

City Council Work Session Transcript – 04/11/2017

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>> Mayor Adler: Good morning. We have a quorum present so we can go ahead and call to order the Austin city council work session. Today is Tuesday, April 11th. It is 9:10. We are in the boards and commissions room here at city hall. So we have no briefings today, but what we do have multiple items in executive session, one of which is anticipated to take a considerable period of time, maybe an hour or so. So we probably need to have an hour and a half or more for executive session today. So let's start with the pulled items. First one is Ms. Houston and councilmember alter on the Austin strategic housing plan. >> Houston: I'll be right there.

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Good morning. We'll wait until you get everything all aligned. Are you ready? Good. I want to thank the staff for all the hard work that you all have been doing on trying to create this report and for listening intently to the comments of the public and the council during the last public session. We received the -- I received the updated timelines and recommended changes Monday, yesterday at 4:40. And I know you all were really in the words of people in the hood, humping to get that to us at that time. There really is no time for the public to receive, review and draft recommendations. And additionally we've all received a letter from the chair of the zoning and platting commission asking that the item be postponed so that they could receive a briefing. I'm sure you all know that the commission is responsible for 68.5% of Austin's geographical area and they would like to see the plan and offer some recommendations before it's finalized. So my first question is for clarification, regarding what I perceive is a sense of urgency in approving the ordinance that will adopt this document as an element to the imagine Austin comprehensive plan on Thursday. What is that sense of urgency. Why can't we in fact postpone it to so as to allow people to review, respond to and give feedback in a timely manner. >> Rebecca giello, sis assistant director of the neighborhood housing and community development department. I'm not so sure it's urgent, so I want to allay concerns there. We are just on a track of response. So as I mentioned earlier

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last week, I believe, we had an audit that we are responding to. We recognize that we have an audit action plan which we had a December of last year date to begin reporting back on the completed plan. We also have a needs assessment that we are going into with respect to the action plan which is a federal document that dictates how we're going to spend our funds when we apply for those funds,

which is roughly a little under half of our budget. So it's ideal to have this type of policy direction and a plan adopted during that time period. We'll be bringing actually, setting a public hearing to you all this month. So there's an impetus around that. We recognize also codenext is a driver in this conversation, so it's ideal to have this particular plan also over laying those conversations. So there's a number of different reasons, I would say we would like to have this done but I don't know that I would characterize it as things go awry completely if it doesn't get done. >> Houston: Do you see the validity in the request from the zoning and platting commission to be able to be briefed on the strategic housing plan? >> I'm going to say one thing to that and then I want to defer also to Jonathan oh, it looks like -- who it looks like has something to add. I will not say it's invalid. I have worked for the housing department for seven years, about, I think, and probably the first year I got there there was a call for our stakeholders bringing forward a call for setting numerical goals and targets around how our funds are invested. And so I recognize for some councilmembers and some members of the public this is a new conversation so I want to be sensitive to that. It's been a long conversation in our policy realm so I'm sensitive to

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that as W. >> The only other thing I wanted to add is back in February we went to the comprehensive joint committee which has representatives from both zoning platting commission and planning commission and gotten unanimous approval to move forward with the plan. >> Houston: Which the -- >> The joint comprehensive plan committee which has representatives from both zap and PC. >> Houston: Right, but from the planning commission they had some amendments that I understand. So that's a little different. So the zoning and platting commission might also have some recommendation -- that are different from joint commission. That's all I'm saying is that I think they have -- because they represent so much of the land mass I think they should have an opportunity to review the plan. And in keeping with our suggestion I one more question for this round. In your timeline in the memo that you sent yesterday afternoon you talked about 13 community engagement conversations. Can you tell me which districts those were held? >> I do have that as one of my basic pieces of paper. We -- so as mentioned in the plan, we had at least one meeting in every council district and we thought it was especially important to have community input from low income communities that are especially in need of affordable housing. And so we actually had multiple meetings in districts 1, 2 and 3 to ensure that we did get input from those communities. So we actually ended up with

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eight meetings in district 1, three in district 2, four in district 3 and then in other districts we had one or two. >> Houston: And just to segue and then I'll pass it on to someone else. In district 1 can you tell me where those eight were? >> I think we -- I don't know those off the top of my head. >> So if I could give me that after awhile. Thank you. And mayor, in keeping with your suggestion, those of my two questions until everyone has a chance to ask two and then I'll come back again. I have some more. >> Mayor Adler: Someone else with questions? >> Kitchen: Just one quick question to follow up so I understand. Are you talking about in February of this year you went to the joint committee? >> That is correct. >> Kitchen: Okay. And did they have the draft plan -- the December draft plan in their hands at that time? >> Yes. >> Kitchen: Okay. And that's the same draft that the planning commission gave us recommendations on. >> That's correct. >> Kitchen: And did the joint committee have any -- what did they say at the time? You said something about they approved it going forward? What did they say at the time? >> They approved -- made the recommendation for us to go to planning commission, full planning commission? They did not provide any additional amendments or suggestions? >> Kitchen: Did they make a request at that time that the zap also review. >> They did not. >> Kitchen: Thank you. >> Mayor Adler: I will say just at a

really high level generally that I think we're primed and ready to pass this this week and my preference would be to see us go forward and pass this. It doesn't letly change any of the ordinances that we

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have in place. It sets kind of higher aspirational goals. To that end it wouldn't bother me to change the name of this from a housing plan to housing goals if we wanted to change the name of the document. Do we want to come up with a better descriptive piece? But I want this to-- I would prefer this to move forward in part because I want -- I think it's best if everybody in the city is now directed codenext maps that are coming out and I think if we focused attention there that's really where I would want planning and zoning and each of the boards and commissions to be focused at this time. I did read the changes that were given and I thought they were constructive. Mr. Casar? >> Casar: I agree, I am comfortable moving forward on Thursday. I did want to pass out one potential amendment for what is already in the plan, but I think it makes a key part of the plan more clear for page 8 of the plan. And I'm just handing this out. The underlined text is what would be changed, but it clarifies that the 135,000 housing units number is the minimum that the staff have laid out in their methodology to meet anticipated future demands alone and I think that that would be a huge feat for us over the course of the next 10 years to just not get worse than where we are now, but it recognizes that for us to reduce Austin's overall share of housing cost burden households, we would need more than that much of below market rate and market rate units to be able to get to a place where

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we are better than where we're at today. And our housing committee when we reviewed this, I think at least twice, I think we did regularly talk about how we have to both in the plan lay out the problem and that most aspirational solutions and step back and talk about what it is that we think should get done. And I think this language clarifies for the public that we recognize that the 48,000 existing cost burdened households could get some help by executing this plan, but that we would still have cost burden households in the end even if we met the incoming demand over the next 10 years. So I think ultimately incident tension of this is not to change anything in the plan, but to recognize the fact that even by executing this plan we are just sort of keeping our heads above water and if we actually wanted to reduce the share of cost burden people we would indeed have to find ways of doing even more. It's not saying that doing more is easy or that we even have a road map for doing even more than that, because getting to the 135,000 is a huge step for that. I think this lays out for the public and makes -- allows the council to recognize that this 135,000 is just to meet the challenges for housing that we anticipate coming in the next 10 years. >> Kitchen: Mr. Mayor? I just wanted to comment on that. I support the amendment. My thinking is perhaps maybe slightly different, but I do support this amendment because I do think it clarifies what the 135,000 represents. And I think it's important to have language in here that acknowledges that the 135,000, if that's all we did, and if it was only done in the mfi tiers that the 135 represents in the break down of the report, that we would not address the

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existing shortfall. So I think it's really important to make that clear. So from my perspective I wouldn't be talking about 135 when I talk about what we need to do. I think we need to do 135 plus 48 because whatever it is. But I do agree that this is not the place where we need to spend a lot of time deciding whether it's an additional 48,000 or whether it's an additional some other number. So I think that the last sentence where it says therefore over 135,000 housing units, both market rate and below market

rate be expected to be need. I think that's a fair statement and I think that's a statement of goals. About and so I'm comfortable with this language. And I think as we move forward over the next coming years and we start focusing our goals more specifically when we start look at our goals below mfi and below 60 and 80. Then we can get Morgan gnaw particular and more specific on what we need. Thank you for bringing this forward councilmember Casar. I think it brings forward things we've all raised and the necessity that we don't need to get down to the exact unit number at this point? >> Mayor Adler: Any further comments on this? Mayor pro tem? >> Tovo: I indicated last week, I've forgotten, that I was uncomfortable with some of the direction in here that seemed quite directive with regard to land use changes, including in issues that had been really much discussed and were the result of much balance already. So -- I think there are a variety of ways to address those concerns and we've heard them from some of the public as well and frankly I think we will get really bogged down if we try to pass this without altering those sections. So my suggestion would be that we either remove those sections or we reconsider having it be a part of

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imagine Austin or we alter the language. And I'm open probably to any one of those opens, but I took a stab last night at altering some of the language. If you have a copy that doesn't say draft I appreciate if you would add it on there. I did this probably at midnight so the language is not great. And it might get better by Thursday if I have enough time, but I hope it will give you a sense of the direction where I was going. I would also say I know councilmember Houston talked about maybe postponing it. Among other things councilmember pool has drafted some amendments that she will not be here on Thursday to provide, so I wouldn't mind having at least another week to work through -- to have her be present for it, to introduce her amendments. If not I'm happy to introduce them for her. One of the things I've been trying to spend some time doing is going through the comments. There were some by the community development commission that I'm not sure have been incorporated into this draft, though I don't know because I haven't looked at the staff's comments that we just got today. So I just am struggling to make sure that all of the feedback that I would support has been incorporated. And so I don't know that I'll be able to do all that by Thursday. But anyway, this has some of the things I talked about last week minus councilmember pool's very good amendments which brings up the planning commission's amendments and minus some recommendations that I think should be incorporated from the community development commission, assuming they haven't been incorporated by the last round of changes. So that's probably the equivalent time of my two questions. I'd be happy if anybody is interested in just quickly dashing through with the council's permission if I could spend one and a half more comments, I'll just say -- is that okay? So I've adjusted the language to occupancy limits for the reasons I addressed

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last week. The smart housing I'm not comfortable with the language that says to offer greater incentives to developer and lengthen the affordability period. I think what we're really aiming for is language that talks more about calibrating those benefits or balancing those benefits. So again the language isn't great here, but that I've suggested but I will rather see language there that talks about an appropriate calibration. Parking requirements I believe I discussed last week. And I understand there are some proposals to do so in codenext and I'd rather have that within codenext rather than provide direction that those be reduced in this plan. I think -- again, I think it will just bog us down talking about the strategic housing plan. I would rather focus on sort of what we can all support and take up those other issues separately. Vacant lots I discussed time. If we have a statement that just -- just talks about making smaller houses on smaller lots, what we're also supporting by doing that is the demolition of existing

housing, the carving up of lots and the creation of smaller housing, which we can go through and provide numbers, has not successfully resulted in more affordable housing. What it's done is resulted in more expensive housing and many of our central neighborhoods and the loss of in many cases what had been non-subsidized housing that was more affordable to people and a significant loss of character in some other impacts that I think are significant. And so I'm not going to be able to support the discussion of smaller houses on smaller lots without recognizing that that's not always producing the impact that the language initially said. We talked about Adu's last week. I've changed the language to reflect that and saying

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looking at it and seeing if it's resulting in more affordable housing. And I'm happy to answer other questions. The language I'm proposing changing is marked in red. There were some sections that I've highlighted because I wasn't ready to remove it. In one case, for example, I'm just not even really sure what it means. The relaxing of parking requirements could promote affordability and potentially maintain neighborhood character. It's not clear to me in that sentence how relaxing parking requirements maintains neighborhood character. I'm not sure if that's a language issue or what. I would just at the moment -- that's why I highlighted it with a strike-through. I'm happy to answer questions, but that's sort of where I am on this. Otherwise as I said last week, I think there's much good direction in here, and aspiration national goals, and I support having those and I support passing it, but those are the adjustments I would suggest. I also support, mayor, your suggestion that we adjust the language from plan to goals. I think that makes sense given the content. >> Renteria: Yes. I want to let my colleagues know that ad us, you're right, it's not going to fight affordable because they're pretty expensive to build. I'm building mine right out -- when I built mine we were the contractors and the guy laughed at us saying if you think you can build something here in Austin under 125,000 -- that was almost 10 years ago. You've got to be kidding yourself. We did it for 65 where we did a lot of the labor. And if you look at it you can tell the mistakes that we made by working on it, but it was a way designed

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for people to be able to stay in their neighborhood, able to rent it out. We had a lot of secondary units that were illegal because it wasn't -- you wouldn't improve them because they were illegal lots. So we made them legal and that's why -- that's the reason why we lobbied the city and got the permission to do that to make them legal. But to say that if you're going to build an ad and think that you're going to be renting it out to low income, you're going to be kidding yourself because it's not going to happen. >> Tovo: Councilmember, I would say even the staff's language acknowledges that it may or may not produce affordable housing. I'm happy to talk about the changes I've included. I don't think they're inconsistent with what you've said. The main change I made there is that it talked about relaxing -- that the council should relax numerous regulations that and council has already done that. And so I felt like we should acknowledge that those have been relaxed and that may be the appropriate goal there is to see whether it's had an impact on adus, but I'm happy to -- I'm certainly happy to have a discussion about that change or any others you think are in there. >> Alter: Thank you. I appreciate all the hard work that has gone into this. I have heard from folks who felt like they did not understand this was going to be put into or as part of the comprehensive plan and that had they had known that earlier they would have engaged more and that currently there are numerous various plans including codenext where they have to be very engaged and they have to make choices and not knowing that meant that they did not engage to the extent they would have if they

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thought the plan was going to imagine Austin. So I am still concerned about that. I had hoped to have questions today, but I did not receive the updates until 5:00 P.M. Yesterday. I was observing passover and I did not have time to review it. I will have additional questions for you on Thursday. I also requested last week some information from the demographer in the planning department. I don't really feel like we've heard from them about their views of this plan and whether it addresses the problem that we need to solve and whether the goals as laid out have the demographics of what we know about where we've been and how we're going and how Austin shall relate to the msa. I understand from Mr. Lumberras we should have that memo back later today. I know the bra practice is it will be shared with everyone and posted as a memo, but without the answers to those questions I'm not sure what questions I have for you. I also posted several questions last week that were not answered which I assume are in the Q and a which probably did not appear until yesterday. I did not have a chance to review those. I anticipate I will have a lot of questions on Thursday, but I would very much support councilmember Houston and councilmember tovo's suggestion that we not rush through this and that we make sure that we and the public have the time to really digest this. That being said I would support the mayor's suggestion of thinking about an alternative name other than plan for this proposal. Thank you. >> Mayor Adler: Ms. Houston and then Ms. Kitchen. >> Houston: Again, thank you and again thank you for listening and for the comments. Again, it's a lot of information to try to absorb and although some people have been on council committees that have had the ability to hear this for

