

# City Council Regular Meeting Transcript – 05/04/2017

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[10:11:14 AM]

>> Mayor Adler: All right. I think -- I think we're ready. Before we begin, let's start with the invocation. Today we have pastor mace at the mount sinai mission Baptist church, if everyone would please rise.

>> Our father and our god, I pray in the name of our savior, Jesus Christ, that you'd receive us into your presence, and that this day that has your servants representing your will, that you will give wisdom and give guidance, give patience, deliberation to those who serve this city. Bless those who are called to serve our mayor, council persons, staff members. Heavenly father, we ask that things that are done will be done in such a way that it will be best for all the citizens of this great city. We pray that you'll give to them vision, not only to see this day but days that are to come, the resources that you provide, may they be good stewards and help us to rise to the level that you'd be pleased. We pray this simple prayer, sincerely, in the name of our savior Jesus the Christ. Amen.

>> Mayor Adler: Thank you. All right. I'm going to convene today's meeting. It is the council meeting here on Thursday, may 4th, 2017.

[10:13:16 AM]

The time is 10:12. We are in the city council chambers at 301 west second street here in Austin, Texas. Let's take a look at the changes and corrections today. Item number 37, it's approving a fee waiver for the Arab manner antidiscrimination committee Ramadan event, celebration, which will be held on June 10th, 2017. The date was incorrect. Item number 41 is being postponed till may 18th. Item number 6 is being pulled by law for presentation. It's a settlement and we will fill in that with the number. Item number 8 has been pulled by mayor pro tem. Item number 18 has been pulled by councilmember alter. And item number 42 is being pulled so we can discuss a postponement date. Any other items to pull?

>> Tovo: Mayor?

>> Mayor Adler: Yes.

>> Tovo: I have a couple quick questions. I'm sorry that I don't have everything working together here quite yet, but the item -- the downtown station, I do have a couple quick stations. I know we have a couple speakers and I'm not sure it got pulled for speakers, but again, it's a couple of relatively quick questions --

>> Mayor Adler: Let's pull that then. Downtown rail station is item number 28.

[10:15:16 AM]

So let's pull item number 28. Okay. It also looks like items number 28 are pulled for speakers, as is item number 12. 12 and 28, pulled for speakers. We have some people here to speak on the consent agenda.

>> Houston: Mayor, just a minute, I have a couple others that I have one question about that I want to pull them so we don't stop the process. Item number 17.

>> Mayor Adler: Pull number 17. Okay.

>> Houston: And 27 is part of the -- I'm going to pull 27.

>> Mayor Adler: Okay. And 27.

>> Houston: And then ask for a time certain of -- well, I can do that later.

>> Mayor Adler: Okay. Let's get some speakers. Is Jim reed here? Okay. Mr. King, David king? You want to come down and speak? So it looks like it's 11 and 13, are the unpulled items.

>> Thank you, mayor, mayor pro tem and councilmembers. And, mayor, the items on the mobility bonds, has that been -- have those been pulled?

>> Mayor Adler: Those have not been pulled.

>> Okay. Are those on consent also?

>> Mayor Adler: Yes.

>> Okay. I signed up for those, two. There are come in three of them combined into one item.

>> Mayor Adler: Yes. Those are 29 through 34.

>> Thank you. Thank you. I'll speak on those as well.

>> Mayor Adler: That's fine.

>> So my first comments are on the part -- items for funding for parks, those grants, I just wanted to give a shout out to the parks department to give funding in all ways that they can and make a point I hope the funding they're getting through these grants and also the funding through acl is not used as a the reason maybe offset that by reducing their funding in the -- from the general revenue. So I hope, you know, as you all know, they need as much funding as they can get, and they're behind the curve on funding there, so thank you for your support.

