

City Council Regular Meeting Transcript – 03/23/2017

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[10:09:30 AM]

>> Mayor Adler: All right. I think we're close to being ready. Are we ready? All right. I think we're close. Before we begin the meeting, let's start with an invocation. Today we have father basil aguzie from holy cross catholic church. Sir.

>> In the name of the father and the son and the holy spirit, amen. Lord all mighty god, creator of heaven and Earth, we as children gather here and give you honor, glory and adoration. We worship you for you are our god. You have instituted human authority on Earth and all power belongs to you. We now invoke your blessing upon the Austin city council, on our mayor Steve Adler and on all members of this council. Grant them divine wisdom to carry out their duties, they may seek the good and well-being of all dwellers and visitors of Austin. We pray for our state, Texas, and for our country, America. Watch over us all. Psalms 1 low 27 tells us that unless the lord god this city invent us that god keep a bless health care givers, security men and women, firefighters, police and all who keep us safe, protect them as they protect us. We pray for all who plan and view our city, bless musicians, artists, scientists. May their worked a beauty and fulfillment to our lives. For employers, leaders of various communities, families and all who feed the poor, grant them all the needs to fulfill the dreams of all.

[10:11:39 AM]

May our works in this city give you glory and honor the leadership of the mayor and this council, prosper the work of our hands and bring us joy, happiness and peace. We ask you all this through Christ our lord, amen.

>> Mayor?

[Laughter].

>> Mayor Adler: Yes.

>> Houston: May I have a point of personal privilege, please?

>> Mayor Adler: Yes.

>> Houston: I want everybody to know that today is somebody's birthday and that somebody is mayor Steve Adler.

[Laughter]. Mayor, happy birthday!

[Applause].

>> Mayor Adler: Thank you very much.

>> Tovo: I was going to suggest --

>> Houston: Now we have to sing.

>> Tovo: I was going to sing and invite the audience to celebrate your birthday as well.

>> ♪ Happy birthday to you, happy birthday to you. Happy birthday dear Steve...

[Laughter] Happy birthday to you ♪.

[Applause].

>> Kitchen: Mayor, does this mean this is going to be a short meeting?

>> Mayor Adler: I guarantee that.

[Laughter] All right. Today is Thursday, March 23rd, year 2017. The day and the year when Patrick Henry said give me liberty or give me death. All right. We are in the council chambers. It is 10:12. And we'll go ahead and begin our meeting. We have a quorum present. Council, I'm looking at the consent agenda, which today goes from item number 1 through item number 64.

[10:13:42 AM]

So that's our consent agenda. We have some changes and corrections to read into the record. Items number 22,, 42, 43 and 44 were recommended by the electric utility commission 6-0 with two absent and three vacancies. On item 42 on March 21st, 2017, this was recommended by the resource management commission on a vote of 8-0, with commissioners Gill and Santiago absent with one vacancy. Item number 50, this is boards and commissions. African-American resource advisory commission appointment, Farrah Muskidan recommended by councilmember Alter. The small area committee appointment, David King appointed by zoning and platting commission. Approve a waiver of the filing deadline for the statement of financial information as prescribed in sections 2125 and 2722 of the city code and establish a new deadline of Friday, April 7th, 2017 for the following members: Kevin Koch of the historic landmark commission. William Burkhart of the board of adjustment. Item 53, note that I've been added as a sponsor. Item 54 councilmember Alter has been added as a sponsor. Item number 56, we had the name wrong as the sponsor. The sponsor is the Bangladesh Association of Greater Austin. That concerns the event, the new year's celebration on April 15, 2017 at Fiesta Gardens. Item number 62 is being postponed indefinitely.

[10:15:46 AM]

And item number 80, first reading. It should note that the vote was 8-2 with Mayor Pro Tem and councilmember Alter voting no, with councilmember Casar off the dais. Item number 87, appropriate district is 7. Item 93, the appropriate district is 8. That gets us then to our agenda.

>> Alter: Excuse me, Mayor. I will ask my staff, but I think I had one more appointment that was left off. I don't know that it will make a difference for them attending their first meeting, but I will let you know that that was submitted and not added. And I also for number 56 for the Bengali New Year had requested to be added for another \$250 towards the fee waiver for number 56. Thank you.

>> Casar: And Mayor, I would also like to be listed on number 56 with \$250 as well.

>> Mayor Adler: Noted and I'm sure it will be appreciated.

>> Flannigan: Mayor, I want to make sure that 92 is not on zoning consent. I would like to discuss it. And if I could be marked as voting no on 22.

>> Mayor Adler: Okay. No on 22. We'll get to the 90 items after 2:00 when we get to the zoning items. All right. We had some items that were indicated to be pulled, but I don't think that they need to. Item number item number 50 -- item number -- I'm sorry, item number 20 and 21, the flood buyouts will be postponed to April 6th. We do have some family members here to speak on item 21 and we're going to give them the opportunity to be heard.

[10:17:46 AM]

Item number 52, the health south property, we had a conversation about this, as you will recall, during the work hearing. My understanding is that staff -- I think it's important that we send a message incorporated in councilmember Houston's resolution, and I'm -- I will be joining and voting in favor of that. I also understand that staff has indicated that there's some other options that they want to take a look at as well, and certainly that would be welcome for them to do that if they learn anything that they think would be of importance to the council, they should bring that back as well. Item number 53, was there a whereas clause to be added on that as part of the consent agenda.

>> Kitchen: Yes. You have a yellow sheet so I wanted to bring to everybody's attention that we are -- when we adopt it on consent we're adopting the yellow sheet, which simply references recommendations from the economic -- from the boards and commissions, the economic prosperity commission.

>> Mayor Adler: Okay. Item number 18 we are pulling. That's the city manager hiring process, so we can discuss that first in executive session. So we'll pull that item and consider that item later in the day. Councilmember pool, I'm not sure on item number 46, is there anything we need to be saying on that one item?

>> Pool: Just that we wanted to make sure that all of the elements in that resolution were as broadly written as possible. And so I just -- we're looking for a postponement to the next meeting on item 46.

[10:19:48 AM]

>> Mayor Adler: Did you say that was pulled for speakers? Did I miss that?

>> Kitchen: Postponement.

>> Mayor Adler: I'm sorry, 46 is pulled for speakers. 46 is pulled for speakers.

>> Pool: Mayor, if we're going to postpone it --

>> Mayor Adler: So 46 is the anti-lobbying ordinance?

>> Right.

>> Mayor Adler: So say that again? I'm -- okay.

>> Pool: So we got some feedback from the stakeholders on the proposed language that was in the backup. It was not broad enough. There was mention of two specific contracts in there, but there were more contracts at play. So rather than approving this and having a scope of the work for the ad hoc committee be narrow, we wanted to ensure that all of the people who needed to be included in the anti-lobbying waiver for this one particular topic --

>> Mayor Adler: So you're willing to postpone this to April 6.

>> Pool: Yes, to the the next meeting. We have the changes and law is looking at them. We want to make sure we have sufficient time for everything that was included.

>> Mayor Adler: We had some people who were signed up to speak on this. Mr. Weigh less than, do you need -- Mr. Whellan, do you need to speak on this? No. Mr. Gosh, do you need to speak today if it's being postponed? Steve Shannon? Do you need to speak today if it's being postponed to the sixth? Wait until the sixth. Okay. So item number 46 postponed until -- on the consent agenda as a postponed item. Is James Rogers here?

>> Mayor, just to be clear it's not exactly a postponement if we need to broaden the language a little bit. So we'll bring it back with a little bit broader posting language.

[10:21:52 AM]

>> Mayor Adler: Okay. Is Mr. Rogers here, James Rogers? Okay. Ms. Houston?

>> Houston: Mayor, I'm sorry, I don't see anybody signed up to speak to 27. All I would like is for staff to come up to explain what the changes to the original backup is, was that got some people concerned and what they're asking for now. And then we can pass that on consent.

>> Mayor Adler: Okay. Is staff here to speak on item number 27? Changes in backup. If staff could come up able to to do that, that would be helpful. Okay. So the only item that I'm showing being postponed here is number 18. We do have -- being pulled. We do have some people signed up to speak on the consent agenda, two people. Mr. Pena, Gus Pena, and then Stuart Hersh. Mr. Pena, do you want to come up?

>> Tovo: And mayor, while he's coming up, I do have two quick amendments to make on item 23. I don't know if you would like me to pull it or try to do that on consent? Shall I pull it and we can take it up right after consent?

>> Mayor Adler: Let's pull it and take it up. So we'll pull 23. Mr. Pena?

>> Mr. Mayor, before I begin, please what are the items?

>> Mayor Adler: I have 12, 13, 14, 15, 19, 26, 54 and 62.

>> All right. Thank you, Mr. Mayor. Welcome back from a well deserved vacation. I know y'all work hard even on vacation. But anyway, Gus Pena, native east austinite, item 14, and I hope this passes 100% because it's having to do with the fire station, E.M.S. At onion creek. We needed that for a long time and I was a part of it, but not as big a part as the onion creek association area.

[10:23:52 AM]

Hopefully that will pass with everybody's blessings. It's needed. Public safety is very important. Number 19 is having to do with funding from the united States health and human services for services for people that need training and access other benefits and services, and these services and training will be provided with the neighborhood housing and community development department for people who need to be educated on how to purchase housing. The next one is item 26, Easter seals central Texas. That one I don't understand, but I wish somebody would explain that to me on item 26. I'm not a well intelligent man, but I think I'm intelligent enough to know there's something going on here that the community would like to know about. Csbj, transition and partly outstanding, but you need more definement on this, item 26. The next one is very crucial to me, number 54. Back in the '60s my sister Lucy said you will be in support of women's rights. I said sister, you don't have to tell me that. I've been supporting women's rights since the 1950's. I want to say this to our mayor and city council and all the people that -- the women, we love you, we respect you. You should be respected more. I'm going to say this and I hope I don't offend anybody. It has said behind a Goodman is a good woman. That's bull. That is not true. Alongside a Goodman, but more times in front of a good man is a good woman. So we give accolades to the females. That are strong, sometimes more intelligent than us men. I want to tell you I love y'all, I can be tough on y'all at the city council and at the Lege, but I want to tell you something, the women here on the dais, but the women here in the audience, gentlemen, Mr. Mayor, a point of personal privilege.

[10:26:02 AM]

I would ask us men to give a round of applause to the women here. Please allow me.

[Applause]. And they should be loved everyday, not just a special day, but I've been married 28 years to a good woman and I love her. And she's the better half. I'm behind her 100%. Mayor and councilmembers, I want to say this. There's some housing issues going on here in Austin and we need more affordable housing.

[Buzzer sounds] And please, please support the affordable housing search. A lot more homeless people that are getting homeless out there, losing their homes and a lot more veterans that are homeless. Anyway, thank you very much. To the women of our great state of Texas and Austin, the capitol city, I love y'all, support y'all. We respect y'all and thank you for the hard work y'all do. Our city manager Ann Morgan and of course our interim city manager Elaine Hart and all the hard working women of the city of Austin. Thank you, mayor.

>> Mayor Adler: Mr. Hersh?

>> I had you on 20, 23 and 24.

>> Mayor and members of the council, my name is Stewart Harry Hersh and like most Austin seniors I own my own home. I'm giving you two maps today while you're waiting on your codenext maps. One is map from the 2000 gentrification study which might be called a color line map. It shows black majority, hispanic majority and white majority and no majority neighborhoods in the year 2000. And from the 1928 plan the map that showed that Austin was divided between business property, white residential property and miscellaneous residential property in the official city records. So there's some context for when you get your maps next month. I'm here to assist you in making Austin affordable again. Specifically affordability and fiscal impact is what I want to talk about. Today you're scheduled to get a briefing and set a public hearing on the Austin strategic housing plan.

[10:28:03 AM]

You're also scheduled to act on items that will increase or decrease the number of market rate and affordable units serving Austin families who are striving to remain or return to the place we love. Before you act today and conduct public hearings in the future, I ask that you get answers to the following questions. One, how many market rate and affordable units will not be built if the Austin strategy housing plan is not adopted? Two, what is the projected increase in permanent revenues, sales tax revenue, property tax revenue and utility revenue if the goals of the plan are achieved. Three, what is the projected loss of affordable and market rate housing units in the proposed floodplain buyouts? Four, what is the projected revenue loss of plaza saltillo -- if the plaza saltillo item is defeated. And what is the projected revenue loss in number two above and market rate affordable housing loss if Austin Oaks PUD is defeated through valid petition. My petition for this year is to speak to you lesser and quicker so I don't contribute to the length of your meetings unnecessarily. This is all I'll say today. You have the backup and you won't have to listen to me for the rest of the day. Thank you very much.

>> Mayor Adler: Thank you. I'm also going to pool item number 55 --

>> Troxclair: I wanted to say congratulations on the purchase of your home. Exciting.

>> Thank you.

>> Renteria: Mayor, I want to be on record as also being against item 22.

>> Mayor Adler: Okay. Item number 55 is setting up the panel, so it's related to item number 46. 46 we have postponed to April 6th, so let's go ahead and postpone item number 55 also to -- oh, we have the same speakers. We could pull that as well.

>> This just sets up the -- may I?

[10:30:05 AM]

>> Pool: It just organizes the group to begin working. My staff has already begun assembling the information for the less expansive captioning language we would have been able to pass 46.

>> Mayor Adler: This is my point. This item has been pulled by speakers. The speakers passed on the other one because it was being postponed to April 6th, so this has been pulled by speakers and I can check and see if the speakers want to speak to item number 46.

>> Pool: Sure. 55. They already said they didn't want to speak on 46. 55 is simply setting up an ad hoc committee.

>> Mayor Adler: 55 is the one that has two speakers signed up to speak on it. Mr. Whellan and Mr. Shannon. So we'll pull number 55 for speakers. So the items that I have being pulled right now are item 18, item 23. Did someone pull item number 27? I don't know why I have that circled. I don't recall that. So I have 18, 23. We're also going to ask for speakers on 21. Let me do that now. Is Laura Martinez here? Would you like to come and speak on 21? You also have Michael Martinez here and Susan Eskenburg. You have nine minutes if you want it.
>> Thank you very, very much.

[10:32:05 AM]

Good morning. The last time I was here was 2013. Ms. Eskenburg and I and other members of the neighborhood addressed city council because we were flooding. And in that time watershed member representatives have come and gone, as have councilmembers and mayors, but we are still here and we are still flooding. And I've asked to speak to this body because when we listen to the discussion that occurred Tuesday night regarding the item 21 allotment of funds for the buyout of properties, like Charing Cross and DK Ranch, we heard a very interesting and dynamic discussion occur. I wanted to address a couple of points that were quite eloquently made. The monies for the buyouts in Charing Cross and DK Ranch is allocated. It does not in any way hamper the lives of other people in other districts. That exists. To expand upon another point, two separate entities from the watershed department, two separate set of experts, have proven that data supports buyout of these properties. Taken in isolation, agenda item 21 sums to be ready for resolution. Ready for closure. But we don't live in isolation. We're members of the Austin community. And because of that one of our councilmembers has chosen to request a postponement so that she can have time to further the focus and the efforts of her colleagues on concerns that she has with regards to constituents in her district.

[10:34:07 AM]

It's a very powerful and effective tool to use when you're trying to get help you perceive that you need for your members. I understand that I understand that in professional courtesy and because you would want the same treatment that a postponement might be granted. I ask, however, if you do grant this postponement you make it worth something. This councilwoman spoke with such passion and he will consequence and you could hear her attempt to frame her very professional communications as emotions were bubbling just under the surface. Anyone who listened could not help but hear that. It just so happens, though, that in granting her request you stop our ability to move forward. There are consequences to every action, as you know. So I would just ask if you choose to postpone you make it matter. If our lives can't go on, if we're on hold, just as she feels her constituents are on hold, then look at her concerns. Julie look at them and see what can be done to release the funds that she feels are necessary. Another point I would like to clarify if I could, I was thinking about the power of a wordsmith who is able to select words carefully, to create a perception that would encourage action, and I was told several months ago by a neighbor that there were members of the city who were outraged because a rich woman had been bought out by the city while they languished in this flooded no man's land. The rich woman who was bought out by the city, around 2013, 2014, was one of our neighbors.

[10:36:10 AM]

But I would also suggest that you could say the crippled senior citizen who is afraid of drowning in her living room every time it flooded heavily was bought out by the city. Her buyout was not only data supported, it was morally correct. So once again whether you choose to postpone item 21 or not, if there is a perceived inequity in concern or distribution of resources or attention to any of the citizens in the city, I would ask that you spend the two weeks truly looking into this because we're all waiting for your decisions. Thank you.

>> Mayor Adler: Yes, Ms. Alter.

>> Alter: I want to thank you for coming out and sharing your concerns so eloquently. Councilmember Garza is not here right now, but I'm sure she would appreciate your comments and thank you for your consideration of her constituents and your understanding that we do need to postpone to make sure that everyone's buyouts happen appropriately. Thank you for coming out. We appreciate it.

>> Mayor Adler: Ms. Kitchen?

>> Kitchen: I wanted to say also and that I do intend to support this when it comes back. I wanted to also let you know that I represent the upper onion creek area which councilmember Garza represents the lower onion creek area and both of our areas have some folks that have been -- that were flooded that we need to address. But we'll make sure we do that in the next two weeks so when we do that we're ready to move on this.

>> Mayor Adler: Okay. One of the items that is on our consent agenda deals with the DNA lab.

[10:38:11 AM]

It's items 15, 16 and 17, which we can approve as part of our consent agenda. We have some resource witnesses that are with us today that have been that are intimately involved in this process and setting up the way we're moving forward. I think we have county judge Eckhardt here with us. Judge, thank you for joining us. We also have district attorney mark Moore here with us. Mr. Casar, I think you wanted to say something on this item?

>> Casar: Thank y'all for being here. And I appreciate the council leaving this on the sandy. I'm supportive of all the items, but these are important items so I do think they do need to be noted for the hard work to bringing these items to us needs to be noted. In our country I believe we have a broken criminal justice system that results in innocent people being put behind bars at times and also people who should be held accountable not being held accountable. And our DNA lab and our operations as a city should be towards the ends of justice and towards trying to have a better criminal justice system. And unfortunately the years long problems that have been occurring at the DNA lab that led to its closure do not help with that. There very well could be people that have been punished because of errors at our own lab, and the items that we're approving today will hopefully move us in the direction of justice and making sure that we make any of that right. And in the direction of justice of making sure that we have the evidence necessary to find right folks and to pursue justice quickly and accurately. Closing the lab was for an awful situation that occurred years before we were on the dais, but we don't get to choose many of the challenges that confront us in our time so now it's the job of our interim manager, our new interim chief, our county judge, our new district attorney and for us to do what we have to do to clean up the mess and to figure out how to move forward and these items help address all those.

[10:40:23 AM]

There are also items to address our sexual evidence backlog which existed before the problems at the lab were uncovered and those problems have only gotten worse since the lab has closed, so I'm thankful for the fires is it and the advocates who brought that to us for how seriously the new police chief has

brought his attention to this and brought forward necessary contracts to put together a plan to end that backlog within a year. So thank y'all for working on this and appreciate that work even though these advocates should never have had to bring this forward. So I appreciate that -- owe so I don't like that we had this backlog in the first place, but I appreciate everyone's work to do what it is we have to do.

>> Mayor Adler: Judge Eckhardt, attorney, this looks like it is speeding to approval as part of our agenda, but I certainly would like for you to be able to address us if you would like it.

[Laughter]. Thank you. Thanks, item number 55, which I indicated we were going to pull a second ago for speakers we don't need to pull now because one of the speakers has indicated he does not need to speak. That leaves us one speaker to speak on the consent agenda if they want to, Steve Shannon. This is item number 55.

>> Good morning. My name is Steve Shannon. I've been a solid waste professional dealing with local government issues for 42 years all across the United States. I've dealt with thousands of city bids and rfps pertaining to solid waste matters and have been involved in a lot of development of projects and operation of recycling, disposal, collection systems all over the country. I've been in the Austin marketplace for 15 years. I'm currently employed by Progressive waste solutions, doing business as waste connections. It's certainly in the interest of the city and in the best interest of the public, and you indeed have taken a sworn oath to act in the best interest of the public and assume the fiduciary responsibilities thereof.

[10:42:42 AM]

Certainly there are unique situations or opportunities where it is in the best interest of the public for the city to negotiate with one party. In fact, there are situations where it's almost impossible to putting in to bid or rfp. However, when it is appropriate and particularly in respect to solid waste collection processing and disposal services, especially when there are so many qualified vendors deploying many hundreds of local citizens that certain services be bid or put out for rfp by the city. My experience is vast. I can't believe I've been in it for 42 years. And have been exposed to much. Is that the city of Austin resource recovery staff is entirely capable and does a very good and thorough and accurate job issuing rfps and bids, evaluating those and bringing those recommendations to the zero waste advisory committee or city council for approval. The pattern of the city or the zwac, ignoring, rejecting and/or arbitrarily or capriciously referring rfps and bids as having a definite negative and chilling effect on the rfp process. I can tell you that we have not bid on some recent projects and one of our major reasons why is because we expected some kind of monkey business. And indeed it appears as though that is exactly has happened recently. Potential vendors are aware of submit -- wary of submitting bids and proposals of good faith because we're not sure that the city will reciprocate in good faith. We're proud to be part of this community and we want to participate. I sincerely appeal to you as a solid waste professional and respectfully appeal to you as you convene this committee to evaluate the resource recovery department --

[10:44:52 AM]

[buzzer sounds]

-- That you recognize the professionalism, thoroughness, experience and the candor of the resource recovery department staff. Thank you.

>> Mayor Adler: Thank you. And sir, I hope -- sir, I hope that you participate in this process. Having been on this dais now for the last two years, there seems to be a recurrent issue in this area where there's uncertainty and a lack of clarity. And my hope is that the committee that councilmember pool is going to be leading us through, at the back end of this we will have the certainty and the clarity so that there is

not any reservation for anyone participating because the goals and policies and the rules will be very clear.

>> Thank you, sir. If there's any way that I can be of assistance in that process, please let me know.

>> Mayor Adler: Thank you. All right. On the consent agenda, I'm showing --

>> Kitchen: Mr. Mayor? I just want to make a comment on 47 at the appropriate time.

>> Mayor Adler: Okay. And we also have a question on 27 for staff. Go ahead, Ms. Kitchen.

>> Kitchen: Item number 47 is the item -- it's simply approving an ordinance to extend the timeline for the mwbe program. I don't have a problem with that, but I want to highlight the fact that this will give the staff time to follow up on a previous -- a previous resolution that was passed I think back in -- a long time ago. I don't have the exact year, but it had to do with including veteran business enterprises in the study to be conducted by the city and that as of yet that has not happened. So I'm just -- I'm supporting this going forward, but I just want to mark that for both the public and for the staff that my expectation is and my understanding is that that will be considered as part of this process.

>> Mayor Adler: Yes, Dr. Alter?

[10:46:54 AM]

>> Alter: For number 40 on the car sharing, at the appropriate time I do have a question about clarifying something in the Q and a and how it relates to the contract.

>> Mayor Adler: Okay. Hold on to that. Let's hit Ms. Houston's question on 27 and then we'll come back to you. Is staff here to answer a question on 27?

>> Good morning, Stephanie Hayden, deputy director Austin public health.

>> Mayor Adler: Do you want me to come back to you, Ms. Houston?

>> Houston: Yes, because I've lost it now.

>> Mayor Adler: Dr. Alter, did you want to ask a question?

>> Alter: Yes, thank you.

>> Mayor Adler: Okay. Dr. Alter?

>> Alter: So I wanted to just clarify in the Q and a there was a question of how this contract aligned with our goals for electric vehicles. And there was one portion that suggested that we didn't want to reopen the contract, but then there was another comment that they had all agreed to help us with our goals and they wanted support from the city. And I wanted to make sure that I understood how that interfaced with the contract and if there were any steps that we needed to be taking now or that would just be part of your negotiation process with them moving forward and understand so we can work forward towards those goals and how it will shake O I'm all for car sharing and it's a great program, but if there are other goals I would like to see that happen.

>> Yes, councilmember. Robert spillar, director of Austin transportation department. This solicitation did start before the ev resolution and so we're recognizing that we needed to go ahead and finish with the finish line here. One of the three vendors has indicated that they can bring a major portion of their fleet as electric. The other vendor, cars to go, which is a short of hometown organization, has at least one other city where they're completely electric.

[10:49:02 AM]

And so we're pretty confident that -- and the third one I think can also do that as well. So we will address it during negotiations if you choose to give direction from the bench that you would like this to be consistent, that would be helpful. Ultimately the mechanism we have is we have the ability to unilaterally cancel a contract with proper notice without reason. And so we do have that capability if necessary. One of the things that -- concerns that was expressed is is there sufficient onstreet charging

capability so that's obviously a two-way effort that has to happen there. So that's how we would address it is through negotiation and then obviously we have the ability to cancel. But if you want to give us direction, that's great.

>> Kitchen: Mr. Mayor? I think that -- I suspect that what you're hearing from councilmember alter and myself and I suspect other members of the dais is we would like to give you direction to work with the vendor to make the project or to make the contract consistent with our ev resolution and our goals for electrification.

>> Very good. There's three vendors just for clarification.

>> Kitchen: Whoever -- the selected vendors.

>> Yes, ma'am.

>> Mayor Adler: Okay. Ms. Houston?

>> Houston: My dyslexia got in the way. It was 47 instead of 27, but we've dealt with it.

>> Mayor Adler: We've dealt with it, okay. So then we're done with that one. No question on 27. All right. So what I'm showing as being pulled on the consent agenda now is item number 18, item number 23, and that's it. Through item 64, is that right? Is there a motion to approve the consent agenda?

[10:51:05 AM]

Mayor pro tem. Seconded by councilmember pool. Did you have something?

>> [Inaudible].

>> Mayor Adler: Sorry I missed that. And then I also -- why don't you go ahead and speak.

>> Good morning, councilmembers. Item 49, a contract between the city of Austin and capcog. One opportunity that the new councilmembers should know about and the existing councilmembers should be concerned about and trying to pursue is looking to see if these contracts have recommendations from the environmental commissions air quality committee, from the mobility committee, which oversees the transportation department where the air quality program is produced. If it's been discussed by councilmembers who are on the clean air coalition such as councilmember Flannigan. I asked a question earlier in the week that was routed through the city manager's office to the transportation department with some questions that I believe are important. One of those is can the city audit a contract with another governmental or quasi governmental entity such as capcog? We need -- capcog? We need to know the answer to that. Another opportunity is that do we have a way to educate the community that's so good that we can just use that template and continue on, whether it's air quality, it's water, it's waste? I don't believe that we do. So when we had the conversation about the climate plan, I was talking about we don't know how to communicate effectively and educate effectively people of lesser means, communities of color. I don't have all the answers, but we need thought leaders on this. If you want to rope me into the discussion in your offices as a thought leader, I volunteer. If you want rmi to engage on this, get them to engage. The mayor approved last year an air quality briefing.

[10:53:07 AM]

It still hasn't happened. I'm trying to work with his staff to get it on the agenda. I hope the offer is still there, Steve, because we need it. And my understand was to have rmi talk about fleet issues and about commute solutions. Commute solutions, a vexing issue, right? We need more people traveling together and traveling alternative modes. This particular contract will not necessarily get us there with the education and outreach. Whether it's radio which we've done in the past or social media. We need both of those pillars, but we need this item to be scrutinized before it gets voted on. Please consider postponing it. Most of these items don't have to be slotted today in order for them to be effective. This is an ongoing opportunity that the city has with capcog. One of my questions was do people within

capcog have substantive experience on website development, 10 years or more, on education and outreach, 10 years or more? Are they experts? Do they have certifications or credentials? We need to know this. We spend 60, \$80,000 per year trying to educate people on air quality. We need to make sure that money is well spent. My belief is that we need to develop programs where we highly incentivize people to fake action --

[buzzer sounds]

-- Rather than just telling them to do something different with their commute or saving energy.

Questions?

>> Mayor Adler: Thank you very much for your time. Thank you. We have one more person who has signed up on item number 55. Is Phillip gosh here? Do you want to speak on this item? Okay. And we're also looking at meeting management when we cut off sign-ups for consent agenda because people are continuing to sign up and that's one of the reasons why we're doing this.

[10:55:13 AM]

Is Mr. -- Is Mr. Gosh here? Did you want to speak? Go ahead.

>> Good morning. My name is Phil. I'm with organics by gosh, and we have one of the rfps that we've submitted over the past year. I actually had -- I kind of felt really kind of frustrated just speaking frankly. We're a small company. We submitted an -- for this bid. And then I've just been feeling kind of beat up or actually kind of bullied. There's been a lot of misinformation and partial truths that have been sown, lots of fear, and I just wanted to clarify that. And this working group is going to be real important I think to kind of get all the information out there. So I guess my concern is overall for the city to have a healthy environment where businesses can grow. There's lots of folks that have submit committed to this organics recycling and given and sacrificed for that and I just kind of stand for all of them that, hey, let's as a community if we could work together hand in hand we can accomplish this goal. So the challenge of what I see is with lots of fear being sown, partial truths, it's kind of confusing. I don't know much about this. We just work. And we're committed to our vision. But it just seems that it's not helpful for a healthy community to operate out of fear like this.

[10:57:16 AM]

So this was proposed a number of partial truths and misinformation, pictures, and I had made a paper for each of you if you would like it, kind of explaining the other side of that. And then we would also welcome anybody to come out and actually see and to clarify and to be totally transparent. But there's a lot of movement in this area and a lot of commitment. I just want to be clear about that. And it's important -- and we can do it. It's not just one goliath, you know, that can beat everybody down. It's not healthy as a community. So if we want other people coming here and working and doing good things for the environment and stewarding these resources, it would be helpful to have some support. Would this be acceptable to give you this?

>> Yes. Would you give it to the clerk? She will hand it out to all of us.

>> Mayor Adler: Thank you very much for coming and again, now with the committees forming that councilmember pool --

[buzzer sounds] Mr. Gosh, please make sure that you participate in the process that councilmember pool is going to be taking us through.

>> And how would I do that?

>> Pool: Well, we'll be in touch with you to let you know when we are ready to talk with the stakeholders, but one of the reasons that we are waiving the anti-lobbying ordinance specifically for this topic is so that we can talk directly to you and the other firms who are involved in these contracts and

policies. And our hope is that we can identify all of the sticking points and pain points and figure out what the policy needs to be going forward and that it aligns with our community goals and our climate plan in recycling.

[10:59:20 AM]

So you are definitely on our list to contact, and I appreciate the work that you've done so far and I'll be sure my staff and everyone gets a copy of the document that you brought to us today.

>> Okay, thank you. We welcome any questions and interaction if that's allowable. It would be helpful.

>> Pool: We're making sure that we can have the questions and the interaction.

>> Perfect.

>> Mayor Adler: Thank you very much.

>> Alter: I had one more question.

>> Mayor Adler: Hold on.

>> Alter: Thank you for sharing your thoughts today. I appreciate that. I know it's been a complicated process for you and your company. I just wanted to clarify since we postponed 46, in Mr. Gosh's case I think he does have to wait to do further beyond what he participated in tonight until we pass the waiver so that you're not in violation. Is that correct? I just want to be clear on that because of his contract, you're in a particular situation so that once we have passed the waiver then you would be able to participate in the stakeholders, which we're expecting to do at our next meeting in two weeks. I don't know if there's somebody from legal who can clarify that.

>> Good morning, mayor and council, Cindy Crosby, assistant city attorney. That's correct. If you wish to contact any of the respondents, they contact the purchasing department with that information and it can be funneled through the single point of contact and or until it is passed on April 6.

>> Thank you.

>> Another thing I wanted to add as a member of the working group, I think it is important that whatever we decide, moving forward contributes to there being competition, we have a lot of waste to dispose of and we have a very ambitious zero waste goal and to achieve that we have to increase the capacity of many players and one way to do that is through competition.

[11:01:29 AM]

We will have to make sure that that is something we maintain and help happen through this process. Thank you.

>> Mayor Adler: Thank you. We look at it as resource. Thank you, sir. Mayor pro tem.

>> Tovo: I have two items to talk about. I know the language talks about solid waste policies and contracts, about -- actually, yes. A working group created, et cetera, et cetera, to manage bio policies and contracts. I hope the issue there is policy level and not have the council evaluate contracts of particular vendors. That is my assumption. I take from my response on the dais that is the intention. I wanted to state that is the hope on that front.

>> Mayor Adler: My intention.

>> Tovo: We have one or two items on the consent agenda, which I will support, related to janitorial services being contracted out. As I indicated in previous discussions on this I really hope as a city we can look at that policy carefully. My office is looking forward to a resolution regarding that. I know the staff are looking at the different services that are currently contracted with that in mind. The rici on this week's agenda makes reference to the janitorial contracts is one where they're taking a closer look. Today's contract is really just for a matter of several months. That is why I haven't brought up the issue or pulled them for discussion today. I'm supportive of them because of the short term nature and

because I expect and hope we will, as a city, work toward a better path forward on some of the needs and services that are ongoing.

[11:03:34 AM]

>> Mayor Adler: Thank you. I am recusing myself from item 22. And we have one more speaker signed up to speak on item 53. Paul Reno. 53.

>> Mayor?

>> Mayor Adler: Mayor? "Zonido" -- seeing none.

>> I need to ask a question. Is there a staff member out here? .

>> Troxclair: Mayor can we pull 55. I think it would be.

>> Mayor Adler: If it will take time, let's go ahead and pull 55.

>> Mayor Adler: Items on the consent agenda being pulled now, are items 15 -- I'm sorry. Items 18, 23, and 55. The other items remain on consent. A motion and second on the consent resolution. Any further notations? Yes, councilmember troxclair?

>> Troxclair: I want to confirm? Is item 46 postponed.

>> Mayor Adler: Postponed to April 6.

>> Troxclair: I would like to be shown voting no on item 11. This is the design deserves for the Mac. I support the item, but the funding is coming from the budget stabilization fund and this is one example of something that we could and should be funding through hotel occupancy taxes rather than the budget stabilization funds, I will oppose it based on the funding source.

[11:05:40 AM]

I want to be shown voting no on item 42, weatherization contracts. We do not have -- we're not getting a return on investment in the contracts and don't have performance measures in place. I can't support that. Also I want to be shown voting no on item 60. And I want to be shown abstaining from item 4, which is the design deserves for the south Austin regional wastewater transportation plant. The 2014 contract approved by council explicitly from my reading explicitly included the services in the scope of work. I'm unclear to why we're spending \$5 million on something that apparently should have been included in the existing contract. I want to be shown abstaining from 34, 36, 37, 38, because these are all sole source contracts, item 34 is a \$30 million sole source contract, and I'm concerned that we don't have multiple bids to choose from, especially when we talk about such a huge amount of money. And then I'm going to abstain from items 53 and 58 because I didn't -- I had some questions and wasn't able to get them all answered before today. So thank you.

>> Mayor Adler: A motion and second. Any further discussion? Mr. Renteria? Those in favor -- Ms. Houston?

>> Houston: Show me abstaining on item 54.

>> Mayor Adler: Ok. Those in favor of the consent agenda raise your hand. Those opposed. It is unanimous on the dais with councilmember Casar and councilmember Garza off the dais. All right. That gets us to the.

[11:07:49 AM]

>> Tovo: Mayor is it possible to take up 21? It will be short?

>> Mayor Adler: You mean 23?

>> Tovo: This was on the consent agenda until I pulled it for a quick amendment. There are two amendments I think are required. One is the backup --

>> Mayor Adler: Excuse me.
>> Tovo: I will talk louder and louder.
>> Mayor Adler: Can the people exiting keep it down? Thank you.
>> Tovo: It cites 491,139 but the resolution itself uses a lower number. Let me talk about the amendments and then I will make a motion. My amendment is to make sure the resolution -- the dollar figure in the resolution matches that 491,139 is that correct?
>> Jerry rice, planning zoning, that is the correct number.
>> Mayor Adler: Real fast, without objection.
>> Tovo: We don't have a motion. Let me make a motion to pass this with the amendment. I will make the second.
>> Mayor Adler: Moved and seconded by Poole the resolution with the dollar change noted in the record.
>> Tovo: Thank you, mayor. This is a project, it is being requested that we have a fee in lieu. To codify that, I propose the following language. Where in the therefore be it resolved, the last sentence says in lieu of providing affordable housing on-site in lieu -- I propose changing that to for the commercial and office project. So I can do these separately. That would be my change for that. Let me do it all in one.

[11:09:50 AM]

For the commercial -- changing property to commercial and office project and keeping the rest of the sentence as is. And then adding in another sentence as follows: If the proposed building is ever used for residential use, on-site affordability is required as per the plaza saltillo regulating plan. The intent here is if the developer decides to develop something different or sells the property before developing it and what comes next is a residential project, that that fee in lieu no longer applies. The language I have here concerns me a little bit. Let me ask Mr. Reston for help. I don't think the intent is if it changes in the future.

>> The intent is we're approving it right now

[inaudible, multiple people speaking] If it became a residential building they will have to --

>> Tovo: I think that is consistent with the plaza saltillo plan. We are approving this with the -- because of the argument that there is no residential within it. So this language just codifies that if it changes, that kicks in.

>> Mayor Adler: My concern on that is if they do change it, it has to come back to us anyhow, right?

>> Well, it will be -- I think the scenario we're talking about if the building were built, built as an office building because that is the site plan. In they want to convert that to a residential building which is unlikely because of the infrastructure, but if they did, they have to provide on-site affordable units.

>> Mayor Adler: At that point they have to come back. Here's the question. If they came back and said we wanted to do it, is there only one alternative that the council would have?

>> The only reason they come back is if they want to do the fee in lieu of.

[11:11:52 AM]

If they provide on-site affordability, they do not have to come to council. Right now, they're asking not to provide on-site affordability because it is not a residential project. I believe the mayor pro tem's amendment would say in the future if it is a residential building they have to comply with the density bonus program and provide affordable programming.

>> Mayor Adler: The density affordability program allows for the -- and could allow for flexibility for housing to come to council to be put on-site or next-door to the site or other things. I would -- I would

support this if it came back and said and if at some point you want to turn this into residential and do a fee in lieu, it has to come back to council, I don't want to presuppose what the answer is at that point.

>> Tovo: I don't think my amendment -- if they converted it from office to residential, I'm concerned that they wouldn't need to come back if they already have the resolution before us today, which grants them a fee in lieu. This does provide the trigger. They have the ability at that point to come back and ask for a fee in lieu. But this language would keep it -- would not make that the default.

>> Mayor Adler: So what was -- what I would rather see -- maybe I can hear the language in a second. I think Ms. Kitchen might have language. Language that says if you want to change this to residential and have fee in lieu, you have to come back to council, for whatever it is the council might decide at that point. Councilmember kitchen?

>> Kitchen: I agree, I think we're on the same page, we need to work with the sentence. The sentence the way it was read, mayor pro tem, sounds like we already made the decision that they could never use fee in lieu. I am more comfortable if it were to come back to us so we would make the decision at that time in lieu -- considering the circumstances, because we don't know why there may be a change and what is the situation at that time.

[11:14:07 AM]

Fee in lieu may be appropriate. I would suggest a sentence like this, if the proposed building is converted -- because that was the concern -- if the proposed building is converted to residential, this resolution no longer applies or this resolution is no longer affective or something like that. If you put that language in here, the idea is it would negate this resolution, it wouldn't apply if it was converted. So then they would be back under the Normal rules, which would be that they would have to come back to us. If that's right. Maybe this could be crafted better. But I want to be clear we haven't made the decision yet. So -- does that make sense? If the proposed building is ever converted to residential or used for residential or whatever word you want to use there, then this resolution is not effective and no longer applies.

>> Are you speaking if the building is converted after it is built?

>> Kitchen: It could be broader. I was understanding from you that that was the concern. Because it has a site plan.

>> That is waiting for approval.

>> Kitchen: I understand the mayor pro tem's concern is to be clear, if for whatever reason it was ever used for residential, this resolution doesn't apply.

>> Tovo: How about this, unless Mr. Reston has a better idea. If the proposed building is converted to residential use or used for residential use than on-site affordability is required as per the plaza saltillo plan unless the applicant requests a waiver from council.

>> That will be the process.

>> Mayor Adler: Is that how it works right now. You could administratively approve on-site.

>> Yes.

>> Mayor Adler: Which you could do under the ordinance and fee in lieu under the existing ordinance would require it to come back to council?

[11:16:16 AM]

>> That's right.

>> Mayor Adler: The way to say what the mayor pro tem is saying, if it is converted, then the rules apply and apply to this one as well?

>> Yes.

>> Mayor Adler: With the understanding that language says that, that is not imposing any greater restrictions on this property owner or situation other than what is otherwise required by ordinances.

>> With the exception of the building is built they pay the 491 now, which is the intention.

>> Right.

>> If they convert the building, you are saying we'll relook at it again despite the fact they paid the rate.

>> Mayor Adler: This doesn't add any additional hurdle that doesn't exist already in our ordinance because they would have to do this exact same thing?

>> Yes.

>> Mayor Adler: Mr. Flanagan.

>> Are there many that are converted after they're built?

>> My experience is no because of the plumbing.

>> That is my thought as well. It is a highly unlikely situation we're talking about. It is unlikely.

>> Mayor Adler: The mayor pro tem made a motion. Is there a second? I guess we approved the first one. We'll treat this as the second -- an amendment to the language. There is an additional amendment offered and seconded --

>> Kitchen: Can we read it one more time? I want to be clear what the language is.

>> Tovo: If the proposed building is ever converted to residential use onsite affordability is required as per the plaza saltillo plan unless the applicant requests a waiver from city council.

>> Kitchen: Is that the term "Waiver"?

>> Yes, you can use multiple terms for it, but that is the way we treat it, yes.

>> Kitchen: I don't want to be caught where there is interpreted in five years.

>> The intention is comply with the regulating plan and that is --

[11:18:20 AM]

>> Can that be "Receives a waiver"? Rather than "Requests a waiver yes.

>> Mayor Adler: Receives instead of requested. It is moved and seconded. This amendment. Any objection to this amendment? Ms. Troxclair.

>> Troxclair: I'm going to abstain. I'm just going to abstain.

>> Mayor Adler: Take a quick vote. Those in favor of the amendment raise your hand, those opposed. Flanagan is opposed, Renteria is opposed. Ms. Troxclair abstains. Ms. Garza is off the dais, Mr. Casar is off the dais. That leaves six. It has six votes to pass.

>> Thank you.

>> Mayor Adler: Yeah? That takes care of item 23. Let's do then the briefing from staff. You're not quite on yet.

>> There we go.

>> Mayor Adler: There you are.

>> Good morning mayor and council. In honor of the mayor's birthday, we have brought you a briefing on the draft and strategic housing plan. We're excited to be here today. The concept was introduced by staff in fall of 2015 to create a strategic housing plan with some strong numerical goals. This was further affirmed by the audit done by the city auditor. The goal of the housing plan is to align resources and assure a strategic direction and achieve partnerships through a shared division.

[11:20:29 AM]

I am excited to introduce Erica leak to give the presentation. Erica is our policy planning and outreach manager at neighborhood housing and development. Her members both past and present worked

incredibly hard to pull this together. I want to command her before we start and her staff member Jonathan Tom Coe that is in the audience. So here's Erica.

>> I will try to get through this quickly so it doesn't run over into lunch. As Rosie mentioned, we're working on the Austin strategic housing plan for over a year. Today, I will be talking about the background, community engagement that has gone into the drafting of this plan. Methodology used and measure of the next steps. So in fall of 2015, there was discussion about the concept of a housing plan for the city. We hadn't had one previously. And realized that one was necessary to be able to guide decisions, guide investments and also to have benchmarks that we can work toward, as a community. So in the spring of 2016, we began community engagement to identify the values that should be embedded in the plan over the summer. Last summer, we had the initial draft of the plan, and then we went back out to the community and asked whether the draft was correct and we got many, many comments that are included in appendix E available online. Updated that plan and created a new draft, the December 5 draft.

[11:22:33 AM]

And we're presenting it to you all today, planning commission next week, and we'll be bringing it back for potential adoption as an amendment to imagine Austin April 6, hopefully. To begin with, we wanted to clarify the definition of affordable housing. We are using the definition that is set by H.U.D., the department of housing and urban development, which is that housing is affordable, if the occupants are paying no more than 30% of their income on housing costs. We also wanted to clarify that imagine Austin also speaks about affordability and imagine Austin speaks about household affordability, so that includes not only housing costs but also transportation costs, utilities and taxes. So I'll try and be really clear when I am talking about affordable housing and using that definition from H.U.D. And when I'm talking about household affordability, which is a broader definition and it includes other items. We have included median family incomes for households that I will be talking about. And the rent that is affordable to people in those income brackets. So note that 30% of the median family income affordable rent for that household is approximately 400 to \$600 a month. Quite, quite low. And if we're talking 80% of the median family income, then the affordable monthly rent for that household is approximately a little under 1,100 up to 1,600 a month.

[11:24:38 AM]

Keep those numbers in mind. In -- in terms of the background, Rosie mentioned a strategic housing plan is a plan that is used as a roadmap to guide city's investments, to help with collaboration and community partnerships. And is used by a whole range of cities to really help them measure how they're doing in terms of affordable housing. The strategic housing plan will address fair housing issues. It takes into account that Austin is a unique place and we have to figure out, you know, how can we meet our housing goals while also maintaining the city's culture. There is a need for housing on a whole range of incomes, because we have and want to continue to have people at that whole range of incomes. And then it does speak a bit to other issues that are not specific to housing to get into the household affordability issues. And we will go into some specifics about the methodology of how we get to the goals that have been set. You may have seen this before about Austin's current rental housing gap. Every five years we do a very in depth analysis of the housing market in Austin as part of our federal planning.

[11:26:43 AM]

In 2014 they found a gap of approximately in the housing. They can pay approximately \$500 per month in rent. In terms of ownership opportunities, if there is a renter who is wanting to be an owner, they found that if those renters earn approximately \$50,000 a year, then approximately 20% of the detached housing -- that is generally single-family housing is affordable to those households. Whereas attached housing, 42% of attached housing is affordable to those income groups. We want to make this fairly clear as we're talking about changes to the city's land development code, that, you know, there is a difference in affordability between attached and detached products. And so that's certainly the housing market study does point to that information. In terms of community engagement, we had engagement across the city last spring and summer. Including at senior centers, libraries, faith-based communities with neighborhood associations, at university and schools. And we were -- we were really trying to reach a whole spectrum of the Austin community. We had 433 meet ING attendees at 40 meeting, we helped spread word and got input.

[11:28:46 AM]

In addition we had a statistically valid survey, I will talk about in another moment. The object ive of the community meetings was to really have an opportunity to talk to the community about what affordable housing means to them and about what some of the potential strategies that we might want to use and basically how they felt about those different strategies. So in terms of the survey, we actually had both a statistically significant survey that was sent out to 4,000 citizens unique e-mail addresses and then we received responses on those. And those are -- that's the data that is shown here. We also had another survey that was open to anyone, but the responses were quite similar. But we are on this slide, showing the statistically significant survey results. And what we found is that a majority of people agreed or strongly agreed that it is important to have affordable housing in all of Austin. You know, that we need to across our city. Also, about the idea of allowing smaller houses on smaller lots. That housing and transportation should be linked so that a household can potentially save money on transportation, by living in a place with better access to transportation options. And then, you know, there is not as much agreement on things such as should parking be reduced for affordable housing. However, we have heard from our affordable housing developers, sometimes they're required to build more parking than they have, than the cars have residents.

[11:30:55 AM]

So, you know I think that is a conundrum we should consider moving forward. So we did receive great feedback on the June draft plan. I do encourage you, if you have extra time, to look at appendix E to see that feedback and we did provide staff responses to all the comments we received. Those are included in the appendix. We heard people would like additional detail to be included in the plan. It should be broken down by median family income which we hadn't included in the first version. There was a desire for additional detail about the methodology used. And also a desire to see more prioritization of the actions that will be used to help implement the plan. So we've added those. And also, to align the geographic goals with city council districts. They had, in the first version, they were aligned with zip codes. So we -- we listened to that feedback. And made a number of changes including specifically breaking down the housing goals, based on the percentage of households that are in each median family income range. As I mentioned, aligning the goals with city council districts. And I'll talk about this more when we get to the methodology, but also increasing the housing goals, based on the region's growth rate. And talked a little bit more about how we reached the goals and then added home repair goals. A few -- a little more additional detail included linking -- clarifying the relationship between image Austin and codenext and how the land development code is related to this plan.

[11:33:11 AM]

In the back of the plan there is an implementation matrix which denotes the high priority recommendations we should move forward on as quickly as possible, to help implement the plan. We talked a little bit more about the past efforts related to affordable housing in the city. We also -- we also included other strategies to help with overall household affordability. And then we added some information about the public housing authorities. So the methodology for setting the goals and targets. I know this has been an area of interest. So I will try and be very clear. We started with the information about what the city's gaps are. And so as I mentioned earlier, we have a gap for 48,000 affordable units for households at approximately 30% of the median family income and below. We know that Austin does not have great geographic dispersion of affordable housing and that there is a real scarcity of affordable housing, especially west of I-35. And that homeownership is difficult for many people to attain and the affordable homeownership units that are available are generally northeast, far south and southeast Austin. In addition, we know that residents are being displaced from the city. That is an area of real concern. So how do we address that difficult issue? Then there was also a need to make the link between housing and transit clear in a city where I know you all are discussing connections 2025 and how can we make sure that people that either can't afford cars or choose to want to live a life without cars, that they can have good access to transit objections.

[11:35:31 AM]

As you all know, Austin's median household income has not changed much over the last 10 years, whereas both for-sale housing and the median rent have increased. In addition this is -- that the housing market in Austin is especially difficult for those at low incomes because there are a lot more households than there are affordable rental units for those households. So basically, since there is not enough affordable housing, the people at low incomes have to compete for housing with people at higher incomes. So that is a real challenge. When we look at the affordable housing gap, in terms of funding, we -- we did some quick calculations, and the approximate cost to build an affordable unit is about 135,000 that's just construction cost. Not the cost of land. We take that and multiply it by 48,000 and that equals approximately \$6.5 billion -- with a B. And that is if we were able to close the gap today. If we don't close the gap today and it continues to increase, that cost increases to over 11 billion. So there is a huge need and we think that the housing plan is a good start. We know that it may need to be tweaked down the line, but we know the need is huge and we should get started as quickly as possible.

[11:37:47 AM]

In terms of the methodology, as I mentioned we took the number of households in the city of Austin right now, just under 400,000 households and we multiplied that by the growth rate of the area, which is 34% over 10 years. Note that the 34% over 10 years expected growth of the area is much higher than the expected growth in the city of Austin itself. The city of Austin, you know, its trend is that it's been growing at about 20% over a 10-year period. So the reason that we use the area growth rate is because of feedback that we received on the first draft of the plan that basically said shouldn't we be creating enough housing in the city so that people who would like to live in the city are able to do so? And so that is why the estimates are based on the household -- excuse me. Are based on the growth rate of the region, not the growth rate of the city. And then basically, we broke those numbers into the percent of households that are in each median family income category. So that resulted in having a goal that

20,000 housing units should be created over the next 10 years for those at 30% of the median family income and below. 25,000 units for those households at 31 to 60% of the median family income.

[11:39:49 AM]

61 to 81%, 25 thousand for those at 81 to 120% of the median family income. 50 thousand at 120% and above.

>> Kitchen: Mr. Mayor. I know we have a lot to get through. But this is a key slide. I have questions about it. Would it be appropriate to ask it now or wait until the whole thing.

>> Mayor Adler: Let's hold off and let her get through the whole thing. They way someone reviewing this for the report.

>> Kitchen: That would be fine. I have a lot of questions about this slide.

>> Mayor Adler: Ok.

>> All right. In addition, we know that it is incredibly important to both preserve housing that is in place now as well as produce additional housing. There were five main community values identified through this process. We can see those on this slide. Preventing households from being priced out of Austin. Fostering equitable communities, investing in housing for those most in need. Creating new and affordable housing choices for all austinites, all parts of Austin and helping austinites reduce household costs. There are specific implementation strategies that are listed in the plan to help basically to help support all of those community values. And certainly we would love for you to take a look at the plan and take a look at the details of those. In terms of community goals, we have proposed both community and departmental goals. I'm focusing on the community goals now. Those include having at least 75% of new housing within a half mile of imagine Austin centers and corridors.

[11:41:51 AM]

And this specifically relates to that idea and issue of trying to link housing with transportation. And this map actually shows the capital metro frequent routes that were just approved and how they align with the imagine Austin centers and corridors. And in a number of areas of the city they aligned very well. So to have housing units near that transit is -- is incredibly important for people, especially those who are reliant on that transit. In addition, there is a goal to preserve 10 thousand affordable units over 10 years. There is a goal and one of the changes to the plan we'll be proposing when we bring it back August 6, this should say produce 100 permanent supportive units each year through 2018 with half being housing first. That was a goal adopted by council in 2014. So making sure that we do have enough affordable units for people experiencing homelessness. The final overall community goal is one that addresses geographic dispersion. We know we have low-wage jobs in every single council district across the city. So we propose that city council S should establish a goal that 10% of rental housing units in each district be affordable to those at 30% of the median family income and below. And even though 10% doesn't sound that aggressive, it is quite aggressive.

[11:43:54 AM]

There are many areas of the city where we have almost none. So 10% would be an incredible increase. There is also a goal that is proposed that 25% of ownership units be affordable to those at 120% of the median family income and below. Again, in each council district. I also wanted to note that we do have department-specific goals that are included in the housing plan. And one of those is having a goal for those at approximately 20% of the median family income and below. That is an incredibly deep affordability level based on feedback from the disability community. Ok. This is kind of the -- the reality

check slide, which is showing the goal for 60,000 affordable units over 10 years and the tools we have at present to create affordable units, which are basically the thin slices at the bottom. So that includes our federal funding. It also includes local funding, it includes the remainder of the 2013 general obligation bonds for affordable housing. It also includes the idea that we will have additional obligation bonds for affordable housing. And with those tools we will be creating less than 10,000 units over those 10 years.

[11:46:02 AM]

And unfortunately, what our housing market study has found is that the gap of affordable housing units is actually growing at about 2,000 units per year. So if we do what we have been doing, the gap will continue to increase. So the dark green section at the top of this chart shows that we're going to have to come up and come up with and use a lot -- a lot of new tools for affordable housing. Things including -- potentially including tax increment financing, which is used for affordable housing in other cities. Homestead preservation district tools. Getting affordable housing out of planned developments. Expanding density programs. So a lot of the strategies are included in the plan. I will highlight some of the higher priority ones. But I just want to make it very clear that it will take a lot of work. And it will take a lot of commitment to really make headway on this issue. We know that measuring performance is incredibly important. And so one of the things that we plan to do is have an online measurement of our performance. So we'll be working with the office of performance management to have a system app and this is an example from the city of Boston where they are tracking on an annual basis how they're doing on the goals they're setting. Because there is not much sense in setting goals unless you're going to measure how you're doing on those goals.

[11:48:05 AM]

As I mentioned, the plan is to take the strategic housing plan to police commission next Tuesday. And then if it's moved forward by police commission, then we'd be coming to city council on April 11th for potential adoption as an amendment to imagine Austin and then heading back. We did quickly want to mention the top 10 recommendations that are included in the plan that are -- that will be the places to start and really make headway. Those including the adopting of the goals to guide city policy. To implement consistent and effective density bonus programs for imagine Austin centers and corridors through the code next process. So that is under development at present. To strengthen the city's scoring criteria and have policies that do prioritize affordable housing near current and future transit service. That we pursue future general obligation bonds for affordable housing. That we streamline city codes and permitting processes for developments that include affordable housing. That we expand the use of community land trusts and other forms of shared equity. That can help with Homeownership -- homeownership especially. And provide additional funding to be able to monitor our housing investments. We know that monitoring is an essential piece to let people know that the people who are qualified to live in those units really are living in those units. In addition, that we should target a preservation property tax exemption to communities at risk of displacement.

[11:50:10 AM]

So this means using potential, you know, tax abatements so that may not be the official term. But basically, if you have affordable housing that is owned by the city of Austin, you can -- they wouldn't have to pay taxes on those, which helps the affordability. In addition, we need to undertake strategic land banking, which we have not done in the past for affordable housing, and provide additional general

fund appropriations. So those are the 10 places that we think we need to get started. And I'm happy to answer questions. I may have other colleagues come up and help me with those.

>> Mayor Adler: Pretty considerable work over a long period of time. Thank you very much to you and everybody on the team that worked on this. Ms. Kitchens you want to start us off with questions?

>> Kitchen: I have a bunch. So let me just ask -- and this may be in the details. So if it is, just point me to the report.

>> Ok.

>> Kitchen: I had some questions about the slide -- let's see. Slide. The one where I raised the question where we're setting the 135. But before I ask that, let me ask this one. Are we talking about goals -- have we set goals based on context for different areas? Thinking in terms of equity? So for example, what I mean there is, do we have -- are we targeted in our goals? In other words, are we setting goals to prevent displacement from the central east area? Are we setting goals to make sure we're providing access to areas that historically haven't had much in the way of affordable housing?