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many, many months, many of us haven't. So that's why it seems like we're trying to make sure that we get it right this time. So I was looking at the community development commission's recommendations and on page 2 of 4 there are several things that I don't know whether these recommendations were implemented in what is before us on Thursday. And so I just ask that you all look at that so that some of the things that they talk about monitoring plan, how do you monitor the progress sharing timelines that gave you credit for adding a core value section, but there was number 11 talked about a family friendly units in a density bonus program. I don't have time between now and Thursday to be able to see if all the recommendations from the community development commission were referenced in what I have before me. So I just -- so we don't spend a whole lot of time here because I'm sure we'll spend more time on Thursday, that I have some assurances that some of the concerns they have have been address understand what we're looking at now. >> Councilmember Houston, we'll particularly look at the CDC recommendations and develop a chart which tells you which were implemented. >> Houston: That would be helpful. And my one last question, I guess this is for staff, the posting -- maybe for legal. The posting language says approve an ordinance adopting the Austin strategic housing plan as an element of the imagine Austin comprehensive plan. If we are in fact amending the imagine Austin ordinance can we make other amendments to that ordinance on Thursday? Impervious cover with the posting you have today would

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be about -- >> >> With the posting you have today would be about the strategic housing parts. >> Houston: Because there are some things that should come under as we review the mapping process with codenext, it seems like we're getting the cart before the horse by doing the strategic housing plan before the exercise at the local level. So I was trying to figure out what those opportunities are to amend the comprehensive plan. >> Mayor Adler: Yes, councilmember Garza. >> I wanted to signal my

support for us this week. I have to respectfully disagree that this has been rushed, that people haven't had the opportunity to give input. I went to a couple of meetings in my district that the gentleman -- sorry, I don't remember your name, was at, and you know, it was always asking to me that the questions that are asked, at both of them it was why isn't the city controlling -- basically they asked rent control questions. They don't understand that there's legal things that don't allow us to do much of what I wish we could do, but we're limited by our state legislature. I think this -- I don't know if time would change. There seems to be some philosophical differences amongst us and I don't know if time would change that. I don't want to rehash the conversation we had last week, particularly between the mayor pro tem and I, but where -- and I guess I'll just say the same thing basically. The prices near downtown are going to be high because of proximity to downtown. In a perfect world I wish I

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would preserve parts of downtown and I still want to try to do that. How Adu rules and lot sizes and house sizes affect downtown, in what some may think is a negative way it affects other parts of town in a positive way. So I don't think any additional time is going to change those philosophical differences and this is going to segue into a question I have for councilmember kitchen's items that we haven't pulled up just yet. For me this was a goal -- we're not changing any rules yet. I would also respectfully disagree that codenext should happen first and then this because we should have goals first and then make our laws and regulations reflect what those goals are. If we're saying we need more housing, then we're able to make sure that codenext reflects the changes that are with codenext reflect that goal of housing. Our goals should not be reflected by the laws and regulations. It should be opposite. I hope we can move forward. I think there's another philosophical difference on how this is affecting our current rules and regulations. I think it's just a goal, it's a plan. It's similar to our video plan. It's aspirational. And there's still a lot of hard work ahead of this. There always is. I appreciated the -- you saying you've been here for seven years and this has been a discussion for seven years. I think we need to put those goals in writing and start working towards reaching them. I know we have, but continue working towards reaching

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them. >> Mayor Adler: Ms. Kitchen? >> Kitchen: I have a few questions about the staff recommended changes. Thank you for giving it to us. First off, I also want to -- I've mentioned before that I am excited about this housing plan. I think it's timely to go ahead and adopt it. It sets goals for us. An emphasis on the goals. And it's way, way past due as we've been talking about. I think it's important to move forward. And we all know and hear from people in the community about the concerns about housing, you know. We're just continuing to build a city where people are pushed out of the city. And I want to speed up our response as much as possible to what we do to address those concerns. You for this language, which helps clarify for me where the first line of what you've adopted says, adoption of the plan does not begin the implementation of any item. I want to emphasize that. The adoption of the plan does not begin the implementation of any item. Approval of the plan does not legally be on obligate the city to implement any particular action item. One reason I emphasize that is because we have a lot of steps to go before we can actually even make any changes. And I want to get started on those steps. So I wanted to emphasize that. I also wanted to ask two questions. On page 17 there was a change in -- I think it says a change. Maybe this is a clarification. It says revise as shown. Before it said 90% of affordable housing created or preserved within three-quarter mile of transit service. So that was changed to 75% of affordable housing created or preserved within three-quarter mile of local fixed route transit service, including metro access service. So could you please clarify

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the thinking behind that change and make sure I understand it? >> Sure. So the goal was changed from 90% to 75% to help address concerns that there may be areas that are not within close proximity to transit. And so it actually goes in tandem with another change, which is to add a new goal somewhere that -- new goal for affordable housing in high opportunity areas. So recognizing that right now our transit may not be available in all places. It's to balance out that need for housing near transit and high opportunity areas. So it goes in tandem with page 17 that says add a new community goal at least 25% of new restricted high income opportunity housing should be in high opportunity areas. >> Kitchen: Maybe that's language we can do as part of an implementation plan. I think it's important. I think that's fine right now. Understanding where we are today in our transit service. But this is a long-term plan. So where we are today in our transit service is not necessarily where we will be in the future. So as long as we understand this is aspirational I may think about some additional language, maybe it's not necessary, but to point out that over time we -- over time we'll be working with our capital metro with the transit authority to really align where it's appropriate. Our affordable with transit. May I ask one more question? >> Mayor Adler: Yes.

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My other question is on page 25, I don't know whether this is entirely new or what, but it is estimated that over 1900 affordable housing units would be created through an additional 65 million in voter approved go bonds. Can you help me understand why the number 65 million was put in there. Is that to reflect back to the 1700? >> Correct. We wanted to clarify basically what number we were using to get to intensity hundred estimate? >> Kitchen: In the context of the rest of the language, I would not want to establish a number for the go bonds in here because basically 65 is not enough. So some of our previous bond packages have been higher than that. So that's fine. I'll go back and read the context of the whole paragraph as long as that's not read as that's our target. >> No. The intention is definitely not to say that's the need or the target, just that's how we got to the number. >> Kitchen: Okay, thank you. >> Mayor Adler: Mr. Casar? Goes back to a discussion the mayor pro tem and I had last time around her proposed amendments. Looking specifically at, for example, the section where the mayor pro tem's suggested amendments said that the council should continue to monitor whether our relaxations to Adu rules have resulted in affordable ads. I think people in the public and members of the council that worked on this issue I think nobody said that the point of the Adu relaxations is that we were going to have income restricted level adus popping up because of the relaxations to the Adu ordinance. I think again to -- I think that what we were talking about was making it -- what is the alternative.

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If those Adu regulations were not changed would we have had large single-family houses without the additional stock. What is the impact on the single-family market as a whole and finally are ads in a neighborhood a more affordable option than renting or purchasing a single-family home in that neighborhood? And I think those were the prime arguments related to ads. And it sets up false -- that brand new ads are going to be built by private interests and brand new be affordable ads. And that's my concern on the smaller housing on smaller lots issue as well. I don't think that members of the council have tried to argue that we're going to have brand new affordable housing built in the central city unless it's been a non-profit or with government subsidy that is brand new and affordable in the really affordable sense, but that it was going to produce more affordability and more integration on the larger

housing market and in context because if the decision is whether to demolish an existing single-family house and put up a brand new single-family house or demolish an existing single-family house and have smaller houses on smaller lots, I do think that the staff's recommended language is accurate, which is that if you have less land and a brand new house, it most likely will be cheaper than if you have more land in and a brand new house, considering that land costs are the primary driver of price in the central city. So I think the staff has actually been accurate with their -- with the existing language and what makes me uncomfortable about some of the suggested revisions is that it implies that our goal in changing some of these regulations is to provide brand new affordable housing, which I don't think is what the staff is suggesting. I don't think it's what our

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impediments to fair housing reports have suggested and I don't think it's what councilmembers have suggested will happen. >> >> Kitchen: Mayor? >> Mayor Adler: Ms. Houston, then mayor pro tem. >> Houston: Thank you, this is great discussion and again I say why do we have to try to condense it into today, tonight and then tomorrow? If you could put up the -- thank you. We talked in the draft and in the report about using the growth concept map for where housing will be located. I just wanted to ensure that everybody knows that if you look at the growth concept map it's all located in the eastern crescent. So I don't know whether anything that you all talk about strategically in the housing plan, I know we use disbursement and distributed. But when we link it to the growth concept map then we're linking it to those areas that are east of the interstate, which is where we're suffering the highest pressure points at this point. So I can't tell again, because I haven't had time to read all these documents, whether or not this is going to increase the gentrification and increase the pushing out of people, the displacement of people who have lived there or whether this is going to do any kind of mitigation. I am so glad that you all waited until we had the mayor's task force recommendation because you were able to put some of the language from that task force into your plan. If we had rushed this before we wouldn't have had that. And I'm just saying there are opportunities between now and when we can look at it again in may maps that we can get some additional information and ensure that we are not, as this council and this strategic housing report, not doing the same thing that we have done all the time, is putting the bull's eye on places where they need some relief.

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And not distributing the housing types for all income levels all across the city. >> Garza: I don't understand, councilmember. You were saying what all is east of 35. >> Houston: The growth concept map, all the areas of growth. The job centers, the employment sites, all of those are -- the capitol is right above the mayor's head and they go from the -- [laughter]. The eastern crescent all the way down to south Austin. >> Garza: And just so I understand the point you're making is that's not a good thing? >> Houston: I don't think so because if we're talking about disbursement of housing for all income types, all across the city, and if we only use that growth concept map, all of that will be concentrated in that area. >> Houston: Again, you may address that in the plan. I just don't have a way to -- that what I think is happening is in fact not happening based on what we will adopt. >> Garza: I guess I would just say that -- maybe I'm missing something, but I think this map is because we don't have jobs east of I-35. We don't have town centers. We don't have grocery stores, we don't have amenities that we've all been advocating for. And the purpose of this is to say how do we get that stuff east of I-35. We don't have it west because west Austin already has grocery stores. They have jobs. They have housing. They have all these things. And this map is trying to say let's regulate or try to regulate in a way that pushes these amenities east of I-35. So I don't know if I'm missing something -- >> Houston: You're

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absolutely correct that those are the things that we don't have. And what we do have is housing that's already being built that is unaffordable for the majority of the people that I think this council is concerned about and there is no indication in this plan about how it will be disbursed. This plan is about housing, not about healthy food, not about amenities, about restaurants, not about jobs. This is about housing. So if we continue to locate housing in the areas where we are experiencing the most rapid growth of housing, of housing that's inaccessible to people at 80% or below, then we're continuing to do the same thing we've always done. So where in the plan do we talk about that disbursement of -- if you can show me what page that's on I'll be happy to review it. But that's just something that we need have a conversation about. >> Mayor Adler: Mayor pro tem? >> Tovo: If anybody is interested I can read the suggested language that councilmember pool has drafted that responds to the family friendly housing, but otherwise I'll just distribute that on Thursday. So I think in response to councilmember Renteria and councilmember Casar's point, it sounds like the portion of the sentence in ads that is causing some difficulty is the part that says should continue to monitor whether these relaxations has resulted in affordable ads. I think it would be interesting to know since people are coming forward and saying that it was going to result in more affordably priced housing. But if that's causing concern I'm happy to take that out. But I absolutely stand by the assertion that the language reflects none of the work that we did in relaxing regulations. It says numerous regulations should be relaxed for

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internal and external ads. And I hope that we can -- we certainly do and may have some philosophical differences, but I would just like to urge us to continue to operate from a position of information. And with regard to that I would ask that our staff provide us with a zoning map that -- for Thursday that shows -- gives us a snapshot of the city with its different zoning categories. The discussion has talked about central Austin and suggesting that it is exclude from the ads or downtown is exclude from the Adu relaxations that we did. And I just want to remind my colleagues that we applied it to sf 3. Almost all of my district if it's not multi-family or CBD is sf-3. The areas where it was restricted are not downtown, are not central Austin. They are largely councilmember troxclair's district, which has -- because we did restrict it. There was a last amendment that day at council that restricted at sf-2 which is largely in district 2 and district 8. We can have these discussions, but I would ask that we not focus on central Austin because if you're talking about district 9, the Adu relaxations we did, apply throughout my district. It is those other two districts and any other areas that have sf-2 and possibly sf-1 as well where it is not applicable. I can make changes to that sentence, but I think it should reflect the work we did. I am stymied on how to have smaller houses on smaller lots. I really believe that part of the conversation we had when we looked at occupancy rates we had comb people coming forward on confirmation on how the demolition of a structure and the coming up and construction of new housing, even on smaller lots, they

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do not result in cheaper housing, even if you factor in the fact that there are now two units instead of one. So the kind of assertion here that it will result and there are a couple, there are more likely to be affordable. I just don't think it's always borne out. I think we should change it to more conventional language. And maybe we have a philosophical difference about this, but I would -- let me ask that as a question. ... To incentivize the demolition of existing housing stock. I would -- like to believe that as we

look at codenext that we are not going to be incentivizing the demolition of existing housing stock and encouraging people to demolish the structures that are already on the property and carve up the lots and build new housing. And so that's the language that I'm trying to add in here is talking about -- is reflective of that point. Which is why I've added in vacant and others, but, you know, I think if we're going to have a discussion about whether we want to see whole scale demolition of houses to construct newer, smaller houses, then I think that's a conversation we should probably take up outside of the housing, the strategic housing plan. That would be a wildly new direction for the city and it would be very out of keeping with most of the work we've done before in terms of working with communities throughout Austin and helping them put together plans of where they want to see their so again, I'm happy to -- if there are specific -- I think -- I hope that that addresses the concerns that I heard about the ads. And would welcome a

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conversation about the other changes so that if there's a way to adopt to the concerns I'm hearing, we can do that before Thursday. >> Mayor Adler: Mr. Flannigan. >> Flannigan: Councilmember Houston, on page 16 of the housing plan, it talks about each council district should contain, it says 10% in each district. Is that not addressing what you're talking about? >> Houston: I've already got 22,000 units in district 1, so I don't need an additional 10%. So that's a concern about how we make those distributions. I would appreciate if other districts would take 10%. >> Flannigan: The way I read it is not 10% of the new housing. 10% of the -- it doesn't say new. It just says that each council district should attain at least 10% of the units that are affordable. Maybe I'm reading that wrong. I'm happy to have 15, 20% in my district, I'm willing to build it out there, but -- >> You're reading is correct. It's not new housing, it's 10% of the rental units in each district should be affordable. So councilmember Houston is correct. There are some districts that already have a high percentage of affordable units. >> Houston: So in the implementation phase, we would find out how you would monitor for that? Is that where that would come? >> Flannigan: Okay. Another question, and I guess staff can help me understand this. I feel like we often get into the conversation of whether or not a new unit is affordable, and we're not thinking about how building new units impacts affordability across the system. And I feel like there might be a metric that helps us understand that. Now, I'm a renter, the only renter on the council.