[10:17:26 AM]

In terms of the transportation bonds, I just want to point out that, you know, this is once in a lifetime opportunity to leverage these transportation bonds for corridor improvements and to leverage the growth concept map in imagine Austin, and also in codenext, and applying zoning districts around the activity centers, the job centers, the regional centers that are defined outside the urban core. And I've heard that staff doesn't want to do that because the market is not taking them there. But yet when we talk about affordable housing, we're trying to pass policies to influence the market. So I say that we should pass policies to influence the market, to realize the benefit of having these activity centers outside the urban core. And I think we should be more deliberate, just like you did, mayor, in trying to get H-E-B to move into east Austin, into an area that's developing out there. I don't see why we can't be working with those property owners that are in those activity centers to find outside the urban core and starting to get them on board. So this is our opportunity to leverage all of these -- all of these once in a lifetime events that are going on right now. And it ties into our policy on density. Where do we want density to go? If we don't have those activity centers going on outside the urban core, then it seems like the only game in town is to put all that density in our urban neighborhoods. And I don't think that's a wise strategy. So I hope that the council will take this opportunity and direct staff to be more deliberate in working with the property owners in those defined activity centers and job centers and regional centers, outside the urban core, and start developing those. Let's take some action now and coordinate the transportation bonds with those so we can have infrastructure there for transportation, we can have appropriate zoning for affordable housing that can be there. So I think this is an opportunity, and I hope

someone from the council, the dais, will talk about that and see what we can do to make headway in that regard.

[10:19:33 AM]

Thank you so much for listening to my comments.

>> Mayor Adler: Thank you. We have also ray Collins. Is Mr. Collins here?

>> Thank you. I'm here today, first off, to give thanks, public thanks to councilmember kitchen for vocal support of an urban trail that isn't on Mr. Foote's list in the presentation to the mobility committee tomorrow -- yesterday. You can see that around 3:40 P.M., if you want to look at it. I want to remind council that this is the only non-vehicular route to the airport. That's what makes it so important to me, and also thankfully to councilmember kitchen. Following along with Mr. Foote's emphasis yesterday at the mobility committee on the interrelatedness of all the things that he's trying to do with the mobility bonds and staff, I'd also like to point out that a little further west of the urban trail to be, it runs by a small capmetro park & ride on ritum near congress. This could be turned into a bona fide transit center, such as if you've ever ridden amtrak to Fort Worth, you know that's where you get off in Fort Worth, if you want to see a bona fide transit center. The other thing there is that where the interrelatedness comes in is, you know, capital metro made a recent fee correction that resulted in a considerable ridership increase already in the 801, which runs through that park & ride.

[10:21:39 AM]

And so what I'm saying there is, that makes it more likely that mayor Adler can keep his promise to austinites about reducing congestion along the corridors. I mean, why have all this development along the corridors if people are just going to get in their cars and commute to work? You need to give them an option here. And so I'll close again with thanks to my representative and thank you all.

>> Mayor Adler: Thank you. I have two speakers pulled on 28, two speakers on item number 12. I think those were all the speakers that we had signed up. The consent motion runs from items 1 through item number 43. The items that I'm showing being pulled are 6, 8, 12, 17, 18, 27, 28, and 42. Ms. Kitchen?

>> Kitchen: May I make just a very quick comment on the bond?

>> Mayor Adler: Okay.

>> Kitchen: I don't want to pull it. I just want to make a quick comment since the previous speaker referenced it. We had a pretty although bust discussion yesterday in the mobility committee about moving -- how we were moving forward with the mobility bonds. Great information from our staff. Part of that discussion was the Bergstrom spur which the previous speaker spoke to, and we just determined at the meeting yesterday that the Bergstrom per remains as a potential, we don't know yet if we'll be able to move on that, but remains as a potential in future years for us to use mobility bond funding for. It's just a potential at this point.

>> Mayor Adler: Okay. Mayor pro tem?

>> Tovo: I just had a quick comment about 12.

[10:23:41 AM]

We talked about this yesterday in our budget work session.

>> Mayor Adler: That's being pulled by speakers.

