been a magnet for dust and debris and illegal dumping, homeless encampments, crime. Just last week on on street two armed gunmen entered the pedicab headquarters with guns drawn. They came out of darkness of the railyard and held up a neighbor and business owner in the area. So let's clean that up. And perhaps nearest and dearest to me and my family's desires are the increased park space. Right now the closest park to our neighborhood is comal park, which if you've been over there you know it's not a playground for children, but it's a playground for drug dealers and prostitutes. And no one in our neighborhood uses that park because of that. So let's get those parks. The economic infusion of this project greatly benefits all of us in the neighborhood. It benefits us. And I think more than just being a neighborhood issue, the scope of this, this is a city issue and this does wonderful things for our city. Voted the best city in America to live, right? Let's continue that forward. Speaking specifically to the 125-foot variance, I would say that historically there's been a stark differentiation between east and west Austin and I think the gradual stairstepping down from west to east actually provides a tremendous esthetic to our neighborhood.

[4:32:06 PM]

As my neighbor Barbara mentioned, we're not interested in protecting our view of the highway. 15 years ago I moved into the neighborhood --

[buzzer sounds]

>> Mayor Adler: Finish your thought.

>> Because I had seen a rendering of what could be on the saltillo rail corridor and I've lived by it for 15 years and seen nothing happen. My children are two and four. I want them to be able to play in these parks before they're out of the house. Thank you very much.

>> Mayor Adler: Thank you. Mr. Duncan, do you want to speak now or next week? Today? Come on up. Is froc Baylor here?

>> [Inaudible - no mic].

>> Mayor Adler: Okay, thank you. You have six minutes, Mr. Duncan. That means you're also waiving your opportunity to speak next week.

>> [Inaudible].

>> Mayor Adler: I'm sorry?

>> [Inaudible].

>> Mayor Adler: So Mr. King is also donating his time to you. That gives you nine minutes. And Mr. King and Mr. Froc will not speak next week.

>> I may not need all this time.

>> Mayor Adler: And Lottie Daly as well. So you have 12 minutes and these four people won't speak next week.

>> First of all, when I was asked whether I was for or against, it was hard because I'm definitely for plaza saltillo. I think it's long overdue and we're all excited. But I have concerns -- what I have concerns about is how it's morphed since it was first went through the selection process in 2014. It was interesting, Michelle and I started out our presentations the same basically.

[4:34:09 PM]



There are three plans that we need to go. And I always start my presentations by the mandatory planned cities. You know our city charter. So how does this project measure up? My interpretation is a little different because if you look at all these plans, the east Cesar Chavez, the plaza saltillo plan and the imagine Austin, all of them are very, very strongly neighborhood oriented. And I think that's really the big difference between Ms. Watson's presentation. Cap metro is looking at this as a revenue driven. I'm looking at it as neighborhood driven. We're all for the project. That's a non-issue. My interpretation is that all of the plans strongly emphasize the importance of maintaining neighborhood scale, character and culture, family friendly features and housing affordability. Let's go back to the endeavor proposal of 2014. We all know this. It's 820 units, 25% affordable, 112,500 and basic I read 40 feet, but 60 feet, that's a non-issue at the low rise area. What I think is important, could answer mayor pro tem's question, is the missing question of this is an actual display that endeavor used in 2014 of what they were offering. Number one, they said they would not come back for any variances. Well, we can forget about that one because we're here today. But number two, and I think it is very clear, 25% of affordable housing, half of which will be dedicated senior and half of which will be mixed in with the market rate multi-family. That comes to 200 units. 200 of 800. So I don't know why we're spending so much time querying about -- my good friend Jose, where is the missing 41, I want to know where the missing 100 is. Next let's look at what was approved in 2014. And I think those of you around, I know especially councilmember Renteria, it was a very close race. Endeavor was only selected by I think a hair over the saltillo collaborative, which had a very strong neighborhood oriented.

[4:36:16 PM]

I think we need to understand that. This is the 112,000 they were offered. Today basically they want twice. They want to have more than twice the density they were authorized. That's a big chunk. That's another 120,000 of office. Whether that's good or bad, it's still questionable about why in two years and what do the other three teams that didn't get this think about the change in the bait and switch type of issue. On height, all of it was 40 feet, 60 feet. Hopefully it was 40. Now they want to triple the height. Look at the affordability. I have never seen a project in my career where you double what you've given them and they're taking back what they're supposed to be giving you. I think there's a serious question here and we don't want to set any precedents. When you give somebody twice the entitlement meant that they were getting and you say we didn't really mean we were going to give you affordable. If we can't get affordability on public land in this area, then I don't know what's going to happen in the future. The other thing, I think this is just ironic, and I think that some of you may recall -- I think it was about nine years ago, that there was a situation which -- hold on. I'm going to get this right because I don't want to misstate anything. Where this applicant said to the city, keep your word over \$60 million and don't mean subsidies. And we kept our word. I think there's some irony that it also should be turned around. We should all keep our word on what we promised and not take it away.

[4:38:21 PM]

I strongly feel -- this is just a question. It's not necessarily -- but as a planner maybe I think this way. I'm somewhat confused by the staff's choice of a regulatory tool to grant endeavor this massive entitlement. The cure district, which is being cited in your recommendations, I thought and I will defer to mayor pro tem tovo, that in 2013 the city council, with you voting 6-1, archived cure and said we were no longer going to use it. So okay, we brought it out. But let's forget about it. If you look at cure, when it was there, the purposes of cure were to promote neighborhood stability, affordability and neighborhoods serving small businesses. That's not in the ball back here. It was also to encourage high quality development in proportion to the neighborhood. So whether it's been archived or not, is it the right tool before you today? In closing, I just want to go over a couple of little things. First of all, I don't think as -- everything I'm saying is as constituted today, don't take anything I'm saying as being against redevelopment of this project. We need to accelerate it. And I'm really sorry that this has been somewhat of a bump in the road. But in closing, this rezoning should not be approved as recommended currently by staff and requested by the applicant because it does not comply with adopted plans, it does not significantly address household affordability, it does not serve essential neighborhood needs. It will only further gentrification, displacement of long time residents and businesses. And the proposed hi-rise, which I hear may not be a factor, which I'm very pleased to hear, would only set a precedent for downtown to quickly move across I-35 and Katie bar the door with the rest of it.

[4:40:26 PM]

I will close with the mayor's insightful words in yesterday's statesman about codenext. If we do this right, and I'm talking about the project, we can increase mobility, which is what cap metro is seeking, we can hold down housing prices, protect the character of our neighborhoods and address gentrification equitably. Plaza saltillo gives us this opportunity now. Thank you for your time.

>> Mayor Adler: Thank you. Next speaker is gavino Fernandez. Do you want to speak now or next week?

>> What was your question?

>> Mayor Adler: Do you want to speak now or next week?

>> Well, we have the issue here, we have our neighborhood association and you have the contact team, but I know government is only going to respect the contact team --

>> Mayor Adler: Do you take two different views?

>> I take one view.

>> Mayor Adler: Are they in alignment or are they different views?

>> I don't understand your question.

>> Mayor Adler: Is the neighborhood and contact team taking a similar view today.

>> They're different, they're different.

>> Mayor Adler: Then I'll let you speak both times.

>> Okay. Thank you, sir. I think this project has been the most vetted project in the history of Austin. 20 years, if not more. If you look at the Arnold on sixth street, it's been designed, built and people are living there. We have a stretch of property that's been an eyesore for many, many years. I remember walking that area when I used to -- back in the days when I used to shine shoes we would congregate around this area, go to sixth street. So we're ready. As a neighborhood association we're ready for this project to move forward. Because the longer we delay the more expensive this project is going to get because, I'll tell you right now, the numbers 10 years ago are probably double now.

[4:42:33 PM]

So we're here to support the project to move forward, and also we talk about the schools. Well, Sanchez is already booked to be closed. Martin is already being looked at to be a las is a facility. So by the time we start construction on this project, they might not even be there to begin with. But we talk about the height. There's already precedents on height in east Austin east of I-35. Look at the Rebecca baines senior facility. It's 15 stories. That's east of I-35 on the banks of the Colorado river. So when we as neighbors always participated in this process beginning 20 years ago, we wanted to eliminate the junk yard. I can still remember comments from Francis Martinez who was president of homeowners who tell her about not rats, rabbits coming out of the yard going into the homes. So we're ready for a new change. We're ready for a new facelift. I commend your effort for trying to get as much affordable housing out of this particular project, but I think it's important, mayor, that 50% mfi, 30% mfi, so that the people know what that really means in dollars. Because from -- and this changes every year, ever since this mfi changes and it's not getting any less. It goes higher. For example, the 50% mfi is 27. If you look at the census for this area, when we started this and even now, it's 15, 20,000. So we know this isn't for us, but we strongly believe that it's time for our community to get this type of development going on to enhance and make it even more safe. Not only that, this structure because of its immense construction also serves as a buffer from the noise of I-35.

[4:44:39 PM]

It could serve as that one buffer. So I ask the council to proceed with this and we don't have an issue, like some of the members mentioned, on the height issue. So thank you, mayor, for your attention and the council. Thank you.

>> Mayor Adler: Thank you. Mayor pro tem.

>> Tovo: I just wanted to make a comment. Thank you so much for your comments and thank you for -- to those of you who are talking about the schools in this area and the relationship with development projects. I just want to be clear that the Austin Indiana Indiana school district is undergoing a process right now where they're having meetings to look at recommendations and their consultant has returned some recommendations that certain schools be considered for potential closure down the road, but by no means, as far as I know, are any schools at this point slated. That is still an ongoing community process and I hope those of you out there in the community will voice your feedback to those who are serving on that community board as well as the aid trustees. There are definitely some neighborhood schools in different neighborhoods that have been slated for possible consolidation and closure, and if people want to have input into those decisions, now is a great time.

>> Mayor Adler: Thank you. Okay. The next speaker we have is Gwen o'barr. Do you want to speak now or next week? Come on up. Is Farrah Rivera here or Carol stall? And you want to donate your time and not speak next week? Okay. You have six minutes.

>> Thank you. Mayor and councilmembers, thank you for allowing me to speak. My name is Gwen o'barr and I'm a neighborhood resident living a few blocks from plaza saltillo. I supported this proposed development under the parameters of the original plan adopted in 2014.

[4:46:44 PM]

It had mixed use with businesses serving community needs, in E change for at least 25% family friendly affordable housing. It had quality pedestrian and biking environment and increased density. As a matter of fact, our east Cesar Chavez neighborhood had already embraced increased density in our single-family residential area. When we allowed additional housing on smaller size lots at a time when other neighborhoods did not and some still don't. The plaza saltillo project changed in 2016. Endeavor, who won the bid to develop this prime piece of Austin real estate, did an about face on the criteria. Even though they had promised during the bidding procedure to not do that. Yet today they are here asking you to add an office building, triple the allowed height from 40 to 120 feet, and decrease the percentage of affordable housing in the project. The community value in exchange for all of this isn't there, and that's one of the key directives in the plaza saltillo tod station area plan. This prime public 11-acre site is owned by myself and every other austinite. It was described by the Austin business journal in June 2014 as owned by the public, headed to the hands of private developers, which translates to some big opportunities for businesses. So this is public land, our land, with cap metro and Austin being the

stewards. This is a great opportunity for Austin to act and not just talk about slowing gentrification in east Austin by adding much needed affordable housing. Not just the one bedroom units that endeavor says the market wants, but the affordable family two-plus bedroom housing units that will keep these families in our neighborhood, rather than pushing them further out of town.

[4:48:53 PM]

Austin has the chance to really show that they value neighborhoods by keeping the new buildings in this project compatible with existing buildings and used for primarily residential purposes. Endeavor's presentations compare the height of the office building with downtown hi-rises west of I-35 like the Hilton. Instead they should compare it to the mostly one-story single-family homes in east Austin that are next to and south of plaza saltillo project. Don't approve the changes in this development that push downtown into the neighborhood, neighborhood that's already embraced density to help solve the loss of affordable housing without losing our neighborhood character. I know you're aware that our working class neighborhood has difficulty getting to meetings and cannot always make it to speak before you. That is why the east Cesar Chavez neighborhood planning team had a special called meeting in the neighborhood to allow all voices to be heard regarding the proposed changes on this project. And people that came were not just from east Cesar Chavez. They overwhelmingly oppose the extreme height change, added office building and reduced affordable housing. A true loss in the promised community value when this tod was established. Jose Valero spoke for them as chair of the neighborhood planning team today. I know that plaza saltillo is Austin's development, not just east Austin's development. But we're the ones directly affected on the daily basis. Excuse me. Let endeavor and cap metro make money, but don't allow greed to rule this development. Using the figures cap metro presented earlier, I believe that keeping the increased office building height will add about .002 percent approximate to tir annual budget. And that's in today's dollars.

[4:50:54 PM]

That will decrease over the next 99 years. This is Austin's opportunity to shine in both affordability and in the project. Thank you.

>> Mayor Adler: Thank you. Next speaker is Brian Gannon. Do you want to speak now or next week? Come on up.

>> Hello, I'm Brian Gannon, I'm the current chair of the mid down neighborhood association in the Lamar tod. Living inside the Lamar tod as well as this

[indiscernible] Has many advantages. For us the 801 and the red line are right at our door steps. I have neighbors that take the red line daily downtown. The amount of businesses we can walk to grows on a month-to-month basis. As I'm chair of this area they tend to reach out to me as they're coming to the neighborhood. We're happy to see the bar and pizza happening quite shortly. I and a lot of our other neighbors use our cars much less to go to things within the tod. From walking to getting a bite to eat at several businesses, it's an amazing lifestyle that's hard to replicate anywhere else in the city. The location of plaza saltillo is even better than the Lamar tod. The amount of car trips will be quite low. There are already established businesses that people can walk to and it would make this even better with the affordability component. How often do we get affordability next to downtown? This is an amazing opportunity that will give residents a place to live downtown that have been priced out of the city core. Because of its location next to I-35 and not next to single-family homes in that area, I support the maximized density of the 125 feet next to I-35, with the heights increase we can bring more added revenue to cap metro that can be used for more transportation options in this city.

[4:52:54 PM]

As a member of another tod in the city, we fully support this project. Thank you.

>> Mayor Adler: Thank you. Next speaker is Kristin Hatta.

>> [Inaudible - no mic].

>> Mayor Adler: I'm sorry?

>> [Inaudible - no mic].

>> Mayor Adler: Go next time. That gets us then to mark Madrid. Do you want to speak now or next time?

>> I'll speak now. Thank you. Good afternoon, mayor, council. Mark Madrid, president and CEO of the greater Austin hispanic chamber of commerce. On behalf of the greater Austin hispanic chamber I'm here to show my full support for the plaza saltillo project rezoning. The proposed plan is an immense improvement from the current vacant brown field. This project has received almost 20 years of community feedback and this project best represents the priorities of many stakeholders. The project will bring will hundred much needed housing units near the urban core. In addition the amount of deeply affordable housing is much needed and we need these units on the ground now to help achieve the city's affordability goals. The proposed office building adjacent to I-35 will increase dynamic and daytime activity within the tod, supporting nearby businesses, increasing metro rail ridership and providing additional revenue to capital metro to provide more transit service that is desperately needed throughout our entire city. This project gives us a unique opportunity to impact two of our most pressing issues, affordability and mobility. In a meaningful way and represents an enormous benefit to

the community and the continued economic strength of our city. We can't wait to see it finally realized. Thank you for your consideration of this critical project. Thank you.

>> Mayor Adler: Thank you. Wayne Jeremy?

[4:54:59 PM]

Is Greg Anderson here? Donating time instead of speaking next week? Jeremy, you have six minutes.

>> Thank you. Good afternoon, mayor, mayor pro tem and councilmembers. My name is Wayne Jeremy. I'm the vice-president of client services at Austin habitat for humanity. I also live and work in district 3. For the past three years we've on worked with endeavor to help plan for this development on cap metro's long availability land, the saltillo tod by I-35 and downtown. And also near our former restore, the first in the country. We're currently working with endeavor to manage the income compliance program, setting that structure up for the 41 floating affordable units. Within the market rate portion of the development. So we would be helping them with that portion of it. Having these homes floating throughout the project and not sequestered is a big deal in the world of affordable housing. That's definitely the preferred way to do it. As much as possible not set them off by themselves. These folks in these homes will be able to enjoy the same amenities as all of their neighbors. There won't be any difference in the buildout of the homes themselves. That's another great thing with affordable housing, having the same units be affordable as market. What's a market rate home today can be affordable today and vice versa. Likely the most amazing thing about these highly needed and extremely desirable homes is their proximity to downtown. The jobs, health care, the transportation options, it's an amazing place to both add jobs and homes. We support this project strongly. We ask that you support it as well. And if you have any questions on the affordable portion of it that we're working on, I'm happy to answer them. Finding land in this location I can speak to is not something that comes up everyday, as it's been mentioned. This is kind of a generational opportunity. So we want to all make it as good as we can. Thank you.