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I know if the vacancy rates in the apartment complexes are 95, 96, 97%, those rents are going to go up pretty quick. Is there a sweet spot for vacancy rates that we might achieve through building new units that helps -- not necessarily reduce rents, but at least keep them flat? >> We can certainly look into that I think it's an excellent question. I don't have that number off the top of my head, but won would think - - one would think that, yes, there is. >> Flannigan: I think the same thing would apply to office space, and for ownership, there may be a longer rate of how long it takes to sell your house. >> Casar: Six months. >> Flannigan: Six months. Councilmember Casar is on top of it. I don't want to think about whether or not the two houses are affordable, but if it helps the system create affordability because there are now more options for people to buy, or for people to rent. >> So I also just wanted to real quickly say, in keeping with time, we're making a note of a lot of these questions, and so to your question, where in the plan does it address certain things, our goal is to get that information to you via e-mail, so just please note we're making all sorts of notes on what to provide you before Thursday. >> Houston: Something that councilmember Flannigan said, I just want to ask about how do you account for market forces in the scenario you just gave? >> In my mind, and that's why I'm looking forward to some staff analysis of it, but the vacancy rate is the market forces working, because if there are more

units available, there is no market pressure to raise the rents. They'll rent them all at whatever the market will bear. And that's not to say that a 90% occupancy rate -- I may be switching my words around, but it's not to say it's suddenly going to drop all rents 10%. About UT if we can build in a

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way that the vacancy rate is somewhat manageable, then the rent staying flat helps incomes rise over time in a time that they'll rise faster than rents, is what I'm thinking. >> Thank you, we talked a lot about supply and demand as part of this equation, and there's no market force in the world that's going to create the housing that we need for those who are at 50% mfi and below. So we really have a capital problem. And as you're going through this document and providing us with answers, I really appreciate flagging those capital solutions, because we can do this till we're blue in the face, but if we don't have money to provide these solutions or to incentivize these solutions, it's not going to happen. So I would really like to have you flag out those capital solutions because, you know, the big problem that we're trying to solve is this lower end, the missing lower. And I'm not seeing an answer in this plan. And that's one of my biggest reservations for it. >> So the stack -- >> On page 18? >> On page 18. This is what we call the stack. It basically identifies the potential capital solutions, which we know are not sufficient to create the affordable housing goals as they are at present, as we say throughout the document, this will take a variety of regulatory changes, looking for potential new funding sources to be able to accomplish these goals. So we're very clear that we need to explore all potential solutions for both new funding sources and regulations that

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incentivize the production of affordable units, especially since we're in Texas, where we have limited -- there are numerous regulations that limit our ability to create income-restricted affordable units. >> Alter: And so, that said, I do want to highlight that this council has made movement on the capital issue. I don't want to compare councils to the current council because that just doesn't sound like a politically savvy thing to do. But where we've seen resolutions that some of dedicated revenue to the housing trust fund, for example, with revenues from publicly owned land, 100% where we were, 40% from previous city-owned land, those are excellent policy issues that begin to solve that capital concern. We're not saying currently, at all, that the capital issue is solved. What I will say, however, is that probably in the last two to three years, we've made incredible movement due to political will, and I wouldn't want that to go unsaid. >> What concerns me, though, if we unleash all of the market forces to increase supply on the other end and we don't have that capital slow, we may be making things worse. So I think we should be considering that as we move forward. >> Mayor Adler: And for me, I would just say that it's not just about any one level, and there are certain parts of the stack that I think, I agree with you, require subsidization, but I think, overall, the pressure on prices in the city gets driven by looking at supply in the entire city, at all of those, because people move back and forth between those segments

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often to the detriment of them or to the detriment of others that would otherwise be in that place. Councilmember Garza. >> Garza: I just wanted to respond. Maintenance, I know we talked about sitting down for coffee and having this discussion, and we were never able to. And I appreciate if we can -- I know we need -- we haven't been able to do that, but maybe I'm just not explaining myself well, and sometimes I do that -- I don't do that well. So I wasn't saying that Adu relaxation restrictions didn't happen downtown, I'm saying -- they did harness you're right, but building an Adu unit downtown is not

going to create \$100,000 home or rental unit, I don't think I didn't have us is saying that's happening. It's the same restrictions, but the way the restriction affects council man Renteria and mine is a different unit. Adu in my house is about \$800 a month, versus Adu in your district is going to be about \$3,000 a month. And that's the difference. It's not creating, unfortunately, but just as we have the anecdotal evidence that shows homeowners building ads not necessarily to create affordable housing, just to create another stream of income, that same rule allowed councilmember Renteria to stay in his home where he's lived forever. And that same rule, anecdotally, we are considering building an Adu. And we don't need to rent it. We can afford to do it now, on a really tight budget, we could afford to build one, then grandma and grandpa can stay there, but at some point there may be a time where we need that income, we need to rent that out in order to stay -- in order to help pay our taxes. So I don't know if that helps, but the relaxation of those rules helps different types of people different types of ways,

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and it has helped one of our councilmembers stay in his home. It will maybe help me, you know, stay in my home some day. So I just wanted to better explain myself. I also wanted to -- you know, the philosophical differences thing, you're right, because on one hand, I don't want, you know, currently market affordable rates -- apartment complexes to be torn down, but on one hand, one councilmember sees it as you're incentivizing tearing this down, another councilmember sees it a different way. We need more housing. We need more housing. Does that have an effect of maybe incentivizing? Yes, nobody wants that, but it can have that effect. And the bottom line is, we have little control of how what we regulate trickles down and affects other things. We can't control what developers do, what the market does. There's so many variables, the landowner, the market, there's so many variables. All we can do is try to put rules in place or goals in place that get us to where we think it's going to happen. And, you know, if there was a -- if we knew of a certain rule that was going to do certain things, obviously we would all be in agreement, and we know that, but there's so many dynamics to this issue that, you know, we're -- one of us sees it as a negative, one of us sees it as a positive, but we're all on the same page in that we want -- you know, we want to stop gentrification, so -- >> Tovo: So I think -- I'm not sure that we're in a disagreement then about ads. I haven't proposed any language that I think would roll back those changes or -- you know, I think you're -- I understand better now what you're saying your point is with regard to the ads, that they impact different areas differently. But, frankly, we have the regulations in place to do them in your district or in my district, and so -- and that's really the language I'm

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suggesting here, acknowledges that we've made some of those changes. I'm not sure -- >> Garza: You use that as an example to one of your amendments saying, look, we did this with ads and it hasn't created any affordable housing. And so I was going off that example saying, well, it has for some people. I wasn't speaking specifically to one of the amendments, specifically. >> Tovo: Okay. >> Garza: Just to the example -- and I also add that it takes time for the market to catch up. We just changed that rule, what, less than two years ago, and it takes time for any of those results to show. But I would say I think we have an example on our dais of how adus have helped some people stay in their homes. >> Tovo: And if I said something at the last session that sounded like I said it hasn't resulted in any affordable housing, let me correct that. I have -- I really don't know. I haven't looked at the data and I certainly never meant to make a statement of that sort. So thanks for pointing to kind of what the -- what the -- what you heard that led to that. And that was one reason why I thought it might be useful, if we're going to direct them to do something with regard to ads, looking to see if it did create a range affordability, or

-- we had concerns about how that was raised. I'll think about some ways to direct some action to let us see how that's working, or not, and just stick to the discussion about the numerous regulations. And I had another question for you, but now it slipped my mind. I think it was about the other. Oh, I guess I would just say, I agree, there are lots of different market forces at work with regard to all of these issues. I hope, though, that -- I would just encourage us all to think about if my language is of concern, I would just ask everybody to think about whether there's language we can add to

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the discussion about single -- about small lots to suggest that we care about -- you know, we care about not incentivizing the demolition of existing housing. So if there's different language that would help us accomplish that in a way that's comfortable to all of us, I would just ask for your help on that regard, because I do think that -- you know, I would just ask you to consider that as a value, that we not -- that we try to be mindful of what we're doing, as it could be incentivizing, or at least acknowledge that that's a possibility. >> Mayor Adler: Ms. Kinks then Mr. Casar. >> Kitchen: Oh, I'll go after. I was just going to suggest at the appropriate time that we bring up 24 next because it's related. >> Mayor Adler: The implementation? >> Kitchen: Yeah. But I'll wait until you're ready to talk about that. >> Mayor Adler: Okay. Mr. Casar, then Ms. Troxclair. >> Casar: So I think that I would be more comfortable with something that acknowledged that we want to incentivize the preservation and rehabilitation of affordable housing, and be affordable units, because I think what our difference may be is that I don't think that our existing policy actually lends itself to that goal. I think our existing policies lend themselves to the demolition of single-family houses and their replacement with large -- single-family houses, I think the existing policy lends itself to the remodeling of moderately priced units into more expensive units. I think that right now, our policies are bad. And I'm not saying this we can -- that we can make them, in perfect, but I think to your question of do we want to shift to a policy of demolition of existing structures from more expensive ones, I think that's what we have now. So I think that that's the difference, or may be the difference, and I think that if we were to have a value statement, I think there are some good core value statements already in the plan, but I would be comfortable with something

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that doesn't say that our goal is to not add -- I want to make sure that we preserve the ability of encouraging infill housing development, while at the same time doing our best to preserve and rehabilitate and create as much affordability in the city as we can. So that may be where some of the difference lays, because the demolition of old bungalow being replaced by two expensive or three expensive small homes on to me is better than the demolition of that bungalow and its replacement with a mcmansion. >> Mayor Adler: Okay. Ms. Troxclair. >> Troxclair: I just wanted to go, mayor pro tem tovo, my feedback on the Adu, I guess, part O your amendment. I'm not quite sure I fully understood your comments about ads in districts 8 and 10, but I guess from my perspective, you're right, my district was more or less completely excluded from any of the revisions that the council made with ads, and I continue to believe that ads is one of the easiest, most responsible, best ways for us to increase housing stock in -- for lower and middle income housing stock. So I'm -- and I feel like the staff did an appropriate job of laying out their recommendation. I mean, this is reducing restrictions in more parts of Austin, restrictions -- I mean, to me, that, I guess, recognizes that there were restrictions that were reduced in some parts of Austin, but that there are a lot of parts of Austin that were excluded from that conversation. So I wouldn't be able to support that -- this part of your

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amendment. And, you know, not only is it just because my district is a lot of sf-2 and sf-1, but also the sos ordinances that impact a huge part of my district, when people can't build more than 15% impervious cover on a piece of property, that's another -- that's another reason that people aren't -- won't be able to build ads in district 8. >> Mayor, just from a process standpoint, I wanted to check in. The propriety, it feels like, on a timing perspective is to hold off on changing, recalibrate the plan currently, and look for your motion sheets, potentially, for Thursday, or we could take continued feedback and bring back additional kind of recalibrated changes. It would be helpful, however, for you all to kind of give us your level of expectation. Because there's certain things I think, obviously, we'll continue to do if there's any inaccuracies, but otherwise, would it be the will of this council to look for your motion sheets on Thursday? >> Mayor Adler: I think so. I think it would be helpful if you prepared motion sheets that were consistent with the changes -- >> We can certainly do that. Yes. >> Mayor Adler: Okay. Anything else before moving on to the next one? Let's go ahead and move on to the next one. Councilmember Kitchen, why don't you talk about the implementation. >> Kitchen: Okay. This is item number 24. I'm going to talk through it real quick, then we can talk about it. The overall purpose of this was just to take the next step, understanding that the housing plan is goals, so this is to provide some guidance to our staff in terms of the next step. So let me walk through it, and then we can talk about any changes that people are interested in, or any concerns or anything. So the first be it resolved

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simply directs the city manager to develop a detailed, multiyear action plan, to implement -- to include, and then I've included some things that I thought would be helpful to have as part of that -- as part of that implementation plan, or action plan. And those would include specific action steps which state the parties responsible for successfully executing the step, the due date, the goal that each is designed to achieve, and the measure for successful completion. Second is priorities. As part of laying out the action steps, that would be -- that would include priorities for the goals, the action steps, and resources. The next would be a process and be timeline for reporting progress to city council. The fourth would be resource needs, which goes, in part, to what councilmember Alter was pointing out. This action plan would be more specific in terms of resource needs to the plan implementation. And that might be funding or other kinds of necessary resources. So that's the first be it resolved. The second bit resolved states -- just sets the expectation that this would be an ongoing process, that the first plan would be a detailed plan for the initial two years, with a much higher level plan for the remaining eight years, and then each year on an annual basis, that detail plan would be updated. So we would keep a detail plan that was for two years, and then, you know, our higher level plan would go the further out years. The third be it resolved acknowledges the importance of collaborating with other city departments and plans, such as the mobility bonds, codenext, the strategic mobility plan, the age friendly master plan, and the institutional racism task force. This is not intended to limit, it's just some examples of departments and plans we need to collaborate with.