>> Tovo: Then I'll make my comment later. Thank you.

>> Mayor Adler: Okay. Anything else? Okay. Is there a motion to approve the consent agenda? Ms. Troxclair makes the motion, seconded by councilmember alter. Any discussion in those in favor -- excuse me?

>> Houston: Yes. Thank you, mayor. Please show me voting against number 18, and please remove Sam holt's name from 35. He's completed his paperwork.

>> Mayor Adler: Say that again?

>> Houston: Remove Sam holt's name from item 35, fees and waivers.

>> Mayor Adler: Okay. Sam holt does not need the waiver because he's completed his paperwork. The record will note that. Okay. Anything else?

>> Alter: 18 was pulled.

>> Mayor Adler: 18 as pulled so you'll be able to talk about that in a secretary. Yes, Ms. Troxclair?

>> Troxclair: I'd like to be shown voting no on item 2, and abstaining from 36, 37, 38, and 40.

>> Mayor Adler: Okay. I would just note parenthetically on today that, you know, I say and I believe that the whole world can be losing its mind, but we're still going to be Austin, Texas here. At the national level, looks like we're going to be doing away with health care coverage for 24 million people, or at least taking a step potentially in that direction, and our legislature passes an immigration law that is kind of a paper-please law, but we're focusing on doing what the people want us to do, which is to improve mobility, work on affordability, so I'm proud of what we're doing. And, again, the rest of the world can be losing its mind, but we will still be Austin, Texas here. Any other comments? Let's take a vote. Those in favor of the consent agenda, please raise your hand.

[10:25:44 AM]

Those opposed? It's unanimous on the dais. Councilmember Garza is not here today. She is representing the city and capmetro at a national congress meeting in Seattle, so she's representing us in that capacity. Let's go ahead then and deal with the pulled items. Item number 6. Is there a number that you recommend, we pulled in this item 6?

>> Yes. On behalf of the law department, we recommend you approve a settlement amount of \$250,000 to settle the claim of Barbara Leffingwell.

>> Mayor Adler: Okay. Is there a motion to approve item 6 for the \$250,000 number? Mr. Renteria makes that number. Is there a second? Ms. Houston seconds that. Any discussion? Those in favor, please raise your hand. Those opposed? It's unanimous on the dais, Ms. Garza off. Thank you very much. That takes us to item number 8. Mayor pro tem, you pulled that one.

>> Tovo: I did pull it and I do have some concerns, and I have a video and some images that we haven't yet been able to get --

>> Mayor Adler: Should we come back to it?

>> Tovo: Yeah. With your permission, that would be great. And I apologize, I was just down on the site today shooting those so we just haven't had a chance to get all those, but hopefully they're on route.

>> Mayor Adler: We'll come back to it. Let's talk about item 12, that's been pulled by speakers. Let's go ahead and hear from the people who have signed up for this. Mr. King. Okay. Donated time to Ms. Blythe. You have six minutes.

>> I'm Sharon Blythe. I signed up in favor of this item, but I have things to say about it.

[10:27:46 AM]

I don't think the city is being very open-minded about the city cemeteries. I think with all this funding going to the oakwood chapel, in past years the funding has been coming out of Austin memorial parkland sales rather than the general fund. Just recently, a little bit has been coming out of the general

fund. So Austin memorial park's land sales has been financing all these cemeteries for years, and years and years, decades. What happens when that funding source is gone? We have no future plans for supporting the city's cemeteries. And right now, today, you have tools that you could vote on and implement that alleviate this problem from here on out. The two things, I hope Mr. Casar and Mr. Adler would be listening to this, two things are your tools today that you could do. You could put in a referendum. You could put a resolution, or whatever you want to do, an ordinance. Start taking about \$200 every time a lot is sold at Austin memorial park and put it in a perpetual fund. They've done away with the perpetual fund, is my understanding. They took it away when they had -- a contractor was taking all of our money home. We have no perpetual fund. Take \$200 out of each land sale and put it in a perpetual fund until you've accumulated about three or four million dollars, then you have long-term tools to fund the cemeteries for this rest of this city's existence. Secondly, more immediate, you have a tool in state law where you can assess a 5% ad valorem tax, specifically designated for cemeteries, to fund those cemeteries. We wouldn't need near that much. But it's in state law.