>> Mayor Adler: Thank you. Yes, Mr. Renteria?

[4:56:59 PM]

>> Renteria: Since habitat is going to apply for a tax credit --

>> We're not applying for tax credits. We're not running the tax credit portion.

>> Renteria: Who is going to build the project? Endeavor? And y'all are just --

>> Dan mcgyver and associates is running the tax credit portion, not us. We're running the floating units, which are not being done with tax credits.

>> Renteria: So you don't have anything to do with this project?

>> Not the 100 units 6, not those. We're with the 41 floating units, the rest of it.

>> Renteria: That's all.

>> Thank you.

>> Mayor Adler: Thank you. Mayor pro tem?

>> Tovo: Yeah. I had another question for him.

>> Mayor Adler: Sir?

>> Tovo: I think you had invited questions about the affordable components and I'm just going to ask you the same question I asked some of the other representatives. Given the need for family friendly affordable throughout our city and certainly that's what habitat has done a fabulous job of in our community as well as elsewhere, did you have anything to offer about why so many of the units single bedroom rather than two bedroom at least or three bedroom ideally?

>> I would defer to the developer on the planning of that. Our job is really to step in and help manage those units and keep them in code compliance for that side.

>> Tovo: I see, thank you.

>> Mayor Adler: Okay. Dan kitchen? Is Mr. Kitchen here? Next speaker would be Evan gill. Speaking this week? This week instead of next week.

>> This week, please.

>> Mayor Adler: Yes.

>> Good afternoon. I'm here today speaking on my own behalf, but on behalf of friends of Austin neighborhoods. I am the treasurer of that organization and a member of the board of friends of Austin neighborhoods. And I -- we recently conducted a vote to support a resolution and I'm going to read the resolution that fan voted to support.

[4:59:08 PM]

Honorable mayor and mayor pro tem and council, friends of Austin neighborhoods supports the requested zoning change which will allow for increases in height on this tract in order to support cap



metro and the developer's vision for the project. Given the project's location adjacent to the central business district and salttillo station and given Austin's critical shortage of affordable and market rate housing, fan believes the applicant's request of a height of 125 feet for a portion of this project is more than appropriate for this site. The project will bring 800 much needed affordable housing units, including 141 below market rate affordable units. It will also bring pedestrian paseo's connecting fifth and forth streets, an extension of the bike way and excellent street fronting urban design. Although there have been calls to adjust the unit mix for affordable housing to favor more two and three bedroom units, fan also recognizes that the dire shortage of affordable housing also impacts singles and the full range of demographics, including young adults, couples without children, couples with small children, and the elderly who could all benefit from an influx of affordable one bedroom units within walking distance of downtown and passenger light rail service. So let me give you quickly the overview of the vote tally that fan took, supporting this resolution. Our at large members, which are not aligned with one of our member -- individual member neighborhood associations, voted 83 in favor, three in opposition, and seven abstaining from supporting this resolution. Our member neighborhood organizations, we had eight who voted to support.

[5:01:09 PM]

We had one member neighborhood organization who voted to oppose the resolution, and that was the highland neighborhood association. We had one abstaining, and we had four who decided not to take a vote on this particular issue. I can address any questions that anyone may have. Thank you for your time. I appreciate it.

>> Mayor Adler: Yes. Ms. Houston.

>> Houston: Thank you for that information. Can you tell me from the tallies you have, how many of those individuals and neighborhoods live in district 3?

>> I do not have that data in front of me.

>> Houston: Thank you.

>> Mayor Adler: Ms. Pool.

>> Pool: Mayor, I have a question.

>> Pool: Help me understand, how many families with children are able to live in a one bedroom apartment?

>> With young children, I believe if you were just a young family, just getting off the ground, I think, you know, considering that some young families in this city live in cars and, you know, are homeless, I think that it would be an improvement. But, you know, obviously, these would primarily be targeted at young

individuals just getting started. And I just don't want, you know, to give up a bunch of affordable one bedroom units that are much needed if the end multiple is

-- end result is fewer two-bedroom units which are also needed.

>> Pool: This council has been attempting mightily through our decisions to ensure that we have plentiful housing for families because we are concerned about attendance numbers at our public schools so that's why we are pushing for the two and three-bedroom units.

>> Thank you for your efforts. I just wanted to make the point that young singles who will one day start families also need families to live that they can afford.

[5:03:16 PM]

Thank you.

>> Pool: And I think the point is amply made there are a lot of studio and one bedrooms in this neighborhood. What we're trying to do is mix it up and have some two and three-bedroom units so they are not in a minority.

>> Thank you.

>> Mayor Adler: Okay. Next speaker is Bobby Garza.

>> Next week.

>> Mayor Adler: Next week? That gets me then to Shavone Terrell. This week?

>> Hello, Mayor and Councilmembers, thank you for the opportunity to speak. I'm community development planner at Bike Austin. It is not typically our policy to speak on individual development projects, but this development uniquely benefits bicycling in the Austin community. At Bike Austin, we aim to support Austin becoming a bicycle friendly community according to the League of Bicycle Standards. A bicycle friendly community as distinct is a safe, well connected and bikable community that includes initiatives and programming such as safe routes to school, public awareness campaigns, active bicycle advocacy groups, a network of protected bike lanes, bicycle friendly business program and adequate planning. Last year Austin was recognized as a gold bicycle friendly community. However, that award was nearly withheld because Austin is so spread out as a city and because people cannot reasonably bike 15 miles to a store or a job. Because this sits directly on top of the Lance Armstrong or Cross Town bike lane, it will directly contribute to more people ride bikes in Austin. However, because of the current tensions of development on an underserved part of Austin, we find it imperative to state Bike Austin seeks to understand how to better address the transportation and affordable housing to the best of our abilities and it is a great opportunity to creatively collaborate.

[5:05:26 PM]

We seek to improve initiatives such as the bicycle equity complain and an effort to make Austin a bicycle friendly community for all.

>> Mayor Adler: Thank you. Make speaker is Mike gorsay. Chandler Forsythe will be the next speaker.

>> Okay. Thank you, my name is Mike goru; I'm an at large member of Austin's friendly neighborhoods. I want to speak in support of the project. It is in a location to downtown and close to a lot of transits, and people bring housing, affordable, office space there, and some of the affordable housing will be at a deeper level than what we get at a lot of other places. So I think that that's a positive, particularly where it's near transit. And I wanted to speak to the office space and to the height and that context because if businesses are allowed to be there, then they're in a place where people can take transit to get to them. And that obviously doesn't mean that all trips will be transit trips, but it means that more of them will be than would be in a location that isn't as accessible, and if businesses aren't able to locate there because there isn't as much space, then that means that some of them will have to locate further away in places that aren't as convenient as far as transit goes, which I think overall from the perspective of the city, wouldn't be the best outcome or, in other words, support -- I think that supporting the taller building would be positive in that with regard.

[5:07:29 PM]

Where we're a city -- where we talk about having a climate plan and wanting to make progress in that regard, having more transit trips is a positive outcome, and something that this plan will attribute to. So I wanted to speak in support of it. Thank you.

>> Mayor Adler: Thank you. Next speaker is Chandler Forsythe. Then the next speaker would be ercoff. Go ahead. What about Timothy bray? This week instead of next week?

>> Yes. Hi. I'm speaking today in support of this project, but I mostly want to speak about the greater issue in Austin's affordability crisis. Y'all have done a good job of fighting against hateful acts. I applaud your support of sanctuary city policies and welcoming immigrants and refugees into Austin. However, we are not really the welcome being community we want or claim to be, we are not a welcoming community because we've not created a city that low income and vulnerable people can hazard to stay in or live in. Recently there was a huge fight over the creek, I think it was a big contrast to the testimony today, grove -- their focus on affordable housing today. The grove was focused very mainly on a fight over, you know, marginal increase in traffic on two streets. East Austin is bearing an unfair share of

Austin's growth, and being driven out of Austin because central Austin and west Austin neighborhoods have fought tooth and nail against new growth in their neighborhoods. I live in west Austin, by the grove. It would be an exclusionary occupancy of limits. It's the only way I can afford to be there. Otherwise I would probably be living in east Austin, contributing to gentrification and with people even worse off than I am economically.

[5:09:31 PM]

We need to stop building walls around neighborhoods that keep people out, and gate off new neighborhoods. That is what trump is trying to do nationally and we should not do it locally. I sympathize with the neighbors' concern about being driven out by gentrification. Unfortunately, with or without this project, price of housing is going to continue to go up. Residents will move out or leave because of rising rents and taxes. This is a good project with lots of affordable housing. Realistically, a project like this is the only way we will keep affordable housing in this area of town long-term. I just wish you were so focused on affordability elsewhere. I urge you to focus on affordability as you look at other projects and code next. We morally and legally, the key word, proactively, build diverse and affordable neighborhoods, both in corridors and in neighborhoods. We should not create areas where only the wealthy can afford to buy into. Neighborhood character and Democrat, as well as compatibility, should not serve to a neighborhood exclusion. To do anything less than create affordable housing everywhere is unworthy of the prerogative, open, welcoming nature that is the true character of Austin. Thank you.

>> Mayor Adler: Thank you. Yes, Mr. Goff.

>> Howdy. Eric Goff speaking on my own behalf. I'm a district 3 resident and live not too far from this development site. Every time I bike downtown, although I didn't today, when I bike downtown, I bike right by this site, and I look forward to the many people that will be living here, as well as the amenities. I'm also a small business owner and can tell you it's the you have to find office space in the city that's affordable, anything to housing. I know that's a surprise. And so I look forward to hearing more about the scale of that. In particular, I like using this land that's public land for a benefit that will increase capmetro's budget.

[5:11:35 PM]

However marginal you believe that to be, every dollar that goes into capmetro's budget will enhance the ability to provide services for the city. Right now, capmetro is trying to figure out how to increase frequent ridership, and also proposing cuts on some lines, and the more money they have in their

budget that is sustainable like this, they'll -- the less it will be hard choices to make and the more they can provide service that covers everyone. Finally, I hope that y'all will be able to resolve the affordable housing issues that you had before you. It looks like you're going to make some progress. But having a level of increased housing and increased affordable housing at the level that y'all decide will be of benefit to the neighborhood, and I look forward to you making those decisions. And I look forward to seeing construction in this site and visiting it. Thank you so much.

>> Mayor Adler: Thank you. Mateo barnstone. You're also this week, not next? You're also this week, not next?

>> Yes. Thank you very much. Good afternoon, mayor, mayor pro tem and councilmembers. My name is Mateo barnstone. I'm a resident of Austin and I'm excited to speak in support of your moving forward with this project today. It's great to see the city working the capmetro and private partners on a project that responds appropriately to the many problems we have in Austin due to an historically unsustainable land development pattern. If it takes a village to make a better village, this is a wonderful example of how that can work when everyone is on the same page. Projects like this compact mixed use development in a walkable urban context are the responsible way to grow and are in high demand by the market, and are consistent with and supported by imagine Austin.

[5:13:42 PM]

Plaza saltillo is adjacent to the largest employment centers in the city. There's a plethora of retail restaurants, cafes, entertainment, goods, services and access to Austin's best parks, all within walking distance of it. It will provide homes to over a thousand austinites, giving them a viable option to live a car-free or car-light lifestyle. By approving this project you will be transforming 11 acres into an extension of the bikeway, improved grid, great street improvements, 800 new housing units, without displacing a single person, 1.8 acres of public space, in addition to the civic open space provided by the sidewalks, street level retail that will provide activation, goods, and services to the neighborhood, 120,000 feet of office and on site employment. The entitlements requested by the neighborhood are complimentary to the neighborhood, consistent with the project, the neighborhood business district and appropriate for development. The secret ingredient that can make growth work for us is proximity, putting people in close proximity to their daily needs allows us to grow in a way that is -- that addresses issues of traffic congestion, provides access to the high opportunity areas of the city, to as many people as possible, makes our credit more effective and more efficient, and is more environmentally sustainable. It also makes the city more resilient to withstand the blows that may come our way. It's a way forward, the low-hanging fruit that we need to be gathering with both hands, as quickly as we can. I hope you will support me today and work to identify the other parcels and opportunities that become focal points for more transformative change. One final point to respond to the question of the height, today you had to consider a matter on moving development services out of the downtown area to

highland. It seems at least part of that decision hinged on the cost of leasing office space in or around the CPD.

[5:15:50 PM]

Shortages lead to price increases, and office space, the same way they lead to increases in housing.

[Buzzer sounding]

>> Thank you very much.

>> Mayor Adler: Barbara Joyce here?

>> Next week.

>> Mayor Adler: Next week. Gus peña? Then the last speaker is Phil Thomas. Mr. Thomas, you're choosing to speak this week instead of next week.

>> Yes, I am choosing to speak this week.

>> Mayor Adler: Okay.

>> Good evening, council, mayor pro tem, councilmembers. I'm Phil Thomas, resident of district 3, and what the public heard and read in 2014, and I was at the design fair, were the last four finalists had all their literature. Literature from endeavor said they'd have 25% affordable housing, 200 units. It didn't say 15% provided by them, 10% provided by the city of Austin, it didn't have any -- didn't have any different numbers except 12.5 for block 6 and 12.5 for the rest of the development. That's 25%. That's 200 units. They said they would honor the neighborhood height limit. They said they'd have a grocery store so that residents and workers could not be taking their vehicles into and out of the neighborhood to shop. They want a big public contest out of four finalists, based on what they said. So now why have the parameters changed? This is public land, a tod. Both of those designations come with responsibilities, and it's up to us to be sure they live up to these responsibilities and their promises.

[5:17:55 PM]

They're not bad. They're just doing what businesses do, which is trying to maximize profits, and that's fine. We wish them well. But our job as citizens is to take much more into consideration than mere profits. We need to consider many other factors, such as the impact on the current area residents, the quality of life, the type of retail, will it enhance the neighborhood, and so forth. There's a lot more than

just profits. The sudden appearance of a tower, which is not compatible with the neighborhood plan, ushers in an unintended consequence, I.e., the movement of downtown eastward, which is not part of the neighborhood plans which we should honor. We need family housing. The can closure of martin middle school would welcome a self-fulfilling prophecy without more family units. Tod status does come with responsibilities and putting an office tower down because it brings in more rents does not fit in the neighborhood plans and sets a terrible precedent. Let us not be from a I had to demand better from plaza saltillo because this project may be the last best opportunity to receive better. Let me just take a moment to address some of the testimony from the non-stakeholders. We do desire an increase in affordable housing. We don't desire a decrease. That is why the neighborhood wants better from this project. Thank you for your time and I hope you'll vote to --

[buzzer sounding]

-- Amend the plan as you heard it. Thank you.

>> Mayor Adler: Thank you. Council, that brings us back to the dais. The motion on the floor is the recommendation, but with the height lowered on the -- on the office building.

[5:20:00 PM]

It's first reading only. Public hearing stays open next week, and we'll let the applicant close.

>> Thank you very much. Just to address two quick questions that have been raised, endeavor has actually increased the developer-provided affordable units from 120 to 141 since the rfp. The regulating goals, 24% affordable housing, endeavor is providing 15%. The city has the option to increase this by 10% for a total of 25%. In keeping with the regulating plan, endeavor has consistently provided 15% affordable housing throughout the process, including our proposal to capmetro, negotiating the ground lease and agreement with capmetro over the past two years and the same remains true today. At the time of the rfp was anticipated, no variances would be required. But since then, has been determined that a rezoning is required two main reasons. First, capmetro requested we look into adding an office component to the project as a third use, in addition to the residential and retail. In order to accomplish this, endeavor requested the 65-foot height increase, which is the 125. Second, as we move from conceptual to real plans, it became apparent that in order to build four levels of residential over retail, as contemplated in the stationary plan, and endeavor's proposal, a small amount of additional height is required. This eight-foot and ten-foot height increase, which is 68 and 70 feet, is required in order to build market residential units with nine-foot tall ceilings, market retail space with 20-foot tall ceilings and fit within the methodology for measuring heights, fifth street sidewalk, and start at that elevation. So that is in response to some of the issues that have been raised. In closing, we respectfully request your support on first reading of councilmember's Renteria's motion.