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And also, we'll be adding language that says -- oh, it also mentions other community agencies and plans, such as capmetro conclusion 2025, which is the bus plan. I'll also be adding a sentence that says that the city manager is directed to create an interdepartmental action team, comprised of transit, planning, housing, economic development, code, financial, legal, expertise, a other expertise as necessary, or as required for implementation of the plan. So that recognizes that if we're really going to move this plan forward, we need some kind of formal structure, which is an interdepartmental team. The next be it resolved speaks

to -- speaks to some things to consider in refining the goals, refining the housing plan goals as part of developing these action -- this action plan or implementation plan. So the first suggests that to prevent displacement in corridors, to refine that 75% geographic goal, and that's the goal that talks about housing within a half a mile of corridors. Again, corridors. To set a goal for total units in each corridor. So, in other words, the idea is that not every corridor is going to be able to handle the same amount of additional housing or the same amount of affordable housing, whether it's additional or otherwise, and to use -- to draw on data from the university of Texas corridor housing preservation tool to assess existing housing stock, preservation opportunities, and benefits to low income individuals. I think this part may be similar to a resolution that mayor pro tem tovo has, and we can figure out how to make them -- I don't think they're aligned, so we can figure out how to put that together. Then the second item in this be it resolved is to refine the goals for the council districts. So that's a drill down, some of what we've been talking about is recognizing that some of our

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council districts already have 10% or more, much more. So this is to refine the goals to the council districts, to incorporate affordable housing in housing types not currently present. So, basically, that's -- that part of it is to look at districts, look what's already in district, what's not there, and identify those things that are not there that ought to be included, and make recommendations for how the goals will be implemented. I think I will also propose adding a clause that says: Make recommendations for how the goals will be implemented and recognize where affordable housing exists today. So, in other words, the purpose of this particular paragraph is to drill down on those goals by district, to understand what already exists in the districts, understand what's not in the districts, and that'll be different for each district, and then align the goals more specifically by district. So then the last be it resolved -- well, no, the next to last be it resolved is to talk about city manager is directed to consider -- I said consider because I'm not sure what resources it would take to do this, but I think it would be important to develop an atlas, and basically this is like -- you know, it's a tool of existhistorical conditions on key conditions, housing conditions, infrastructure, transportation services, and school quality. So a lot of this information is already available. It may or may not be available in one place that you can go and look at it. It's similar to perhaps what councilmember pool was suggesting from the dais, that we basically have this information in one place, and I'm just calling it an atlas, so that we understand what's going on, and mapping it would also be great, so we really understand what's going on with regard to these existing conditions in each part of town. The final be it further resolved

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is to propose a time frame for bringing back the implementation plan. Now, this one has a time frame of September 1st. I'm understanding from talking with our staff that that's probably not -- that that -- for all of this stuff, that's not realistic. So we're talking about what might be a more appropriate date. What I wanted to do with this is show progress. So I was concerned about a date that was too far out. So it might be better to stage these -- these action items in this implementation plan so maybe it's appropriate to bring some of it forward in September or October, somewhere in there, and some of it forward a bit later. So I know we're continuing to talk about that. I just want to signal to my colleagues that that's going to change a little bit. So -- but again, I just wanted to show progress so that we're not waiting a whole year to see an action plan. >> Mayor Adler: Any other comments on this item? Yes. Councilmember Garza. >> Garza: My question was for the second to last be it resolved, subsection 1. I guess when -- this goes back to maybe not philosophical differences, misunderstanding of what this is trying to do. So my understanding of us saying we 75% of new housing on corridors, is basically to say

we most -- if we're going to build a hundred units, 75 of those need to be on corridors. I'm concerned about drilling down to the districts only because -- and I understand what you're saying, like, for example, in your district, Lamar, there's certain parts of Lamar that are extremely dense, but regulations will only allow a certain kind -- will only allow that density to go out a certain, you know, extent. >> Kitchen: Yeah. >> Garza: I guess I'm afraid, is the effect of this -- because it's still going to -- we're going to zone things the same way as we always have. If a zoning case comes before us

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and it's on a corridor that already has a lot of housing, are we going to say, you know, we're not going to approve that because that part of town already has a lot of housing, and my concern there is, while there are other parts of town on an activity corridor, we want housing -- it goes back to that we can't control everything. We can't control a developer putting it there. So I just want a clarification -- I just don't know if this is necessary because at the end of the day, we still need the majority of our new housing to be on these activity corridors. >> Kitchen: Well, here's the thinking behind this. The thinking is, first off, this is by corridor, not by -- not by district, per se, although there's overlap, but it's to focus on the particular corridors, like Lamar, for example. And it's to assess what's -- to get more specific to look at what's there already, to look at what our opportunities are -- and, again, like you're saying, the market has a big impact on what the opportunities are, but it might help us focus where we can -- where we can use the tools that we do have to -- to do things. So, for example, preservation opportunities. So, for example, along south Lamar, there's a lot changing on south Lamar right now. There's -- there are a lot of additional opportunities for more housing along south Lamar. And there may be opportunities to pick up some of those properties for more affordable housing, or preserve some of those opportunities. But if we don't -- if we don't identify that and we don't have, overall, you know, a listing of opportunities by corridors, we might miss them. So, for example, on south Lamar, foundation communities just built this wonderful new affordable housing. They're watching, so, you know, our partners in the non-profit arena are looking for opportunities so they picked up that land along south Lamar. There's other land along south Lamar that's going to be picked up for something. So if we could assess opportunities along our corridors, it's going to help us

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focus our goals, instead of -- instead of just -- you know, with just blanket high level goal, if we just say a certain percent for south launches if we don't ever drill down, we may miss opportunities for the resources we do have, understanding, of course, that we can't control everything. So I'm concerned about just blanket high level goals of 75%. I don't know how we're going to achieve them if we don't drill down and where those opportunities are. So that's the purpose of that. Is there something about it that -- that maybe we need to refine that you think is counter to what we're trying to do? Or -- >> Garza: I guess, first, I thought the 75 goal was specific to activity corridors. >> It's activity corridors and centers. So the imagine Austin concept map -- >> [Off mic] >> Kitchen: Activity centers and corridors. Corridors are the major roads. I wasn't thinking of this as limited to imagine Austin and east Austin. >> Can you put up that map that councilmember Houston had asked? Where on the strategic plan is the 75% goal? Can you point to the page? >> Page 16. >> Page 16? >> Page 16. >> It's the very first bullet under the doughnut-looking chart. >> Kitchen: Okay. If I'm misunderstanding, my intention here is corridors. My intention is not just the activity centers. My intention is all the corridors that we have identified as corridors as part of our mobility processes. If I'm misunderstanding that that doesn't match exactly to imagine Austin, I'm talking about the mobility corridors, is what I meant here. I mean, you guys can speak to -- >> Mayor Adler: Mayor pro tem.

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>> Tovo: If I could, councilmember kitchen, you referred to this earlier, but there is a little bit of overlap with the resolution number 25, which is specific to corridors and working with the corridor preservation tool at UT Austin that's part of ambition -- what's it called? Ambition tomorrow. So I guess I would just suggest that that -- I think it's just a point of overlap with the next resolution, and it's -- and it is entirely - - my resolution is entirely aimed at looking at corridors, setting appropriate goals, and working with -- and seeing how that fits into this strike -- I'm sorry, I am not myself here today -- strike funds resources to potentially see if there's a match there. >> Kitchen: Yeah. I think that yours is consistent and you have more detail in yours. >> Tovo: Yeah, I think it is consistent, and I should, while I'm talking about it, just say thanks to Dr. Mueller and UT who really helped craft -- this was a recommendation I think they talked about as part of the codenext, the sensory advisory process, and she helped the role in shaping it. I brought it into the corridors and I think it intersects with your first be it resolved. >> Garza: I'm sorry, mayor pro tem. I just want to make sure we're speaking the same language. So it's 75% of imagine Austin centers and corridors. So I'm looking at that map. There would be anything within half mile of anything -- any of the red dots, the yellow dots, other the yellow line. Correct? Okay. And I think corridors is something different. >> Kitchen: My -- you're right, this does reference back, and I can talk to mayor pro tem tovo. I think she's referencing back to imagine Austin. My thought was, I was thinking broader than that, because I was

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thinking of our mobility corridors. So, actually, perhaps this language needs to be refined. And the reason I was thinking of mobility corridors is because there are some corridors -- you know, I had to go -- I can't see this map very well, so I think this picks up a lot of the mobility corridors, but there may be a few of the mobility corridors that are on there, I can't really see real closely on that. >> Garza: Maybe the way to refine it is that you extend the 75% goal to the mobility corridors. >> Kitchen: Okay. >> Garza: Because right now, according to the strategic plan, it's just these. >> Kitchen: Yeah. >> Garza: If your intent -- yours would say, 75% would also apply to mobility corridors, I don't know exactly what a mobility corridor is just yet. Is it -- >> Kitchen: Well, what I meant is, as part of our strategic mobility plan, we've identified corridors. We did -- we had some conversation about that as part of the mobility bond. And as part of the mobility bond, we went through a list of corridors, some of which we funded plans on we didn't get all the way down to the bottom of that list, but there is an existing list of corridors in the mobility plan. >> Garza: Is there a has been map that maybe overlaps mobility corridors? >> I think that potentially exists or we could make it exist. I think that would help -- if we could mirror the language between councilmember kitchen's resolution and mayor pro tem's resolution. Hers is kind of -- mayor pro tem's is a little bit more specific in talking about priority corridors throughout Austin beginning with those corridors that will receive funding through the 2016 mobility bond. So I think if that's the direction that we're trying to get some alignment on, we can potentially help with some language to get there. >> Kitchen: Okay. Because -- that's good, because there is -- I think the reasoning behind that and I think this may be where you're going, is that our mobility corridors is what we're looking forest electricity where we're

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for, for where we're talking about density. It's also where we're looking for over time, when we're talking about transit. And it's also -- to some extent, it may be broader than this map. So ... >> And I

know there's a consultant that's been brought on board to assist with that -- with the corridor implementation plan through the 2016 bond, that there might be some synergies there with some work they're already doing. >> Kitchen: Yeah. I think the ones already identified for funding in the bond are identified on this map, but I'm not positive. So will that get at what you're asking, or -- >> Garza: I'm generally still uneasy about it, but -- >> Kitchen: Okay. >> Garza: Let me think on it more. >> Kitchen: Okay. >> Garza: I don't want us to say we're going to put it in that part of town because they already have a lot of housing, because we can't control where a developer decides to put stuff. >> Kitchen: Okay. Maybe we can think of some language that makes that clear. >> Garza: Okay. >> Flannigan: Councilmember kitchen, to clarify, are there mobility corridors that aren't imagine Austin in other words. >> Kitchen: That's my question. I can't see very well from that map, but that map is looking like the corridors are all on the east side, so I think there are some corridors, mobility corridors that are broader than this. But I'll have to go look back at a map. >> Flannigan: Yeah, I'm going to go back and look, too, because it would seem inconsistent of what we're trying to do here. >> Kitchen: Well, it would seem inconsistent with imagine Austin, which would cause some concerns that imagine Austin needs updating on mobility corridors, I don't know. But before I raise any kind of red flag concerns, I need to go back and compare. >> Flannigan: Yeah. >> Kitchen: Is Robert -- I don't see Robert. Yeah. Okay. >> I think there are more corridors in imagine Austin than there are in the mobility. >> Flannigan: Right. There would be more activity corridors, but every mobility corridor should also be an

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activity corridor. >> Kitchen: That's what I'm thinking, it should be, but I'm not sure it is. >> Flannigan: Oh boy. Okay. >> Kitchen: Particularly since this man, as councilmember Houston pointed out, this map is more towards the east side, and I know the mobility corridors are not all towards the east side. >> Flannigan: I think to kind of echo what I think councilmember Garza is saying, is to ensure that we're always talking about centers whenever we talk about corridors. >> Kitchen: Well, they're two different things. >> Flannigan: I know. My district has one corridor. And there's no way you're going to get housing where you need it. And on that corridor, half of it isn't even the city of Austin, because of etj and weird annexations. So when I look at the northwest part of town, it's really all about lakeline, which is my regional center. >> Kitchen: Right. >> Flannigan: So a lot of what we're going to build in 6 is going to go right there. So anytime we're setting up goals by district, I think it's important that we not limit it to the corridors, I just don't have any. >> Kitchen: Okay. Yeah, this probably doesn't pick up the exact language from the report, which does say centers and corridors. >> Flannigan: Yeah. >> Kitchen: Okay. Okay. >> Casar: And to address councilmember Garza's point, I thought through similar things, and councilmember kitchen, as we put together maybe language to clarify this -- >> Kitchen: Okay. >> Casar: -- The way I was thinking about this in my honey head for my own district, is west -- just off Cameron road to the west of it, we have a good amount of income restricted housing, then on Koenig lane in another part of my district, we don't have very much. If we had goals for both, and a tax credit developer came and said I want to build income restricted housing off Cameron, if that's a "Yes" or "No" vote, I would support that, even though there's more -- even though I would like for it to be on Koenig, because my voting it down on Cameron doesn't mean I'm going to get it on Koenig. But if we have a limited amount of affordable housing bonds, and we're trying to figure out whether or not we want to support a project on Cameron or a project on Koenig and we only have money to do one, having goals for both and seeing that

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on Cameron road we've done quite a bit, but on Koenig, we're really lacking, might help us say, you know what, let's direct it to that project because we're really short on our preservation goals or our new construction goals for that corridor. So I wouldn't see this as something that -- I wouldn't -- especially if we're setting a goal for 60,000 income restricted units, I don't see myself turning down very often, unless it's a really irresponsible project, affordable housing for any given corridor. But if it's a choice between several corridors with a limited resource, I think this might be helpful for me to be able to talk to folks and say, look, we really need it on this particular corridor because it used to be much more affordable, and it isn't now, and we're really short on the goal, so let's try there. So I don't see it as a method to kill housing, in the least, especially if we're passing a strategic plan as this one, but more for us to figure out how to spread the resources evenly. And if that causes you concern, I'd love to hear that. >> Garza: No, it doesn't, that makes me feel be, but I'm saying maybe the language needs to be, when we're talking about income restricted housing. Because the 75% goal is not just income restricted, the 75% is all of the -- so market rate and -- and income restricted. So I don't know if there's a way to say this will only apply to -- when we're making those decisions, because we can't -- I mean, every now and then a developer will come and ask for a meeting if their thinking about a project, but usually it's -- a developer is based on, you know, the finances and the housing -- the land costs and they don't -- they kind of don't care what council thinks, necessarily. They want that piece of land to build whatever. >> Casar: But I think this resolution is specifically to affordable, a/k/a, income restricted housing. Is that right? >> Kitchen: The goal is to provide us with further information so we can set our goals for how we use our resources.