[11:52:11 AM]

Things like that? That is what I mean by my question. If that is in the report, just point me there.

>> I would point -- there are goals related to those issues, certainly. And one of -- one of the goals that certainly deals with the issue of equity is having goals for affordable housing in each council district. And so making sure that there is affordable housing available throughout the city.

>> Kitchen: Yes, I guess I'm asking for more specifics than that. Maybe that is the next step. Because our council districts are pretty big and they're different across them. So if we're -- I think the geography of council districts is useful, but I'm almost more concerned about the geography of where have we historically not had housing? Where do we historically need to preserve existing housing? You started to talk about it here with your map related to the connection with transportation. So where do we need housing related to transit? I guess what I'm asking is that it be useful, at some point, to take these goals and really get more specific with them in terms of where are we talking about? I don't know -- you guys have done a fabulous job and there may be more work after this. This is part of the impolicemanation. As a councilmember, if I have a rough number -- not just a rough number, if I have a number I'm working for, even if that is just by council district, if I don't have a relationship between that number and things like, you know, transit, preserving housing, being along corridors, things like that. So again, I'm sure y'all have thought about that. That is nothing new. I wanted to ask where we were in terms of those kinds of goals.

[11:54:13 AM]

That make sense?

>> It does. There are -- basically, since there is kind of an overlap of goals in terms of having housing near transit, having a dispersion of affordable housing throughout the city, I mean, it does end up creating some through the overlap, but there aren't specific geographies included other than having a high proportion of the new housing being near transit.

>> Kitchen: Ok.

>> So I wouldn't say that there are specific geographical goals in I think the sense you mentioned.

>> Kitchen: Well, it may be that that's a follow-up. Maybe -- this plan will not have every last thing in it, in terms of implementation. And we have other tools that we're talking about as a city, like our equity tool, things like that. I just think that a little -- as we start to try to implement this and as we make decisions as a council, having that additional level of understanding for us will help us understand when we've got the best opportunities in front of us. So maybe we can talk more about that. But I think that

would be something I would like to see over time, whether it is actually in this plan or whether this plan says that's a next step.

>> Uh-huh.

>> Mayor and councilmember kitchen, I have one that was basically on your exact topic. I wonder if I can ask it here to stay on this same thinking. I appreciate trying to make sure we have access to the access to transportation. I don't like the geographic dispersion. But other goals as well.

[11:56:14 AM]

Is there something that squares that, considering that there is going to be some places where there are great schools and great other amenities and great access to jobs, but aren't our planned transit areas and how do we handle the split? I at once want to make sure we're focusing on the transit corridors and long-term planning but I don't want that to wind up being a reason we don't make really focused efforts to provide for economic int-greg? Is there somewhere you aggress what seems to be a collision?

>> Um ... And --

>> Casar: I want to know if there is somewhere that we specifically write out that intention?

>> I want to have Jonathan address this as well. I think this gets into the issues of fair housing and having the opportunity -- the idea of fair housing is that all people should have access to the same opportunities as others. When there is not enough affordable housing throughout the city, you don't end up with great fair housing opportunities everywhere. So the city does have a fair housing action plan. And the plan, this plan recommends continuing to implement the fair housing action plan to get at those issues of equity and access to opportunity. So I'm not sure that we ever specifically speak to those issue, but it is certainly something that we think about.

[11:58:14 AM]

>> The only other thing I would add to that as Erica mention is the fair housing action plan. This does implement that plan and addressing the barriers to fair housing through the acts undertaken in this plan. It is important that the goal in this plan identifies I think 75% of new housing units within a half mile of the corridors and centers. So that is a large area from the corridors and centers, but still enables folks the distance from the transit to benefit. We're achieving a deeper level of affordable with housing the units by the transit because it is a lifeline for folks to address our resources for deeper affordability.

>> Casar: Understood. I would put a pin in that, that it make may -- may make sense, just for posterity Saik when they flip through and see this and the fair housing, that these things may because of how we plan transit and the city, we may see there are priorities so important that being off transit may -- it may make sense to follow that.

>> Kitchen: Can

>> Kitchen: Can I follow up? My comment were to -- that was an illustration, but I agree there are other carries and I would also just put a pin in as we're moving forward with our bond program, for example, and I know we already have a pin in our resolution that as we're looking at our corridor improvements that that's an opportunity to be very specific on our housing preservation goals along those corridors. So I know we've got some studies that we've done related to where's the potential for housing preservation and my pin in it is just that we continue to do that and align that with our corridor improvement.

[12:00:17 PM]

Sue I have -- so I have other questions, but I'll let others go first.

>> Mayor Adler: Staff, did you want to respond to that? Did you have something else to say?

>> The one other thing I was going to mention, and I know it's been mentioned at other Austin housing finance corporation meetings, is that the state scoring criteria for low income tax credits are actually not always very well aligned with transit. And -- but they are one of the biggest sources of funding for affordable housing. And so the state scoring criteria is -- which changes annually so it's not a static measure, but that scoring criteria will certainly have an impact on affordable housing that gets funded. So that is kind of an example of where some things are in conflict sometimes.

>> Mayor Adler: Thank you. Council, it is noon, which is time for citizens communication. And we have lunch and then executive session during that and there are three housekeeping matters that I want us to take quick votes on as well before we break. What's y'all's pleasure now? Ms. Pool, then Ms. Kitchen?

>> Kitchen: I just have a quick follow on before we leave this particular point on the strategic housing plan.

>> Mayor Adler: Do we want to stay with this point?

>> Pool: Yes.

>> Mayor Adler: We'll stay with this point and hold off on the other things and then take lunch. We'll do the housekeeping and take lunch.

>> Pool: I wanted to request staff to provide us with a map. I think both councilmember kitchen and councilmember Casar mentioned that. I think it would be really helpful for us to see where the property is available, whether it's city owned -- I think we've actually asked for this in the past, where there's buildings that can be converted, where there's property that's available so if we are targeting, trying to get the -- to meet our goals that we know where to go about either encouraging developers to build there... --

[12:02:39 PM]

>> Hi, Rebecca giello, director of community housing and community development. I believe it has been asked for before and I want to work with our office of real estate services to see what has been produced but we can certainly do so.

>> Pool: What I would like to do then is align what the goals of this housing plan are with what's on the ground so that we can have reasonable expectations of how much we are able to accomplish at what kind of a pace.

>> Understood.

>> Pool: And it may be that it's a slower pace in the earlier years and faster pace in other years. I have no idea. Maybe it's the other way around. But it's also very important information, but also somewhat ephemeral to me, much that I heard in this presentation today I've talked about for more than two years as both a candidate for this position and also from this dais. So I'm looking for something more concrete to hang on to because we have certainly been working this puzzle for quite some time. And I'm looking for some deeper information or new information, preservation -- hem instead preservation, we've talked about that and we have adopted some land trusts. We've been talking about that for a couple of years, how we get developers to on develop in the parts of town in order to bring deeply affordable housing to parts of town that don't already have it. Help us -- help us crack that nut. That's what I would like to see in a strategic housing plan. How do we take the reality that is today with the market forces that we are confronted with and overlay this desire of our own on top of that in order to actually make progress.

>> One comment. And we don't disagree at all. We believe that one of the drivers and one of the most effective effective engagement around this plan is to adopt it as a driver in our policies.

[12:04:48 PM]

That said a lot of the recommendations laid out on those last two slides do need to come with concrete actions. Also by staff. So an example is land banking opportunity to the point that you had just referenced, potentially even looking at general obligation bonds set aside in partnership with the office of real estate services to allow for land acquisition. Much like what we could have been positioned to do with the bull creek property. So we believe that there are some real concrete actions that need to be different than what we've seen in the past. And we're prepared to look at options like that. And in fact, we have Teed up those needs even with our needs assessment with a potential future general obligation bond obligation. But we do not disagree with your statement.

>> Pool: And the council also directed office of real estate to make bids on most if not all of the properties that the Austin independent school district put up. I don't know what the results of all those bids were, but we're trying.

>> Indeed.

>> Pool: And the last thing I will say before we go to break is I've asked previously on a number of occasions for a mechanism for us to be able to count the units of affordable, at whatever level they are from get to go. When they're brought here, approved here, and then however many months it takes them to get actually built and on the ground, because we don't have a measurement -- and I think you referenced that, Erica, in your presentation. We have to have a really robust, accurate and publicly accessible, like you mention here, way to count it because we can put 135,000 units of 10 years open on overheads of powerpoints from here to eternity, but if we don't have a way to count any progress to it with any kind of reliability and repeatability, then we also won't have met that goal.

[12:06:58 PM]

We need a concrete way to prove we are making the pro and con. I think we are making progress, but we are not able to get our arms around it and count it and take credit for it.

>> And councilmember I look forward and I know Rosie looks forward to bringing forward information about our affordable housing inventory, which is a system that has been developed in-house over the last about 18 months which does exactly that. And and we are proposed in short order to tee that up to audit and finance or whenever the appropriate time is in connection with our monitoring. And it is incumbent upon us to give you the confidence that we are being responsive to what we're hearing as well as to respond to the community desire for that validation and confidence. And we will be doing that.

>> Pool: And could I ask for y'all to come and meet with my staff and me to go over what that mechanism looks like?

>> Absolutely. We're happy to do that with anyone on the dais.

>> Pool: Okay. My staff will be in touch with you to set up some time.

>> Very good. Look forward to it.

>> Houston: Mayor, everybody is very interested in housing and we have been for years, but it's now almost 10 minutes after 12 and we have citizens who have signed up to speak at 12:00. And I think it's disrespectful for us to keep talking even though we're all interested in this. We can come back and do that, because I have about 10 questions myself.

>> Kitchen: Mr. Mayor? I agree with councilmember Houston. I would like for us to say right now when we're coming back. And is that going to be later today or are we going to have another work?

>> Mayor Adler: We're going to come back after lunch and pick this up.

>> Kitchen: We are. But when? What time?

>> Mayor Adler: We have an executive session -- we'll go into lunch and executive session and then come back out and do this. And the way we'll do it when we come back out because I know I know everyone is interested in in and we'll rotate through the floor, the council.

[12:09:07 PM]

My sense is when we look at this we can do probably the consent agenda right at 2:00, whenever that is, so we can see how we clear off the agenda. We also said we would give people on Austin oaks the opportunity to testify. Remember they stayed very late. We'll be balancing all those things, call it at two and then back again after dinner. But it's the intent for us to go each lunch, do the executive session can and then pick that up.

>> Kitchen: I'm fine. I'm not saying it has to be today. I'm just saying that before we vote on this, we all -- this is like one of our most critical issues and we all have a lot we need to talk about.

>> Mayor Adler: If we don't have the time today do it, we can certainly set another time to do that if we want to. That being the case, then we'll go to citizens communication. First citizen that we have, thank you, and please come back after the lunch. Citizens communication, carolannrose Kennedy? Is she here? The second speaker would be Girard Kinney.

>> Thank you, mayor, members of council --

>> Mayor Adler: Mr. Kinney, can you hold on one second? Before councilmembers leave the dais, there are two -- there are two housekeeping items that I want us to take care of first if we could stay here for one second. We didn't take the final vote on item number 23. We voted on the amendment on saltillo, but we didn't vote on the final item through. This was the saltillo deal, the density bonus that had the two amendments with that. If we could take a vote on that now. All those in favor please raise your hand? Those opposed? To the saltillo deal?

[12:11:08 PM]

Troxclair is voting -- troxclair abstains. This is the saltillo matter. The others were voting aye. So that number 23 is passed. In addition to that we have items number 53 and 54 which we approved on consent. They were the two items that councilmember Garza had put on the agenda. They dealt with -- sorry? With women's equity and also the co-op businesses. Ms. Garza has requested that we take another vote on that so she can be shown as voting since those were her items and had a personal power to attend. It is moved and seconded. This is just allowing us really to take another vote. Is there any discussion? Those in favor of the motion to reconsider please raise your hand. Those opposed? It's unanimous. We're going to reconsider. Someone move passage of items 43 and 54. Ms. Garza, do you want to make that motion? Is there a second to that motion? Councilmember alter seconds that motion. Any discussion?

>> Houston: I'm still abstaining on 54.

>> Mayor Adler: Let's take a vote on each one. Those in favor of item number 53, please raise your hands? Those opposed? In everyone is in favor. And councilmember troxclair abstains. Item number 54, those in favor of item number 54 please raise your hand? Those opposed? Ms. Houston abstains. The others voting aye, that item passes.

>> Garza: Thank you.

>> Mayor Adler: Mayor pro tem?

>> Tovo: With apologies to Mr. King. 55 is still listed on our agenda, but I believe it passed on consent.

[12:13:12 PM]

>> Mayor Adler: All right. Mr. Kinney, thank you for your patience.

>> Thank you. As many of you know I'm a lifelong austinite and president of scenic Austin, a member of the executive committee of scenic Texas. I am here today to first of all remind you that the city has had a policy that started in the 1980s of eventually eliminating our city and its etj of billboards. Billboards are a real blight on our city and it's getting worse because they're being moved out to the gateways of our city. We also know that on premise signs are a big problem in our city. We do not have adequate regulations for them. Our position is that the onpremise signs should be dealt with through the codenext process. Billboards, on the other hand, everyday that goes by that we do not disallow the relocation of billboards is another day that a new billboard gets built in our city. So we'll be at the end of the legislative period we'll be coming back to council with a requested amendment to the ordinance that would not allow billboards. We can go back and reaffirm the goal of getting rid of billboards eventually, but not allow billboards to be relocated. Thank you.

>> Mayor Adler: Mr. Kinney, would you call me at my office sometime please?

>> Sure. Yes, sir.

>> Mayor Adler: The next speaker within is Susana Almanza.

>> Good afternoon, mayor and city councilmembers. I'm Susana Almanza with poder.

[12:15:12 PM]

Poder invites everyone to celebrate the life of Cesar Chavez by attending the si se puede social justice March. The March will take place Saturday March the 25th, 2017. Assemble at 10:00 A.M. At terrace S.O.S. Library. March begins at 10:30 A.M. And ends at the pan American hillside, 2100 east third street. Speakers include state representative Gina Hinojosa, district 49, Judy Cortez, afl/cio center labor council. Paul Saldana, aisd school board trustee. Jeff Travillion, county commissioner precinct 1. Dr. Tan any ward. And more. Music by los grooves, Daniel Llanes from 11:00 A.M. To one P.M. Cesar Chavez was born on March the 21st, 1927 in yuma, Arizona. Cesar Chavez was a Latino farm worker, labor leader, civil rights activist and crusader for social change. Chavez was co-founder of the united farm workers which advocates for better wages and safer working conditions on American farmlands. Cesar Chavez is more than a symbol and role model for farm workers. Cesar Chavez demonstrated the need for all working people to support those who are oppressed and ex-exploited. Working for dignity on the job and in the community, increasing democratic rights for working people, challenging the powerful and defense of the powerless. March the 25th, 2017 marks the 16th annual Cesar Chavez March in Austin, Texas. We must continue our powerful coalition building among groups targeted by trump's proposed policies from attacks on immigrants to attacks on public education and the environment. From assaults on unions and the health care.

[12:17:14 PM]

From voter suppression efforts to efforts to deny fair wages for women. We recognize the interwoven nature of all forms of oppression. Protect mother Earth and protect humanity. If Austin residents have celebrated the life of Cesar Chavez and his selfless dedication for farm workers and workers' rights, economic justice, civil rights, environmental justice, peace, non-violence and empowerment of the poor and disenfranchised. As Cesar Chavez once said, we have a power that comes from the justice of our cause. So long as we're willing to sacrifice for that cause, so long as we persist in non-violence and work to spread the message of our struggle, then millions of people around the world will respond from their heart and in the end we will overcome. Viva Cesar Chavez, thank you.

>> Mayor Adler: Thank you. The next speaker is Daniel Irans.

-- Daniel Llanes.

>> Good morning, mayor and council. I'm here to speak on the auditor's report on neighborhood planning, which was really a convert report to criticize the contact teams. Recently Greg Guernsey put together a meeting between the contact teams and the auditor. There were representatives from 20 contact teams at that meeting. Not one of them had been interviewed by the auditor. The auditor said to us that they didn't interview anybody. They looked online and saw websites for two contact teams and went to two meetings of those groups. That was it. The report -- the title of the report is about neighborhood planning, but the entire report is focused on contact teams.

[12:19:20 PM]

So what we said to the auditor and what we're saying to you now, these are other people from contact teams who could come today. I wish those 20 would have been here. Is that we would like the auditor to retract that report and/or do a second report and interview all the contact teams. Keep in mind that the contact teams are what the city is calling our neighborhood associations' organizing. Contact team, that word is an appropriation by city staff. And it's very curious that the auditor's report comes on the heels of the new contact team ordinance. Which you all approved based on lies and slanderous accusations that were untrue, but not one of you on the dais made the effort to find out the truth. You never contacted us. So the auditor did the same thing, did this report, criticized us all, but didn't talk to one of us at all. I brought a stack like this of every single document that we have had since our contact team was adopted. All of that data of the activity of the contact teams, the report said, -- for example, the report said that there was no outreach. Well, in southeast Austin one contact team through their neighborhood associations -- let's keep this straight that the neighborhood plans are based on neighborhood energy, neighborhood sovereignty. We are the ones that created those. It's neighborhood driven. So based on the auditor saying that there was no outreach, well, during the formation of a contact team in south Austin, they twice at their own expense mailed out 16,000 notices for participation. Many examples like this, many examples like this exist throughout all these contact teams, but the auditor did not bother to do that.

[12:21:25 PM]

So I'm asking you to have that auditor either retract that report or to do a second report and interview us to get the real information.

[Buzzer sounds] Thank you very much.

>> Mayor Adler: Thank you. Next speaker is Margaret Lloyd. Richard boland is on deck.

>> Hi, mayor and councilmembers. Thanks for taking the time to hear us today. I moved to Houston, Texas in 1980 from a very beautiful place, Huntsville, Alabama. I don't know if any of you have been there, but it's got rolling hills and beautiful trees. And it has the same kind of feel -- it's not the same city, but it has the same feel in Huntsville as Austin has here. So when I came here I was -- when I came to Houston the only crane that I saw was metal and huge. And so I was anxious to find this nirvana, Austin, that everybody kept talking about. So when I first came to Austin, I was taken with it and I still am. You're in a beautiful geographic area and those same rolling trees. But as I've -- this was 37 years ago. So as I've driven back and forth for the last 10 or 15 years I have been saddened, I guess, and concerned about the visual clutter that has started to dominate the urban landscape more and more every year it seems. With flashing, scrolling, onpremise signs and also billboards. So I'm here today to urge you to when you're looking at your codenext and your ordinances to think about why people want to come to Austin and to think about that this is our capitol city and that this is lady bird's territory more than any other place in the country, and to continue that and embrace it in all the ordinances that you consider.

[12:23:47 PM]

And hopefully in mind to join the scenic city certification program that about 60 cities now in Texas are part of. And we would love to see be a part of it as well. So I hope you will investigate this and move in that direction. Thank you.

>> Mayor Adler: Thank you. Next speaker is Richard Boland. And Antoinette Powell is on deck. Please proceed.

>> Okay. This video is from the March for Trump this past March fourth with the sound turned down so you can hear me. If you really want to you can view it in full on Alex Jones' YouTube channel. I wouldn't give it any publicity, but it has a camera that you won't see anywhere else from the center of their rally. There's a group of anti-Trump protestors on the sidewalk. It's not showing it yet. But the Trumpsters decided to go kick their asses, which you will see on the video. One of the protestors, Kid O'Connell, a prominent LGBTQ in Austin, was assaulted and arrested by APD. He's still recovering from the assault and still facing assault charges in county court despite this evidence of what really happened. Mayor and councilmembers, this is unacceptable in a modern city like Austin. We would prefer to have a simply unbiased police department who would have seen an assault in progress and not arrested the victim. If we're going to have a biased police department, let it at least be biased towards the political view of the majority of the citizens and taxpayers, not Argonne Squad for the Trump and Info Wars crowd. I'm asking that Brian Manley not be appointed full-time chief and that the council instead search for a candidate who supports the morals and ethics of the city of Austin. And then I'd add to what I had already planned on saying, APD has started harassing both Julian Reyes and Phillip last week.

[12:25:58 PM]

Julian was Tuesday morning. Both of these guys value civil rights. They have good lawyers. So when the APD lawsuits start rolling in, don't act like you didn't know that this was going on or that you're good stewards of the taxpayers' money. Thank you.

>> Mayor Adler: Thank you. The next speaker we have is Antoinette Powell.

>> It's scary up here.

>> It shouldn't be.

>> I'm Antoinette Powell and I'm here to talk about small business food businesses and temporary food permit fees. The city that encourages residents to buy local is making it hard for me to sell my artisan jams and jellies in Austin. The city council, that's you, sets fees for businesses in Austin and has approved health department fees that make it very hard for me to do business here. So I appeal to you. My little jelly business sells primarily in the fall, at Christmas bazaars and craft fairs. I offer samples of my products so people will know how fabulous my stuff is, and when I don't offer samples, my sales are down 50 to 65%. To sell food in Austin you must abide by laws that regulate where and how you make and sell your product. In 2015 my gross income for the year was \$5,400. Fees ate up over 15% of my income and I ended the year in the red. That's not business friendly. I agree with the need for health regulations for food manufacture and sale, I just think it could be more reasonable. The fee for a temporary food permit to allow sampling is \$98 for one to five days. Most craft shows are one day. The permit costs more than the show entry fee. There's a temporary food establishment license for one booth, one day for \$35, but that's a standalone booth.

[12:28:04 PM]

If you're participating in a craft show with more than one vendor, it's \$98. Why are small craft food vendors subject to the same fees as vendors that prepare food on-site? I sell a shelf-stable jelly product, sealed in closed containers. If I want to offer samples of my product, I'm subject to the same fees as salmonella Sam's food truck. I agree with the need to make sure food is safe for the consumer -- for the consumer, yet to offer samples I need the same permit as businesses that prepare food on-site. Last fall I spoke to many people who make and sell shelf-stable products like spice mixes, salsa, grandma's pick else, about their sampling fees. Almost all of them say they no longer sell in Austin because they can't afford the fees. These are people who live in Austin and sell other places. Bottom line, if you don't offer samples, people don't buy your product. A yearly sampling fee is \$300. Problem? It's \$300. And the permit is for one location, like a farmer's market. I sell all over the place. It was suggested that I operate under the cottage food laws. Well, you have to sell from your house and no samples allowed. The fee for a temporary food permit in Travis county used to be \$20. They recently increased all their fees to match city of Austin fees. A small vendor can handle \$20 a day or so. When you get up to 40 or \$50, that's too much.

[Buzzer sounds]

Suggestions: Lower the fees for sampling of shelf-stable food products. Two, lower the fee for a one to two day permit Y is the fee the same as a five-day permit. Three, offer a five-day permit for non-consecutive days. I encourage this council to revisit their fee schedule. Small food vendors want to follow the law and comply with regulations.

>> Mayor Adler: Thank you.

>> Help us.

>> Mayor Adler: Thank you. If you have a copy of that and you want to email that to us, that might be helpful.

[12:30:07 PM]

>> To whom do I email that?

>> Mayor Adler: Probably to the council offices. Or you can give it to the clerk and the clerk can give us copies of that.

>> Flannigan: Thank you for coming down to city hall from district 6. I know it's not an easy trip. And our office is going to work on it.

>> Mayor Adler: The next speaker we have is Robert battaile. Pinaki Ghosh is on deck.

>> [Inaudible].

>> Very good, thank you. Mr. Mayor, councilmembers. It great to be back in Austin. I used to live here back when Clarksville had dirt roads. I worked with Austin school district at their career center, Jean nipper was my mentor and it was during a time where I saw a lot of public and private interaction to get the cable franchises going, Austin community TV, also just really to get the tech industry here. Now, I've been suffering from living in napa valley for the last 15 years. It's been tough, but while I was there I learned about a great sport that I'd like to bring here to Austin. It's called bocce. And I've started the Austin bocce league. Bocce is a game of skill and luck. Mostly it's about socializing, getting outdoors and friendly competition. This is a bocce ball. Each team has four of these. There's a little yellow ball called the Palino that everybody aims for and tries to get closer than anybody else. Now, I got my start in the St. Helena league where about one out of every four people is on a league.

[12:32:11 PM]

Now, I started the Santa Rosa league back in 2007. It's now got some 500 people playing five nights a week. And a couple of days too, I believe. So I'd like to challenge you guys to plant some seeds and let's

get this really going on in Austin. I can easily envision about a dozen sites with four courts each, and even a master site with maybe 12 to 16 courts. And that would be a place where we have international competition, we would have the U.S. Bocce open, and it would be a lot of great publicity and interaction there as well. Now, we do have a website. I'd invite all of you to visit and take the survey there. It's austinbocceleague.org. We're an unincorporated non-profit association at this point. I've been getting great energy from the parks and recreation department, also the Austin parks foundation, and I really feel that we have the resources to get this going. Trailside park is shown on the top of -- excuse me. Triangle park at the top of page 2 that has a couple of courts there. And that may well be our first local. -- Locale. Below that you will see some of my suggestions of other courts. This is yountville, which is a small town in napa valley. It's nice to have shade, it's nice to have lights, it's nice to have restrooms. And some other ideas there as well. Page 3 is from the Santa Rosa bocce league, which I started. The gal on the upper right there in the red hat -- do you guys have the red hat group here as well? It's a civic group, a lot of interaction, but of course there's lion's club, optimists, kinawis as well.

[12:34:24 PM]

Down below is a possible idea of what I'm calling the Austin bocce pavilion.

[Buzzer sounds] So just to kind of wrap up, I hope you will take a look at this and let me know, if you would, the places that you think are the best parks in your districts and we'd love to work with you and see you in court, right?

>> Mayor Adler: Thank you. Ms. Kitchen?

>> Kitchen: I know how to play bocce. I'm not all that good -- I'm not all that great at it, but thank you for what you're doing with bocce. And I know that the city needs more courts. And I hope that you're working with our pard department because it's certainly -- it's certainly a sport that is a lot of fun, it's good sports, good exercise.

>> It is. And it's great because skill and luck have such a great balance. Everybody gets great shots and the little old ladies can whip the big truck drivers. I find that interesting. Thank you, guys.

>> Mayor Adler: Thank you.

>> Tovo: Mayor, I wanted to thank our mayor as well. I grew up playing bocce at our family gatherings. So when I saw this on today's discussion I was delighted. And thank you. I see some of our parks staff here so certainly if there's enough support from the community, I'm sure that that would be something we would consider going forward.

>> Mayor Adler: Now that there's this movement here, I played bocce here, if we're putting together a council team here.

[Laughter].

>> Pool: I was just going to confess I too am a not very good bocce player, but I do find it a lot of fun. And the quality of the court is really key, although it is kind of fun working around all the little bumps and puddles that might happen to be on the court.

>> That's part of the equalizing factor. But that's good. And of course, you have to have a good name for your team. So work on it.

>> Mayor Adler: Mr. Ghosh, you're up next.

>> I have a presentation.

[12:36:25 PM]

Sorry, I lost my glasses so I can hardly see anything. In 2011 an ordinance was passed whereby 990 acres of land in east Austin was zoned as nb, a small two-letter word was added, neighborhood plan. And a lot of our -- a lot of the development has happened on those 990 acres. And think about that land. That's

about 1.5 times the size of Mueller and 60 times the size of the other devil that opened, mopac. Of what this the 990 acres were transferred into np plan it did not take into account any infrastructure so the entire water of north Austin and city of Austin passes through east Austin through all our creeks. Into the Colorado river. So none of that was taken into account. And what happens is that at this point in time all our creeks need repair and we don't have any money for that. And we have a system called regional storm water management system, which doesn't really work properly. So this is really what happens nowadays with one inch of rain. Especially as impervious cover has increased. This is givens park too which carries the water from Mueller also. This is how much water we get. And this is -- now, strategy can be used in many development as a flooding mechanism to root out the neighbors, the houses which should be preserved. One example to show, I know mark Jackson came and talked here. And my heart goes out to him. When he refused to sell his land, first we flooded his entire property. This is an open pipe in front of his property.

[12:38:27 PM]

An open pipe where the entire neighborhood's water flowed through his property. And then he still refused to sell his property. What did they do? They brought a 100-ton crane next in the empty lot and dig 1535-foot steel piling. You know what steel piling is? You put the steel inside the ground with hammering it with 100-ton crane. The foundation of his house, everything was shaken. Everything was cracked. But it's a very, very gracious person. He's not behaving badly. I would have behaved very differently. And all this was done with city of Austin's assistance. But I'm not here to complain. I mean, we probably deserve this. But what is the implication in codenext? I'm requesting everybody to see that the problem that mark Jackson is facing, this will be magnified 100 times when you implement codenext without infrastructure support. I am a huge supporter of codenext. So I'm requesting everybody to look into some policies, just look into it. One is -- one is new equity doesn't mean we have to destroy old equities we are building for so many years. Number two is we should think about caring about what is outside the envalley. The house is a product that buildings to the owner. And finally it's a form based code so it should be supplemented by infrastructure profile and feasible technical method for implementation. Thank you.

>> Mayor Adler: Our last speaker is Barbara Szalay.

>> Barbara Szalay.

>> Mayor Adler:, you said -- mayor Adler, you said following the affordability vote that it wasn't council's finest hour.

[12:40:31 PM]

Councilmember Garza, you voted no because you weren't getting enough credit. You said you worked very hard on affordability, but then could only cite a parent counseling social program. What? Particularly in your post vote interviews, you trotted out the time worn and frankly offensive scare tactic of saying a tax rate freeze meant you would have to cut police, fire and E.M.S. Councilmember Renteria, you said tax freezes inevitably mean E.M.S. Cuts. Simply not true. Councilmember pool, you too voted no because you weren't receiving enough credit. You found it a far higher priority to direct staff to develop a website trumpeting your accomplishments rather than tacking affordability. Apparently we don't say thank you enough or with sufficient gusto. Thank you. Thank you. I really do thank you. But simultaneously deplore councilmembers who think it's more important to get credit than to actually do something. Councilmember alter is new, but not so new it excuses her failure to understand how quorum, walking quorum and open meetings law works. She complained she didn't vote, she voted no because none of the five supporters conferred with her until the workshop. Even after the mayor

explained open meetings to her, she failed to grasp that they could not talk to her outside of open meeting without violating quorum. It did not escape me that the city attorney offered immediately to school her. I hope that since occurred. Also disappointed she didn't want to vote for plant because there was disagreement. If she doesn't want to vote every time there's disagreement it's going to be a long and bumpy ride for her. Councilmember tovo, I'm disappointed in your lack of a good faith effort, evidenced by your failure to communicate exactly what needed to be changed to secure your vote. You made criticisms at the work session. Councilmember troxclair acted on your suggestions in good faith, making changes in response to what you said, but then you voted no.

[12:42:32 PM]

Councilmember Garza, you get a pass today -- councilmember Casar, you get a pass today. There's always money for safety and E.M.S. What about the park trees placed by your city employees? The ap reported on December 10th that Austin bark officials placed bags of condoms and lube can't in a park late last year. Such a great idea because you never know when you suddenly might need a condom in the park. And the first place I would look it in a tree if I needed a condom suddenly in the park. I wonder do they ever fall on kids' heads? I support the lgbtq community, but that was a bad plan. You know they say money doesn't grow on trees, but in Austin apparently condoms do. From now on when you find yourself about to argue against cutting taxes because then you'll have to cut police, fire and E.M.S., stop, because there are other sources. Next time to help you remember, please just --

[buzzer sounds]

♪♪ Oops, there goes another rubber tree plant.

>> Mayor Adler: Those are all the speakers that we have. We'll stand adjourned -- recessed to take up one item, section 551.071 of the government code, city council will discuss issues related to item 69, the search for and appointment of a new city manager. If there's no objection we'll stand in recess and on come back after lunch.

[12:48:01 PM]

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[12:59:05 PM]

[recess]

[2:25:31 PM]

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>> Mayor Adler: All right, council, we have a quorum. Let's see how we can do on this. It's 2:25. We are out of closed session. In closed session we discussed the matters related to item 69. We passed, councilmembers, colleagues, the minority owned, business owned enterprise procurement program, but we did not include the notice that that has to be passed as an emergency measure. So it goes into immediate effect. We have a quorum here. Is there a motion to reconsider item 47 so that we can add that immediate provision? The mayor pro tem moves it. Ms. Houston seconds it. Those in favor of reconsidering please raise your hand? Those opposed? Efforts everyone on the dais with Mr. Casar gone, Ms. Troxclair gone and Mr. Renteria gone. Let's reconsider item 47.

>> Tovo: Mayor, how many votes do we need for emergency passage?

>> Mayor Adler: Seven. Do we need to check that.

>> Tovo: Mayor, I may have made the motion -- somebody made the motion --

>> Mayor Adler: The motion to reconsider is just majority vote. Now we have voted to reconsider. Does someone move passage of 47 with part five that would read as follows: The council finds that the continuance of minority owned, women owned business enterprise procurement program constitutes an emergency. Because of this emergency the ordinance will take effect immediately on its passage for the immediate preservation of the public peace, health and safety. Ms. Houston makes that motion. The mayor pro tem seconds it. Is there any discussion?

[2:27:31 PM]

Those in favor please raise your hand? Those opposed? It's unanimous on the dais. That's eight votes with councilmember Casar, troxclair and Renteria off the dais. Okay. We have item number 65, which is an appointment recommended to us from audit and finance. Mayor pro tem, do you want to make this motion on item number 65, which is passage of that appointment?

>> Tovo: Yes, thank you, mayor. I move to reappoint Pamela Lancaster as a commissioner on the menu service commission with a three year term ending on may 8th, 2020.

>> Mayor Adler: Is there a second to that motion? Councilmember pool? Any discussion? Ms. Houston?

>> Houston: Yes. Can someone tell me how long Ms. Lancaster has been on the menu service court -- civil service commission?

>> Mayor Adler: Mayor pro tem?

>> Tovo: Yes, thank you. She was appointed on may 9th, 2013 and then she was reappointed on may 1st, 2014 with an expiration of a term. And her term will expire in may and we would be appointing her for several years. She has served as chair of the commission for I believe all of the time that she's been on that commission.

>> Houston: And this appointment is for how long?

>> Tovo: An additional three years.

>> Houston: Okay. Just a comment. It seems as though we need to be looking at some succession planning so the same person doesn't have the same position for -- it's kind of like term limits. We need to finish to think about how we -- how we train and take others in that position.

>> Mayor Adler: It's been moved and seconded -- no.

[2:29:32 PM]

It's been moved by the mayor pro tem. Is there a second to this nomination? Ms. Pool, we did that already. Any further discussion? Those in favor of passing item number 65 please raise your hand? Those opposed? Everyone on the dais except Ms. Troxclair who is not here. That takes care of item number 65. Let's go ahead now and do the consent agenda and let's see how many people we can let go. Consent on zoning.

>> Mayor and council, Greg Guernsey, planning and zoning department. I'll read you the 2:00 items that we can offer for consent. The first item is number 71, case npa 2016-005.01. Item number 72, case c-14-2016-0070. Item number 73 and 74 I understand the applicant, the neighborhood and our transportation department have some language to offer, so I'm going to skip those for now and we'll come back when that language is record. Item number 75, item number 76, case c-14-2016-0105. Item number 77 has been withdrawn. Item number 78 will be a discussion as well as 7980, 81. 81 we could offer for approval, c-14-2016-0131. Item number 82 is case c-14-2016-0132. And the applicant has requested a postponement of this item to your April 6th agenda. Item 83 will be a discussion item. Item 84, case c-14-2015-0083 is the applicant's request for postponement, the first postponement request.

[2:31:38 PM]

Item number 85, case c-14-2015-0084, the applicant has requested a postponement of this item also to may 4th. This is the applicant's first request. Item number 86, case c-14-2016-0115. The applicant has requested a postponement of this case to your April 20th agenda. Item number 78, case c-14-2016 --

>> Mayor Adler: 78?

>> Excuse me, 87. Thank you, mayor. Item number 87, case c-14-2016-0124. This is a joint postponement request by the neighborhood and applicant to your April 6th agenda. Item number 88 is case c-14-2016-0137. This is for consent approval on first reading only. That's item number 88. Item number 89, case c-14-85-149.100.02, this is a staff postponement of this item to your April 6th agenda. Item number 90, case c-14-2016-0090, this is a staff postponement of this item to your may 18th meeting. Item number 91 is case c-14-2016-0094. This is a staff indefinite postponement. We'd have to renotify to bring this case back before it can be placed on your agenda again.

>> Mayor Adler: Which number is one?

>> Item number 91?

>> Item number 92 is case c-14-2016-0053. Around I understand there's some councilmembers that would like to possibly discuss this item.

>> Mayor Adler: Pull 92. >>

>> Just pull it.

[2:33:39 PM]

>> Item number 93, c-14-h-2017-0011, this is ready for consent approval on all 3dings. And mayor, if I could go back to item number 72, I understand there's an amendment to the ordinance on item 72. This is case c-14-2016-0070 for second and third readings. It would be to amend the ordinance under part 2, paragraph B, to remove that section from the ordinance. It is a redundant section that is accomplished also under part 2, paragraph D. So the amount would just be to delete that paragraph D under part two of that ordinance.

>> Mayor Adler: Anybody have objection to amending 72 on consent that way? Hearing none that amendment is incorporated into the consent agenda item.

>> And those are the items that I can offer for consent.

>> Mayor Adler: So what are the ones that are being pulled? It looks like 73, 74, 78, 79, 80, 81 --

>> 81 is still on consent. It's just 78, 79, 80. 83 --

>> Mayor Adler: Is it 73 and 74 or no?

>> Yes. 73 and 74 I'm awaiting some language.

>> Mayor Adler: So they're being pulled.

>> Yes.

>> Mayor Adler: So 73, 74, 78, 79, 80.

>> 83.

>> Mayor Adler: 83.

>> And 92.

>> Mayor Adler: 83 and 92. Okay. Let me ask you a question. On 79 and 80 the south congress locations. There's been some question about the wastewater capacity and the pipes. Will those be some specifically looked at during the site plan stage of this?

[2:35:40 PM]

>> Yes. We would look at drainage structure, utility infrastructure at the time of site plan.

>> Mayor Adler: And would you note that particular concern with respect to capacity that's an issue specifically?

>> When we come back to those on discussion I'll mention it.

>> Mayor Adler: So we have the consent agenda, which is beginning at items number 71, going down through item 93. The item is being pulled are 73, 74, 78, 79, 80, 83. And 92. Is there a motion to approve the consent agenda? Mr. Renteria makes a motion. Is there a second to that? Mitch makes that -- Ms. Kitchen makes that second. Discussion on the consent agenda? Ms. Houston?

>> Houston: Yes, thank you, mayor. I just have a question about item 72. The last time on first reading, the fire department registered some objections to what's being requested because of the cul-de-sac. Has that been resolved?

>> I believe so. I'm not aware of something new that's come back from the fire department. But I can double-check that. But as far as I know it is fine right now.

>> [Inaudible].

>> Mayor Adler: I'm sorry, we can't hear you.

>> Yes. We did work that issue out with the condition on there that limits the type of use depending on which street it has access to.

>> Houston: Thanks.

>> Mayor Adler: Any further discussion on the consent agenda? Those in favor please raise your hand? Those opposed? It's unanimous on the dais with the mayor pro tem off. No, it's unanimous with everybody. We're all here. Okay. We said that we would call the speakers for Austin oaks at or close to 2:00 that were here to speak. And we have some that have signed up to speak.

[2:37:43 PM]

This is item number 83. And if they're here wanting to speak now as opposed to after dinner I'm going give them the chance to do that. Mr. Hirsch, Stewart Hirsch? Michael Whellan? Jessica Castillo. Shannon Maroney.

>> Troxclair: Mayor, can I ask how many speakers there might be? I'm asking because I was the one who pulled 55 earlier, and I feel really bad to have them sit and if it's going to be several hours, I don't want to delay --

>> Mayor Adler: Four people. If that. Ms. Maroney, you can speak.

>> Thank you. Can you hear me okay? My name is Shannon Maroney and I'm a resident of northwest hills in Austin very near the Austin oaks subdivision application. I serve on the neighborhood board of directors and the executive committee and I have taken an active role in the creation of the charrette process that we conducted in the neighborhood on this issue. And have been working on the issue for several years now. I'm not the official spokesman for our neighborhood association today, but I did want to provide some information about the polls that we've conducted of our neighbors. We have around 600 neighbors who are members, paid members of our organization. We represent about 4,000 households. We've done a number of polls, you can see on the slide. We've done about four polls over the few years that this has been pending, starting with the neighborhood meeting that we had back in August of 2014. The first few polls were straight up or down votes on the current application that was pending at that time, so it was not on the most recent polls, but you can see when the application first started years ago our neighborhood was pretty strongly opposed to the form in that form, 93%.

[2:39:53 PM]

Some would have been was done on the application. In September we polled again and had 85% opposed. And by March of 2015, 82% opposed. We had a pretty good response rate we felt like in those

last couple, 501 and '63 81, which is pretty high for us. And moving to the most recent surveys in December '16 and January 2017, this was around the time, just most recently, our participation went down. As you can see, participation responses. We attribute that to mostly just fatigue over the issue. We've done a charrette, we've had first reading. We've been two and a half years into this process and people are just getting tired of it. But of the folks who did respond you can see we're closer than we ever been to people actually supporting the pud application. We have 41% who preferred the current pud application, and that is the one that's here before you today for second reading. 32% say they would rather use the current existing zoning for the property. 25% said they would like to do something else. We didn't make them say what that something else would be, so we just wanted to give everybody the option to say what they felt. So -- but at this time the majority of the people who filled out this survey said that they do prefer the pud to any of the other options, and I think that's important, but we are aware that this is a smaller number of participants than we would like to see and than we've seen in the other polls. But on the next slide you can see I will tell you that the top four concerns since we've been asking more specific questions about what people would like to prefer at this site, which is where we kind of changed our approach at some point --

[buzzer sounds] I'll just wrap up quickly. Those items have not changed. The preferences for what people would like to see, parker playground has always been number one and still is. We are the largest neighborhood in Austin not to have a dedicated park. Restaurants, buildings, retail. And on the next slide you can see the big concerns that we have.

[2:41:57 PM]

And those have not changed as well. Actually go so slides in. Sorry, page 6, traffic, density, impact on our overcrowded schools, which are the is first and second overcrowded schools in Austin and building height and trees are the top five of our concerns. Those have not changed what with we can tell from our very first neighborhood meeting to today. So just to sum up, those were our concerns then, they are still our concerns now. We did a lot of work at the charrette that we feel honors those concerns as voiced, and we hope that you will stay as true to that charrette result as possible. Any questions?

>> Alter: Thank you, Ms. Maroney for all your work on this. I know that you've been very involved with the schools so I just wanted to have you provide my colleagues with those numbers on how overcrowded the local schools are for this area.

>> I appreciate that question. The pud property is zoned right now to doss elementary, Murchison middle school. Doss elementary is the number one most crowded school, elementary school in Austin right now. We are at 170% capacity. There are conversations that aid is having about how to resolve that problem because all of the neighborhood schools around us are also overcrowded, although not quite to that extent. There is no firm plan. There is no firm facility plan that's been approved. We are hoping there will be a bond issue that will be approved for the November ballot, but it would require a vote, approval of that bond and many years' worth of development. And the plan has not been approved yet. There might be a new elementary school planned for the neighborhood. It would not serve or take away many of the students in dos. The estimates I've heard are somewhere between 80 to 100 kids would leave. We are 400 over.

[2:43:57 PM]

So that will not alleviate our overcrowding problem. I don't want that -- our concerns about the overcrowdedness of the schools to make you feel like we are unwelcome to new residents in approximate the neighborhood. We are not. But we want to make sure that everybody understands the situation that already exists and that adding more families to that situation will just worsen the burden

that we already don't have any answer for right now. And Murchison middle school is the other, I believe third most overcrowded school in Austin and that's the middle school that they're zoned for.

>> Thank you for that question.

>> Mayor Adler: Thank you very much. Is Felix Jimenez here? Do you wish to speak now or later? And then Jessica Castillo will be next.

>> Pool: There was a woman whose name you called, Ms. Maroney --

>> Shannon --

>> Pool: Inch there was a name before that and she started to come down --

>> Mayor Adler: I just called her again.

>> Pool: Thanks.

>> My name is Karen Escobedo, I will be translating for Felix. Spanish Spanish.

[Speaking foreign language].

>> Good morning, my name is Felix Jimenez and I'm a worker with the workers defense project. I am also a construction worker who has worked in construction for 17 years. I had the opportunity to share my point of view as a construction worker what the owner of the project about why the better builder standards are so important.

[2:46:05 PM]

In my opinion this project can provide good, safe jobs. This project can be an example that protecting construction workers can be done. The meeting with the owner went well and I believe they are open to adding better builder standards on their project, but we haven't reached the final agreement. I'm here to add that this council support us and urge the owner to come to an agreement with workers defense project. It would be for the improvement of the working families that have built this city. Thank you.

>> Mayor Adler: Thank you very much. Next speaker is Jessica Castille.

>> Good evening, mayor and councilmembers. I'm the liaison with the workers defense project. I'm here today because we have been asked whether in our opinion as a non-profit dedicated to raising working conditions in the Austin construction industry, if the Austin oaks pud is a development that will result in good safe jobs. As it stands now, we don't believe that it will meet that, however, we do have good news. We have met with the owner to discuss working conditions on the project and he was receptive to adding better builder standards on aspects of new commercial construction. We are in continuing conversations with the the developer and hope to reach a final agreement before the third reading.

[2:48:06 PM]

We are aware that the developer has worked to include community benefits in this pud, but we also have to remember the men and women who will actually be building this project. We urge this council to carefully consider whether this development will benefit the men and women who build our city and just ask that you support our efforts. Thank you.

>> Mayor Adler: Thank you. Charles Cooley. Catherine Kramer is on deck. Sir.

>> Good afternoon, councilmembers. My name is Charles hunt Cooley. I live at 3902 greystone drive. I've lived there for quite some time now. I'm here to oppose the Austin oaks pud. In recent years traffic on greystone has increased somewhat dramatically. It's now been difficult just to back out of my driveway to try and get to work, and I'm concerned about the increased traffic effects at the Austin oaks pud, particularly at the intersections of greystone and mopac access road. And also at hart lane and spicewood springs and wood hollow at spicewood springs. I was recently working at a job off Anderson lane at burnet road and when I would travel down hart lane to get on spicewood springs there's a line of traffic waiting to get on access road to mopac where people were racing to get over to that right side

and I was having to try and get out of their way just to get to the middle lane to travel towards Anderson lane. That traffic is going to dramatically increase there. It's already an unsafe situation that's going to get much more unsafe with this development. Also I'm opposed to cutting down the mature trees for this project, including heritage, protected and regulated trees.

[2:50:08 PM]

So my two main concerns are the traffic and that there's not enough traffic mitigation proposed to alleviate the traffic problems that will occur and the cutting down of the mature trees in the area. Thank you for your time.

>> Mayor Adler: Thank you. Katherine Kramer. And Karen he is co-bee dough is next.

>> My name is Katherine Kramer. I live at 3700 orel court, which is in the williamsburg, Charleston place town home community that fronts on spicewood springs road, one half mile west of Austin oaks. So we are pretty much ground zero for everything that's going to happen and all the traffic that's going to be coming past our front doors. Just last night I left my house a few minutes after 5:00 to go to Anderson lane, to cross mopac, and it took three traffic light cycles to get past the light at wood hollow and two traffic light cycles to get past the light at the mopac service road. So that's traffic right now and that's an inconvenience, but more important from a safety point of view, I need to tell you that in the five and a half years that I have lived at this location, I have seen the aftermath of three accidents at the intersection of hart lane and spicewood springs. And at the intersection of greenslope and spicewood springs, which is where the exit to my community is. I have seen five accidents -- I've not seen the accidents. I've seen the aftermath. I come driving along and there's the police and the E.M.S. And the crumpled cars.

[2:52:09 PM]

So that's happened almost once a year in the time that I've lived there, and two of those accidents have involved neighbors of mine who live in that town home community. Both of them were uninjured, but I don't know about the others. And I don't know about how many other accidents there may very well have been at that same intersection, which is also unsignallized as is the hart lane unsignallized. So if that kind of accident rate is going on now with the traffic as it is now, and the traffic is allowed to quadruple with the current proposal, then what's going to happen to that accident rate? It's going to go up and it's going to be more and more difficult for those of us whose only access to the outside world is spicewood springs road. So I urge you to consider ways to mitigate that by reducing the height of the buildings in this proposal to the five stories that are currently in code. Increased height is going to lead to increased density, increased traffic and accidents. And I think that is an unsafe situation for a predominantly residential neighborhood that surrounds this complex. Thank you.

[Buzzer sounds]

>> Mayor Adler: Next speaker is Karen Escobedo. Is she here? Okay. Are there any other speakers here signed up for Austin oaks who want to speak now? All right. That gets us back up. I think that we've handled all the items on this morning's agenda.

[2:54:13 PM]

You pulled -- we handled -- what was that item that you pulled? 55. We were in the middle of 55, discussing that. So we have the manager's search at 18 and this 55. Do we want to do the manager's search and get the recommendation into the record? Do 55 first, we solve that? Let's do 55. We were in the process of discussing that item, I think. You had some points you wanted to raise.

>> Troxclair: I think councilmember Renteria might have other -- might have a question, but might question was just if you had an objection to having the -- I guess the recommendations from the council stakeholder group go to the zwac before it came back to council. I don't see anything in the resolution, but I think it would be good for everybody to be on the same page and to have them look at it.

>> Mayor Adler: Let's create that expectation. I think it probably --

>> Pool: In fact, we would be doing that. So I think we can either actually put it in there or designate by our conversation here what it would be.

>> Mayor Adler: Let's designate that you will bring it back to the appropriate citizen boards and commissions. Okay? Mr. Renteria?

>> Renteria: I just had a question I wanted -- I wanted to ask the staff a question. It's my understanding on the Q and a that -- which is a question and answer that if the organic process contract is not in place by April 20 and then the extension of the curb side composting would be delayed to September, is it possible for the working group and I guess the other question is to the -- to councilmember pool is that if that working group had a recommendation, is it possible for them to get the recommendation to council by April 6th or April 13th?

[2:56:28 PM]

So I want to know --

>> Pool: We can check with staff but our understanding is nothing that we're doing here is going to interrupt anything that would have otherwise happened, and we have an accelerated June deadline to get policies back to this body, which means sending it to the citizen commissions in advance of that. So when we -- it looks like we have staff here who may be able to -- thank you.

>> Robert G, assistant -- Robert good, assistant city manager. As you know, the organics program was set to launch in June. So without a processing vendor, that will obviously be delayed. So that's what I think councilmember Renteria is talking about. Without that contract that you all have delayed being approved on April 20th, then we could still meet the June deadline. Without that happening, because the work group is meeting, we will have to start putting it back.

>> Pool: We can look at that and see if there's a piece that can be accelerated in order not to slow that down, but I don't know yet. My understanding was the June deadline would accommodate everything else that was out there. So this is good information and we'll look at that and do the best we can to not interrupt that rollout.

>> Renteria: Thank you.

>> Mayor Adler: I think the point is well taken. We need to stay as close as we can to the deadline but obviously we have to resolve these policy questions before we can go forward. Regardless we recognize that timing issue. Thank you. Any other comments on this item number 55? Is there a motion to approve item number 55? Ms. Pool moves that. Is there a second to that? Ms. Kitchen. Those in favor of item number 55 raise your hand? Those opposed? It's unanimous with -- it's unanimous. Okay. That takes care of item number 55. Are any of the planning matters of Mr. Guernsey's left?

[2:58:33 PM]

Let's go ahead and do -- I don't know if any of these things can be handled quickly, but he's working. So let's do the city manager issue. Let's call that up. This is item number 18. So why don't you introduce yourself and then tell us what your thoughts are, recommendations with respect to the process.

>> Good afternoon, council and mayor. Thank you very much for having me back here. I am here to report back our discussions regarding the manager search. I would like to -- sorry, thank you. On page 4 we were asked at our last meeting to help you think through some of the characteristics of what we

hear citizens committee but I think others would refer to it as a citizens task force. This group would be a part of the search process to help you in one of several ways which we will get to in a minute. But if you can see on this piece of paper what we're trying to do is help outline the mission of the citizens task force, the types of people that we think would be very good and very additive to the committee and what we would expect from them as members of this task force. If we go to the heart of the issue, the people and composition of the committee, we strongly believe that it should be composed of a broad mix of backgrounds, skills and experiences. It should reflect the interests of each district along with the interests of the city.

[3:00:34 PM]

It should also reflect the diversity of the search and nonpartisan behavior at all times. We believe it must and very importantly remain confidentiality on all matters discussed in committee or anything associated with the search. It needs to understand the time commitment that is required of such a committee and the search process itself. Be able to devote the time necessary to attend all meetings as recommended by this process. Furthermore, we recommend at this point that the committee be composed of 11 members equal to the number of districts and mayor and to be composed at a time suitable to the city council. A lot has been discussed and reviewed by us and with you individually as to the exact role of this citizens task force. And I draw your attention to page number 5 in front of you. We are going to suggest that there are three possible options for the citizens task force, namely option a, option B and option C, with varying degrees of involvement in the process. Option a is to simply -- and when I say simply, I don't mean this lightly, but to restrict their involvement to helping us form the job description. That will be done by extensive community outreach. It will be done by extensive discussions amongst these citizens task force and will come and work with us to craft what we hope will be a very comprehensive job description for your approval. Option B which would include what we just described a moment ago and then to have a role in advising city council in the -- of the actual qualities of the candidates we have put forth.

[3:02:34 PM]

Option B would involve interviewing those candidates at the end of the process after the number of -- of candidates has been reduced to what we will call the final candidates. I'm not going to put a number to that but simply refer to them as the final candidates. The third and fullest engagement of the citizens task force would be to really be more of a -- in addition to obviously helping to draft the job description, be more of a screening mechanism. That is to say they would have an opportunity to interview the candidates themselves before they are presented to city council. Those are three options. We think those three options cover the widest range of possibilities. Today we would recommend for a variety of reasons which we can further discuss that option a would be the appropriate option for this citizens task force. I'm now going to refer you to the process which we have discussed in the past but I would like to bring it back to you to understand the implications and the timing of the process. As you will see, we are currently in phase 1 of the process and we are working with you and will hopefully work soon with a task force to fully address the skills, competency and background of the next city manager and work with you to draft the job description as indicated under bullet number 1. From that point forward we will be aggressively in the market using the job description as the understanding between yourselves and us as to what this job looks like, what the competencies are and make sure we have a wide range of candidates. As we have discussed in the past, while there will be a particular emphasis on candidates with public service background, we will also even sure we have as wide a range of candidates as possible who closely fit the job description as described.

[3:04:47 PM]

As we -- very important part for us under bullet 3 is the amount of time we will then spend assessing those individuals who both have indicated an interest and who we believe have the qualifications as noted in the job description. And that will be through one on one interviews between Russell Reynolds and these candidates and we will be prepared at a later date to provide you with full background information on these individuals based on this assessment. Your involvement will begin really under bullet 4, and again let me remind you that we have the opportunity at this point if you so choose under option C that we just described to involve the citizens committee to interview the candidates before you do, but if you do not choose option C at that point we would gather you to interview a number of candidates who for the purposes of simplicity we'll refer to as semifinalist candidates. This will be a group of candidates somewhere north of five and south of ten who will be individuals who you will meet with as a council here or at another location. We are recommending to you as well that following an initial interview with those that you spend more time with the final candidates which will be some number to be defined, but where you will have the opportunity to spend more time with them one on one or in small groups to really spend more time digging into their backgrounds and competencies and cultural fit as pertains to this opportunity. It is very important once you have narrowed the process -- by the way at this point there is an opportunity to involve other groups such as the citizens task force if you so choose. The final candidate who will be selected based on your decision will be -- will undergo further -- what we would recommend, which we will do on your behalf, psycho metric testing and any other you believe is pertinent to the job.

[3:06:58 PM]

This will involve obviously a background check as well. The final weeks of the process we'll work with you to craft the job description, the on boarding and ultimately the successful introduction of the candidate to the city of Austin. That is a process. We have put some target dates. There is always -- these dates can be changed, they can be accelerated or slowed down, but we do believe somewhere in that time frame that you have indicated on this chart is when we will end up with a successful canned, early summer is what we would -- candidate. Early summer is what we would expect.

>> Mayor Adler: Okay. Council, the question is what kind of direction do we want to give -- the threshold question is what is the role of the citizens group, do we want to do a citizens group -- I think that's been the general consensus is what role do they have. Does anyone want to speak to that issue? Ms. Garza.

>> Garza: I'm okay with the recommended option. I think I have concerns about confidentiality which I think are very valid concerns for a candidate seeking this position. And concerns with open meetings act and, you know, all that kind of thing. I think it's a great opportunity for our citizens that we provide community input in the job description and our citizens, like every item on our agenda, provide feedback via email, phone calls, meetings requested, citizens communication and we will always be listening, but at the end of the day that is one of our main jobs as a council is to appoint the city manager and one of the main jobs our constituents know and we're elected to do.