[5:22:00 PM]

If there's only support today for 70 feet, we will continue dialogue with councilmember Renteria and the Cesar Chavez neighborhood planning team and we'll come back to you on the scheduled second reading on February 16th to discuss height above 70 feet and below 125. Thank you very much.

>> Mayor Adler: Thank you. Now we're back on the dais. We have a motion and a second. Any further discussion? Mr. Renteria.

>> Renteria: You know, the neighborhood there, the contact team recognized that what did develop there would be a huge benefit to the city, and we're very close. I believe that we can get there. You know, when we had the meetings and sat down, it wasn't a discussion as much on on -- some did have concern about the height. But it was just what we were getting out of it. You know, so many -- so much had been promised along the process of this project from the very beginning, you know, unfortunately, metro went against the team that the neighborhood was supporting because they had trust and credibility in the neighborhood. And they went with endeavor. During the discussions they came back and said -- at that time they all said 60 feet all the way across. We weren't going to come back for a variance. That was true. But then once they started, I guess, doing the numbers and all that, they came back and said -- plus the living wages that were announced by the workers

[indiscernible], they needed additional height. So we agreed with them and said, yes, we're willing to go, and at that time my understanding, but it wasn't written, that they were asking somewhere between 70 to 84 feet for the living wage.

[5:24:14 PM]

And the contact team at that time didn't have any problem with it because they know that it was a public benefit, plus the workers were getting -- were going to get a living wage. Then, it's correct they went to the contact team and gave them an update on the 125 feet. Well, the 125 feet, I had asked them, I said, did you get the neighborhood contact approval? And their response was, no one spoke out against it. I was very concerned at that time. We were very busy, you know, going through an election and there was a lot of distraction, but -- and then came the final in January -- I mean December, and finding out that that was going to be their proposal. And the confusion was over the benefits of what they were going to give to the community, especially the affordable housing part of it. As one of the gentlemen here spoke, everybody had assumed, even I assumed that it was going to be 25% of affordability there. But, you know, they came back and said, no, it would -- they had -- the city had to be the one that had to commit to the 10%, which I didn't know about. But knowing that, I spent here the last -- almost 30 years fighting -- you know, living with this tract of land that was empty, it was polluted, it was a car recycling area there where they crushed the vehicles, and I knew there was a lot of pollution



in there. And so just to get it cleaned up and all that I knew it cost a lot of money but they did get grants for that. You know, we did sell -- the city sold the property to them for a dollar, and so that is true.

[5:26:20 PM]

But, you know, I'm willing to sit down there and compromise and support my community there a giving them the time that they need to sit down there and see what can be worked out. You know, this is -- unfortunately, we should have had that done in June and it would have been -- if we had followed up in October, then August, and the rest of the month, I think we'd have been able to have worked this out by now and not be here where we're at. So, you know, let it be a lesson to other development that, don't just go out there and say, I gave them an update, and no one said nothing against it, but nobody said anything that they approved it. So this is what we're doing now, is sitting down there and letting them work with the community to try to see if we can get added value so that we cannot only help the community on housing, capmetro and their funds and ridership, and the city of Austin, so I hope that y'all sit down there understand and really try to come up with a promises. The way I see it could be a win-win for everyone. So I really hope that y'all really make an effort, and that's including the community, to work out and see what we can do so that everyone can come out winning.

>> Mayor Adler: Thank you. Any further conversation on the dais? The --

>> Houston: Thank you mayor and Mr. Renteria for your comments. I'm not sure tonight who to be more disappointed in, capmetro or the developer because I remember the things that we agreed on, and it seems like we're negotiating up now instead of sticking to what we agreed on when the plan was adopted or people approved that plan.

[5:28:29 PM]

I have a question for staff about central urban redevelopment, and is that still in effect, and how far is it in effect? Whenever you talk about urban development and blight, as someone talked about, in my communities, it's known as urban renewal -- removal, and I don't want this to happen on that particular piece of land. And so I've got a lot of concerns about the height and the lack of bedrooms or people who are low wage. So could you talk to me just a little bit about the central urban redevelopment, and is it -- when was it enacted and when -- is it still in effect, and what parts of east Austin can we look forward to having this come at us again?

>> Greg Guernsey, planning and zoning department. Yes, it's still in effect. There was a modification not too long ago that removed the ability to do additional height under cure, additional far under cure, but

that would have been within the boundaries of downtown. So you can still ask for increases in far and height east of IH-35 but not west. I think there are four or five different fingers of corridors that go extending into east Austin, which are eligible for the cure. Cure does not have anything to do with urban renewal. The cure, I think, was done -- I'd have to go back in time -- I think it was in the late 1990s. Councilmember -- I think it was Eric Mitchell was the councilmember who introduced it. And it was looked at as a way of assisting areas in east Austin and downtown with redevelopment, if the properties had been undeveloped for a period of time, basically were vacant, or abandoned, tracts of land, it was used as a tool to try to incent development.

[5:30:35 PM]

It was you'd quite a bit downtown by property owners in a manner to actually, as stated by some, to avoid the density bonuses that were in place downtown. And that's why council removed that height and far from the downtown area, but not in east Austin.

>> Houston: And when was that removal done?

>> About two years ago, if I recall. I'd have to go back and look at the -- in the ordinance.

>> Houston: So I guess what -- Mr. Guernsey, what I see is that in the 1990s, there was a need to provide increased entitlements for people to come over into east Austin and build. Those are not the same issues now. And that's one of the -- that's another one of those examples of why we need to be looking very closely at codenext because now we are incentivizing the things that the neighbors are concerned about, a height of 120 -- 25. We did the same thing with -- I don't think the one-two easies in a cure overlay.

>> No.

>> Houston: But what we've done now is, we have to look at time, and maybe back in the '90s that was an issue. And it is kind of urban renewal because that's what urban renewal was about, is to take the property and redevelop it to the highest and best use. We don't need that now, and so I'm wondering how do we stop this -- because what's happening is, we're increasing the pressure in east Austin where people are least able to if I'd the negative campaigns to come down to city hall and say this is not what we need. We need something different. We want things built to scale and not have people negotiating with us. We always put our neighbors in a position of having to negotiate with people who have agents and lawyers and we're just plain old people trying to make a living.

[5:32:36 PM]

So these are the issues I'm concerned about.

[Applause]

>> So it's not urban renewal in that there's a taking of government land. This is owned by them. But I think the more important point that you're making, and this is a direction that council would need to do, is direct staff to not go forward with cure and codenext, if that's a policy decision that this council need to make because that's standing policy today.

>> Houston: And thank you, sir. I didn't mean to infer that we were taking the land like we did in urban renewal, but we are, in fact, doing the same kinds of entitlements to developers that are in conflict with what the neighbors seem to want.

>> Mayor Adler: Mr. Casar.

>> Casar: I have a question for Mr. Valera understand then one afterwards likely for capmetro. So, Mr. Valera, I haven't asked you this question before, but I think -- I appreciated the way that councilmember Renteria laid this out, and I wanted to hear your personal perspective, also perspectives from the contact team. What is the -- in your view, the best way of telling the story of why there is this disconnect between the 25% that some folks expected and the 15% that capmetro and endeavor and others have listed as their expectation? If you were to describe for me why you think that there's that difference?

>> Well, the most direct reason is that the rfp is still confidential and then we can look into that. But I do think that there -- there's the difference between communications, expectations set by capmetro and the developer to the community, and the community takes those expectations, whether they be entitlements, the height, the 25% affordability, and is asked to trust those, if not promises, indications or -- I'm looking for the right word, but try to take that on faith, even though it's not a promise, the neighborhood does not have a way to hold capmetro and endeavor to those expectations, to those, just short of promises.

[5:34:56 PM]

So you move forward with one thing that the community is expecting, one thing that, quite frankly, endeavor and capital metro did create that expectation. And then there's the very real business negotiations, selection by capital metro, that puts a little damper on those expectations that I think everyone would meet. And so we end up in the middle between what was set. And in some ways those expectations can be used to garner support and perhaps make sure that opposition to the project doesn't build. Right? And I think there always was an expectation that there would be an ask from endeavor, from capital metro to the team, and there's a decision, maybe a strategic one, to not do that. And I don't know if it would have been best to have a huge fight in June about this or to get to a place where we are now where we're at 68, 70 feet, and we're actually not in a terrible place. We are getting

affordable housing. The height is not incredibly above the 60 feet at this time. But there is a bit of pr and expectation setting, and that being translated to a promise, a true obligation, and the truth is somewhere in the middle.

>> Casar: Well, thank you for pretty nuanced answer. That's helpful for me. I think, not to take the burden off of the city, there's always negotiation that we can do using our discretionary zoning authority generally, to some extent, but part of the challenge that I'm feeling with this zoning case is that if folks want to drive more comfortable housing, we aren't the landlords of this project. We just have zoning authority and are talking about extra feet on some of the tracts. But ultimately, capital metro can decide at any point, as the landlords, ultimately, just like we can on city owned land, like we did next-door here, to set bedroom counts at whatever size they want and affordable -- affordability at whatever levels it is they want, and of course have to make sure that somebody will build that, but ultimately they have the decision making authority.

[5:37:13 PM]

I hope as y'all work through other readings, you engage capmetro because while I would like to help, and I think the dais would like to help as much as possible, they have 100%, ultimately, authority over what -- you know, as long as it's within state law, what requirements are set on the development. And so I just hope that folks engage on that front and we can help. But our zoning authority only grants us so much power compared to the landowner's authority.

>> I completely understand your point, and I think the sharp edge of this is that when there are entitlements granted beyond what they could do as the decision maker, then you have tremendous authority to ask and to be the experienced voice of the volunteer community members who are trying to reach that goal.

>> Casar: No, and I -- I agree that we certainly have the authority over that -- over that indictment. I'm just saying that -- that if we want to guarantee particular levels of affordability, there are multiple bodies, and we need to work across those bodies. But I --

>> And I do think there's a statutory or a written code that limits your authority to that -- that increase, but we know that the on had of the-ground power of all goes beyond that written portion.

>> Casar: Thank you. And I had a similar question for capmetro at this point, unless there's -- unless there are more questions for, in which case I can defer.

>> Mayor Adler: Why don't you go ahead and ask capmetro the same question. Then we'll go to Ms. Pool.

>> Pool: Don't go too far, Mr. Valera.

>> Casar: You're popular around here. So the same question. We're hearing from, you know, lots of folks that the expectation was one way or another. What is your -- I know it's a is about of a risk to sort of put a theory out there, and if you can't, I understand, but if you could best explain for us what your expectation was, because as Mr. Duncan said, we'd like folks to keep their word, but ultimately if the promise was 25%, the word -- that promise was ultimately to capmetro.

[5:39:33 PM]

And so it would have been not keeping their word to you. And so that's why sort of your perspective on this I think is very important to the conversation.

>> The affordable housing component has always been an important piece of this project, and it was our expectation and belief that in some way we would be able to get there. Once you get a proposal and you start looking at the details of the different proposals, maybe the finalists, and then you narrow it down to one, you start some pretty serious discussions behind the scenes that you can't negotiate in the public. And for a long time, we really thought, you know, one door would close and we would pursue some other route. I don't recall capital metro promising at any point 25% affordable housing. We do have a transit-oriented development policy that the board approved, and we followed that pretty closely in going through this process. It's unfortunate that we weren't able to get to 25%. There have been some state funding, city funding potential, and so our hope was that through those two or some other process, we'd be able to get there. As I mentioned before, we understood from endeavor that their 25% would require 10% matched or 10% participation, and we thought that it was possible that came from the city. So, I mean, we've been -- capital metro has worked so hard to be transparent in what we do and work with the community, and I'm sorry this misunderstanding and the concerns about this are out there, but we'd like to continue working with the community to see what path we might come up, you know, between now and the next reading to resolve this.

[5:41:57 PM]

>> Casar: So to be --

>> Or to address it. Maybe resolve is the wrong word.

>> Casar: So to be abundantly clear, for the executives at capmetro and the presentations to board members that made the decisions between finalists, it was very clear to you all -- although I believe it was not clear to the community based on what I've heard, but it was clear to you all that you were selecting endeavor based on a 15% promise.

>> Well, there were lots of factors. That was only one piece of it.

>> Casar: Sure, but that piece in particular --

>> Yes, 15%, to answer directly that question, yes. I believe it was pretty clear to everybody that endeavor would provide 15% and we would get the remainder from somewhere -- somewhere else.

>> Casar: And the reason bring that up is not -- you know, I was not a member of the capmetro board, and am still not one, and I would, from various proposals, likely have prioritized getting more than 15% affordable housing on a public piece of property of but I think the reason that I bring up that challenge is that if the 15% was the expectation for you all and there was a disconnect in the expectation for the communities, we can better identify the challenge that we're facing as opposed to the capmetro board members thinking they were choosing 25%, but accidentally -- or by some sort of change, it eventually coming down to 15%. And in your experience, that's not what happened.

>> Well, I believe everybody thought throughout the two years or however long we -- I guess year and a half through the process and the negotiations, I think everybody was optimistic that we would be able to get there.

>> Casar: Right. But there's a difference between the aspiration and what the minimum base language is.

[5:43:58 PM]

>> Right. I understand. Yeah.

>> Casar: And in that slide that's been shown several times, it would seem to me if I was a community member, that speaks to a 25% about baseline or 25% aspiration. But the board members who made that selection, in your estimation, from y'all's presentation, it said 15% baseline with that 25% being the aspiration.

>> Yes.

>> Casar: Okay. That's not to indicate sort of how -- a way to resolve it, I just want to identify what the problem is that we're facing is yeah. I think that's -- I think that's where it is. Our partners may have something else to add about the affordable housing, but that's my recollection.

>> Mayor Adler: Okay. I have an additional question for you but I'm going to go to Ms. Pool to ask the other question, then you can come back in just a second.

>> Pool: I think I can understand really easily how the community thought it was going to be 25% affordable housing because if you'll notice on the second sheet that I passed out, the one that's not stapled from an endeavor presentation, it has 12 1/2% affordable senior apartments and 12 1/2%

affordable apartments, and that's the 200. It's right here on this sheet, and this is what the presentations were. The question -- and it also talked about a grocery store and repurposing historic buildings, so I guess I would -- this would be going to Mr. Valera. My question to the community is, the community benefits that were provided to the community by endeavor indicates a 60,000-square-foot full service grocery store to serve the surrounding community so I'd like to know if that's something you would like to have on the table. Because I guess it's -- it's not part of the mix anymore. Is that right?

>> Correct. Yes.

>> Pool: And then there was a question about repurposed historic buildings, and I don't know which ones those are, but -- so I'd like to know if those are still happening, if that's something that the community is looking for.

[5:46:02 PM]

I think we have addressed some of the other things with our inclusion of disadvantaged minority and women-owned local businesses, and that will probably also be addressed with the contracting because the city of Austin has some goals. I don't know if you have similar goals.

>> We do. Yes.

>> Pool: Okay. Then the other piece here was 50,000 square feet of service retail located along fifth street, varying from restaurant to service and soft goods, and endeavor further says that by providing a range of affordable housing and creating jobs, the project will enable neighbors to live where they work and to work where they live. And that is a noble goal, and that is what everybody is looking for. And I think there was some sense of that this was the presentation that won the bid, but then when the reality came further down the line, these promises, these community benefit that were offered, seemed to erode. Am I getting a good sense, Mr. Valera, of how this has unfolded for the community?

>> There certainly is that sentiment in the community. I know that the grocery store is still very much desired, and it's one that often comes up. And I do think people also recognize, as well, that there has to be a grocery store who wants to lease the space. And that is something that is potential beyond the control of capital metro and endeavor, and so it is -- it is a little less of an issue. People still very much want it. They still very much care about it. But it's less of a focus because it is a bit out of their control. And I do think that that speaks to a neighborhood group which I recognize is challenging. We are challenging. And we should have done more to resolve this in June, July, August. We have -- should have pushed the issue. But we still want to be reasonable about this.

[5:48:03 PM]

And I say that knowing that some of the team members will be upset with me about that, but I think we really do need to be that and want to be that.

>> Pool: And I appreciate it, and that's why I'm pushing some of the questions because some of what we're grappling with up here on the dais is how did the perceptions get to be such a big gap between what seem to be the original proposal that was adopted and accepted by capmetro, compared to where we are today. So having this additional dialogue is really helpful in us being able to span that gap.

>> I really think it's a factor of the amount of change that has happened from 2014, when it was a different development group, a different proposal. There are some overlaps. They did have 120 -- 125-foot tower in it. It's a function of the change in team membership. And it's also a function of everything that has happened in two years. And so I don't want this to be a -- throw endeavor under the bus type thing at all. I think there are some legitimate misunderstandings, which the upside is, there's room for compromise and communication on this.