[10:29:46 AM]

It's the tool that you could use to fund our cemeteries. Then you don't have to worry about it coming out of the general fund, or people like me coming up here every three weeks talking about it, and e-mailing you and reading my e-mails. I've spend the last two days dealing with issues on the no --the mopac program.. It's an important issue, I would appreciate if you would step to the plate and use these tools on fund our city's cemeteries. Then we don't have to worry about it anymore. Please take that into consideration. I appreciate your time. I appreciate y'all pulling it on consent so that I could have this say. Thank you very much.

>> Mr. Mayor?

>> Mayor Adler: And Ms. Blythe, you saw yesterday that that question about the business model we raised to the cemetery folks. I hope we get a response to that. We raised that issue specifically during that presentation. Anything else? Is there a motion to approve this item number 12? Mr. Flannigan makes that motion. Is there a second? Ms. Pool seconds that. Any discussion? Those in favor?

>> Tovo: Sorry, mayor. I just had a economic comment about this. As we talked about yesterday, this is an item that is being funded with the hotel/motel tax, and as I mentioned yesterday, I hope we can continue using our hotel/motel tax just this way to fund some of our critical needs here at the city of Austin, as well as continuing to use hotel/motel taxes for some of the other purposes for which it's been used in the past, cultural arts and funding of the Austin convention & visitors bureau but I just want to call your attention -- I referenced yesterday in the budget session, the staffs at parks & recreation had put forth a memo not just how to use the almost one million dollars allocated in this year's budget cycle but also a list of pending needs that are eligible for hotel/motel tax use.

[10:32:00 AM]

So I just wanted to to your attention to that, because I referenced it, but it is actually in the backup today at number 12. So, again, I think as we move into budget, we should be looking not just at parks & recreation needs but also at some of the other needs we have, for example, the red river cultural district and some of the other projects that have been pending for lack of funding are eligible expenses, as I understand it, for hotel/motel tax expenses. So, again, that memo is behind number 12. Thank you.

>> Mayor Adler: Okay. 12 has been moved and seconded. Let's take the vote. All those in favor please raise your hand. Those opposed? It's unanimous with everybody on the dais, Ms. Garza off. That gets us then to item number 17. Ms. Houston, you pulled this item.

>> Houston: I just had one question for the --

>> Mayor Adler: Is your microphone on?

>> Houston: Yes, sir, it is. But we're hearing feedback down here and it's very soft, but it's on. Is there anyone here from the police department? Thank you so much for being here. Is there a replacement insurance in case this robot blows up? Or is it --

>> They have a five-year maintenance plan on it. And after that, it's up to the department within their own funds to do any maintenance on it. There's not specifically a yearly maintenance after that, but it's a certain cost. We evaluate all the robots we have. We have several over 10 years old. Several over 8 years old, the four that we have.

[10:34:00 AM]

So obviously, with the length of time, we need to spend more money on them. That's why we're looking at these three grants in replacing them. Obviously, it comes with the warranty. We don't have to pay for those maintenance for the first five years.

>> Houston: So help me understand. If the robot gets a bomb and is transporting it to where it takes it to, to be disposed of, and it accidentally goes off, is that covered under the warranty? And one of their little arms blows off?

>> No.

>> Houston: So who pays for that then? That's what I'm asking about replacement insurance.

>> Well, if the equipment was damaged through something like a bomb, then it would be up to us, if we are going to replace or not. Just like any of the older models, that's our decision, if we're going to actually spend the funds on that. But that would be more for maintenance. I don't think the A.P.D. Would replace something that cost \$300,000. You would have to go back to the budget office for that.