[3:09:13 PM]

So I'm okay with the recommendation, but -- our search firm.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I would like to say also that I am comfortable with the recommendations. Step 1. I think we will have significant input from the committee in terms of how we craft what we're looking for and I

think that's very important. And then, of course, we will have other opportunities for public input. So I think that on balance what is absolutely [inaudible] To obtain the best, most innovative, forward thinking city manager that we can. And I think that it's incumbent upon us as councilmembers to do that and I think our process for doing that will be best served by the recommendation that's made by you all. Thank you.

>> Mayor Adler: Mr. Casar.

>> Casar: I would just like to let you know I concur with councilmember Garza and councilmember kitchen and appreciate the recommendation.

>> Mayor Adler: Ms. Pool.

>> Pool: I'm happy with the option -- I would like to hold out the ability to have the citizens group weigh in at some point. I don't know exactly how or when, maybe toward the end, but when you mention there would be opportunities for the public at some point, then I think that that group would be to tap into again. So if we could hold that out as a possibility, I think that would be really good for the community.

>> Mayor Adler: Ms. Houston.

>> Houston: Thank you, mayor, and thank you, Mr. Newman, for your report. I too support your recommendation.

[3:11:13 PM]

I think that's the best way to kind of manage expectations. As you've seen when we were debating a consultant that we would hire, Austin gets very involved in these things and so I think that the -- the suggestion in recommendation number a is the way to make sure people are clear about what the process is so I support that.

>> Mayor Adler: Further discussion? Yes. Councilmember alter.

>> Alter: What other elements of the process we need to decide at this point. This seems to be just a sliver of what has been put before us in terms of decision making. Are there other elements that we need to decide that might be intertwined with this decision?

>> Councilmember, that's a good question and let me try to address some of the critical points along the process that might be helped by having some debate. As I've tried to make clear, it's a balancing act between openness and confidentiality. And we all want an open process, we want to preserve the privacy of those individuals who choose to put their names forward as candidates for the position. One of the -- a couple of the issues that will be debated and discussed as we move forward and the question is how much needs to be decided now will really relate to the end process of the search and to what extent do we choose to involve the candidates for their benefit as much as the selection process. As an example, would we choose to have them meet senior members of staff, would we choose to have them meet leading community members on or off the task force, by the way, at a time that suits obviously the purpose of this committee which is to say at a time we feel very comfortable that they are comfortable themselves by putting themselves out in the open.

[3:13:26 PM]

So I don't think we need to make a decision on that today. I would with your permission in speaking to candidates as they become candidates in the process alert them to the fact that while we think and we hope this will be a confidential process with their privacy, that there will be an opportunity for them to explore the wonderful aspects of this job by the people of your city.

>> Mayor Adler: In the conversation that we had you were recommending to us that we keep the process confidential because it would impact the applicant pool. Is that correct?

>> Yes. There's always a question in any search whether it's a public search of this nature or a private corporate search or anything in between about the confidentiality of the -- and the privacy of the individuals. I think most of us would agree that the moment when anyone is a candidate on a search there is some risk as we've all been in the unfortunate position we've been seen by someone we don't want to be seen with, that's always a risk and people understand that. But between the unfortunate circumstance and knowing their names will be put out in the open. I wish I could give you a scientific answer, mayor, in terms of how many candidates would we lose if it was a very public process, but I do strongly believe we will lose a good number of candidates by allowing the names to be put in the public early on. There is a -- a bit of a -- what I was getting to earlier, another option which is narrow the list to a much smaller group of people and they at that point know they will be -- because the odds will be more in their favor because they will be part of the finalists they will be -- allow you to be more open with their candidacy, but I still prefer to be subjected to --

[3:15:33 PM]

>> Mayor Adler: If we went along with that recommendation that you have, some of the issues to be addressed is, you know, the council then would have to come up with their nominations for the 11 people so four of that body. There is a process then that we would embark on with that group to come up with creation of the position profile. Would you be coming back to the council with recommendation on that process, public engagement process?

>> The way I would suggest we do this is that I will -- I and my firm will meet with this committee as we're meeting today. We will help the committee understand what it is that we're looking for. I'm not trying to -- what their answers should be but rather understanding the process and what types of information will be helpful to us as we craft the job description. And as you know, the job description is much more than what's on paper. We will then give them time to in their own way solicit the input that they want to this job description. We will reconvene, listen to all their recommendations, draft a job description which will then be submitted back to you for approval. So nothing will go out, nothing will be finalized without your ability to correct it or --

>> Mayor Adler: So part of this I think -- if we were to assume this process the next thing that has to happen then is this -- we have to appoint the citizens group. The citizens group then has to go through the process of coming back to the council with recommendation on what the job profile looks like. Will you be working with a consultant to set up whatever public engagement process is associated with the community advising or giving suggestions through the community?

[3:17:44 PM]

Is that what happens next?

>> Yes, sir. Joya says. The point in which the stakeholder team is identified, we will work directly with the consultant to help him in facilitating the scheduling, logistics of the scheduling, then thereby allow the consultant to come in and facilitate those meetings and participate in whatever role possible to ensure that that process takes place. We receive the information from the stakeholder group, the consultant would then have the opportunity to bring that information back to the council.

>> Mayor Adler: Okay. So then the decision -- it seems as if the question before us we should get direction on is whether or not we accept that recommendation. Do I understand that recommendation to be that the community has involvement at this point in setting up the criteria, the council makes a final decision on whatever that criteria is or outline. You then begin the process of finding or recruiting or otherwise a list of ten people to bring back to the council. The council would narrow that choice for

longer interviews. And then they will ultimately make a decision, and the only name that would be made public then would be the person who is being recommended by -- to be the next city manager.

>> That is exactly my recommendation.

>> Mayor Adler: Okay. Is there a motion in that regard? That process? Ms. Kitchen makes that motion, seconded by miss Garza. Any discussion? Take a vote. All in favor of that please raise your hand. Those opposed? Then we have that direction. It's unanimous on the dais.

>> Thank you.

>> Mayor Adler: Thank you for everything you've done. We're anxious to get into this process and thank you for your assistance.

>> Thank you very much.

>> Mayor Adler: And Joya thanks for yours and Dr. Washington is undoubtedly going to be quite involved as well.

[3:19:52 PM]

That takes care of item number 18. Councilmembers, we may want to consider names and getting the commission populated as quickly as possible. We could put that on the agenda for Tuesday work session for us to be able to bring that up. When I say Tuesday, I mean Tuesday, April 4th, which is the next Tuesday we're together. We will come prepared at that meeting. Okay. That gets us past the items, I think, that we have -- item number -- do we want to handle the housing agenda so we can let those folks go? Let's go ahead and do that. Are they here? Are we getting you out early or what?

>> Do you want the Austin housing finance corporation agenda or do you want to continue the Q and a related to the housing briefing from this morning? Done with. I'm going to recess the council meeting here at 3:20 so that -- and move into and call the meeting of the housing finance corporation. It is March 23, 3:20, we're in the council chambers. We have a quorum. Do you want to take us through our agenda?

>> Yes. I'm the treasurer of the Austin housing finance corporation. We have one item on the agenda today and that's to authorize an amendment to approve in 2014 in the -- with the austin-travis county integral care in an amount of 88,000, a total loan amount not to exceed that will assist with the development of permanent supportive housing.

[3:22:00 PM]

And I offer that on consent.

>> Mayor Adler: Is there a motion to approve the consent agenda?

>> Houston: Move to approve.

>> Mayor Adler: Seconded by mayor pro tem. Any discussion?

>> Houston: Mayor, I have a question. Tell us why the request to -- the loan.

>> I'm going to ask David potter to come up and respond to that question, please.

>> David potter, program manager. The austin-travis county integral care has been [inaudible] Award was made has been getting their financing and in the ensuing period of time there's still been a gap which was the reason for the request to increase the amount. There's just been a gap in their financing and this will help close it.

>> Houston: Thank you.

>> Mayor Adler: We have a public speaker, Mr. Peña, do you want to address us?

>> Yes, mayor. Good afternoon. Gus Peña. And thank you, mayor pro tem tovo for helping me be able to speak over here. I've known Dave Evans of integral care and any kind of help we can get as far as housing, as far as support for this agency is -- this gentleman, Dave Evans, organization has been above

reproach. Honest, open with me and others that have some questions. And we would like to say that all our veterans organizations fully supportive any funding we can get to increase services for mental health and people that need transitional housing and relates to integral care.

[3:24:14 PM]

Outstanding agency, mayor, and they speak highly of you and the council and county commissioners court. So I think it's going to be approved, I hope it's approved, but it goes to a good causes. Anyway, we're fully supportive of that and thank you for allowing me to speak.

>> Mayor Adler: Absolutely. Mr. Peña, would you go to the clerk, I didn't have you on my list. The person whose name I do have is Ellen Richards.

>> I had signed up on the kiosk.

>> Mayor Adler: No problem.

>> Mayor, council, I just wanted to say that we appreciate your considering this request and I'd be happy to answer any questions that you have about the project or --

>> Mayor Adler: Does anybody have any questions?

>> Houston: I have one.

>> Mayor Adler: Ms. Houston.

>> Houston: Ms. Richards, thank you for being here today. As you know I have supported the program from the beginning. I want to be sure this is the last time you come and ask for some more money.

>> Absolutely. And I will address the question, when this project was first started, our initial construction estimates were based on an economy that was a couple years ago. Construction costs have risen so we have needed to increase the knowledge about ethics commission a little bit, but I will say we have gone out and sought every type of possible funding source for this project. We're raising private dollars. We have low-income housing tax credits, we have public financing so we've really shaken every tree and bush so to speak to make sure we have a wide variety of funding sources and this will be the last time.

>> Houston: Great.

>> We appreciate your support.

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

[3:26:16 PM]

Thank you very much.

>> Thank you so much.

>> Mayor Adler: That concludes our business so we will adjourn the meeting. Of the Austin housing finance corporation. And it is 3:26. I will now reconvene the city council meeting here on March 23rd, 2017, 3:27 so we can continue our agenda.

>> Kitchen: Mr. Mayor, I would suggest if we're going to do more on housing we do it right now on the housing strategic plan. We had talked about whether we were going to continue with questions now or defer that.

>> Mayor Adler: Let's see if we can get rid of some of the zoning things. Let's see how long it's going to take.

>> Kitchen: It just means we're not dismissing our housing folks, but that's okay.

>> Mayor Adler: Hold on a second. Can we get through some of the zoning matters rather expeditiously?

>> We can try, mayor. We can go to items 79. And let me point out 78 I think there was an agreement that the -- is out of town and is coming back later and that's the one on Vinson. That's why I've skipped that one because I think he had a late flight. Item number 79, case c14-2016- 0097 at 4714 south

congress avenue. Ready for third reading. Council did approve this on first reading and I'll just note at the advice of the law department, the items that dealt with providing 10% of rental units at 60% mfi for 40 years from the date of occupancy, the second item supporting affordable units proportionately through all the unit types and making all the amenities to all the residents to those affordable units, providing relocation assistance, existing commercial renters and fourth, providing 1500 of reduced commercial rent equal to 80% of market rate for a period of five years.

[3:28:55 PM]

Our law department has advised those probably should be in a covenant rather than being drafted and they are not included in the ordinance. So I'll make those notations. I think the applicant is agreeable to this. Also I wanted to point out as we mentioned earlier today there was a previous discussion concerning water infrastructure and that development would be required to pay for by whom. That would be the developer and existing infrastructure to accommodate increased densities on that site. This is something that would be looked at later in our development process. There is an existing waterline located in the front of this site on congress avenue. But that determination about the connections and how that would work would occur at the time of the site plan stage. Mayor, that's something that you just noted and wanted me to read that into the record. From the prior meeting. I'll pause, I know the applicant agent, Ms. Alice Glasco is here and Mr. -- If you have any questions.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I'm sorry, Mr. Guernsey. Did you say was going to be deferred?

>> The connections -- usually the connections are determined and at the time of the construction plans are actually submitted. There is an existing waterline that they believe would serve the property, but the specifics to that won't be done until the actual plans are submitted.

>> Kitchen: Okay. The site plan.

[3:31:05 PM]

>> Pool: Could you explain why that's a private --

>> Mayor Adler: So it doesn't look like an exaction.

>> Pool: Why is it --

>> Mayor Adler: Do you want to answer the question because you were here.

>> Pool: This is item

[inaudible] On south congress.

>> Mayor Adler: Barely get to pull up your chair.

>> This is the affordability? The reason we request a private restrictive covenant is that our density bonus program is what's in the code. Under the density bonus program with the V zoning they do certain things and if they do certain -- if they do the 80% mfi for 10%, then they can get the special provisions under V. If what council is suggesting is that we go outside the density bonus program and enhance the affordability or if what the applicant is volunteering to do, rather, is additional affordability. That's not part of the code and not part of the density bonus program. And under state law what we're allowed to require is what's in our voluntary program as we have adopted it. So to ensure that it is voluntary and -- and would withstand attack, in our opinion, a private restrictive covenant that doesn't involve the city similar to the worker defense project in the grove, for example, where a third party perhaps can come and become the enforcement or monitoring partner rather than the city, then that's the most defensible way to achieve the additional affordability without risking this density bonus program not passing muster.

[3:33:12 PM]

>> Pool: So the restrictive covenant then goes beyond what is required under the dmz zoning? Because I know vmu allows neighborhoods to opt in on requiring lower than 80% on the rental units.

>> My understanding is this neighborhood did not do so and that period of time to opt in has run.

>> Pool: Okay. Thank you. And then I had a clarification question on item 4 in the department comments. Mr. Guernsey, let me know when you find that. It's on the second and third reading summary sheet.

>> Item number 4, the 1500 square feet and I believe that was for commercial rent.

>> Pool: It says providing 1500 square feet of reduced rent equal to 80% of market rate for a period of five years. It's not clear that kind of space. Is that something we should amend?

>> I read that a moment ago into the record, but I think that's my understanding as well.

>> Pool: Thank you.

>> Mayor Adler: Okay. The clerk should note item 69 was handled in executive session and could come off the list. Mayor pro tem.

>> Tovo: I'm discouraged that we're being asked to remove those provisions from the ordinance when the applicant voluntarily offered them and they are certainly in concert with the goals that we accept as a community. So that's discouraging. I'm going to think what the downside is of adding them back in. I wonder if we could invite the applicant's representative to come up and talk through whether the applicant is still intending to hit those measures.

[3:35:22 PM]

>> Mayor Adler: And that would be the first person I'll call.

>> Tovo: I'm sorry, I thought we had closed the public hearing.

>> Mayor Adler: No, not yet. So if there's not anything else on the dais -- councilmember alter. Sorry.

>> Alter: I have two questions. One is why wouldn't we postpone this till this private restrictive covenant was written and then pass the zoning?

>> Councilmember, you could take second reading action today and then ask the applicant to work on that and we can invite the applicant's agent up or the applicant to come up and address that. You could postpone the item and do second reading, then come back.

>> Mayor Adler: Certainly we wouldn't want to do anything to make it look like passage was contingent - maybe if we call up the applicant and just find out what their belief is and we'll feel comfortable moving forward.

>> Alter: Okay. And I apologize if I am going into territory that I shouldn't. If the neighborhood -- if our zoning category allows us to go to 60% mfi, but the neighborhood didn't opt in, why can't you say 60% mfi?

>> When we did the mixed use, the applicant opt out. There was a one-time period and that period has lapsed. I think that's where laws coming back where part of the rationale lie we're not coming back. We would have to open up that process separate. Wick talk to the law department, but I think that's where you understand part of this is coming from.

>> Mayor Adler: Let's bring up the applicant now.

[3:37:23 PM]

Five minutes.

>> Good afternoon, mayor and councilmembers. Thank you for the opportunity to address this item. I represent the applicant on the property. We too are disappointed when staff told us we could not have

these items added to the ordinance. It seemed appropriate and so we'll continue to pursue obviously a private redistrict find an entity that can be a party enforcer to the items regarding item number 79. So if you have any questions, I'd be glad to answer them.

>> Mayor Adler: Mayor pro tem.

>> Tovo: Thank you, Ms. Glasgow. Once upon a time I think you represented another developer and they encountered a similar issue at council. It was a few councils ago, but it was maybe the shoal walk.

>> Yes, shoal creek walk.

>> Tovo: As I recall there was a willingness on part of the developer to include a provision for affordable housing.

>> That's correct.

>> Tovo: And the same thing happened. And as I recall, you representing the developer went ahead and filed a private restrictive covenant with no third party.

>> Correct, we did, and the project is under construction, as you are probably aware, this is behind whole foods market. The agreement there was that because of the additional density we received through the cure that at the time -- regardless of what mix develop the project received there would be either a fee in lieu -- a fee paid at the time of [inaudible]

[Multiple voices] You are correct, we were able to do that and that's something that we can also pursue.

[3:39:27 PM]

>> Tovo: I appreciate that. It was an unusual thing to find a restrictive covenant with no third party, but I certainly appreciated the developer's willingness to follow through on that commitment when the city said they would prefer not to have it in the ordinance. I guess the answer to the question of whether there needs to be a third party is no, though it's preferable to -- I would think for everybody's purse it's preferable to have one. But I guess, you know, as a councilmember I hope that we can revisit this issue of what can be contained within a horns. It really troubles me when you have an applicant that's come up and talked about what they are willing to do and what they would like to do with regard to the project that we can't codify that in the ordinance that the council eventually adopts. Could you speak to your commitment about those particular provisions so that we have part of the formal record here?

>> The positions that -- the conditions that were recommended to you by the planning commission and approved on first reading indicated that the applicant will provide 10% of the units as 60% median family income and that the developer was willing to spread those units proportionately throughout all unit types. And all of the amenities will be available to all residents, the affordable units. The contact team was concerned that sometimes those residents who are in the affordable units may not have access to all amenities, hence they asked us to do that. Obviously we agreed to all of this hoping they would support the rezoning. The other condition had to do with the tenants were currently there will be provided assistance in finding other locations so that they can move and find other sites at a time of redevelopment. And the third item has to do with providing commercial space of 1500 square feet at a reduced rent of 80% of the market rate for a period of five years.

[3:41:40 PM]

The -- I was hoping that as you've had discussions under your economic development the ombudsman resolution which I found interesting where you are trying to find -- located space for the creatives and other entities like MARIA's tacos that was recently relocated, that in this case that's if the city were a party to something like this, then the economic development department would have a pool of spaces or space that they can use or utilize to assist citizens who are in need of affordable space. That was one

thought. The economic development department might find a way to include this into the policies they currently have that deal with providing assistance to small business and those that get displaced.

[Buzzer sounding]

>> Tovo: That seems like a really natural partnership opportunity.

>> Correct.

>> Tovo: Can I ask you about the tenant relocation provisions. Will the intent be to try to help those tenants relocate within the immediate vicinity --

>> Tovo: Have you had discussions for the purposes of a private restrictive covenant?

>> I haven't talked with the contact team because my -- regarding affordability off -- already set up to do something like that.

[3:43:54 PM]

This is going to be a 40-year deal. We have talked to habitat for humanity. They do this type of arrangement and they are interested so we'll explore that with them. To find out if they can consider it and be willing to partner with us going forward. That's an opportunity to explore.

>> Tovo: I assume based on your testimony the developer is still to accept and move forward with the project under the conditions.

>> I was hoping we would get second reading today. My testimony come back with third reading shows how we're going to accomplish those conditions.

>> Tovo: Thank you for your willingness to entertain that process. The question I would have for the city, the city -- I guess the city would then monitor the implementation of the 80% affordability piece because it's within our density bonus. So is it really necessary then to bring in -- what will habitat's role be, making sure they would be monitoring the piece between 60 and 80? It's a confusing arrangement.

[Multiple voices]

>> Mayor Adler: Ability to sue to enforce. In that category. It's not so much the study or the analysis.

>> Tovo: But I think that will have to be worked out what the city's piece is in monitoring compliance with our vmu program at least to the 80% and then the monitoring to the 60 piece and ability to enforcement we would have the ability to enforce up to 80% mfi and -- another party would --

>> Mayor Adler: It's not so much monitoring, it's the enforcement. Mr. Guernsey, as part of the codenext process, there's got to be a way to move past this issue.

[3:46:01 PM]

I would like for you to work with legal to find out what the vehicle is for us to be able to graciously accept a voluntary offer, clearly voluntary because we have two applications and one is 80%, one 60%. So obviously it's voluntary here for today's purposes. But there's got to be a better way. If you could work with legal as part of this process, figuring out what we have to put in our density bonuses provisions so as to allow us to help facilitate a property owner that wants to make this confined of voluntary deal to help facilitate and on behalf of the community.

>> The density bonus provisions are still being worked on by our consultants on that piece and the law department and acd as well.

>> Mayor Adler: Add this particular element to the -- to do list in that section. Thank you. Is there a motion with respect to these items 79 and 80? Mr. Renteria.

>> Mayor, this is only item 79.

>> Mayor Adler: 79. Was this posted second reading?

>> Posted for second and third but you could take second.

>> Mayor Adler: We talked about a couple times we're doing second to see if we can get an agreement signed in between and obviously we can't do that.

>> Kitchen: We're not doing that. We'll just say we're not doing that.

>> Mayor Adler: All right.

>> Kitchen: We can still vote on second without saying we're doing that.

>> Mayor Adler: All right.

>> Tovo: And I would say that's fair based on the representative's testimony when the conversation she was having.

>> Mayor Adler: Okay. Is there a motion? Mr. Renteria.

>> Renteria: I'm going to make a motion to go ahead and approve it on second reading. I'm really concerned, you know, especially when we have something like this that's -- that's at, you know, we have an applicant that wants to go ahead and give us -- do it at 60% and five at 80% and we can't take advantage of it.

[3:48:25 PM]

>> Mayor Adler: Certainly they can do it and we hope they do do it. We just can't require it. And hopefully the applicant will find a third party that can force it because we can't require it. We just can't make it condition of approval or not approval. So the motion is to approve it on second reading only.

There a second? Ms. Pool seconds it. Is there any further discussion? Any -- are you okay, no one needs to close. Those in favor please raise your hand. Those opposed? Unanimous on the dais. Number 80.

>> Case c14-2016-0106. This is coming to you for second and third reading consideration. This is a -- there is a notation that's on the cover sheet, summary sheet by our law department that speaks to the 5% of rental units 80% family income and 5% at 60% median family income and another one spreading the affordable units over all the unit types, that these would be more appropriate in a private covenant. There is a difference in this case that the applicant is agreeable to certainly doing number 1, but due to financing reasons I understand that there is difficulty and they would not agree to doing item number 2 about the affordable units being proportionately distributed over all the unit types. I'll pause and Ms. Glasco is the agent on this case as well. So there's a little difference between this case certainly and the last one.

>> Mayor Adler: Okay.

[3:50:26 PM]

We'll hear from the applicant. Ms. Glasco, do you want to come up?

>> Thank you, mayor and council again. Alice Glasco representing the applicant on item number 80. In this case this is the case that assistant city attorney cotton advised you on January 26 when the case was heard. The applicant got up here and volunteered to do 5% at 80% median family income and 5% of the units at 60% median family income. And because he has a different financing set up, he did not volunteer to do the proportional spread because it affects the financing and making the project viable on his site. So the -- the offer here is still 5% at 80% median family income and 5% at 60% median family income. On this case we were hoping the city attorney would agree to amend that section of the code to just simply insert that language, but we've heard a comment so I just wanted to restate that. I'll be glad to answer any questions you might have.

>> Mayor Adler: Okay. Is there a motion?

>> Renteria: Are we facing the same on this item that's before -- okay. I'll -- I make a motion to approve this on second reading.

>> Mayor Adler: Second reading. And this is a recommendation -- how does this recommendation work with respect -- has staff recommended both items 1 and 2?
>> These items came by way of the commission.

[3:52:27 PM]

And it was part of the commission's recommendation. The actual --

>> Mayor Adler: I'm trying to figure out if the motion -- the commission has recommended two changes and the applicant said they could do one but not two.

>> That's correct. On first reading council approved both 1 and 2 as well. But as I said, the applicant was not in agreement to item number 2.

>> Mayor Adler: Is your motion both 1 and 2? Do you want to hear the applicant address that issue? Would you address number 2, Ms. Glasco?

>> Mayor, on item number 2 creates a financial hardship in spreading the units proportionately for this financing setup that he has on this site. That's why he indicated at the first hearing that I -- 5% at 60% median family income --

>> Mayor Adler: What's your motion, Mr. Renteria, with respect to approval on second reading as was recommended by staff or as recommended by commission?

>> Garza: Now this is coming back from the discussion last time. So they said they could do 1 but not 2 and 2 was the disbursing --

>> 2 has to do with spreading the affordable units proportionately throughout the project. So whatever percentage of the -- of bun one -- one bedroom and two bedrooms the affordable units would be spread among those different unit types proportionately.

[3:54:33 PM]

>> Garza: So most of the affordable units would probably be one bedroom? Is that -- is that right?

>> In this case there -- yeah, they would decide which -- could be, yeah. Could be.

>> Garza: And then can you remind me what the current entitlements are so without this --

>> Currently the site can be developed -- it has mixed use. You can do 159 multi-family units with some commercial space. It has cs with mixed use overlay and the project can be mixed that way to yield a total of 255,000 square feet that includes the 159 residential units or commercial space.

>> Garza: The change would be how many --

>> The change would actually reduce the totals because of the mix, you would end up with 229,000 square feet of both residential and commercial space. So under the current entitlements you can actually build more off the allowable square footage.

>> Garza: But the residential would go up?

>> The residential would go up as far as units, but the square footage would go down.

>> Garza: Okay, thank you for that reminder.

>> Mayor Adler: Mr. Renteria.

>> Renteria: I guess I'll just go ahead and make the recommendation of approving it on second reading with just --

>> Mayor Adler: With the staff recommendation.

>> Renteria: Uh-huh.

>> Mayor Adler: It's been moved. Is there a second to this motion? Second to the motion? Mr. Flannigan seconds that motion. Any further discussion? Mayor pro tem.

>> Tovo: Ms. Glasco, I just wondered is your applicant, the applicant you are representing going to continue to think about these conditions and whether he or she is going to codify them in any particular way?

[3:56:33 PM]

>> Yes. We will do the same thing -- I think the motion was to go ahead and -- condition number 1 with 5% and 5%, splitting the percentage.

>> Mayor Adler: The question is --

>> Correct.

>> Mayor Adler: Not that it has anything to do with this.

>> Tovo: I was curious about what the process would be.

>> Correct. Since the city attorney has indicated it cannot be in a city ordinance, we would do the same thing, that we would explore other avenues to codify it.

>> Tovo: Thank you for that information.

>> Mayor Adler: Okay. With no further discussions, those in favor of number 80 raise your hand. Those opposed? It's unanimous everyone on the dais. Mr. Casar off the dais, Ms. Troxclair off the dais. Others voting aye.

>> Item 92, this item is ready. Mr. Steve Sadowsky, who worked on this case, is unavailable today due to a medical issue. I do have another person from the historic preservation office here available if you would like to hear the case. She did not work on it, but she will answer questions as best she could. So with that, I would like to know if the council would like a presentation.

>> Mayor Adler: I think we'll take the presentation on this. There's certainly a lot of backup in this case and votes at the commission level.

[3:58:41 PM]

>> Mayor Adler: does this mean item 73573 and 74 are not ready yet with legal?

>> That's right. They're still being worked on.

>> Mayor Adler: Still working on that, okay. Item number 78 is not going to be called until after dinner, item 83 will not be called until after dinner as well. And --

>> Good afternoon, everyone.

>> Mayor Adler: Okay, hi.

>> Speaking today on item 92, the Aldridge place local historic district. Item number -- case number c14-2016-0053. Just to go over a lil' bit of the backup, the historic landmark commission and planning commission have both recommended this proposed historic district. The nomination was submitted back in October with a complete application fulfilling all the requirements for the creation of a historic district. The code requires that at least 51% of the structures are contributing this district has 89% of contributing structures, requires at least 51% support from property owners. This nomination has 75% support from the property owners, as well as support from the city, who owns [indiscernible] Park within the district. It's within the north university neighborhood association bounds. And we have several bases for recommendation for this district, which include historic architecture, associations with the national city beautiful movement, historic associations with individuals, including several important local architects, associations with the founding and expansion of the university of Texas, as well as several other local and state political figures, actually.

[4:00:49 PM]

So this is a district which meets or exceeds all of our criteria in the code for a local historic district and it's really an exceptional example of what a local historic district nomination should look like. The period of significance is exceptionally long, begins in 1860 and ends in 1965, and, again, I'd like to reiterate that this is really unique. This neighborhood is very significant to both Austin's history and the history of the city beautiful movement in the United States. This is not an easy process and these applicants have done just an extreme amount of outreach and neighborhood education. They've worked with everybody to have a set of design standards that are going to help maintain the historic significance of the district while also adapting to change as is happening in Austin right now. So, yeah, this is a -- this is exceptional and we do hope that you recommend Aldridge place today.

>> Mayor Adler: Thank you. We have some citizens of that signed up on this. That have signed up on this. Is Roger Brinkley here. Do you want to address this? Is there kind of an applicant proponent? Sir.

>> Hello, I'm Rick Ibersen working on this project for two and a half years. I'd like to start out by thanking Steve Sadowsky, who can't be here this evening. He had a major impact on our historic -- on our district. He was always there to answer our questions and to guide us with also -- we also very much appreciate all of Kaitlin's efforts as well.

[4:02:54 PM]

We had so much to do, and they were always right there to instruct us on what we should be doing next and how we should do it. So I want to wish Steve a speedy recovery and I look forward to seeing him in the future. I would like to talk about the origin of our neighborhood. Aldridge place was the creation of Lewis Hancock, the founder of the Austin country club, which is now the Hancock golf course. He was the president of the state national bank and of the Hancock opera house. Mr. Hancock envisioned the neighborhood that would provide a respite from the hustle and bustle for the folks who worked downtown. A neighborhood that was connected to downtown by trolley that traveled along Guadalupe. Through his vision, Hancock planned a community based on the city beautiful movement championed by Frederick Olmstead, the framed landscape architect and also he was born -- he also offered this to the people of Austin in -- for sale in 1912. Now, Aldridge place was advertised as a suburb beautiful and straddled the territory between the rural and the urban existence. It highlighted a central park with lawn bordering each side of what is now the characterization a tributary to Waller Creek and has a parkway that borders each side of the park. The east-west streets run perpendicular to the parkway and are offsite to Guadalupe and Speedway, inhibiting drive. Through traffic. The original concrete bridges and pillars at 32nd and 33rd street remain to this day.

[4:04:58 PM]

Deed restrictions require that sidewalks were mandatory in order to create a front porch society. Utilities had to be installed and barns were prohibited as well as alleys. Streetlights with underground utilities lend daytime and evening charm to our neighborhood. Individual lots at that time were offered for sale with the deed restrictions, but they had to cost a minimum of \$3,500 for one story and \$5,000 for two-story houses. Owners employed some of Austin's storied architects at the time including Hugo Kunie, Roy Thomas and Edwin

[indiscernible] And given requirements they were able to build substantial homes with lasting materials. This resulted in longevity witnessed by the larks in Aldridge place today. Unfortunately it was Hancock's longevity ended in 1920 when his wife Tilly Aldridge Hancock picked up the reigns of Aldridge place and furthered her husband's work. You may have noticed Aldridge place is named after Tilly by the time of her death in 1944 88% of the lots in the neighborhood had been sold and most of the people in our neighborhood occurred from 1920 to 1940, which was just prior to the moratorium on building

during World War II. Today Aldridge place remains much as it was in 1940, with 89% of the structures contributing to a local historic district. This was established by your own historic officer, and it remains very much the front porch neighborhood as was envisioned in 1912, with neighbors who are truly neighbors.

[4:07:05 PM]

Thank you.

>> Mayor Adler: Mr. Tomlinson.

>> Good evening, councilmembers. I want to talk about the process that we used to put this application together because we recognize that the bar for this application is very high, and so we wanted to make sure that we included the maximum number of neighbors responsible and people had the best information possible. We started by putting together the design standards based on models from other cities, based on preservation Austin's recommendations, and based on our nccd. Then we started knocking doors in our they'd be. We had an organized effort first on 33rd street, then on 32nd street. I personally conducted all the door knocking on my street, wheeler. We found neighbors who were interested right away and we -- once we had their commitments we made sure they had ballots to sign up and support the application. When we didn't hear from people the first time we mailed to them multiply they didn't respond to the second mailing we did a third mailing we knocked doors in many cases two and three times and as a result have a very, very high inclusion rate in our process. We have 75% of the property owners supporting this application, and we had a remarkable number of people who returned ballots on their own. Eugene and I had meetings our home with neighbors who wanted to ask questions about what this was, what the design standards were, what they meant for the neighborhood, and we had people come and answer those questions. So I'm very proud of the process and our efforts to include people. I spoke with people on my street both who were property owners and who were renters and because the process requires that we get the approval of property owners, we had to chase down people wherever they might live. I want to say one more thing about what we're accomplishing here by preserving the historic character of this neighborhood. We're preserving something special about Austin but we want to include a lot of people in that. This is not an effort to make something that is exclusive.

[4:09:08 PM]

We went back and amended our nccd a few years ago to make it possible for more people to build auxiliary dwelling units and garage apartments, which as we believe in our neighborhood is the way to be both historically preserving and have greater density and more affordability. And we are committed as a neighborhood to sharing Aldridge place with people through the creative use of architecture that accomplishes both of these goals.

>> Mayor Adler: Roger Berkeley.

>> I'm Roger binkly, part of the group that did this. What Steven didn't say, he said we started on 33rd but we had block captains so a block captain would work on the street and we pulled it all together. And what I'm doing here is I'm just gonna summarize the high points. Aldridge place was established and platted by Lewis Hancock in 1912. It was based on the city beautiful movement, as we talked about about before. Many of the homes were designed by notable architects of the period. The architectural styles include vernacular, craftsman revival, including colonial Spanish, mediterranean, tutor, classical and of course reaffirming, in the latter part of the period of significance. At present, within Aldridge place, there are 16 Austin landmark homes. The contributing resources are 89% -- and you heard this before.

[4:11:10 PM]

I'm just putting together. 75% of owners respond to no more than -- or at least three ballot requests. Now, those ballot requests were in the form of emails, where we didn't have emails we were at doors putting things in mailing boxes and in the case of landlords we were mailing. So we tried to hit that with every stride. 90% of the responders voted in favor of the Aldridge place historic district. And 43% of the properties have rental units. In addition, 15 houses are rented. So what we're -- what we're talking about preserving here is a piece of Austin's history. And making it inclusive. That's.

>> Mayor Adler: Thank you. Is Matthew Armstrong here here?

>> He left.

>> Mayor Adler: He left? What about Kate singleton?

>> Good afternoon. My name is Kate singleton, I'm prepping preservation Austin. We wrote a letter in support of this historic district. We're very excited about this, and I have to tell you, we are extremely impressed with what the neighborhood has done and the way that they have gone out to the community, their neighborhood, and gotten everyone's input. When there were conflicts about their design standards, they sat down with people, they made changes to it, they answered questions. And, again, we were very, very impressed by their efforts, so impressed that when we were working with holy cross neighborhood and councilmembers Houston's districts and were gonna ask the Aldridge place people to come and help them go through the process so they're going to mentor some of our neighborhoods interested in doing historic districts.

[4:13:26 PM]

So we hope that you will vote in favor of this district. It hits all the high points in your criteria for preservation, and Luke I say -- like I say, they've answered questions for everyone in the neighborhood, and we think this is an amazing effort that they've put forth. Thank you.

>> Mayor Adler: Thank you. Any further discussion on this item? Ms. Garza.

>> Garza: I just -- the gentleman mentioned that there's a number of homes that are renters. Do we -- as part of this process, is it verified that -- do renters sign this form is my question or does it have to be the legal owner?

>> In this case it would only be the property owner.

>> Garza: Okay. So we know for a fact that none of these signatures are from renters?

>> Excuse me.

>> Garza: Do we know that none of these signatures are Frommer renters?

>> We verified to make sure they were all owners per tcad reference.

>> Garza: Okay. Second question, randomly found, this some of the forms that the owners -- and I commend the neighbors for block walking, this block walking effort. Some of the forms they didn't check I do, there's no check but then they're listed as a yes. Why would that be?

>> I'd have to look at the forms. I haven't looked at each one. I'd have to take a look.

>> Garza: Okay.

>> Mayor Adler: Yes, mayor pro tem.

>> Tovo: Councilmember Garza, I have those in front of me too. Do you have specific names?

>> Garza: Yes, Janet, and I don't know -- last name beinke. You're there, okay. So she's here. And then there's --

[laughter] Carol Laclaire and James Miller. Because I guess just if -- just for transparency sake, I guess if -- whoever makes -- there's like a cumulative list that shows all the names and yes or no and maybe

there's just an asterisk to explain why the actual form is not checked but they're counted as a yes on the main form would be -- I think would be good.

[4:15:39 PM]

>> Okay.

>> Mayor Adler: Yes? Mr. Renteria.

>> Renteria: I'm gonna support this because I just have to say that this neighborhood was very lucky that it wasn't very close to UT because they would have gone and swallowed them up. Growing up in Austin I remember those beautiful houses right around San Jacinto and between UT and the capital. They had these beautiful mansions that were all along waller creek, around that area, and they were just torn down. The state decided they needed that room and they were just -- it was -- I mean, I loved to go to the capitol, state capitol because you could see all these mansion that's lined up going toward the capitol. So, you know -- in this area, it's one of the beautiful areas that we need to preserve and keep it here in Austin.

>> Mayor Adler: Mayor pro tem, do you feel to make a motion.

>> Tovo: I would about I'd like to move approval of the local historic district on all three readings pleased.

>> Mayor Adler: It's been moved. Mr. Renteria seconds that motion. Any further discussion? Mr. Casar and Mr. Flannigan and Ms. Alter.

>> Casar: So I think I voted for virtually all of the historic home designations that have come forward from our staff and the commission. I think designating historic homes can bring something really special to the community. I just wanted to share with my colleagues and the public that it's difficult for me on the whole -- on designating whole districts given our housing shortage we have especially in the central city, and I really appreciate the work done by the neighbors block walking, the work done by the neighborhood to add ads as an option in the neighborhood and Mr. Tomlinson's point about trying to make sure this district doesn't result in furthering our housing shortage because while I appreciate the history of the district, when I think about the history of what this council and councils will decide is I want there to be some memory that we worked on addressing this key issue.

[4:18:00 PM]

So I guess my question for staff would be, I understand there's design constraints in local historic districts, but can you talk me through what constraints there might be on things if a noncontributing structure were trying to be replaced with additional housing, especially attached housing types which we heard recently would provide more affordability if we were trying to add multiplexes or houses near transit and the infrastructure that clearly existed on Guadalupe, how would this vote impact our ability to make sure that this neighborhood brings in more housing diversity and more people just like all neighbors in the central city are and ultimately need to be, in my view, to address the housing crisis?

>> Jerry rusthoven, planning and zoning. The local historic district does not change the base underlying zoning. It's an overlay that applies on top of it. So it would not change a use someone was allowed to do, if they could do multi-family today they could do it in the future, it would not change that. The use does not change. What would change, if you had a noncontributing structure that was demolished and someone wanted to replace that structure they would have to build it within the design guidelines within the local historic district because the underlying purpose of the district is to try to maintain the historic character of the neighborhood so what they try to do is not allow, for example, a shiny Michael box if you will in the middle of a block of this historic neighborhood. So you can maybe -- you could build a triplex if zoning allowed the triplex and the previous structure was not contributing but it would affect

the way that new structure would look. It would not affect the number of units but it would try to make it be in character. It would not demand it would replace exactly -- he hates the -- trying to make something look older than it is, that's not the point.

[4:20:00 PM]

The point is to try not to make it look so different than what's around it that it stands out.

>> Casar: Who makes the decision whether or not that triplex looks and fits the design guidelines or not?

>> It would be reviewed by the landmark commission.

>> Casar: The historic landmark would be would be able to take a vote about whether or not that triplex looked too shiny box --

>> Yeah they have a subcommittee that goes over with the applicants the process, to go over with the applicants those things before they actually come before the whole commission to offer them advice on tweaks they could make.

>> Casar: Do we have any experience on how that has gone as far as in traditionally single single family local historic districts how it's been received by the hlc when denser housing types have been brought forward.

>> We have one pretty large district Hyde park and a couple smaller ones, castle hill and couple others but I have -- no problems have been brought to my attention about problems with people getting permits for new housing within districts.

>> Casar: Thank you.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: I actually pulled this item and haven't had a chance to speak yet. I do have quite a number of questions. I was hoping that postponement would have been an option so we could have had those questions answered. As you all know I'm more than happy to do my questions because I'm not a big fan of postponements. I'm going to go down my list here. I want to start by saying I really appreciate the hard work of the neighborhood and folks who live there and I can really appreciate the desire to preserve a neighborhood that you've bought into. I can't say that there are many neighborhoods in my district that people buy into because of a certain type of character, but I definitely appreciate the hard work of knocking doors and talking to neighbors.

[4:22:03 PM]

I also have not had the pleasure of being on this dais for the three existing historic landmark districts so some of these are more general and not necessarily about the merits of the one case but I think they're important for the district and the community to hear them. My premise here is is that when we do historic landmark designation either by individual property or for a district it is not just up to the people that own it or the people who live in the district because if we're going to create a scheme of tax abatements and if we're going to set up a situation where it's providing a community benefit, then the community has -- rightfully has a say in that. I think partly that's why we come before the dais today and why we come before commissions. I think there are other zoning cases where we ask the opinions of people outside of that zoning case by some number of feet and there are petitions that can be applied and it doesn't seem that that's a process that applies to historic landmark district? Is that true.

>> Yes, councilmember. In fact in this particular case it's unique, not this one case but historic landmarks are expunge that's the only way they can be applied for, if 51% of the people within the district make the application.

>> Flannigan: But in the case of a zoning case, it's just -- it's not the people in the area that's being rezoned. It's also the people around the area being rezoned that can file a petition? Is that process applicable to historic landmark districts?

>> It is, yes.

>> Flannigan: So this is one of those knowing far enough in advance to have a say in what happens in your community. One of the things that historic landmark districts I find interesting is this notion of local trustees. That form what appears to be a separate group from the neighborhood association that reviews case brothers they come to historic landmark. Am I reading the plan that way?

[4:24:04 PM]

>> I believe that that is intent by the folks who are supportive of the creation of the district, to offer advice to people who are submitting plans for new construction or plans for remodels, to offer them advice before they have to go before the staff and the historic landmark so they can get a heads-up of what the design standards call for before they are too far along the road.

>> Flannigan: So this notion of trustees is unique to Aldridge place?

>> I believe so.

>> Flannigan: And I'm happy to hear from the neighborhood about that process.

>> We have a development review committee because we have an nccd for our neighborhood and we want do make it easy for property developers to comply with the nccd so people can meet with us. The same will be true for this with the local historic landmark. We want anybody who wants to develop their property to have guidance from anyone more familiar with the ordinance so they can make decisions that are compliant with the experience in the best interests of their property.

>> Flannigan: How are those trustees selected?

>> They're voted on by the neighborhood, general members of the neighborhood.

>> Flannigan: So like at an hoa meeting or something?

>> Yes. We have a neighborhood association meeting. So now the members -- the people who are in this local historic landmark will get to pick the people who are the advisors to people who want to develop their property.

>> Flannigan: Okay.

>> Same way that you vote on your neighborhood officers.

>> Flannigan: And I don't know, maybe, Steven, you can address this or Mr. Tomlinson to be formal, you can address this or maybe staff, to what extent do you see Aldridge place as a resource to the wider community?

>> I think we see -- we see it to the wider community for a number of reasons. First, I think that once this framework is in place in Aldridge place, that we are -- we are trying to be both dense, affordable, and historic, that you are creating sort of breathing room within which we can negotiate a future for development in neighborhoods like this and other neighborhoods. So we want to be a model to the city about how creative those different objectives can be prudent together.

[4:26:08 PM]

We also think we're a resource because people from the university of Texas, people from the rest of -- people from Hyde park are constantly in their neighborhood, walk their day, on the way to Guadalupe, part of the experience of living network of the university preserving that character is a public good for a wide swath of people constantly going through our neighborhood going somewhere else or coming to enjoy the park in the middle of the city.

>> Flannigan: When I review the plan it appeared there was a 30-foot height limit so being the dense is within a 30-foot height limit or do you imagine that's something open for revision by historic landmark?

>> I think that's a question for the future. What I want to offer to y'all who are thinking about the future of how historic designation is compatible with density and -- within the nccd we have already said let's allow more garage apartments, more adus as a way of letting more people into our neighborhood. We're responding to the economic reality because we know that no ordinance is gonna protect, you know, anything forever. So I think what we're offering -- what we'd like for y'all to think of is let's create a framework that creates the possibility for you all to negotiate with us to realize the full potential of this model where we're doing things, the lhd is the -- it's the foundation, the starting point, but just as we allowed ads, we would imagine that people who are concerned about the possibility of row houses and other things would be coming to us, saying can we create that within this framework too? And our neighborhood has been very reasonable in the past with anything that protects our historic character to accomplish other goals, like density and affordability.

>> Flannigan: Can you confirm for me that when those changes are proposed, they are -- the approval ends at the historic landmark commission? So it won't be negotiation with council.

[4:28:10 PM]

>> To tweak the design centers.

>> Flannigan: If the neighborhood decided row houses were appropriate, historic landmark commission would make that decision.

>> Unless there was an underlying need for a zoning change.

>> Flannigan: And I think that's a great lead to my next question. How -- and, Greg, you may want to participate here too. Under codenext, since we are just about to see a map come out, what can we expect this type of historic landmark district to be -- how can we expect that to be implemented or managed moving forward? And I would appreciate the perspective both for transect and non-transect.

>> In this case since it's an nccd we're not amending nccds going forward so the base district of those uses that would be allowed and the size of those structures would really be dictated by the nccd. It's one of those unique cases that we have looked at and spoken with our consultant and because the nccd regulations are so specific, they may speak to access, frontages, fence designs all the way down to the half block. That won't be affected by this. The design standards, as far as that process hasn't changed significantly so I don't see a lot of changes with regards to this property moving forward.

>> Flannigan: I appreciate the design standards. I know when councilmember Houston was so gracious to give me a tour of her district it was often pointed out as a challenge when development came in, it looked like a spaceship had dropped into the middle of the neighborhood so I like the notion we can have design standards that can set up that as long as it's consistent with how we're going to address the housing plan that we are now reviewing. One of the things I noted on historic landmark designation explanation is that it has a positive impact on tourism.

>> Yes. Numerous studies have been done and preservation Austin could probably address this better than I can, there are certain places, you know, that -- in San Antonio, for instance, where people go to actually visit historic districts and the Austin visitors bureau Roy has a tourism marketing department that advertises, has brochures, walking tours of local historic landmark in Austin.

[4:30:32 PM]

>> Flannigan: Do we know the impact of that.

>> Dollar amount, no.

>> I don't have the numbers in front of me, but the -- your accd does and I will tell you this. We have historic apps, walking tour apps and driving tour apps that are downloaded all over the world. Our last matrix we got, London, Mexico City, Saudi Arabia so the apps of the history of Austin which include trails, the east side, south congress, several other areas, are downloaded from all over the world. So we know that -- and from what we're hearing from accd anecdotally is that when people come to the airport they're going where are the historic areas in Austin, that's where we want to go? So who doesn't want to go and see Aldridge place? It's so amazing and beautiful and has such great history.

>> Flannigan: I grew up in San Antonio and so I appreciate things like the king William district. I don't know that Austin has anything that's like the king William district even though I can appreciate historic structures. It's not king William district.

>> I will -- and to speak about San Antonio, they actually did a very good economic impact study that's -- if you Google historic preservation and economic impact, and they have a whole section on tourism and historic preservation, but they will tell you flat out that they make money off their historic properties and their visitors and the amount of visitors. People come to see the Alamo and to see downtown and the historic buildings and to see king William and all the other districts and they have some very modest historic districts, kind of the working people who helped to build San Antonio. I am going to the national main street center conference to speak about authenticity, preservation and downtown revitalization, so that shows you what a big topic it is.

[4:32:39 PM]

Ida international downtown association also had a big conference, and one of the -- last year their conference was all about authenticity so that's what we're talking about here, keeping your city authentic.

>> Mr. Rusthoven, can you help me understand. I know we haven't had very much of these -- very many of these districts but when I look tell you backup it says there's no tax impact.

>> Yes.

>> Flannigan: Can you help me understand what the expectation is around that?

>> Sure. I think you have to go back to the genesis or creation of the local historic districts. There was a dark time where we had a rush of historic landmark applications, 27 in one month, all high value homes and the council agreed they all had historic value but were very concerned about the tax implications of that. The recession was going on at the time. So to address that issue, yet want to go still -- address people's concerns about preserving their historic neighborhood's character, trying to find a way to do it that doesn't involve landmarking every individual home and the tax implications of that as well as saying there's severe restrictions when you're in a landmark about what you can do with the home. So they created the local historic district process as a way to create design standards that would allow that character to be maintained. However, everybody within the district does not get a tax abatement unless they already have a preexisting historically hand marked house. What they do get in effort to -- if you do an addition to a contributing structure, let's say you add onto the back, which would be the preference of course, you keep the front looking the same, you add onto the back, do an Adu or you do a -- you know, a fourth bedroom or something like that, the additional add very lore rum tax, the increase of the tax as a result of the increased property value does not take effect for seven years. So the city abates, not the total tax value, but the additional, the increment, for a period of seven years.

[4:34:44 PM]

So we have not had a lot of those go through yet to my knowledge in the local historic districts we have but that is the only tax incentive people would receive, would be for an addition and not for the --

>> Flannigan: When I read the -- there's an application for tax abatement on the city website and it lists certain types of qualifying, and it allows for restoration expenses to be abated, up to a hundred percent of city taxes and that duration is over seven years and you can do it once every 10 to 15 years if it's residential or commercial. So it's also a tax abatement to maintain the external appearance of these buildings.

>> Yes if it resulted in an increase in value. It would not abate your value today but the increase in value that the restoration caused for a period of seven years.

>> Flannigan: So there's no tax abatement unless you make an addition to the property?

>> That was my understanding. I'd have to look into the aspect you just -- about restoration but my understanding when we created the program was it was only for additions as an incentive to get people to do additions rather than tear-downs.

>> Flannigan: I see. Mr. Mayor, I think there's been at least one other person signed up to speak.

>> Mayor Adler: I think we --

>> May I make a comment?

>> Mayor Adler: I think we hit everybody. Everybody that signed up to speak has spoken.

>> May I make a comment?

>> Flannigan: That's not what I'm seeing.

>> Mayor Adler: Who are you seeing?

>> Flannigan: Number 11, Timothy Brea.

[4:36:46 PM]

>> Mayor Adler: Yes, another speaker signed up, Mr. Brea, Timothy Brea here?

>> Hello, sorry for signing up late, I had to rush to get here. There are a few others I know wanted to speak today who wouldn't get here until later, several UT students, another one is David [indiscernible], city council liaison for UT student government, co-chair, and he wanted to speak today. Just asked me -- they want time to be able to get involved in this because they haven't had a chance to look at this at all and as UT students they're very concerned with such a large amount of land right next to the university. Speaking personally, I'm here today to speak against turning this into a historic district. I'm not entirely against historic preservation. But I think it needs to be done to select houses. It shouldn't be done to an entire neighborhood. I don't think that's appropriate. And I also think it's your job as councilmembers to look forward to the future of our city and not just its past. If we're ensuring neighborhoods [indiscernible] To the detriment of its people I don't think that's a responsible path to take. As quoted in backup materials this neighborhood was explicitly designed to be inexpensive. There are actually minimums on how expensive a house could be because they wanted to keep it very expensive, wealthy enclave and that legacy continues today, most of the houses are \$500,000 or even a million dollars, and I don't -- I'm not saying the neighbors want that, you know, I don't think anyone wants to keep people out, but it's still a legacy of how the neighborhood was designed and I don't think we should be preserving that legacy. Often it's -- Austin is in the middle of a severe affordability crisis. This especially hurts UT students. The university of Texas is a public institution with a wonderful legacy of providing opportunities for worthy students regardless of income and a social ladder for those students. That legacy of inclusion is threatened, especially for housing around the university, which this is.

[4:38:53 PM]

This neighborhood backwards UT but also borders one of our downtown, very close to downtown and bordered by Guadalupe, one of our major arterial roads with lots of public transit, on the imagine Austin growth corridor, I know councilmembers have talked about focusing on those corridors, which is where

this would be. It doesn't make sense in that context to designate this as a historic district while we're going through codenext when we're talking about potentially changing the zoning or at least -- for at least part of this district. Many students and stakeholders have not had a chance to evaluate this, especially the UT students I've talked with. Students must be included because they -- this is very important, this is an affordability issue for students. You know, at the release I urge you to give them time to get involved in this process and thank you so much for allowing me to speak today.

>> Mayor Adler: Thank you.

>> [Off mic]

>> Mayor Adler: I'm sorry?

>> This is another signer, he just walked in.

>> I want to clarify real quick for the abatement program the value of the restoration we were speaking of early has to be at least 25% of the structure not including the land and at least 5% of the prerestoration value must be spent on improvements on the exterior of the property, so it's pretty specific about the restoration portion of that.

>> Mayor Adler: The other person that came in to speak, do you want to come on down? Tell us your name. Then when you're done walk over to the clerk.

>> Mr. Mayor, members, thank you for hearing me today. My name is Alex media, student at UT and I'm speaking on my own behalf in opposition to this ordinance. I'm deeply concerned about how this ordinance would affect my ability and fellow students to find places to live and pursue our educations. I'm asking council to reject or only pass it on first reading today. First I understand with the need to preserve our city's history.

[4:40:57 PM]

This is a big area, 30 areas and near corridors like Guadalupe and speedway, places students and others use to bike to school, take the bus around Austin, and meanwhile there are only 14 historic landmarks in this area according to the zoning change request sheet so in my opinion it's more sensible to protect those areas and any other historic homes that might be in this area than reserve this blanket protection for a place that's actually needed. There's not enough housing supply in Austin to meet demand. We can't all fit in the dorms. They only accommodate a quarter to half of the students actually enrolled at UT so we have to go off-campus to find housing. In 2015, the average rent for a one bedroom apartment is about a thousand dollars, far above what many students can afford. I'm interning in silicon valley this summer so I might have to share a apartment with someone I don't know or don't trust, somewhere that can't meet my needs as a student. I know other students working and taking time away from their studies just so they can afford a place to live. Our history is important. Our heritage is worth protecting and I deeply singling thighs with that but that should not come at the expense of the working and middle class people and students who facilitate the wide exchange ideas like we're having right. At the point where there's very little information in the public media about this, people I talked to on campus aren't aware this is happening we're in the midst of a massive revamp of our code. Now is not the time. Please if you want to pass on first reading go ahead but then study to renters and students, those vulnerable and make sure it doesn't come at the expense of our most vulnerable populations. Thank you.

>> Mayor Adler: Thank you.

>> Casar: I have a question, mayor.

>> Mayor Adler: Hold on, sir. Sir? Mr. Casar.

>> Casar: Sorry, I missed your name.

[4:43:00 PM]

>> Alex mead.
>> Casar: Thank you for rushing down here.
>> No problem.
>> Casar: At what point did you learn about the change we're considering today?
>> Definitely during this week, yesterday or the day before.
>> Casar: Okay. If we were to move on first reading I appreciate you asking us to take a look at it but if we were to only move on first reading would you be able to get some folks to look at the -- potentially look at the design guidelines and standards and see if there's any middle ground or anyplace we could get to to make sure that there is still -- the ability for housing stock to be added in the area while potentially preserving some of the historic fabric? Is that something y'all would be able to do.
>> I'd possibly could. I'd have to do more research on what this entails and that sort of thing. The issue here is awareness. If we get more students aware they might be able to come up with solutions to this problem that would preserve our history and at the same time avoid taking away this housing we need.
>> Casar: And I'd urge you to consider that if the council chooses to not pass this on all three readings today because I think many of the folks that live in the historic district that got this petition together have expressed today right before you got here they are interested in making sure that we can have enough housing stock in all parts of the central city and have expressed alignment with some of the goals that you expressed so if we don't go on all three readings today I'd ask that y'all do your best to participate in that process together.
>> Good to know and I appreciate that.
>> Casar: Thank you for coming.
>> Mayor Adler: Yes, mayor pro tem.
>> Tovo: Yeah, I too wanted to thank you for coming down. I think you may have gotten here after we had a discussion with Mr. Rusthoven of the development of planning and -- I keep forgetting what the new name is. Anyway, but he spoke about the fact that this does not change the underlying zoning so -- and that there certainly is an ability for those properties that are noncontributing to seek an ability to redevelop.