>> Pool: Thank you.

>> Mayor Adler: Quick question, Linda. I understand that there are two goals that capmetro has with the additional height. One of those is, it increases ridership because of the office use. The other one is, it increases the lease payments. If there's not going to be, in this scenario, if there would not be any additional height without additional affordable housing, would capital metro consider taking that lease payment or some portion of that lease payment and allowing it to be put to affordable housing, over the course of this next week's conversations, to consider that option?

>> That would be a board decision, and that's actually a separate part of the zoning.

[5:50:08 PM]

I will say that part of -- part of this whole process and the reason for doing this is to provide better transit and be able to create a transit-oriented development that will be well served by transit, and that's our major focus. That's our statutory responsibility to provide transit, and so that's the mindset we've had, is the funding we get, whether it's the Normal chain of funding we get or something a little unusual like this project, the idea is to always prioritize transit first. I think that's the expectation from the community for us as well, but it would be a board decision to -- to make a change like that.

>> Mayor Adler: Thank you. Mayor pro tem, did you have a question?

>> Tovo: We're way beyond 5:30 so I'll make it quick, but I just -- I appreciate the conversation, and I'm going to go back. I appreciate those in the community who provided me with the link to the minutes. I haven't had a chance to dig into them because I've been here and haven't seen the testimony. But just



very, very quickly, doing a quick Google search, you know, I see an article on NPR from June 24th, 2014, that cites 25% proposal from endeavor. I see two articles in the chronicle over the span of about a month, June 14th, 2014, and July -- let's see -- no, June 13th, 2014, all of these cite 25% affordable housing commitment from both of the development teams. And so while I hear what you're saying, that that may not have been the understanding from the perspective of capmetro, I'm just struggling -- I'm struggling to balance that. You know, against the evidence that was -- against the information that was out in the public, which was not -- did not have a caveat, it did not talk about if public funds become available, it just said 25%.

[5:52:21 PM]

And I don't see corrections. You know, I don't see any of the development teams coming and asking for a correction to any of those articles. And, again, it was over a span, just those three articles spanned about a month period. So there was time to correct it the next time the story was written, if you get my point. So I understand, completely understand why the community and others had an expectation that there would be 25% affordable housing. It was reported -- it was reported as such. Not just in the documents that we saw today that were presented to the board. But I'll go back and watch the testimony and see if there was that level of nuance discussion in the discussion itself. And I -- while I take my colleagues' point that that was an expectation that capmetro set and would need to hold the developers to, we're being asked today to contemplate a change to the regulating plan that would further reduce the amount of affordable housing on this tract by, as I remember housing's discussion earlier, 43 units. And so I guess I need to clarify with councilmember Renteria, is your motion here today allowing for that recalculated -- allowing for the recalculation that's been requested, which would only require -- which would exclude the commercial development from factoring into the affordable housing calculations, or is that not a part of your motion?

>> Renteria: That's not part of my motion right now, that they're willing to do a -- go up to 70 feet, which they have a four-floor parking garage on that, so I don't know how much space it would give them. But my proposal is to start at 70, and if they can negotiate with the neighborhood, to -- for any added height, and what kind of benefit they can give to get closer to -- so that we can get more affordable housing out of that -- out of that development, that's my -- my motion on that for first reading, with the understanding that they were going to come back and say, we agree and we get -- everyone gets an added benefit out of it.

[5:54:39 PM]

If they can't, then I'm going to stick with my recommendation at 70 feet.

>> Tovo: Okay. Thank you.

>> Mayor Adler: Okay. So, councilmembers, it is five minutes to 6:00. If we're ready to take a vote to pass this on first reading, let conversations continue. We have the housing agenda with no one signed up for it. We have a public hearing with no one here signed up for it, and we have one case that has about 13 people. With the expectation we wouldn't be going late, there's no dinner back there. There is a roomful of snacks. What I would propose is that we take a break here, we take a 30-minute break so we can do music and proclamations, have some snacks, and then we come back out and quickly take care of the housing agenda, and then really that last item that has some speakers signed up. That sound okay? Then let's go ahead and take a vote to pass this motion on first reading. All those in favor, please raise your hand?

>> Houston: Leave the public hearing open?

>> Mayor Adler: Leave the public hearing open. Raise your hand, please. Those opposed? I see alter and Flannigan opposed three of those, that passes 8 to [indiscernible].

>> That also includes direction to bring it back next week for second reading; right?

>> Mayor Adler: Yes, bring it back next week for second reading.

>> Who is the one?

>> Mayor Adler: What?

>> Who was the one?

>> Mayor Adler: 8 to 3, it passed.

>> Okay.

>> Mayor Adler: It passed 8 to 3. Passed 8 to 3. We're going to --

>> Houston: Mayor?

>> Mayor Adler: Yes.

>> Houston: I just wanted to ask, councilmember Renteria, is a week enough for you all to work through these issues, or --

>> Renteria: And I believe that if it isn't, we'll come back on third reading, but I hope that they can do it here next -- next week.

[5:56:47 PM]

>> Mayor Adler: Okay. Then we'll go ahead and take a recess. We'll be back here at 6:30 to finish up the agenda.

[Recess]

[6:01:44 PM]

[♪Music playing♪] >>

>> Mayor Adler: Are we set? All right. Well, if you have been with us for the last half an hour or so, you know why it is that live music is my favorite part of city council meetings. And we are honored and real pleased and privileged tonight to have with us ray prim. Ray is a singer/congress writer based in act and his music takes you back to the days when songs were inspiring and meaningful and thought provoking.

>> I like that.

>> Mayor Adler: I like that. His tunes are melody based short stories that anyone can relate to. And identify with. It only takes one of his many songs to be instantly hooked. Ray prim is a 2016 black friend grant recipient, pretty cool, and will return to the studio starting February 18th to make a new record. Please join me in welcoming to city hall, ray prim.

[Cheers and applause]

[♪Music playing♪]. >>

[6:06:09 PM]

>> Thank you.

[Applause].

>> Mayor Adler: That was great. Thank you. So our folks are watching on TV or sitting out here and they want to come hear you play, where is your next gig in town?

>> It's going to be this Saturday, October --

[laughter]. February, February 9th at the one to one bar. February 11th.

[Laughter]. Do you know what?

>> Mayor Adler: Somebody needs to make sure he gets there.

>> February 11th. Somebody else needs to represent me at the one to one bar.

>> Mayor Adler: Sounds good. And if they want to follow you, do you have a website?

>> Yes. Rayprim.com.

>> Mayor Adler: And if they want to buy some of your music what would be the best way for them to do that?

>> Come to a show. No, you can also go to rayprim.com. I feel like I'm getting out of a ticket, I'm sorry. Rayprim.com.

>> Mayor Adler: No, you're among friends here. You don't get a ticket, but what you do get is a proclamation and I'm going to issue one here. So it's a proclamation, be it known that whereas the city of Austin, Texas is blessed with many creative musicians whose talent extends to virtually every musical genre. And whereas our music scene thrives because Austin audiences support good music produced by legends and local 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 here by proclaim February 9th of the year 2017 as ray prim day.

[Cheers and applause] >>

[6:09:23 PM]

>> Mayor Adler: All right. We have another proclamtn and some certificates to give out. Proclamation to be accepted by Jackie Sargent, who is general manager for Austin energy. And this proclamation says, be it known that whereas the Austin energy science festival 2017 will showcase the talent of more than 3,000 elementary through high school students from public, home, charter and private schools throughout greater Austin area and whereas 2017 marks the 61st anniversary of a science fair and in which the city of Austin remains only one of two U.S. Cities to bring a regional science festival to its community. And whereas science fairs like the Austin energy science festival of 2017, with the theme from imagination to innovation, helps spark an interest in children to pursue science, technology, engineering and math careers. And whereas we congratulate the participants, especially those whose winning projects will go on to state and international competitions. And we thank Austin energy, our community-owned electric utility, for sponsoring and organizing this important event for the 15th year in a row. And we thank the Austin science foundation -- education foundation, for their critical role in securing sponsorships which aid in funding the event. Now therefore I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim February 15th to the 18th of the year 2017 as Austin energy regional science festival days.

[6:11:34 PM]

Sounds great.

[Applause].

>> Thank you very much, mayor. We're honored to receive this proclamation and to once again be the host of this very important event in our community. For 61 years the science festival has brought together the largest gathering of our youngest and sharpest minds in the Austin greater region. These students are the next generation of residents and employees who will keep Austin's economy strong and continue to make the region one of the most innovative, creative and the best places to live in the country and maybe the universe. Hosting this large event every year is not possible without the supports of hundreds of volunteers and funding for many of our sponsors. I want to thank the Austin science foundation for helping to recruit the volunteers and to raise funds. I also want to thank the six major sponsors of this year's science festival and for their very generous support. Their support was science festival demonstrates their commitment to our community and to the education of our children. If we could each of the sponsors come up at this time and accept a certificate of appreciation.

The sponsors are: Intel, synopsis, 3M, Bae systems. Google fiber, and thermo fisher scientific.

[6:13:45 PM]

Please join me in giving them a round of applause.

[Applause]. Support of these sponsors makes it possible for accomplishments of many students. We have three of them this evening, rijad she is rajadi, (saying name). Thank you for being here.

[Applause]. These three talented students attended the prestigious and international science and engineering fair after advancing from the Austin energy regional science festival. Thank you, mayor, for being here and acknowledging not only the efforts of these students, but the support of our sponsors and for your continued support as we bring the festival to you this year.

>> Mayor Adler: Thank you. Congratulations.

[Applause].

[6:19:08 PM]

[Applause].

>> Mayor Adler: It's not all the time that I get to give out awards or certificates of recognition to friends and neighbors, but I get to do that tonight. Come on down. So this is a city of Austin certificate of recognition on the occasion of his receiving the 2016 custom home builder of the year from the national association of home builders. Luis Jauregui is awarded for his work on hundreds of homes in the past three decades. As one of the most decorated builders in the state Luis Jauregui has as tremendous qualities and made an impact on this industry by imparting to others nationwide his wisdom and customer service, design-build systems and marketing excellence.

[6:21:21 PM]

This certificate is issued in acknowledgment of this significant achievement on this, the 18th day of January in the year 2017, now being handed over, signed by the city council of Austin, Texas, mayor Steve Adler. Luis, congratulations.

[Applause].

>> Thank you very much.

>> Mayor Adler: Did you want to say something?

>> Thank you very much. Thank you very much, Mr. Mayor Adler. And I feel very, very honored to be here tonight receiving this recognition from the city. And I would like to take the opportunity to thank all my support team starting with my wife Susan and partner in business, right behind me. There's my family, my four children, their families, and our staff, made up of a great group of architects, interior designers, landscape architects, builders, estimators. And it's a really great team of support that I've had, and great children.

[Laughter]. I'm extremely grateful to be part of this community for the last 38 years, going on to almost 40 years of designing and building in this community. It's been a great honor to be part of the growth of this city. And I feel very excited to be here and to continue to build for the city and for the -- for my clients. So I'm very grateful to all of those. Thank you very much.

[Applause].

>> Mayor Adler: Let's take a picture.

[6:25:33 PM]

>>

[Recess].

[6:37:33 PM]

>> Mayor Adler: So it is 6:37. We're back in the room. I think we'll take care of the housing matters first since there are no speakers and that way staff can leave. Is our housing staff folks here? So we have two items. We have the regular agenda, but there's also a public hearing to call. The public hearing is 49, I think.

>> I'm looking for it mayor, sorry.

>> The thickest pud.

>> Yes, number 50 is the 4:00 public hearing.

>> Mayor Adler: Okay. So just a public hearing and no action?

>> Correct.

>> Mayor Adler: All right. I'm going to call the public hearing on item number 50 --

>> I'm sorry, mayor, there is a resolution for consideration also.

>> Mayor Adler: Okay.

>> Thank you.

>> Mayor Adler: We're going to get to 46 in just one second. I'm going to call item number 50. I'm going to open the public hearing. We have two speakers signed up. Is Mr. Pena here? No. Is Mr. Rogers here? No. Those are all the speakers we had signed up. Is there a motion to close the public hearing? Ms. Houston makes that motion. It's seconded Mr. Flannigan. Those in favor of closing the public hearing raise your hand?

[6:39:36 PM]

Those opposed? It's passed by a vote on the dais with Mr. Casar off, Ms. Kitchen off and Garza off. It passes. Now we take the vote on the resolution. Does someone move passage of item number 50? Ms. Houston makes that motion. Is there a second to that motion? Ms. Alter. Any discussion? Hearing none,

let's vote. Those in favor of item number 50 please raise your hand. Those opposed? It's everyone on the dais with Mr. Casar and Ms. Kitchen off. That handles 50. I'm going to recess the council meeting so that we can go into a meeting of the Austin housing finance corporation. I call that meeting to order.

[6:41:38 PM]

That takes us then back into the Austin city council agenda. It is 6:41. We have one item -- actually, we have two items left. Item 49 has no speakers signed up on that. 49 we just did, right? Before the housing folks all leave, what is item number 49? That was just the agenda for what we just did. So 49 has been handled. That was the agenda. That just gives us the one item left, item number 46. Mr. Guernsey, do you want to lay that out for us?

>> Thank you, mayor and council. Greg Guernsey, planning and zoning department. Item number 46 is case c-14-2016-0063. Sh, villas at Vinson oak, for the property located at 4507 and 4511 Vinson drive. This is a tract that's almost two acres. It's composed of three tracts of land. The proposal is to sf-6 np zoning. Current zoning is sf-3 np. The employ is actually to go forward -- the request is actually to go forward and add some more units on the property.

[6:43:43 PM]

On these three tracts. The planning commission's recommendation did limit the number of units to a maximum of 16, provided there is a restriction that there not be more than two units in each building. There's a maximum impervious cover of 50%. There's a limit of one ingress and egress on to Vinson drive, and prohibited accessory dwelling units and also requires a six-foot fence along the common property boundaries. To the north is a religious assembly use and single-family uses. And the zoning is sf-3 np and lo-mu, co-np. To the south and east are also single-family residences. And then to the rest you have the railroad tracks and some street right-of-way and beyond that some single-family residences. The south manchaca contact team had met with applicant and has not supported the the rezoning request. And the neighbors that live within 200 feet have filed a petition opposing the rezoning of the application, and that stands at 54.7%. I believe the applicant has a short presentation. And I'll pause if you have some questions.

>> Mayor Adler: Ms. Houston?

>> Houston: I just have a quick --

>> Kitchen: I just have a quick question about the contact team D they vote on it or just not take it up?

>> I believe they voted on it and I think --

>> Kitchen: Is is there someone here that's going to speak to that?



>> Yes.

>> Kitchen: All right. So your understanding is the contact team voted on it and they voted --

>> Against the rezoning.

>> Kitchen: Okay.

>> Houston: Mayor? Mr. Guernsey, could you give us some orientation? I'm not familiar with this part of the city, so if you could give me some north-south, east-west.

[6:45:47 PM]

>> So this is actually south of Ben white. If you were coming -- I guess south of Ben white near the hospital, I guess further south of the hospital, which is -- yeah, the -- I guess it is St. David's. And James Casey, if you look at the very top of the map, it runs right next to the hospital on its east Austin side. This is kind of west of south first, south of Ben white -- you can see St. Elmo right along the top of your map as well. So it's on the southside of the city, south central.

>> Houston: Where is the train track?

>> It's immediately to the west. If you look at the map -- I don't know if this is a pointer. If you look at where it says Vinson drive you will see the railroad track to the left of the road.

>> Renteria: Hello? Ora, do you know where St. Elmo elementary is at? I'm sorry. I'm sorry.

[Laughter].

>> Houston: That tickled me. Yes, I know where that is.

>> Renteria: It's right there in that area.

>> Houston:

>> Houston: Okay. Thanks.

>> Mayor Adler: I'm throwing no stones here. Are we ready? Does anyone need to say anything before we hear from the applicant? If the applicant could come up, that would be great. You have five minutes to open.

>> People have donated time D that add to the five minutes?

[6:47:53 PM]

>> Mayor Adler: So you're Antonio giustino? Is Linda Guerrero here and Jerry Perales. You have five plus nine. You have 14 if you want to use that much.