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So -- >> Garza: Okay. Thanks. >> Alter: I just wanted to mention that I think it's important that we include something both in this resolution as well as probably in the plan about monitoring and evaluating the results or success. So councilmember alter and I are working on something, and once we have something, we can put this on the message board or give it to you and talk about what's the best way to incorporate that. >> Mayor Adler: Okay. Do you want to say something quickly? >> Mr. Mayor, rob spillar from the Austin transportation department. I understand there's a question, I was in the back room, related to mobility corridors, whether they were also imagine Austin corridors. And I believe the first corridors all were major corridors, considered in the corridors and centers, or if they weren't, they were certainly significant arterials that connected to centers. So, yes, the answer is yes. With the new set of studies going forward, of course, as you can see up here, William cannon and slaughter are, of course, but I would have to look specifically at all the others. Those were a combination of staff recommendations and council recommendations, on the next set of corridors to look at. >> Kitchen: So yes. If you could help us out looking into the future, those additional set of corridors that perhaps have been identified by corridors, but they're not funded yet, and they're further down the list, if you could help us understand how they relate to imagine Austin, that would be great. >> They certainly take their foundation from imagine Austin. >> Kitchen: Okay. >> Because the goal was to take these very important corridors, typically radial corridors, in and out of central Austin, and make sure that we could increase density to provide affordability and workplace housing as close to the city as possible, with good mobility associated with them. >> Kitchen: Okay. >> Mayor Adler: Thank you.

[10:44:16 AM]

Let's move on to the next item. Mr. Flannigan, did you have something you wanted to raise on number 18? >> Flannigan: This is belief, but in my ongoing reminders that the city of Austin has more than one school district, the placements seems pretty great, but more than 10%, maybe closer to 20% now of the

city, is not aid. And so if we're going to do projects or programs that apply to an entire district, which my reading of this program applies to the entire district, then we need to be thinking about how we provide city taxpayer dollars to services that are available to the whole city, not just contracting with a single school district. And, again, just as I voted no on the swim program last week, and I'll be voting no on this one this week, it's not so much -- it's really not at all that the program is bad, but as a policy matter, moving forward, we need to ensure that when we're spending city tax dollars, we're providing programs to kids if it's a -- to disadvantaged communities, that we're opening it up to disadvantaged communities in all parts of the city where they exist, and if it's districtwide programming, that it's available to city of Austin kids all across the city. I just wanted to make that point because I will keep bringing it up until these items start reading more broad. >> Mayor Adler: I think, manager, this came up about the tax swamp issue, when we were focusing on aid and said we need some way to make that equitable. Maybe it would be helpful if staff took a look at what that measurement would be, whether it's taxpayer dollars per child in the city, in the district, or something, so that -- I agree with Mr. Flannigan. >> Flannigan: And as I said before, if we've got programs that are intended for low income kids and we have a metric that makes it available to schools that have a certain percentage of low income students, even if

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every single one of those qualifying schools is in aid, I'm fine. But with a migration of suburban poverty and other concerns, as those programs evolve, there are low income communities building in my district. And so whatever point it becomes necessary for those programs to be available, I just want to ensure that, as a city, we are thinking about all the kids in our city. >> Can I just add, generally speaking, aid is the only school district that faces the level of recapture that it does. So while there are other school districts, surround us, we don't deal with the same level of recapture as aid. So they are better funded and able to help fund their low income students, and that's one of the big problem, is we send so much money back to the state, and we have our own kids that are -- that are low income, that we can't fund. And so other school districts -- I don't want it to be an apples to apples comparison here, because it's not. >> Flannigan: And I appreciate that. That's why I'm bringing this up as an issue and I'm not fighting, but it's not our job to solve recapture as a city. It's the state's job. I get very nervous when we start trying to solve problems it's not for us to involve. >> We will be looking at many of these contracts with aid, are longstanding contracts, so this one actually only adds about \$400 to the allocation, but we'll have to look at how we might be able to implement what you've asked us to look at. >> Mayor Adler: And to be clear, for me, but I'm not ultimately looking for, is just sending money to districts in an equal amount, because to me, that sounds a lot like the thing that I've spoken against a lot in terms of districts, council districts and dividing up money. But if there are needs that hit a priority need element for us in the city, and that exists in districts other than aid, then

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I would want us to be observant of that and make that a point of decision. Mayor pro discussion. Mayor pro tem. >> Tovo: I think, too, another point that would be useful as we have discussions like this, our city demographer had prepared for me a document showing how many students reside in those different eight districts, I think there are, within the city of Austin, and I have that document somewhere and can maybe find it in my e-mail, but I think that is -- I think that's another important piece of information because the number of students in those other districts is far -- far fewer, as you might expect, an aid. It doesn't mean -- I mean I acknowledge your point, and I think it's important to take into consideration. I just want to look at the whole picture of information, including what councilmember Garza said, which of those districts are subject to recapture. There may be one or two. I

think Round Rock is also subject. There may be a couple of others within that eight, that are -- that are also subject to recapture. And, too, as we move forward and have that conversation, I would encourage -- I want to also -- I would want to use that as an opportunity to to also encourage them to participate in some of the ways we've attempted to do in the past. For example, I may have mentioned this before, I may have mentioned it at the subcommittee meeting last week. I'd like to have those other districts participate in our educational impact statement. Our staff, Mr. Rusthoven, who just joined us, reached out to all of those school districts, I believe, and they either didn't feel they had the capacity or weren't interested at that point in participating, and so, you know, I think we have to have this conversation broadly if we're going to be collaborative partners on things like funding, then we want them to be collaborative partners on things like planning. And so those are -- I would just throw that into the mix of -- piece of conversation we should have at the same time. >> And I completely agree, and I want to help facilitate that coordination across part of being in district 6 is a lot of

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weirdly overlapping jurisdictions and I'm getting excited about wanted to coordinate it. Imagine Austin, I think in 2010 numbers, 66% of Austin kids go to aid. So a full third attend school districts other than aid. So it's not half, but it ain't -- it ain't 5%. It's a significant number. >> Mayor Adler: Okay. Anything else on this item before we go to the next one? Ms. Houston? >> Houston: Could we ask a demographer to update that? Okay. >> Mayor Adler: You know, while we're on that I was talking to the demographer, and I think it would be good for him to give us that information. I will things discussed with him at work sessions having him come regularly to us for literally five minutes and to present us something that would be an interesting demographic moment about the city and just incorporating that into -- to work sessions as he's able to do that. I just think it would be a really interesting thing to do. Okay. Let's go to the next item. The next item was the manager's search item. It's item number 27. I pulled this just to touch base on it, to urge folks to pull together some names for that. This was -- you know, tracked what the mayor pro tem and I had put out a long time ago on the message board. I was going to add a resolved clause on this that asks that group, once it's constituted, working with staff and with the consultant, to come back to council with a proposed outward facing process, to recommend to council the perspective city manager profile, so that they get together, figure out what process they're going to use, they come back to us just to

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touch base with that process so that we can say that looks good, and then we can go and execute that. So I'm going to bring an amendment that sets that initial task for them. And then the other question that we have, we probably should talk about, is whether or not we want this group to be subject to the open meetings act, or whether we want them to be able to -- to meet and discuss things. The default, if we don't address it, this group would be subject to the open meetings act, so by being silent -- obviously, this is a group that is charged with doing the public engagement for us, in developing that profile, so that the community can be very much involved in that, and in some respects, this group is facilitating that conversation as one of its primary deals. But I just point out that that's the default, and I just wanted to make sure the council knew that. Nothing further on this we'll go to the next item. >> Flannigan: Mayor, help me understand, how is it possible we convene a group that's not subject to the open meetings act? >> Mayor Adler: Because it's not a group that makes a final recommendation. We're going to ask counsel the answer to that. >> The city code says that your task forces are subject to it, but otherwise they would not be. You're subject to the open meetings act because you're the elected officials. But an advisory to you is not, by state law. >> Flannigan: Object to the form but our charter

requires -- >> The code says the task force -- >> Flannigan: So we could create a variance in the code for this one group. >> Yes. >> Flannigan: Regardless of whether or not they make a recommendation? >> Correct. >> Flannigan: Interesting. Okay. Thank you. >> Mayor Adler: And you can also parse that. I mean, you could say, in this function, you are, and in this

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function, you're not. We can set whatever rules we want to. But in the absence of setting something, the default is, everything they do is subject to that councilmember alter. >> Alter: I was just wondering what the process is for our nominees at this point, because we already had our nominees identified, so this group can actually start to work in several weeks, since -- >> Mayor Adler: So I would suggest that making nominees, make sure they're handed over to the clerk so they're put on the item where we're approving nominations. >> Alter: Okay. >> Mayor Adler: And we'll do this on Thursday. >> Tovo: Mayor, I assume we'll do this resolution, as far as creating the task force, then take up those nominations, the boards and commission item. >> Alter: So if we submitted them for the last council meeting, will those be carried over by the clerk? >> Mayor Adler: Yes, if we could ask the clerk to please capture those names. The only one was, I understand that -- no, that's okay. Let's handle that off. Okay. Anything else on this? Okay. Ms. Alter, you have -- >> Mayor, I'm sorry, just for clarification, mark Washington, assistant city manager. Just to the process of the scope of the task force, when you mention they perhaps may come back and recommend a process to the council, are you talking about on the public engagement process solely, or are we talking further down, post-crew. Into the actual interview process as well? I just want to be clear on what the scope of the process they should be -- >> Mayor Adler: I would -- that's a good point. I would probably ask them to kind of lay out what they thought -- I mean, I like the people on this group, it's a really strong group, so I would ask them the open-ended question, does that tell us --

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write your charge for us in a way you think would be helpful, given conversation the council has had. >> Okay. >> Mayor Adler: Ms. Houston. >> Houston: Thank you, mayor. I thought that perhaps it wasn't a commitment but an understanding that they would be the outward facing part and they would not be at the point where they would be interviewing candidates. I think that's -- was that question you were asking? >> Mayor Adler: Right. >> Houston: I heard you say that the task force would lay out their scope of work. >> Mayor Adler: It was, and I'll just say, consistent with what we've talked about. So I don't want to tie their hands. We know it's that outward facing process, they had stuff to be able to add to that. I don't want to stop them from being able to come back to us. But at this point, I think the conversation, as I understood it for the council, was that the names would only be given to the council; we would parrot that and when we got to the last few names, still seems to be the question, we would ask those candidates if they were open to a more public vetting, but without a requirement that they do, given fact we're not creating that as an expectation up front, and with the understanding that that's kind of done without prejudice, no one's going to get penalized or prejudiced by however they might vote on that. In fact, it might be information that you ask and just don't tell us what the individual answers were, you just tell us what the conclusion was, would probably seem to be the fairest way to do that. Anything else? Okay. Ms. Alter, you pulled item number 36. >> Alter: Yes. Thank you. So I have some questions for Mr. Rusthoven, and I don't know if there are other folks who also have amendments that they would like considered.

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And we also need to talk about how we're structuring debate, if we vote on this on Thursday. Thank you, Mr. Rusthoven. So I first of all wanted to get some clarity on the restaurants and the parking. I'm not sure that I'm reading the land use plan correctly, and I would like some clarity. It was my understanding that the proposal was for, you know, one or two floors of parking above the restaurants, and if I'm reading it correctly, it suggests there's 35 feet to the restaurants, then there's another 53 feet for a parking garage, which, if you combine though is over 80-some feet, which makes for a very -- much taller building than I think was what was being conceived and offered two weeks ago. So I'm just wondering if you can explain that and if we can seek greater clarity. >> Sure. Jerry rusthoven. We have a height limit for a building that would be just for restaurant use, or another use, would be kept at 35 feet. If there were parking above it, the same building would be capped at a maximum 653 feet, so it's not -- they're not one on top of the other. It's 53 with parking or 35 if it has no parking above the use. There is language -- I don't have it in front of me, but there's language in the land use plan that we've had that we worked with the law department on to make sure that's clear. >> Alter: Okay. Where would that be - >> I don't have that in front of me but I can show you that on Thursday. >> Alter: That would not be the April 4th version? >> I believe it's been added since we have been making changes to the land use plan the past couple weeks. >> Alter: Okay. Thank you.

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Then I wanted to ask ask about parking and how the parking is being approached about this development. Can you share with us how much parking that they have set aside and then also what is the code requirements? >> Sure. The code requirements, of course we have predominantly three major land uses here. We have multi-family residential, we have a couple of restaurants and the vast majority is of course office. We don't have the exact mix of the multi-family at this point. Of course some of the multi-family was added. There was additional multi-family added at the last reading. The city code requires parking for multi-family based upon whether it's in an efficiency, a one bedroom or two or more bedroom unit. We did calculate that at a range. The Normal parking requirement including all the efficiencies, would be 3,960. And the parking requirement were they all two bedrooms, which is a higher parking requirement, would be had thousand 385 units. Because they are within the urban core boundary they could get a 20% reduction off of that. So that would take us down to about 3170 to 3500 parking spaces required. The applicant -- and also -- so that would be the minimum code required. The applicant could of course always provide more than the code required parking. There's nothing in the code that stops them from doing that. They are proposing as a part of their pud to have a higher parking requirement than the code would otherwise require. So under their proposed parking requirement in the pud, the minimum number of spaces would be somewhere between 3,007 it 90 and 4,215. So in this case the applicant is actually imposing upon himself or

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proposing to put on himself a higher parking requirement than would be required. >> Alter: So two comments. One is that they can go above code if they have entitlements to build garages above the code. They can't just build parking garages unless they have the entitlements to build them, is that correct? >> The parking garages are permitted as a use because it's just considered off street parking, but they would of course be subject to other limitations such as impervious cover and height. >> Alter: But they have to have the entitlement to the height in order to do that. >> Yes. >> Alter: And if you take those numbers am I correct that they're building 600 to 700 additional park spaces beyond what code would say? >> They're requiring themselves to build that many more spaces. >> Alter: Right. They're

asking us to give them entitlements to build 600 to 700 additional parking spaces above what code would say. >> They're asking themselves to be required to build that many more spaces, which would require the additional parking garage space. >> Alter: Can you give me a sense of what 600 to 700 parking spaces looks like in terms of parking garage structures and floors? >> I'm sorry, I cannot. That would depend upon the size of the floor plate, how many spaces you're getting per floor in a parking garage. >> Alter: Okay. If we took one of their garages, how many parking spaces is in their garage? >> I think one thing to keep in mind is we're talking about zoning and not a site plan. So we're not at the level of actually designing the buildings or approving the buildings or approving -- >> Alter: But they are giving them entitlements, and we as a council can decide we want to do a compact and connected development here. And giving them an extra 600

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to 700 parking spaces is a choice we have to make as we're making the zoning. If we do not give them the height on the garages, they do not have the ability to add six to seven hundred actual spaces, correct? >> Yes. >> Alter: So this is a choice that we do have to make at this point in time. I still think that I ought to be able to give an example of 600 parking spaces ought to be at least an entire garage, I'm guessing, or several floors. Can you tell me if it was on parking garage 4, which is along spicewood springs? That is in parcel 7. Do we know how many parking spaces are in that garage? >> I don't have that information in front of me. But again I would reiterate that yes, we're requiring them to have a certain amount of parking or they're proposing to have more parking and we are laying out things such as heights and impervious cover and things like that. But at this stage we are not approving a design that has any given number of spaces within a garage. >> Alter: Right. But if we were to give them the height, that would allow them to build 206z 700 -- six to seven hundred extra parking space spaces. I've talked to real estate developers and they're saying that everyone else in the core is trying to do less than what code requires. >> I would agree most typically in a pud if a applicant is proposing to change parking requirements, my experience has been it -- it has always been downward and never upward. >> Alter: So there may be some room to be moving some height from parking garage or getting rid of parking garages altogether if we so choose. We have six to seven hundred spaces above what the minimum and we know that most developers are asking to do less. And if we are trying to have compact and connected, we need to think about what we're allowing them with respect to the parking, which is also adding to the height.