[4:45:00 PM]

So this is certainly not an attempt to -- I think you may have used the term I would not describe it as a very restrictive ordinance. It certainly does impose design guidelines that will be particular to this area but they are absolutely not an attempt to thwart development of those noncontributing properties and one of the facts that I think is -- that one of the speakers brought up is that 45, I think the -- 43% of the properties currently have renters somewhere on the site, either in accessory dwelling unit or in other places within that, so -- and I don't anticipate that that will -- that anything we're doing today will change that. Mr. Rusthoven, would you just summarize for this speaker what you said before about a property's ability to redevelop under this ordinance?

>> Sure. The uses -- sure, the uses permitted today which will be allowed under the local historic district, the difference would be the way they could look, they'd have to comply with guidelines but it would not change what would be allowed. You could still come in for a future zoning change so it does not change underlying uses but does change what they look like for new construction or for remodels. And if I could point out, too, since I think you go to UT the UT school of architecture, the program within the school of architecture did work with the applicants on this application. So if you'd like to contact them, they could probably tell you more about that.

>> Okay.

>> The reasoning behind it.

>> Mayor Adler: We'll go over to this side. Ms. Alter.

>> Alter: I don't have questions for you. I just have some comments.
>> Mayor Adler: Does anybody else have any questions? Ms. Troxclair.
>> Troxclair: I just wanted to say thanks for coming down. I know how intimidating it can be to speak in front of the council like this, and you did a great job of articulating.
>> Thank you.
>> Troxclair: Thanks.
>> Mayor Adler: Thank you for your time.

[4:47:01 PM]

>> Thank you. Ms. Alter.
>> Alter: Thank you. So just following up a little bit on Mr. Rusthoven's comment. About UT and the architecture school being involved. To the best of my knowledge, there have been no objections from the university on this process, and this process has been going on for two years.
>> That's correct. As a matter of fact UT has been working with the applicants on preparing the application.
>> Alter: So there would have been notification when it went to planning --
>> We notified everyone within the district and everyone who owns property within 200 feet.
>> Alter: Those agendas were all posted through that process?
>> Yes.
>> Alter: Thank you. I'm going to support this on all three readings. I see this as a situation we have staff recommending it, a commission recommending it, two commissions recommending it, neighborhood supporting it, the property owners supporting it and with such united support that should be honored by the city. It's relatively rare, so I will definitely be supporting it. And I do want to follow up on a comment that councilmember Flannigan made, and I'm not a native Texan, I've actually only been here five and a half years, but I am married to a historian and my understanding is that Austin doesn't have some of the things that San Antonio does because we haven't done a good job of historic preservation. And what we're trying to avoid is to continue that -- it's -- not to continue that tradition and to preserve what we do have that's worth preserving from a historic landmark, historic district perspective, and I think that's what this neighborhood is trying to do, and I applaud them for trying to do it while also finding ways to increase access to others within that area.
>> Mayor Adler: I'm also going to support this on all three readings. I think as we go through this, we have to look at context sensitive analysis.

[4:49:02 PM]

This is an appropriate place, I think, for a neighborhood historic designation, especially given the high percentage of conforming units in this area. Ms. Garza.
>> Garza: I grew up in San Antonio and I think its -- I think of King William so I totally support -- and its beautiful neighborhood, I support historic districts. If there's one iota of conservative ideology it's when it comes to property rights and I'm always concerned when we are imposing things on people -- the property that people own, and so I know it's a very high percentage for it. I'm always concerned for those few that said no. But that would not sway me from supporting this. What I have discovered is I was happy to hear that this doesn't district ads because I think that's great, but I noticed it does restrict historic district ordinances apply to the rest of the city, and I don't know if that was done purposely? Because we just changed the minimum lot size to 5,750, I believe, and this says that the minimum lot size has to be 7,000. In addition when we change that for the rest of the city we changed the minimum square footage of the you Adu to 1100, I believe, and this says that they cannot build anything bigger than 850. So was

that -- was that done purposely? And why can't it conform to what is allowed in the rest of the city if we are truly wanting to promote ads?

>> I'll take a stab at that but I believe the people who worked on the standards can answer a little better. I believe this was an attempt to try to maintain the existing character of the neighborhood in regards to those type of issues so if this is the lot size today, you know what I mean, they would prefer people not cut up lots into smaller sizes so they're trying to maintain the same minimum lot size as has normally been allowed.

[4:51:26 PM]

>> May I also ask a question?

>> If I could add, the ncc that currently overlays the property, this would be a second overlay, has these standards so these are the rules today. They're simply restated in the design guidelines.

>> [Off mic]

>> The change that we made to the lot sizes and minimum square footage of ads does not apply --

>> Does not apply to an new Mexico nccd because it modifies the rules of the base district so y'all changed the city-wide rules but they did not change in the nccd when those rules are already stated.

>> Garza: That makes sense to me. Thank you.

>> Mayor Adler: Mayor pro tem.

>> Tovo: That was exactly the point I wanted to make. As I remember, the nccd actually adopted that provision to allow for accessory dwelling units prior to the city council applying that to other areas. So they were actually ahead of some of the other neighborhoods in -- they were actually ahead of some of the other neighborhoods in making it possible -- sorry, I was trying to address the question you raised. I was saying the nccd predates the council's expansion of those provisions to other areas so this was a neighborhood that actually voluntarily adopted that provision before we extended it to other areas in the city.

>> Garza: I --

>> Tovo: Through the nccd.

>> Garza: I wanted to make sure we weren't going from --

>> Tovo: Got you.

>> Garza: And we're not. It's always been 7,000.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: I want to thank everybody for entertaining this conversation. It seemed to pop up at the last minute. I -- I am guided by the housing crisis that we are facing in this city, and I appreciate the neighbors' intent to accommodate housing and to make it an inclusive neighborhood. I think it's important to acknowledge when we are doing historic preservation in neighborhoods created under segregation, I think that's an important acknowledgment I haven't heard voiced today either.

[4:53:35 PM]

I don't know that I'm the person to solve that paperwork but I think it's important -- problem, but I think it's important to acknowledge it the proximity to the university is troubling to me because we have to make decisions over 30 years, that's what we're doing with codenext, presumably, and I think that when you see the size of the Hyde park historic district and you start adding historic districts around Hyde park, one wonders when we will find neighborhoods that don't qualify or when we will get to the point that we preserved all of the central Austin neighborhoods and we've eliminated our ability to densify along corridors and densify along imagine Austin centers. I'm not one typically to support slippery slope arguments so I'm not going to make one. I don't support this. I will vote against it. I feel like it's gonna

pass anyway and I'm perfectly fine with that. I'm not on this dais to win every vote. I think it's important to acknowledge as we move forward as a city and try to implement the strategic housing plan and try to accommodate all of the residents who are coming here because as the mayor often says we can't build a wall and make Round Rock pay for it, we have to find places for people to live. Y'all, the mayor said it many times. I think I may have said it first, but I think the mayor says it more often.

[Laughter] I'm closer to Round Rock than you are, mayor, so I think it's originally my joke. Again, I do respect the neighborhood's expert I know how hard it is to block walk and how hard it is to be passionate and I know how hard it is to block walk and lose and how fun it is to block walk and win. I appreciate my colleagues' efforts here and I must say, councilmember Garza, it's always fun to see you make councilmember troxclair smile.

>> Mayor Adler: Mr. Casar.

>> Casar: While I really appreciate Mr. Rusthoven's clarifications that this would create the opportunity for historic landmark commission to get people through the door and through the process, I would have been more comfortable on first reading as our last speaker suggested.

[4:55:42 PM]

I think looking quickly through the design guidelines, massing in scale and those sorts of things which -- things like row houses would probably bring can be tagged as concerns and could result in structures not being approved, and so if this were on first reading, if people would be willing to go to that, I would be able to vote for it. But if we stick to the all three readings motion I'll have to vote -- I'll also be voting no with councilmember Flannigan.

>> Mayor Adler: Ms. Houston.

>> Houston: I think you had your hand up. Okay. Thank you. Thank you, mayor. I'm gonna be voting for Aldridge place on all three readings. They've already demonstrated their willingness to provide secondary units because they've done it already. I think the slide said about 77 units already exist, they already have rental units. I'm not sure what the income accessible price is for those units, but they do have them available. It concerns me when -- when we talk about the university of Texas with such grandiose ideas and their legacy of inclusion when I've lived in Austin all of my life and it's been a historic legacy of exclusion and the fact that the university of Texas has not built any new student housing since 2009, I believe, and we've been working with them to get about 700 some units over in black land in east campus because we who live in the community know that they -- as they increase their studentship, their student population, that they're gonna have to increase the supply too. They're gonna have to be a part of that conversation. So I'm gonna be voting on all three readings for this.

[4:57:45 PM]

It is something that when I go to Pittsburgh, I try to find out where those historic neighbors are and those historic districts are because it's nice to see what Pittsburgh looks like today but it's also nice to see what Pittsburgh looked like before I was born. And so for those reasons I'm gonna be supporting the district.

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: I have a question for staff, but I also was interested in making a motion -- a substitute motion to just pass this on first reading today.

>> Mayor Adler: Why don't you make your motion first if you want to make it.

>> Troxclair: Okay. I'll -- I would be more comfortable -- I'm not sure I'm gonna be able to vote for this on all three readings today so I'll make a substitute motion to pass it only on first reading.

>> Mayor Adler: Okay. We need an amendment. Ms. Troxclair moves to amend the motion so it's not approved on all three readings but approved on first reading only, second by Mr. Casar. Discussion? Your motion, you have first chance to discuss it if you want to.

>> Troxclair: I just wanted to ask -- circle back to councilmember Garza's question about the people who aren't supportive. Are they -- do we know -- I know we have -- I didn't hear anybody here today, unless I missed them, that lived in the neighborhood that wasn't supportive, but I do see their names listed on the backup that we have. So have we talked to any of them?

>> I have not talked to them. I don't know if Mr. Sadowsky has. I know that we have support of I think just around 75% of the property owners within the district. It is important to note that the property owners would be most restricted -- most affected are those who have contributing structures. If you have a noncontributing structure, and maybe, you know, the reason you have a noncontributing structure is you weren't as concerned about buying a historic house, you know what I mean? You would be able to

[indiscernible] Do things without being subject to all these design standards.

[4:59:48 PM]

And so, you know, it does affect different people, depending on whether they're a contributing structure or not contributing structure to a different degree. I don't know what percentage of the people who did not sign are contributing versus noncontributing. If I can add something really quick in relation to your concern, Mr. Casar, the process in going through the landmark commission is known as a certificate of appropriateness commission and if you were to be denied you could appeal that possibly all the way up to the city council. Thankfully I think you guys have only seen one of those over the years but I want you to know you can go beyond the landmark commission.

>> Troxclair: Thank you for that response, I guess that's what I would want to do in the main time, if the first reading motion is successful, I would want to find out -- try to reach out to the few landowners who are not supportive and try to understand their reasoning. I think it's great. I do think this is a good tooling for historic preservation. I actually think it's preferable to the individual historic preservations that we do because -- but only -- but only if we really have full consensus, and I know thank that this is really close but we're not there. So thank you.

>> Mayor pro tem?

>> Mayor, I would like to -- I haven't had an opportunity to speak to my motion so I'll do it now in the context of this amendment and I also want to say on the last point, it's my understanding from looking at the information that there were 138 owners, five of whom did not support the local historic district, only one of whom lives in the neighborhood. So of those five owners who registered their opposition, one is a resident property owner compared to the other, and, you know, we -- we being previous city councils set a direction that local historic districts would be an implementation tool that this city would use to preserve its historic (audio gap) And that it could offer an alternative to individual landmark designations for some of the reasons that have been indicated before, including the tax -- the tax implications.

[5:02:05 PM]

And so as a si we have supported -- city we have supported local historic districts. Those have reported that it's onerous, it is difficult. We should look at ways as enhancing those neighbors who undertake it because it is a huge effort, and this is just a shining example of a community that has spent years working on this designation, and I have a summary here of how long their work has been going on. I believe it began as they may have indicated in their testimony, back in 2014, and you heard some details

about the kind of outreach they've had. I believe I had a meeting with the organizers, gosh, at least a year ago, probably two years ago at this point, and they've continued working ever since. We have a very, very high degree of approval on this local historic district, and, you know, this is maybe the very highest percentage we will ever see for a local historic district. It is, as has been indicated, some of the -- some of the architects that are most associated with Austin, some of Austin's proud -- you know, the architects of whom we're proudest had houses within this area, including as you heard, Hugo CUNY, who helped found the university of Texas's school of architecture. You know, I appreciate the concerns that have been raised about whether this will hamper our ability to provide housing for -- for students and for others who might be renting rather than owning. I will say, you know, again I will cite that statistic, that 43% of the properties currently have renters. That is a very high percentage. I'm not sure if we took little areas in other parts of the central city that it would be that high. That's really quite high. As a student at UT I lived in this neighborhood, actually. I lived about a block -- a block outside of what would become the Aldridge place local historic district on 34th street but I also lived on Laura lane as a renter. In fact, I think my property is here at 118 laurel lane.

[5:04:09 PM]

I can't quite tell from the photo, but there were renters -- we were renters on the top floors, there are renters on the bottom. Next-door neighbors were renters. You know, there were renters intermixed with property owners throughout this area. And I looked and was delighted to find a rental opportunity I could afford within -- within an area that had historic homes because that was one of the things that I love about that area and love about that neighborhood. It is, as has been mentioned, a benefit both to the property owners and the city generally, but I think it is also part of how we -- how we show ourselves to the visitors who come here. As we -- you know, we have a lot of decisions ahead of us with regard to codenext and the future of this city, but we must preserve the places and the neighborhoods and the communities that have -- have drawn people to the city of Austin, both as residents and as -- and as visitors. And so I'm very supportive of moving forward. I'll just note that we have an amendment on the table, but the impact of the motion I have is that if it doesn't get significant support, then it only passes on first reading. So I would -- I would propose that we move forward on third reading if we have enough votes to secure that passage, which as I understand it is seven.

>> Mayor Adler: Okay. Any further discussion? The amendment on the floor is to change it from third reading to first reading only. Those in favor of the amendment please raise your hand. Mr. Casar, Garza, troxclair. Those opposed? It's the balance of the dais. We're now on the motion to approve on all three readings the historical designation. Any further discussion? Those in favor please raise your hand. Those opposed? Flannigan, Casar and troxclair voting no, the others voting aye.

[5:06:10 PM]

This matter passes.

>> Thank you.

>> Mayor, the Ben white item is still being worked on, so we can probably put that off till after dinner along with --

>> Mayor Adler: That being the case, then there's nothing for us to consider until after -- no, no, we have the housing -- strategic housing plan. Sorry. Let's go ahead and move to that.

>> Mayor?

>> Mayor Adler: Yes.

>> Just a point of clarification. So that passed with eight votes?

>> Mayor Adler: Yes.

>> Troxclair: And that was enough for all three readings?

>> Mayor Adler: Yes.

>> Pool: Mayor, I was wondering, we have had this kind of conversation and lack of clarity on the purpose and the procedures within our historic preservation program. Could I ask for a discussion or a briefing or some opportunity for the dais, maybe in a work session, to walk through it, really understand all the elements that go into it and what the restrictions are or are not so that we have a stronger foundation of understanding for what historic preservation is about and what it does and doesn't do.

>> Mayor Adler: Yes.

>> Pool: Thank you.

>> Mayor Adler: Mr. Casar?

>> Casar: And I just want to clarify. From my perspective, the specific design guidelines for any given historic district are complicated and while -- and I for one was not so concerned with the percentage of renters or anybody living there now, just thinking about how it is that we can keep things -- keep it diverse in the long-term future, and that's -- so I -- I don't know -- so I understand the purpose of the program, and I think others did too. It's just a hard -- it's just a hard call because we're trying to, you know, keep that program moving forward while also, you know, listening to all different kinds of voices and trying to make hard decisions for both property owners now and the ability of people to buy property there and live there in the future.

[5:08:21 PM]

>> Mayor Adler: Okay. Why don't you come on back up. We're discussing the strategic housing plan. We'll do this till 5:30. Again, I would urge that, you know, let's ask a question, then we'll go down the dais so that everybody has a chance to do that. Ms. Kitchen, do you want to start us?

>> Kitchen: Okay. My question relates to the targets, and I'm looking for the page now. There's -- it's on two different pages, the target related to public -- to supportive housing. I think we've got in the backup here 50 units, but I thought that in the plan itself we had 100 units. I know that that was what I believe echo had recommended. So can you -- can you tell me about that?

>> Certainly. Erika leak, neighborhood housing and community development. I noted during my presentation that when we bring this back to you all on April 6 or when we bring it back for adoption, that will --

>> Mayor Adler: You should probably --

>> -- Be a staff recommended change to -- basically we agree that the goal should be 100 permit supportive housing units for each, so that will be a staff recommended change.

>> Kitchen: Okay, and then related questions on page 23, I don't know if you want to bring it up again or if I should just read it to you.

>> Slide or --

>> Kitchen: Slide 23.

>> Okay, yep.

>> Kitchen: So I just want to understand if I'm -- this is the slide that speaks to how we get to the 135,197 new housing units that are needed. I just want to -- to me -- well, I think this is a great goal, but I want to make sure I'm understanding, because of this -- the methodology that we're using right here, it appears to me that -- that what that does is keeps us where we're at right now.

[5:10:27 PM]

So in other words, it builds in the existing shortages that we have right now, because what it does is it takes our existing -- if I'm understanding correctly, it takes our 2015 existing number of housing units, so

it presumes that where we're at in 2015 is where we want to be, because it takes that and multiplies it times msa population improvement. So we can choose to do that as a policy matter. I just want to make sure I'm understanding correctly that that's what it does.

>> I definitely understand your question and concern, and -- and I think your interpretation is generally correct.

>> Kitchen: Okay.

>> In that we did not add on an additional 48,000 units on top of the expected need. And, you know, part of that is truly feasibility and realizing when you look at the existing funding that's available, if you added another 48,000 on top of the 60,000, then the slice that we have ideas of ways to fund becomes even narrower.

>> Kitchen: Well, but -- but then I think this is confusing and misleading to the public, because the way it is -- my goal has always been to point out what we need, not whether or not we think we can get there, because that's a different question. I absolutely agree this is a very aggressive goal, but my concern is, if -- with the 135,000 that's on page 3, that's the number that we've already started using, and it implies that that's what we need to get where we want to be as a community, and it's not. What it does is it builds in our existing problem.

[5:12:32 PM]

So from my perspective I would much rather say that we need 170,000 or whatever it is, knowing that that's a very -- you know, it's a very aggressive goal. 135 is an aggressive goal. The 60,000 is an aggressive goal, but the point being is that I don't want to have a number and then let us talk about it, have us start talking about it and think that it solves our issue. All it does it -- I mean, it's important, but it keeps us where we're at right now.

>> I guess I would say that in the past we have not had a goal, especially for affordable units.

>> Kitchen: Sure.

>> So I don't think of it as maintaining the status quo because we actually now have a goal to create 60,000 affordable units that we didn't have any such goal in the past. But in terms of the number, you know, if -- if the council decides they would like to put out a different number, that's obviously the will of the council.

>> Kitchen: All right. I wanted to make -- that's certainly something we can talk about -- pardon?

>> I have a question on that.

>> Kitchen: Yeah, okay. All right. But let me just -- so of course that's a policy issue we can discuss. I just want to make sure -- I wanted to point out that's what this is doing. Anyway, I know there's other questions about that so --

>> Just a clarification on that math as well. If I understood you correctly, if we were using Austin's growth rate, it was 20%, so that 34% is building in something more than what we have now by that 14% more. Is that correct? So --

>> Yes. I'm sorry, I should have --

>> I didn't do the math yet to figure out what that difference is, but it could be tens of thousands of, you know, units.

>> Yes.

>> So that's already built in -- I'm not -- I don't know which goal we want, and that's ultimately a policy decision, but there's a built-in assumption in this equation that we're trying to house people outside of Austin too, that's in this number, that's in this goal.

[5:14:40 PM]

So it is stepping things forward.

>> Yes, it's just -- it is -- that is correct. It's based on kind of the methodology of understanding that growth is occurring. It is not based on the methodology of taking the 48,000 gap and adding it on to the otherwise -- the need that we'll see in the community in the next ten years.

>> Kitchen: But wait a minute. Let me respond to that. So I want to make sure we're not saying that the 34% resolves the problem that I brought up.

>> I wasn't -- I didn't mean to say it resolved it. There is an assumption in there that we're looking at the whole msa by using that percentage, which then inflates the number that you get on the end. So if we were just taking the units we had and just doing the city of Austin's growth rate, we'd have tens of thousands less units left on the other end. And so it's not just projecting growth out as it is now, adding additional ones to try to accommodate the fact that people have been pushed out of Austin, if I was understanding the numbers correctly, which was what I was trying to --

>> That's correct.

>> Kitchen: Okay, but that's --

>> That doesn't get at maybe we should have a higher --

>> Mayor Adler: No, no, but I think this is an important question. I'm fine stopping -- continue with this.

>> Kitchen: I think we're saying two different things, because what I'm saying is our starting point is the number of units -- the 397. Okay? The 34% doesn't help us with that. What it helps us with is acknowledging that the growth rate should be considered in a whole msa. If we were going to make it apples to apples we wouldn't start with 397. We would start with the housing units in the whole msa. So this just acknowledges that we want to -- that our growth rate and our population rate is big -- you know, it accounts for where the growth is happening.

[5:16:44 PM]

It doesn't account for our starting point and what our existing stock is. And that's what I'm saying, is that our starting point is not where we needed to be. We have problems right now, and that's what I'm saying. We have problems right now. If you want to just talk about the homeless, for example, you know, the 397 doesn't account for the fact that we have hundreds of homeless people. I mean, that's just -- that's a clear example for me. So we don't need 397 right now. We need 397 plus some amount, and then when you add the growth to it -- because I'm just trying to get to the need, and I understand the concerns about how we're going to accomplish that. That's a different issue, from my perspective. I just want to establish a goal that really looks at, if we want to accomplish, you know, our goal in terms of -- that we set up earlier in this document, these numbers don't get us there. That's all I'm saying.

>> So I guess if you wanted to look at it that way, then following this methodology, what you would do is you would take the 135 and then you'd look at how much the gap in affordable units is expected to grow over the next ten years, which is about 2,000 a year, so that's another 10,000 on top of the 48.

>> Kitchen: Mm-hmm.

>> Another -- did I do that right?

>> Mayor Adler: It would be 20,000.

>> So another 20,000.

>> One other thing, Jonathan to himco, neighborhood housing. The gap came in a -- 2014 comprehensive housing market study so even that gap has continued to grow, and about 2,000 units a day, we felt behind -- fell behind another five units just today.

>> So I guess if you want -- so if you want -- well, right now -- actually two years ago the gap was 48,000 of housing units needed at zero to 30% mfi.

[5:18:50 PM]

In ten years we think that would be about 68,000, so you'd add an additional 68,000 on to the 20,000 goal, so that would go up to 88,000 at the zero to 30% mfi.

>> Kitchen: Well, you know, we can have the policy discussion as a group, but I wanted to point out what the numbers are telling us and what they're not telling us.

>> Mayor Adler: That's helpful. Mr. Casar?

>> Casar: I have a suggestion on the same point, seems to me one way of addressing this is to have multiple numbers describing what those numbers are. So we probably have our problem solved mission accomplished banner number, which in this case is like over 80,000 affordable housing units, and right now we only know how to fund a small percentage of that. And then our aspirational goal, which is not quite that one, but aspirational, I think 60,000 subsidized units is certainly the department has regularly described that as aspirational because we don't know how to cover a large part of that gap. And then maybe just barely staying above water numbers, and we can sort of set of benchmarks on implementations between getting above water, getting towards aspiration. And that seems to make sense to me on the subsidized units goal, but to council member alter's point, on the non- -- not the nonsubsidized versus the subsidized but the total number of units goal. That seems to me it's been drawn up here just based on msa anticipated growth rate but not on the same sort of track as the subsidized units goal, which is getting to an outcome as opposed to just an anticipated economic result. So if we have an outcome that we want to get to, to zero displacement, which again that's -- that's beyond aspirational.

[5:20:51 PM]

That's a mission accomplished banner type thing, what would that number look like? And if we wanted to -- and what is aspirational as opposed to just staying above water which is trying to slow dispa. In the community.

-- Dispa. In the community. So having those numbers tracked and you can probably come up with better names than aspirational and staying above water but that's kind of how it makes sense in my head, that could be useful because I think you all described it really well, just -- the two basic strategies this housing plan puts together is, one, subsidizing units for low-income people so you have high quality, safe affordable housing all over the place, and then two, providing sufficient housing so that you don't have high income people competing with low-income people for units, which you all very clearly said is a huge problem in nonrestricted units. If you have high income people competing with low-income people for those units there's not very high income people end up homeless. So obviously the whole units number and the subsidized numbers are both important, and if we could tie those both to outcome. This is the total units number and the subsidized units number you would need for mission accomplished. These those two numbers that would be really aspirational. To me that's your 60,000 number is really aspirational. I don't know what the total units number is for really aspirational but it seems to me if we could provide enough total units so that we have significantly fewer low-income people being pushed out by renovations and demolitions of non-income restricted units and you had home ownership opportunities for people at the median family income, that seems like a good aspiration goal based on what's coming into the city. So I think there's a way for us to make sure that we talk about in the plan what the real problem is, but then set, you know -- and then still set high expectations that may not quite be that, both on the total unit number and the subsidized unit number, if that makes sense.

[5:22:56 PM]

That's kind of what I think.

>> As we rename things I would stay away from mission accomplished matter in any -- [laughter] But I have the same issue, because if -- there are -- we're trying to hit affordability at each one of the different strata and you did a good job of presenting the different strata, and we won't have a healthy community if we meet all the subsidized needs but we've lost the middle class in this city as well. So I think that what we're asking for is a picture of what it would take to more align supply and demand of housing in the city so that we could see what it would take for us to be able to get there, and then as has been discussed we could decide what kind of goals we set or what we move for, but having that framework I think would be really helpful. And I don't know if you have that information or data so that when we pick this up again on April 4, which is a week from Tuesday, that might be information that you could share with us then or a few days before that, if it's available for people to be able to take a look at. But having a feel for what the challenges we're trying to address I think would be really helpful. Mr. Flannigan?

>> Flannigan: I want to reiterate what councilman Casar said and I also want to clarify that when we talk about the housing for 80% of mfi or lower, it's not all going to be subsidized, that I think it's important to remember that, and that we talk about it that way. We shouldn't assume that every unit we're building, that if we go with 60,000 just for discussion purposes, it's not 60,000 subsidized units, and there's a lot of -- in my district especially there's -- I mean, the place that I rent is right squarely in those numbers, and it is -- there's no subsidy for me or my neighbors in the duplexes we live in. But they're not brand-new. And so part of the calculation too is as we build new housing, the new unit we build may not be affordable but it created another unit, stayed affordable because of the story that council member Casar tells about, you know, more high income people coming in and competing for that same housing, and true to form, when I got my duplex there were at least four other families that applied.

[5:25:19 PM]

And if there was more housing available, that wouldn't have been true. There would be less competition for those units and the rents wouldn't go up so fast. And I think it's important that as we talk about this process we're not just saying subsidized units and that we're not only building units that meet these criteria, because it's going to have an impact on the stock we already have.

>> Mayor Adler: Ms. Alter?

>> Alter: I wanted to continue on the numbers question and ask you to help me understand something, because it -- if we had 135,000 as our goal, let's just say that was the goal, if our call from the relies real estate council affordable board, they said we permitted over a thousand units in the last year -- I think it's a year, so if my math is correct we would need approximately 1400 additional housing units to get to the goal, beyond what we're already doing on average. I mean, is that a way to think about this? Because somehow when we look at it and we're told by the chamber of commerce that we need 15,000 new units we think, oh, my god, we got to up with 15,000 new units, but in any given year we're doing 12,000 anyway, so the marginal amount that we have to increase it is important for wrapping our head around the magnitude of the task. I don't want to belittle the magnitude of the task, but the numbers do matter for how we think about what we're trying to accomplish, and I'm just not sure if I'm not understanding that or if that's an appropriate way to also be thinking about it in the snapshot.

>> Sure. So we have received a number of questions about, you know, what is the current production of housing, and -- and I'm not exactly sure which year you're speaking of either, but the 12,500 is a recent year of new units of housing. And so if you multiplied that by 10 you would get 125, which would be very close.

[5:27:23 PM]

However, that number has been -- you know, one of the higher numbers in the last decade, and so if you take the average over the last decade, then, you know, our average production over the ten years would be considerably lower. Austin has -- has been great economically and has continued to grow, and it may continue to do that, in which case we could revisit these numbers in five years if it -- you know, if it looks like, hey, we're actually not aggressive enough.

>> Alter: I didn't mean it would not be aggressive enough, but, you know, as we think about the magnitude of what we're trying to accomplish, and it affects all of our decisions up here, it is important to have the perspective, and so I would like to see in here something -- and if the rule in ten years is very different than the snapshot we have again given, then that's information we need to have and to factor in, because if on a whole we're doing a certain amount of this, then we need to -- it affects how we focus our energies, I think.

>> So that I think the average over the last ten years has been about 7500 units average. So this is, you know, approximately double the average of the last ten years.

>> Mayor Adler: Typically there is at least one economic slowdown that affects housing production every decade in Austin.

>> Alter: Okay.

>> Another thing I'd like to point out is those numbers don't include income restricted housing, which is one of the things carved out in the plan and one of the community values was ensuring there was enough housing at different price points to ensure households at different income levels in our community could afford to stay in Austin.

>> Alter: I don't want my comments to be interpreted that I don't want the housing.

[5:29:24 PM]

Then we know, okay, we got to be targeting this area, and is that where we go, and that should be part of our housing plan.

>> Sure, and we can -- well, there is up-to-date data up through 2014 on the number of new units permitted in the city of Austin, and we're working with dsd to see if we can get updated numbers through 2016. But we don't have those yet.

>> Alter: Thank you.

>> Mayor Adler: Okay. One more comment before we break. Mr. Casar?

>> Casar: So there was one pretty important clarifying question I wanted to ask. So page 24 of that circular graph again.

>> One too many.

>> Casar: So we know that we don't have -- we haven't figured out the funding mechanism for all of the housing subsidy that's necessary to complete this circle right now. So let's say that we pass this plan, and next year we didn't have all of the subsidy available, which would be predictable since we're missing so much, to get to all 25,000, 30 to 60% mfi units, which are those there in Orange. Is it the intention of this plan, is it written such that let's say we fell 100 short there, that -- that the 135,000 unit number is the total regardless of how much subsidy we put in? Or does that number actually come down a hundred? I guess the baseline question is, if -- if we don't come -- if at 13 five over ten years, that means we're doing 13.5000 average every ten years, if we don't come up with the housing subsidy in order to bring those units downward, I understand that we will become more income stratified than we even currently are, so that's a big reason for me and for everybody on this dais to want to provide that subsidy.

[5:31:27 PM]

But what I'm trying to get to is if we do not -- if we can't find that subsidy, next year, for example, because it's such a big gap, does that mean that the goal goes down by a hundred for that year if we subsidize 100 less units, or does the total goal for units for that year based on this plan still say at thirteen five but that means there will be 100 more units that aren't income restricted? And the reason that I ask that question is I hope that it doesn't mean that because my concern is if we don't provide those hundred units even if they are market rate, that that could further the housing scarcity that you all have described and could increase the amount of subsidy that we need down the line. So I guess there's just been some confusion, I think, from some members of the community that participated in this of if we don't provide housing subsidy, does all of a sudden our goal go down 60,000 on total units.

>> No, I don't -- I don't think you would see that type of adjustment unless, you know, council went through sort of a recalibration of the goals in general. I think what we're talking about in terms of track is, you know, you set your ten-year goal and then as you're going along, you're tracking to see how we're doing on those goals. So as far as I'm concerned, the goals wouldn't change. You would just be able to measure how we're doing on those goals.

>> Casar: So there's a goal of about 13,500 units annually regarding of how much subsidy we provide, and then there's a goal of providing sufficient subsidy and enough tools available to get them to the breakdown as you had in that circular graph. So those are sort of two separate tracks, but even if one year federal funding dried up and tons of things dried up and we could provide even less subsidy than we do now, we still would have a goal of 13.5 units on the ground period that year?

[5:33:28 PM]

>> Yes.

>> Casar: That's useful. Thank you.

>> Kitchen: Mr. Mayor? One other thing, and I know we're trying to move along, but I'm wanting to see, and I don't know if this is more appropriate for after we adopt the plan itself, but it may be more appropriate to -- after that. But in any case, I would like to see an implementation plan, and what I mean by that is -- what I mean by that is something that we can use that sets our high-level goals for each year. It's along the lines of what council member Casar is talking about. So it may tie into the metrics that you're putting together. So I'd like to know from year to year what target we're trying to hit. You know, if our goal is 140,000 units, 150, or whatever it is, that in year 1 we're trying to hit this, or in year 2 we're trying to hit this, year 3 we're trying to hit this. And what's the mix of them that we're trying to hit. And then what are the tools that we're going to use in that year. So it's almost like a work plan by year, and it may be more appropriate that that kind of work plan is a multi-year work plan. But regardless, I'd like to see something that's pretty concrete in terms of how we're trying to do that. So the question is, you know, what point in this process is that appropriate to do? So I'll leave that you all to tell us what you think. And then also I see the metrics tying into what we're doing with the budget in terms of our metrics for the budget, because one of our indicators is housing. So -- okay.

>> Mayor Adler: Ms. Garza?

>> Garza: Along those lines, this information is available already, but to be able to track that, it would be nice to know -- I mean, there's development that doesn't need a zoning change that produces housing. There's development that does need zoning changes that produces housing. So it would be nice just to see, you know, those numbers -- what is usually done every year, you know, like this amount residential units, did need a zoning change and it created this many units, and this amount of housing -- and the other side would be, but this is what we need to stay.

[5:35:38 PM]

So, you know, I would assume -- we've had, just throw out numbers, 21 cases that affected our units versus we need to be doing -- we might need to be doing zoning cases, but it would just be nice to see, you know, just to get -- to realize expectations on what exactly we should -- what is the work involved in getting to this number.

>> Mayor Adler: All right. That sounds --

>> I was checking to see if our planning -- our dsd friends were here, and that sounds like fascinating information that we'd have to see if we can get.

>> Mayor Adler: And I'm hoping they're taking this into account in the mapping they lay out for us when they map it out. 5:30 now. Thank you very much for laying this out.

>> Thank you very much.

>> Mayor Adler: People come up with questions, Ms. Houston?

>> Houston: And when will we talk about this again? At one of our work sessions?

>> Mayor Adler: We're going to set this on the work session for the 4th, also set as an action item on the 6th, so it would be up twice that week, work session on the 4th.

>> Houston: So those that didn't get a chance to ask questions today will get a chance --

>> Mayor Adler: Yes, in the meantime if you want to submit questions you can go ahead and do that as well. I couldn't tell that you were wanting to ask questions.

>> Houston: [Indiscernible] Ask them next time

[indiscernible] -- I thought you said that you would then move around and rotate, but you seemed to stay in the same place.

>> Mayor Adler: I did, but I looked over at you and the light wasn't on and I couldn't tell that you wanted to get called on. So -- but in any event --

>> Mayor, what is our plan after dinner?

>> Mayor Adler: So at 5:30 we have three items that are left. We called the Austin oaks people -- told them we were going to call them when we came back from dinner and I intend to do that. My understanding is that legal will hopefully have 73 and 74 ready for us to do, if that is really, really fast, and there's no one to speak on it and there doesn't appear to be any. We may do that first so that those folks can leave.

[5:37:40 PM]

We'll do Austin oaks, and then last we'll do the Vinson case matter up. It is 5:30. Do you want to come back here at -- it's 5:30, proclamation, music, 6:45?

>> 6:45.

>> Mayor Adler: 6:45 we'll come back. It is now 5:36. We stand in recess.

[Recess]

[5:46:42 PM]

>> Mayor Adler: This is my favorite party of city council meetings. The fact that the Austin city council stops its meeting and goes to live music is a real tribute, I think, to our city and to the musicians in our city joining us today is Troy noka, born in Austin, Texas, antooin, also known as, noka. Noka is a grammy awarded record producer, songwriter and pianist. Troy noka has production credits on some of the biggest names in music, such as Frank Ocean, Miguel, back street boys, and you can find his production in Sony pictures, Cloyd with a chance of -- cloudy with a chance of meatballs too. Noka remains true to his mission to inspire future generations with his music, as he tours high schools and colleges, bringing a positive message. And before he welcomes him I want to add a new wrinkle to music here every -- on Thursday council meetings. There's a startup in Austin that enables everyone more easily to tip bands

that are playing live music in our city. It is tip jar, and tip jar has created a -- a site for us. It's called -- you can reach it at mayor.tipjardo that me -- tip cow, sorry, guys. My big moment and I messed it up. Tip cow is what it's called. It is one of the innovations in Austin that I am most enamored of at the moment, but if you go to mayor.tipcow.me, you can tip the band that will be playing tonight, and we're going to make this part of what we do every time we have live music here at city hall.

[5:49:02 PM]

I mentioned, you can also do it when you go out to clubs in the evening. Tip cow. Please help me welcome Troy noka.

[Applause]

[🎵 Music playing 🎵]

[Music playing]

[5:53:36 PM]

[Applause]

>> Thank you.

>> And happy birthday to the mayor.

>> Mayor Adler: What a present. What a present. So, Troy, if -- if somebody is listening or watching and they want to define you -- want to find you on-line, do you have a web site?

>> Troy noka.com, troynoka.

>> And if they want to get some of your music, what would be the best way for them to do that?

>> My music is available on sound cloud, apple, Spotify, pretty much everywhere.

>> Okay. And if they want to -- they ever want to come hear you play, where is your next gig in town?

>> My next performance is at the urban music festival. I'll be performing March 31, and I also have a performance at Mccallum high school this month.

>> Okay. Well, great. All right. Well, I have 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, our local favorites and newcomers alike. And whereas we are pleased to showcase and support our local artists. Now, therefore, I, Steve Adler, mayor of the live music capital, do hereby proclaim March 23 of the year 2017 as Troy noka day. Congratulations.

[Applause]

[5:56:25 PM]

[Applause]

>> Mayor Adler: I'm real honored and pleased to be able to issue this proclamation and incredibly honored that it's being accepted here today by United States Navy vice admiral, Raquel Bono.

Proclamation. Be it known that whereas the United States Navy protects and defends America on the world's oceans, and employs around the world and around the clock at all times, and whereas the city of Austin and the United States Navy have a long-standing community partnership working closely with both the active duty and reserve components of the Navy. We are proud to have a ship bearing the name of the uss Austin and four other ships named uss Texas. And whereas on this week of service and remembrance we applaud and support those who wear the Navy uniform and all members of the armed forces. The city of Austin is proud to have approximately 300 Navy veterans and 10 National Guard and reserve members in workforce.

[5:58:26 PM]

Since the implementation of the veterans preference and employment program in 2009, we have hired more than 175 Navy veterans and reservists. Now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim March 20 to the 24th of the year 2017 as Navy week. Thank you, admiral.

Would you like to say something?

[Applause]

>> Thank you. Thank you very much. Well, thank you very much, Mr. Mayor. It's such a pleasure to see you again and to be back here in Austin, Texas. For those of you that don't know, Austin is my second home, came from San Antonio, went to school at the university of Texas and medical school at Texas tech university, but Austin is by far one of my most favorite cities to be back home in. So I thank you very much for this honor. Navy and Texas have a great relationship, and none better than with the city of Austin. So thank you very much, Mr. Mayor.

[Applause]

[6:01:37 PM]

Come on stand next to me. Steve will come join us.

>> Pool: Good evening, everybody. I'm looez pool and I serve district 7 and I'm honored to present a distinguished award to my good friend, Sinclair black. I have a copy I'm going to read from. So I'm going to let him have this and read along. That's for you. Thank you, mayor, for being here too. So this distinguished service award is for his untiring service and commitment to improving our urban environment as an architect, designer, teacher, and tireless advocate. Sinclair black is deserving of public acclaim and recognition having served on many city committees and nonprofit boards. He's advocated for urban design vital to Austin's character, including the preservation of sea home, revitalization of the warehouse, and second street districts. His transformative vision for lowering ih-35. His work emphasizes people first with the sensitivity of context and local history. Much of Sinclair's work has contributed to the city's resurgence of urban life. This certificate is presented in acknowledgment and appreciation there of this 23rd day of March in the year 2017 by the city council of Austin, Texas and that's mayor Steve Adler and all 10 councilmembers. Congratulations, Sinclair.

[Applause]

>> Thank you very much. Can I give a speech?

>> Pool: Please.

>> Thank you, Leslie, and mayor. I appreciate this. It's been a long 50 years of advocacy. Some of it worked. Hopefully at least one more will.

[6:03:39 PM]

Right, mayor? Thank you, again. I appreciate it. Thank you.

>> Right in front of the podium. I'll move to the right and you can just scoot over and say something.

>> Where will the mayor be?

>> Houston: The mayor will be to your left. Mayor? Mayor? Do you hear me? You'll be to Mr. Jackson's left. Good evening, everyone. My name is Ora Houston and it's a pleasure to be here representing council district number 1. Tonight I have with me Mr. Kevin Jackson who represents district 1 on the mayor's committee for individuals for different abilities and he's going to be accepting the proclamation this evening.

[6:05:43 PM]

Be it known that whereas on March 28, the blinded veteran's association members will strive to promote national recognition for public law 111 through 156 enacted by the 111th session of congress designating annually March 28 as nationally blinded veteran's day. For such efforts in improving the rehabilitation services, education, and benefits of our nation's blinded veterans during more than seven decades of service. And whereas expressing special congratulations and recognition for the blinded veterans association on the 72nd anniversary of representing blinded veterans and their families since March 28, 1945 when 100 World War II blinded service members at Avon oak farms army convalescent hospital in Connecticut at 8:45 A.M. Formed the blinded veterans association. And whereas these individual blinded veterans were a cross section of American World War II heroes and pioneers in establishing rehabilitation services for the war blinded who not only shape the rich history, philosophy, knowledge, and skills of education and rehabilitation of the blind and who also gave us insight in to current and future challenges who shared their personal lives and showed us strategies to ensure that services for all blinded veterans remain unique and specialized. Now therefore, Steve Adler, mayor of the city, Austin, Texas, proclaims March 28, 2017 as blinded veterans day in Austin, Texas. Mr. Jackson, I'm going move to my right and you have the mic.

[6:07:44 PM]

>> Thank you very much, councilmember Houston. Mayor Adler, thank you so much, councilmember Houston, thank you, and your chief of staff, Beverly Wilson for carrying this far with the city's clerk's office for assisting also. As Ms. Houston indicated, we started 72 years ago by blinded veterans having served in world War II. These blinded veterans got together to be advocates to support blinded veterans and continue to live life in the most filling and positive way they can. On August 27, 1958, president Eisenhower signed a national charter making the blinded veteran's association the organization to represent blinded veterans nationally. As y'all can tell, I don't have much vision. So I would ask if there are any blinded veterans in the house, could you please stand. The reason I would like to acknowledge them is because of some of the challenges they face in their lives, they have been able to share their experiences with other blinded veterans and other members of the blind community so they continue to be as productive and positive in their lives as they can. In addition to our blinded veterans, care givers in our lives are very important. I would ask any care givers to stand, please, like Laura Lee Rogers. These care givers do a lot to help continue with our positive outlook and our positive meaning in life. They're a very important aspect of their lives. Mayor Adler, councilmember Houston, not only are we ambassadors for the branches of the service we served with, but we're also ambassadors for blinded veterans and just as importantly ambassadors for the city of Austin. Thank you very much.

[Applause]

>> Houston: You're quite welcome. Let's take a picture.

[6:11:19 PM]

>> Well, all right. I'm here to read a proclamation to art alliance of Austin. Proclamation, be it known that whereas art alliance Austin is well known for its celebration and support of Austin's vibrant art community and whereas art alliance Austin is now celebrating the 67th anniversary of their famous art city Austin event which is the oldest arts festival in the state of Texas, and whereas art alliance Austin is venerated for sustaining our city's visual arts community and institutions over many decades and is well as promoting our city's artists since the 1950s, and whereas art city Austin is evolving to be an all inclusive festival for diverse audiences through a new community preview, music events, and various art

activations and whereas art alliance Austin deserves broad recognition for the contribution to the growth, prominence, and sustainability of Austin as a great art city, now, therefore, I Leslie pool, councilmember district 7 on behalf of mayor Steve Adler and the entire city council do hereby proclaim March 23, 2017 as art alliance Austin day.

[Applause] Congratulations. Would you like to say anything? There you go.

>> Hello, my name is jade walker. I'm the interim director for art alliance and we want to thank the mayor I was and all of the councilmembers for all of the ongoing support for our organization and the festival. We will be celebrating the festival March 31 through April 2 at the palmer event center in hope that you will come out and join us. Art alliance believes that the visual arts a huge part of what makes this city amazing and art city Austin is a moment to come celebrate that. So hopefully you'll come out and join us and hear lots of great music and see 125 artists from around the country, 20 galleries from around our state, and lots of artists that are local showing our work.

[6:13:28 PM]

So thank you very much.

>> Thank you.

[Applause]

>> Mayor Adler: We have a proclamation that's being accepted by Steve Amos. Be it known that whereas sitting in the new smoking -- -- got it, sorry. We'll start this again.

>> You got to hear it a couple of times.

>> Mayor Adler: Sitting is the new smoking with one in three children being overweight or obese and 80% of the workforce having sedentary job, now is the time to take a stand, literally, and get active.

[6:15:31 PM]

And whereas million mile month is a monthlong challenge that encourages people to come together as one virtual community with the goal of walking, running, biking, skating, or skate boarding one million miles. And whereas million mile month will raise awareness in educating adults and youth on the dangers of obesity and the importance of a life style focused around good mental and physical health, and whereas the city of Austin is among the many corporate, educational, nonprofit, and government groups globally who are recruiting an estimated 30,000 participants for the million mile month. Now therefore, I, Steve Adler, mayor of Austin, Texas, do hereby encourage all austinites to register and participate and I do hereby proclaim April, 2017 as million mile month. Steve, you want to say something?

>> Thank you, mayor.

>> Thank you.

>> Thank you mayor Adler and thank you, city council. I'm Steve amohs, executive director of nonprofit, health code. And health code shares a vision with the council that everyone in the greater Austin area and around the globe deserves the benefits and the -- and the joy of a healthier, happier life. We are inspired, the south-by-southwest interactive panel a few years back where we heard that term, sitting is the new smoking. It's the son of a naval vet, World War II, what a day to be here for this, we did not take that lightly to continue smoking. We thought how can we rally individuals around a huge cause of their health through a fun collective goal to walk, run, dance, get up and move a million miles?

[6:17:35 PM]

Last year we hit 1.6 millions, folks from all 50 states in 30 countries and it all started right here in Austin. So, we're just blessed for part of the visionary community that would allow this to happen. We ask everyone to come. No fee unless you want the cool t-shirt. If you can join us, next Friday, the kickoff here at 10:30. Thank you very much. You go to [million mile month.org](http://millionmilemonth.org) and we look forward to Helling to support you, your families, colleagues, neighbors in a healthier, happier life, thank you.

>> Mayor Adler: We have a proclamation. Be it known that whereas David matistic served in various roles in the city's communication and public information office for the past 22 1/2 years. Always bringing a passion for transparency to ensure an informed public. And whereas he has helped lead communications in major emergencies including floods, ice storms, hurricanes, and a plane crash.

[6:19:48 PM]

Whereas he has public grand facilities from city facilities ranging from libraries to city hall to Austin Bergstrom international airport. And whereas he has put words in city officials' mouths as well as various proclamations and plaques, that city facilities. And whereas he wears proudly the moniker of guru of editing. As bestowed by the former city manager, Toby beatrau. Steve Adler, mayor of the city of Austin, Texas do proclaim March 23, 2017 as David matistic day. Congratulations.

>> I am truly humbled by this honor. It's been a privilege working for the city of Austin in the last few decades. Government touches people's lives on a daily basis and I'm proud to have been part of the numerous teams that has affected those lives in a positive way. Always impressed with the talent, creativity, and passion and public service of those I worked with. They did whatever it took to serve the community. They there are many folks who made my career memorable, and I want to thank all of them. I would like to single out a few. First, I would like to mention former city manager mark Ott and chief of staff, Anthony snipes who believed in me when I doubted myself.

[6:21:52 PM]

Chief communications director Doug Matthews, my boss for the last eight years who listened to my rants and allowed me to the many opportunities to follow my passions. Atx manager Keith reeves and community manager Larry schooler. Not only did I admire the professionalism and colleagues, I consider them true friends. Last but not least, my wife who has been my cheerleader and backbone throughout my career. It's been a good ride. Thanks again.

[Applause]

>> Mayor Adler: For her untiring service and commitment to her citizens during her 20-year tenure as a dedicated employee of the city of Austin. Patricia is deserving of public acclaim and recognition. In the course of her career, she led efforts to open a new convention center. She created the mayor's book club. And she worked on library awareness programs which helped in the passage of the new central library bond.

[6:23:55 PM]

In addition, she has developed and coordinated city works academy, the first program to educate citizens about city government. And she developed the public awareness campaign for the city's no-kill animal shelter plan. And Austin is now the largest, no-kill city in the united States. This certificate is presented in acknowledgment and appreciation of the significant achievements, the 23rd day of March in the year 2017 by the city council of Austin, Texas. Congratulations.

>> Thank you, mayor. A fine honor to be here. Happy birthday. My great nephew's birthday actually today. He's 2.

>> Almost 2.

>> Yeah, almost 2. So I've had the most amazing career over the past 20 years and I feel so very fortunate and blessed to have this opportunity to work for such a great organization that truly has a big heart. And cares about its people and the community that we serve. I have to say that the thought of retiring came as a big surprise. Before my mother died a little over a year ago, I never gave retirement a thought. I love my job. I enjoy the projects which I've worked on. I enjoyed challenges in finding solutions to making a city I love the best it could be. Losing my mother was very hard. And it made me pause and think about my life and how I wanted to live this new phase.

[6:26:02 PM]

So, when I looked into retirement, I was surprised that it could happen so soon.

[Laughter] Although I'm happy with the years I spent working for the city, I actually am looking forward to finding other ways to give back to Austin and perhaps -- and -- and a more personal level. So I thank the city of Austin and everyone that I worked with through these many years and I would have to give thanks to David who's retiring the same time I am. You taught me to be a better writer, so thank you. And Doug, who I've had the pleasure of working on for eight years. So thank you, Doug. For giving me a very memorable and unforgettable career, so thank you.

[Applause]

>> Mayor Adler: Thank you for your service.

[6:58:44 PM]

[Recess]

[7:01:20 PM]

>> Mayor Adler: all right. We have a quorum. I think we're ready to go. It is 7:00 on March 23, 2017. We have a quorum, we're back in session. We have four items, 78 is the -- or 78/83 I guess is the -- 78, rather, is the one we're gonna call last. 73 and 74 we now have the language. Is that something we can handle real quickly? There are no speakers signed up for that. We need the microphone on. Okay.

>> Thank you, mayor, council, golden gate Guernsey, planning and zoning department. Item 73 and 74 I'll read quick into the record, item 37, approve second and third reading npa-2016-0021.01, related zoning case is item 74, c14-2016-0069. On the dais you should have I think an ordinance in yellow and then there's an amendment that was just handed out over the break. It's my understanding that the memo that was handed out, which is adding new language as part three to the ordinance would address the transportation issue that was in the memorandum that was sent to you I think by fire and the Austin transportation department. Also, it would satisfy the applicant and also the neighborhood organization. So as I understand it, everyone is now in alignment and with the additional language that is handed out - and we can put this on the overhead.

[7:03:22 PM]

>> Mayor Adler: Is there a motion to approve items 73 and 74 with this amendment? Mr. Renteria makes that motion. Is there a second? Ms. Houston seconds that. Is there any discussion of this item? Ms. Garza.

>> Garza: I feel like I'm the lone ranger in these connectivity issues, but I don't know how many of us read the memo from transportation and it basically says that this connection was necessary and

especially for emergency access. I appreciate that we now have an amendment that staff is saying that I guess transportation is okay with. It seems like a softer version of a crash gate which I'm also not a fan of, so, you know, I always think it's wonderful when we can say that all the parties agree, but and I think this is an issue with the way we do zoning. Regarding our connectivity, these -- and I always preface this with I look on a cut-through street. I understand the issue. But we're segregating neighborhoods, and reducing our connectivity. We can't stay on -- say on one hand traffic is so bad and on the other hand say let's not connect our streets, our street network. So I will be abstaining from this because of this concern over connectivity, and I believe the request was to consider this connection at site plan. So that's all.

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

>> Flannigan: I just want to make sure councilmember Garza knows she's not alone, you're not the only one. It would be my preference to see connectivity, I think that's a clear directing in imagine Austin. I'd also -- when I looked at this plan on the map, it seems like there were better options and if that's something we can do at the site plan level, about where the road goes, what it connects to and such, then that's exciting.

[7:05:26 PM]

But if we're gonna do compact and connected you can't just do compact.

>> Casar: Mayor.

>> Mayor Adler: Yes, Mr. Casar.

>> Casar: So to take councilmember Garza and Flannigan's lead on this, is there anything that we can do to get this to the levels of connectivity that we should?

>> Garza: I believe it was -- and I don't know how to do this procedurally, but I believe it was transportation's suggestion that we not make this decision at this level, that there hasn't been the appropriate level of study and that we wait until site plan, but Mr. Spillar could speak to that, I'm sure, better than I could.

>> Councilmembers, Robert spillar, Austin transportation department. Yes, we did, along with the fire department send notice up to mayor and council saying it would be more appropriate to allow this to go through the planning commission at site plan or the next level when we know more about the development. In an agreement with txdot and the other transportation providers we agreed that -- excuse me, I'm going to choke here, any transportation studies like a tia, if necessary, would be done at the next level, which would give us the ability to make an engineering recommendation. Short of that though today, in talking with the developer and the affected neighborhood, we worked out a way that we could get basic connectivity, maybe not full connectivity through this area, without a gate, we hope. And so what we're thinking is that we would actually build a formal street end coming from the neighborhood so that right now it's just a end of the street and so we would either build a cul-de-sac or what's called a hammer head, a way for a vehicle if it gets down at the very end can turn around and then using perhaps design techniques, we called it hardened grass or hardened gravel that would not appear to be a driving condition for a Normal car.

[7:07:35 PM]

So it provides the basic necessity to get ambulances and it's not getting ambulances into the new development. It's getting ambulances -- or fire trucks that might come from the frontage road into the existing neighborhood street. And so we believe that can occur.

>> Garza: And, I mean, I appreciate your effort to work with everybody because, yes, it is always great when all the parties can agree, but, I mean, was it -- is transportation's recommendation would have

been to do a street that provides access, not just for emergency, but for other -- for connectivity reasons for other vehicles as well?

>> And, councilmember, I'd have to stay true to the memo that I sent you that -- I don't have the information to make that recommendation. Of course, I would agree with the statements previously that more connectivity is always better, but we don't know where the trips are, we don't know the design here. We simply don't have the information to adequately advise you on that issue.

>> Garza: Quick follow-up.

>> Kitchen: Sorry.

>> Garza: So with the current agreement, this allowed -- this doesn't allow us to change anything at site plan? This would be what's before us right now and then there would not be that possible tia study done? Is that --

>> I think a transportation study will still be done but the possibility of allowing car access through here under this agreement would not be possible, that's correct.

>> Garza: Okay.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I just want to say I appreciate the effort, I'm gonna support the amendment. I don't -- I appreciate the need for connectivity but I don't see it as a blank need always and I view connectivity much more broader than just connecting roads. I think pedestrian connectivity, bike connectivity, that's all part of connectivity also.

[7:09:37 PM]

In this case I just can't -- you know, I think what you've worked out is appropriate and that's what I want to support. I'm just not -- we may have to disagree on that, councilmember Garza. I just don't think always connecting streets works so. . .

>> Casar: Mayor?

>> Mayor Adler: Mr. Casar.

>> Casar: I guess for me, if there is -- I understood Mr. Spillar's explanation of where it is that we're at now. I guess what I was trying to figure out if there's any motion that could be made that could lead to higher levels of connectivity because I would rather test that motion for support rather than not support the case, if that makes sense? So if there is a way to make this better, I guess I'd put out there that I would support the motion to make this better. I would -- I would have trouble abstaining or voting no on the case if we didn't try a motion to fix the problem I guess is what I would bring up to both councilmember Garza and laughing. Admittedly I haven't looked closely enough into this case but if there's a way to make this better on this vote and pass that that would be what I would like for us to do.

>> Kitchen: Mr. Mayor.

>> Mayor Adler: Hang on a second. Someone else wants to speak.

>> Kitchen: My point simply is we don't know what's better in this case. We don't know that punching that road through is better, and I don't think that we should make the assumption that it is. And so I think that in this case, the groups have worked out something that will work. I think we should honor that because we don't have the information that the different folks that sat down and came forward with this come up with, and so I would like to honor the agreement that they reached.