>> Houston: Okay. I was just asking. Thanks.

>> Mayor Adler: Okay. Is there a motion to approve this item number 17? Ms. Houston makes that motion. Is there a second to that motion? Mr. Renteria seconds. Any discussion? All those in favor please raise your hand. Those opposed? It's unanimous on the dais with Ms. Garza off. Thank you, gentlemen. Let's go then to item number 1, pulled by councilmember alter.

>> Alter: Thank you. So I pulled this contract for discussion because between the city and capmetro represents about \$1.5 million over several years, and as we discussed at our last council meeting, I had some concerns about its effectiveness during the first two phases were grant-funded. We have a fiscal responsibility and I would like to see -- make sure we have results for where we're investing our money. My district, district 1, district 6 at least are going -- are set to experience reductions in transit opportunities, and we're hearing every day from constituents who want to have these transit opportunities available.

[10:36:09 AM]

So I think we need to be very careful how we're spending our transit-related funding. I would ask that the council consider allowing the 24-month contract period to move forward, but require annual reporting on things like the cost per participant and the behavioral change so that there would be also reporting back to council before any of the extensions could happen. So it would require council approval before the extensions could be granted and ask that there be annual reporting on this program so that we can evaluate the results. I think there is a lot of potential value in trying to move forward with behavior change. I think there's a national best practice model that this is being modeled after. So I see the potential. I'm not convinced by the pilots. So I want to make sure that we have a clear way to be accountable for these dollars moving forward.

>> Mayor Adler: Ordinarily, we don't -- ordinarily, we don't allow a talking motion, talking amendment.

>> Alter: Sorry.

>> Mayor Adler: But, without objection, councilmember alter moves to add to this item the requirement that there be annual reporting, and that it come back to the council before an extension is granted. Is there any objection to that amendment being added? Then that's amended and added. Any further discussion on this item before we vote? Ms. Houston?

>> Houston: I appreciate councilmember alter's amendment. That makes it a little cleaner about what the metrics are and how we're going to decide whether or not this is a return on investment. I had a lot of questions about the cost in the last two -- cost per person, cost per vehicle, and how we were measuring those, and so I'm still very unclear and uncertain about the use of these funds to do this particular job, so I will probably be voting against it, although I appreciate the motion.

[10:38:18 AM]

>> Mayor Adler: Okay. Thank you. Further discussion? Ms. Troxclair?

>> Troxclair: Going forward, I just want to make sure, while I share the comments about, you know, it being an interesting program and us hopefully coming up with some -- some good results from it, I am concerned that it's focused on providing new, I guess, transportation options for areas that already have existing transportation services. And when, you know, my district has been targeted for some reduction of capmetro services, et cetera, I am worried that there are parts of the city that are going to be left out of this program. So I trust that councilmember kitchen is -- who has been an advocate for making sure that, you know, suburban areas of our city are not left out of that conversation, that she'll continue to do that, but for that reason I'm probably going to vote against it today, with -- appreciating -- appreciating that you'll keep that in mind going forward.

>> Mayor Adler: Okay. Ms. Kitchen?

>> Kitchen: Yes. I believe we talked about, with our staff, about the importance of including -- well, first off, it's a joint effort between our staff and capmetro, and I believe we talked about the intention is to, as they move forward with the mobility and innovation Zones, which is the capmetro's initiative to look at those areas that were considered for cuts and not cut them until we examine other innovations that might be used there, and that this kind of program can be useful, and actually would be useful. And so I think we dinged we -- I think we talked when we had a briefing about it that those mobility areas would be considered for approval in this pilot.

>> Mayor Adler: Okay. Yes.

>> Alter: I just want to clarify, I don't believe this is creating new transit options, what it is is promoting behavioral change so more people will take advantage of the transit options that are available to them.