>> Okay. I won't use it all. But just as long as it's not the five. Mayor Adler and councilmembers, thank you for giving me opportunity to present today. And councilmember Renteria, thank you for attempting to limit the wait time and you saved us two hours. We appreciate that. We did get stuck behind plaza saltillo and I don't know how you all do it every Thursday. It's pretty intense. I have a presentation, if ifyou could cue it up, please. All the questions that were asked earlier I'll attempt to answer those. So I tried my best to make the most responsible development I could both in the context of the imagine Austin plan and its offshoot, the south Austin combined neighborhood plan. A development that has a win-win-win, so not just as what I can do with a default subdivision, but something more creative that takes care of multiple bottom lines, like the socioeconomic aspects, the environmental aspects, something for the local immediate community as well as something for the greater Austin area. The slides before you, if you need paper copies, I have some. I doubt you really want to read anything right now. But I just -- they're basically variations of what I presented to planning commission. A lot of them are technical engineering kind of slides, they're in the back. So if we need to get to those we can, but really I want to just describe the development, the neighborhood and then get to the conditions that have been placed, basically bring us up to date, what the planning commission decided.

[6:49:56 PM]

And then my summary of why I think this plan is better than the defacto division that I currently also have going through the city. The vision has always been to create a pocket neighborhood. Currently on undeveloped urban core land that fits within the framework of the south Austin combined neighborhood plan as well as the smart housing program. As was mentioned before, I don't think pointers work here, but essentially the project has about 70% on the western side, abuts Vinson drive, which is the innermost curved line there to the west of Vinson is the active union pacific railroad track. And there is the dead austin-bergstrom spur that crosses Vinson and basically follows -- it doesn't have a red line, but in between the two -- if you look at the triangle there, the southernmost edge of that triangle between those two straight lines that's where it goes. That's the Austin Bergstrom spur. You can see it's flat, hardly any trees. The tree that's there a beautiful heritage oak. We're naming the development after it. I've called it villas at Vinson oak for that tree. The curved nature of that is actually wrong. It's an effect of the gis program. It's actually a little bit wider. But the main takeaway we see basically largely residential neighborhood. This next slide probably says it better. There are sf-3 lots abutting Vinson that push driveways into Vinson. In the context of the south combined neighborhood, which is split into four Zones, we're in the south manchaca sector and the northeast part of that. And as you can see the split there with the Bergstrom spur goes, and the union pacific railroad continues to the north, about two to three hundred yards from St. Elmo.

[6:52:08 PM]

How does it fit in the context? I've got some other slides on how it fits in the context of the combined neighborhood plan, but those are in the back. I really want to focus just on the character. The project there is in red. If you see that light yellow, that's residential core. I'm asking for sf-6, which is single-family. It's currently -- most everything that's yellow there is sf-3 at this point. I am next to something that's Orange. As you can see Orange is neighborhood in transition. And to the north of that is the hospital district. And in the definition of sf-6 zoning, a part of the definition I don't have here does use the word transition. I think it's an appropriate zoning use for something that's on a secondary feeder route that takes the pressure off of some other routes like south first, congress, manchaca. This is the development. Again, it's a condo regime, so a lot of the empty space that you see in the middle there goes to the east and west as well as the south part, are going to be part of the neighborhood. Those 16 families will be able to decide what to do there, if they want -- we can get into that more later, but it is -- it's a pocket neighborhood with the idea being those 16 families are real neighbors, and as I said, the default subdivision just makes eight duplex size lots that are just ostracized lots. So the conditions that were placed on this development, to I have to give credit to the planning commission, them a quick study. I think they saw what I was trying to do. What they did essentially is limit -- they put a lot of conditions that basically essentially give me the effective of a neighborhood, but with the added value that I need to make that better layout for -- to be a naked. An integrated pocket neighborhood. So some of the conditions that were already mentioned, I can do 16 today, so I agreed to limit to 16.

[6:54:12 PM]

The density question is out. It's the same density. The development I agreed will not contain accessory dwelling units because you can have those in sf-3, but I said I wouldn't do that. With respect to duplexes, they said, okay, the maximum number of adjoining walls will be one, so basically a duplex is as high as you can go. He they saw also right away that current subdivision could have the danger of pushing multiple driveways into Vinson, so they said okay, we'll limit ingress and egress out of Vinson to one. I think that's smart. I have to build a fence that was mention the. And impervious cover on sf-6. So on both sf-6 and sf-3 it's the same. Normally goes from the total impervious cover, but sf-3 goes to 45. You can go to 55 on sf-6. They sort of split the difference and give me 50. On sf-6 you do need more parking, more water retention. It's a pure site plan, commercial site plan, so presumably that's where that is going. Our development right now is not even at the 50. And then later on after the planning commission voted unanimously in favor, a few weeks later I did talk to nuria Zaragoza and she was concerned about F.A.A. R F.A.R. Limitations. There are none in sf-6. In sf-3 they are 40%. She asked if I would be further willing to limit a F.A.R. So sf-3 standards. I said yes. If that's important to you all I'll do

it, but I think with the other restrictions it's kind of a non-issue and happens by itself anyway. So finally, I really want to really just summarize why the benefits of doing my proposed development with the sf-6 request that I'm asking for versus the default subdivision. First of all, it is automatic that any kind of zoning change will have compatibility standards, so there's an additional set-back recollection protections to the neighbors there that are not currently there with an sf-3 subdivision.

[6:56:15 PM]

Also I willingly wanted to participate in the smart housing program. The unique feature of the units that I'm going to offer is that they're family rentals and they're integrated within an ownership scheme, sort of an ownership style development. I think -- as was mentioned earlier today with the deliberations with the project before, that, you know, a lot of times low income family housing is found on the outskirts of the city if they're found altogether. In this case they're blended. Good school. These lower income families will be able to live and the children will be able to go to school with families that own their homes. The default to green development, if you participate in the smart housing, they're higher A.D.A. Standards that have to be complied with with the smart program. There's going to be community space. I know there's a lot of talk about making this a park. I'm willing to discuss that, but at least with this versus the subdivision, there is communal space. If the 16 families that own that communal space want to build vegetable gardens or a kiddie playscape or a doggy park or picnic benches, grill tables, whatever they want to do, that's their choice. That space is open to everyone there. And if they want to open it to the greater community they can do that. With eight duplex size lots it's just single owners blocking any access. It's their land. Obviously another benefit is the fact that this little community will have an organized voice through an hoa to the greater Southwood neighborhood association. It's a more integral neighborhood. I mentioned that the density F.A.R. Is not an issue because it's the same. We talked about the multiple driveways. That risk is eliminate the. And finally and kind of importantly because I know that flooding has been talked about a lot.

[6:58:15 PM]

I can draw retention ponds and an sf-3 subdivision and I can even build them, but when people then buy those lots, there is no accountability for maintaining those or keeping those. With an hoa condominium style development that's communal, that will be part of the hoa. They'll be maintained in perpetuity so there's more of a protection for flooding and the green space that we're talking about with the water gardens. I've got other slides, I've got other things to say, but I'll wait until the questions are asked and I have a chance to listen to the opposition. But that's essentially a summary of my development and I'm willing to hear any questions

>> Flannigan:. >> Mayor Adler: Takes questions on the dais. Ms. Alter.

>> Alter: How long will the affordable units be maintained as affordable units.

>> The smart housing program mandates five years for rental.

>> Flannigan:.

>> Mayor Adler: Anything else? Yes, Ms. Garza.

>> Garza: Did you say what the sf-3 -- the current zoning you can build 16 units?

>> Yes. It's eight approximately quarter acre lots and because they're duplex sized that assumes there's two each so I think it's a lesser quality development, but the unit -- the number is the sf-60 is correct. And that plan is actually a real plan in the city. Right now I'm slowing down because I have two active plans and I like to just do one. Fully.

>> Garza: So we're -- I understand there's extra -- like the fence and impervious cover, there's extra things with this one that's before us, but regardless you can put 16 units in this one, or you can put 16 units in sf-3? Is that what you're saying?

>> So in the backup information I think it said I could go to 18 units with my sf-3, I think that's pushing it to be honest with you. The plan that I thought was a better value for my lots was eight duplex units so that's 16.

[7:00:20 PM]

Hence I offer to limit to that on the sf-6, and that's something that the planning commission took and they made that as a condition.

>> Flannigan:.

>> Garza:

>> Garza: If you don't get the sf6 you're gonna build the sf-3.

>> Absolutely, yes.

>> Flannigan:.

>> Mayor Adler: Mr. Renteria.

>> Renteria: Can you explain to me. I know you have met with the contact team, and what was the big concern about -- what is their concern about your getting the sf-6?

>> So let me just back up a little bit. In August, it was a completely different reality, an mf-2 application I didn't have an three in parallel, and this ballot petition came out in August, the signatures were gathered in August. Since then it became sf-6. A parallel application came in, and we started talking to the contact team. The contact team hadn't been organized initially -- well, it hadn't, but I needed to talk to the contact team to do an mf-2 because it required a neighborhood plan amendment. When I dropped it down to sf-6 we didn't require that but it made sense to still talk to the contact team that was formed. I will say that hardly any of the petitioners attended those meetings, but we did have a couple of meetings before planning commission then put their restrictions on it. The main concerns were flooding always, traffic always, affordability. Those were I would say the main ones. There's other ones but those are the main ones.

>> Renteria: Okay. And there's no way that y'all could --

>> There is one more. Go ahead.

>> Renteria: There was no way that y'all could work out a compromise?

>> Flannigan:?

>>> I've tried. I'm trying to give a little bit to everyone. This is a better development, something I could be proud of.

[7:02:21 PM]

It was the original vision. I was forced to start a subdivision under current rights but I would rather do this. I feel like a lot of their concerns -- in every aspect except for one, I feel that my proposed development either maintains the status quo or improves it. So traffic, it's 60, 60, or if you want to put a park that's an attraction, it adds volume there. You don't want a park that no one goes to. Traffic is a concern for everyone. I'm a stakeholder. I want to fix the traffic. I don't want to put a cap on my density but at the end of the day I agree it's a problem regardless. Flooding I think my plan is better in that sense. Affordability, my plan is better in that sense.

>> Flannigan: There's one more nebulous concern that I can speak to if you want me to and it's the domino effect that could occur if they let someone change the zoning I can give you three facts -- I can give you those reasons if I have time or you want to hear them. I don't want to take up too much time.

>> Mayor Adler: Let's hear it.

>> Okay. So first -- one parcel was unplatted land. If you look around everything has a plat, utilities in a certain place, has structures in their smaller lots. Mine is no structures, no utilities, raw, unplatted. That's not a fair comparison. You're not gonna find -- there is no other lot this size. Second, the conditions that I've self-imposed or have been imposed on this -- and also let's say, presumably,

hypothetically, the developer comes after me and wants to do something similar and let's say they don't have planning commission restrictions imposed on them, let's say somehow they can stream two or three quarter acre lots together even, that would be hard to do, but let's say that happens, the automatic setback requirements, compatibility standards, really it's a high threshold.

[7:04:28 PM]

You need at least an acre, acre and a half to be able to overcome that requirement to make it worth it. So for that second reason I don't think it will happen. Finally, in the intermediate and long-term -- the development, whether in this neighborhood or in any other part of Austin is gonna be determined by codenext. And so what we do here today, like for the long-term, for this domino effect, like it or not, whatever happens in the future will be codenext.

>> Mayor Adler: Yes, Ms. Pool.

>> Pool: My staff did a little bit of research on the parcel and I was advised that the northern half of the site is the beginning of the Bergstrom rail spur and there was some interest in resorting the northern half for a trailhead, part of the rails to trails effort, the national effort. Are you familiar with rails to trails?

>> General concept, yes. I may not be versed in the details, but I -- I met as recently as this Sunday with four neighbors on that topic.

>> Pool: Great. So tell us about that?

>> Sure.

>> Pool: Because I also have a note that there was a meeting but don't know how that went.

>> Yep. So and they admitted this, that they -- in this capacity they weren't representing the petitioners of the contact team necessarily but they were parentage grander vision. I admit I'm a sucker for grand visions and it's a good one. I think we all agree that we want this abandoned spur to be something. Whether it's rail for the city and they think -- and I probably agree with them that that's unfortunately a long ways in coming, so in the meantime it could be a trail. I think that's great. I want that to be a trail. Improves the value of the land. It fits within the imagine Austin, everything about it is a wonderful. What they want is to do -- to use the land that I have for a trailhead, and so maybe they're considering there being funds to buy me out or to do a land swap.

[7:06:38 PM]

I brainstormed with them on this topic. We walked 200, 300 yards to -- down this rail, this dead spur, to the corner of where the St. Elmo school is and we talked there for a bit. One of the things I pointed out is even if you could get these resources to buy this land, wouldn't it be better used maybe to build a trail and instead use this space that's already owned by the city of Austin independent school district, St. Elmo's, to colocate the trailhead there? At the end of the day it's 200 to 300 yards difference, still a trailhead, goes all the way to the airport, 200 to 300 yards isn't gonna make that much of a difference. That's one idea. There's an even more out of the box idea I presented. I don't know if they were willing to do that one, but do you want that one?

>> Pool: Absolutely.

>> I mean, look, I believe in grand ideas, and noble vision and this is one but I also -- great visions have to be able to manifest themselves in the practical and real world. And so I suggested if you don't have the funds to do what you want to do, that there's a neighborhood to the north of me if you could put the map back but essentially I had approached this neighbor over a year and a half ago to buy half of his backlot. If you cut his backyard in half he would be more like his neighbors, because it's a very large lot. It's full of trees, it's not good to put houses on but I wanted it to build a greenpeace for my community at the time. They weren't having, which is fine, I dropped that a long time ago. I said if you can go convince them to do that I will buy it and deed it to the city as long as I can get that at market rates and as long as I can integrate my neighborhood with it and keep my number I would do that for them. I'm trying to think outside the box, but I honestly -- I don't know how realistic it is to do a land swap or to get this bought out.

[7:08:44 PM]

I think that those conversations I'm open to them. Regardless of this decision today. In fact sf-6 zoning, the condominium regime is more amenable to something like that for access. Whereas if you block access with multiple lots it just makes it harder. You're always gonna have the trail. The trail is access for everyone. To get to that trail it would be easier if you had a condo regime you could talk to the-owner after to do something with.

>> Could I ask one more time what the motion is? It's just on first reading. Is that right?

>> Mayor Adler: There's not a motion yet.

>> Pool: There isn't a motion, okay. I'm gonna have to step away but I'll be back. I have to do an introduction and I'll be back probably about 7:30 I don't know if we'll be working on this item.

>> Mayor Adler: We have quite a few speakers so we could be.

>> Pool: Very good. I'm gonna step away and be back as soon as I can.



>> Kitchen: Could you put the map back up? I wanted to understand a little better about the option you are talking about. You're talking about this big lot that's just to the north --

>> I can't point -- or maybe I can point over here. Yes, that one. The wooded one, yes.

>> Kitchen: Okay. So --

>> If you look at the eastern line of my property those are the backyards of his neighbor and you can see he has twice the land, right? I was trying to think of a creative way to put a trailhead there.

>> Kitchen: Okay. Considering that potentially as a trailhead. Where is the St. Elmo school? Is it on the map?

>> Where St. Elmo, the street is? And where that rail head meet, basically they're on the other side of the street. You barely can't see it.

>> Kitchen: Okay. All right. So I can ask the other folks that are speaking, but so y'all talked about this potential idea.

[7:10:46 PM]

Was there any interest in that idea?

>> The first response -- and I think they may have warmed up afterwards, but I'll tell you the first response was, well, we can't ask that of our neighbor.

>> Kitchen: Oh, okay.

>> So I'll leave that as it is.

>> Kitchen: Okay.

>> I think I tried to convince them that that is more than fair because, what, am I supposed to give my land away but I can't offer to buy something and give it to you? That's just one idea.

>> Kitchen: Mm-hmm.

>> Again, I'm trying to appreciate the greater vision for this trailhead, but it has to be practical.

>> Kitchen: Okay. Thank you.

>> Mayor Adler: Further comments before we go to -- Ms. Kitchen?

>> Kitchen: I have questions for staff. Related to transportation.

>> Mayor Adler: Do we hear them before we ask the public to speak?

>> Kitchen: Yeah, let me just ask them quick questions.

>> Mayor Adler: Thank you very much.

>> Kitchen: Thank you.

>> Mayor Adler: Transportation staff.

>> Anna martin, Austin transportation.

>> Kitchen: I don't know if you can answer this, but basically I'm wanting to understand -- I'm familiar with the road, Vinson. So and I know there's some concerns that the neighbors have in terms of traffic along there. So I'm just wanting to understand what can be done with that road? I've been up and down that road a number of times, and so I'm familiar with what it looks like. So and I don't know if this is a road that atd has on your radar screen and so my question is, is it something that y'all have looked at, and if so, what kind of improvements do y'all think is appropriate there?