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And I would also let people know that they have said that they've miscalculated their garages and they're going to be coming and asking us for an additional three feet to the garages that we're just supposed to hand them gratis. And I'm a little bit uncomfortable with that as well. I have some other questions that I would like to raise and they might need to go to nhcd, so I don't know if anyone is still here. >> Mayor Adler: Hang on a question. We have some additional questions. Mayor pro tem? >> Tovo: I want to be sure I'm understanding the language that you used, Mr. Rusthoven. You said they're requiring themselves to build more parking. Can you help me understand the distinction you're referencing there? >> Sure. There are standards, for example, for office. The code requires one space for every 275 square feet. And then you can do 20% less than that because they're within the code defined urban core boundary. They're actually proposing a higher parking requirement. The difference here is that normally, of course, you could always build more parking than what the code requires. So if the code requires 100 spaces, there's nothing to stop you from going out and building 150. We used to have a parking camp downtown but we got rid of that when we got rid of parking requirements downtown.

What they're proposing is a higher parking requirement than those required in the pud. So the code required parking would actually be less than the pud-required parking. So that's what they're proposing to do. >> Tovo: Okay. So it all amounts to building more parking than would be required. >> Yeah. They can always build more. The difference is in this case they're proposing they be required to build more. >> Tovo: I don't understand that. I mean, I just don't understand -- >> Why they would do that? I think we would have to ask them. >> Tovo: Okay. Thanks. But anyway, you were using different language and I just wanted to understand what the distinction was there. So thank you. >> Alter: I want to

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clarify they can't build it if we don't have the entitlement to the height. >> Tovo: No, I -- and that may be the reason that they're requiring themselves so they are explaining why they're requesting the additional height, but the bottom line is they're creating more parking on the site than they're required to have. >> They're imposing a greater requirement than the code normally requires. >> Tovo: Now you're saying something -- we're both saying the same thing. The result is the same thing, whether you say it your way or may way, they end up with more parking on the site than their required to have under the code. Thanks. >> Tovo: Maybe we could do this all morning like a comedy routine. Laugh L. >> Mayor Adler: How did you calculate the parking requirement? >> I took the code requirements, the one per 275 and the one per 175 for the restaurant, and then I made presumptions, which I think are going to be -- not pan out because on the one assumption I went for the lowest total parking where I presumed all the multi-family units would be efficiencies and then I ran a second number where I presumed all of the multi-family units would be two or more bedrooms. So I imagine in the real world it will be something in between those two, but I took that and came up with a total code required parking. I took 20% off of that because that's what the code allows in the urban core. And came up with the today required parking without the pud, given the square footages that are proposed. And I ran the numbers using what applicant is proposing as a part of the pud that the required parking be, not just the allowed, but the required parking would be, and came up with those numbers. And on the low end the difference between 3790 and 3170, so about 600 spaces or so additional that they're requiring. And on the high end it carries the same number over. It's about six hundred. >> Mayor Adler: And is the office 1 to 275.

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>> It is that in the standard count. And they're proposing a different number. I don't have that number in front of me because we just put it in a spreadsheet. I can do that. >> Mayor Adler: Do you have a spreadsheet on the parking? >> The spreadsheet? Yes, it's on the screen. >> Mayor Adler: Is that in backup? >> No. We provided it in response to councilmember alter's question, but I can hand it out. >> Mayor Adler: Would you hand it out? That would be great. Ms. Kitchen? >> Kitchen: Just a related question. I'm sorry I missed the first numbers. I could probably back into the math. You said normally required was 3170 to what was the higher? >> Normally required with the urban core reduction, which does apply, would be 3168 -- between 3168 and 3508. >> Kitchen: Okay. So I'm going to ask the question that mayor pro tem asked in a little different way just so that I understand. [Laughter]. So I'm understanding that what you're saying is that the requirement is like -- is a minimum requirement, not a maximum requirement. So even if we approve the amount -- even if we wrote into the pud the amount that they're requesting, that's a minimum, not a maximum. >> Correct. >> Kitchen: So they could always build more within the other parameters that we wrote into the pud. The other parameters being the height. What other parameters would there be? >> Well, garage parking does not count towards F.A.R., so I would say mostly it's impervious cover and height. >> Kitchen: Mostly? Is there something else? >> Setbacks. I think that would affect where you could put it, but that should be the two major ones. >>

Kitchen: And all of those factors we have limits on written into the pud. There's limits on impervious cover, there's set back requirements and there's height. >> Yes. >> Kitchen: Thank you. >> And I do have the parking numbers that my office just handed me. Three and a half per thousand of office. They're written in here the

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way a commercial real estate broker refers to them, the inverse of the code, but the same effect. Three and a half per thousand for office. Five per thousand for retail. Eight per thousand for restaurant uses. And one space for each multi-family dwelling unit. So in that case for the multi-family it would actually be lower than the code requirement would be, but for the office it would be higher. And the retail and restaurant I'd have to do the math. >> Mayor Adler: Okay. Ms. Alter, did you want to continue in a different area? >> Alter: Elsewhere the city they do do office on top of parking garages, correct? >> Yes. >> Alter: I just want to throw out there that there are some alternatives that we could explore that take the office height of where we didn't put it and we put it in the garages and we're still giving them office. And I hope to explore this with the applicant tomorrow, which is when we were granted a meeting. So I just want to throw that out there that's six to seven hundred parking garage spaces is quite a lot. That's an entire garage as far as I'm concerned, probably plus. Depending on how tall that is. So we should just know what we're granting in terms of entitlements. I think it's important that we're keeping track of the numbers. And what were allowing them to have with the choices that we make as we do the pud. I think I have one other question for Mr. Rusthoven and then I will move on to nhcd. Is retail use required on the ground floor of parcel 8? And if not is it allowed? >> I don't know whether it's allowed, but I would have to look into whether it's required. >> >> Alter: One of the concerns that I had that I wanted to share with my fellow councilmembers is that as currently written, there's nothing to stop the

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developer from selling the residential and from the new owner of the residential or even themselves coming back and going through an administrative procedure to get fees waived on the affordable housing. So essentially what we did two weeks ago was make a deal to get more affordable housing and condition of superiority for the pud, but they can now come back whenever it is to this council or another council and ask us for fee waivers without actually going to council. I would personally like to make it so that they can't go back for any fee waivers on what has been set with respect to this pud, but another alternative is to make it so that it can't go through an administrative procedure. And I wanted to get a sense from the council of whether you wanted to, a, let them go ahead and apply for fee waivers and double dip, or if you wanted to make it so that they have to come back and make it be approved by council or just not allow it. We want to set this up legally so if they decide to do more affordable units for some reason that they would still be able to apply for fee waivers in that case if they wanted to do additional affordable housing, but for the affordable housing that is presumably part of this superiority measure on affordable housing, that they wouldn't be able to then turn around and come back for these subsidies. >> Tovo: Councilmember, would those be through the smart housing program. >> Alter: The most relevant example is a smart housing example, but there may be other ways that they can apply for fees as well. But perhaps nhcd can clarify. >> The fees would be through the smart housing program and then additional funds could be if they would -- a scenario would be if there was a nine percent tax credit opportunity there we have seen that it has been precedent that our funds -- the developer may or may not

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apply for funding through the rental housing developer assistance program. That could be one way. But related to fees, I'm not aware of any other fees other than the smart housing. >> Tovo: So I guess this question would be for Mr. Rusthoven. So there's no other -- there's nothing within the pud ordinance currently that would prohibit them from seeking funding to achieve those superiority elements? >> No, there is no prohibition on applying for the smart housing program. >> Tovo: Or the other bond funding or tax improvements or others. So I would have concerns about that as well. I would support amendments that make it clear that any of that support would be to create additional housing beyond the housing that's been committed to as part of achieving the planned unit development superiority element. >> Casar: Mayor, on this point? So nhcd recently brought forward your recommended changes on affordable housing in puds like the section 8 non-discrimination change that we made. I recall the council passed this a year ago or something. At that point you didn't recommend any changes related to whether or not folks could apply for smart housing waivers or did you? And sort of why? >> No, we did not. >> No, we did not. I think this is really kind of a -- for us this is a new conversational space. It's not something necessarily that we aren't open to analyzing as it relates to superiority designation in a pud on the affordable housing plan. This is new potential policy guidance. I will say that where we have seen layers of policy guidance such as this, we

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tend to look at it as -- so it's setting a precedent. We tend to look at it as additional puds moving forward to you, we would look at it with respect to policy guidance that we would entertain for future puds if that makes sense. So we wouldn't want to see anything necessarily from a policy standpoint that said this pud is being directed a certain way other than that, but if the policy issue is that in a designation of superiority as it relates to affordable housing, this would be something to consider. We're open to that feedback. One of the things -- and this issue came up and I believe it was in your office, but if not apologize that I might be saying something that I haven't specified to your office. The only thing we would have is ensuring -- basically what this is is it's removing the smart housing fee waivers from an administrative decision. And it's putting it back to you all as a policy decision. It's not saying we would not do it, but that you're directing us to bring it back to you for decision making. The flag that we had put forward is currently now in a tax credit the smart housing fee waivers is the city contribution that ensures that they get the additional point to remain most competitive in that application process. We just want to ensure from a timing perspective that we didn't miss that timing to put that forward for your consideration. One point as we all know can be an issue in that particular process. But do we feel it's imperative that it remain administrative, no. And the application is already something we would bring to the board anyway for 300,000 or above. >> Casar: I guess what I'm trying to get at is whether

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or not in user review of the pud ordinance how to make it better for affordable housing, whether we went through. Because I would be interested in -- genuinely interested in knowing whether or not the smart housing fee waivers on top of puds are double dips or owe in your view or whether or not you calculate that in when you tried to ask for affordable housing. Do you consider -- do you expect that developers will apply for smart housing credits for the affordable housing you require and you bake that into your process or do you see them coming back for smart housing fee waivers as double dipping on your negotiations? I ask that genuinely because I don't want folks to double dip, but I don't run your process. >> It depends on the area. It just really depends on the project. And whether or not the waivers are needed to make their numbers work. >> And I think it's dependent on whether they've put forward

an application and there is an actual application that we would have to determine but I don't see it as double dipping, but I do see this as an interesting policy guidance issue. And what I mean by that is I could see, for example, where members of the public felt that what they are approving was something that wholesale the developer was to provide. And that any subsidy and/or fee waiver could be seen as something that wasn't necessarily in the spirit of the policy direction. So additional guidance is actually helpful here. >> I think that for example, in the grove there was actually -- it was actually laid out this is how much a semi on the city's part, this is how much a subsidy on the developers part to ultimately get us to the number of units we want, which has a buy-down of X, which is of all those part.

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What I would want to have guidance on for this discussion -- I understand your point policy guidance for future negotiations is its own separate conversation, but as far as this goes on third reading, I guess I would be interested in knowing whether or not -- in your point, is that subsidy calculated in as part of our getting to the affordable housing numbers we passed on second reading or is this excess fee waiver that really isn't getting us affordable housing? And I guess the answer to that question would be key to decision on whether or not to support that provision. So I would ask y'all to look into that and ultimately staff's recommendation on whether or not this is excess money to the developer or to the units at the levels that we've asked for I think is evacuee for us to -- is key for us to know. >> I understand. >> Tovo: And I think if we look back at revising the planned unit development ordinance I think it sheds light on this issue. As a community member I participated in the pud stakeholder process and watched that council and its discussions about it and then we had another round of advising it and substantially -- sadly, substantially lowering the applicant's affordable requirement. I don't remember -- I would say in all of those applications it was really about making sure that the planned unit developments were superior to comfortable zoning and that we had some measures of that and affordable was noted as one of the elements that was responsive to a community need. And part of that discussion in my memory of it had no idea that the superiority elements would receive city subsidy and city support from existing programs. This seems to be a really recent conversation actually. It's not in the spirit of the

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work that was done to really make some very specific criteria for the planned unit development to have those be elements that are supported by the city as well if they're counting towards superiority. >> And I don't disagree with that at all. The only thing that I would include is where we have seen, for example, nine percent tax credits coming back into a conversation where a pud was approved. It was far more beneficial than the affordable housing plan in and of itself that was approved. So for example, we were getting 30% mfi units or additional affordable housing restricting income units but I don't disagree with would you point. >> Tovo: And it's about having to figure out that piece and maybe coming back to council is how to manage that piece so that there can be a balance of is the proper proposing to do beyond what was promised within the planned unit development? And if so, then that justifies that -- those smart housing fee waivers. At least we can have a conversation around it. But we don't have -- unfortunately we don't have great examples of affordable housing of planned unit developments that had substantial affordable housing components, but I could probably name a few with a little bit more time. And their affordable housing contribution was not being paid for through fee waivers and other things. It was part of what the developer was bringing to the table and offering a superior. >> Mayor Adler: Okay. Dr. Alter, did you have another area? >> Alter: I do. >> Tovo: Just to wrap this up. Councilmember alter, are you going to propose some different alternatives with regard to that piece or is that something we should ask staff to bring forward amendments on?