[10:40:28 AM]

The research -- there is research that does show that if you're scared of getting on transit because you've never done it before, that having this assistance is a potential help. So these are areas that have transit available and it's trying to increase the access to use it, or the availing of it.

>> Troxclair: And thank you for clarifying that. I think that I misspoke, but the point that I was trying to make is that many parts of my district do not have -- do not currently have access to public transportation and, in fact, are looking at potentially future loss of what -- of what little public transportation we have there. So we have programs that are focused specifically on areas that already have public transportation; I just don't want them to be, yet again, kind of left out of the mobility conversation.

>> Mayor Adler: My hope is that to the degree they improve ridership, they make it more feasible thorough UT the city. We need to find how we do that. Did you want to say something?

>> Yes, Robert spillar, transportation department. I just wanted to confirm what councilmember alter said. This program is designed to find neighborhoods, wherever they may be, but those are typically ones with good transit service now, but do not demonstrate the ridership we would expect. So that's where we're targeting individuals who may not know how to get a transit pass, may not have access to the new portable payment system on the phone, or as councilmember alter said, may have the anxiety of, I've never used transit, I see the bus going by every day, but I don't know what to do. So this has been proven in a number of cities. Portland sticks out, where we borrow many of our ideas from, as a very effective way to get more people in those areas, they have good transit ridership now on transit. That means right now those people are probably using a vehicle, so if we can get them into transit, that opens up space on our transportation system for folks who may not have transit options. But we do recognize that we need to continue to improve transit options throughout our community.

[10:42:33 AM]

>> Mayor Adler: Thank you. Mr. Flannigan?

>> Flannigan: I appreciate councilmember alter's amendment, and I think it's a good thing to make sure that this program is actually doing the thing we want it to do. But I think it's also important not to get lost in that improving transit in one part of town doesn't benefit other parts of town. It absolutely does. If you can get a few folks to take a bus in one neighborhood, even though the next neighborhood might be in a different district, they're benefiting from that. And I think it's important to remember that the city, as a it's not ten transit systems by district. Even though this program is not ever likely to come to my district, if I can get some more folks off burnet road and onto a bus, it would help folks in district 6 that live and work -- at least work, and play in those areas.

>> Mayor Adler: Okay. Ms. Houston?

>> Houston: And one more thing. I'm sure that this will help some districts in riderships in some districts. It's not going to really help people that live far east or far northeast because they're still going to have to take their cars in. And when you look at the cost per -- the amount of decrease that we receive, I'm not sure that this -- this utilization of these funds is the best way to do that, because some of this money goes to swag, the 12,600 households ever households reach the out to in east Austin, 3.3%, that's almost \$700 per vehicle to get it off the road. I'm not sure how we measure success in this program. I have not seen metrics that say this is how we did it, and this is the cost to do it. That's why I'm supportive of the motion, but I can't vote for it.

>> Flannigan: Mayor?

>> Mayor Adler: Yes, Mr. Flannigan.

>> Flannigan: I completely agree with the concerns about the efficiency of the program and dollars spent per outcome and those metrics, why the requirements are important and the checking it is important, but I do think it's also important that we not get -- that we not fall into the trap that only programs that literally are placed in our districts benefit our districts' residents and community members.

[10:44:56 AM]

Because a lot of folks from district 6 have to get in their cars, but they're sharing those roads with folks from other districts that maybe should have gotten on that bus; or if they knew how the bus system worked or were more comfortable in it, might have gotten on that bus. So I do think folks in the northeast could benefit if more folks in central Austin took for transit. The more we use transit, it benefits the whole city.



>> Houston: This is my last comment. If we had transit where people wanted to ride the bus in, like the consolidation that just happened in the northeast, I think the folks who would like to use transit and do use transit would be very pleased. But we're can you get out transit services where people need to ride the bus, and focusing on those people who have access to it, and don't. I understand what you're saying, though.