>> Garza: Mayor, I think that was the point Mr. Spillar was making when I asked the question. We don't know. If we could take this connectivity issue off the table for this zoning case and then do the study, then we will know. So maybe the tia comes back and says it's -- this is not a road where connectivity is required, the trip -- I don't know -- I'm not a traffic engineer right now, you know, whatever doesn't justify us making a cut-through here and we won't do that and just do an emergency easement.

[7:11:56 PM]

That is -- I believe that's what the motion would be, is that the connectivity is not -- I don't think there's support on the dais right now to support that, and so --

>> Kitchen: It won't come back to us.

>> Garza: I believe it goes to the planning commission and does come back to us.

>> Kitchen: Let's ask.

>> Garza: Sure.

>> Kitchen: Mr. Guernsey, my understanding is that it wouldn't come back to us, to the council.

>> That's correct, it would not come back to you if -- if it's analyzed in the site plan, most likely it would be an administrative case. If there's a subdivision involved then the planning commission would be looking at that.

>> Mr. Guernsey, could you explain on first reading, didn't we vote to do it at site plan? Am I -- I'm catching up on the amendment, but. . .

-- We did not?

>> Mayor Adler: What did we decide on first reading with respect to connectivity?

>> Alter: Yeah.

>> On first reading when it came in I think it was something that -- let me flip back over.

>> Alter: I'm just trying to -- staff didn't recommend it. I'm trying to remember what we voted on.

>> Houston: Mayor, while he's looking at -- I'm hearing some extraneous noise out here, music or something. It's very distracting.

>> It's outside.

>> Houston: Oh.

>> Mayor Adler: It's on the -- outside. Yes?

>> Alter: The reason I was asking is that I have concerns in my own district where we've had, you know, cases where we have not had the fire emergency roads built and now there's serious problems now that those developments have been built out and we -- we're dealing with the aftermath of that on connectivity and on fire safety. And so I'm just -- I'm preoccupied with the next one so I'm just seeing this amendment right now but I'm trying to make sure we know what we voted on in first reading.

[7:14:06 PM]

>> I think director spillar articulated that I think there's concern about fire access, emergency access to the neighborhood from the frontage road would be satisfied by the language that is proposed. But it's still gonna be looked at at the time when those applications come in at a later date.

>> Mayor Adler: I didn't hear what you said.

>> I said that the public safety access from the frontage road would be satisfied by the language that's been presented to you on the dais. But at the time those app placings come in for site review --

>> Mayor Adler: Is there further review about emergency vehicles?

>> About the access and the actual design.

>> Mayor Adler: As concerns emergency vehicles and pedestrians?

>> That's correct.

>> Mayor Adler: Is there review at that time with respect to general connectivity?

>> I think there is gonna be a review of general activity.

>> Mayor Adler: General connectivity.

>> This is limited as it's before you not to general access but to ensure that there is public safety access for emergency vehicles, police, fire, ems.

>> Mayor Adler: Is there -- when the tia is done later in this process associated with site plan, is there a scenario where the tia indicates there needs to be connectivity and then connectivity --

>> I'll let rob answer that.

>> Mr. Mayor, my understanding is no, that this access to the neighborhood street that's in question would be pedestrian, bicycle, and emergency vehicles only.

>> Mayor Adler: So that would control the later review at site plan level?

>> That's how I understand this action, yes. At site planning the developer will have to show that they can adequately handle the traffic that they generate on the remaining roadways that they take access to. Presuming the frontage road.

>> Mayor Adler: But if the analysis says that they have difficulty providing for general traffic to this development, one of the solutions that the city would not be able to offer would be opening this connection?

[7:16:16 PM]

>> That is my understanding.

>> Mayor Adler: Okay. When -- if this question were postponed to that stage, site planning we said we're gonna not design the question at this point on connectivity, we're gonna approve the zoning and everything but we're not gonna address connectivity, if the city wanted to have connectivity and the property owner and the neighbors did want want to have it at that point, would that come back to the city council?

>> I do not believe, so sir. I believe that it would be handled either at planning or at the administrative level.

>> Mayor Adler: So if the city council is gonna weigh in, this is its only time to weigh in.

>> That's right.

>> That is true, yes, sir.

>> Mayor Adler: We should see about trying to fix that.

>> Casar: Yeah.

>> Mayor Adler: Is there further discussion at this point? The amendment has been moved and seconded. Any further discussion? Mr. Casar.

>> Casar: So I would like to know what amendment to this we can pass to this to make sure that our city's goal, if the city -- if the traffic -- transportation department thinks that connecting these streets fully is the best thing in the interests of the greater city, for that to be allowable. I don't know what that motion would be, but -- but I would like to know how to make that motion from the staff or from somebody on the dais. And the reasoning is -- and I'm actually -- when I make this reference I want to be clear I'm not referencing anything near the border of me and councilmember pool's district, in my own district, less publicized there was a zoning case passed by the last council that resulted in the parties, the staff, the council, nearby neighbors all agreed to a traffic barrier in which it was not directly connected. Everybody agreed, the council respected that.

[7:18:18 PM]

Now the development is built out I have new constituents who are very inconvenienced and it's very, very difficult for me to go aback and fix that and change that so we have to understand there are parties that could be affected by this who don't live there yet or parties who in the future who won't -- who don't know that this would be a useful connection and I would just want the transportation department to explain to us or for the transportation department in the future, when this thing gets built out, to be able to make the best judgment about whether or not they need the street to punch through or not. I'm

less interested in whether or not we can adequately handle the traffic and more whether or not the transportation department thinks it's in the best interests of the long-term transportation system to make whatever decision it is that y'all need to make.

>> Okay. Councilmember, I don't know how to advise you because I don't have the traffic information to tell me if this connectivity is required or not.

>> Casar: How do we make a motion so as not to restrict you?

>> I would think you would deny the amendment and allow full traffic -- or transportation study, push it to the next level. If I could offer, I think we need to have a policy discussion about connectivity separate from a specific project because otherwise we're trying to respond to each project and perhaps we could work with -- through a process to make a recommendation to council on a -- a process to deal with connectivity in general so that we can have a consistent recommendation or direction from council. On this one, I'm not sure I can help you. I will talk to planning staff.

>> Casar: What I would like is for when you have the information that you need, for you to be able to act on your best judgment and whichever policy direction exists at the time. Because as we all know, we could zone this and it could be two councils from now that this hits the transportation department's desk. So I'm not interested in setting connectivity policy in the zoning case.

[7:20:22 PM]

What I am interested in is not precluding ourselves from allowing you to follow your best judgment and the council's policy at the time on connectivity, whatever that might be.

>> Right. I appreciate that.

>> Casar: For us to be able to do that we would need to vote for this without the amendment.

>> I think you would need to remove any discussion of connectivity to that street, although that has the other impact of I'm sure creating concerns for the surrounding neighborhoods.

>> Casar: I would support a motion to do that.

>> Mayor Adler: Ms. Houston.

>> Houston: Thank you, mayor. Mr. Spillar?

>> Can I speak to this issue?

>> Mayor Adler: Hold on one second. I'll give you a chance to speak in a second.

>> Houston: Don't we already have a policy on connectivity?

>> We have imagine Austin that calls for compact and connected. The challenge with that is we have many neighborhood plans that call out specific streets and suggest otherwise. And so -- and then we have a number of streets that are not connected where both plans are silent, they don't call a specific item out on --

>> Houston: So is this -- this property we're talking about in the neighborhood plan?

>> I believe the neighborhood surrounding in this street is in the neighborhood plan.

>> Houston: Surrounding the street but not the street?

>> I'm sorry.

>> Houston: Is the street in the neighborhood plan?

>> The street in the neighborhood is part of the neighborhood plan, yes.

>> Houston: And they said that they don't want the connectivity?

>> That is correct.

>> Kitchen: Mr. Mayor.

>> Councilmember, I think then -- that plan was done before the council adopted its policies regarding the connectivity issues. I think we're discussing tonight.

>> Mayor Adler: Say that again?

>> That the -- the neighborhood plan was done prior to discussions that we've had more recently and council's adoption of policies related to connectivity.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: We obviously need to have a much longer conversation about connectivity, and we'll have that as part of codenext.

[7:22:23 PM]

It is -- there is a provision in codenext about connectivity. And so we'll have that conversation, and we need, to obviously. You know, so I won't go into it except to say that connectivity and imagine Austin means a lot more than cars being connected. So -- so but we'll have that conversation. I'd like to see the map again because we went through this last time when we voted on it, and I think it's important to see the map about what we're talking about. You know, if we want more time to think about this we could vote this forward on second read as-is and give people more time to speakers but I am -- imperfectly comfortable that -- with the amendment because it addresses the emergency concern, and that is the major concern we're talking about here, is the emergency concern, plus it does have connectivity for pedestrians and bikes. We just talked about that. So I don't see the amendment as being contrary to our policy, and I think it solves the problem that we're concerned about, which is the emergency access. So I would go forward with that, but I certainly understand if people want more time to think about it, but I also don't want to -- I would like to see the map again at this point because I think from looking at the map it was very clear to me that it was appropriate to do this kind of situation.

>> Mayor Adler: I'm gonna let this gentleman speak, give him three minutes to speak as a member of the public on this issue.

>> Thank you, Mr. Mayor. I'm a retired firefighter here in Austin, Texas, drove fire trucks here over 20 years.

>> Mayor Adler: What's your name, please.

>> Richard Dale Bailey.

>> Mayor Adler: When you're done speaking identify yourself to the clerk.

>> Okay. Connectivity I think is an essential word for all these neighborhoods. A lot of consideration or considerations have been made for when there's a fire or flood or natural disaster where a lot of our egress has been blocked off through unforeseen circumstances.

[7:24:25 PM]

So any way that we can have extra access or emergency -- for emergency vehicles to get in the better. So unless it's [indiscernible] I would prefer to see the access voted for and applied.

>> Mayor Adler: Okay.

>> Okay?

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

>> Garza: I guess, councilmember kitchen, I want to understand what is -- what is wrong with having the best information available to us to be able to make this decision?

>> Kitchen: The problem is that we won't be making the decision. It doesn't come back to us.

>> Garza: Then what is -- what can we do to change that?

>> Kitchen: I don't know that we can right now. That's why we were just told that we can't, that --

>> Garza: We weren't told that we can't. We were told under the current process it would go only through planning commission but what prohibits us from saying this one will go through planning commission and then come back --

>> Kitchen: I'm fine with that if it will but my understanding was that we couldn't.

>> Mayor Adler: What would we have to do if we wanted the site plan in this case to come back to us on the connectivity issue?

>> Right now, the way the ordinance is written, council cannot approve a site plan, and so --

>> Mayor Adler: I hear that. The question is what would we need to do in order to have this come back to us after the site plan stage as concerns connectivity?

>> I think I'd probably want to sit down and talk with the law department further about how that might be done.

>> I think we would need to think long and hard about that. The process for site plan review, administrative site plan review, doesn't send things to the city council generally, and I'm assuming you probably don't want to change that process for all administrative site plans to now not be administrative but to come to council. And we can go offline and think about if there's some way in one particular case, whether it -- I can't really envision it at the moment, but I'd have to think about it.

[7:26:28 PM]

>> Mayor Adler: Mr. Casar.

>> Casar: I guess I would reframe the question on my end, which is -- or councilmember Garza's question, which is what is the objection to if in our staff's best judgment they want to punch it through that they could based on the information and if in their best judgment they chose not to, that they wouldn't? Is there -- and that's not rhetorical because I'm -- if you have concerns about what it is that they would choose to do, that would be really relevant to me. But for me on so many of these cases I want those engineers when they get the transportation information to be able to make that choice and for that to not be something we regularly do. But if you think that they're gonna do something that you think is adverse in this case, then --

>> Kitchen: Well, it's not purely an engineering decision. They are operating off of a -- as they should, a policy that we haven't had our discussion about yet. So what I'm suggesting doesn't disparage our staff at all, and I do trust their engineering judgment, but this is not a totally engineering question at all. There is policy to this, and we will have a very robust conversation as we go through codenext and that's what that's all about. But we haven't had that yet. And I'm uncomfortable when we have an agreement on the table, I am uncomfortable not going with that agreement when it's not gonna come back to us.

>> Casar: And I guess the reason that I would support leaving it to the staff in this case is because I wouldn't want to -- I think -- I think that we do have a general policy sense happening at the city that we want a connected street grid and network as much as possible. But even -- but even if I were wrong in that case, in that we don't have it quite figured out, I wouldn't want to start setting in this case the -- it the other way.

[7:28:32 PM]

And if it is ambiguous, then I would rather have our staff make that call based on the site plan as they usually do. But I -- I guess I differ with you a little bit in that my general sense is that the street grid being as connected as possible is generally what I think our staff do and generally the policy direction of the comp plan. But I guess that's just probably where the difference must lie.

>> Kitchen: Basically we're disagreeing on the policy and we will have that discussion, and that's fine. But the question is what to do in the meantime. And from my perspective, what to do in the meantime is I would be fine if it come back to us -- coming back to us and we could have the conversation then but since it's not going to I think we should go with the agreement on the table. We've got the people involved of that figured out some will something that will work and we're saying we're not gonna take that in a situation where we don't -- we don't have all the facts. So why don't we just go with the

agreement that's on the table and people want more time to think about it just pass it on second reading.

>> Mayor Adler: So we could pass it on second reading and staff would come back to us and tell us what the mechanism would be for the site plan consideration to come back to us if that's something that we wanted to --

>> [Off mic]

>> Mayor Adler: Mr. Flannigan, and then Ms. Garza.

>> Flannigan: Staff, can you help me understand -- and I may have missed that, when we say that an agreement has been reached, who was part of the agreement? What is --

>> Understanding that there was a neighborhood representative, owner's representative, transportation staff. I don't believe our law department was actually there,

[indiscernible] To try to come to some resolution regarding the access, and so this was discussed. This language -- a form of this language I think was presented to the law department and actually articulated in the language that you see before you. And so --

>> Flannigan: So --

>> -- Coming into this it was a discussion item because there was not agreement on the access issue.

[7:30:37 PM]

>> Flannigan: I'm generally uncomfortable with agreements being made by a single representative of a neighborhood where we don't know how they were selected, don't know who in their neighborhood they represent, and to be very straightforward about this, the roads are not owned by the neighborhood. The roads are owned by the city, by the entire community. And in fact especially in single-family homes like this the tax revenues from that neighborhood don't pay for its long-term maintenance. When we're talking about roads we're talking about a wider area of usage than just the people who live along that road and that's why we talk about compact and connected because it's not just about the people whose driveways hit that road, periods about the community that pays for those roads and maintenance and the communities that would get better emergency service access, theoretically. That's why the connective is important to me at least. And I don't -- I have a lot of issue with agreements being made in an atrium like that when I don't really know who the parties are. And it's ultimately -- this audience's decision to make agreements. I'm perfectly fine trusting staff's decision on this, and that's -- so we don't get in a place where we're having to approve every single site plan because I don't think we want to be there either but I'm far more comfortable removing the amendment that predetermines an outcome. If staff really likes that agreement and staff thinks it's a great agreement because of the policies we've been setting and they think that it's consistent with those policies, then that's great. But this notion that there was an agreement made in an atrium I think is awkward from me.

>> I understand from the applicant's agent it was the neighborhood president, I guess, sitting and discussing this, representing the entire neighborhood. And the applicant agent was part of that discussion as well.

>> Mayor?

>> Mayor Adler: Mr. Renteria.

>> Renteria: It's the contact team that lived there that's -- in that area are the ones that make that decision. They have a history of wanting to be -- they don't want traffic to go through their neighborhood.

[7:32:44 PM]

So they do have a history of keeping the connectivity from coming through that area, and it goes pretty far back. They're pretty strongly opposed to it. Now, that's the way their contact team is there, and that neighborhood association in that area had decided that that's what they are gonna fight for.

>> Mayor Adler: I'd be interested in knowing if anybody wanted to move to pass this on second reading only. That would give staff a chance to come back and tell us whether there was a way for this to resurface back to us or not. If I'm the only one that would be interested in having that, it would give us time to take a look at it, then -- but if someone made that motion I would support it. Ms. Garza.

>> Garza: Well, I'll make that motion. I'll speak to this. The motion I was gonna make was to pass a planning -- I believe planning commission's recommendation was to wait until site plan, so that's the motion I would make on second reading.

>> Mayor Adler: On second reading only.

>> Garza: And doing all those things you just said, changing it at that point.

>> Mayor Adler: Okay. Ms. Garza moves to amend the motion so as to make it second reading only and to --

>> Garza: I want to verify with Mr. Guernsey, was planning commission's recommendation to --

>> Yeah, planning commission recommendation approved basically the application and to direct -- let's see -- adding a condition includes a prohibition of residential use within 200 feet of east Ben white boulevard, some of the added conditions, if I go through those.

[7:34:47 PM]

>> Mayor Adler: When we're done here I'm gonna give the applicant and the neighborhood a chance to speak on this.

>> Looks like development shall be prohibited except as required for the repair of exiting infrastructure within a 40-foot easement adjacent to the northern property line,

[indiscernible] Within 35 feet of vegetative buffer, shall be provided and maintained, improvements shall be limited to drainage, underground utility improvements that may be otherwise required by the city of Austin. Let me go back and look at the file, see if there's anything else and you can call up the neighborhood and the applicant.

>> Mayor Adler: Let's do that.

>> I'll double-check.

>> Mayor Adler: Is the applicant here?

>> Hello, mayor, council.

>> Mayor Adler: Okay. So the question now is with respect to the connectivity issue. And there's a question about whether or not approving this just on second reading, because there's several councilmembers apparently that don't want to approve this ruling out the ability for staff to have the connectivity at site plan stage.

>> Yeah. I kind of came into this whole process late. I don't know if you remember the last meeting we had but there was a potential buyer for the property, and that deal ended up falling through and then we came in late to the deal. And so we had always not been for running that road through there. I don't know if the last time you remember the -- the neighborhood spokesman put up a map of the property itself with a concept on it with a road all the way through it, showing that basically multi-family development there would be very difficult to achieve. In a dense way. So at that point that's when I think everybody decided, well, let's just get staff to put some language in there to not put the road through and then we were hoping at this meeting that we could go forward and not have to worry about that at future site planning meetings or anything like that.

[7:37:09 PM]

So --

>> Mayor Adler: Okay.

>> That's what we were hoping for. The neighborhood, it is in the neighborhood -- they're not here tonight because they didn't think that we were gonna have a lot of discussion about this. You would have heard a lot from people because they would have been out in force if they had known that this was gonna become an issue. We thought from our understanding that this was gonna go through. So. . .

>> Mayor Adler: So my sense is we should either approve this as amended by agreement or we should only approve it on second reading if we're gonna do anything other than that so the neighborhood has the ability to come and talk.

>> Pool: I have a question. For the applicant -- I'm over here.

>> Oh, sorry.

>> Pool: Thank you. Did I understand you to say that you wanted -- that the reason why you weren't wanting to bunch the road through is because you wanted to have additional housing in that area? Did I hear correctly?

>> The concept is we're working on getting the zoning changed to add multi-family.

>> Pool: Uh-huh.

>> The idea is to get a multi-family project on the property. So having a road right through the middle --

>> Pool: Would reduce the amount of land that you have.

>> Exactly.

>> Pool: So that means the amount of housing you would be able to build there --

>> Would be reduced or might be used for commercial, might not even be applicable to multi-family at all, might just end up being commercial. There's no way to know. But with the way the configuration is right now it would be good for multisingle family.

>> Pool: All right. That certainly ways heavily for me for my decision on this because I think that it's important as we have been talking all day, nearly, about the importance of making sure we have planning -- homes for people to live in and apartments and so forth.

>> Right, exactly.

>> Pool: If in fact -- now we have a conflict between punching a road through that y'all aren't looking for but we're asking about but then that would tend to reduce the number of available units that you could build.

[7:39:14 PM]

I would absolutely be coming down on the side of making sure there's more housing. Thank you.

>> Mayor Adler: Ms. Garza.

>> Garza: That's an interesting perspective, and I'm curious do see that on the next case. Traffic issues versus housing. But I just want to point out this -- I don't think this is ready, and I want to point out, I appreciate councilmember kitchen's perspective, and I respect it, but I wouldn't characterize this agreement before us as an everyone's happy agreement. It seems like a -- this is what staff could get out of -- and make the neighborhood and the applicant okay with it, but I'm just gonna read a couple lines, it says from atd's perspective transportation and mobility decisions should be made with appropriate analysis as part of an engineering study. It is my professional opinion it is appropriate to study the impacts of this potential connection through a tia prior to making a decision about the extension. So I just want to say this is from our professional staff, and so I would make -- I already discussed -- I don't know if I can make a motion but I'd prefer we do this on second reading.

>> So my -- may I respond to that real quick? A multi-family on there, the amount of units that are being built would probably not qualify to even require a tie, meaning the traffic would be low enough where it shouldn't be an issue, from my understanding.

>> Mayor Adler: So if there's -- Ms. Houston.

>> Houston: So, mayor, just as a person that's on the outside of this, it doesn't feel like we have all the facts. It doesn't feel like we even know what's gonna be built there or developed there.

[7:41:14 PM]

It could be this, it could be that, it could be multi-family, could be commercial and I'm uncomfortable about making those decisions without having any more information about what's gonna be on the property. I mean, if it's gonna be multi-family, then I think they need a way in and out, and I don't need - you know, if it's gonna be commercial, I might have a different feel about it. But I don't think any of us know, and I don't think the developer knows what they're gonna build. So could be postponed until they figure out what's gonna happen on the site.

>> Mayor Adler: It could both be postponed and it could be approved on second reading only if the council doesn't want to take final action now. But somebody has to make a motion.

>> Houston: How soon would it have to come back if it's -- I mean, if we just vote on second reading? How soon would it have to come back to the council?

>> Mayor Adler: It wouldn't.

>> So, mayor, council, we could bring this item back on April 6. I think that's your --

>> Mayor Adler: Or it could come back later.

>> Or it could come back later to that.

>> Mayor Adler: The answer to your question is there's no set time. Staff would bring it back when it's ready.

>> Right. Mr. Rusthoven reminded me you couldn't go further than 360 days because then the case would expire for first reading.

>> Mayor Adler: Okay.

>> From that first reading date. The commission did not have the prohibition, but council did ask when they approved it, when you approved it, that the planning commission recommendation directed staff to bring back at second and third reading language that would address the extension of sun ridge and limiting access to bicycle and pedestrians. So that was part of the August council action. However, the commission didn't specifically have that.

>> Mayor Adler: Thank you. Ms. Garza, you want to make a motion.

>> Garza: I make the motion for second reading only.

>> Renteria: Mayor, can I ask Mr. Guernsey a question?

>> Mayor Adler: Mr. Guernsey? There's a question.

>> Renteria: The way it's zoned now, what's -- what is he allowed to build?

[7:43:17 PM]

>> Right now, the property, as it's zoned, tract one is zoned cs-co-mp, wouldn't allow for residential, but it would allow for a number of commercial type uses. That conditional overlay, I don't have it in front of me so it would be limited. The remaining portion of tract two, which is a very small piece is zoned gr-co-mp, which has a conditional overlay but that's a retail district. I can get you additional information I think on more particulars of that if I go through the files.

>> Renteria: What's gonna happen is how can he determine what's he's -- what he's gonna put there if he doesn't even have the zoning? What are we really trying to accomplish here by doing this to -- going on second reading? He doesn't know what he can put on it.

>> Mayor Adler: Hang on a second. Ms. Garza has made a motion to approve on second reading only. Is there a second to that notion Mr. Casar seconds that motion.

>> Casar: Point of clarification for the maker of the motion that I just seconded whether you're moving planning commission on second or second reading with the pedestrian-bike only stuff.

>> Garza: I was trying to get clarification on what the planning commission --

>> Mayor Adler: You apparently have 15 different parts to it. The motion from Mr. Renteria was to approve it with this amendment.

>> Garza: Okay.

>> Mayor Adler: Do you want to amend that to say on second reading only.

>> Garza: Yes.

>> Mayor Adler: It's Mr. Renteria's motion on second reading only. That gives us a chance to examine everything before it comes back on third reading. It's been moved and seconded. Is there any further discussion before we take that vote?

>> Pool: Mayor.

>> Mayor Adler: Yes.

>> Pool: When it comes back please have a map because it really did clarify things during first reading. It was clear how the road would be configured and it has an awkward intersection that the -- at the main road and I can't remember what road it is and there were traffic concerns about that.

[7:45:17 PM]

So if we could have the map.

>> Okay, yeah. That was the neighborhood's presentation. And they didn't plan to be here because --

>> Mayor Adler: I understand. That's why we're not taking a final vote. You could also come back with whatever mechanism is the best mechanism, no matter how bad that mechanism might be, what would be the best mechanism to have it come back to the council after site plan review on the connectivity issue just so we can see what that is and let's make sure we discuss it during work session because there are a couple policy issues that would be involved in both those things. It's been moved and seconded --

>> Garza: I want date of birth clear. What was first reading? Was it -- what did first reading do with this connectivity issue?

>> Council asked to limit it bicycle and pedestrian access. Basically to have language that would address the suggestion of sun ridge limiting it to bicycle and pedestrian access.

>> Garza: Okay. So I will say I'm fine with this language on second because it actually improves that to include emergency access, but just as a statement, I'm still looking for other options of third to see what we can do and we've already discussed all that. Okay.

>> Director spillar indicated to me that Texas department of transportation has requested a traffic impact analysis to be done so regardless of what the city says the state has asked for that.

>> Mayor Adler: Moved and seconded to approve on second reading with the amendment. Any further discussion? Mr. Casar.

>> Casar: My last point here is that if it -- if we're gonna have problems with the number of multi-family units there's other things we can do to get the right number of multi-family units to make this supportive, be it far height or what have you. I am -- I won't be able to vote for this on third reading I don't think if we're saying it's gonna be multi-family where people that live there have to drive out on to Ben white to leave with their car. The city council voted and zoned many zoning cases in my own district in the past where apartment dwellers have to, if they want to leave to go to the grocery store, leave to

pick up diapers, see a friend, they have to drive out onto the highway, and having it -- sorry, am I wrong that that's where people have to drive out to on to Ben white?

[7:47:37 PM]

>> Mic mic.

>> Casar: Punch through. So you're saying in this case the street that would punch through goes to Ben white? I just got confused there.

>> Kitchen: We can talk later.

>> Mayor Adler: I think we're about to pass this on second reading and preserve all this until we have more information. Any further discussion? Hearing none those in favor of approving on second reading please raise your hand. Those opposed. Mr. Renteria is voting no, others voting aye. This passes on second reading only. Thank you. Now gonna go to Austin oaks.

>> Pool: I meant to vote no also.

>> Mayor Adler: All right, Ms. Pool votes no as well. Sorry I missed that. All right. Now we'll go to Austin oaks. Staff want to come up and identify this tract quickly? Then we'll get to speakers.

>> Mayor, council, this item is relating to item number 83 on your agenda case ca14-2014-0120. This evening we're considering second reading only on the Austin oaks P.U.D. Located near several different roads including zilker center drive, wood hollow drive, it's a multiuse project that would -- existing office buildings.

>> Mayor Adler: Okay.

>> I think you have about two hours plus of speakers so --

>> Mayor Adler: Thank you.

>> I'll sit down.

>> Mayor Adler: Is there any comments, discussion from the dais, before we start asking for public speakers?

>> Mayor, when we get close to making a motion after we hear from speakers staff is gonna have recommended amendments to the ordinance but I think it's probably better doing them after we hear the testimony than now if that's okay.

>> Mayor Adler: Let's call up the applicant. Does the applicant have a representative here?

>> Excuse me. Before that is it possible for our staff to see those amendments even if they're not introduced for us?

[7:49:42 PM]

Mr. Rusthoven, is it possible for staff to be able to review them during testimony?

>> Mayor Adler: Give us one second.

>> Yes, I will. My understanding is the law department is making some clean up right now on those as we speak so I'll --

>> Mayor Adler: Can you list, without describing them, can you list what they are?

>> Going off memory one had to do with the fire lane issue, I think one had to do with an internal sign issue.

>> Mayor Adler: Okay.

>> Those are two of the four.

>> Mayor Adler: Okay. Thanks. Mr. Whellan. Is Shaun comp don here? Is Alice Glasco here? Is Hannah Thomas here? Okay. You have five minutes to open plus three people with three minutes that will give you 14 minutes if you need that much time.

>> I'm waiting for them to get ready. Michael Whellan on behalf of Spire Realty and first my apologies for Mr. Rough's absence, his father is in the ICU. He'll be participating. He's watching at the hospital and will be participating by phone and text so he apologizes that he's not here today and I will appreciate some accommodation if there are specific economic questions during the day if you'll give me at least 15 to 30 seconds to communicate with him as to those decisions -- as those decisions are coming up not a problem. Our best thoughts with his father.

>> Thank you. I wanted to quickly run through this and then I'll be available for questions. I do have some comments about things that I've heard that -- just to dispel some misinformation that may exist. So first I did want to touch briefly on the design Charette. I think it's important. It is a new way to manage with full neighborhood participation, handing over -- which is what Mr. Rough did, a piece of property and allowing people to work with it and design something.

[7:51:51 PM]

So it's important to remember the neighborhood selected the design team. The design team was not selected by Spire Realty, dug far, a nationally recognized author as you can see sustainable urbanism and facilitator, the design team listened to the stakeholder feedback over a five-day period, actually we had information sessions, workshops, and then a five-day design charrette. There's an outreach effort in fact led by most of the people you will hear today, people speaking for and against the ultimate outcome of the Charette. As I mentioned, Mr. Rough advocated design control to a stakeholder process and entered into this entire process with an open mind and open heart, truly let go of the process, let go of the property, and allowed the Charette designers to work with the neighborhood to come up with ultimately a preferred plan. As you would with any professional, whether it's a lawyer, accountant, engineer, the design team exercised their best judgment to develop a plan with the stakeholder feedback. This is not Spire's preferred plan. I want to emphasize, this is not the plan John Rough would have ever had done or designed. He has stood up publicly and said he will honor the plan and he's prepared to do so. Despite the preferred plan accommodating stakeholder values, there was pushback from some neighborhood representatives that we make additional modifications to address height and trees and in doing so we lowered the building at the tallest point, which is parcel one up against Mopac, it was seven stories, now six stories as it is on the plan we submitted. We were asked to eliminate a building to add more parkland, which we did. You can see we eliminated the building closest, you can see how close it was actually, there's now a half-acre park where that building was right up against the neighborhood at Hart Lane so there's now a nice green half-acre buffer that will be dedicated.

[7:53:59 PM]

We removed a driveway on Spicewood Springs which saved additional trees. Then we did increase -- we did increase the building on parcel two by a floor to accommodate the loss of the square footage we incurred on -- next to Hart Lane. The staff supports the plan. They did it with, as you can imagine, some persuasion as Mr. Lezniak is oft to do, requiring on-site detention, at the upper third of Shoal Creek which impacts where many districts have Shoal Creek running through it. There was restoration and revegetation plan for the critical quality water areas and increased landscape trees, all of which came at great expense as you can imagine, especially that restoration and revegetation of land where the creek currently is. Ultimately, staff, in reviewing this project, the height and density that was submitted -- when they say submittal number 3, the one we submitted after the Charette, that the process appears to be scaled as neighborhood center, based on the height and proposed density which appears appropriate scale along a major highway. It's easy to quickly forget that you're right up against Mopac and you are right up against Mopac at this location, which is where we moved some of the height,

although not very much, as I said it's six stories and two seven story buildings up against mopac at this point. So another thing that the neighborhood asked, we had not ever presented this information, they asked the independent designers who were at the Charette to identify what is the benchmark, what can be done at this site currently? Basically you can do another office park with 13 individual site plans. There's 13 lots. You can do 13 site plans. It would come out to about 900,000 square feet of office and retail.

[7:56:03 PM]

On-site detention would be unlikely because there's 66% impervious cover now and it would be very unlikely that you would increase the impervious cover. Actually you would not increase the impervious cover. You'd do it under the redevelopment ordinance. There would be no residential, we are not zoned for residential so you'd have no affordable housing, no parkland dedication, none of that, no residential at this site under current zoning, no discreet scape improvement, there's no bike lanes, for example, on executive center now, if you look at the backup you'll see cross-sections that spend an extraordinary sum of money to improve the streetscape. And there would be limited traffic improvements, the redevelopment ordinance allows you to have 2,000 trips per day, which would be 26,000 trips legally, very unlikely at this site. I think more likely scenario would be 15 to 17,000 trips a day, per day, depending on what the use was. If you had more medical use it might be a little higher. So that's what you could do under the current zoning. And this is what was drawn by the designers, not by me, but by the designers during the Charette to administrate that it could in fact be done. So what we have now really is an environmental mess. There's acres of impervious cover in the critical water quality zone, that's cwqz, sorry about that, councilmember Houston, and the cef, critical environmental feature buffers and the floodplain. There's -- it's just a mess. There's no detention on-site, and it's a sea of asphalt that suffocates trees, as resilient as they may be. This is what the site looks like, as you know, 1970s and '80s buildings, 66% impervious cover, and the dark gray obviously is all the impervious cover that is surrounding the site or is throughout the site. I really do feel strongly about this statement.

[7:58:03 PM]

If we aren't gonna redevelop all their sites and grow within our city, if we're not gonna do this I think we'll end up hurting ourselves and y'all have been spending a lot of time talking about that. I think it's bad for the environment. If you leave the site the way it is, it encourages sprawl, which is bad for the environment because of pollution. It's bad for traffic, and it hurts our tax base. And if we aren't gonna find ways to grow within 1970s and '80s sites, I think ultimately we are gonna see more sprawl, which as you know, some have said that that is at least one solution to affordable housing, and I don't think it's the best solution to affordable housing, in my humble opinion. So the Charette design team proposed a redevelopment that we believe is reasonable and responsive to stakeholders. It is not everything for everyone. As you might imagine a true Austin comprise where nobody is really happy about this, including the owner. So some of the things that are superior you've already mentioned in previous presentations, the reduction of impervious cover by more than 2.5 acres. I might -- this figure might get modified a little bit. I know there's a proposal that's been discussed at work session and orientation to add a multi-family -- otherwise to add multi-family and that 58 would become 59% so 1% increase overall if that was the desire. I want to point out in this image, the layback, if you look on the left of your picture, one side -- right now it's just a channel, 20-foot wide channel. We'll be spending hundreds of thousands of dollars to lay back the bank, create a detention barrack for the two year blood, I know that goes straight -- that water grows straight into councilmember pool's district, and then further down

shoal creek to mayor pro tem's district. But delaying but laying that back to the two-year, 25-year flood play and revegetating with native species pursuant to city code standards.

[8:00:05 PM]

Moving the 1.6 acres of impervious cover to the flood plain, the quality water zone and the cef butter. And then adding, as I mentioned and showed you in that photo the cubic feet of detention and laying back the bank. I do want to pause here. The park area right now is 5.34 credited parkland. It's over 8.5 acres of parkland that's going to be dedicated. In addition to the parkland dedication, which is found to be superior, we're contributing \$1.5 million which I think it's about 12.5 times the development fee, it used to be 15 times but the fees just went higher. So clearly extraordinary sum. Lots can be done to develop these areas. And I think -- by the way, the money will only be used on the heritage park right up against park lane and executive. It 'S the 2.34 -- the neighborhood park, the 2.34 acre park and it really is, you see in the survey protection and really a feature that this neighborhood will benefit greatly from. It's accessible on the outskirts of the development so everybody will be able to take advantage of it. We have 41% open space that is required under the city ordinance for this site, again, I think that's important when you talk about sustainable urbanism and redevelopment and taking advantage of removing impervious cover. And we're preserving at least 75% of the combined branches of her tanl and protected trees together. And in addition to that, improving the landscape standards by increasing the street trees and doubling when they get planted initially. The multimodal improvements we talked about and the traffic cap that will be legally allowed. You'll hear more from your work session discussion, the 19,648.

[8:02:05 PM]

I heard the work session discussion. And I can tell you that we can commit to maintaining that traffic limitation. It will impose upon the owner the obligation to find uses that will not generate as much traffic as perhaps some of the uses that are more profitable like medical use. And so you'd have to offset -- you have to reduce the amount of medical use in order to maintain that trip limit. But the owner is prepared to live by the cap that has been described in the tia, 19,648 trips. I do want to mention, also, lots has been said about what has staff said and not said. It's important to go back to the staff memo that's in your backup. Staff, clearly, this is transportation staff. This is from the transportation memo. It's on the second-to-the-last page. Page 29, transportation memo. And it states, staff recommends approval of the zoning application subject to the following conditions. And it lists every single thing we have committed to do. Transportation staff memo, recommends approval, lists every condition -- and the conditions are every single improvement we've agreed to do, period. In addition, at the zoning and planning commission, we agreed to additional improvements which are set forth in your draft ordinance. So we went above and beyond what was initially recommended. We're now at 28% of the pro rata amount that's set forth in the tia, 28% more than the pro rata. I think it's key. Regardless -- if someone is changing their position, I get it. People do that. And it's clear that lots of people have reviewed this and ultimately transportation staff recommended the approval of the zoning. I think this has been a big focus of this council's in the last three or four weeks, I've obviously been able to get feedback on this. I think housing works does a great job of providing basic data.

[8:04:07 PM]

And many of you know that -- that the -- we need to do a much better job. You're working diligently on that with regard to affordable housing. The number of income-restricted units in district 10 is lower than

in any other district in this city. It is lower than district -- well, every single other district. One, two, three, four, five, six, seven, eight, and nine. So, 1% of the city's income restricted units are in district 10. And the current app -- the current Austin oaks proposal increases a number of restricted units in district 10 by 11%. Right now, there's 175 units and we would be moving that to 195 units. That's an 11% increase over what is there currently.

[Buzzer] So thank y'all very much. I know there's going to be lots to discuss and I know that you've seen this before. I still believe it's a delicate balance. There's been lots of people pushing and tugging and here we are. Thank you very much.

>> Mayor Adler: Sorry, is Karen Escovedo here? Is Eric Rome here? Come on up. Is I.D.E.E. Here? Okay, you'll be up next.

>> My name is Eric reed. I'm a northwest hills resident for the past 30 years and I'm here because I'm against the Austin oaks P.U.D.

[8:06:19 PM]

What is my primary concern? Here it is in traffic. And then we're talking about increasing in the neighborhood at least 17,000 visits a day. I don't think the traffic mitigation plans are sufficient. I think this process has been dominated by a straw man. And that straw man we saw presented. That is what is the very worst that can be built under current zoning regulation? Well, if that was appealing, if that was economically feasible and desirable from the developer viewpoint, none of this would have happened. Meaning, that would have been developed. The fact that, okay, you can build a bunch of one-story, three-story, five-story buildings and get just as much or more graphic, fine. That may be possible. But it must not be economically desirable. I think what we've been dealing with the straw man again and again. As far as the process, maybe for someone sophisticated in real estate, it's an obvious process. Oh, multiple neighbors and signs across the year, oh, against pipe. Let's read from the civic association news. We did three surveys of the neighborhood in 2014 and 2015, we know from that if a neighbor had a choice, there would be no redevelopment in Austin oaks. I understand that's not our option. The option, though, what do we do with rezoning. What happened, though, the development process, not understood by the neighborhood in general, I read in an Austin American statesman thing one person testified, well, I would be against granting the zoning.

[8:08:31 PM]

They told him, that's not possible. So it wasn't viewed as really an option not to provide rezoning of some sort. I think that it was a surprise to the neighborhood, at least my neighbors, that after having some surveys, it wasn't brought back to the neighborhood, the people living in the neighborhood. Instead, it was ultimately a few, well-intentioned certainly, that made the recommendations and now that's viewed as neighborhood recommendations. There's a newsletter that said, well, it's too difficult to get feedback on what we're accepting. I think that limited the process. I think if the future the council said we'll have this process, I think one thing they should say is be sure to tell the people involved that what they decide there won't necessarily come back to the neighborhood for them to voice their opinion on. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Next speaker is Ivey crock. Is Cecilia Burke here? Okay, is Christopher in here? Thank you. Is Brian Brandon here? Is Chris Allen here? You have 15 minutes, Ms. Crock.

>> My name is ivy crock. Thank you --

[indiscernible]

>> Mayor Adler: We need to get you to a microphone.

>> Am I turned on here?

[8:10:35 PM]

Am I turned on? Mr. Waylon speaks very beautifully. And I wish I had different ears to listen to him. I just need to set up for one second, excuse me. I have a couple of sheets on scale of her model. We can make copies. I didn't know if everyone would want them so I didn't want to make all of the copies. So if we want them, we can have them. Originals.

>> Could we have video?

>> The egg is a symbol of trust. When it's whole, we trust it. When it's broken, can we get the trust back, can we put the egg back together? No, so the first time we trusted, they invited us to community in action and it was always on a school night. Always like parent-teacher night. Then they brought us in to say, well, what would you like, as if they're going to lease their property. If I asked for a spa, if I asked for a shop. Forget it, they're not listening to them. This was not -- they did not give us the feeling of honesty of respect of the neighborhood. So all the things presented and said we'll have a meeting tonight. Was the meeting held, no, it gets postponed. We in the neighborhood meanwhile are having different people delivering our kids to supper, different times for lesson. Then the Robo call, oh, my gosh.

[8:12:37 PM]

It's like have you stopped beating your wife yet? There was no way to say that you were against. There was no way. It was like, oh P.U.D. Means planning before your build. Aren't you in favor of planning. They gave you no indication it meant new zoning. Then affordable housing? And do you remember when it was asked whether or not it had to be affordable housing or could be turned into efficiencies for hotels? If that could be turned into str's? And the answer was, well, yeah, it's not really affordable housing. So how could somebody come and tell me to my face it's affordable housing when it might be? Then, deadlines. Okay, we're supposed to get paperwork in. When I asked for paperwork, I get it in on time and it's not complete. Were the reports on time? No. So once again, where is my trust on this? It's like an egg. It's broken. It's broken. I trust and verify, when I verify, it wasn't there, the survey, so old. Oh, it's 2013 instead of 2017. In 2013, I was 100 pounds less. Should I still be wearing my size 6 bikini? Things change. Things change. Trees grow in that amount of time. The 2013 survey is not acceptable. It's not. Many of the trees that have been protected have become heritage trees. So you're willing to saw them off and cut them down, but you're not willing to measure them first? But then, the focus given the night before it ends, it's by invitation only and the only people who are invited are the ones who are for it. Well, I wonder why it wound out with such a good vote.

[8:14:37 PM]

That's not fair. We were not represented in that at all. Once again, that egg, trust is broke trust is broken. Who was asked in the only few leaders that were in favor. The whole other list there, the whole other list was not represented. We had to come here and say we're a neighborhood association also. F the people you heard from were maybe 3% of the people involve in this. Oh, and also with the Charette, there are artists who can take perspective and spew it. The perspective was that it was a 45-acre meadow with 200 foot tall trees and this is the same building from my perspective. A vulture's perspective about four feet from the top. It's the same sized building. I know how to scale things. That's what the building looks like. So once again, it doesn't say 20 story building. Still, but trust. 7 when somebody does this to me, I don't trust them. Now, I discovered because I used millimeters when I

measure things and do things to precise scale that I believe all of the plans that you've been looking at are smaller. They're like the little blue box. There's a 6% that you add in case they're having elevators and air ducts and stairwells, it's called the load factor. It wasn't added, measured, get your millimeters and measure. It wasn't added. So there are three different sizes involved and you're only seeing the smallest. Measure it again. Again, trust? Would you let your dentist work on your teeth if he were doing this sort of thing?

[8:16:39 PM]

Would you? So all of these plans, they're wrong. They are not correct. And trees? These are the trees. These are to scale. So we look at this and we say, okay, we were also offered a plan. We were also offered one that actually follows code.

-- Code. So let's look at this. First of all, the measurements here that were given have a little -- oh, we just added it on. Oh, let's get -- oh, the tree survey. Oops. We'll use 2013. Oops, the measurements don't work out. So we'll just say we won't check the larger measurements, not the smaller ones. If you didn't check the math, you wouldn't notice. Now at the Charette, they showed us a plan to code. You don't need much of an artistic eye to see that this plan, number one, covered as much with impervious cover as it possibly could. It put every building in a location that took the most trees it possibly could. And it is Flint, Michigan red brick. I mean, could you sell something less? Honestly, had you asked me to spend about, I don't know, about 100 hours, I probably could have designed something better than this. It's trust. It's like an egg. It's solid, you can hold it, it doesn't drip. You trust it. Until it's broken. And what happens once the trust is broken? Do you actually say, of course you can have a P.U.D. And if you want to change it afterwards, it's fine. Because money is the factor behind this. If you add four zeros to all of the hundreds that you're seeing up there, this is what was paid.

[8:18:41 PM]

It was \$45 million, leastwise, the asset that was assessed by tcad. Here's how much that property is worth now, \$83 million, without building anything, they've made a profit. Mind you, the trees didn't grow, but the investment did? Hmm? Exactly how does that work. So there's all that money there. And money is what is driving this. Here on the left, you see how much our annual rent, again, add four zero, annual rent. Here is if it's built to code. It's triple the amount. To code, look at the difference in money. That's a lot of money sitting on that table. And now if you look, all of this money that they're making in other places, and why are they fighting so much? What are they fighting about? They say it's only another \$10 million. You know what? I don't think they'd be fighting so hard if that's actually what they meant. Look at the \$10 million over here and the \$40 million over there and you're telling me just for another simple 10 they're doing all this? I don't think they're going stick to the plan. I don't think so. I honestly don't. But, again, we have the egg. In the hand. And you break it, the trust is broken. Do you really think that you can take the word of these people? I don't think so. Now we're ready for the next video. This is going back to the first one. Okay. So, we would like to take a look also at these trees. These trees are done absolutely to scale. I had a little trouble with the topography. It might be about one or two millimeters off on the topography here, okay?

[8:20:46 PM]

And the trees that are the heritage trees which are tinted turquoise and the protected trees which are tinted yellow are all in the exact spot where the trees now exist. And you can see there's lots of room to build without taking out any trees whatsoever. Now, let's see how many stories is it? Is it 20? No, seven?

How many heritage trees were taken out? 16, no, 9, no, 11? No, how many. You remember the shell game? This is a game of green eggs and sham. I don't know how many -- I don't know how many is he taking out? Where are they? It keeps changing by the day. Fdr said forests are the loins of our land, purifying the air and giving fresh breath to people. One acre of trees absorbs six tons of carbon dioxide and puts out four tons of oxygen. This is the enough for the annual needs of 18 people. So which of these 18 people are you going to deprive of oxygen? That's how much oxygen you are taking from our neighborhood. I don't want that to happen. The net cooling effect of one healthy tree is the equivalent of 10 room-sized air conditioners operating 20 hours a day. Oh, look at all of the free air conditioning we're getting now. I wonder how much is going to be left? The U.S. Forest service said planting of trees means improving water quality, resulting in less runoff and erosion. I know for our house what erosion and runoff do. This allows for more recharging of the ground, water supply, wooded areas prevent the transport of chemicals to streams. Is that not something all of us are concerned about?

[8:22:49 PM]

Now transfer ration is also the process where trees let off evaporation and it's been shown that where there are a number of trees, more rain falls in that area. So you're saying you're taking away our oxygen and you're taking away our rain, and you're making our neighborhood hotter? So that spire can make more money. Hmm, let me see what kind of a deal that is. And do I trust spire to take care of the trees? Do I think spire will actually be a trustworthy person and take care of this? Somehow I don't think so. Now I would like to have some friends up to show you exactly what happens. Can I have my volunteers? This is what happens when you start building. Isn't it? You can start. Yeah, see, we're losing all of these trees here. Oxygen. Is that yours or maybe your child's? It is just -- oh, we're forgetting. We also have lots and lots of cars going in at the same time, anybody want to put these cars, again, as I mentioned, the cars are actually six times larger than the pins I'm putting in. I put 1,000 of them because that's how many. You can see from the number of pins how many more -- lots of boxes. So, here we are with all of these beautiful trees on this area. This beautiful, beautiful Austin oaks. And do we trust what's going to happen?

[8:24:49 PM]

Do we honestly in our hearts feel that we can just look the other way and have a wonderful job. You know, it's a lot less expensive to clear cut the whole thing. So, as I look at this, thank you. This is where we are now. And this is actually to code. We haven't even started the P.U.D. Yet. Because the P.U.D. Involves heritage trees too. The big ones. Protected trees. How many was it again? Was it 12? Was it 15? Was it 30? How many? How many? And who's watching? Who's overseeing? Do we honestly think that after all those incidents that broke our trust when we were offering it, do we honestly think that we don't need to be marching up and down measuring trees every day? Go for it. Clear cut. Why not? It's cheaper and nobody's watching. Like the 2013 tree survey. Oops, or was it 2013 instead 20617, my fault, sorry. But we'll use 2013 just because I wasn't ready with the right tree survey doesn't mean that I'm responsible. It means that I can just change the rules. So that's why I expect changed rules when I looked at this. No, it's not 15. Can I finish? Okay.

>> Mayor Adler: You're getting --

>> It's with sadness and spirit and heaviness of heart that I look at this project that I really think we should not allow a P.U.D. And we should also monitor on a daily basis just how well the promise is being kept.

[8:27:07 PM]

Because to tell you the truth, I don't sleep well at night thinking about the promises that might get broken.

>> Mayor Adler: Thank you.

>> Thank you.

[Applause]

>> Sorry I made a mess.

>> Mayor Adler: That's okay.

>> I offered to bring a broom.

>> Mayor Adler: We'll just move the table for now. We'll bring that stuff up later. The next speaker is going to be Caroline Alexander. And next will be Melissa SHAWN. Ms. Alexander, you have three minutes.

>> That's a really hard act to follow. I didn't bring the props that ivy brought, but I did bring a presentation. So I represent the -- or I'm on the northwest Austin civic association board. I am the chairman of the parks committee and when I joined the board never in a million years did I think the Austin pud would keep me up at night as much as it does. But as a board member, we were asked to come together with the developer sometime in the fall of was it, 2015, and as a board, we didn't feel comfortable negotiating the developer as board members. And we've sought out an inclusive process that we wanted to offer up not just for our neighborhood, but for the adjoining neighborhoods that brought together all stakeholders to discuss what could be developed at the Austin pud. So you've heard a lot about the process of this and what came out of it. But what hasn't been talked about was what that entailed specifically.

[8:29:09 PM]

It was managed over the course of five days by a 20-member working group that included not just nwaca but all of the surrounding neighborhoods and a significant portion of those were active no-pud members of the working group. And over the course of the five days, there were 300 attendees that attended. The first day of the Charette was dedicated to education about what it is, the planning principles, the traffic, all of the different components of that included a very detailed presentation from members of city staff and other kinds of experts that came in and explained what it was so that the participants were starting from the common place. It also included 19 design professionals who spent more than 1,000 hours depending on the different plans. And it started off with the -- this is the attendance. We were told the second and third days and the fourth days were the most important days to come. Which is why there was higher attendance. In addition to the neighborhoods represented, we had participation from the city staff and current planning and comprehensive planning, community trees, parks and rec, we had pmz members there, members of the city council and their AIDS. So it was a very inclusive process, much more than bringing together a couple of groups behind closed doors. We started with these three different plans over the course of the first night. We had 436 different comments, 50 sheets, and then the design team went back to the drawing board the next day. Came up with two design plans the night after that, we ended one the one preferred plan. Which was this. And it truly is a -- a balanced plan that represents all of the different interests.

[8:31:14 PM]

That the tables where I sat, I heard people for the pud, against the pud, people in the urbanists who wanted to see more density. I saw people who didn't want to see anything developed there. There were

a lot of parents there concerned about the impact this would have on the schools that already exist. So I just want to reiterate that even though Michael referenced this, nobody's happy.

[Buzzer]

>> But this truly is a balanced plan and just the last thing was just to remember that the proclamation about what a great decision-making process this was and to remember the key benefits to the neighborhood and city that that creates an employment center that would support up to 2,000 additional office workers as you enter into code next with the housing that will be a focus of that. That that's a great employment anchor for the neighborhood that's going to be developing around that.

>> Mayor Adler: Thank you.

>> Going forward.

>> Mayor Adler: Thank you. Melissa SHAWN? Is Valerie Sinclair here? Is miln Highsmith here? Okay, you have nine minutes.

>> Good evening, councilmembers. Thank you for your full attention for the next nine minutes. I'm here to remind you about the imagine Austin plan, which was unanimously approved by Austin city council on June 5, 2012. Let's take a look at how spire's request for special zoning aligns with the core principles and development maps laid out with Austin's approved plan. Against the two core principles of integrating nature into the city and sustaining and managing environmental resources, spire seeks concessions allowing them to remove nature from the city. They seek to remove 18% of the site's heritage trees, 32% of protected trees, and 41% of the remaining trees.

[8:33:19 PM]

Spire's pud plan is not aligned with either of these two core principles. Against the core principle of developing is an affordable and healthy community, spire offers to use approximately 30 acres of prime central city land to give us 25 affordable apartments. Now, I have to say tonight, they're saying 175. But at the end of the Charette process, it was 25. So to ivy's point, the numbers are always changing. So I'm going to go with what was approved at the Charette. So moving on, with the urgent need to create 15,000 new residential units a year just to keep up with current demand and address affordability, we would have to build 600 new developments a year to meet this number if council keeps negotiating with the developers who offer the city 25 new units per development. Considering the traffic grid lock spire hopes to unleash and they see their this is Austin's expense to bear, their token 25 units is egregious. In exchange with the permission to destroy a currently safe and walkable family neighborhood, they expect Austin taxpayers to bear more than 4/5 of the estimated \$5 million of the traffic mitigation cost that giving them pud zoning will necessitate. I checked and developing projects is not one of the Austin core next principles. Let's move on the the Austin development next. The first thing to notice is spicewood springs road is not designated at a growth corridor. Full stop. That corridor does not extend across mopac to spicer springs road. This says if this current council ignores the plan and grants pud zoning for this location, then this council will be responsible for creating an unimagined Austin disaster at this section of mow mopac and this makes four missed alignments in the development.

[8:35:26 PM]

In truth, \$5 million won't even begin to mitigate the disaster creating the pud zoning in this, not when evaluating the conjunction of the already dangerous situation created by the toll lane immediately south of far west where many drivers will undoubtedly choose to enter mopac southbound due to the grid lock being created at spicewood springs at graystone. Problem is, drivers entering southbound mopac from far west will have 1,000 feet less than the mobility authority says is needed to we've across three lanes of traffic into the toll lane, resulting in the mobility authority refusing to erect a tolerate sign at

this location in an attempt to discourage drivers from making this dangerous move, injecting thousands more cars per day directly in this carelessly engineered danger zone? What could go wrong? Hundreds of angry e-mails disturbingly no longer included in your packets have been sent to council many concerning the lack of ethics and outright lying spire engages in. Starting with their charade -- I mean Charette where they secretly switched the day of the final vote and told their relatively few supporters about when the secret vote will be taken. This was the truth how they were able to claim the majority of the charade, sorry, Charette participants supported the pud request. They attempted to invalidate a valid neighborhood petition against the pud by hurriedly redrawing property boundaries, the thing they keep truck pelting as the keiseling point to invalidate this petition. They'll try any sneaky move in the book. Ette ins be damned. It becomes a blank check for the developers to do whatever they can to maximize the profits they can wring out of this land.

[8:37:30 PM]

This makes ethics of ultimate importance in this discussion. Everything that you need to know about the ethical intent of spire and the Smith family as told in an interview in "D magazine" in March, 2011 went as follows. As a child, Caleb asked his developer father, Rand, why he worked. And Rand answered, it's a game, I love it. It's competition. Young Caleb asked, how do you know who wins? And his father answered is the winner is whoever dies with the most money. The now grown Caleb goes on to say, now here I am today, 41 years old, and I'll explain it to my girls in the same way. Helping one family of developers die with the most money is not one of the core principles of the imagine Austin plan. [Applause] The corresponding principle in that path is to provide paths to prosperity to all. To grant a completely discretionary pud variance to a family who has lied and cheated and who proudly proclaims that their definition of winning is all about them as individuals is to serve the prosperity of no one except them. This family of developer, under the guidance of their many lawyers, made the business decision to buy a parcel of land that they were well aware carry conventional zoning and their sneaky, unethical behavior has most assuredly earned them nothing beyond the conventional zoning that they knowingly purchased. Where I come from, which is Austin, Texas since 1960, lying and cheating are not considered rewardable behaviors. Every member of this council should think long and hard about whether they are prepared to award spire for these exact behaviors, especially those of you who plan to seek re-election in the future. To summarize, the overall alignment with this pud request with Austin's approved imagine Austin plan and current quality of life priorities, affordable housing, fail.