>> We've taken a preliminary look at it as this case came forward. It's identified as a substandard street right now, 21 feet of pavement, no sidewalks or bike lanes.

[7:12:50 PM]

We determined that the first thing we need to do is get a survey because we don't know where the city right-of-way ends or the up rail line right-of-way begins and so once we figure out the right-of-way we'll have a better understanding of what opportunities could be for any sort of widening or sidewalk or bike lane placement.

>> Kitchen: Okay. What is the interaction of that road with the railroad?

>> The crossing --

>> Kitchen: It doesn't really cross -- is that what --

>> That's the one thing we need to figure out.

>> Kitchen: You have to figure --

>> Not yet. The survey is the first step. Is that something in the works in the survey. What's the status of that?

>> Transportation in conjunction with public works is committed to doing further research on Vinson road. We have yet to identify resources to kick those off yet.

>> Kitchen: Okay and then finally with this type of development, would there be -- would there be some fees that are paid that could be used for that road or no?

>> Unlikely.

>> Kitchen: Okay.

>> This project is small in scale, so there would be very little available.

>> Kitchen: Okay. So how much -- what are we talking about in terms of dollars to at least study Vinson road?

>> I'm not comfortable giving an answer right now.

>> Kitchen: Do you have an order of magnitude or we can talk about it later if we don't. It seems like what you're saying is step one is a survey to -- in order to really understand what's going on on that road. And those are the funds that we haven't identified yet. I imagine the order of magnitude on that would not be that much. Now, what you -- then do after that, you know, obviously would be more costly but that's something I'd like to understand, is what kind of resources we need to look at to take the first step.

[7:14:54 PM]

So maybe there's some way to get started on that. So thank you.

>> Mayor Adler: Ms. Alter.

>> Alter: This might not be for transportation, but for staff. I'm just wondering, can the developer later decide not to build the affordable units or not to make the units affordable?

>> Smart housing program is a voluntary program so, yes, they could withdraw. Right now the incentive for them to do this is reduced development fees for reduced building permits and things like that, but that is an option for them not to go forward.

>> Alter: Okay. Thank you.

>> Mayor Adler: Mayor pro tem.

>> Tovo: Mayor, since we're talking about the affordability letter I wanted to ask a question about that and I may as well do it now. It's not clear to me from this letter, what is the total amount of their fee waivers? And as I remember the discussion with the developer, they're receiving the fee waivers in return for year affordability commitment.

>> That's right, two units, five-year affordability. It's difficult to give you the amount of the fee reduction because usually they're based on the value of the structures being constructed, but the applicant might be able to give you a better idea of what that amount is. If this is successful in going forward we could work with the applicant and then talk with our development service department to try to get an estimate of what those fees

>> Tovo:are.

>> Tovo: I think that would be helpful. I will note on here that the capitol recovery fee is not included with this application.

>> Tovo: I see that. And the letter -- sorry, I'm squinting because I'm having a little trouble reading it here on the dais but as I remember from reading it in the backup it had decreased from a hundred percent fee waiver to 25%.

[7:16:59 PM]

>> It's 25%.

>> Tovo: Okay. Yeah, I think it would be helpful if we can get a sense from housing and development services what those fee waivers would look like.

>> Okay.

>> Tovo: Thanks.

>> Mayor Adler: We.

>> Mayor Adler: We ready? Let's call some folks. Is ray Collins here? You have some time given be to you. Is Margaret Dunn here? Is David king here? Is Tara Connolly here? Katherine Wahl? You have 15 minutes.

>> I'm sorry, mayor, this thing is not working too well.

>> Mayor Adler: That's okay. You have 15 minutes if you want to take it all.

>> I have a mystery donor in there somewhere. Thank you. My name is ray Collins. I'm a member of the south manchaca combined neighborhood plan contact team. And this is the south manchaca combined neighborhood plan. It is so new that it is only recently available, eligible, for amendments. It is the living document that you have from us stating what we want for our neighborhood. When the city's auditor presented their audit findings for the city's responsibility regarding neighborhood plans and contact teams to the audit and finance committee last November, this plan and the associated contact team were cited as a model for use in the formation of new plans and the updating of old plans. District 1

planning commissioner white referenced page 52 of our neighborhood plan at the December 13 planning commission meeting. It was reproduced on page 19 of the staff report. Commissioner white asked Wendy Rhoades on page 19 there's the pull out -- sf-6 has a asterisk, usage should be conditional and may be appropriate next -- depending on context.

[7:19:07 PM]

It says in the staff summary that sf-6 is appropriate based on this. But I'm wondering, what are the more permissive districts and intensive uses in the context of this that support that? And then Mrs. Rhodes responds that staff could not establish a conditional use. The absence of a conditional use violates zoning principle number 3, which the staff report states must be followed. Zoning should be consistent with an adopted study, future land use map, or an adopted neighborhood plan. There's no justification for -- we didn't establish this as a conditional use. When the condition -- when the property borders other sf-3 properties. The entire property is surrounded by single-family homes and sf-3 zoning accepting the place of worship permitted in any zone. The Vinson drive property is not located next to the more permissive or incentive use. To grant sf-6 zoning in our neighborhood would create incompatible zoning. There are no other condominiums, townhouses or apartments in this neighborhood. The residential core policies referenced by Mrs. White on page 48 of our neighborhood plan state that the following are appropriate as infill or redevelopment options, single family houses, duplexes, small houses on small lots, cottage clusters, bungalow courts. Under sf-3 zoning a hypothetical calculation based on the square footage of Vinson drive property posits eight attached duplexes, the same number of condominiums proposed in the sf-6 application. However, as duplexes are already allowed under the current zoning, duplexes are compatible in our neighborhood, whereas condominiums are not.

[7:21:11 PM]

Theoretical calculations aside, the specifics of the site, a heritage tree at the south end and the railroad right-of-way at the north end will likely result in an sf-3 permit for five to seven attached duplexes. Designers of valid petition and other long-term neighborhood residents seek to avoid the densification process described by Richard Suttle, the developer's representative at a December 5 contact team training event. He spoke about asking for upzoning of a solidly sf-3 neighborhood such as ours. Saying it, quote, absolutely puts the rest of the block in jeopardy. He said he's -- again, quotes, time and time again, he said he had seen it time and time again, that a rezoning of a particular piece of property might seem to be appropriate specifically for that piece of property, but it has the unintentional effect of changing the whole block and/or immediate neighborhood because of the zoning change and effects it

has on neighboring properties. Neighborhood residents are well aware that there are going to be ten other -- Mr. Suttle's words, developers after him with similar or higher upzoning requests. From the residents' point of view the resulting Progressive increase in density destroys their neighborhood. The Progressive densification caused by upzoning in our residential core as described by Mr. Suttle destroys the neighborhood by making the adjacent sf-3 property zoned by the long-term residents less affordable. These people are already living in the affordable housing that is available to them. The 2015 update of U.S. Census American community survey reports a median household income of \$48,929 for census tract with Vinson drive development is located.

[7:23:13 PM]

As of February 7, the developer changed his affordable housing offer from 40 to 10% of the units. Only two units at 80% mfi, \$62,052 for five years as part of his sf-6 application. That is clearly unaffordable housing for this neighborhood. In his state of the city address just passed, mayor Adler proposed an Austin bargain for how our neighborhood plan is to be included in codenext. Quote, I would propose that we agree not to force density in the middle of neighborhoods. There is no sense in shoving density where it would ruin the quality of life we're trying to save in the first place, where it's not wanted by the neighbors and where we would never get enough of the additional housing supply we need anyway. In exchange as part of this bargain let's all agree that we will adopt a code rewrite that will give us the housing supply we need. Unquote. For tonight, however, our present neighborhood plan is what you have for the basis of your decision. This is also an opportunity for you to make a forward-looking decision based on mayor Adler's Austin bargain of not forcing density into our residential core. We ask you to vote to uphold the valid petition so our neighborhood remains as we have agreed we want it to be and this, our neighborhood plan. Since the Vinson drive development adds impervious cover two blocks upstream of the 25-year Williamson creek floodplain I will briefly speak to flooding. I reread the flood mitigation task force report and summarized a half dozen or so places where it addresses the upzoning request before

council as follows: Evaluate development in a prudent flood prone area such as the Williamson creek watershed on the basis of reducing or at the minimum not increasing the risk to neighborhood residents for loss of life and property.

[7:25:19 PM]

Use buyouts sparingly to avoid destruction of neighborhoods and the resulting emotional turmoil for its residents. Emphasize infrastructure solutions instead to reduce the number of habitable structures subject to flooding. Flood mitigation task force member confirmed this is an architecture summary.

Based on the expertise he acquired from the access he had to city staff, he said, quote, probably not even sf-3 single family should be allowed as any additional impervious cover will increase flood elevations, end quote. Commenting on the additional water that will be moving downhill the two blocks from the Vinson drive development to the Williamson creek floodplain he also asked, quote, when we're already in a hole that will fill with water when it rains, please stop adding even more water. A few contact team members, myself included, are working to fulfill Rollins request and leave the Vinson drive property undeveloped. Today you see an abandoned rail spur that [indiscernible] The city's plan for this right-of-way takes advantage of the fact that it is the only non-auto route to the airport, an urban trail is in the works, and the city would be missing a great opportunity to transform this Vinson drive property into a stop-over for walkers on the urban trail to be created and for bicyclists on the Vinson drive portion of bike route 31, already the most heavily used north-south bike route in the city. And finally I want to thank councilmembers kitchen and Renteria by name for the efforts they're making to turn a [indiscernible] Mass rating as a neighborhood collector street into something that is walkable, driveable, bikable and above all safe that already -- the city's overall implementation of vision zero.

[7:27:26 PM]

Since we didn't succeed in obtaining a meeting with the appropriate member of mayor Adler's staff I take this opportunity to ask him directly that he and his staff work with them in a similar manner as he provided to councilmember Renteria for approximate of a road elsewhere in district 3 elsewhere. We talk to so many councilmembers and staff that we heard speculation that the reason we didn't obtain a meeting was a new baby. If that rumor is correct, congratulations both for new baby and given the -- giving the child priority. Thank you.

>> Kitchen: Mr. Mayor.

>> Mayor Adler: Yes.

>> Kitchen: Can I ask a question? I wanted to talk more about that traffic on Vinson. So I think that -- can you speak to your concerns about that road just from your experience and so we can -- help us all understand the concerns about it?

>> Yes. As a matter of fact, I'm retired so I drive that road off-peak and even off-peak, you know, by the time I get to my credit union down on staffney by then it's turned into emerald drive. And it's a reasonably safe urban collector street. You know, I've accumulated a tail of, like, four to six people even in the middle of the day taking it, and the I'll let other people behind me to speak to what they see in the morning when their children are going to school and stuff like that.

>> Kitchen: Okay. May I ask one more? The other question I wanted to; Mr. Collins, just related to the contact team. The reason I asked is because I heard different things about what they actually voted on.

There's no one here from the contact team, right? Good. Y'all can speak to that. I had heard that the contact team didn't actually vote on this property but --

[7:29:27 PM]

>> Yes, I'm from the contact team.

>> Kitchen: Okay, you can tell me.

>> And we have one, two -- three -- four of us.

>> Kitchen: Just tell me what the contact team did then.

>> Yes. The contact team voted to uphold valid petition.

>> Kitchen: Okay.

>> And of course that means remaining sf-3. To honor our adjacent neighbors' desires. We have a smaller group within the contact team that would like to look beyond that but we're still going to be loyal to what the vote was.

>> Kitchen: Okay. Mm-hmm, okay. Thank you.

>> Mayor Adler: Anything else?

>> Thank you.

>> Mayor Adler: Thank you, sir. Next speaker is Stephanie Baskin.

>> Good evening, mayor, mayor pro tem, and councilmembers. My name is Stephanie Baskin. I'm a property owner a few hundred feet away from the railroad tracks from the proposed Vinson vs. I would like to address the conditional overlay found in your backup material on page 1. It's the zoning change review sheet, the developer called it conditions set by the PC at the bottom. Many of these conditions were taken from the agreeable conditions document that was presented by the developer at the planning commission meeting on December 13. It was presented in his last slide in the presentation titled as agreeable conditions. I just wanted to make sure that to be clear these conditions were never agreed upon by the neighbors on the petition. Other neighbors such as myself and the contact team. The developer presented them as agreeable conditions that he would agree to.

[7:31:31 PM]



But the background story with this, the conditions arose from a previous contact team neighborhood meeting on November 1. Then the developers hired a representative, he asked the attendees at the meeting conditions they would consider if hypothetically the property were to be rezoned as sf-6. She passed out paper for people to submit conditions. A few offered ideas for ideas to be discussed and they submitted those papers to be further discussed. Many attendees from the contact meeting and attending did not offer conditions as they did not and do not believe that the property should be rezoned to sf-6, and as they've stated tonight they stand behind the valid petition. So these submissions called agreeable conditions were not a consensus agreed upon by the contact team. This was created by Ms. Guerrero and the developer as agreeable conditions based on this meeting. In the developer's presentation at the planning commission meeting, this explanation of the background story where these agreeable conditions came from was not offered or at least was not apparent regarding this information, and it might have caused some confusion. Consequently, a letter was sent after the planning commission meeting, after December 19, by the contact team, to councilmembers, and I think that you guys also have that in your backup material. That the agreeable conditions presented by the applicant to the planning commission were not approved by the contact team. The developer responded in an email to the contact team is stating that he never stated that they were agreed to in any way and that they are only conditions that he's amenable to. So, in fact, the conditions were not formally conditions at all that were set by the contact team.

[7:33:31 PM]

In conclusion, this was definitely not made clear by the developer in the planning commission meeting that these agreeable conditions were not agreed upon by the contact team. And I wish to make that clear now. So thank you.

[ Buzzer sounding ]

>> Mayor Adler: Ms. Garza.

>> Garza: I have a question. I guess I have the same for Mr. Collins and the other neighbors that are gonna speak so if they can address this. I understand the concern about sf-6 on this -- in this area. But if, let's say, he could build 32 units with sf-6 and that's what he was going to do but with the current zoning of sf-3 he can only build 16, I could totally see -- you're doubling the size of what you can build there and, no, we don't want that, and I would support that. I'm just -- I'm trying to understand, was the initial valid petition purely on sf-6 that could allow him to build? Because now he's essentially asking for sf-6 and building an sf-3 development. So --

>> I'm not a part of the contact team so I'm a neighbor and I stand behind what I just read but I would rather have someone from the contact team speak.

>> Garza: Sure. I guess Mr. Collins is coming up.

>> Thank you. While it was -- well, it was 16 units, eight attached duplexes, not 32.

>> Garza: If I'm sorry I just kind of picked a number as an example. I understand the opposition, if he was asking to build more and in the current -- but he can build same. From what he just said he can build 16 with the current zoning or he can build 16 with sf-6.

>> Yes, that's what I was addressing in my presentation. Using Mr. Suttle as an example. I asked you to consider the fact these neighbors have lived there for a very long time and they also wish to be able to afford to live there for a very long time.

[7:35:37 PM]

So what their viewpoint is is that 16 units of compatible zoning will allow their houses to remain affordable over the long-term however -- you know, ten, 20 more years they plan to live there, whereas the Progressive densification that starts with this sf-6 property upzoning is the very thing that they are wanting to avoid over the long-term. We showed councilmembers what we called vulnerable properties in the individual meetings, and the domino effect that Mr. Suttle described in the contact team training last December 5 is a very real danger in our neighborhood. So that's what they're wanting to avoid.

>> Garza: Okay.

>> It's not just the equal number that matters to them.

>> Garza: So the concern is more the precedent that it would set?

>> Yes, exactly.

>> Garza: Even though this particular development leaves the -- it 16 units, regardless if it's sf-3 or sf-6?

>> Yes, the 16 versus 16 comparison is absolutely not as important to them as the precedent.

>> Garza: Okay. Thank you.

>> Anybody else?

>> Mayor Adler: Okay. Next speaker is Kate mason Murphy. Is Mary Olmsted here?

>> Mary is not but I think mark is.

>> Mayor Adler: Great, you have six minutes.

>> Good evening, my name is Kate mason Murphy. I'm a member of the south manchaca combined neighborhood plan and part of this south Austin combined neighborhood planning process from the beginning in 2012. I'm a mother, a former aid teacher and a bike commuter, I'm also cofounder of the

emerald wood community garden, recipient of a 2016 mpp grant to create a recreational nature trail, I'm a creek adapter, park adopter and I sit on the advisory board for gave.