>> Mayor Adler: Let's go ahead and take the vote. Those in favor of item -- did you want to --

>> I just want to say that we -- I also served on the capital metro board. We don't target any [indiscernible] To be cut. What happens is, there's a low ridership. You know, we always hear, look at that best of your recollection it's empty. You know. And unless we change attitudes and have people use transit, these routes cost a million dollars a year. You know? And riderships between 30 and 40 people a week. You know, that's -- that's very hard to keep these routes going. And unless we educate the people and tell them, hey, we need you to use this transit, we're, or elsewe're facing the possibility of cutting you off, we're not cutting anything off yet. We still have four, close to five years before we do anything. And if we can get these people to use transit, we won't cut these bus lines.

[10:47:01 AM]

But we can't justify it right now where people are -- 40 people are riding a day on a million-dollar bus that's costing us a million dollars a year. So this is why I'm supporting it, just so that we can -- and if it doesn't improve anything, next year we'll cut it off. Metro is very tight with our money and they know they can't just be wasting money. We're really going to take a close look at this and the reports are going to be coming. Yes, we're going to monitor it very closely. So that's why I'm supporting this.

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: I just want to push back a little bit on the characterization from councilmember Flannigan, that if it doesn't benefit my district, I don't support it. That's, of course, not the impression that I meant to give, and I do not think that the right way to run the city is to equally divide resources between ten different districts because that's not the way that we're going to have efficient and effective systems that are helping as many people as possible. But when you have a pattern of, you know, administering bus service in my district, when it was a struggle to get any significant project from south Austin, as a whole, included in the bond, which we finally did with William cannon and slaughter study, when we have a presentation now that says that of that bond, .1-mile of sidewalks in my district are going to be built, .1-mile? And then this program that is not going to -- that is going to focus on other parts of the city that won't benefit southwest Austin, so when you have this kind of consistent pattern of not just feeling like I'm not getting an equal share, but I'm not getting any share, that -- that is the kind of -- that is why -- well, I think that that is -- that's what led to the 10-1 districts, honestly, I think that's what led to each of us being up here today, making sure that each of us are here to speak for a district, and people don't feel unrepresented or ignored.

[10:49:16 AM]

So I just -- of course, I'm not advocating for equal funding, every program, all the time, or that I'm not supporting anything because it doesn't affect any district, that's not been my voting pattern and I don't think that's true of anybody on this dais, but I have to be vocal about what I think has been a pattern of underspending in district 8 when it comes to transportation projects.

>> Mayor Adler: Okay. Mr. Flannigan.

>> Flannigan: Thanks. I'm sorry, councilmember, I didn't mean to imply something that you and I agree on about not wanting to divide money by 10, I'm not saying that and wouldn't have supported that I think I was making a more general statement about transit service, that getting a few more folks out of

their cars and nearby my district still benefits my district, even if it's not technically my district. That's the point I was trying to make.

>> Mayor Adler: And I love it when we're all in agreement. Let's take a vote. Those in favor of this item number 18, please raise your hand. Those opposed? Voting no, Ms. Houston, Ms. Troxclair, the others voting aye with Ms. Garza off the days. That gets us then to item number 27 and 28.

>> Tovo: And, mayor, when you're ready, 8 is ready now.

>> Mayor Adler: Okay. You want to do 8 first? Let's do 27 and 28 since we called that, and we'll come back. We have some people here to speak, I think, on item number 28, three citizens. So I'm going to call them up. William o'brien. Marshall Jones is on deck.