[8:39:34 PM]

Preserving nature and environmental resources, fail, traffic reduction, fail, ethical business dealings, fail. If this council elects to reward spire's unapologetic lack of ethics, fail. If this council refuses to image vp acknowledge the imagine Austin next plan, fail. 80% of the directly impacted community has been speaking to you clearly and specifically for three years asking you without ceasing to deny this pud. We even sent a message through our council votes, rejecting our pro-pud representative a rather than the spire interest of dying with the most money. I guarantee you austinities did not invest millions of dollars and years of time to create an imagine Austin plan only to watch it be ignored at the slightest pressure of predatory developers and their lawyers. You are not required to even entertain this pud request that is so far out of alignment with our city's approved development plan. Just say no and stop wasting more of our money and time. In the process, you'll stop sending a loud message to predatory developers that Austin welcomes them at the negotiating table. Thank you for giving your careful attention to what it means to serve the health and well being of the people who call Austin their home. Your vote on this case would communicate clearly and loudly who you represent and intend to serve from your seats in

this room. It is in your personal best interest as well to avoid associating yourselves with the legacy of potential failure just reviewed and of your granting of this unnecessary pud request would set into motion. Thank you for listening.

[Applause]

>> Mayor Adler: Is Rand minz here? And is aria minzfink here?

[8:41:38 PM]

And Solomon, and Sahara minzfink? Your family is next. Welcome to city hall.

>> Thank you. We live 200 yards away from the development. This is our home. Our back yard. And there's my children cleaning up the street. We have friends over and you can see the crawfish and all sorts of different life in there. When we were cleaning the stream, we saw these pipes that went down into the -- into the creek that we call it the stream, but the creek. And the pipes went and dumps water in. Now down in the far corner, this one right here on the left side, that's a flood report. A flood report for 2001, it flooded in our home, we're in a 100-year flood zone. Fewer trees and will flood. And the more water in the area, the more that goes to our home. Now, when we -- when we got this home, it's kind of a peaceful place, and one of my children who wants to speak, it was kind of intimidating and scary, so she's not speaking, but right -- there's the children on the far picture, a little ways away from there is where she kind of goes and it's a little quiet place with some trees around. Where she goes to have peace.

[8:43:42 PM]

Because their dad has cancer and this is their place where they go. We got the house, it's hard to afford. And if it floods, we would have a hard time keeping our home, our place, for quiet and peace. And the trees, you can see them from our home, that would get torn down. It would change what made it so special for us to live in this place. So I ask you, to please not let them mess up the trees or take so much out or put so much cement that the trees can't absorb the water and our home floods. And I want to let my other two, my youngest there, Zoe, and Solomon also speak. You have to speak into the microphone.
>> I don't want you to cut down the trees because if you do, there's going to be lots of traffic and it's going to flood and those trees are really, really old.

>> Thank you.

>> When you cut down the tree, what happens is it takes a while to grow back. And it takes like 100 years to get a big one. And I think that it's important that we should have a quiet and peace area to be in so then we can relax and we can see fishes and we can see our stream running. And we can see like animals.

[8:45:51 PM]

And if you really don't like them, it's hard to not be around them, because sometimes they get inside our place, but we don't care. So --

>> Okay.

>> We have pa whole biome there with dragon flies and lady bugs and the fish are incredible and the little crabs, it's really an incredible place. And, you know, like most of our -- most requirements if you make major changes and you have more pollution running through, it kills things that are fragile.

>> Mayor Adler: Thank you.

[Applause]

>> Before you go, I'm pleased you're engaged in your community. I know you're here way past your bedtime. I appreciate you coming out and making your voices heard. You did a wonderful job, so thank you.

>> Mayor Adler: You guys did a good job. Thank you. The next speaker we have is Ben Lyons. Is Ben here? What about Charlie Galvin? On deck will be Kathleen vermillian.

>> Good evening, my name is Charlie Galvin, I'm with the northwest Austin civic association. I'm on the zoning committee. I was also on the working group for the char everybodying -- Charette.

[8:47:55 PM]

I work with the realtors, was able to procure a \$15,000 grant to the national association of realtors to support the Charette process. I endorse the current plan, though I would like to see the hotel site back in the plan. I know I have limited time so I want to give you two examples of where I found had an open mind to work with us. We monitored after the Charette, the draft ordinance. I felt there were two areas that were soft in the language. That was their transit mobility plan, so I raised a meeting with capital metro with Mike Whalen. We went over there, we went through the development plan. They liked it. The next day they walked the property. They liked it. Spire opened up and went from two transit stops, one to two transit stops. Consequently, capital metro, the 2025 connections plan has now brought a bus route over coming down to north hills drive coming up wood hollow. And this fits perfectly in support that transit fits perfectly in support of this development. The other example, I thought they were soft on the green energy building efficiency code. Set up a meeting with the city staff, took Mr. Whalen down there with SHAWN Compton. They were a little reticent at first, went through it, staff said, hey, great, guys. If you do a two story minimum, you can probably get there. We started scoring out points and I want looks like with the other features they're doing with the enhancement with the restored creek and so forth, they'll probably come in and score it about three stars. That's similar to the Miller development. So, in two personal encounters I had with them after the Charette, they were still willing to continue to improve the plan.

[8:49:58 PM]

So just wanted to give you my two cents. I support this. I hope you guys can make a decision fairly soon. Thank you.

>> Mayor Adler: Mr. Lar Kins?

>> Did you call my name?

>> Mayor Adler: I did.

>> I didn't hear you.

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

>> Sorry for not catching it.

>> Mayor Adler: That's okay.

>> My name is Dan Larkins and I'm here to ask you to approve the planned unit development. I served as the volunteer project management for the Charette way back in January of 2016. And my role was to convince the neighborhood to ask for a Charette and convince spire to pay for it. So since then, I've been on the neighboring committee working to ensure the vision of a Charette, the preferred plan makes its way through the zoning process. And the current pud, planning and development plan is a refinement of the Charette preferred plan. And I ask that you approve it. At its core, the Austin oaks planning development proposal is about the redevelopment of the low density, single-use office park set in a sea of asphalt. The Austin oaks development places that park with a mixed use project of moderate density and supports a variety of transportation options. As Austin continues to grow and become more dense

in response to demographic changes, market forces, and the public policy that you all set, we face two challenges. Where to best locate density and how to mitigate that density. In the case of Austin oaks, the first challenge locating density is addressed by geography. Austin oaks is a proposed infield project on an existing office park site located on urban freeway.

[8:52:04 PM]

Its location as a density node is reflected by existing entitlements. Those entitlements granted decades ago supported double of what currently exists on this site. As a second challenge, mitigating density, you mitigate density through superior urban design, by including open space, and with transit. Austin oaks is a transit-ready project that supports bus transit and is adjacent to an existing rail line that we all hope it gets used for proper purpose. It includes natural and improved open space and the mixed use design reflects the work of nationally respected urban designers. And a lot of things said about traffic congestion. But the simple fact is, that the way to reduce traffic congestion is get out of the car. And by shortening the length of the trips we take by car. As a transit ready mixed use development, Austin oaks isn't part of the problem, it's part of the solution. I would like to say one thing about the Charette process. The process was open, transparent, and inclusive. It brought together neighbors, the developer, and nationally recognized designers, city staff, city officials. The outcome of the preferred plan does not satisfy everyone and does not fully meet all of our objectives. But that is the nature of collaborative design on a difficult site with a great many stakeholders. Thank you very much.

>> Mayor Adler: Thank you. Is Kathleen here? Is Chris Edwards here? Is Chris Edwards here? Okay. You have six minutes. Is Dan germane here?

>> Yes, he's seated in front of me.

>> He'll be up next.

[8:54:06 PM]

>> Good evening, esteemed mayor, councilmembers. Thank you for your service to our community. I'm Kathy vermillian, a 19-year resident of northwest Austin and a 34-year resident of our city and I'm here to voice displeasure and concern regarding the planned unit development you have under consideration at Austin oaks. I live 2 1/2 blocks from this proposed site. Now you have heard several cogent, well-detailed presentations from my neighbors on what disturbs us the most with this Austin oaks pud. Perhaps it's the cutting down of over 200 protected trees? 16 to 18 of them that are heritage trees with 150 years of growth. On a site named Austin oaks. Surely this irony cannot be lost on any of us. Perhaps it's disaster of air quality that this tree buzz sawing, demolition and construction would cause to five to seven years. None of which has been addressed successfully. Perhaps it's the school overcrowding that concerns many of my neighbors. But let's move on the the juggernaut in the room, shall we? The traffic issue. Which Michael Whalen esquire did not address this evening. Ladies and gentlemen, in what universe is going from a traffic count of 4200 car trips a day to 19,000, I believe, as the developer's current estimate. A reasonable item to even consider. This is at an intersection that has failed miserably, as has staff and has far west. Now anecdotally, there's a little chatter around town that we have people on council that don't care a whit about traffic.

[8:56:07 PM]

It's just Austin the way it is. Well, we the residents of northwest Austin, we do care. It's our neighborhood. Many of you all have endured the many modifications used during our quote, mopac improvements, end quote. Yellow flashing yellows, lane closures, weekly lane striping, Orange and white

barrels all used to protect people coming to downtown. You would have to use each and every one of those on almost every street in northwest hills to protect the citizenry in my district. Again, 4200 car trips a day to 19,000, that is a giant coagulated, congealed traffic miasma. I call it pud pudding. So, get ready for three children on bikes hitting hospitalized this week in pud pudding. Nine bikes and joggers hit by trucks year to date. Two killed in pud pudding. Is this what you would like to have as your legacy to the residents of northwest Austin? This is what you would do. If you raise a hand and signal an eye vote -- aye vote, imagine the children in northwest hills trying to get to soccer practice, get to volleyball practice, get home from their schools. A rather poor lasting legacy. Now, each of you have been elected to city council by the citizens of Austin to protect our rights and guide our futures. With some measure of relaxation. And either by law, convention, standard operating procedure, I understand you are not to vote in favor of a pud unless it is demonstrated to be superior.

[8:58:13 PM]

Ladies and gentlemen, in no way is this pud been shown to be superior. If you believe it is you tell me what is superior about this? Oh, one item, the cash flow to the Dallas developer. Yes. Quite superior. You have also been presented a valid petition signed by commercial abutters to this property saying we also are opposed to this because of the miserable god forsaken pud pudding of traffic that would be caused. So all I asked, all that we ask of you, is that you do your job and vote against this pud. It is the job, the citizens of Austin, have placed you on city council to do, to protect the welfare of your citizenry. We long for the city council that wanted to maintain the uniqueness of our individual neighborhoods, which has been one of the great drawing items to people of all places and cultures to our fair city. So, I hope that you will take my words as seriously to you tonight as I do in delivering them. And I thank you for your kind attention.

[Applause]

>> Mayor Adler: Dan germane, next speaking. Brad parsons is here. You have six minutes. I'm sorry?

>> [Off mic]

>> Mayor Adler: And then on deck is Stephanie Ashworth. I'm sorry?

>> I think Stephanie is gone.

>> Mayor Adler: Okay. You have nine minutes. Us a -- Audrey maker is on deck.

>> Thank you, mayor, councilmembers. My name is Dan germane. I'm speaking here tonight on behalf of myself as well as the remaining members of the working group, other than some representatives for the most part, although we still have one.

[9:00:25 PM]

I'm a formoacka. I resigned after I understood the noacka was not intending to honor and represent the sentiment of its own membership, instead was acting on its own. I'm a current member of the northwest Austin neighbors association. I've been actively involved in this project since the very beginning in 2014. I've lived in northwest hills for 35 years. It is the neighborhood I chose to move into, for many of the reasons that you've heard tonight. I'm here to tell you tonight that fake news and the alternate facts are not a new phenomenon. Many of you have probably heard the statement that figures don't lie, but liars figure. That variation, or a variation of that quote, was spoken by Carol Wright, a prominent government statistician in 1889 addressing a convention. This morning, you heard a statement about 80 -- pardon me -- about 58% approval for the pud, or 32% opposition, was actually what was said, leading you to think that it was 58% approval. Now, focus on the top row for a second. I want to show you that overwhelming opposition continues against this pud. It's 80/20, consistently.

Even this morning, you had a total of five speakers, four against, one for. Right? Four to one. In August of 2014, noacka ran a survey. Seven percent of people were in favor. 93% were against.

[9:02:26 PM]

The next month they ran another survey. It moved to 15% in favor, 85 against. Few months later they ran another survey, it ran to 18% in favor, 82 against. And then what happened? Well, a lot of time went by. And a Charette. And what happened with the Charette, we had a proclamation about how wonderful it was, despite the fact that the majority of the working group declared a vote of no confidence for the Charette results, because of the Charette process had been highjacked by the developer, with secret votes, you know, as was pointed out earlier, presentations of best case scenario under current zoning, which, in fact, was the absolute worst case scenario under current zoning. As somebody said earlier, have you quit beating your wife yet, kind of positioning. And then more time passed, and passed and passed and passed. And we asked, where are the neighbors and noacka? Why don't you run another survey like you've done in the past? It became extremely complicated, impossible, there was no way they could run another survey. So guess what. Northwest Austin neighbors did. We ran a survey. And that survey went to all of the neighborhoods impacted, on both sides of mopac. That survey received 510 valid responses. By the way, the top row, as you heard this morning, those surveys generated in the neighborhood of 5 and 600 responses as well. So good representative samples. Our survey in December generated 510 responses, and out of those, 86% were against, 14% in favor. It is consistent. It hasn't changed. Now, this morning you heard from Ms. Maroney's presentation when she said only 32% of responses to the noacka survey, which had 155 responses, timing, she claimed only 32% were opposed.

[9:04:40 PM]

What she didn't tell you is the truth, which is, 58% of people were opposed. 32 favored current zoning and 25% favored something other than the pud. 32. So 42 is less than 58. It is not the majority. Even from a survey that was highly biased in the way it asked questions. It didn't even show the heights of building. Oh, they forgot, when we pointed that out to them. But it's too late to change a survey. It was a bias survey. It was equivalent of the same robocall we got. I want you to take three things away from what I'm going to say tonight. First off, the nwaca survey -- pardon me, the northwest Austin survey with 86% opposed is consistent with the sentiment of the entire set of neighbors, not just the nwaca board. So strong opposition remains from all affected neighborhoods. Second, I want to point something else out to you, that our survey was actually more representative than the nwaca membership, than their own survey. In fact, 40% of the respondents to the northwest Austin survey identified themselves as nwaca members. That's 204 people, and 204 is greater than 155. So our survey is actually more representative, and thirdly, if we take a look at the nwaca members that respond to the northwest Austin survey, 26% of them are in favor, 74 are opposed. It's a consistent theme. It's in the 80/20 area. The neighbors do not want it. And you've heard all the many reasons why not.

[9:06:42 PM]

I thank you for your time.

[Applause]

>> Mayor Adler: I'm sorry. Is Audrey maker here?

>> Hi. I haven't done this before, so --

>> Mayor Adler: I'm sorry?

>> I haven't done this before, so I'm nervous.

>> Mayor Adler: You're doing well so far. You have three minutes to talk.

>> I live in the neighborhood. I've lived there for 14 years. My kids go to school there. My kids go to jcc and Merck son and hill and will have all the impact on me, as it does my neighbors. I'm glad they have their own private nature reserves on their property but that is not exactly what's going to be best for everybody in the city. And I am -- I really do feel strongly we need more housing. I've heard so much about trees and I've heard about the process, and I've heard about the developer being, you know, a capitalist. Okay. Then I've heard nothing about people. Not a single, single person talking about human beings. And so what I talk about when I want housing, it's because I have friends of mine who do things like have a house, kids go to school, they get divorced. They get laid off. Something happens, they have to sell their house. They want to keep their kids in school. If they don't have a place they can go find in the neighborhood that's small, that they can look at, I've seen them try and end up in apartments and all kinds of other stuff. But if there's no housing in the neighborhood, you get people that are removed. You get people that basically are saying the only kids that can go to my kids' school are people who can afford the half-million-dollar houses we can afford. We can have those people, but not those people. We can't have those people. I'm not sure who they think is going to move into these places. This is what's frustrating to me. We've not heard anything about the people. It's frustrating because I drive by the signs, I see it and I talk to other people, and they're not here because they don't have time to make presentations to boards and see all of the neighborhood surveys and stuff, like we're working to find the houses we live in in this neighborhood and we're doing the best way we can with our kids.

[9:08:57 PM]

I feel like people like me, no one talks to and asks us. So I feel like I had to come down. And I think that the traffic issue is frustrating because I see people that live on wood hollow and hart and north hills use public transportation way more than any of these people, get out of the car and stop beating the traffic. I get so frustrated with that. People who live over there are people using the buses, they're the more diverse, young, people who are making the neighborhood interesting because those are the people that can barely get a tow in. I was a renter. I wanted to be -- I wanted to live there. I had to buy a complex, just barely get a toe in so I can have all the advantages of the neighborhood. My kids can have all the opportunities, and I'm not going to tell other people phuket afford a huge house in this neighborhood, you can't come here. That's not fair and that's not what I want from my neighborhood. Thanks.

>> Mayor Adler: Thank you. Is Karen saroney here? Okay. Is Tammy turner here? Is Christina Adams here? Is Michael sacks here? You have 12 minutes.

>> Mayor, councilmembers, my name is Karen sarone and I'm here to ask you to vote against the pud. That's the second one. I need the first. One moment, please. Sorry. A song and a dance, I'm not very good. I'm here to ask you to vote now, and here's why.

[9:10:59 PM]

Please understand that the northwest Austin civic association does not represent the neighborhoods. 10,000 residents versus the 55 residents, nwaca represents from the Charette. They got 55 votes in favor of this. Just 55. Let's compare another development to this pud. This is the apple campus and its expansion site prior to being built. You can see what was there and what's planned to be there. 1.1 million square feet, seven buildings, on 38 acres. The Austin oaks pud, in contrast, is 1.91 million square feet over 31 acres. This is apple's new campus. Apple chose to make it appealing. My question is, is this a park, as the developer calls it, or a glorified retention pond? This is a picture of spicewood springs road, park lane, and wood hollow drive. This is far west boulevard. Notice anything different from the apple campus? This is the road around the apple campus. This is hart lane. This is the difference. Palmer

has 10 lanes. But wait. This will also be the entrance and the exit to our new toll lane. Houston, I think we have a problem. The current building on this problem creates over 4,000 auto trips per day. The proposed pud would generate 19,000-plus trips here day. The transportation department plans ten years in advance. I have to ask, how's that working? Please take a fast right down spicewood springs road with me.

[9:13:03 PM]

There's a lot of commonality in all these pictures. Something provided by nature, something that gives back, something we wanted to stand out, something that those of us that planned this neighborhood years ago thought to be most important. Please look very closely at this. You should be able to find a face. Unfortunately, that man in that costume could not fit through these doors. Otherwise, he would have been here. This developer plans to cut down something that is protected in Austin, 13 heritage trees gone, 31 protected trees gone, 283 regulated trees gone. This is to give you an idea of the size of some of the trees in reference to my hand. The community Indians came to spicewood springs for water, led by quana parker. Cynthia Ann parker was his mother. She was blue-eyed and white. The comanches did not kill her. To ensure the history of this land is protected, we ask that an archaeologist be required to review any and all demolition and excavation of this land throughout the years. Why approve a development that will be built over the next 20 years? Where will you be in 20 years? Where will your kids be? Statistics say -- says that I'll be dead. The developer wants the least amount of restrictions by doing this. This is what can happen 20 years later. And this is a horrible picture taken by me from loop 360. The machines look like little toys. The retaining wall is approximately 20 feet at all, and they are still digging today. The controls that exist today to protect the watershed and the environment have no meaning nor control over this.

[9:15:05 PM]

This was approved in 1996. Anything can happen in the next 20 years. So why approve a development destined to be built over the next 20 years? This was a hill in northwest Austin three years ago. The neighbors' houses are below. The five houses are dwarfed by the massive cut into the hillside. The woodworking shop on this property is bigger than two of these homes put together. They house 20,000-plus square feet, 53,000-plus impervious cover, 25 bathrooms. The side of the mountain is gone. Am I being dramatic? Well, the question is, am I making my point? All it seems is it takes money. 15.33 acres, a payment of \$5500 per acre, a little over \$84,000 was paid to the balcones canyon land preserve plan, paid in exchange for getting the variances to build that. Not a big price when the cost of the land is over one million dollars so far today. This is a picture of that home from 2222. These are the buildings in the area now. This is the echelon even with the new building that was rebuilt to fit in with the older buildings. This is today's elevation of the property site. Everyone knows where this is. This office building looms over the area. Picture these two buildings more than three times the height they are now, 12 buildings all totaled, and I'm not sure that includes the garages. I picture this as a mini downtown. It will loom over everything around it just like the building at the Y in oak hill. The photo was taken at Anderson lane. Because the development is at the start of the hill country, I believe the buildings will be seen from here much like the Wyatt oak hill, and that's only two.

[9:17:11 PM]

There will be 12. These buildings will be the tallest buildings on mopac between highway 183 and loop 360. 360 and 183 interchanges allow for 10-story buildings because of commercial highways. There are

rules in place on this land, placed there for a reason. This property and neighborhood has everything codenext and imagine Austin wants. The neighborhood was designed with a purpose. Why just say no? Because the people who live here say no. You represent them, and they, along with the surrounding neighborhoods, will have to deal with the result of a development that belongs on palmer lane, not spicewood springs road. The developer purchased this land with office buildings on it, with zoning in place, it's not mine or your responsibility to show him a profit. Sorry for that mistake. It's a risk he chose to take. Don't let them do this to our neighborhood, or other city. Should you approve this, it then becomes a slippery slope. If this can happen to protected trees and land via current zoning, then what will happen up and down mopac? If this project is given special treatment, then no neighborhood can be secure of its surroundings. By virtue of this process, we have the ability to be heard, and every item we bring before you is important. We ask that you hear our concerns, weigh the logistics, and the impact of what approving this zoning change will do. Today I ask you to please just say no. There's way too much at stake.

[Applause]

>> Sorry. Okay. This is what it takes to become a heritage tree. This is the smallest size of the heritage tree. And we're pausing.

[9:19:16 PM]

This is my short story. Quite a few years ago, I was employed, and management said that machines were coming in to help us with our -- the people that we interacted with. We all thought, well, that can't be good. And understand we heard there were going to be layoffs. We knew the reason, it was because of machines. So unbeknownst to anybody, if anybody sees the publication of this, I named every one of those machines. I put the names of the employees that were being laid off on the back of machines. So I want to take you through a little trip here. Hopefully it won't take too long, of some of our trees. This is the current map of this -- of the trees at the site as it is now. If you'd look at this tree, it's over 36 inches in diameter and we named it Willie Nelson. Waylon Jennings is over 42 inches in diameter. Patsy cline, 32 inches in diameter. Pine top Perkins, over 29 inches in diameter. Janice Joplin comes in at 24, and ray price at over 26. Buddy holly is also around 26. Marsha ball, 28. Stevie ray Vaughan comes in at 31 plus and Selena at 23 plus. Lady yoga, because of the way the tree is shaped, over 24 inches in diameter and buck Owens is also over 24 inches in diameter. T-bone walker comes in at little over 24 inches. All of these trees will be cut down by this development as it stands and how they're proposing it. So, again, I have to ask you to please think about this and realize what Austin stands for, and what the council stands for, and ask you to please vote no.

[9:21:25 PM]

A development in over 20 years, a lot can happen in 20 years. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Is mark duchen here? No? Okay. I'm sorry. Is wade Shaw here? Is Susan covington here? And is catta Carbone here? You have 12 minutes.

>> I'm just waiting on a presentation, I'm sorry. Through, mayor, mayor pro tem, and council for this opportunity to address you. I apologize in advance, my presentation is not quite as dramatic as some of the other things you've heard this evening, but I hope you still find it interesting. My name is mark duchen. I live in the northwest hills area off spicewood springs road. I serve on the hoa board this represents 180 units, and the board is unanimous in its opposition of the M.D. We sent a letter responding to you all. I'm with a pack geared at educating citizens on local issues, including

development issues. I want to discuss the Austin oaks project and financial value. Just as analysts understand the value of the project as stakeholders and shareholders, the unit economics of a square foot of office real estate space, I tried to quantify some of the more nebulous pud costs to the public. I'm as guilty as anybody of complaining about the cost of traffic congestion without actually understanding what those costs are. While it's estimated the traffic cost to the nation, over \$160 billion a year, projected to be over 200 billion by 2020, what I wanted to estimate was cost of residents for when they are stuck in pud related traffic. I looked at numerous traffic studies trying to arrive at a more accurate understanding of traffic costs.

[9:23:29 PM]

Most studies break down traffic congestion to main cost drivers, opportunity cost of lost time, vehicle emissions and vehicle operating costs. I looked at congestion analytics from across the world, the first study from the Netherlands from 20 years ago generated traffic congested cost of 46 cents per minutes of congestion, which I felt to address it but still stands as a useful data point on higher end traffic cost. 2013, recent study with a narrower scope translated to \$216,000, not including emission costs, 5.3 cents per minute of traffic. Using a more conservative figures, which did not include emission costs, I used some assumptions about future traffic based on projected increases in pud traffic, 15.5,000 trips per day, using an average overall delay of five minutes per trip, the annualized cost, one and a half million dollars. The traffic impacts both trips measured by traffic impact analysis as well as existtion residents and travelers. So I used an estimate of 50,000 affected trips per day in the northwest hills area that may be delayed on streets, indexes like spicewood springs, mopac, greystone, Mesa, and so on. Total impact of 50,000 people is just under five million dollars a year. 50,000 there is was from a 2015 study and also conservative since there are 19,000 trips just on far west and hart, 11,000 Mesa and greystone, 11,000 spicewood springs springs and hart, not looking at mopac. The trip delay per estimate was generated by examining the traffic impact analysis from late last year, looking at major frequently traveled indexes, the differential between the current traffic and projected pud traffic is just two projected mopac and spicewood springs delays, four minutes, I assume many residents, even people use spicewood springs springs as a cutover, with delays at numerous intersections every day, likely to and from their destination.

[9:25:34 PM]

Dan germane's analysis from the first reading back in December showed the commuters trying to use greystone and mopac would be subjected to a five-minute delay from that intersection alone. The eight current failed intersections in the area would fail worse than they currently do. My understanding is that code requires not make it worse than they are. Also bear in mind the traffic impact analysis looks at the most immediate indexes of the development and not rippling effect traffic has from adjacent intersections outside of its scope. I looked at the time value of money over these traffic impacts over ten years and compared them to the \$628,000 of improvements developers will contribute and \$1.3 million that neighborhoods and taxpayers will attribute. The differential is vast. \$55 million in costs for about 2 and a half to \$8 million improvement. Taxpayers have to foot the bill for, do little to actually offset the traffic costs. Also bear in mind I used conservative numbers to arrive with these figures that didn't factor into emission costs. If I ran variances, my expected scenario would be 25 to 50% higher than what you're looking at right now. I think all this helps to explain why traffic consistently rates as austinites worst grievance, even though we sometimes have trouble articulating exactly. Why most of us just intuitively know it's bad and costs us tremendous time, money, aggravation. No one could possibly blame the council or at least this particular council for explosion in traffic over the last 15 years, but the inevitable

traffic outcomes from this particular redevelopment for good or ill will be entirely under your discretion. Let's turn our attention to the co-compliant plaintiffs competitive pud alternative. Just like this exercise to, quote-unquote, narrow the region of darkness and quantify traffic costs. There is not a lot of good data around the code compliant plan. We're now viewing some information from the Charette prepared which you've heard this evening, which brought 12,000 to 24,000 trips for this plan, compared to 4,000 trips from the existing Austin oaks property.

[9:27:47 PM]

When scaled, the office trips per day, based on the square footage from the data, I came up with an adjusted 8400 trips, which suggests to me the remaining three and a half thousand to trips, are coming from the 65,000 feet of real estate associated with this project. Given the cost of new trips, the type of new square feet of development, whether pud or code compliant plan, is one of the most important details about any proposed redevelopment we consider. This is supported by the traffic impact analysis which shows that, amazingly, 672,000 square feet of office real estate space generates fewer trips than just 46,000 square feet of overall retail space or 169,000 square feet of medical office separate. With the traffic costs I've laid out, this means that dollar for dollar, it may make more sense than virtually anything else to limit traffic costs by working with spire to build out only office space, not medical, retail, or anything else, to the point that I even considered pitching you all tax abatements, or some other politically sensitive mechanism to incentivize spire to stick with purely 100% office space. I'm going to just repeat it one more time. From a value standpoint, we may be better off entertaining incentivizing spire to develop strictly office say, rather than incur millions of dollars of additional traffic cost to the city and its residents. However, we also just don't know enough about the overall value of the code compliant plan either, because virtually no effort was made to consider it during the Charette process. As though the pud, despite requests to discuss the plan in more detail. I've tried to quantify just one of the major social costs of the pud, which is traffic. There's still a lot of other costs we have not attempted to quantify, like environmental costs, safety costs, school costs, losing heritage trees, cost to homers with height and density variances, costs of off site parking with the pud, or even the tax impacts involved.

[9:29:51 PM]

I humbly ask the council that before we move forward with this development, we fully understand as best we can what those real costs are, and that the rigger of our value understanding is as good or better than Mr. Roughts and Mr. Whelans, given that their analysis and free cash flows and other unit economics are geared to private return on investment and do not factor in the public good. Oops. This is just a gentle reminder that value can only be created, transferred, and destroyed. I tried to broadly demonstrate pud destroys tens of millions of dollars of cost for future public value. I'm unaware if we even have an estimate of some of the other costs involved. What many of us fears the best case for this pud is that we transfer public value to spire, and their stakeholders, as sort of privatize the process and socialize the cost. The worst case, even spire is still destroying value with this project. Until we fully quantify the costs, we can't really know. I believe that's why many people in and outside this room would like to put the brakes on this project and until we can demonstratively approve, it's of value or superiority to the code compliant plan, I think there's some possibility to make it bigger for the parties involved but will never happen if we don't fully understand the costs and value the various plans and impacts, and B, if we can't persuade some parties from surrounding their grip on one particular plan. I think said agreement must deal with traffic, especially the major delays created at mopac and spicewood springs, in a meaningful way, and consider other public costs and benefits I just mentioned.

Finally, when I observed the Austin oaks first reading in December, I thought perhaps because of the 10-1 format, some members were not incentivized to look at this project in the same way those of us directly impacted are.

[9:31:56 PM]

However, if this has not persuaded anybody in the slightest, I want to show you some data from the district 10 runoff which I can speak to with more expert on. In politics we consider a landslide as something with a 10 point spread or more. We saw during the runoff, when voters had been educated in the impacts of different developments in the communities, it was beyond a landslide. It was probably even beyond a blowout. That election was in large part a referendum on the developments happening around the district. The precinct where Austin oaks is located voted 3-1 with alter and former pud on the dice. That's consistent with the 80/20 surveys you heard about. Looking at this data the notion the community is split down the middle is totally laughable. This also stands in sharp contrast to the Charette you've heard about, which had about 100 participants voting. While I voted, my four fellow board members on my hoa did not, nor any of us invited. The election, that was their chance to vote and have their say. This final slide shows that the precincts with the highest turnout were those affected about by the pud. In some cases twice those affected by the development. I realize most of the council is no longer incentivized to care about west Austin residents but I would call ignoring this data as political peril. They're going to be reminded every single day of the traffic issues that are caused by this development. I still feel like Austin is a world class city. Council, please help us develop in a way that builds on that reputation, instead of making us known for congestion, destroying public value in neighborhoods, or for persuading narrow interests over the greater good. I think we can do better. Thank you.

[Applause]

>> Mayor?

[9:33:56 PM]

Sir? You don't need to come back to the dais, but you presented some information I'd like to go through more carefully. If you wouldn't mind sending that to us, that would be really helpful, if you're willing to share it. Thank you.

>> Mayor Adler: Robby. Mike Kearns is on deck.

>> Good evening, mayor and mayor pro tem and city council. Thank you for hearing me. I live across the street from the lovely family that presented earlier. My house is bordered by spicewood springs on the south. It was said earlier that these buildings and the plan isn't in harming with an urban expressway, so I'm here to say spicewood springs is not an urban expressway, was not designed for one, and is not really in that category. It's really important to understand that when I step out of my front porch and I look toward spicewood springs, I see Austin oaks. Austin oaks are on a bluff. So I can see the buildings. I've lived in the neighborhood for 24 years. We've lived in peace with the Austin oaks. Right now, if the buildings are put in place that are proposed, they will loom over my neighborhood, so when I step out of the front porch, I will see this massive building looming over not just my house but the rest of the neighborhood. It's also important to know that 183 north comes down the frontage road of mopac, and the people who live in the neighborhoods west of my house come down spicewood springs, and the convergence is messy right now.

[9:35:57 PM]

It takes me quite a few minutes to take a left turn out of my neighborhood and go over lanes to try to get onto mopac. It is very, very congested right now for those reasons. Also, the trees -- it was said earlier by the applicant that Austin oaks is an environmental mess. I call your attention to the trees that you saw earlier. It is not an environmental mess. My husband and I walk the neighborhood always. We walk down hart. We walk down wood hollow. When you look into Austin oaks, the trees are there. It is not total asphalt. And, really, the natural oaks are very beautiful in that development. So I really do strongly disagree with that characterization that it's an environmental mess right now. I grew up near Amarillo, Texas, so I know what it's like to live with no trees, and I really, really, strongly encourage you to think very clearly about what you want for Austin. This does not -- this does not mesh with imagine Austin at all. And I real sincerely ask you to be very careful in your vote. And thank you very much for the time to talk to you about my neighborhood, which I love very much, and really believe has -- [buzzer sounding]

-- Is a great place to live. Thank you.

[Applause]

>> Mayor Adler: Thank you. Mike Kearns. Leslie Kearns. Patty? Be on deck.

>> Mayor and council, thank you very much for listening to me today.

[9:37:59 PM]

I just wanted to come and speak against the Austin oaks pud. We've been working in the neighborhood against it for three years, and this is my third time up to council to try to have an opportunity to speak on this. I came a few weeks ago, and the meeting had been postponed. I didn't realize. Then I came again the last time, and we stayed till after midnight, and finally we're here again today. The issue is just that important for us to need to be here. So I wanted to talk about the traffic. The pud will bring excessive traffic, as you have heard, going from about 4,000 to about 20,000 car trips per day. That's quite an extreme change in traffic in an area that's already pretty gridlocked at certain times. I have kids at Anderson high school, and in morning pickup and drop off in the afternoon, we're absolutely gridlocked. This is a couple blocks down the corner from Mesa where this development is going to be. There's also doss close big, throwing a tremendous amount of traffic into the neighborhood. Spicewood springs being a mopac access, but spicewood springs also goes down and over to 360, and people will be coming up from 360, cutting over spicewood springs to get to this neighborhood, to get to mopac. It already happens already. So there is a tremendous amount of traffic that basically will cut right in the middle of the heart of the neighborhood, making it really dangerous for people to walk and bike as they do now. And also, just impossible to drive anywhere and get anywhere in reasonable amounts of time. So I'm concerned about the height of the buildings, five stories along spicewood, seven stories along mopac, and it's on a bluff so that's going to be even higher than you might imagine. It's going to be quite visible from a lot of areas and going to make traffic along mopac that much worse.

[9:40:05 PM]

It's basically -- the intersections there are failing anyway, then imagine adding this much traffic. And I don't see ways to fix it and the developer is not offering ways to fix it. I'm concerned about the oak trees that will be cut down. As you've heard, it's not called Austin oaks for no reason. It's full of oak trees. They named it quite aptly. And under the pud, they have, I think, a much more opportunity to be cutting down those trees than they will under conventional. And speaking of conventional, I attended the Charette, and I call it a charade. I have ever since. The conventional zoning was presented in the worst light possible. They made the worst plan they could make and said, see, you really don't want that.

We're going to give you something better. It was very biased toward the developer. The facilitator was running the meeting bias towards the developer.

[Buzzer sounding] So I hope you don't take the results of the Charette very seriously. It was a small number of people involved on the day of the vote, people showed up who had not been there ever before, just showed up to vote because they knew about it. The rest of us didn't even know there was a vote at that time. Thank you.

[Applause]

>> Mayor Adler: Jonathan Kaplan will be on deck.

>> Councilmembers, my name is Patty Edelman, and I have lived in the northwest hills neighborhood for 33 years. As a 19-year-old college student, I came to Austin, and I remember the -- driving up spicewood springs road when it was about as wide as this table, and covered in blacktop. There were no shoulders. There were lots of potholes. And it has changed considerably. We -- Austin is going to continue to grow. There's no doubt. But good planning is what will continue to make Austin a livable place.

[9:42:07 PM]

This plan, this pud, will not attribute in the positive way to the area. The traffic is -- is just a nightmare. I drove down hart lane recently towards spicewood springs road and turned right, and I sat through five lights just to go a block and a half to the intersection of mopac. It's already failing. And coming the other direction, from spicewood springs, the turn onto hart, also recently, there were almost -- there were two almost wrecks Wright in wrecks right in front of me as people were trying to turn from northbound hart onto westbound spicewood springs road. It's a horrible intersection. And I can't foresee there's going to be any kind of change in that. The density of what they're talking about is just unfathomable. Allowing them to have pud zoning takes away the long-term ability of the council to make better decisions as the property is developed. As it is right now, there are a lot of things they can do with the zoning they already have. So there's not really an urgency or a great need for them to become a pud where there is no long-term control. It might make it easier for the staff, since they don't have to deal with this project on a long-term basis. And staff always likes to reduce their workload, as we know. But for the good of the neighborhood, leaving the zoning as it currently is and requiring them to do certain things so that they can build a project which is more suitable to the neighborhood and to the community would be in everyone's best interest. And I thank you for your time.

[9:44:11 PM]

[Applause]

>> Mayor Adler: I'm sorry. After Mr. Kaplan, then mark duchen.

>> Dear mayor Adler and councilmembers. My name is Jonathan Kaplan, and I live near the intersection of far west and Mesa drive. I'm here today to express my support for the proposed Austin oaks planned urban development and the outcome of the Charette. As a resident of northwest hills, I have been actively involved in the Austin oaks pud process since the very first public meetings. At the first community forum held on August 19th, 2014, I was one of the first to stand and raise serious concerns about the traffic impact of the proposed pud. At the time, I was in the midst of recovering from being very seriously injured by a car driven not by someone cutting through our neighborhood, but one of my neighbors, who came up on the sidewalk while I was walking on far west near my home. I did not want increased traffic in my neighborhood or the attendant risks for pedestrians, as well as many children who walk and bike to our local schools every day, including my two daughters. I continued my opposition to the Austin oaks pud until spire realty agreed to participate in the Charette process, organized by the northwest Austin civics association. I and my wife attended many sessions of the

Charette as possible, and by the end of the Charette, I moved from opposing the pud to supporting the preferred plan, which was developed during the course of the Charette. The proposed plan before you today, with modifications, I believe will address the increased traffic that the area will face as this site is redeveloped. It includes important traffic mitigation, including the reconfiguration of the intersection of the hart and spicewood springs, which the previous speaker just spoke as being failed.

[9:46:13 PM]

It will spread out traffic throughout the day by redeveloping it as a mixed use development. As you know, if it were simply developed according to current code, the additional traffic would be concentrated during rush hour. I believe that the plan proposed by spire realities is in keeping with the results of the Charette and represents the best direction for the property and my neighborhood. Among the many positives of the plan, it will significantly enhance my neighborhood through increased park space, additional restaurant options, and restoration of the creek that runs through the property. I encourage you to cast your vote in support of the proposal before you. Thank you for your time and consideration.

>> Mayor Adler: Thank you. Mr. Duchen has already spoken, so Susan Kelly. And then Nancy Thompson. You'll be next.

>> Good evening, mayor and council. My name is sue Kelly. I've lived in the neighborhood since 1992. I'm a member of the balcones neighborhood association, as well as nwaca. And I hadn't -- I was here to give time to other people until I heard Ms. Alexander describe the Charette and Mr. Lukens talk about the outcome. And my main concern -- of course I'm concerned about traffic and trees. This sets a terrible precedent with building height on the edge of a residential neighborhood. And if you approve this, we're going to have those mushrooms sprouting all up and down mopac, on the edge of allandale and all the other neighborhoods that are concerned about this. My first Charette session -- there were actually two preliminary sessions before the week that it occurred. I attended one of the planning sessions. Ken Herman wrote about the one he attended also in the statesman. And I was impressed. It seemed like it was going to be -- they kept emphasizing consensus, collaboration.

[9:48:16 PM]

And we had a very useful session, where we met in small groups and came up with recommendations of things we'd like to see. But at that meeting, I've been concerned all along that I'd never seen a 3D model presented of what one neighbor has accurately described as a development on a bluff. Because a five story building on a flat piece of paper doesn't convey that -- it may start out with one or two-story elevation, and so I stood up and I asked Mr. Pharr the developer, during this process, will you produce a 3D model? And I said, it may not be -- maybe one that you can switch the pieces, or at least a virtual model on the computer. You ought to have folks that can do that. Mr. Pharr said yes. Good idea. We'll do it. The first model I've seen of the area is the one presented today.

[Applause] I participated then during the week-long session, and again, I had guarded optimism. My recollection is that occurred on Wednesday before things went dread fully south. I put my stickies up. The highest building I saw was six stories. The current zoning plan was just dreadful. Mr. Pharr talked about it only to the extent to assure us that if we liked the conventional zoning, the developer wouldn't feel they had to work with the neighborhood at all. So, again, that's always been kind of the stick behind the carrot. I left Wednesday night feeling, okay, maybe things are -- again, optimism. It looked like people were working together. I couldn't attend Thursday. Late that night I think I got on Facebook -- [buzzer sounding]

-- Oh.

[9:50:17 PM]

>> Mayor Adler: Finish your thought.

>> Excuse me?

>> Mayor Adler: You can finish your thought.

>> Okay. I got on Facebook and found out there had been a vote. As an attorney, I have a great affection for something called due process. I went and looked over my Charette paperwork. At no time was there announced there would be a vote of any kind. So, again, I would echo, don't take this as the result of the Charette for a vote that wasn't announced. I would have changed my plans on Thursday to be there if I had known there was going to be some kind of a binding referendum. It's a lost opportunity, but it was lost. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Lazio hertze will be on deck. Come on down.

>> Hi. Good evening. My name is Nancy Thompson, and me and my family of five, we live on the corner of greystone drive and chimney corners. I've been living on that property now for 14 years. I've been living in northwest hills for 22 years. So I've been in the neighborhood quite a long time. I actually live just two blocks away from the Austin oaks pud. My corner is very busy as it is. During the day, we have between four to five thousand cars going through our intersection either on the way towards mopac, towards some of the businesses along mopac, and also to the jcc. Okay. You know, along that corridor, between greystone, hart, and spicewood springs. My house is on the corner. And I have a circle driveway that I have right there on the corner. And people drive through my circle driveway all the time because they don't want to wait at that four-way stop. One day, somebody didn't want to wait on their way to school, to doss at that four-way stop, and they nearly hit my son who was riding on his scooter, spending some time, wasting time waiting for his sister to be ready to walk to school.

[9:52:21 PM]

They drove so fast, they nearly hit him. This is a weekly occurrence at my house. On a weekly basis, if not daily basis, I see cars already running the four-way stop. Cars running it, bicyclists running it, cars driving through my circle driveway. Traffic is already pretty intense for us as a family, and I have three children, ages three through ages twelve. Okay. So I had to really think about what my street was going to look like once that pud came in, and all I could think about was that my corner is exactly the same corner as 45th and shoal creek. I'm sure you are all familiar with that corner. There's houses on each one of those corners, there's houses. Often when you drive through that corner, you think, I'm so glad I don't live there, because that would suck.

[Laughter] But I am now going to be living on that corner, but in northwest hills. My corner where my house is at is the next 45th and shoal creek. And that really makes me nervous. I feel like I need to speak up and say, hey, when I bought that house 14 years ago, I didn't think I was going to be living on that corner. But now it's become that corner. So I'm very concerned about the traffic, because I really care about my children. I care about their safety. I care about the lifestyles of people that live in my neighborhood. And honestly, I don't want to live on the next 45th street. So I'm definitely going to fight this as hard as possible. So I'm going to tell you about something. Traffic aside, that corner is literally going to divide our neighborhood into a quadrant.

[Buzzer sounding] It's going to divide it up --

>> Mayor Adler: You can finish your thought.

>> Okay. I wanted to say that the pud as it is has already divided our neighborhood quite a bit, as far as whether or not neighbors are getting along with neighbors.

[9:54:24 PM]

And as soon as it's built and as it goes along, I'm afraid it's going to divide more than just whether or not neighbors are just -- like each other. I feel like it's going to divide the healthy lifestyle we have by not having so much traffic going through.

>> Mayor Adler: Thank you.

>> Our schools, our property tax rate, nature and wildlife.

>> Mayor Adler: Thank you.

>> Thank you so much.

>> Mayor Adler: Thank you very much. Next speaker is Lazio.

[Applause] I'm showing this is our last speaker. You have three minutes.

>> Hello. This is a hard one, with the famous opening of mayor Adler. My name is Lazio. It is a hard one because we have this feeling that we don't have all the facts to make a sovereign decision. Austin, I believe, needs to improve its discourse about zoning and inform the economic factors such as [indiscernible]. It is really like coming to these meetings, is really like watching the death between a peacock and cockroach. You don't really know what's going to happen because as Mr. -- As Mr. Garza pointed out, there's always this haggling, you offer something in return, but it doesn't offer you. I will lay out three points and I will try to connect the dots. Consultant for codenext on Tuesday, they said compared to other cities, Austin has 400 conditional overlays, over 1200 parcels. Austin has significantly more puds than any other city of comparable size.

[9:56:26 PM]

And notary cities, puds are used for innovation, for activity, not as a regular course of doing business. So the consultant said puds should be reserved for creativity. Point number two. Steve jobs before came to city council. He did not -- he was seeking approval for his campus, he did not speak about charettes, innovation or how cool the iPhone 3 was at the time. He spoke about how long apple has been in [indiscernible], how many improvements they've done to the public transport, and even public day care in the city. And he talked about money. I don't want to offer a platitude, but really, money talks.

Number three, project saltillo last week, Mr. Adler, I really enjoyed your discourse about having this pool of money that you could invest and use as a city, as leaders of this city and apply it at affordable housing or other priorities that we have. I believe this is the way to go through the concept and actually quantify the cost, the impact of each project. So now I'm going to -- in the remaining time I'm going to try to connect the dots, which is that I believe that, you know, in the case of the pud, there's economic drivers for the developer wanted a pud over conventional zoning. This economic driver is because they can probably spend less money or mitigation for the impact. I believe that for new puds and possibly for this one, we should require a 10% --

[buzzer sounding]

-- Mitigation -- mitigation fund, which you as leaders of our city could determine and apply towards our priorities. In the case of this project, the total project, this fund should be applied toward the total finished value of the project, which is in this case 125 million. So if you could use that \$12.5 million and apply it towards traffic mitigation, improving the schools, improving traffic, then I believe that this would be a project that we all could agree, and it's something that should not be an emotional -- emotional and really kind of like deeply misplaced issue.

[9:58:46 PM]

So I think that the answer is more like getting more facts about the economics and getting some numbers and actually starting to think about more economic, in, like the previous speaker before me.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Those are all the speakers. We're now back up to the dais. It's 10 o'clock. Does anybody want to move to extend past 10 o'clock? Ms. Garza makes the motion. Is there a second to the motion? Ms. Pool seconds the motion. Any discussion? All those in favor of extending this evening past our 10 o'clock, please raise your hand. Those those opposed? Ms. Alter votes -- councilmember alter votes no. The others -- the other ones voting aye.

>> Houston: I abstained.

>> Alter: I'm voting no because I don't think we should be making decisions after 10:00 of the importance we're gonna make tonight but not because I think we're actually gonna not continue tonight or it would be fair to Mr. Whellan but as a mayor of principle that's how I'm voting.

>> Mayor Adler: Mr. Renteria is off the dais. Others voting aye. You want to conclude as the applicant?

>> Yes, Michael Whellan. Mr. Rough sent me a statement he'd like to make in rebuttal. As you know, many people have spent years, and years considering, discussing, evaluating, reevaluating the Austin Oaks site in an effort to improve and utilize the attributes many of the site's areas and problems. Since we started this process it has been our sincere desire to find the most practical uses for the site for the benefit of everyone involved, the entire city of Austin. Some have asked why don't we develop under the current zoning? The answer is simple. Current zoning would result in a lack of imaginative design that fails to take advantage of proven modern solutions to the cities and more particularly the area's current problems.

[10:00:51 PM]

The resulting plan in front of you is based on sound design and engineering principles that have been tested and proven in some of the world's most forward-thinking cities. Plainly it represents the best solution to solve current problems, environmental, traffic, planning, in a manner consistent with modern planning and zoning despite many who have never met me have said tonight I pride myself on being honest, considerate and empathetic and as such have approached this project with openness, inclusiveness and fairness. I met many thoughtful in the process who did the same and many who have chosen to represent stubbornness. I would ask you focus on the facts as presented by your staff and not the oft and truly disappointing personal and largely inaccurate attacks. I'm hopeful you will rely on the independent analysis from your city staff and you will support the redevelopment of this property. Now I, Michael Whellan, would only like to add that the purpose of creating a comprehensive ordinance was to set forth the law that will govern this redevelopment. It sets building and parking areas, recognizes trees and provides a superior environmental result with water quality, detention, creek restoration and larger landscaped trees. I would note that the family that spoke lives upstream and across Spicewood Springs so their water comes down on to our property, our water does not go up across Spicewood Springs. Also over all this is a 1.19 million, and we are adding less than 10,000 square feet per acre overall from what we could do right now, it creates a meaningful employment center outside of downtown, outside of downtown with retail, restaurants and residential, it is a true mixed-use development. Enoch people say they want to quote maintain our neighborhood, end quote and yet others testify about trying to get a toe into the neighborhood so that her children can benefit from the schools and area as she said, if you can't afford a house, don't come, end quote, seems to be the message.

[10:03:01 PM]

I hope you will consider the balanced plan and vote to support the mixed use redevelopment of this property. Thank you all very much.

>> Mayor Adler: Thank you. We're now on the dais. Multiply councilmember alter.

>> Alter: Would it be appropriate for me to make a motion now or do we need to hear from Jerry first?

>> Mayor Adler: You can make a motion.

>> Alter: Okay. So I have a lot of papers and someone threw more papers on me so give me a second here. So I would like to make a motion and if there's a second then I'd like to speak to the motion. I'd love to move on second reading based on what passed on first reading with some amendments which impassing out now, sorry. D I am passing out now. Sorry. I think I should have staff passing those out to the neighbors and Mr. Whellan, but I don't know if they made it over there yet. Have you got them yet over there? Taylor is not my staff person so I don't know where they are. I'll go ahead and read it and we'll make sure you guys get that. So I'm gonna go ahead and make the motion and then the way it works is that someone will have to second it and then I'll speak to the motion. Going down the line on the motion sheet, part four on land use classifications, this allows the developer to choose between hotel or office on parcel six which currently allows only hotel.

[10:05:17 PM]

Part five under land use designates the appropriate land use on particle eight as parcel eight as an option for the 1-floor retail. You don't have it yet? Okay. Let me -- I'm not sure where they are. They were supposed to -- I'm sorry. We're less than a week in on the staff there, and they should have had it to you, Michael. I apologize for that. Awesome. Let's do that. Let me just -- I'm just waiting in a second so they can get them. Okay. All right. They're coming. I'm gonna go ahead and say it and we'll make sure you have your copies out there so we can keep moving forward. I apologize for that. So part B allows for hotel or office as a classification for parcel six. Part five designates the appropriate land use on parcel eight as residential with an option for 1-floor retail. This increases of number of residential units so we eliminate the 250 minimum in line F. My understanding is this would allow us to realize an additional 175 residential units with 10% affordable at 60% mfi so 18 more units. It is my intent for the height to be no March than the height of the residential building on parcel nine, 55 feet, so the land use plan would need to be updated to reflect that.

[10:07:23 PM]

Part nine, this covers transportation. It increases the traffic mitigation to cover items in exhibit N, which is on another form, which are the -- I think it's ten recommended improvements that total \$785,000 that were discussed -- \$685,000 that were discussed in work session, and they were identified by staff as the next most important items. Section D adds a trip cap of 19,648 trips per day, and amendment C changes the cost that needs to be deposited to \$561,324.38 for hart lane and spicewood springs light. I am anticipating friendly amendments on trees and height from colleagues and some of these amendments that I'm making will require updates to the land use plan before third reading. I do want to note that I may in third reading request additional traffic improvements if feasibility is confirmed by txdot. We've spoken several times with them. So that is my motion. It is this first amendment sheet with exhibit N.

>> Mayor Adler: I'd like to make sure that I understand this.

>> Alter: Sure.

>> Mayor Adler: Let's go through it a little slowly and then we'll ask for a second. The office -- the hotel or office tract is parcel six where the hotel is right now on supposed to do wood springs road. Is that correct?

>> Ia.

>> Mayor Adler: What are parcels 7 and 8?

>> Alter: So it just erases the eight, that you can't -- because I'm making eight residential so you can't do office on 238 it's residential. So -- on eight if it's residential so seven erases --

>> Mayor Adler: Which one is seven and 12348.

>> Pool: Closer to the park?

[10:09:25 PM]

>> Alter: They are currently office. We had to delete eight because 18 now becoming residential. So we're switching the land use from office to residential.

>> Mayor Adler: Before you talk about -- I'm trying to locate them on my map.

>> Alter: Sure.

>> Mayor Adler: I'm sorry.

>> Alter: I don't know with my piles if I have a map right now in front of me right now.

>> Pool: It's it's the one closest to hart lane.

>> Mayor Adler: So parcel 18 the current office right now?

>> Alter: Yes.

>> Mayor Adler: So what are you doing?

>> Alter: That switch is simply if we take a building that is office and we make it residential in our amendments we have to eliminate its use as office and make it residential. So one line is eliminating the office use and the other line is making it residential --

>> Mayor Adler: You're taking in essence parcel and will moving that from office to residential.

>> Alter: Right.

>> Mayor Adler: I understand that one. Okay. Then what is the -- explain to me the transportation then?

>> Alter: The transportation is adding ten items to the amount of mitigation that they need to do for the traffic.

>> Mayor Adler: What does that do?

>> Alter: Those ten items are listed on exhibit N and the ones that atd listed would be the next ones, the ones I shared in work session.

>> Mayor Adler: Okay.

>> Alter: Then as well there is an additional amount that goes into the traffic mitigation count because the design fees were not calculated into the cost of the light for hart lane and spicewood springs.

>> Mayor Adler: So what is the total cost addition for part 9a?

>> Alter: Would be -- for traffic mitigation? That we're adding?

>> Mayor Adler: 685,000.

>> Thousand, plus the 141,324.38. You have and I have another sheet that has that on it.

>> Mayor Adler: Got you.

>> Alter: 1,631,000 we would be asking for in traffic mitigation, 1,631,000 in traffic mitigation.

[10:11:29 PM]

>> Mayor Adler: The increase of the 685 --

>> Alter: That's the total, the 805,000 that's the current offer plus the 685 plus the additional amount needed for the light.

>> Mayor Adler: That's the 141,324?

>> Alter: Yes.

>> Mayor Adler: Okay.

>> Alter: There's no additional height provided to the applicant in this. That is the next question.

>> Mr. Mayor.

>> Mayor Adler: We have a motion. Is there a second to this motion.

>> Pool: I'll second.

>> Mayor Adler: Ms. Alter, you want to address it?

>> Kitchen: Could I ask a question first? Could you say again what you said about the housing? Because you said something about the housing. The reason for the
[indiscernible]

>> Alter: Oh. Because in the existing ordinance it says that for the housing that is on parcel nine that combined it shall not exceed a total of 250 units and we're adding an additional 275 units so we'll be over the 250 units so we're taking that limit off that was a product of the Charette and not necessarily a product of a land use choice by council.

>> Mayor Adler: Can you say that again? I'm sorry.

>> Kitchen: We're not seeing how you're adding the additional dollars -- I mean, the additional units because that's not on this page.

>> Alter: Because I made an office building into residential so there's more units and so if I was at 200 or 250 community there's a cap in the P.U.D. That says I can't exceed more than 250 I have to eliminate that cap in order to have more residential. Otherwise we're going to have houses in the building so that was why we made that change.

>> Kitchen: So if I might -- might I ask? Go ahead and ask? So what you're doing by this is you're changing the building into residential but you're not writing into this the number of units in that building?

[10:13:31 PM]

>> Alter: Right. Which is because that has to be done in the ordinance. That's why when I introduced, I said my intent and understanding is that we'd be able to realize an additional 175 residential units with 10% of those affordable at 60% mfi. So there would be 18 more units of affordable housing. There are some of this that have to be written in the ordinance language so --

>> Kitchen: I just wanted -- I know you had said that before. I want it repeated so we all --

>> Alter: Yeah. I appreciate that. I have a lot of paper up here so want to get it all straight here. Did everyone get it in the audience?

>> Mayor Adler: Hang on a second. So in -- there's F and there's f1, 2, and 3. So there's a 250 limitation in first paragraph in F and then there's a limited one bedrooms, limited two bedrooms. I would imagine if you're adding more residential those limits would need to be changed correspondingly?

>> Alter: Probably, yes.