[7:37:51 PM]

All of these efforts, advocacy and initiatives service to benefit our neighborhood, our zone, our city and our quality of life. After more than ten years of full-scale community work in this neighborhood, I feel let down by my city government. As a then single mom making \$40,000 a year I bought a small, sturdy 1970s home on the Richmond tributary, a drainage ditch that empties into the creek in our neighborhood 250 yards downstream of they. In 2008 I was rezoned to the hundred-year floodplain. Three years ago rezoned again to the 25 year with velocity, all due to development upstream. Our home is now on the Williamson creek flood buyout. I have lost my neighbors on both sides, two more across Aberdeen, two sit empty with regular police activity and two more families will be gonna month. My home has never flooded and I live four blocks downhill from the short sited infill project in an already flood-prone area. We bought into the imagine Austin vision. We jumped in N and fought for prop one mobility bond. We also block walked for your campaign, mayor Adler. We actively work with pard, watershed, urban trails, active transportation, aid, safe routes to school, apf, kab and many others. In collaboration with bike Austin we submitted a rail trail grant application for the Bergstrom spur last week, which included a letter of support from Chad Crager, coa transportation department. The Bergstrom spur is a tier 1 urban trail that runs 7 miles from the main up line at Vinson through the Greenwood cemetery to the northwest corner of the airport's property. My husband, our three boys and I stomp all the way to montopolis a few weeks ago. Let me tell you what we saw. An abandoned, overgrown and neglected right-of-way full of trash, stolen goods, beer bottles, needles and homeless camps, not much different from the images the media ran last week of Williamson creek.

[7:40:05 PM]

With a coordinated nudge on the part of city council, city staff, nonprofit organizations, and other stakeholders, this is what is possible. A seven-mile separate from auto recreation and active transportation corridor connecting people with jobs, affordable housing, services, and other amenities as we move forward toward the vision of compact and connected communities. We should be focusing infill and very development on our minor and major arterials, our corridors, or the St. Elmo industrial project area whose northern boundary is Bergstrom spur, for example. With four breweries already in that area giving people non-auto options is just plain smart. American youth works, two alcoholics anonymous locations, two health and human services offices, capital metro routes and the G mega store are all on the Bergstrom spur. There are also large parcels of land for sale east of I-35 on the spur,

perfect for creating a Dennis, affordable corridor that could offer wrap around services for low-income populations, access to healthy food and green spaces, safe routes to schools and jobs, and one that is not reliant on the automobile. We have a small window of opportunity right now to make a quantum leap in moving Austin forward. It would be ashame to throughs over an irresponsible infill development in the middle of our solidly sf-3 neighborhood that is promising only two smart housing units for the minimum five years with an mfi figure that is 15,000 higher than the surrounding neighborhood. This pocket development doesn't connect to anything. The walkability score is 25. Not only do we request that you vote against the upzoning to sf-6, we request that you acquire this land to be used as a trailhead for all austinities.

[7:42:11 PM]

We are your partners in moving Austin forward. We already write grants. We already do community outreach and organizing, we already work with numerous city departments and nonprofits, and we are only asking you to do that which we can't. Uphold the valid petition. With all due respect, our vision for this area is better than yours. Thank you.

>> Mayor Adler: Thank you. Gets us to our next speaker, who is Larry Murphy.

>> So I'm also a member of the south manchaca contact team, and I could give you a bunch of statistics and facts, but instead I want to represent our neighborhood and -- and also what it means to Austin. It is one of the last Zones of affordability. So thank you all for your time and hearing us out today, but what I want to get away from is -- we've got a current combined neighborhood plan. We worked hard with city active transportation, we shared visions, Bergstrom spur, Williamson creek, lots of connectivity and one of the major outcries we had was a cut through traffic in our neighborhood and how south Austin has suffered due to the Buda, hays county that pushes through our zone of the city. So we're in a situation where we have limited sidewalks for our children, on bike route 31 and development has continued to push us out in gentrification. We're on the flood buyout on a little bitty tributary and a little bitty creek system, this is at the top of our hill, going to further drain into our neighborhood where they're buying out affordable housing.

[7:44:12 PM]

I don't want people to hide under the blanket of safety of this is more affordable housing in our neighborhood. This actually displaces affordable housing in our neighborhood. What I want to touch base with is to enroll everyone in the vision. This is a perfect trailhead for major development. If we want to talk affordable housing, look at the possibility along the Bergstrom spur. We can create it as a --

right now as a trail, auto-free, but basically as -- for pedestrians, for bicycles now, but we hold on a right-of-way that is so important in our city. This can be used later for rail. I mean, just gondola activity, it allows development all along that zone towards our state park, our airport, the -- those are our affordable city golf courses, and like I said, through Williamson creek. It's also a defunct warehouse district. All of this could be redeveloped as truly affordable housing, instead of the 12, 14, 16 units on this parcel, we could be looking at 14,000 or more as we responsibly redevelop that Bergstrom spur and that area east to our airport. So I wanted to take this time to ask you, yes, to uphold the valid petition as our contact team has set out to do but I really want to enroll you all in a greater possibility, not just more of the same old, same old, we're about to rewrite our code, codenext is coming, we're gonna have a different vision forward and a different set of code that's not in keeping with our south Austin combined neighborhood plan. As you can see we worked hard on suggesting things like the trail and a big vision forward of revitalization of our neighborhood but we also want to preserve Austin culture.

[ Buzzer sounding ]

-- Colorful character, affordability, true affordability. And south Austin is long -- has long represented that so I thank you all for your time and support. Thank you.

[7:46:12 PM]

>> Kitchen: Mr. Mayor.

>> Mayor Adler: Yes.

>> Kitchen: You know, you have a question. I don't know that we're in a position to answer it at this point. I do know that there is money for trails in the bond package that we passed. What I don't know is the Bergstrom spur, you know, where it falls in terms of our priorities. So I just mention it as a placeholder unless someone else knows for us to follow up on.

>> [Off mic]

>> Kitchen: Come up --

>> Mayor Adler: Can you move to the microphone.

>> Kitchen: I'm sorry, say that.

>> It's a tier 1 urban trail currently on the bicycle master plan last approved I think in 2014. But it's also in the urban trails plan.

>> Kitchen: You're talking about the spur itself.

>> The spur itself.

>> Kitchen: That's something we can talk about and we don't have our priorities yet for the bond program, for that part of the bond program. That's something we'll be dealing with in the next, I don't know, month or two or whatever, three, or whatever.

>> Renteria: I'm also working on -- on a [indiscernible] Requesting to see if -- I have two trails that I would like to see it connect.

>> Kitchen: Okay.

>> Renteria: Besides the one which is in govalle and the spur.

>> Kitchen: Okay. Thank you.

>> Awesome.

>> Mayor Adler: Go ahead.

>> I wanted to also, did you have any questions as far as -- I have unique perspective on Vinson drive and the traffic issues. I don't know if you have any further questions --

>> Kitchen: Oh, yes, go ahead and give me your perspective on that. That's great.

>> My perspective is a long time bicycle and walking advocate and as a former teacher in aid and Kate and I have four children that we're raising in that neighborhood so our safe route to school would be to St. Elmo elementary as we discussed and -- that would be at the northern end of this development but it's also the safe route to our other -- neighborhood elementary school, Joslin elementary.

[7:48:15 PM]

So what happened living here for a long time, it's -- Vinson drive is a substandard rural road that acts as a neighborhood collector street in our area, and that's true. But that doesn't tell the story of when we say improving the safety on that road, what we're really talking about is the amount of cut-through traffic at peak times in the mornings and the afternoons. And the road is substandard across the tracks at odd angles, multiple bicycle accidents, in fact when we were meeting with the developer last Sunday there was another bicycle accident right there on the crossing the tracks, right in front of the proposed development on the Bergstrom spur. So what happens is the road is -- has a really long unimpeded staff to St. Elmo, there's no traffic calming, no traffic mitigation, there's no stop signs or stoppage. So as people pour through in the mornings, right, they're flying down the road but the problem is if you look at it where everything comes together, Vinson drive, St. Elmo, James Casey, our arterials are clogged out there, south first and manchaca, so at every opportunity the traffic bales through the neighborhood and to keep flowing along that emerald forest Vinson drive corridor it backs up at St. Elmo because of the fact that there are no lights, there are no stoppage of flow, in other words everyone has to yield to t-

type intersections so there's no real clear -- the traffic backs up, there's no real clear right. So what happens then is all the traffic pours through the interior of the neighborhood where there are no sidewalks or bike lanes. You see what I'm saying? So it destroys the livability, ability for our children even to get to elementary school in the mornings. The amount of car traffic pouring through south second, south third street, we just had one of -- we just had a child hit at St. Elmo this year in September and it's -- I mean, I'm a citizen, I can say this, that is our b-cycle director, that was his son and his mother was iberian at St. Elmo so my voice is also trying to represent for them.

[7:50:20 PM]

That's how dangerous our neighborhood has become. Where we have our b-cycle director and myself who was stood on BAC and an advocate for a long time working with past councilmembers and many others advocating for safe bicycle routes and active transportation options in Austin. That was where that child was hit this September. It's like a war zone trying to get through there in the mornings like I said. The reason we feel hurt by the city is because we've been promised things like traffic calming, traffic mitigation, be it round-about, art in public spaces, gardens. You know, thinking outside the box, trying to calm this traffic through our neighborhood, and trying to make it a more livable, more pleasant place. Instead we haven't received any support whatsoever. We haven't gotten any bike lanes. We haven't gotten any traffic calming. We haven't gotten any traffic mitigation. The problem has continued to just develop and develop. Since that time period we've been put on the 25-year floodplain, they're trying to buy us out and force us out of our neighborhoods. They haven't given us any sidewalks or bike lanes or anything else. What I'm saying there's a big let-down generally in our Austin. It feels like south Austin has given and given and we suffer considerably, our quality of life, due to the development around us about but we haven't invested in the people that actually live here, that remain, that exist here. And so it's really apparent in a zone of affordability, like what's happened in some areas of east Austin, south Austin is now feeling that crunch of gentrification. It's the development. I mean, it's the car traffic pouring through. It's become a zone where it's difficult to raise children and that's why our children are here -- we rode our bikes with our kids to attend the meeting. That's how important it is to us. So simple things. So I appreciate the ongoing study but that area really needs some attention. And so I'm glad, too, that we're going to vision 00 and actually look forward to some of these design and really not accepting loss of life and risk to our children, to our families for the sake of mobility.

[7:52:28 PM]

So thank you.

>> Mayor Adler: Thank you. Those are all the speakers we had. We're back up to the dais.

>> Houston: May I ask a question of staff, mayor?

>> Mayor Adler: Yes. Greg?

>> Houston:.

>> I'm not sure if the applicant wanted to rebut anything.

>> Houston: Oh, okay.

>> That's usually part of --

>> Mayor Adler: Why don't you go ahead and ask your question.

>> Houston: Thank you. Mr. Guernsey, did you remind me if we have any policies or regulations about one way in and one way out? Seems like we've had this conversation before.

>> Actually, I might defer to atd. They usually are the ones that deal with driveway permits.

>> Houston: Okay.

>> One way in and one way out.

>> Jim Dale, assistant director for transportation department. The question about one way in, one way out, we look at each of the different sites to determine what's the best access to those locations, and so in this case we'd take a closer look as part of what Ms. Martin had said earlier, that engineering report or study is to look at one way in, one way out, is that appropriate in this location.

>> Houston: And where would that fall in the process?

>> That is one of the things that we discussed earlier that we have an action item from the dais to look at what the cost of scoping that project would be, and so we're gonna come back to you -- we'll bring the information back to the council, and it would be part of that project, which we don't have funding right now, but that would be something else that we would look at, is do we have any available funds that we could put towards this that also maintains equity with the other needs within the city too for similar types of projects.

[7:54:28 PM]

>> Houston: Okay. Thank you.

>> You're welcome.

>> Mayor Adler: Does the applicant want to close?



>> Thank you for your time today. I realize that the poster boy for all the problems and the growing pains that we're going through, I get that. I want to bring everyone back to the fact and the choice at hand, which is what development do you want to see? You know, at the end of the day, imagine Austin, they're just words on a piece of paper. If you really want to effect that change, I don't know what else I could have done to make a more responsible development. I'm not changing the density. Traffic is a problem, I understand that. It's a problem either way. It's a problem with the park there. Austinites have dogs. They need to be walked in the morning and evening. Exactly when the traffic problems on this road occur. I want those traffic problems fixed. I think the first place to start is where the south Austin combined neighborhood plan identified on St. Elmo, some easy fixes, we have 1-way stop signs, should at least have three-way stop signs, maybe a light, three lights. But, you know, I didn't want to touch the valid petitioners. I don't know how many people here in Pio Renteria's district, how many on my side of the railroad tracks, how many valid petitioners are actually here, but I could have gone door to door. There's a lot of elderly people there, some only speak Spanish, I speak Spanish. I probably could have had a good chance at turning a lot of them but I didn't want to put old people -- older people in a fight for a signature. I didn't think that was fair. What I do think is fair is a choice between a default subdivision that I'm going to do or what I think is the most responsible think I could afford.

[7:56:33 PM]

I wish I could have given you more affordable housing. I think I've gotten a letter from Sandra harkens at smart for just about every percentage because things have changed as we've gone along. At one point we were gonna do mf2 because I thought they said I had to do 40 so the plan changed briefly. Then we went back. It's gone through a lot of iterations. At this point all I can do with the restrictions that were placed on me, I hope you see it my way. Appreciate your time in any case, and I am willing to keep the vision that the neighbors have. I understand where they're coming from. I have -- I'm also a citizen and a member of a neighborhood in Austin that has the same problems. Thank you.

>> Mayor Adler: Can I ask you a question?

>> Yes.

>> Mayor Adler: One of the issues that's come up here is could possibly be an answer to the question that you asked. Which was if there's a higher and better use for this property, as part of the trail system, and we have money that's been put aside for that, I don't know how those are being ranked or not being ranked. And we don't have people here I think to be able to answer that question. Would you give us time to be able to ask that question and find out? It sounded like you were amenable to alternatives if there was a funding source.

>> Mm-hmm.

>> Mayor Adler: There might be one. I don't know. But to be able to check that.

>> I'm willing to be open. Please understand this is already over a year. I wish we could have started with these discussions. But we didn't. It was no at all costs. And now I'm -- it's six one, half a dozen the other on the financial point at this point. It's really about the added benefit. I'd be more proud of this development, but the costs of waiting have become such that I have a minor partner. He's wondering why are we even doing this, you know?

[7:58:35 PM]

We have an alternative that works. It's in play. I've held that back. I have -- if I have to wait, I have to know how long because I have to answer comments. The next steps --

>> Mayor Adler: I'm thinking just a few to be able to answer that question.

>> It's been very stressful on me as well so I carry that with me and the family suffers. I'm having at this point to capture it to what I can do. I can wait maybe until March but I'm exhausted at this point.

>> Mayor Adler: I appreciate that. I appreciate that. Thank you. Mr. Renteria.

>> Renteria: I've talked to the contact team and it seemed like they are not gonna be able to be -- they have met so long that they just said that they were just -- just go ahead and get -- like the developer, just get it over with. Their recommendation is just to leave it at mf-3 and I'm gonna support their recommendation.

>> Mayor Adler: Okay. ... I'm going to support their recommendation.

>> Mayor Adler: Okay. I guess I'm trying to -- it seems to me the highest and best use is to make it part of the trails and I'm struggling with the same question that I thought I heard councilmember Garza ask. We're trying -- we're making a decision about use. And we're deciding between two things. Best as I can tell both of those things generate the same car traffic. They generate the same flooding potential. They generate the same massing, they generate the same number of people. It all seems to be the same. I look at this tract and to me it's not on the corridor, it's inside -- it's internal to the neighborhood.

[8:00:39 PM]

So for me as I look at this, if this increased the massing or increased the traffic or increased the density or increased the units or increased any of that, it would seem to me I think to be an inappropriate use here. But that doesn't seem to be what it is that's happening. So the question is, and I can't tell what the -- sir, if you came back up to be able to answer that question. Could you [background noise] Up for a second. I'm struggling on that, Mr. Collins. Mr. Collins is the way I wanted to talk to. Mr. Collins if I could.

>> I thought I heard you wrong, mayor.