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>> Alter: We have something that my staff has worked on with legal and nhcd. It would be helpful to know whether people want to just prohibit it or if you want to come back to council, it would be helpful to have a sense of where people are at with respect to that. >> Mayor Adler: I'd be interested in knowing for me and knowing the answer to the question of -- of what Mr. Casar asked with regard to the staff. >> Alter: I do want to just comment that in other cases that I've seen it clearly does specify that they're going to be applying for smart housing right in the pud, I believe. And in this case I might be wrong on that, but in this case we made swapouts for this for floors and assuming we're getting particular numbers and there was no discussion of there being additional subsidies that would be going to the developers and with smart housing they get fees waived on more than just the units that are involved as well. It can add up quickly to a lot of money. Wire trying to impose height on a neighborhood in order to make these exchanges and we need to be very explicit about what is involved in this bargain and what are we giving away in the process of providing these entitlements. >> Mayor Adler: And my thoughtless was -- it might be academic here -- when you raised that question with me earlier, I asked my staff to reach out to the applicant and I don't know if the applicant intends to ask for that. So I don't know that -- I just don't know yet. >> Alter: But the applicant does intend to sell the residential and the person who buys it -- >> Mayor Adler: To the degree that the applicant was not asking for that and was not part and parcel, then it would be easy for me to agree to that, and that's even without deciding the policy question, because it became academic at that point. >> Currently our calculations do not include smart housing fee waivers. Second, we do not have an application currently as

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just specified. And I would want to recommend that instead of just prohibiting any return to council, but rather just if there is not going to be the administrative authority that certainly we would still be able to come to council in the future. >> Kitchen: Mr. Mayor? On this point my thinking is it would make sense to -- as the mayor pro tem pointed out and as you just pointed out, to have language of you such that it would come back to council because that provides us the greatest public health if there were to be a circumstance under which the benefit for affordable housing is greater. So I would be thinking in terms of that. My question is, Mr. Mayor, you had mentioned and I think councilmember Casar had, that you're waiting on a response to your question in order to decide. So can you help me understand a little bit more what the determining factor is for you? In other words, what will that information tell you that will help you decide? >> Casar: Sure. So the city staff and economists put together a memo that's in pickup sort of confirming the general buy-down that you would anticipate per affordable housing unit. It's \$213,000 per unit for units in this market area. And that's their best guest. And so there are certain factories we can't know. So the question is when we were -- when the staff negotiated for those affordable housing units in the initial process and when the staff sets requirements for, for example, 10% of residential at 60% mfi split between one and two bedroom, et cetera, whether or not they calculated in anticipated fee waivers in that negotiation and that's baked in from the beginning and therefore cutting that out would be retrading on

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it. Or whether or not it was an expectation that there would be no fee waiver. Does that make sense? I want to know whether or not it's a baseline part of what has been negotiated, and that's what's gotten us to this point or whether it would be seen as additional subsidy. And I think it's a really good point

brought up by councilmember alter on this front is if we are taking the residual land value of adding office space and putting that towards affordable housing, how we make sure that we're capturing all of that -- all 800,000 to \$830,000 of residual value as opposed to some of that sort of being traded off for a fee waiver. I think it's a question of are we -- was that already calculated in or not? >> So I thought I heard that it was not counted in. In other words, that the calculations don't include waivers now, is that correct? Is that what you just said? >> That's correct. >> Kitchen: Does that help you support this kind of amendment that is being discussed? >> Casar: I think if I understand it correctly that's probably helpful. I probably just need to sit down and understand it better. That is helpful to understand it better. >> Kitchen: Would that help you also, mayor? >> Mayor Adler: I think so. I think it goes to all those questions. Like I said before, my sense is it may be academic on this. Because I think that -- but I don't know that for sure. But I think that it is. And we have time to find that out obviously? >> And another point I also recognize how the things we do in one zoning case sometimes wind up in others so I don't want to start setting the expectation that we don't want folks to apply for fee waivers and zoning cases in that helps them get to the community goal that we all want. And so I guess that's part of why I just want to understand it a little bit before -- that's the first time I've thought about it is when she first brought it up. >> Kitchen: I'm trying to

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understand as far as people can provide their thinking at the moment. I know people need time to think about it. But it is Tuesday and we're talking about a Thursday and we are talking about some significant amendments. That's all I'm trying to do is get a read from where people are and what are the determining factors in your decision making on this. >> Mayor Adler: I need to understand better the question. The initial question that Mr. Casar asked staff is is this double dipping or not and the answer did not come back definitively whether it was or. No and I want to engage in a longer conversation to figure out whether that was. I was anticipating something that was definitive one way or the other. Didn't come back that way. So I want to engage in that conversation. >> Kitchen: I thought it did. I thought it did come back because I think they said that the calculations don't include the waivers right now. >> But that was later in the conversation -- >> Mayor Adler: But it was later in the conversation when it was five, six, seven questions later when that question was asked, but I haven't had a chance now to go back and ask questions. So to me I don't think that I know enough to be able to answer -- to the degree that you're asking me to make a commitment on where I am on that issue, I can't know yet because I don't have the information to do that because of the way the questions went out and the way the answers came back. >> Kitchen: I'm not asking for a commitment, but trying to understand what the factors are. >> Mayor Adler: I want to understand better why there was not a definitive answer. >> Kitchen: Okay. >> Tovo: Mayor, I'm not sure that's a fair question to pose to the staff and expect an answer about. I just -- to me it is -- it's kind of a policy -- to me that's a policy question in some respect. >> I don't disagree with that. It's an interesting question, though, because double dipping is an interesting connotation. And I'll tell you, if, for example, fee waivers were put forward, our fee waivers

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would require now a portion of those units going to 50% mfi. So I appreciate just some time to contemplate it myself because if fee waivers were, for example, approved, there is an expectation then that lower mfis or income restricted units serving households at a lower mfi would be required. So it's a bit of a deal by deal calculation that we would have to do because we would want to ensure that that community benefit was something of the value of the fee waivers or that was politically palatable. So in this particular instance, and kind of going back to what Gina said and I'm thinking about it as you all are

talking as well, it is actually something that we're comfortable with now saying that administratively we would want to bring it back because it could be a situation where additional units could be put forward at a lower mfi and we would want you all to be able to think that through in your consideration. What I can say is the numbers on the buy-down and how we calculated it does not include the fee waivers. But whether it's double dipping I'm not sure, it would have to be a deal by deal analysis probably. A little bit of a convoluted answer. I too was thinking about through. An interesting question. >> Mayor Adler: Okay. Councilmember alter, do you have more questions? >> Alter: Yes, I do. Thank you for your patience, folks. This is important for my district and it's important that we get this right and that we pay attention to the numbers that we're talking about. When we talked about exchanging this 40,000 square feet of office for housing and transportation, there's a number that's being used on a spreadsheet that I have that says 317,000 per unit, and then there's a number in

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your memo that stated clearly that there's 115,000 that we should be paying per unit. By my calculations it seems like we should be getting four additional units rather than three additional units. And so am I correct that 215 is the correct number, not 317 for calculating how many units? >> That's correct. 215 for a one bedroom. >> Alter: Thank you. So I want us to keep that in mind as I ask the next couple of questions. Do we have a minimum number of residential requirements that are required for this pud, and this may be a question for Mr. Rusthoven. >> A minimum number of residential units? No, I believe that there is a minimum requirement of affordable units, but there's not a minimum requirement of total units. >> Alter: So they could do all this, yet their extra office and build no residential at all? >> No, they would be required to provide the affordable housing that is laid out in the pud that would have to be on-site. >> Alter: But right now it's a percentage of the units that are required, not a certain number of affordable units, as I understand the language. >> >> Alter: Yes. I would have to go back and flip through the ordinance. I believe we had an ordinance that triggered the units required when so much affordable was provided. I mean, when so much office was built. >> Did you want to chime in on that? >> We have been working with the developer a restrict that will be placed on -- a restrictive covenant that would be placed on the property, the entire parcel, that states before the city will release certificates of occupancies for any additional or office space over 500,000 square feet, the certificates of

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occupancy for the affordable housing will need to be issued. >> Okay. But they don't have to actually build the other housing? Because I think there were some people who in this process of the changes that we made wanted to have additional housing, it wasn't just the affordable housing that was the benefit that was coming, it was also the additional housing. >> It was just for the affordable housing. >> Alter: So they could build their 50 some-odd units of affordable housing and not build anymore and still build their office. >> Under the way it's currently drafted. >> Councilmember? >> Alter: Is there a number? How do we determine that number, does the restrictive covenant say 40 or 50 or whatever or does it say the percentage of the number of residential? >> It currently says a percentage. That could be changed obviously. >> If we wanted to change that as I understand the current proposal is about 425 audience that requires a minimum of 43 affordable housing units before you do this additional forints. How would we change that language so we had to do a good amount -- that we're actually getting the numbers of additional units because 10% of 100 units if they decide to build 100 units is just 10 units. But I think we all went on the presumption in our discussions that we were getting somewhere around the order of 40 something. So how do we modify those so that we are actually getting real affordable

housing and not just this phantom percentage of something that may or may not be there? >> So the percentages would be modified to read just the number of units need to be produced. So they currently say percentages, but again we could modify it to say at least whatever the number is, number of units may be produced before the certificates of occupancy -- >> Alter: Would that be a modification to the restrict? >> Yes. >> Alter: Is that something we do on the dais or Thursday or something that needs to be modified before? >> The ordinance would need to be amended to state that and the restrictive covenant would match the ordinance. >> So that's why we would

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handle the affordable units portion of that. If we wanted to make sure they were doing a minimum number of units, is that something we could legally be requiring of them? >> Legally yes. I don't know if it's part of the agreement that the developer has made so far, but we can draft similar language that states X number of units must be constructed before the site plan is issued above 500,000 for commercial, as market rate units. >> Alter: Because my concern is as this is currently set up it's just a percentage of whatever they decide to build. So they could decide to build 100 units, they could decide to build I think 425 was the maximum, and there's quite a bit of range there and we're only going to get a percentage of the affordable housing from that. Plus we're giving them that extra height in order to get this residential, which was part of the proposal of how we're approaching it. So these details and these numbers do matter, yet they create wiggle room, whether you want to believe it or not, will be exploited at some point and this is going to be sold off on this residential. So if it's not in writing, we can't just take the good word of the current developer and say this is how it's going to be. We have to pay attention to these little details so I would appreciate if you would work with my office on getting some of that language. I would also like to make it so they can't build the extra height on those buildings four and three until these residential units have been built. >> In the ordinance there's an exhibit titled [indiscernible] Plan and letter number 2 E under that phasing plan sites that the development shall take place prior to the construction of the 500,000 square feet of lease I believe square feet of commercial space on any of the remaining parcels. So they could get into a half million square feet before they're required to build that residential. They are entitled to 425 units on that residential.

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I think we've been operating under the assumption that this developer would sell this property and I imagine Austin whoever they would sell it to would build to the maximum allowed and they would not build less just to avoid an affordable housing requirement, but we'll work with the law department on that. And also if I could add to the previous question, I did find the ordinance since we were discussing the other thing, there is commercial use required on the first floor, but still working with the applicant on determining what the minimum amount of that is. I don't know that it's required under the entirety of the first floor because there's a back side to both buildings, but we'll work on the park side and the street side. >> Alter: Thank you. I want to also flag that will be coming with a transportation commitment which just allows that if any item that we've already agreed to be paid is unwarranted, that that money will be used for other traffic mitigation in the area to Mitt things from the pud. We don't want to be building items that are not traffic mitigation items that don't actually help. If at a later date it's determined that any of those items are not necessary from a design or from a traffic flow perfect that that money would be reallocated to mitigate the traffic from the development. I don't know if anyone else has amendments or not. >> Mayor Adler: Any other comments on this item number 36? >> Kitchen: I have a question. I would like to understand whether anyone else is going to bring forward any other amendments? It would really be helpful to understand that at this point. >> Mayor Adler: Mr.

Casar? >> Casar: One that I mentioned previously and I think would be amenable the folks on the dais, but I haven't gotten cleared yet, would be for the original 1.6 million, but now

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\$800,000 for affordable housing to try to figure out if there's ways that we can include if that is either required in the development or can be paid to the city to buy-down affordable areas in the city's option so if there are opportunities in the nearby area that the city prefers or we can get more units in a high opportunity area that we could utilize the \$800,000 for that or use it within the development at our option. And so that was something that I had mentioned during the last reading and I think we're working with city legal to put it together and we'll get it up on the message board as soon as possible. I don't see that as a do or die type of amendment, but it's just -- I think if it's ultimately of little to no sequence to the developer, but provides us more options as a city, it might be a good practice for us to start exploring. >> Kitchen: Okay. Are you thinking of that in terms of an administrative decision or that would just be allowed in the language or do you think that would come back to council? >> On something like that I would personally want to leave up to our housing department to spot opportunities like that. I think obviously if that was going to be a spend, we as the board of the finance corporation might have to allocate some of that or the council might have, but I think I wouldn't want to micromanage what would ultimately be choosing three units in that development or four or five somewhere else for them to -- I would want the staff to bring us those opportunities ultimately. And to clarify for councilmember Alter's point, I think the reason that that \$800,000 translates into three units is because a two bedroom unit is -- it's 355 and two one bedrooms on top of that gets you to about the 700,000. Since we required that some of them be two bedrooms

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and half one bedrooms, that's sort of where the three units come from. Or ultimately two, two bedrooms and a chunk, a very small chunk of a one bedroom. >> I'm looking at a possible amendment to take the building that was increased from four to five residential to keep it as four. I have a question about the unit mix. There's a unit mix for this property on residential. >> At this time, no. The only thing we have is a requirement that half the affordable units are two bedrooms. But we do not have a unit mix at this point because we're still at the zoning phase. >> Mayor Adler: Right. There's not a unit mix with respect to affordable because we've set that at 50% one bedroom and 50% two bedroom. But it seemed as if there was also a unit mix for the total residential structures. >> We have a cap to try to distribute it so there's a cap that the number -- the total is 425 and the number of efficiencies 213. The number of one bedrooms is 213 and the number of two bedrooms shall not exceed 270. >> Mayor Adler: Since I have the 50% two bedroom and 50% one bedroom, what's the pop reason for having a unit mix cap? As opposed to letting the market decide for other than the affordable units? >> When we were discussing this with the neighborhood we had the week-long charrette on this project and the neighborhood because of concerns about school crowding frankly was concerned about the unit mix and they wanted to make sure that there was a unit mix that they felt would not be dreamt tall to the -- to the middle school and elementary school over there. >> Mayor Adler: Okay. I'd have to think through that issue. Mayor pro tem? >> Tovo: Yeah. I have thought through that issue some and I'm really well aware that does is