>> Mayor Adler: And it goes without saying that to the degree that the headings or the parts of the sections are not correct legal would conform that properly.

>> Alter: Yes.

>> Mayor Adler: Okay. Ms. Alter, this is your motion, it's been seconded. You can address it.

>> Alter: Okay. So I apologize for getting this out to you late. I wasn't sure which motion I was gonna make. I wanted to hear from my colleagues a little bit over the last several weeks, and I wanted to hear from the constituents who came out and who have been engaged and on all sides of this and also from the developer. So as many of you know I was elect wad strong mandate to help Austin manage our

growth more strongly. I believe my constituents also saw me as someone who had be straightforward and honest and this is what I'm called on to do this evening.

[10:15:32 PM]

I'm here to secure the best possible outcome for my constituents and the city as a whole within the confines of the rules of our city's government, which gives me one vote out of 11. Today is second reading. It is not the final reading. On this P.U.D. It is my first time, my first opportunity with votes and with proposals to actually be able to shape this P.U.D. And to try and see if it's possible to make it more superior. As it stands now before this motion, before our efforts this evening, I do not believe it is superior and that it does not merit approval. However, in the interest of our city and in the interests of the neighbors getting something that they could live with, I want to share with you some thoughts. Austin oaks is a development that I inherited, and to be fair it's a development that my predecessor also inherited. The stakeholders involved have been engaged for a long time in this contentious process. Unfortunately, it has torn at the fabric of our northwest Austin neighborhoods. It's also led us to call people names when people are just trying to do their job and that's not the way I want my city to operate and treat people. I believe a P.U.D. Should be truly superior. A just barely passing grade does not justify additional entitlements. City-wide community benefits are very important and they factor greatly into the P.U.D. Process. However, we must also take into account the priorities of the local community around each development. The community's closest to Austin oaks care about traffic, height, trees, and their schools. Traffic is their highest priority. And I will remind my colleagues that there is a valid petition on this case that includes both residential and commercial properties.

[10:17:35 PM]

We are at second reading so the valid petition is not yet at play. But it is something that we have to keep in mind if we are going to move forward with this P.U.D. I hope that with this motion we can improve it and we can do it in a way that follows sound land use rather than making just give-aways to the developer. Let me speak to the first and number 1 concern of my constituents, which is traffic. Traffic is consistently been the top concern among the neighbors of the P.U.D. We have several numbers that we've been learning about and talking about over the last several weeks. One of those is rough proportionality. By rough proportionality, we are allowed by the state to charge the developers \$5.56 million in order to mitigate for their traffic. Because I'm gonna use a bunch of numbers here do you want to pass this out? Just a little comparison here of the rough proportionality numbers and the vehicles that were involved and a look at the amendment of the motion. So for rough proportionality we are allowed by law to ask for \$5.56 million worth of traffic mitigation. In a prior briefing on traffic mitigation, I believe February 28 -- I might have the wrong date -- February retention I think, we learned from -- February 14, I think, we learned from staff on small projects pro rata, the amount a particular development contributes to the traffic issues -- sorry, let me start that over. It's late. I don't even know what time it is. Let me start that over. So we have two numbers that we work with when we're thinking about how much we can charge the developer for traffic mitigation monies. One is the rough proportionality number, which is a broad measure of how we can account for traffic impacts of a development that doesn't just talk about interpretations nearby.

[10:19:42 PM]

Then we have pro rata, which involved their tia, their traffic impact assessment, we calculate all the things that could be done to mitigate the traffic and figure out what share of that traffic and those

improvements would be attributable to that development and we try to figure out proportionally what they should pay of that mitigation. We have two different approaches. The pro rata and the rough proportionality. We were told at this briefing that on small projects the pro rata and rough proportionality numbers tend to be equal but on large projects we tend to see that the pro rata is about 40% of rough proportionality. If you take a look at my sheet, you'll see that the tia, which had allowed for 19,648 trips, recommended improvements identified at \$2,015,000. The original pro rata share was \$628,000. The developer agreed after zap and as a first reading to \$805,000. My proposed mitigation costs are 1,631,000. So the pro rata share as a basis of rough proportionality was 11%. The current offer is at 14% of rough proportionality. And my numbers are just under 30%. We were told that in large projects this number is about 40% of rough proportionality. We have room to go up on traffic mitigation for this development. The exhibit C that I mentioned which I've kind of clarified already in response to mayor Adler but I'll just speak to it again, that came out of discussions we had with staff where it became clear that the full costs of the light at surpass wood springs and hart lane were not captured in there, that the costs will be estimated to be \$121,000 higher than the number the applicant supplied, most of that is design costs.

[10:21:45 PM]

There is also a 5% fee in there for increased costs which will go back to the developer if it's not used. Exhibit N is sourced from the q&a process that everyone should have had access to in the q&a. Our professional staff at atd identified and prioritized additional mitigation costs, costs sourced in the applicant's own tia memo. Between now and the third reading I'm still going to be working with the staff and applicant to determine the appropriate timing for the improvements vetted by staff. I would like to follow the same phasing from the original tia memo but since it was done in 2014 the timing may need to be updated. In addition the applicant and my office have spoken on a number of occasions about making the \$250,000 light that's on there be necessary only when the warrant justifies that light. If we want to manage our growth responsibly we don't have to create traffic mitigation solutions that are not needed. So that would be something that we would want to write in there to make sure that that would happen at the appropriate time. We're meeting with txdot. There are serious concerns about the traffic along the frontage road and gray zone we're still exploring options we have there. We have discovered some things that are kind of alarming in that it does not appear that txdot truly understood the zoning options that we have here and that in the case of a P.U.D. We have an ability to ask for more mitigation than the basic pro rata so things were not included in the ask from txdot because they did not understand that we had an opportunity to even ask for them. So we will be talking with them about those because as you've heard from my constituents, traffic is the number 1 concern. I want to talk a little bit, too, about the housing part.

[10:23:45 PM]

There are gonna be a lot of my constituents who are not happy with switching out this use. I am one of 11 people on the dais, and while I represent district 10 I also represent the city and we have a housing shortage and it's incumbent on us to make good land-use decisions. I am putting forward at this stage in second reading additional residential, but it is not at the cost of jumping up the height everywhere. I do not see that as a trade-off that needs to happen and that is because it is our role to make land-use decisions and we can decide if residential is better than office. It is not our role to make the developer whole when they took a risk on their property. That is just not our job.

[Applause] As I mentioned, as I mentioned in work session, I've been trying to figure out how we got into this mess, how we got into this mess on the grove, and one of the reasons we got into this mess is

we had developers for various reasons who bought properties trying to do things for which they didn't have entitlements. They made their financial deals and they are now trying to recover all of their costs. They took a business risk. That is not our responsibility as the city. It is our responsibility to make good land-use decisions and that is what I'm hoping that my colleagues will do tonight.

[Applause] So in summary -- and I appreciate you listening to me. This has been a long process and you know this is important to my disputes this is not an easy proposal for me to be making tonight. But I think that my proposal offers a compact and connected vision, one that does not brush under the rug the very real need for traffic mitigation that respects our adopted land-use principles on compatibility and height. It recognizes that good policy making is about rising above daily deal making and engaging in meaningful planning.

[10:25:51 PM]

I do have colleagues who have amendments with respect to the trees. I'm not making those myself because other people have been working closely with us on that and I want to give them an opportunity to make those and also with respect to bedroom units. Without traffic mitigation on the magnitude that I'm talking about it and with any additional height, this P.U.D. Has no pretense at superiority in my opinion. What I'm proposing is not my ideal solution. I see it as a compromise but as a compromise that is both with my colleagues and with the community and one that I think moves us closer to compact, connected. We have imagine Austin as our comprehensive plan and I think that this moves it closer. I do wish that somehow the city had been able to exert the fact that residential was a high priority earlier in the process. It would have saved a lot of time and money on the part of the developer and on the part of the neighbors. But I can't go back and change that, and I was not in office at the time to make sure that that happened earlier in the process. So I ask that my colleagues to -- I ask my colleagues to consider this with the good will with which this was offered to understand that this community is impacted greatly by this P.U.D. And here is a solution that will make us get closer to our goals on many different items. Thank you.

>> Mayor Adler: It's been moved and seconded. Any other discussion on the dais? Mr. Casar.

>> Casar: Thank you for having read this out. My key stated goal sort of throughout the last couple of readings of this has been to guarantee affordable housing on this site because we have such rare opportunities through P.U.D. Zoning to do it and to more than double the amount of affordable housing from the last reading.

[10:28:07 PM]

I think the challenges are two, one is increasing the number and, two, since P.U.D.S are voluntary zoning categories it is getting to a place where we still by our best educated guess believe that the applicant is gonna participate in P.U.D. Zoning so that we get affordable units and hopefully, you know, increase the amount of affordable units in all of district 10 by a significant amount and don't wind up with none. And so I guess my question to the makers of the motion and seconders of the motion is with what level of confidence do we believe that the addition of residential and removal of office without replacing that office somewhere else is going to lead to this P.U.D. Being built in this -- and this affordable housing being built? Because if we don't negotiate I agree a hundred percent, our job is not to make -- is not to make developers money. Our goal is -- and job is to make good land-use decisions and for me a good land-use decision would be if we grant a P.U.D. We guarantee a significant increase in affordable housing, hopefully increase affordable housing by 25% in this district, achieve environmental superiority, keep that traffic cap. That to me would be a good land-use decision but I don't know if we would get those things if the developer doesn't participate in P.U.D. Zoning, and so my question on this general

amendment is do we -- probably for the makers of the motion and the applicant, what the chances are that we're gonna get this project if we pass this motion? I mean, essentially we could ask for all the disagrees 100% affordable housing. We know we wouldn't get that and we could ask for nothing and we know we would get that. So the question is where does this land in that spectrum?

[10:30:09 PM]

>> Alter: Is that a question from me or the developer?

>> Casar: I think hearing from all the parties on this motion would be helpful.

>> Alter: I think that the presumption should be on the developer to have to prove that it can't work rather than us to have to prove that it can work.

[Applause]

>> Mayor Adler: Ms. Pool.

>> Pool: I have an amendment on trees. If --

>> Mayor Adler: Okay.

>> Pool: -- You'd like me to pass that out. So this is the amendment that we worked on with the applicant and then -- all the parties. So let me pass this out. And I think there should be enough generally for all around. So I'll go ahead. This is being handed out, I'll go ahead and lay it out. We insert a new -- this amendment would insert a new superiority element, part 7. C .5. And five is new land which says at least two of the heritage trees permitted to be removed under part 10b6 shall be transplanted within the Austin oaks P.U.D. And I guess I am, mayor, I'll go ahead and lay out this amendment and then I'll speak to it, if that's all right.

>> Mayor Adler: That would be good. Lay it out.

>> Pool: The trees and locations selected for transplanting shall be approved by the city arborist. Mitigation credit of 750 caliper inches per tree shall be granted for transplanting up to two heritage trees.

[10:32:10 PM]

The mitigation credit shall apply to the P.U.D. As a whole but each shall replant replacement trees to the extent feasible as determined by the arborist prior to utilizing credit from the transplanted heritage trees. You can tell this is pretty technical but following along with the rules --

>> Mayor Adler: Does the applicant have a copy of this?

>> Pool: That the city has. I think he had gotten one earlier, but I'd be happy to get another one to Mr. Whellan. Then we're inserting a new superiority element, part 7. G, talks about excavation within 300 feet of the offsite springs as shown in exhibit B shall be limited to a maximum of 15 feet in depth. This restriction does not apply to pilings, piers, columns or similar limited diameter building support structures. And then revise two parts, ten, where we are looking at heritage trees identified by a tag number, 1289 I think dubbed Willy Nelson in one of the presentations by one of the neighbors, shall be preserved. So Willy Nelson would be preserved. Notwithstanding any other provision of this ordinance, trees identified to be removed in exhibit H may only be removed following a preconstruction meeting with the city's environmental inspector at the time of site plan for each particular parcel within the P.U.D. That piece goes to the neighbors' concern about the ages of the trees and how the trees when healthy continue to expand in their beginning. Girth. Part 10b11 to read as follows, goes to the general tree survey standards, it modifies to allow exhibit K tree survey to be used for development application submitted until November 2033 and then development applications after that date in November 22, '33 shall require a new str-3 survey that complies with the rules and regulations in effect at the time of application but this modification is not intended to set a precedent for future development, any

amendment to the P.U.D. That proposes a reduction in the tree preservation requirements set out in this ordinance shall require a new tree survey that complies with the rules and regulations in effect at the time of the amendment.

[10:34:42 PM]

So those are my amendments. And I move --

>> [Off mic]

>> Mayor Adler: Councilmember pool moves these amendments.

>> I second it.

>> Mayor Adler: Mainly dealing with trees. Seconded by councilmember alter.

>> Pool: Then I can speak --

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

>> Pool: Yes, thank you. So my amendment does the following. We'd like to ensure the developer's commitment to transplanting at least two heritage trees and saving ter damage tree 1289 through redesign. The developer will receive mitigation credits for a maximum of two transplants following approval by the city arborist at 750 caliper inches per tree. This is something we've talked about with Mr. Whellan extensively. He understands our interest in preserving these and the neighbors. Prohibit excavation below the elevation of spicewood springs road within 300 feet of the springs north of spicewood springs road because their habitat and jollyville plateau salamander live there. Allow removals identified on a tree survey at site plan stage following a meeting with the city arborist and following a construction permit being granted for each parcel. And I would also like to make it clear that while we're allowing this applicant longevity on the tree survey, that goes beyond anything, anything we've done in the past, I want to state clearly that this is not intended to be a precedent for other developments but is something that we have worked out with this applicant in order to save as many of these trees as we can. Thank you.

>> Alter: Mayor, I want to clarify that, a friendly amendment.

>> Mayor Adler: I'm sorry?

>> Alter: I wanted to clarify I consider that a friendly amendment.

>> Pool: Thank you.

>> Mayor Adler: Okay.

[10:36:43 PM]

Further discussion? Mr. Casar.

>> Casar: So I would like to make a substitute motion and my motion is to pursue -- I will hand this out again for everyone. So I laid out this spreadsheet at work session some time ago. I think when we were thinking about taking up second reading, and my motion will essentially establish what people have been looking at as a plus B plus 2 which increases the affordable housing units by 140% from what we passed on the last reading. My staff will hand out the motion sheet with the legal language, but this motion more than doubles the affordable units at 60% mfi so, you know, 60% mfi and my motion sheet also makes sure that half of the affordable units are two bedrooms. My motion also is meant to include, as I said at work session, a continuation of the traffic cap limitations and no increase in the traffic cap. Our environmental officer has seen this motion and has approved the revised land-use plan attached to it. He still has kept it as superior environmentally to get to these affordable housing numbers, guaranteed affordable housing numbers. There's a small increase, 2% of impervious cover neater spring and even smaller increase, 1% in impervious cover, overall from last reading. Of course that's a significant decrease in impervious cover than existing on the side and I trust Mr. Wozniak can ensure the

applicant hold themselves to those superior levels. So my motion, as I had explained in the past, makes the hotel use on parcel six become an office use.

[10:38:43 PM]

That office use is put there to replace the office use that we're displacing with the new residential. The restaurant use on parcels four and five get 18 feet in height. That is to accommodate the additional parking from moving the office use over so that basically turns surface parking around the restaurants into structure parking. Building three on parcel three receives an additional one-story in height, that is to accommodate, again, the lost office that we displaced by adding the new residential building. Building four on parcel three gets two stories in height and the parking garage serving buildings three and four also increases by two stories. That's that office building on mopac getting two stories in height in order to drive us from 115% increase in affordable housing all the way up to 140% increase. The office on parcel eight becomes that residential building similar to councilmember alter's motion and that decreases by a story in height. My motion includes that half of the affordable rental and owner-occupied units should be at least two bedroom units and that the existing residential building, which is now on the opposite side of that, the new park, will receive additional one story in height. You'll see in my motion sheet the percentage of affordable housing increases from 10% to 11.3%. Ultimately what this motion does it, keeps environmental superiority, keeps the traffic cap, provides the park, gets the 140% increase in affordable housing on the site and I'm happy to explain it further if I get a second.

>> Alter: Apartmently inquiry. Is that appropriate procedure when we have a motion and second and deliberate is on that motion?

>> Mayor Adler: Debate is on that motion?

>> Mayor Adler: It is. Let me see if I can figure out a better way for us to do this here.

[10:40:49 PM]

And I'm trying to figure out big picture here what is different now between what you proposed and what councilmember alter proposed. Because I'm trying to figure out what -- if there's a way for us to talk through and get a feel for where people are. We have amendments that relate to trees. We have amendments that relate -- we have a motion that relates to office buildings and some of them are the same and some of them are different. So best as I can tell, what you are proposing, councilmember alter, has the office building that was at the northwest corner of the project going from office to residential. And that I think is the same thing that you are proposing. Is that correct?

>> Casar: Mm-hmm.

>> Mayor Adler: So that's one difference.

>> Tovo: Mayor, mayor -- now I'm all befuddled, mayor Adler, I thought when I was just lining them up that councilmember alter's proposal actually makes the building mixed use.

>> Alter: Yeah.

>> Tovo: So it's -- there is a slight -- I think there is a slight difference there. I think there are two slight differences in the pieces that look quite similar.

>> Mayor Adler: Okay. So building number -- that's helpful. Building number 8.

>> Pool: The -- I wanted just to clarify in councilmember Casar's parcel 6 the hotel becomes office and in councilmember alter's it could be either hotel or office.

>> Mayor Adler: So let's work our way across. Let's start here with parcel 8, which is in the northwest corner. It's that building. That is on the Charette plan or first reading plan office.

>> Houston: Mayor.

>> Mayor Adler: Yes.

>> Houston: For people who can't see what you're talking about, could we put it up on the screen?

[10:42:52 PM]

>> Mayor Adler: We could do that if we had a -- a map of the tract?

>> Yeah.

>> Casar: That's better.

>> Mayor Adler: There's a better one here. Can you pass that down? We have a better one here. A better one. Thank you. So in the upper left-hand corner of this, the road running right to left or east to west is spicewood springs road at the top. Parcel number 18 the parcel that is at the northwest portion. That is office right now. So councilmember alter's has 8 going to a mixed use, and Mr. Casar has that going to residential.

>> Alter: It's currently office. I think it's currently office with a little retail, and so --

>> Mayor Adler: It's currently office over retail.

>> Tovo: So, mayor, so councilmember alter, to clarify then, you are actually adding residential into there?

>> Alter: Yes.

>> Tovo: Into what had been an existing office use?

>> Alter: Yes.

>> Tovo: Thank you.

>> Alter: Though I think there was a little retail at the bottom.

>> Mayor Adler: Okay. Was it your intent, Mr. Casar, to remove the retail from the bottom of that building?

[10:44:53 PM]

>> Casar: Not necessarily, but I didn't -- that's -- if we could put that on asterisk for discussion to just check but it seems if it's a small amount of retail it doesn't seem to me to be a --

>> Alter: It was not an -- intended to be a lot of retail. It was trying to preserve what is in there which I wanted in the Charette.

>> Mayor Adler: I think we might be in agreement there --

>> Alter: I got it had retail by calling Mr. Whellan.

>> Casar: It seems to me that that --

>> Mayor Adler: Okay. Let's stay here for just a second. It looks like it's mostly residential. There could be some element of retail down at the bottom.

>> Alter: On mine --

>> Mayor Adler: The other position -- I'm sorry.

>> Alter: The height should be the same because when you go from office to residential you don't have as high a height because you don't need to have the entry level as high so it does go down in height and they should be equivalent.

>> Casar: The same. That one is the same.

>> Mayor Adler: You're both proposing the same thing with height. I thought you had said the building went down by a floor?

>> Alter: It does in mine.

>> Mayor Adler: So it's the same thing. Sorry. So number 8 is the same thing.

>> Alter: Yeah. So I said that when I was speaking or I meant to. Maybe I want through it --

>> Mayor Adler: No, no, that's okay. Stick with me here. Let's work our way down. Then I have the hotel trademarks which if you point that out on the page, is in the middle of the track fronting on spicewood springs road. You want to point to that one?

>> Kitchen: That's parcel 6.

>> Mayor Adler: Parcel 6. Okay. So councilmember alter, you had that -- changing that use from hotel to being either hotel or office.

>> Alter: Mm-hmm.

>> Mayor Adler: It would be at the option of the developer when the developer was building.

>> Alter: And I would expect that they might have to -- if they chose office, that when they got to third reading they might have to move some things a little bit around.

>> Mayor Adler: All right. Let's look at the adjustments for just a second and focus on the use for just a second.

[10:46:56 PM]

>> Alter: Yep.

>> Mayor Adler: Mr. Casar, are you okay with that being --

>> Casar: If it is an option that's fine. Of course your next question I'll have a different answer because of the parking but for now, yes, councilmember alter and I are on the same page on that.

>> Mayor Adler: We're on the same page for that one. I see that. Now, the next change then rolls to the parcel -- what is that? Four? Parcel 5.

>> 45.

>> Casar: The use uses on parcel four and five would need 18 feet in height of structured parking to accommodate office use. But I think, my gut is of course councilmember alter can correct me if I'm wrong, is that if councilmember alter's intention is to have office or hotel at the option of the developer there, that turning surface parking into structured parking there would be the way to ensure that we --

>> Mayor Adler: Councilmember alter, you said a second ago if it remained office there would have to be an adjustment for parking. You were looking at that for third reading. Apparently he's looked at that and said if it goes to office you could pick up the parking on 4/5.

>> Alter: I don't agree with how you handle parking. I agree if we were to move forward with hotel or office there would have to be adjustments to the land-use plan and they might choose to place it slightly differently and they would have to do some changes to the parking things, but I do not agree that it has to go up in height and as we get more into the parking issues we can talk about that more.

>> Mayor Adler: We can talk about that. So we've identified that as one issue, is whether or not you provide additional parking on 4/5 to support the use of 6 as an office by going from surface parking to structured parking. On 5. Okay.

[10:48:56 PM]

Now, an additional difference, Mr. Casar, on your plan, you have building 4 increasing in height. Is that correct?

>> Casar: That's right.

>> Mayor Adler: How much do you have that going up?

>> Casar: I have building 4 on parcel 3.

>> Mayor Adler: Could you point that out, Jerry?

>> Pool: That's along I-35.

>> Mayor Adler: Yes, he's got it right there.

>> Casar: Building 4 on parcel 3 getting the two stories in height, as you saw on my spreadsheet, a plus B plus two, and the parking garage serving those buildings would have to increase by two stories to accommodate that so that is -- those are the two stories of height that yield -- that yield the increase in affordable housing from 115 to 140% of the prior plan.

>> Mayor Adler: Hang on. So you have four going to two stories, the garage going up two stories. Then did you also have the building 3 going up another story?

>> Casar: That one goes up by one story and the combination of increasing 3 by a story and the hotel being office replaces the office that was removed from parcel 8 so ultimately what this does is it keeps the office -- the amount of office the same as in last reading. It just ultimately adds residential and removes the hotel.

>> Mayor Adler: Okay. I think I understand that. Then the -- so when you go from -- on parcel 8 which we had going to residential, agreement, we lost office, we go on parcel 6, the hotel tract, we can say that could either be office or retail.

>> Casar: Office or hotel.

>> Mayor Adler: Office or hotel. If that's office there's more parking that could be picked up.

>> Alter: I don't.

>> Mayor Adler: I said could be picked up, could be picked up, and it could be picked up by going from structure to -- from surface to structure.

[10:51:04 PM]

And then you have in addition picked up the office that was otherwise lost by adding the stories --

>> Alter: Can you repeat that? I lost the train there, getting texts from people and I lost a little bit of --

>> Mayor Adler: That's okay. In parcel number 6 which we've agreed that could either be office or hotel, if that were office and if the intent was to pick up the amount of office that was lost in the conversion of parcel 8 --

>> Alter: My intent is not to give them the exact a office.

>> Mayor Adler: I understand that. This is a difference we're trying to identify.

>> Alter: I'm saying my intent is not to give them the exact amount of office.

>> Mayor Adler: Now do you follow it?

>> Alter: Yes. I was just clarifying.

>> Mayor Adler: Okay. For other people that might not have followed it, if parcel 8 goes from office from -- to residential and you lose the office in 8, you're picking up part of that office where the hotel was and in order to pick up all of the office if someone were to do that, you would then add additional floors as you've done on mopac. Which is why you've added the additional floors on mopac. Does your two stories add more than what is necessary to pick up the office?

>> Casar: That's right. So the building 3 story -- and the hotel turning into office is what makes the office neutral. The two additional floors on building 4 parcel 3, that is essentially getting close to \$1.6 million in value into affordable housing. So that is beyond -- that is what the plus two is at the end of the spreadsheet. So everything you described up to now is a plus B and then plus 2 is the extra office floors in building 4 parcel 3 that gets us those -- that gets us those additional -- those five additional units to increase it by -- from 115% to 140%.

[10:53:17 PM]

>> Mayor Adler: Okay. Ms. Kitchen.

>> Kitchen: And you're also -- excuse me. And you're also putting another floor on parcel 9 for the residential, right?

>> Casar: That's right. That's the other difference.

>> Kitchen: So you pick up your -- you're picking up your residential with changing parcel 8 to residential and adding one floor to parcel 9.

>> Casar: That's right. I'm adding one floor to parcel 9 which is the existing four stories which would go to five and that's on the back side of the park.

>> Alter: You're also adding 18 feet on top of the restaurants.

>> Casar: That's right.

>> Mayor Adler: Right.

>> Alter: And you're not adding a million -- you're not adding traffic money either.

>> Mayor Adler: And no money for mitigation and you're adding \$800,000 -- you're adding \$826,000 to mitigation.

>> Mr. Mayor.

>> Alter: If I could do math at this hour, yeah.

>> Mayor Adler: It was the 685 plus the 141.

>> Mr. Mayor.

>> Mayor Adler: Let me see if I can -- go ahead.

>> Kitchen: It's a piece.

>> Mayor Adler: Go ahead.

>> Kitchen: I think it's a piece. And you're keeping the traffic cap, right?

>> Casar: The traffic cap remains the same.

>> Kitchen: All right. We can talk about that because you're adding more people and cars but you're keeping the traffic --

>> Casar: Exactly.

>> I can address that.

>> Mayor Adler: Okay.

>> If I may.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: Thank you, Mr. Mayor. From a procedural perspective I'm not sure councilmember Casar's motion had a second, I'm willing to do that.

>> Mayor Adler: Let's talk for a second and see if we can break this into pieces.

>> Flannigan: Okay. I handed out a little bit of a number analysis, a multicolored document, handed it out right at the end of testimony that shows if you go all the way to the last page of the general office versus medical dental office section where you see on small projects a plus B plus two more floor of office which is essentially what councilmember Casar proposed, then you'll see the change in the numbers where we've dropped 50,000 of office from building 10 on parcel 8 and 75,000 from medical/dental and replaced it with office but not replaced the medical.

[10:55:27 PM]

When you shift the medical to the general office you see how the change in daily trips, you actually lose a couple hundred trips, 800 trips overall in that proposal. In my reading of this, that's whether you also get another 1.6 million in traffic mitigation if you were to not do the additional affordable. I know that councilmember Casar prefers to invest that money in affordable housing, as I said on Tuesday, I think, you know, we can't ignore the traffic issue here. We have to have funds towards photograph if you have the base 800 plus half of this that gets you to 1.6 for all of the traffic improvements that were identified in councilmember alter's base motion and then you have 800 to do half of what councilmember Casar's affordable housing desires lay out.

>> Alter: I want to remind my colleagues that we do not have to start from the assumption that we have to reimburse the developer for everything we are trying to do. We are supposed to be making land-use decisions for the community benefits. We do not have to start from that point and that is where we are starting on that so I just want to remind us of that, that our responsibility is not to make sure that they make a profit on this. We have a responsibility to the city to have a land code that allows developers to make profits that are sufficient so we get development. But in any given case they take a risk on their property purchase, and it is not our responsibility to make them whole.

>> Flannigan: So, councilmember alter, and I would love to hear from the applicant to help us discuss that out because you did say earlier it's up to the applicant to tell us what works and doesn't work so I think there's a disagreement here.

>> Alter: No. It's up to the applicant to prove to us what works and doesn't work.

>> Mayor Adler: I understand -- [overlapping speakers]

>> Mayor Adler: I think we're arguing. Hang on here for just a second. Because we can characterize this lots of -- I'm not sure there's anybody up here trying to make the developer money. I think we're trying to figure out what is the best land use to have on the property so I think we should focus there.

[10:57:33 PM]

I'm trying to identify what the differences are in the proposals. So in one proposal we're going -- everybody seems to be in agreement that we go to the parcel 8 with the ground floor small retail with the residential above it and it actually takes the size of that building down by a floor. One difference is, and Mr. Casar has the building nine, which is the one that was the residential going up by a floor. That's one difference. The next difference is with respect to the hotel and office. Everybody agrees both proposals suggest that that could either be office or hotel. If that goes to office and if you were trying to restore the same amount of office, then Mr. Casar, you have taken the parcel 4 going from two stories -- I'm sorry, you have the garage, surface parking, going up 18 feet, structured parking that's on parcel 4. Five. And then you have increased the stories of the mopac in order to in essence -- you've raised those, which you may translates into -- one, it restores the office that is missing and raises \$1.6 million.

>> Casar: And then -- I'm -- this is, again, not gonna be a statement of intent. Just my understanding of difference in facts is that councilmember alter's increases the number of affordable units on-site at max build-out by 18.

>> Alter: 10%. It would be 10% of whatever T ended -- ended up.

>> Casar: I think that comes to 18. What I have in the motion would increase the number of affordable units by 28.

[10:59:35 PM]

Then also in fairness of the differences I believe councilmember alter's picks up as councilmember Flannigan pointed out about \$800,000 more in traffic mitigation. Mine does not include that. And I think this is a fair statement. Mine, I think -- I feel very confident, guarantees participation in pud zoning because we have staff and the applicant on board with participating in what's been a hard fought compromise. And my understanding is that you're not sure whether or not you have that on -- in your original motion.

>> Alter: I don't think it's guaranteed in your case, either, because there's a valid petition, and I'm not sure that you have your votes --

>> Casar: Sure. I was trying to keep it to the facts on this.

>> Mayor Adler: Right. So how many --

>> Alter: That's part of the other -- the other part of here is, can you get past the reading.

>> Mayor Adler: Okay. Let's deal with that one on third reading.

[Laughter] What do we -- if you were to take, as Mr. Flannigan was suggesting --

>> Alter: I have some questions on clarifications, if I mean, on

-- if I might, on numbers being used here. If we have to talk about what we could swap for what we should have agreement on the numbers that we're using for various things, and I have some questions on where you're getting the numbers that are in -- you mentioned on page 2, or in your diagram on page 2, I should say. Where are you getting your numbers that the community benefit from 25,000 square feet is a million dollars?

>> Casar: I think the best thing to do would be to call up both the staff and the applicant on that part, but I -- frankly, again, we're getting then into the substance of this, and I was hoping for us, frankly, to get -- for me to get a second, and for us to discuss substance.

[11:01:47 PM]

But it sounds again like we're trying to get into arguing over the motions.

>> Alter: Well, you might not get a second if we have a chance to look at --

>> Mayor Adler: We already have a second. Fill Flannigan seconds it.

>> Casar: I just don't want -- I just don't want to step out of the balance here of arguing on the motions until we get to that point. I've made --

>> Mayor Adler: But I think it's a -- so it's been made, but I think if there's questions about what the numbers are, or what that means --

>> Casar: But it's not a question about the motion, it's a question about whether or not the community benefits that are achieved here are sufficient and matters of fact on that -- which I'm happy to argue --

>> Mayor Adler: No, no in I didn't see that -- I saw that as a factual question. Is that right? I mean, you weren't asking for a policy question, you were trying to better understand the proposal.

>> Alter: Yeah. I'm trying to understand where that million dollar number comes from for 25,000 square feet.

>> Casar: Sure. So my understanding -- we can have -- I think the best thing is to have the staff speak to it.

>> Alter: Okay.

>> Casar: But it is not the value -- the goal is to figure out what is the community benefit that can be extracted while still having somebody participate in the program.

>> Mayor Adler: Okay. Apparent?

>> Tovo: I just completely -- I guess I lost one of the points that was being made because if there's a motion and a second, then it is time to discuss and to dig into and to understand what the proposal is. Right? So I'm not sure I understood why you don't want to have that conversation at this point.

>> Casar: Oh, I'm happy to have it. The mayor was keeping us from going into that until all the matters of fact --

>> Mayor Adler: I was trying to make sure we understood what the difference --

>> Tovo: Okay.

>> Casar: Was asking us.

>> Tovo: Thank you for that distinction. I do have -- I do have a question. Before we get into the numbers, I have a broader question.

>> Mayor Adler: Okay.

>> Tovo: But if we're still kind of laying out the the differences, I'll back off for a moment.

>> Mayor Adler: I think we have the differences. I think what we're talking about is parcel number 8 going from office the residential. Parcel number 9, there's a question of whether it increases by a floor for residential.

[11:03:52 PM]

We have office to hotel on parcel 6. The question is, do we provide additional parking for that, if it was office, and in parcel 4, which was the surface parking, do we go structured; and then do we allow parcel -- the building on 3 to go up by a story in order to pick up the office that wouldn't fit within the envelope of the hotel, together with one story of the garage to support that, one story on parcel 3 office. And then the question is, do you add an additional story -- two stories on parcel -- parcel 3, building 4 in order to generate additional money which buys down affordability in the residential instruct.

>> Casar: And if we're ready to engage in that I would have the applicant and staff both speak to this. Essentially, what it is, when you're adding stories of residential, you can just stick to the percentage, which in my motion is 11.3%, of any residential, is affordable. When you're adding floors of office, it's just like our fee in lieu program, like we approved earlier today, it's essentially a negotiation on the amount that the city believes is just to get, based on market values in that area, because you can't just increase affordable housing when you're not adding any housing, so it's essentially like collecting a fee in lieu. So I would have both the staff and the applicant come to sort of debate and talk through how it is that they best came to saying this is still -- that these numbers make sense.

>> Alter: Except that you started by asking for affordable housing and then offered them the office, which I'm having a hard time understanding how that's different than what we were not allowed to do this afternoon -- this afternoon, when we were told we couldn't say that we wanted -- you know, we had somebody that came in understand a said they voluntarily wanted to do affordable housing, and we couldn't vote it into the record because it was -- you know, but it's still --

[11:06:07 PM]

>> It's because this is a pud, we can give it to the developer.

>> No, puds are a different thing than the density bonus program. A pud is totally voluntary. Anything that you mention at the that the developer is not in agreement with it, it won't go forward. Puds are completely different animals.

>> Mayor Adler: Jerry, would you come up for a second?

>> That may be, but to the perception to everyone else, it looks like we can do this only in the cases where we can enrich the developer.

>> Except that's not what the ordinance is. You're saying it looks like --

>> Alter: I'm not arguing with what the ordinance says, I was trying to understand the difference, and I accept that it's a difference in a pud, but it does create the perception to everyone else that it is perfectly acceptable to do it in the cases where to get it, you're enriching them.

>> Casar: Part of the reason I've been insistent this is a great opportunity for affordable housing is because we have this opportunity in puds that we don't have in other zoning cases we take up. So that's the reason to push in this instance, because we have the legal ability to do so.

>> Mayor Adler: Anybody have any questions for Jerry while he's up here?

>> Tovo: May I just ask a general question before we talk about the numbers? The proposal that is contained within the substitute motion, there was a comment that I may have misheard, but I thought I heard from an assertion that the additional parking garage height is one of the ways that we pick up more affordable housing. And -- and I guess I need to understand that. Is that because it's -- well, that's my question.

>> Casar: I'm happy to explain that. No, it is -- the additional office requires additional parking. You have parking requirement for your office, and so the increase in office space necessitates increases in parking.

[11:08:07 PM]

>> Tovo: Okay. So it is -- so it's a step, step, step, step, to get to the housing. You are -- the comment about the parking was because the parking supports the office and the increase in the office supports the affordable housing.

>> Casar: That's right.

>> Tovo: Is that the equation you were making?

>> Casar: Yeah, that essentially the increase in office and parking space is what gets us to the affordable housing.

>> Tovo: Okay. I just really wanted to tease that out because it is -- you know, these are confusion elements, and I think there are many different -- there are just many different elements to the planned unit development and increasing the parking garage space does not directly lead to an increase in affordable housing. I just want to make it really clear how that -- I really wanted to make it clear how that -- what that assertion -- how that assertion worked so thank you.

>> Mayor Adler: Ms. Kitchen?

>> Kitchen: Could I -- I have a related question. So you laid it out -- you both just laid it out well. My question goes back to something that councilmember Flannigan said earlier. So we're keeping the same trip cap. Now, I understand that by changing it from medical to something else, you reduce the number of trips, so you can -- but why do you need more parking? That's what I'm asking, is why do you need more parking if you're keeping -- if I'm understanding that's what you're doing, is you're -- are you just moving the parking? Or are you adding more parking?

>> Casar: So we could call up staff to answer this part, but my understanding is that additional office may -- may necessitate additional parking and that if the applicant doesn't need those additional parking spaces, they have very little incentive to build them because building structure parking is very expensive. But I think the staff could address it. But to get to the bottom line point, if in the end, the developer develops the kinds of offices that would bust the trip cap, then they could not build additional -- the additional square footage or the additional parking because the trip cap remains in the motion.

[11:10:16 PM]

The question might be best for staff about how those parking requirements change with the additional office space.

>> Kitchen: Yeah. The reason I'm asking that is because we're adding height with the parking, which is one of the things that's of concern. And if we don't -- and if we can't -- if we can't meet that cap, then why are we allowing for the additional parking? That's really my question. You seem to be -- if I'm understanding you correctly, you're adding the parking because it might be needed, but it might not be needed? And from my perspective, how can you need the parking and stay within the cap? That's really --

[applause]

>> Casar: I think that's --

>> You're adding the parking because they have a particular formula for adding parking for their office spaces. And so --

>> Kitchen: Is it required, though, is what --

>> It's not required. Councilmember Casar, were you aware they were overparking this such that there were 493 extra spaces than is required by code in this overall development as currently laid out?

>> Casar: So are we going to talk to --

>> Mayor Adler: So can you speak to the parking? Help us understand that?

>> Under the standard code, of course, there is a parking requirement for office, for every use, so additional parking, additional office space, which there is a need for additional parking, under the code, it is possible to modify that with the pud.

>> Kitchen: Okay.

>> One of the modifications you could do would be to the parking requirements, but if that does not happen, then of course the additional office space would require additional parking.

>> Kitchen: I understand. Go ahead.

>> Mayor Adler: Is it additional office? I thought we were moving --

>> Kitchen: That's one question.

>> Mayor Adler: I thought we had office in the northwest part of the building, and we were moving that over to the hotel site, potentially.

>> Casar: There are two additional did the.

-- >> Mayor Adler: But you can't pick up all the office in the hotel site so office you were picking up in the hotel, you are moving to mopac.

[11:12:25 PM]

>> Casar: Then remember, a plus B, there is no additional office.

>> Mayor Adler: Right.

>> Casar: Then for that additional million six in community benefit, more or less, for the additional affordable units, is two extra stories of office with the parking, with the additional parking for that office.

>> Okay.

>> Casar: And that is -- and that is -- that is the plus two part of the --

>> Mayor Adler: Right. So if I take the office from the existing residential into the hotel, pick up the balance of the office, that's what you were doing at parcel 3.

>> Casar: That's right.

>> Mayor Adler: Parcel 3 was going up one story to pick up -- there was no greater office, and you were adding a floor of parking to support the additional parking in 3.

>> Alter: And office takes more parking an hotel, so he's also adding more parking for hotel and he's adding more --

>> Mayor Adler: He's adding more parking for the office.

>> Alter: More parking for the office and for the restaurants.

>> Mayor Adler: But the one constant in that is the amount of office. So there's -- if the hotel goes to office, it can't pick up all of the office that was in what was residential, so the additional office is being moved -- that wasn't otherwise being picked up, is moving into building 3. So there's no additional office, and now the question is, how do you park that -- wait, wait, we're not there yet. There's no additional office yet. But there has to be additional parking to support the office that we put with the hotel and the office that we put in building 3. Right? There's no additional office, but we have to --

>> Alter: It doesn't have to be because they've overparked the amount required by code.

>> Mayor Adler: There's not -- wait, wait. That's what he was saying, that was where your additional parking was. It was no increase in office, and you were parking that by going from surface to structured, and the additional floor in building 3. Okay. You've raised the question about whether you have to do the additional parking to support the additional office. Can you address that, Jerry?

>> I can address it generally because we're at the site plan stage.

[11:14:29 PM]

We haven't reviewed the site plans yet to determine absolute parking requirement, but I can sigh generally, different uses have different parking regulations in the code. Unless it's modified by the pud, they would be required to park, at minimum, what's in the code. They are allowed normally to exceed that requirement, but they cannot go below it. What we haven't done, especially with all the changes that are occurring right now, we have not had a chance to go back and reanalyze exactly what the parking requirement would be. I can just tell you that we would calculate that at the time of site plan.

>> Alter: This is in the early core --

>> Mayor Adler: Fill Flannigan?

>> Flannigan: Councilmember kitchen, I think maybe your original question, the plan that I've laid out, or the numbers that I've laid out here, medical office generates more trips but requires less parking because there's more parking turnover. So when you reduce the medical office and increase the office, the trips go down, but the parking goes up, because you your office, you leave your car there, but the medical office, people are coming and going more. More trips generated for medical office but less parking because people don't stay there all day long.

>> Kitchen: Got it.

>> That's the difference the trip count can go down.

>> Alter: May I address Mr. Rusthoven in a question?

>> Mayor Adler: Yes.

>> Alter: Mr. Rusthoven in planning theory, if you have people living and working in the same place, do they need the same amount of parking?

>> It is possible, when you do -- when at the site plan stage, we can do what's called shared parking. It requires staff approval, of course, but there can be an analysis done to say if you have different parking peak demand times, you can provide -- use the same space for two different uses. So, you know, a church and restaurant are a good example. If you're next-door, sometimes the restaurant needs the church parking lot because they don't night at different times, but they have to be analyzed.

>> Alter: Okay. Are they asking for a waiver to do more than code requires in parking?

>> They would not need a waiver to do more than the code requires in parking. They're allowed by right to do that.

[11:16:29 PM]

>> Alter: This is someone in the urban core so it's eligible for 20%?

>> It is eligible for 20% reduction. They don't, however, have to utilize that. A realize right. But we're making a land use decision and we could decide that we wanted to of a compacting connected development, could we not?

>> You could use the pud to modify the parking requirements if you like.

>> Mayor Adler: Would the applicant come up for a second? Would you talk about the parking?

>> Yeah. So I think showing it will help see the challenge that we're -- that's created, if I can just show quickly on a map.

>> Mayor Adler: Okay.

>> This is the current plan, and you can see the hotel is purple here. And the parking garage is right here. The parking garage for the office is actually large because it does require a lot more parking than either multifamily or hotel. Hotel is actually a much lower use in terms of parking. When you move the multifamily -- this is now the multifamily instead of the office. You can see the size of the parking garage is much smaller. It does get spread out more because the units -- people need more space than individuals working, typically, you know, the square footage. We have retained on the bottom floor, you can see some retail. It's not all retail. Some retail is still here, remains here on this parcel.

[11:18:32 PM]

Again, not all. You wouldn't have retail on the back side. But what happens, particularly here, is, because of the trees that we've committed to save around the hotel on this first drawing, when you go to office, the garage -- if the durairaj doesn't go up two floors, if it remains the five stories that it is, will not be able to support the need of the office, which is much greater than the hotel. Again, you can see we retained the retail. There's retail here, on the first version. On the second version, we still have retail along the executive, we've added some retail on wood hollow. That's why we have some gray over the restaurants. We've added there parking on top of that to offset the loss of parking because of the smaller garage over here. This was done and studied by the land planners. They spent quite a bit of time through this analysis after the neighbors asked for more residential, and we went through this exercise, which was quite difficult. And that's what then prompted this. You can see this is a much skinnier building. This is on this new version, it's a skinnier building than the original office over here, which is 125,000 square feet. This is only 100,000 square feet, keeping it at five stories, which is what prompted the need to add a floor to this floor plan, which is 25,000 square feet. So that's what happened. When the request was triggered by the residents or the neighbors behind, to have residence. Does that answer the question at all, seeing that visually?

>> Mayor Adler: What about the parking ratio numbers that councilmember alter was asking about?

>> I think our ordinance -- we set a minimum requirement in the ordinance, and I think staff has identified in the code modifications, maybe legal can show us quickly where that is.

[11:20:45 PM]

But in the ordinance, there's code modifications listed that include the modification. I can grab that quickly, if you'll excuse me just for a second.

>> Alter: I have an e-mail from Andrew Moore that confirms with 25% reduction, there will be parking, and I have numbers --

>> That's correct, we'd end up parking in the neighborhood, which is exactly what people didn't want us to do, councilmember alter. We got that -- there was some very serious concerns during the Charette from lots of people behind me and to my left over here, to not park on the street. So that is what would ultimately be the result of something like that, or that would be our fear, which is why we were trying to be sure that we could accommodate and not spill over into the neighborhood, which is specifically requested by the neighbors.

>> Alter: But the neighbors also specifically requested not to have height, and they requested more traffic mitigation, and so we're trying to -- we're trying to find the right balance here. And if you have two buildings of residential along with the office, you don't need as much parking. I mean, if we're going to go for this imagine Austin compact connected, let's do it right.

>> So our parking ratios are 3.5 spaces here 1,000 feet of office. Five parking spaces per 1,000 feet of retail, eight parking spaces for 1,000 feet of restaurant.

-- I believe it's the residential we're a little under. It should be 1.1. From code. From code. From code.

>> Mayor Adler: Okay. We have a substantive motion that's on the floor. Mr. Casar?

>> Casar: So I would like to hear if there's support for my substitute motion. Again, this is second reading. We keep on reading for it after this.

[11:22:46 PM]

But for me it was always important to more than double the affordable housing, and my substitute does that. The original motion doesn't do that. Keeps environmental superiority, keeps the original traffic

count. Provides a park. I would love for Mr. Whelan to provide less parking and spend all that money on something else, if he can get there, and those negotiations can continue between second and third reading. But as we all know, puds are voluntary, and we -- for me, I want to guarantee not just talk about affordable housing at this site, I want to do my very best to guarantee it by getting to a place where everybody can agree that we're going to, in this case, add 48 income-restricted units in a part of town that doesn't have enough of them with half of them being two bedrooms at 60, mfi.

>> Mayor Adler: Ms. Pool, then Mr. Flannigan, then Ms. Kitchen.

>> Pool: You know, I'm not supportive of the additional height. If there are concerns about parking in the neighborhood, then the residents in the neighborhood could -- we could do a residential parking plan for them, and that would ensure that if there were spillover, and we don't actually know if there would be, but if there were, then the residents could apply for the rpp. And that would -- that would tend to mitigate that concern. I am coming down on the side of no additional height. I would like to ask Mr. Rusthoven -- we've been talking about adding stories, but we haven't talked about how many stories that becomes. I think the stories -- adding two stories -- can you tell me how tall those buildings are, and then how many stories tall they are, then if they have two more stories on top of them? >> If you give me a moment to dig out the larger copy that I have in the file, I have a couple --

[11:25:01 PM]

>> Pool: Sure.

>> Alter: Please repeat the question.

>> Pool: I'm trying to get to how much taller those buildings would be. One of the neighbors in a presentation talked about the buildings looming over the neighborhood and also across the highway. And so I'm trying to establish how many stories would they now become.

>> So which specific tract are you requesting --

>> Pool: In councilmember Casar's amended motion, it would be two stories additional, building 4 on parcel 3.

>> Right now, on parcel 4, we are showing building number 5 --

>> Pool: That would be building 4, parcel 3.

>> Building 4, parcel 3. Parcel 3, building 4. Okay. Right now it's shown as being seven floors.

>> Pool: All right. So that would be nine floors.

>> Yes. And right now it is shown at 92 feet.

>> Pool: And so is it 12 feet per floor?

>> Yes, we're presuming 12 feet per floor, yes.

>> Pool: Okay. So it would be up another 24 feet?

>> Yes.

>> Pool: And then building 3, parcel 3, is an additional story. How tall --

>> That's also seven.

>> Pool: Okay. So that would go up to eight stories. Do we know the tallest building in the area?

>> I believe the tallest building in this area, generally speaking, would be up at 183 and mopac. A building triangle, there's some ch zoning there. After that you go up to the domain.

>> Pool: Right, which is a couple miles, three or four miles away?

>> Probably. I think they're about 120 feet up there.

>> Pool: So this area has a lot of commercial and retail and office and medical. The tallest buildings in those areas I think are about five stories.

[11:27:03 PM]

>> Yeah. Generally speaking, I would say until you get to mopac and 183 where you have the ch zoning, generally speaking, all over in the pud, the maximum height would be 60 feet, which is about five stories in the days when we used to presume a shorter ceiling height.

>> Pool: So I know that the site -- it's intended for an office redevelopment that would be mixed use. It isn't the domain, and it's surrounded by multifamily and single-family homes, five stories is the max for the medical complexes and the offices that are in the area. If we're talking about granting nine-story towers, that sets precedence, a domino effect along mopac, and it won't be human scale. And human saying is what imagine Austin calls for, and that these outsized in these areas, and overshadows the existing development. I support the efforts to try to add housing here. We've talked about trying to do that, and I think it

-- trying to do that, and I think it can be done without adding the height. And I would like to challenge the developer to make that happen. So I can't support Mr. Casar's amendment about the height. >> Mayor Adler: Mr. Flannigan N.

>> Flannigan: I think -- help me procedurally here, because I think councilmember Casar's original motion is for all the height to go into affordable housing, and if it's a substitute or an amendment or whatever the procedure, I need to follow is to split that so that we get 800 K of that going to traffic mitigation, then whatever the impact is to affordable housing.

>> Casar: Mayor?

>> Mayor Adler: And I would support that, but we have right now a substitute that's in the nature of an amendment to an amendment, so we can't extend out further. So we're going to take a vote on this, and then still keep it open to be able to make those appointments.

>> Casar: Mayor, what if I modified my motion?

[11:29:06 PM]

I made my motion intentionally, this is what I want, but I can count votes, and if -- I see councilmember kitchen nodding her head and if councilmember Flannigan thinks it's important, and I know it was important at work session, I'm happy to have my substitute dedicate one of those floors of office of the two floors, half of it become to affordable housing benefit and half of it being to office benefit, that would make my motion be, instead of 11% affordable housing requirement, 10.8%. So that would leave half of that increase in office to affordable housing benefit and leave the other floors' community benefit to traffic mitigation. So I'd be fine.

>> Alter: Can I add? I have a couple of clarification questions. First of all, how many affordable units would you then have?

>> Casar: That brings it to 46.

>> Alter: But just from the additional that you're adding. So, I mean, I had 18, plus what we had before, and I don't -- at 11, whatever, half that number --

>> Casar: That's right. So my increase would go --

>> Alter: How much does it reduce yours? Because you said you had ten more than I did.

>> Casar: That's correct.

>> Alter: So how many does it reduce yours by?

>> Casar: It reduces mine by two.

>> Alter: Okay. So then my next question is, the assumptions that you're making about community benefits are predicated on the numbers being correct here about how much 25,000-square-foot building floor is worth to a developer, based on all sorts of calculations. So -- and it's also based on the number and the comparison that you're using to buy down the affordable housing. So I would like to know where your numbers came from for the million and the 800,000 dollars, first of all, then I would

like to know where they came from the others, then I have some thoughts on what those numbers might otherwise be, depending on what your answer is.

>> Mayor Adler: For the purpose of us on the dais --

[11:31:08 PM]

>> Alter: And this is pertinent because it affects the numbers that we're talking about.

>> Mayor Adler: I understand. It affects whether we will vote for this or not.

>> Alter: Yes.

>> Mayor Adler: Right. But before we get to whether we will vote for this or not, he said he wants to modify it to say that half of whatever the benefit is, if we were to approve additional height, would go to traffic, as opposed to all going into affordable housing.

>> Alter: We can have that discussion if it's half of the benefit, not if it's half --

>> Mayor Adler: It's half the benefit. Is there an objection to him making that change?

>> Alter: It's not defined --

>> Mayor Adler: We're not going to -- is there any objection to that? Hearing none, we're now going to modify his substitute to say that half of the benefit goes to park -- to traffic mitigation, and half the benefit goes to affordable housing.

>> Casar: Of the two additional floors --

>> Mayor Adler: Of the two additional floors, if we were to approve two additional floors.

>> Casar: Of building 4 on parcel 3.

>> Mayor Adler: Ms. Kitchen, you were next.

>> Kitchen: Okay. My question is -- I'm not following all the numbers, so my question is, by doing so, are we going to get -- by doing so, is the intention to get the traffic mitigations that were identified on the original motion, which was exhibit --

>> Casar: Right. The original motion had just over \$800,000.

>> Kitchen: That's right.

>> Casar: I just want to make sure I have that number correct.

>> It's 85 plus the difference between 420 and the 5 -- it's 11:30 at night and my math skills --

>> Mayor Adler: I think it's 826.

>> Casar: 826, yes. The difference would be -- essentially my motion would reduce the affordable housing requirement by two units to 10.8%, and would fund the traffic mitigation that was made in the first motion.

>> Kitchen: Okay. So not only do -- your amendment includes putting the dollars towards that, but you're also including that list of projects in your amendment.

>> Casar: That -- I would -- that is councilmember Flannigan's intent because it was his suggestion.

[11:33:08 PM]

>> Flannigan: This is an amendment to councilmember alter's original --

>> Casar: Was to mine.

>> Flannigan: But doesn't councilmember alter's original include --

>> Kitchen: But we're not there yet.

>> Flannigan: This is a substitute.

>> Mayor Adler: We're in a substitute. The substitute is to take half of it, half the benefit and put it to the identified \$826,000 worth of improvements of traffic --

>> Alter: I thought half the benefit would cover at least 826,000, and if the benefit is higher, the rest of it should go -- half of it should go to traffic.

>> Mayor Adler: Are you fine with that? I'm fine with that.

>> Casar: I think I want to be clear that, again, this is a voluntary program, and I want to get -- make sure that if we're going to go through all this, that we get to a place where the different parties agree. My understanding is the staff and the applicant have agreed that getting that -- this additional height will result in a certain amount of community benefit. My understanding is, those two floors of office are about 1.6 million in community benefit. We can ask -- answer questions about that later, but I want to make clear that my understanding of councilmember Flannigan's friendly suggestion is that, of those two floors, one of them provide additional affordable housing, and one of them cover the cost of about \$800,000 worth of improvements, which would cover your exhibit. Therefore, the ultimate difference -- the ultimate difference between the original motion and the substitute is that the original motion provides more affordable housing, in the number of 12 -- sorry, excuse me -- in the number of eight more --

>> Mayor Adler: So this is how we're going to do this.

>> Alter: Mayor, I asked for numbers --

>> Mayor Adler: We're going to get to the numbers right now. We're going to get to the numbers right now. The way we're going to adjust this amendment as to say your \$800,000 on each floor, you're going to put \$800,000 to affordable --

[11:35:11 PM]

>> Alter: Mayor --

>> Mayor Adler: No, no --

>> Alter: We have to know the numbers.

>> Mayor Adler: It's the very next thing we go to, but before we go to that, we have to have something in front of us. What's going to be in front of us right now by agreement was that it's his understanding that it's 800 -- whatever it is, we can argue whether it should be higher or not, but his motion and the substitute is to demand of the applicant, \$826,000 to go toward traffic mitigation and \$800,000 to go to affordable housing. That's the substitute motion. Now, we can change the substitute motion and you can ask for a million six for each floor, you can ask for two million dollars for each floor, but the substitute motion is to have \$800,000 -- 826 towards traffic mitigation and \$800,000 toward affordable housing. That's the substitute.

>> Kitchen: May I ask a friendly amendment to that substitute? And that is, that we also include the exhibit N. And I think I'm seeing a yes to that. Okay.

>> Mayor Adler: Yes. It's exhibit N --

>> Alter: Exhibit N and part C, pertinent to those numbers because we're also talking about how many affordable units you're getting.

>> Mayor Adler: Right. The substitute is based on the assumption that it's 800 per floor.

>> Kitchen: Okay.

>> Mayor Adler: Let's continue now. That's our substitute as it is in front of us. Let's now have further discussion.

>> Kitchen: But we're also putting exhibit N --

>> Mayor Adler: Exhibit N identifies the projects associated with the 826,000. Further discussion. Mayor pro tem in.

>> Tovo: I'm sorry, I still need clarification on the amendment that I think was just accepted as friendly, though I really needed clarification on it. I just am missing something very basic about what we're doing here. Are we basically assuming that the developer is going to pay cash for getting additional floors in the office building? I mean as we keep talking about allocating this additional community benefit, either

entirely to the affordable -- to more affordable housing, or splitting it between traffic mitigation and housing.