>> Mayor Adler: No, no. I think you were talking to Jim and -- he did have his baby a day or so ago and I'm sorry you dropped off in that transition. I did see your email and photos. So I saw the materials that you sent into the office. But help me understand the question of -- I understand not putting greater burden into the middle of a neighborhood, but what I'm having trouble with is seeing where this is additional burden. I understand the issue that says someone would say it's not so much the burden that this is causing, it's the fear or the potential that might happen somewhere else in the neighborhood because we do this. And I'm trying to figure out if that's the objection or if this development proposal as compared to what can otherwise be done is the objection.

>> Well, I'll answer your question this way, mayor.

[8:02:40 PM]

And if I don't get to it, well, just give me a hint. The -- it was really impressive to me at the December 5th contact team training that Mr. Suttle, a very experienced man as we all know and a very successful developer's representative, said that to us that I made my presentation about the Progressive densification.

>> Mayor= adler:nd yoalked THA before is that whathe real objection is?

>> Yes, it is indeed.

>> Mayor Adler: So it's that. It's not so much this plan or what he would be doing. It's the precedent that it would set for somewhere else.

>> Right. It is incompatible zoning for our neighborhood. That is the thing. It's sf-6 when our -- it is incompatible to our neighborhood. It will lead to the people who want to continue living in their present affordable housing to no longer be able to afford there over the next decade or two. I mean, they don't plan to move. They've lived there quite awhile already.

>> Mayor Adler: It sounds as if even more preferable than having him build the other development that he can build with the duplexes would be if somehow or another this made sense to be incorporated into the trail plan.

>> That's what --

>> Mayor Adler: He said he was willing to allow for a few weeks to ask that question. Would the contact team be willing to do that or no?

>> Well, you know, we're individual members of the contact team and the -- and as I've said before, we do want to go beyond what the cannot team voted on.

-- What the contact team voted on. But we are also going to remain true to what the contact team asked.

[8:04:43 PM]

I mean, excuse me, what the neighbors asked the contact team to do. And so no, I don't see any point in waiting. Did that --

>> Mayor Adler: And everybody is an individual here?

>> Yes. We're all -- we have four contact team members.

>> Mayor Adler: Does anybody feel differently or the same or does anybody else want to --

>> The thing is I --

[inaudible]. I'm of the opinion that any private development on this piece of property, given the current existing conditions, given our flooding conditions, any private development on this piece of property at this time is irresponsible. So I would think that -- no one in the neighborhood as far as I know would object to having a park, a green space. I mean, our big outcry is the flooding and things like that. We are here to represent for our neighborhood to up hold that valid petition, but I would think the obvious big win for everyone is affordable housing and responsible development and not -- not more of the same old same old.

>> Mayor Adler: You have a valid petition, so it might very well be that the valid petition prevails. And the ability to put in the 14 condominiums or 16 condominiums doesn't happen and instead you have 16 or however many duplexes. We don't have the ability to say you can't develop on the property because there are certain things that he can just do. If -- so the first question I asked was is there really a burden -- additional burden to the neighborhood between the condominium plan versus the duplex plan since it's the same number of units, it will be the same number of traffic, it's the same F.A.R., it's the same flooding potential. It's the same of all those things.

[8:06:45 PM]

And since we can't stop the latter, then the question is why would you stop the former? Mr. Collins said he was concerned not so much with this development but what it might mean somewhere else, and I hear that, but usually in those instances where it's the same development and it's contained in that unit, I have voted to let that same development -- because it's not increased burden. And then I voted against the precedence and said I'm not going to extend this if it does result somewhere else in an upzoning or

additional burden. But you could win that. You could win on the valid petition vote, in which case the developer, since we can't stop him from building, could move forward with the duplex. So the question I asked

was: Should we pause for three weeks and see if there's a better solution to that? And I hear Mr. Collins saying no, don't pause.

>> And so I think we're all under a burden to be our word and to represent for our neighbors and to uphold that valid petition, but if you're asking me personally, I'm just a citizen that's on the contact team, and I am here to represent for my neighborhood and for our community. But I think the obvious thing is what we have to look at -- these are all uncomfortable situations and conversations. Y'all have to deal with them all the time in the development. I think the bigger burden that is upon us is how do we preserve our right-of-ways and our public spaces? How do we keep life pleasant and liveable looking forward in Austin? And whether this development, just this one little development, is this really what this is about or is this about a bigger win, a greater good for our community going forward, whatever that community might look like in Austin? And I think -- and my personal opinion is this is an invaluable right-of-way that has been unused and neglected, and if we start thinking outside the box and think creatively and not just more of the same old, same old, this is not a personal stand but mine against development in general, this is a stand against this particular piece of property and its usage in our neighborhood.

[8:09:05 PM]

And I think the greater good for the greater number of people in our city going forward is to have this as a stately trail head --

>> Mayor Adler: I understand, but the question before us is not do we allow development or not allow development.

--

>> You said three weeks. I feel reluctant to say that as a member of the contact team. It's my personal opinion is that I would rather have the three weeks to negotiate and see if we can't come up with a much better solution for our community in terms of -- to me the win is no development right there given those conditions. Given the existing conditions.

>> Mayor Adler: I understand.

>> And everything else. It's hard for me to answer exactly what you're asking me would it be my vote to give three weeks and see if we can't come up with something else? My personal vote would be that's what makes sense to me because if the development is going to occur, if it's going to occur it's going

to occur, we're representative of our community and that's -- we're going to up hold the valid petition. But if we have a chance to do something outside of just those limited options -- do you see what I'm saying -- and try to negotiate something that's a bigger win for all of us, I stand for that.

>> Mayor Adler: Okay, thank you. We're on the dais. Ms. Alter?

>> Alter: At the risk of asking a stupid question, I'm trying to understand, it sounded like Mr. Giustino was building under sf-6 because he wanted it to -- he needed a condominium arrangement, which is not allowed under sf-3. And in doing that he was adding a bunch of setbacks and other stuff that would be beneficial to the neighborhood. He was also required to put more parking in there, which then required him to go up on the impervious cover. Is there some scenario that keeps -- gives him fewer parking spaces and allows him to do the condo and keep it at sf-3?

>> Under the Texas property codes, you can condo just about anything.

[8:11:12 PM]

So someone could get a permit from the city for a duplex and you would have unit A owning the building and unit B owning the building and the land in common. We have many buildings in Austin developed in the last 10, 15 years where you might have two duplexes side by side and they have a common driveway that comes in front, and you would have a building permit for one duplex, a building duplex for another duplex, but they share the driveway. So condominium may be more a misnomer. I think it's really being able to develop as a single site under the sf-6 and arranging the buildings in a configuration that's more flexible. He could build them further away from the large tree, for instance, provide more setbacks, allow for the detention pond and filtration pond that might be on the property. So if you're speaking of just the ownership, yes, he could do a condominium whether he does duplex or not. I think with the condominium/townhouse zoning that we have, it's a little bit of a misnomer. We call it '76. That's just the name of the district. But the sf-6 allows the buildings to be placed more easily on the property and awayed more -- arranged more easily because you're not set back from the lot lines and have set back from the other unit. You could bring the units possibly closer together and arrange them in a different pattern.

>> Alter: And that's not possible under -- we can't make a variance that allows him to do that and keeps it sf-3? I don't know the answer to this.

>> What -- if he would have to do duplexes he will have to have a duplex lot. So if he does the sf-3, in order to build 16 you want he will have to have -- units, he will have to have eight lots.

>> Mayor Adler: I hear the question differently. The question is can we do his plan under sf-3 with variances --

[8:13:13 PM]

>> I think you would have --

>> Alter: And allowing him maybe not to have to do as much parking. Are there things that are within our power that we could make it work under sf-3?

>> Not unless you vary the parking. But he probably should answer about the layout. If he were to develop it with the lots to accommodate the --

>> Mayor Adler: She's not saying how could you change it? She's saying could you do exactly what he had on his plan, but instead of having the base zoning be sf-6, could we make the base zoning sf-3 and then handle by conditional overlay or whatever else all of the things that we would need to do in order to --

>> No. You would not be able to relax some of the standards to do that.

>> [Inaudible - no mic].

>> Kitchen: Could I ask -- I'm sorry.

>> Alter: I'd like him to clarify.

>> You could only condo out that one duplex on that one lot.

>> That's correct.

>> Because there are eight different lots.

>> Basically he would have eight duplexes that would have eight condominiums regimes --

>> But they're still -- what I'm trying to do is one site plan, one lot that has all that common space.

>> Mayor Adler: I understand. She was asking the question could you do this plan if --

>> Absolutely not.

>> Mayor Adler: The question she was asking was not could you do it eight times. Her question was just could you do it? Ms. Kitchen?

>> Kitchen: My question is for law. So my question is why not, and just because for an understanding of the law, understand that councilmember alter's question. So is it because we can't do variances to sf-3? Is that what -- that we cannot alter how any of the sf-3 rules? Is that what it is under the law?

>> Under our zoning regulations you -- your conditional overlays can only make site development regulations more restricted.

[8:15:22 PM]

You cannot loosen them. You cannot make them less restrictive.

>> Kitchen: Okay.

>> Mayor Adler: Mr. Casar?

>> Casar: And essentially what we're saying is giving him sf-6 and calling it sf-3 is I think where we have the stack up.

>> Kitchen: If I may, the thinking here is that trying to address the precedent concern, which by the way this is not the first place we've had precedent concern issues. Precedent concern issues are a problem a lot of time and I don't know if we have any good solution for that problem.

>> It does seem --

>> Mayor Adler: It does seem -- I wish there was an alternative because the neighborhood is okay with the development on this tract. He's okay with the development on this tract. If it could just be on this tract. So we're going to end up with a development that he doesn't want to do, that isn't going to be done as good that the neighborhood is good with because we can't call it the right thing. And that that seems beyond unfortunate. Ms. Kitchen?

>> Kitchen: I would say that in the context of the neighbors are also what's important to them is to fix the roads, so we've got that on the list, and to do everything we can to get the trail. But those are two related issues that we want to proceed with regardless of what happens on this tract.

>> Renteria: And also -- mayor?

>> Renteria: They want some sort of guarantee that the rest of the tracts next to that won't get sf-6 because that's what the whole -- it seems to me that's the whole problem. Richard Suttle went and told them that, that it would be a domino effect.

>> Mayor Adler: I know that's the concern, but the only reason we would be doing sf-6 here is because on this tract the sf-6 was being limited to no greater density than could be allowed under sf-3.

[8:17:32 PM]



So what we could say is there might be other tracts that could be zoned sf-6, but in no event would they be zoned sf-6 in a way that allowed them to deliver anything that was greater than sf-3 and only then if they had the preexisting right to do sf-3. Ms. Kitchen?

>> Kitchen: I am interested in the idea of allowing a little more time as you suggested to try to figure out these things. Maybe that would work.

>> Mayor Adler: Ms. Garza?

>> Garza: I mean, I've heard two different things. I've heard we don't want to set precedent, but then I've also heard we don't want this developed. And so whoa cannot control -- I mean, the waiting for three weeks to me sounds like we're going to look for -- we're going to try to find a way to buy this from the developer. And I just signed a letter the other day about a rails for trails grant. I mean, there's limited funds to even get grants, and that grant is just to do a study. And so.

>> Mayor Adler: The three things I think could go beyond that. They would be to solve the riddle.

>> Garza: I'm not speaking against what you're saying. I'm saying that regardless of a decision from myself, and it seems that we're basically given for funding to buy the developer out, not just for the market rate of the land, it would be for what he could develop this to, so it would be the land plus the improvements. So I understand the concern about precedent and it's a very, very valid concern, but we can't control what future councils do, so even if we left this sf-3, nothing stops -- in 10 years when this council is different people, from some other tract of land they're coming to that council and asking that council for sf-6, we can't -- we were so limited by the Texas legislature on what we can do with regards to property rights.

[8:19:52 PM]

So, you know, I -- I hear the concerns and-- I've driven down this road a million times. I used to work at the fire station right there. But at the same time it seems like the real choices are voting for -- and I know the neighbors don't want to say this, but voting for something that puts 16 units and provides a lot more protections, which are the setbacks and other improvements versus the same development with 16 units that's not as -- it's like we're making decisions for people who are going to be living there regardless of whether we want it or not, we're making decisions for those folks lapse lapse. Will R -- [lapse in audio]. It could be used by the neighborhood because those are -- the things that I'm grappling with and it is always nice to be able to say let's take some more time and so I could support that too, but anyway, it's just some of my concerns.

>> Mayor Adler: Mr. Renteria?

>> Renteria: I think I was looking at the contact neighborhood group and they seem to me that they would be willing to work with -- in three weeks to see what they could get done.

>> Mayor Adler: Okay. And I would move to postpone this for our March -- what's the meeting? March 2nd. March 2nd meeting. Are you available to come back on March 2nd? Then it would be March 9th.

>> Mayor, just so we're clear, you're going to attempt to purchase my land?

[8:21:55 PM]

>> Mayor Adler: Or I'm going to try to solve this rigged we've talked about.

>> Codenext will solve this riddle.

>> Mayor Adler: I understand, but I don't have codenext right now.

>> I need one week before or after. I will be out of town on the 3rd.

>> Mayor Adler: The problem from a council standpoint is we have people attending the national association meetings so our next meeting is on the 23rd.

>> If I say yes, I could just drop it and continue. Because I have to respond to the other development. It has to go -- we're at the point where I have to post bonds on that and do a lot of legal title work to put the easements, the right-of-ways for the subdivision. I don't know if I can hold that. I don't know the rules on that. I have so much to -- so much time to respond. I could make a fake response, which is --

>> Mayor Adler: No, I don't want a fake response.

[Laughter]. What if we postpone this for one week to the 16th when we're meeting? And that would give you and I a chance to talk.

>> I would appreciate that, I really would.

>> Mayor Adler: Okay. I would then move to postpone for one week.

>> Alter: I'm just wondering if we should vote on first reading about some sort of statement about what we hope is happening?

>> Mayor Adler: We could do that.

>> Renteria: Mayor, I would be willing to use my office if the contact team wants to meet. Y'all can just call me up and we can set up --

>> Mayor Adler: I'd be happy to help and assist them. So is there a motion then?

>> Houston: Mayor, before you make the motion, I was willing to postpone for a week, but if we're going to make a motion to pass on first reading, I'm conflicted because he has the right to build a development now.

[8:23:58 PM]

And so I'm not sure what the riddle is that we're trying to answer. I guess I need you to help me understand what's the riddle, because he has the property right to develop something that he wants to do.

>> Mayor Adler: He does. He has the property rights to develop eight condo buildings. That's not really what he wants to do.

>> Houston: Right. Maund the neighborhood --

>> Houston: They want the park.

>> Mayor Adler: But they also -- they don't really want him to do the eight condos either. This other development is the same density. They're fine with this development, they just don't want it to impact the properties next door. So what -- I think that if I was working -- well, and anybody else, but with councilmember Renteria, would be to see if there's a way out of that -- the riddle is could he do the development that no one seems to object to in a way that does not create a problem? And then maybe we can also at the same time address the other issues that Ms. Kitchen raised or at least be able to learn more about that. I'm just uncomfortable voting now.

>> Houston: That's fine. I did not hear a resounding wanting from the community that they wanted the development. Either the one he's trying to provide or the one --

>> Mayor Adler: They don't want any.

>> Houston: That's what I'm saying, so I don't know -- but I'm willing to give you a week.

[Laughter]

>> Pool: Mayor. I'm at the same place. Why don't we just let this settle and come back and talk about it next week and not take a first reading, just postpone.

>> Mayor Adler: Okay. Mr. Renteria, what's your pleasure on this?

>> Renteria: I would

[inaudible - no mic]. Get the first reading here today because of the valid petition? You don't need it on first reading?

>> Mayor Adler: You can -- the valid petition is only necessary on the third reading.

[8:26:02 PM]

So if there were six votes today for first reading, it would pass and move it forward or we could postpone it.

>> [Inaudible - no mic].

>> [Inaudible - no mic].

>> Mayor Adler: You did make a motion?

>> I did not make a motion.

[Inaudible].

>> Mayor Adler: So we'll come back and we'll ask for a motion on the dais. Yes, sir?

>> Well, I'll say again we're individual contact team members. We're not "The" contact team. But we did poll here and yes, a one-week postponement is fine for the individual members that are here. I'm not going to say I'm speaking for the whole contact team.

>> Mayor Adler: Is there a motion to postpone for one week? Mr. Renteria makes that motion. Is there a second? Ms. Garza seconds that motion. Any further discussion? Let's take a vote. Those in favor of postponing one week please raise your hand. Those opposed please raise your hand. Mr. Flannigan votes no, the others aye. This is postponed. That's all the items we had. Can you wait here for just a second as a group? This meeting stands adjourned. It is 8:27.