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overcapacity and I believe that the school district is going to center to find a solution to that. I think at our first hearing back in December it makes me uncomfortable -- to support a cap like that that seems in conflict of our other policies to promote family friendly housing within our city. And so I had been talking about the unit count -- unit mix, beginning back in December. It wasn't clear to me that we still had a line in there that actually limits the number of two bedrooms. Thank you, mayor, for bringing that up. I think this is something I want to think about between now and Thursday and whether there's an opportunity to change that language. And if indeed the -- if affordable units specifies that 50% will be one bedroom and 50% will be two or more bedrooms, I think that too we would be well served to change that language to a minimum of 50% or more of -- a minimum of 50% would be two or more bedrooms. I see the applicant kind of shaking his head, but I think that's what's in there is 50% for the affordable units be one bedroom and 50% of the affordable be two or more bedrooms. What I was just suggesting to be really clear is that we adjust that language so that it says would be a minimum of 50% would be -- of the affordable units would be two or more bedrooms. I do want to come back to the question that you raised about whether or not it's in the city's best interest or -- I don't want to -- that was the question from me based on the conversation you were having about whether or not we should set a cap for the two or more bedrooms for the market rate. >> Mayor Adler: And you sensitized me to that when you raised the question in December. I was following up on that question and I would also support the other amendment that you talked about just before that. Mr. Casar? >> Casar: I would remind us that we were not amending on first reading, but I

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thought it was important enough that I seconded the motion to get rid of -- I'm not wanting to set a press sent of two pre-- precedent of the two bedrooms. I support what you mean, mayor pro tem, I would ask you to get your creative wordsmithing going to make sure we don't unintentionally allow for the one bedrooms to be efficiencies if we set a minimum of 50% two bedrooms then we've lost the guaranty on two bedrooms as opposed to the efficiencies. Does that make sense? >> Tovo: I didn't want to touch the clause about the bun bedroom. What I wanted to do with the two bedroom is instead of saying 50% will be two bedroom, say 50 percent or Mexico but do nothing with the one bedroom. Does that sound like it accomplishes it? >> Casar: It does. I wonder if a minimum of 50% will be one bedrooms. I wonder how you get more than 50% on the -- >> Tovo: I see what you mean. Thank you, that's a good point. >> Casar: You're the one who has taught literature and English. >> Mayor Adler: I thought what you were saying in that mix -- in that mix -- in the mix there would be no less than 50% that would be two bedroom. But I understand that concern too, okay. >> Tovo: I have another one. I have one other amendment that I likely will bring forward. We all received a letter from save our springs regarding a concern about if calves or -- what would happen if caves or voids are uncovered during construction that those would be reported to the city's environmental inspector for consideration of mitigation measures? I'm working through the points they've raised, but likely will bring forward an aimed to that if no one else has that in the works? >> Councilmember, we sent that question over to the environmental officer to confirm,, but we believe that that is the case. We're confirming with

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Mr. Lesniak. >> Mayor Adler: Anything else? Councilmember alter? >> I'm going to need to maybe talk with Ms. Morgan about some questions about the valid petition need to be handled in executive session or not and if I should ask them now or if they need to be in executive session? >> Why don't you ask them and we'll see or we can talk privately in a minute. >> Alter: Why don't we talk privately and if we need to come back then we can. And I am curious to hear more about your proposal, mayor, on the

residential acknowledged to gauge where people are at because we are missing councilmember pool on Thursday and I think your proposal would be one that the neighbors would very much welcome. And I think it would be unfortunate to have a pud that has been this important in my district and her district, have a key element of it decided based on the fact that she's absent. Because by my count we have the votes if she's here and we may or may not have them if she's not. >> >> Mayor Adler: I'm sorry, was there a question? You're asking what -- >> Alter: I was asking more how people feel about that and otherwise I may need to ask for a postponement. >> Mayor Adler: Ms. Kitchen? >> Kitchen: I would support the proposed amendment if it is one that is going to be brought forward and I would also echo councilmember alter's concern. Councilmember pool, this borders on her district and this is a key issue so it would really be unfortunate to have a decisive vote that was close when she could not be here. >> Tovo: And I agree.

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>> Mayor Adler: Anything else? Ms. Houston? >> Houston: I also agree. >> Mayor Adler: Okay. On scheduling issue, generally speaking, what we have -- I would propose that we start at 2:00 in the afternoon, no early early than 2:00. We give people a chance to speak in the afternoon who show newspaper the afternoon again and then we call it up again after dinner. I would further propose that we try to make the Merck public hearing up at 4:00 and see if we can be through that public hearing so we only have one public hearing after dinner on Thursday night being the Austin oaks pud. Mr. Casar? >> Casar: I feel that there's some request to have a gut on when the strategic housing plan issues would come up and so is it possible for to us have Austin oaks at 2:00 and start taking testimony on the strategic housing plan at 3:00 or Austin oaks a little bit earlier than 2:00 so we can get to that at 3:00 before we go into dinner and Merck? >> Mayor Adler: My hope is that we get Merck done before dinner. It would be great by me if we could get the housing plan done before dinner as well. Leaving the available time after dinner for the folks for Austin oaks pud. I think it's set right now -- again, I wouldn't set one at 2:00 and one at 3:00 because I don't want to find ourselves where we can't move forward with something as we found ourselves the other day. So I would say that we'll call people to testify on both those, both Austin oaks at 2:00, but that also in the evening, but the strategic plan I would have us handle when we can handle that in the afternoon. Merck can't get called up before 4:00 because that's

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when it's set for. My hope is we could clear the deck before 4:00 so we could get Merck done before dinner and so after dinner we have Austin oaks. >> Casar: So I guess the question then is which one between Austin oaks and the strategic housing plan would we take up first at 2:00? Is that ultimately the question that's before us then? >> Mayor Adler: Well, depending on the number of people that show up. If we have four people show up on Austin oaks, I might just take those four people and then let them go. Our practice hadn't indicated that we have an hour's worth of testimony on any of these that we set that we call people at 2:00. >> >> Casar: So long story short, folks that are interested in both should show up at 2:00. >> Mayor Adler: Yes. Or watch in the morning. We'll have a better feel in the morning on how we're moving through the agenda. >> Just the strategic housing plan is not set at a time certain and can happen at any time from the start of the meeting. Suggest that you not set it for a time person otherwise you might be -- time certain otherwise you might be missing an opportunity. >> Mayor Adler: If we do that, then -- >> Casar: People could testify earlier, but if people are -- trying to anticipate having a workday, I guess the question is we could not set it at a time certain, people could testify earlier, but we could still have testimony open after 2:00. >> Mayor Adler: We could have an agreement that we will not take action on the strategic housing plan before lunch. If people want to show up at 2:00, they will.

It's my intent to call the consent agenda and if anybody has any questions about any of them, just to pull it. Rather than having us discuss consent agenda items during consent, so that maybe we can vote up or down on the consent agenda in the first 10, 15 minutes of our meeting. So that we can let that roomful of people go.

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So I'm going to start that -- we did that last week and I think it worked really well. So I'm going to keep doing that. Councilmember alter? >> Alter: I'm just terribly confused over what we're saying for Austin oaks. I want to let people who do want to come speak know. There was a discussion about it being limited debate and, you know, I'm totally happy to have it be as much debate as we want, but I am not understanding are we just saying it's not going to come up until after dinner or is it coming up at 2:00 and then -- >> Mayor >> Mayor Adler: We'll give people a chance to speak after 2:00, but we won't take action on Austin oaks until after dinner. >> Alter: Okay. It will not come up until after 2 o'clock. >> Mayor Adler: Correct. >> Alter: And after 2, there will be an opportunity for -- >> Mayor Adler: Right. >> Alter: If they're unable to come after dinner, that would be the time to come. If they come after dinner when we finish Merck and the strategic housing plan -- >> Mayor Adler: My hope is that we will take care of Merck -- my hope is that we don't have anything to consider other than Austin oaks. I think that's what we're trying to shoot for. But we will not -- every -- there will be two opportunities for people to speak on Austin oaks. No earlier than 2:00, and in the afternoon, and also, people will have the opportunity to speak after dinner. >> Alter: Okay. I'm getting asked for clarification, if there are going to be any time limits. Traditionally you've done this pro and con and I'm not actually aware of anybody in the neighborhood who supports the proposal, positive, right now. So I'm just curious as to how you want to handle that. >> Mayor Adler: The rule that we have right now has the first 20 people able to speak 20 minutes, and a person who comes after the

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first 20 speaks for a minute, unless we decide to change that. That's our standing ordinance. The applicant would have the opportunity to open and close. >> Mayor, if I could add to this quickly, talking about schedule, we have to have one other discussion on a case on Thursday. >> Mayor Adler: Which one is that? >> The pioneer walnut creek case, the case where the zap and staff are in agreement on the recommendation. >> Mayor Adler: Okay. It will happen after -- >> Group 38, item 38. >> Mayor Adler: 38. Yes, mayor pro tem. >> Tovo: So I just want to -- I just want to kind of get a picture for the day, if we could. And I know you've been doing that I just want to make sure I'm understanding. So we're going to start, we're going to do consent, no questions, then we'll take up stuff that is on consent about which people have questions, either from the community or the council, and then our only time certain -- well, no I shouldn't say that because we've got the zoning stuff that the all time-certain, but in terms of stuff we are setting as time certain, it's 2 o'clock for Austin oaks, people talk, then it comes up again after dinner, and the strategic housing plan is going to come up when we get to it, not a time certain. >> Mayor Adler: Correct. >> Tovo: And then Merck will be a 4:00 time certain? >> Mayor Adler: 4 o'clock. 4 o'clock. >> Tovo: Okay. Just looking through our agenda, unless something unexpected happens, I think we'll be in pretty good shape on timing. We have fewer than usual citizens speaking to us at noon. It sounds like there aren't lots of questions about other things, so I think that's appropriate to leave the strategic plan be non-time certain so that we can get to it before that. And then the zoning case you're talking about is going to come up at 4:00. >> I just got a text from the office, the applicant is asking for a postponement. >> Tovo: So that one won't come up at 4:00.

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>> That's correct. >> Tovo: Will come up, but just for consent. >> Casar: If we are going to take action in will the strategic action plan until after 2:00, if people want to show up at 2:00, they could, or are we not doing that anymore? >> Mayor Adler: What we said, we're going to take debate and discussion -- if we have time in the morning and there are people here, we're going to give them a chance to talk but won't take action on the strategic housing plan until after 2:00. So if someone showed up at 2:00. They would have the opportunity to be able to talk about it. >> Tovo: Okay. I'm glad we're clarifying because I thought we started there and ended up in a different place. >> Casar: I think part of the reasoning -- >> Tovo: Is there a time -- >> Casar: There's an executive committee meeting of a lot of the people, affordable housing builders and the like that have worked on this in the morning time, so I think that there's just an attempt to avoid that conflict. >> Tovo: I see. Okay. Does 1 o'clock accomplish it, or -- or not really? >> Casar: I don't know. I'm -- >> Tovo: Okay. >> Casar: I would be negotiating on the fly here, if we are going to be taking up Austin oaks testimony at 2:00, we'll be on the dais either way. >> Mayor Adler: Okay. >> Alter: I just want to go back to our discussion of your amendment there. Again, I haven't heard from any other councilmembers, and it appears to me that that would pass if councilmember pool were here. We seem to have the numbers for that, but it does not -- it's not clear what happens if she's not clear. So, you know, there may be a need to have a postponement of Austin oaks so that we can adjust this pud in the appropriate manner. Unless you know something else about people's voting. >> Mayor Adler: I don't know anything about people's voting. I'm not ready to make that decision because I haven't had a chance to talk to my limited quorum with respect to how that might play out. But I understand and heard the concern that you raised, and was

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echoed by three other members of the dais. Yes. >> Garza: I have no intention, if that could be the turning point, even though I might vote the opposite way of allowing -- of being okay with the postponement if that is necessary, and if the votes were there. I just don't want this to turn into, we're going to hear an hour and a half of public comment, we get to that, we get to a relation that a postponement is necessary for that reason, and then we're going to do another public hearing, is my only concern. So I would say if we get to that point and the support is there, and councilmember pool's absence would affect that in some way, then we say we are not -- we won't take it up again, but we're not taking public comment again, we're simply doing this as a courtesy, so that councilmember could be here, would be my concern. >> Mayor Adler: Ms. Kitchen? >> Kitchen: I would support that approach. >> Mayor Adler: Anything else okay. Those were all those items. It's 12:05. We have executive session with multiple items that's going to take over an hour, and we have not gotten to the meeting management materials. Maybe the best way for me to do this is just draft an ifc and put it on the agenda for a vote. So I'll go ahead and do that, and tee it up for conversation. I'm more than happy to come back and engage in a conversation about these items now if we want to walk through it, or come back after lunch, or I'm happy to tee up an ifc, then it gets called and we will talk about it. >> Tovo: If I could suggest, we - - how about trying it neck week and we discuss it before we get to the items of council-pulled items? Why don't we just schedule it for a 9 o'clock discussion -- we'll have a time certain at our work session next week to

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address it. I think one way or another, we're going to end up having a lot of discussion around it, whether it's in the context of your ifc or in the context of a discussion, so it's just another option to

consider. And I think -- I think it might save -- I mean I think it might be useful to have -- to talk through the issues before it gets drafted into an ifc. >> Flannigan: I think it's entirely up to the mayor how we do that because you control the agenda board session like you control every agenda. If we want to make this a priority, and I think we do did I do mean in terms of who's speaking and what order we're speaking on things. I think last week I said let's not go another week not talking about this I will say that again. We need to get to this. And I agree with the mayor pro tem, whether or not it's an ifc or not, mayor, I think you can make us talk about it next week. >> Mayor Adler: Okay. I accept your -- I accept that suggestion, so work session next week will begin with the meeting efficiency and deliberation conversation with an ifc to follow that based on -- well, will follow that, for us to move forward on. All right. So, let's city council now go into closed session to take up four items, pursuant to section 551.086, government code the city council will discuss competitive matters, item e2, the Austin energy generation plan. We're also going to take up pursuant to 551.07, legal code legal issues, e3, Leffingwell's personal injury claim, Hernandez versus city of Austin and western district, court e5 on o'brien in the district court in Travis county. If there's no objection going into executive session, we will

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now retire there. [Executive session]

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We're now out of closed session. In closed session we discussed competitive matters related to item E2, legal matters related to E3, E4, and E5. That concludes our business, this meeting stands adjourned it is 3:03 in the afternoon.