[11:37:14 PM]

I mean where is the money coming from

>> Mayor Adler: This is what I understood it to be. That the pud requirement, if you get two additional floors that were part of this, would require the developer to give a certain amount of affordable housing, which got up to 26 units. That's how half the money is accounted for. Then the developer would pay \$826,000 in cash in order to be able to do the items that are under exhibit 9.

>> Tovo: So -- okay.

>> Mayor Adler: Exhibit N, rather. Exhibit N.

>> Tovo: The affordable housing is increasing based on the 10% that's in the pud ordinance. There is a -- the additional money is coming from an agreement with the developer that if -- if these floors are raised as they've been proposed by councilmember Casar, then the existing traffic mitigation money will be increased to 800. Is that -- is that where all this -- I mean I feel a little bit like we're having the discussion that we had with plaza saltillo about the \$10 million in community benefits that suddenly we were trying to spend but didn't really exist.

>> Mayor Adler: There are two different things. The first one is, for the additional two floors -- can you come up? Come up. For the additional two floors, you would pay the \$826,000 for the additional traffic mitigation as outlined in exhibit N that councilmember alter prepared. Is that correct?

>> Yes.

>> Mayor Adler: And then in addition to that, there would be a certain amount of affordable housing that you would be doing, associated with those two additional floors. Is that correct?

>> Correct.

>> Mayor Adler: And what are -- what's the housing that you would be doing?

>> When it would be triggered or --

>> Casar: The additional affordable housing, in my understanding, was that the 10% at 60% mfi would increase to 10.8% at 60% mfi, for one of the floors. So for one floor, the affordable housing component goes from 10% to 10.8%, giving us three units. And for the other floor that we complete exhibit N's traffic -- the traffic mitigation at \$826,000.

[11:39:25 PM]

>> Tovo: But if I could just get back to the kind of big picture here, as I understand it, the institute substitute motion on the table increases the traffic mitigation by --

>> \$826,000.

>> Tovo: Okay. And increases the unit count by eight. Right? Is that the -- are those the basic differences?

>> Casar: It increases the unit count by three.

>> By three. The extra floor increases the unit count by three, and the neighborhood housing share, we can go through that analysis. I know that -- but, yes, that's how it works. So what we're already doing -- I think the best way to look at this is we're already doing 10% at 60% mfi for the new 175-unit facility next to the heritage park on parcel 8 that's going to be added, and the currently already drawn 200-unit apartment on parcel 10 -- excuse me, parcel 9 right next to the neighborhood park. We're already doing 10% at 60%. I think the suggestion that councilmember's motion, the substitute motion by councilmember Casar, seconded by councilmember Flannigan is, to use additional floors as the currency, if you will, to buy down more affordable units.

>> Tovo: So it is as I said, we're more or less selling those floors for --
>> That's right, for more affordable housing. And/or -- and/or, for more traffic mitigation.
>> Tovo: Okay. And then I guess -- now that I understand that kind of big picture exchange that's been contemplated, now I can follow the conversation that I think councilmember alter wanted to have about where the figures come from, so thank you.
>> Alter: So I'd like to have a conversation about the figures, but I do want to make sure that everyone understands, we've already given them an extra floor of residential in Casar's motion. Now we're going to give them all these other floors as well. And each of these floors is worth something to the developer. It's not like getting another floor of residential is worth chopped liver here in Austin.

[11:41:28 PM]

Okay? We're giving them entitlement. And every time we give them entitlements, they make money. And they make a lot of money. And we should be getting commensurate benefits. And if, as I showed you earlier, their -- their share of the traffic is not even 40% of the rough proportionality, which was the standard that our atd said we should be going for and that we should be getting, we're going to give them extra floors to do what they should be doing anyway to be adequate, let alone superior.
[Applause] So I think there's problems with how we're doing this. We are supposed to be making decisions to manage growth responsibly. I'm going to get my figures wrong because it's late, but there's 13% of the city thinks we're managing growth responsibly. And about the same percentage thinks we're dealing with traffic responsibly. And it's no wonder if we make these decisions and just give it all to the developer, that's where you end up. And that's why the public doesn't believe in what we're doing in terms of how how we're -- I would like an answer to my question because the community benefit is directly related to these numbers. I just passed out some other things that contradict these numbers but I would still like to give my colleague the benefit of the doubt to hear where he got his numbers from so we can understand what we're talking about.

>> Mayor Adler: Got.

>> Casar: So the last time that we asked this question, we deferred on actually calling up the staff and the applicant to talk through this, so if now is the right time, I would invite them, because these were numbers first presented at work session, before the last second reading, verified by our staff as reasonable, and by the applicant as something that could -- as something they were willing to accept.

>> Mayor Adler: Okay. So if Jerry and the applicant could come up, or housing could come up.

>> Casar: And I think we had a -- I think we had the number originally from real estate services but I'm happy to have htd talk to that as well.

>> Yes, Rebecca, assistant director of housing and community development.

[11:43:34 PM]

I appreciate the question. Unfortunately, we've lost a couple of staff members today due to the late hour. We would like, and we're happy to cover with the office of real estate services on the numbers. It is my understanding that their analysis provided that, and we concurred that it was reasonable, but we're happy to lay that out in a more formal way.

>> Alter: What did you use as your benchmark for the affordable housing?

>> I'm going to ask

[indiscernible] To come up and speak to the analysis that we provided for affordable housing.

>> So we used the domain as a comparable.

>> Alter: So you're telling me that Austin oaks cost is comparable to the domain.

>> I think it's reasonable.

>> Alter: When next-door, I have affordable housing -- market affordable housing.

>> It's not class -- class a.

>> Alter: Can you share with me that difference, please?

>> It's just a newer product so we believe it would be similar.

>> Alter: Okay. I'm going to question with that, because I can buy a condo in that area for \$162,000, that's not that old, right in that area, and so I'm going to take issue with that number. I also passed out some information on construction costs, so we did some other checking in different ways on this. I have Austin oaks Charette testing design alternatives dated January 26, 2016, a few slides from that. This is what the applicant used for their code compliant thing. On the left page, it says economic equivalencies. It says 15,000 square feet of office equals one million in amenity. It's from the applicant's own calculations. That's 15,000, is a million. We're being told 25,000 is a million. That math does not add up.

[11:45:37 PM]

Lorene Rizer is not here so I will share some information we got from her, and we are being told by her that the benefit, 25,000 square feet would be closer to two million. That's a lot more affordable housing, gets you a lot more traffic, and I don't think we're using the right numbers. So even if we wanted to make this deal, we ought to be using the right numbers and not something that's just been handed us by the developer.

[Applause]

>> Renteria: Mayor, I call the question. We're here interrogating our housing staff, and I don't think that's right. It's really late at night, and we can continue this conversation for the next five hours, and I don't think nothing would change, so ...

>> Mayor Adler: Mr. Renteria has moved to cut off debate on the substitute. Is there a second to that motion? Mr. Flannigan seconds that motion. Is there any further -- let's take a vote then on cutting off the debate. Those in favor of cutting off the debate, please raise your hands. Those opposed? We don't have the two-thirds necessary to cut off debate. Debate continues. Further discussion? Yes, mayor pro tem.

>> Tovo: Mayor, I just wanted to make a couple of general comments. That I think we're all working really hard to get to a project that will meet the requirements that we've set out in our planned unit development, that it be a project that is superior to what would be built under conventional zoning. And, you know, we started this discussion here at the dais with a motion from the councilmember who represents this area, and it was one that I appreciate because it reflected a lot of the discussion that we had had at our council work sessions over time and the priorities that different councilmembers had offered about seeing more housing. And I especially appreciate it because I sense that it was, you know, maybe not your ideal proposal in this -- in this circumstance.

[11:47:44 PM]

And certainly, it didn't reflect all of what we've heard from those who have been here talking to us and e-mailing us in opposition to this project. But I believe it represented a good balance. It did increase the housing on the site, and in doing so, increased the affordable housing, not to the levels that the substitute motion does. There's a gap of, as I understand it -- well, I don't understand it. It's either three or eight. I think we've heard both numbers. I think it's eight, but in any case, there's a gap, but it did increase the numbers of housing -- housing units, generally, which was a good thing, and affordable housing units, which, in particular, was a very good thing. So, again, I think that that is -- I thought that that was a good place to be, and again, it represented a good balance. The proposal allowed for various things that the developer has said he wanted. So I'm not going to support this substitute motion. I also

handed out some amendments. I don't -- it's not clear to me whether we're going to get to those tonight or not. At least one of them has been absorbed into the proposal that councilmember Casar offered as a substitute. As I indicated at our first hearing or our first discussion of this, it was my intent to bring forward an amendment requiring that 50% or more be two-bedroom or more, and as well, that the unit mix match the unit mix overall. I don't think that piece has been captured, and I would certainly like the opportunity to make that amendment if we move forward with this here tonight, as well as to make sure that the owner occupied is a similar amount, is 60%, so that is consistent, the 60% mfi. I think we have a couple options here. We can continue to talk about the substitute motion, and it would be my interest then in going through and taking up the points of difference one by one and proposing amendments to them, or just reverting back to the original motion, which I think represented a better balance of the many different interests that have been -- been raised here on this project.

[11:49:59 PM]

>> Mayor Adler: Ms. Kitchen?

>> Kitchen: From my perspective, at this point in time, I'm more comfortable with the base motion. As mayor pro tem said. But I don't -- because this is on second reading. I am open to adding more housing, and I would like to add more housing. But I'm at a point right now where I'm unclear on what the numbers -- I think there are legitimate questions being raised about the numbers. I'm not sure what we are getting, and I'm not sure that we have to add that many stories to get more housing. Now -- and that's simply because, you know, we have some legitimate questions, I think, about the numbers from all perspectives, and we need some clarity on it. So my preference would be, and I don't know if this makes sense at all from a parliamentary perspective, is that I will vote on the base motion, but I will want to consider more housing in the future. So I don't know if we can go back to the base motion --

>> Mayor Adler: Just vote no on the substitute.

>> Kitchen: I would say my vote no on the substitute is not an indication I wouldn't vote for more housing if we were able to work through, as the mayor was trying to do earlier, on the differences.

>> Mayor Adler: I'm going to vote -- I'm going to vote in favor of the substitute, but I have some of the same concerns I think that councilmember alter did, and I'm not sure, councilmember kitchen, if we end up in a different place. For me, it's -- certainly given the strategic housing plan we saw today, I think we need to get housing in the city, and affordable housing in the city, and in this location, I would trade an additional floor of housing in order to be able to take advantage in this pud for more affordable housing and more affordable housing in this part of town. There is a lot of housing, apartments in the area right now, but there's no guarantee that those apartments will stay, and the experts say that's the housing we're going to be losing to people doing remodeling and gentrification.

[11:52:05 PM]

So we need to get the price commitment that you can only get in a pud. But I would like -- so I would vote for that. But I would also then want to -- between second and third reading, to get into the numbers, as councilmember alter is suggesting, to see if we should be getting additional affordable housing above the numbers that Mr. Casar has, and if it's possible when we go through the numbers, to be able to get more, then I would want us to be able to get more. But that's how I would do it. Further discussion on the substitute? Ms. Pool, then Mr. Renteria. I'm sorry.

>> Excuse me, I do have some staff amendments --

>> Mayor Adler: We'll get to those. We'll get to those.

[Laughter]

>> Mayor Adler: We'll get to those next.

>> Pool: So I just reiterate that I think we can do much of what councilmember Casar is asking for without going up in the height, or in the alternative, if we do go up in height, we absolutely have to look at the numbers and make sure that we are not selling it short, so to speak. But I oppose the additional height. That is something that has been specifically discussed by the people who live in the area, and I don't think it's necessary in order to accomplish the additional affordable units, so I'll be voting against the substitute.

>> Mayor Adler: Any further discussion? Ms. Alter and then Ms. Troxclair.

>> Alter: I think it sends a really bad message that the council would be willing to vote on something when we don't understand the numbers. And that, you know, once you give them something for a million, that's your base, and it's harder to negotiate.

[11:54:07 PM]

Not that I want to negotiate any height, but it doesn't seem right to me to be voting on something when you don't know the numbers, and it sends the wrong message, you know, to that. >> Mayor Adler: Ms. Troxclair.

>> Troxclair: I mean, I'm just really torn on this. I'm not convinced that two -- I understand the council's interest in having more subsidized units in the city, but I don't think that we're going to get there two at a time, for \$800,000. I mean, that just seems like a huge amount of money for the trade-off of two affordable units. So I'm struggling with that. But -- but I am interested in the traffic improvements and the additional money -- what I see -- I mean -- I don't know. I'm not really happy either way with this now. I think I'm going to support the substitute motion, but I don't know that that's necessarily an indication of my final vote, if this was on third reading.

>> Casar: Mayor, if I could address that, because I just haven't had time to get to that particular point. I'm very open as I stated at work sir, we had gone through so much tonight, very open to having that \$800,000 figured out between second and third reading, how to make sure we have the option to buy down units in this very expensive new development, or spend it in high opportunity areas where it could be leveraged to get more units. Very open to that conversation. And so essentially, where we're at now is about 826,000 going to traffic, and 800,000 going to affordable housing. Right now, just as a placeholder, we're holding that inside the development, but if neighborhood housing can help us figure out whether it goes into the development or nearby, or there could always be amendments and it could be spent on something else.

[11:56:11 PM]

But long story short, it is that -- just to address part of that concern, because I share a similar concern that it may not be the most -- it's important to have integration, even in these very expensive buildings, but it's also a -- a key opportunity. And then just my final comment here before we vote, I presented these numbers on the force, these numbers that we've heard. Folks have questions about, several weeks ago, and they were produced by office of real estate services, and our staff, as they stood forward here, said they still seem reasonable to them. And our staff generally has spoken with one voice that they do. And if Ms. Rizer isn't here speak for herself, so I don't want to go into a back and forth about what she said, and why. We can always do that on third reading. My understanding is that these numbers have been up for a while, since the Tuesday work session before second reading that I put them out, and that the staff is the one that vetted these from the beginning.

>> Troxclair: Can I just respond to him really quickly? I just wanted to let you know that I'm not sure that the argument you made about the subsidized units is the best argument for me. It might be a good argument for the rest of the council, but my argument would be if there's -- why are we -- why are we

subsidizing those units in this place to begin with, when there's market rate -- when there's affordable market rate housing there? I would rather have all of the money. If we're going to add anything additional, I would rather have all of the money go to traffic improvements.

>> Mayor Adler: Okay. Ms. Alter.

>> Alter: I would like to know from the applicant how many square feet are on a floor, for parcel 9. It's called building 9 too. That's the original residential building. If you remember at this hour. If you don't, approximate.

[11:58:12 PM]

>> I've got it all.

>> Alter: Good.

>> It's all right here. Parcel 9 is -- just so you know, economically, it's measured by units, not by square feet, so each floor, other than the ground floor -- because remember, the ground floor has have some retail facing the park, but the other floors have 50 units per floor.

>> Alter: Okay. So how many square feet does that roughly come out to? If you were --

>> The square footage is -- looks like 52,000 square feet -- no -- yes. 52,000 square feet.

>> Alter: Okay. Thank you.

>> Is the -- each floor.

>> Alter: Thank you. That was my question.

>> Again, that isn't how it's priced at all in the market. I think your staff will ultimately tell you that.

>> Alter: Sure. I just wanted to point out, if we were to substitute the other building and put it in the hotel and figure out the parking, we're giving them 50,000 more square feet of stuff to make up the difference of the 35,000 square feet. So --

>> You can have that floor. We're not interested in residential. We need to balance the office or we won't do this deal. Period.

>> Mayor Adler: Okay. Further discussion on substitute. Mayor pro tem.

>> Tovo: Mayor, I'd like to work through my amendment, please, which I handed out.

>> Mayor Adler: Okay. I think we can do an amendment, we can do an amendment to an amendment, and substitute is the nature of an amendment to an amendment. We could to do an amendment to an amendment to an amendment because it strings out too far. If this passes, I will immediately recognize you to make your amendment to what passes. If it doesn't pass, we'll be back to the base motion.

>> Tovo: Mayor, it was my understanding he did it not as an amendment --

>> Mayor Adler: No, I think Robert's says it's a form, and the substitute says when you do something that's so large, that effectively, if you did it in pieces, it would have too many pieces to be amendment.

[12:00:13 AM]

But it's treated like an amendment, it's treated -- but I will recognize you if this passes, to come back and make amendments to it, because it'll be on the floor.

>> Tovo: Okay. Thank you.

>> Mayor Adler: Any further --

>> Tovo: Then let me make -- I will say one more point of discussion on this. As I understand the substitute motion that's before us, it increases the height on the restaurant by 18 feet, and then adds six stories to four buildings, so that's -- you know, for a project where there was concern about height, I think that's not terribly responsive to what we've heard from the community.

>> Mayor Adler: Further discussion on the substitute? Let's take a vote. Those in favor of the substitute, please raise your hand. Flannigan, Casar, me, Garza, Renteria, and troxclair. That's six. Those opposed?

It's the five remaining on the dais. The substitute passes. Mayor pro tem, do you want to make an amendment?

>> Tovo: I do. So as I indicated, some of it was absorbed in the substitute motion that councilmember Casar picked up, and you may have -- I may have distributed these on one or two other occasions. So this is really just a repeat. But the additional language that would be added is underlined here. The 50% of the affordable units tank two or more bedrooms is already in the motion. But I would propose adding the language, and shall have the same minimum size as the units located in the same building. Then the same would be true of the owner occupied housing. Again, the addition there would be the language regarding the minimum average unit size being the same as the market rate units, and with regard to the affordable owner units, those would go down to 60 60% from 80 to be consistent with the affordable limits for the rental units.

[12:02:24 AM]

It's my understanding those were considered as rental, this may be a moot point, but it's my understanding it would be the same affordability as the rental.

>> Mayor pro tem makes an amendment. Is there a second to the mayor pro tem's motion? Ms. Houston seconds it.

>> Pool: Mayor?

>> Mayor Adler: Council member R pool.

>> Tovo: Let me just say as we talked about at various other points, it's consistent with our city's goal to make sure the units created are serving families with children in addition to different households that may require one bedroom. And it's often electric you that if we -- as affordable units develop, that they may not be of the same square footage as the market rate, and we certainly don't want to continue to perpetuate that problem.

>> Mayor Adler: Ms. Pool.

>> Pool: Mayor, after we finish this I want to go back to the tree amendment to put it on this here, the one that we had already adopted, and then I have a cap amendment that I just passed out.

>> Mayor Adler: I understand. And staff has amendments, too. The mayor pro tem's amendment is in front of us.

>> Pool: I have a question about that.

>> Mayor Adler: Yes.

>> Pool: Mayor pro tem, I wanted to clarify, did I hear you say that the 50% is already in what we adopted?

>> Tovo: That 50% of the units, be it two bedrooms or more, I believe is already in the motion.

>> Pool: Okay. So it's underlined here but it doesn't need to be underlined.

>> Tovo: It was underlined because that was my motion I distributed but we overlapped at that point with this.

>> Pool: Okay.

>> Tovo: I had this amendment ready to go since December, and in fact this is the third time I've either had it or distributed it, so ...

>> Mayor Adler: Is there any further discussion?

[12:04:25 AM]

Councilmember alter.

>> Alter: I have a question before we do our final voting. It may not be on her amendment. I wanted to ask our staff if this was still --

>> Mayor Adler: Okay. Let's hold that then. Let's stay on this amendment. Councilmember kitchen.

>> Kitchen: One other question. One other question. Mayor pro tem, are you also taking it from 80% mfi to of 60% mfi?

>> Tovo: With the owner occupied units. It's my understanding the percentage will likely be rental, so that may not be a significant change, but yes, I am proposing that those be at 60% mfi.

>> Kitchen: Okay.

>> Mayor Adler: Okay. Does the applicant have a copy of this? This is the mayor pro tem's. Mr. Casar?

>> Casar: I'd like to know whether or not the affordable housing one is moved or not so that we can whittle down what things we're debating. Is there affordable home ownership units in this project?

>> They are not anticipated to be home ownership units in this project.

>> Casar: So it's essentially moot whether we vote it [indiscernible] --

>> The only thing I would say -- again, Rebecca gielo, we typically will put it in the plan, in the event later down the road, because it is multiyear, it does turn. So we've seen that happen, and so that's why you typically will always see the ownership and the rental in the plan.

>> Casar: I have one other question for you. We traditionally do affordable home ownership at 80% mfi, then rental lower than that. Is there a particular reason -- I know that for this case it may be moot, but it may just be useful to make sure we're setting the right precedent.

[12:06:32 AM]

>> It is oftentimes

>> It is oftentimes challenging to have individuals who can qualify for a mortgage at that income. I'm not going to stand here and say, however, it is impossible, it's just more typical that would be a challenge. We would want a little bit of time and we can take time between second and third reading to explore further the feasibility around that.

>> Michael Whalen on behalf of the application I think imposing down to 60% means you can sell it at a very low price so you're actually discouraging creating ownership units rather than just -- you'll just force doing rental instead of ownership but that's just -- we need -- I have not had a chance to run those numbers. I got that while sitting in here and we will run those numbers but my instincts are going to 60% on ownership will discourage the ownership piece and so an owner will not want to do ownership at 60%.

Casar: My other question is have you costed out just because I'm trying to knock out which ones are moot and which we need to debate, the square footage -- I don't want to miss --

>> We haven't looked at ownership at all.

Casar: Not the ownership question. I don't want to mischaracterize councilmember tovo's thing but the affordable rental units having the same size as the average units in the same building, is that a moot question --

>> We have always agreed with neighborhood housing stuff that we would do it, everything in the same pro rata mix. We're not goof ten affordable units in the back corner. They're all gonna be mixed together and around.

Casar: That is my understanding too. So --

>> I worry a bit that I think the language says the unit so it almost sounds like when you read it that there have to be particular affordable units but I can work with mayor pro tem on that language.

[12:08:34 AM]

That was the only concern when I first read it quickly, is I thought I saw it say the units. But anyway I'll take another look at that and talk --

Mayor Adler: I'm gonna support --

>> I would want it to be they could be anywhere, not that they're in one particular location. I think that's unhealthy.

Tovo: We can certainly talk about that. This is the language that city legal supplied us with but I think it's clear it's pastor your intent to make sure that the -- part of your intent to make sure the affordable units are similar in size to market rate. I think even if that's your intent it's still of great value to codify it.

>> We agree it should be codified and I assume you're eliminating the unit mix for the market units then if you're gonna have this 50% piece? We had this efficiency one bedroom two, bedroom limit, you're limiting the number of two bedrooms on the market units as well, but that's fine. Okay.

Tovo: The only language I'm adding is and shall have the et cetera, so it shouldn't modify what's in the existing base motion, if I understood Mr. Whellan's point, which I may not.

>> My point was simply that in the ordinance as drafted and passed on first reading, there are limits on the mix of efficiencies, one bedrooms, two bedrooms, limiting the number of two bedrooms overall to a certain number. I don't know whether legal has given an opinion on whether that could be done even, but I do know that that is a limitation that still exists that will need to be addressed at third reading.

Mayor Adler: That was a change that councilmember alter was doing, was relaxing those limits because we were increasing the total number of units.

[12:10:39 AM]

>> Our preference at this point if you're gonna impose a 50% of two bedrooms on affordable housing is to eliminate that so we can then work with and make all of this work in terms of the unit count. Ensuring that there will be two bedrooms at the affordable level, at the rate that you want them, which is a very high rate.

Mayor Adler: Okay. The mayor pro tem's motion has been made and seconded, amendment second. Is there any discussion? Ms. Garza.

Garza: I'm trying to understand. It sounds like everything is staying the same except for if there ever is owner-occupied they would be at 60? Is that right?

Tovo: It's also adding language that says and shall have the same minimum average unit size as the market rate units located in the same building that's for rental and that is also for ownership. That's not currently language that's in the motion.

Garza: Okay. I guess I would -- my biggest concern is when we've done this permanent affordability we've often heard that it's hard to get the 80% mfi qualified for the owner-occupied units and we've heard the discussion at Miller where they're having to sell back some of their affordable units at market rate to be able to fund -- to keep the affordable program going. And so I'm all for the idea of somebody at 60% mfi being able to own a home, but I would agree that it would -- somebody would have to subsidize that to a larger degree, and it seems like that would discourage that even happening.

Kitchen: Mr. Mayor.

Mayor Adler: Yes, Ms. Kitchen.

Kitchen: I had the same concerns. I can't support taking the owner down to 60% just because I don't think it has the intended effect. I know the intended effect is to -- but well let me just ask this question.

[12:12:45 AM]

When we put it at 80% mfi, it's 80 or below, is it not?

>> Yes, it's 80% mfi or below.

Kitchen: So if someone came in at 60% they could still be eligible? I know the thinking is you would have more people at 80% so you wouldn't get to a 60% person, but I don't know with what we're talking about here, I would be concerned that if we put it at 60 we would really limit ourselves so ...

Mayor Adler: Mayor pro tem.

Tovo: I think in light of the hour and the ease of the discussion, let me withdraw that piece for the moment and just add the additional language in so that would be the language at part a, a2, and part 8b2.

Mayor Adler: A2 and b2 it's been moved. Any objection to changing it? Hearing none, that's the amendment. Debate? Those in favor of the amendment please raise your hand. Those opposed.

Troxclair is opposed. Others voting aye. It passes. Staff you want to make yours real fast?

Alter: I have a question because then maybe they can go --

Mayor Adler: I think we're getting closer to -- Jerry, you want to put yours in real fast?

>> Mayor, in the handouts I handed out earlier I'll walk through real quick. The first one on page 1 would alter the internal circulation requirements of the commercial design standards to not require a grid street network on the site and to require -- would require sidewalk from every building to the street to the parking garages. The second part would get rid of the site area requirements or density requirements of the multi-family, instead would use the unit cap y'all have been discussing all evening. Another part would be -- provide that the purpose of the development regulations the P.U.D. Would be considered as one development and not considered two because it's divided by a public street.

[12:14:54 AM]

The third would require notification for even minor amendments which Charette is not otherwise required by the code. Another one would alter the sign requirements for the public I'd note we did not agree to the 60-foot sign proposed on mopac but did agree to the internal signage modifications inside the P.U.D., mostly for directional signage and then finally one to alter the fire lane requirement which would allow for spicewood springs road the one lane to be used as a fire line provided several staircases are cut into the small cliff there and we have met with the fire department and they are in agreement with that. So those are the proposed staff modifications.

Mayor Adler: Okay. Is there a motion to --

Alter: I have some questions on the -- on staff motions.

Mayor Adler: Go ahead.

Alter: Please. So on page 3 of 6, chapter 25-2, it's modified to treat any amendment to exhibit B as a substantial amendment only for the purposes of notification.

>> Correct.

Alter: I'm concerned that the way this reads, it may seem as though when it says any amendment would be treated as substantial only for notification purposes that this could be used to treat substantial changes to the land use plans as ones that could be handled administratively and that council would not need to approve them.

>> That's not the intent. The language was written by the law department. The intent was [indiscernible] And so a major modification requires council approval and does require notice. A minor modification just requires staff approval and does not require notice. The intention of this paragraph is to require notice even with minor modifications. If you would like we could wordsmith it a little better before we get to third reading.

Alter: I would like that wordsmithed because I'm uncomfortable with that, and even if that's true that perception --

[12:16:58 AM]

>> I understand your point.

Alter: -- You know --

Mayor Adler: Now that we know what the intent is let's make sure the language is clearly --

Alter: Maybe could you say it's modified to treat minor amendments as a substantial amendment or something like that? And then part D on signs, how big of a signage is this giving him and what is normally allowed?

>> I'm actually not an expert in the sign code. I could get you that answer in an email. The maximums are on here, no taller than 6 feet, but I can't tell you how much larger that is than standard. My understanding is because there's public right-of-way through the site if they did have a sign that says building 6 this way that would be considered off-premise sign and not allowed so the intention was to treat the P.U.D. as one cohesive development for purposes of directional signage.

Alter: I'd like to clarify that.

>> I'll let you know what the Normal signage code requirements are.

Mayor Adler: That would be good.

Alter: Originally they were asking [overlapping speakers]

Alter: I appreciate you said no to that and brought it down but I want to make sure I'm comfortable with the signage on that. Thank you.

Mayor Adler: Okay. Is there a motion to approve staff's amendments? Mr. Flannigan. Is there a second to that? Ms. Garza. Any further discussion? Those in favor please raise your hand. Those opposed. Those abstaining. Alter abstains. Houston off the dais, others voting aye. Ms. Pool, did you want to make some amendments?

Pool: Yes, thanks. I don't have the tree one in front of me anymore because I passed them all out but it would be the same amendment we adopted on the original base motion, and then I have -- I don't know if I need to read it again so I'll just assume I don't have to -- you know what?

[12:19:00 AM]

I got one, thank you, Michael.

Mayor Adler: You don't need to read it again. It was the tree amendment that we had.

Pool: Yep. Then I passed out a trip cap and I'd be happy to do the two together or separately. The trip cap introduces a new section D for part nine and this pertains to ensuring the trip cap, a site plan or building permit for the property may not be approved, released or issued if the completed development or uses of the property considered cumulatively with all existing or previously authorized development and uses generate traffic that exceeds 19,648 trips per day, a request to change the 19,648 trips per day limit requires approval by the city council.

>> Councilmember, may I make a quick suggestion?

Pool: Sure.

>> One this is covered by the tia memo but that's okay, fine to be are you Duncan and the code also already requires this, but if I could I'd suggest we add the word unadjusted before the word trips in both situations after the number that way we're not talking about adjusted trips which would actually give him more.

Pool: Right.

>> So if that keeps with the spirit of the tia.

Pool: Thank you.

Mayor Adler: Okay. Is there any objection to adding the trip amendment into the notion hearing none, that's added.

Pool: And the tree?

Mayor Adler: Now the tree issue about any discussion. It's been moved. Is there a second to the tree section? Ms. Alter seconds that, councilmember alter. Is there any discussion on the tree section? Take a vote. Those in favor of adding the tree please raise your hand. Those opposed. Let's take a vote again. I don't -- is there -- we have the tree matter in front of us.
>> I'm voting for that, I'm sorry.

[12:21:02 AM]

Garza: I guess I do have a question.

Mayor Adler: Ms. Garza.

Garza: We're talking about how all these changes affect what the deal is. Is there a fiscal impact and do we know what that is?

>> Just to expedite, the answer is yes, and councilmember pool has spent a great deal of time persuading me that it's worthwhile. So we are moving a tree -- not moving -- we're moving a building to save a particular tree that she's identified that cost creates a more inefficient building, irrelevant, all of these proposals on this list we've gone through with a fine-tooth comb with the persuasion of councilmember pool and we will make them work.

Mayor Adler: It's been moved and seconded. Any discussion?

Garza: I guess I would arbitration tree major totally a joke because it's late, if we could add some diversity to the tree naming? Maybe have the Vincente Fernandez somewhere in there?

Mayor Adler: Those in favor of the tree amendment raise your hand. Those opposed? Everybody is in favor.

Alter: I wanted to pull parks up?

Mayor Adler: We've already added the trip count without objection.

Alter: I wanted to pull parks up.

Mayor Adler: Now let's pull parks up.

>> Mayor, council, Randy Scott with parks and recreation department.

Alter: Thank you for staying so late.

>> [Indiscernible]

Mayor Adler: Thank you.

Alter: I wanted one of the supposed community benefits is this park and now that we've added all of this residential, is the park still superior?

>> No, the parkland after you exceed 303 units the amount of land being dissuade no longer superior.

[12:23:11 AM]

However,, keep in mind the development has put \$1.5 million towards park development which parks sees as 10% over 10%

[indiscernible]

Alter: But it's not parkland superior?

>> Not the land being dedicated.

Alter: Okay. Thank you.

Mayor Adler: Okay. We're now to the main motion on the floor as substituted and as amended.

>> May I ask if that motion includes closing the public hearing?

Alter: I would ask that it be open because we have substantially changed the P.U.D., the neighbors have said height matters and you just bussed it up with five or six floors and you added residential and you have numbers here that don't work. I think it's only fair that it stays open.

>> That means we'll have it posted for --

Mayor Adler: I'm sorry.

>> I just need to know how to post it for the next meeting.

Mayor Adler: Council, what's your -- Ms. Garza.

Garza: My main concern would be in times that we've done that in the past we've also said if you've spoke at one time you don't speak so if there are new neighbors that want to come speakers I can -- I'd be open to that, but staying with what we've done in the past is we don't allot same people to come speak at every single reading is my recollection.

Alter: I think if you substantially change the P.U.D. Though you should allow them an opportunity to speak and if we didn't just substantially change the P.U.D. Then I don't know what we just did.

Garza: I guess I'll add the majority of the neighbors that spoke tonight said they wanted no P.U.D. And that really hasn't even been an option on the table. If we're --

Alter: We have a valid petition.

Garza: If we're gonna hear again that there is no P.U.D., I guess I just want to remind future neighbor speakers that that means a development with significantly more impervious cover, no environmental protections, and no parkland.

[12:25:18 AM]

So, I mean, anyway, that's, you know --

Mayor Adler: Ms. Houston.

Houston: Mayor, it's been a long time but I think as I've tried to sift through all the papers and changes that I think owe it to the folks who live in that area to try to process what just happened and have it -- the public comment remain open so they can come back with some suggestions and ideas the next time. This is not what they came in -- we've made a lot of changes. I'm not sure what we did. And I know they're not sure, and so I think we need to leave public comment over for third reading.

Mayor Adler: Okay. Is there a motion? On the main motion? Ms. Houston moves not closing the public hearing. Is there a second? Ms. Pool seconds. Mr. Renteria.

Renteria: I hope if it is voted to keep it open that we make sure that it's the last item that we deal with all the other items that are not gonna be as time consuming like we have another groups that here that's been waiting all night long and I know their issue is not gonna last as long and because I know that if we're gonna open this and keep it a hearing, it's gonna be a long night and I just feel like that, you know, we owe it to the people of that items that's also been coming down here for three -- three consecutive times and they're still waiting here and I don't think it's fair to make them wait until 1:00 in the morning to hear their issues.

Mayor Adler: And I would support keeping the hearing open but I would also support limiting the debate when it comes back on third reading.

[12:27:21 AM]

We have a motion to approve it on second reading -- I mean, not on second reading, keep the debate open. Mr. Casar.

Casar: Mayor, I just want to note that our council and our staff's time is valuable. There's opportunity costs to everything that we do. And while I respect the public's right to continue communicating with us, I'm sure they will, but the time -- the amount of time we've spent taking public testimony on this case and other west Austin zoning cases is so disproportionate to the time that I need to spend and everybody needs to spend talking to their constituents dealing with issues that I'm picking up tomorrow morning at eight in the morning and I know many other that sometimes are life and death style issues that I'm trying to have some meetings but and I'm happy to have public comment but I hope we will

limit it because we have to manage this council and staff's time and it is disproportionate the amount of time we've spent on some of these P.U.D. Cases.

Mayor Adler: Okay. Ms. Pool.

Pool: I would just add that if we had gone with the original motion from the representative for that district who had been working hard for a long time on getting to that compromised position we probably wouldn't have had this much additional time spent on it. And I think that the original base motion was eminently reasonable all things considered.

Mayor Adler: Let's go ahead take this vote and get to the last item that we have in front of us. The vote is on the main motion --

Alter: I would like to speak if I might since it's my district. Thank you. I'll be brief. I tried tonight to present a compact and connected vision, one that would respect the needs of the neighborhood and the needs of the city. I can't support what's come out tonight, and if it continues in this vein I won't. There is a valid petition. I have no doubt that there will be attempts to get out of that valid petition, but I am disappointed in my colleagues for moving forward without understanding the numbers and for being willing to accept less than is possible for our community and to provide give-aways to the developer.

[12:29:39 AM]

They may not want residential, but you gave them 50,000 square feet of residential and you offset the office and you gave them all the parking -- and then you gave them two more floors for probably half of what they're worth in community benefits and that's on you.

Mayor Adler: Ms. Garza.

Garza: I think it's fair to say that we have different ideas of what is best land use. I don't think it's fair to say that we're -- some of us voting in favor of this are giving stuff away and I'll say the same thing I said at work session. If this was purely about giving developer give-aways that would be the easiest thing in the world to vote against, but this provides jobs, this will provide homes, this will provide medical care, and it's a two-way street, and we can characterize this as a horrible thing our colleagues did or we can respect our colleagues' decisions and really believe they're Chattanooga they think is best for the city, and I think that's the way I like to -- even though I don't agree with my colleagues sometimes, I often really believe that they're doing what they think is best, and I can only speak for myself, but that's what my decision was based on tonight.

Renteria: Mayor.

Mayor Adler: Mr. Renteria.

Renteria: I agree with my colleague, Delia Garza. I resent the fact somebody tells me I'm in a developer's pocket. You can come down to my neighborhood and look at my house and I don't have any money, you know? The only money that I'm making now is either through my retirement and social security and working here. That's it.

[12:31:45 AM]

You know? And to think that -- for someone to tell me that I'm in somebody's pocket, I take that personally. And I can't support people like that. I just want to let y'all know.

Mayor Adler: We have the main motion. It's to pass it on second reading, keep the public hearing open. Those in favor please raise your hand.

Troxclair: Sorry to keep the public hearing open for people who haven't spoken tonight or for anybody?

Mayor Adler: No. Just keeping the public hearing open. My hope is we limit the at that point in time.

Houston: Mayor, I thought we talked about limitations on the public hearing?

Mayor Adler: It was my suggestion that we do that.

Houston: Right. That's what I thought I heard.

Mayor Adler: So the motion is to approve the main motion on second reading, keep the public hearing open but we will limit it and we'll decide later exactly what those limitations are.

Alter: Again, I want to register I don't think there should be major limitations. This is democracy and we're having to deal with these --

Mayor Adler: We'll decide that later.

Alter: -- For a reason.

Pool: Can we split the vote?

Mayor Adler: We can split the vote on the question of whether we're keeping the public hearing open with limited debate. Take the motion on that first. Those in favor of keeping the public hearing open but will limit the debate as determined later please raise your hand? Just the -- councilmember pool asked for the question to be divided. Those in favor of that please lay your hand. Those opposed. Alter voting no, mayor pro tem abstaining and pool abstaining. Others voting aye. That part of the motion. So now we'll go to the motion, motion is to approve the main motion on second reading, keeping the public hearing open but limited as we will later determine. Those in favor please lay your hand. Raise your hand. Those opposed. Alter votes no, pool and the mayor pro tem and Houston vote no.

[12:33:46 AM]

Vote is 7-4. It passes. All right. Let's get to the last item on the agenda. Staff, do you want to come and take us through what item number 78.

>> Good morning, mayor, council, Greg again circulation planning and zoning, last item is 78. This is case c14-2016-0063. Sh4707, 4511 Vinson drive, coming before you for consideration on second and third reading. There is a valid petition on this tract that stands at 54.74% and would require super majority vote of nine at 11 votes to override the petition. At your last meeting you asked for some information regarding the costs of the purchase of the parcels of the Bergstrom spur from Vince to Burleson road and it was estimated a cost of \$15,511,000 to 18,158,000 in rounded figures. These would not include consultant fees, planner costs, appraisal fees, demolition costs, title, closing and legal condemnation fees and contingency fees. Given the late hour I think I'll pause. I think you have some citizens here that would like to speak to you about this. I think the applicant is here too.

Kitchen: I think there's one other point that might be important to mention. I think it's in the memo too, but it has to do with the right-of-way survey. I had intended to ask our atd staff to speak to that so maybe they could clarify that.

[12:35:47 AM]

That was another item that was very important and so there's some -- if you could just update us on that.

>> Yes, good morning, councilmember, Robert Spillars, atd, Austin transportation department. Yes, you're absolutely right. We're not sure how much right-of-way we have here or where our right-of-way line is along the up and so that's the first item of business.

Kitchen: Okay.

>> This is on our bike and pedestrian plan, and so our goal would be to at the very least get a sidewalk in there.

Kitchen: Ob.

>> For safety.

Kitchen: So my understanding just so I've got it clear is in order to make -- in order to know what kinds of improvements can be made to Vince road, for example, sidewalk we need this right-of-way study and we have it planned for later in the summer?

>> Yes, we'll get to it as soon as we can. We have the money from the 2016 bond.

Kitchen: Okay.

>> On mobility to do that, yes.

Kitchen: I just wanted to clarify that we are moving forward with it.

>> Yes, ma'am.

Kitchen: It will happen in the not too distant disport we do have it funded.

>> Yes, ma'am.

Kitchen: All right. Thank you.

Mayor Adler: Is there a motion? Is the applicant -- here? Do you want to come up and address us?

>> Good evening, mayor, councilmembers, it's the last one on the docket, it's been a long night. Good Friday morning. I just really had a table sun rising. The two options. Really can't do it at the table.

[12:37:59 AM]

Thank you. Okay. I apologize. Okay. So first column what I can do today what I'm asking for rezone to do characteristics of the second home. Number of units both are 16. With the rezone I offer two smart family rentals.

Houston: Excuse me, mayor, could you ask him to come closer to the mic. It's too late at night.

>> I apologize, councilmember Houston.

Mayor Adler: Hold on one second. Five minutes.

>> It will take less than that.

Mayor Adler: Okay.

>> 16 units on both. If I get the rezone I will offer two smart family rentals to the city. The traffic risk driveway on to Vinson drive, there are multiple risks there with the -- when you sell individual lots, individual members can go and make their own days. I'm limited to one per the planning commission's typically one ingress, one egress. Backyard setbacks under&three, 10 feet, sidebacks, 5 feet. If I get the rezoning I'll be forced to be 25 feet all the way around. Maximum adjoining walls, both duplexes, by the limited there. Essentially an sf-3 development as I said many times. Impervious cover 40% on both. Communal space there's none but the division in different lots. If I make a pocket neighborhood that I want, yes, there will be communal space. Lot was set about the hike and bike trail originally. Obviously that can't happen if they're individual lots. I offered to deed and plat should that become a hike and bike trail an option to make a trailhead. Drainage, you know, it's likely not gonna be kept up by individual lot owners. However, it will be a commercial standard plan under the pocket neighborhood and it will be maintained by the hoa so in perpetuity, obviously. A community voice, there won't be with the sf-3.

[12:40:01 AM]

The neighborhood association will help draft the covenants if it's a pocket under the hoa. With the rezone, the hoa board will appoint a point of contact so there will be direct communication. The character, it will be an -- a likely investment under the sf-3 subdivision I'm trying to make a pocket neighborhood family ownership oriented. Sidewalk, no, yes, with the pocket neighborhood -- [indiscernible] Ada compliance minimum standards, smart standards under the pocket neighborhood, and a -- accessory dwelling units, you can do those, yes. And no -- did I miss affordable housing? I had those up at the beginning. I just want to add the fear of the domino effect that we've heard, I really think whatever you think of codenext, it's gonna stop that. It's gonna be very explicit what you can and

can't do. And so I just that I that's a red herring and there's no 2-acre lots anywhere near here, the compatibility backs really stop anyone from doing anything like this. I'll leave it with that. I will add one more thing. I never really got a lot of feedback over the smart housing rentals. If it pushes a vote to offer 60% I've heard that was important today, like I said, I never got any additional benefits, incentives from the city to do that in the amount that I had so I didn't offer that. If that would make a difference, I would do it at 60%, but thank you all for your time during this process. I know it's late and I apologize, but that's all I have.

Mayor Adler: You'll do 60% --

>> I would have to get a letter. I don't have a letter yet but I'm sure they would give it to me.

Mayor Adler: Okay. Anybody on the other side, neighbors wants to speak to this?

[12:42:02 AM]

Kitchen: I have a question.

Mayor Adler: Yes, Ms. Kitchen.

Kitchen: Could I speak to -- could I ask you? So I don't know if this is a question for you or for staff but Beal I'm want to go U understand whether some of these items in the column that you're going to be doing if any of them can be captured in our ordinance? Because all we captured in the ordinance was the 16 units so, for example, the seem like bike trailhead, deeding that in the plat, is that something that we can put in our ordinance?

>> I hope so. Hold me to it. I mean, I don't know the rules. I'm gonna do what I say I'm gonna do but if you can codify it, please do.

Kitchen: From your perspective whatever we can codify it, you're okay.

>> Yes, ma'am.

Kitchen: I've got a question for legal. Particularly on that deeding and the plat and the -- on the hike and bike trail. Can we put that in our ordinance? Do you see what I'm talking about?

>> I do.

Kitchen: You can think about it for a minute if you want while they're --

>> Yeah, let me think about it.

Kitchen: Okay.

Mayor Adler: Any of the neighbors want to speak?

>> I want to go back to my original point long, long ago that this development is upzoning in the middle of a solid sf-3 area. This is pointed out by the district 1 planning commissioner and it's still -- it still is true today. And we have a neighborhood plan that we're asking you to uphold and we have a contact team vote to support the valid petition that we're asking to you uphold.

[12:44:13 AM]

I would like to rebut one thing from the developer, and that is that the precedent issue is very much alive. We have no idea what codenext effect might have on precedent. And when we met with y'all individually, we showed you how that domino effect would work out with a map. I didn't bring one with me tonight. And I think at that point I'll stop and ask, if you don't mind I'll ask if one of the other people would like to say something. Is that okay with you, mayor?

Mayor Adler: Yes.

>> Okay.

>> So to speak to the trailhead issue, to me that's a minor concession. Because from the time that this was proposed, I mean, on the original application it was listed by the developer as no, this property wasn't adjacent to a bike route, and it's next -- it's immediately on most important north-page-south

bike route in our city, bike route 31. The other thing, even on the -- I don't know if we can go back to the slide that was just shown. But my question is, the sidewalk where it's no under sf-3, okay, so let's look at sidewalk, no under sf-3, yes under sf-6. We're talking about a 2-acre tract on Vince road which the entire stretch has no sidewalk and no connectivity to sidewalk on any of the connecting streets either. So whether the sidewalk is there or not, the only benefit to the sidewalk would be I'm not sure, perhaps to the new residents. A bike path, where is this bike path gonna go on two snakes see what I'm saying?

[12:46:18 AM]

We've got the right-of-way on the Bergstrom spur. We have the right-of-way of the street, whatever that is determined. In other words, those yeses on that column is not -- that's not operating with integrity either. Where is a bike path on this particular property gonna go? We're talking about 16 units on 2 acres. What bike path are you gonna build on 2 acres? The big win is the Bergstrom spur. I mean, that's just on those two. I mean, it's not -- that's not very forthcoming. The bike path is not on the 2 acres. We want bicycle facilities and sidewalk facilities -- everywhere in our zone. This property scored a 25 on the walkability -- it doesn't connect to the sidewalk network in our neighborhood. What I further wanted to point out is we're not looking at the lack of --

[buzzer sounding]

-- Investment in our infrastructure, in our immediate zone, and that's councilmember kitchen and councilmember Renteria's zone. We're flooding out. We're flooding out on even small tributaries due to increasing development without lack of investing in our infrastructure. We're currently on the buyout right now and just downstream of this. This development is not smart housing. We're talking about two units, rental, for five years. This is not smart housing. This is not affordable housing when compared with the housing that exists right around us, and I think all this is disingenuous. It's not representative of what's really going on here. And I do -- I am encouraged, though, because of this discussion bring to go light some of these issues like the possibility in the Bergstrom spur and things like traffic mitigation in our neighborhood and completing some of the facilities for all people that already live there, and that's people that walk and bike and that live in this neighborhood. This is on the back side of our neighborhood and it's gonna contribute to further problems and we've done nothing to address the fact of what happens during the construction phase of this development on Vince road where we think we have 22 feet of right-of-way on that road at the railway crossing, we think we do.

[12:48:38 AM]

Even our transportation department can't confirm that because I've been involved in this conversation for many years on that particular stretch of road. So as I've stated from the beginning and as Mr. Ray Collins also stated, any private development on this particular parcel of land at this time, given the current existing conditions on the ground and what it looks like for our residents that look there is irresponsible it's just not a win, two units of affordable housing rental for five years is not affordable housing in south Austin. Thank you all.

Mayor Adler: Thank you. We're back up to the dais. Ms. Garza.

Garza: I -- you know, when I first saw this case my understanding with a -- in the request for the upzoning, I thought the applicant was asking for more units than now. Is that collect? Is that correct? So I remember seeing that and I thought -- and I know Vince well and I thought that's gonna be an easy no. Like, Vince can't support a giant, you know, development. And I remember coming to that first council meeting when we did first reading and I came in thinking that's where I was gonna go and then as I heard the number of units drop I often say I can only speak for myself but the conversation we've been having I think this is a -- really difficult because I feel for the neighbors and but what all of -- most of the

comments have been have been don't build anything. And the gentleman that just spoke said it would be irresponsible to build anything here. Unfortunately, we can't stop that. Even if we don't support this - if -- that's not even an option for us. I mean, we can't -- aside from I know there were suggestions about the city buying this land, but, I mean, we don't -- unfortunately don't -- we don't have funding to buy, you know, this piece of property.

[12:50:46 AM]

And so I just want to -- I absolutely feel for the neighbors. I understand the precedent concern. If this were indeed a upzoning that created a lot of units, I could see that that -- that issue, but this is basically the same number of units and even if we don't approve this we can't stop development on that. So UT I'm gonna support the -- so I'm gonna support the upzoning and I wanted y'all to understand where I was coming from on that. I totally understand your concerns, but it seems like it's a better development. The other thing I was gonna say is when getting the signatures for the valid petition, you know, the increase in the backs the setbacks for the neighbors, I don't know if that matters to them, and --

>> No, it does not.

Garza: Doesn't matter.

>> [Off mic]

Garza: I don't want y'all to get into a back and forth there. But not knowing, you know, I feel -- I'd feel better if I knew that [indiscernible] Right next to each other. But it just seems like a better development than what could be put there with the current zoning.

Mayor Adler: Ms. Kitchen?

Kitchen: I wanted to see if our attorney had had a chance to think about my question?

>> I have. Unfortunately, I don't think we can put the dedication of the trail in the zoning ordinance.

There's -- the code limits what be in conditional overlays and that's not one of them so it's not really a zoning think. I think that this would come up at subdivision, whether it was a requirement or whether or not proportionality required it would come up at subdivision, but I don't know that requiring dedication of an easement is something we can put in a zoning ordinance.

[12:52:51 AM]

Kitchen: Well, it's an agreement. It's something that -- I'm trying to memorialize it, which I think is important. I mean, we obviously, you know, have the -- developer, the owner, who is saying that he will do it, and I would like us to find a way to memorialize that. I think that's just helpful for everyone. So let me also -- let me just say, is that -- how can we figure that out? Is there anyway?

>> I don't know that it would be in the zoning ordinance. I guess we can think on that.

Kitchen: Can you do a memo?

>> We can do some separate agreement with the applicant, evidencing --

Kitchen: Can we do a memo on that?

>> Sure.

Kitchen: Let me also say, I didn't say this, before the Bergstrom spur is something that has been on the books for a long time for us to look into. I know that councilmember Renteria has worked on that in the past, and I want to say that it was meant -- it is -- it's a tier 1 trail. It could be considered in our bond package. It is not at the moment because there are concerns about the in fact it's still owned by up and there's questions about whether capital metro wants to buy it or not but I'm committed to still considering buying it as part of this 2016 bond package and I'm hoping that I can work with councilmember Renteria on that. So I wanted to say that to y'all. I know that's very important to you. It's very important to me also. And it's something that I intend to work hard on and I also intend to work

very closely with our staff to get it on the list to make sure that we're addressing it with the bond package that we have right now. So with all that said, I am going to go ahead and support moving forward with this. And, again, as councilmember Garza said, we cannot say nothing will be built here.

[12:54:51 AM]

And so I think that what we have here is better than what you will get without these kinds of parameters on it. I think that the potential to use the Bergstrom spur and have a hike and bike trailhead there is important. I also think that the right-of-way study that we have a commitment from our staff to go forward with is the -- and is funded is a very important step to consider what's possible on that road. And also this does not -- the configuration is better than with single-family homes and it's the same number of units that you would have regardless. So I really understand the concern that everyone is raising, and I just felt -- feel like it's important -- you know, I don't expect you to agree with what I'm going to do here but I want you to understand why. I do think that this is the best way for us to protect what's there and it's also a good opportunity to do what I know we've needed to do for a long time, which is work on traffic mitigation prevention it's also an opportunity for us to shine another light on the Bergstrom spur. So that's what I'm going to do.

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

Houston: Mayor, I have a question for staff.

>> Do we have a motion?

Houston: I have a question for staff.

Mayor Adler: You want to ask a question before we get a motion out?

Houston: Mm-hmm, please.

Mayor Adler: Okay.

Houston: Are they still awake?

[Laughter] Mr. Guernsey, do you have this document from the applicant?

[12:56:55 AM]

>> I do now.

Houston: Thank you. I'm looking at the column -- the drainage item.

>> Yes. So --

Houston: So can you explain to me, what does that mean?

>> When the applicant comes in to develop the tract with the 16 units it will trigger a site plan. So we'll have to have drainage and water quality designed for the entire development and it will be maintained by the association, by the property owner. Whereas if you had an individual lots that were created, the duplexes, this would be eight lots to get the 16 units, there would still be a detention water quality that would actually be -- probably end up being maintained by the city of Austin. But it's usually a more active role that's taken when you're developing, like, a condominium regime or you're having those units because they use that as open space and are more inclined to maintain that, whereas if it's individual property owners owning duplexes, the city comes in I think twice a year I think at the most to do maintenance on it.

Houston: And I know you can't say about this particular development, but what are the usual homeowners association fees?

>> That I could not tell you. I mean, the owner might be able to provide some --

Houston: Because that would be in addition to the mortgage, insurance, property taxes, and then you have homeowners association fees?

>> Yes, that would be fortunately, usually used for upkeep landscaping.

Houston: For that development.

>> Yeah.

Houston: So thank you. Can I ask the applicant to come up and speak to the homeowners association fees?

[12:58:57 AM]

>> Mayor, when I started this process I promised the neighborhood association they would have an active role in writing the covenants of the hoa. Typically hoas do have responsibilities for maintenance of the common property, common land within the condominiums. Those fees will be determined by the association to cover whatever is necessary. They may have to go up, there may be temporary assessments that happen here and there. Typically condo fees range from 100 to \$300 a month in, say, apartment style places. They tend to be a little lower with home-style places but, again, it would be up to whatever is necessary. The board would put that together, and it will be the responsibility to do the maintenance and the things that need to be done.

Houston: I'm sorry. So other than the two smart housing rentals, everything else will be at the market rate?

>> They will. But they will be smaller units. If you can imagine you have to compare new build to new build. So with the sf-3 planning detail be one big box that even though it's a duplex, it's appraised by -- because it's owned by one person, it's appraised for that lot, that quarter acre lot would be appraised at a larger value than the smaller units that are in the condominium complex because they're just physically less square footage, they're smaller. So, yes, they're market rate, but they're -- they would be more like -- let's say the average lot in this area is 300,000. That will be more like what those units are worth than say a big \$500,000 -- and I'm making up numbers but just to give it personality.

[1:00:58 AM]

So they are -- they're essentially -- one of these are more affordable on those but they're restricted in how high they can go just because of their size so as compared to what will be built otherwise, they are lesser expensive. They're -- they cost less. They will be appraised lower. I don't know how --

Houston: It's late. Thank you.

>> Yes.

Mayor Adler: Mr. Casar.

Casar: Mayor, I'll move planning commission recommendation, which is sf-6.

Mayor Adler: Is there a second to that motion? Ms. Garza. Is there any further discussion? Ms. Kitchen.

Kitchen: Let me clarify the motion. So the motion is the ordinance that's in our backup that has the 16 unit limit on it and we're also saying that we will work with legal to put into a memo or whatever the right legal term as much of this as we can.

Mayor Adler: Yes.

Kitchen: Right?

Mayor Adler: Yes.

Kitchen: That's part of the motion, right?

Mayor Adler: Yes.

Kitchen: Okay.

Mayor Adler: Okay? We ready to take a vote?

Renteria: Mayor.

Mayor Adler: Mr. Renteria. I'm sorry?

Renteria: You can hear me.

Mayor Adler: Yes, hear you now.

Renteria: It is late. Not only because of homeowners association fee but we'd be rezoning this property sf-6 and I'm really concerned about what might happen further down because there's about three or four more lots down out there right next to it that's also sf-3 and there's a big possibility that they will come in and rechange everything back up to sf-6 zone. I just want to let y'all know that. I'm not gonna -- can't support that.

Mayor Adler: Further discussion? Those in favor of this item please raise your hand.

[1:03:04 AM]

And this requires I guess nine votes with the valid petition to pass. Those in favor please raise your hand. Flanagan, mayor pro tem, Casar, me, kitchen, alter -- hmm?

Casar: [Off mic]

Mayor Adler: This is -- is this third reading?

Casar: This is second reading.

Mayor Adler: This is second reading, I'm sorry. Alter, Garza, and troxclair. Those opposed raise your hand? Houston and pool and Renteria. So it's 8-3 so it paces second reading.

>> It would pass on second reading only.

Mayor Adler: Passes on second reading only. All right. That I think is the last item that we have. This meeting stands adjourned.

[Meeting adjourned]