[10:51:16 AM]

>> Good morning, mayor Adler, councilmembers. I'm here to speak about item 28, which is the downtown transit corridor expansion, basically for the metro rail, which is the -- basically, on the proposal, is to cut off 4th street from the network grid to expand the station, and behind that, as part of the plans as I understand them, is to turn fifth street into two-way. My neighbor, Marshall Jones, will speak about the impact of that. I'm actually here in a more professional capacity. My day job, as I am a doctor, professor of civil engineering at the university of Texas Austin, where part of the thing I do is study systems. I've run the math on what capmetro is planning to do with rail. And I want you to think about and picture in your mind right now where that rail track runs, all the way from downtown Austin, across I-35, out into the east side, up mlk, 18th street, airport, north Lamar, cutting back off, it affects half the districts in Austin. What capmetro is proposing to do is increase the rail usage all along that line, and that would be great if it wasn't for the grade crossings. All that rail crosses the rail at grade which requires the streets to be shut down that shutdown is a minimum of 40 seconds. I've timed it. It ranges 40 seconds to a minute right now. I've referred to the manual of uniform traffic control devices, which practical minimum is 40 seconds. If they run a train every ten minutes, that means actually a train every five minutes because they're going two ways, because one track. That equates to roughly a 13% drop in capacity for all of those streets, including ih-35 frontage road and Lamar crossing and crossings on the east side. That will be a devastating impact to traffic. If they go to their maximum plan, which is running a train every five minutes, which means every two and a half minutes each way, that's 25% capacity off of those streets.

[10:53:24 AM]

And for what? Their maximum capacity is about 5,000 per hour. How many tens of thousands of people are going to be impacted by that traffic control plan, of what they're going to do? I am a firm supporter of public transportation in the city of Austin. We desperately need smart solutions. But those solutions cannot come at a cost of passion, and we have a little bit of money, and let's spend it. What needs to be done is a thoughtful assessment and a systemic assessment of traffic, and then with that, design to capacity for what the rail can do. And I can't tell you exactly what that looks like, but I know the shape is not many small trains of two or four cars. The shape is going to be less frequent trains and longer trains. And let's figure out what the capacity is of the streets, both today and into the future as we grow, and then let's --

[buzzer sounding]

-- From there, think about how we can move forward.

>> Mayor Adler: Thank you very much.

>> Thank you.

>> Mayor Adler: Marshall Jones. And then Julie Fitch is on deck. Mr. Jones.

>> Thank you, mayor, mayor pro tem and councilmembers. My name is Marshall Jones. I'm a 12-year resident of the 555 condominiums in the city-owned Hilton hotel at red river and fifth street. I'm speaking today not only as a resident but as president of the homeowners association of the 555 and I'm asking you to vote no on item 28 today. I'm asking you to work with capmetro on a better plan and a plan that makes sense for all the residents, both the downtown and across the city. I ask you to vote no today, then let's get to yes. This project is underplanned, underfunded, and unfortunately, it's under our building. I attended no less than three or four community meetings. I want to thank capmetro for meeting with us several times in the meantime, but while we met with them and they may have listened, I don't believe they heard.

[10:55:29 AM]

In every single one of those community meetings, I didn't hear one person, not one, that did not work for capmetro or the city, that was in favor of these plans. These plans were, literally, we came to you with options 1 and 2, then 3, 4, and 5, they were all saying, do you want to lose your arm or do you want to lose your leg? There was never a true conversation about, we want to bring more trains downtown, how can we do so effectively? When I say this project is underplanned, it doesn't take into account any of the other plans going on in this same area, which includes the expansion of I-35, and it does not include the possible expansion of the convention center, does not take into account a 1,000-room fairmont hotel opening in the next few months or waller creek and Sabine project. They ask you to close 4th street and convert fifth street into two-way trafficking. All this is being done with no real traffic study. They studied the capacity of Cesar Chavez, 4th, 5th, and 6th street, and said if we were to close 4th street could that capacity be moved to one of the other streets, as opposed to doing a true study. As a matter of fact, this interlocal agreement in section 3d5 states, this agreement, not conditioned on approval of the project city's downtown plan, master planning for this quadrant of downtown, or future programming of the public plaza. Why not? Why wouldn't we wait until we have a congestion plan, a master plan, or a will see plan, if that's exactly what we're trying to complete here today? They're asking to close 4th street to through traffic. The grid is already missing 2nd and 3rd streets, making Cesar Chavez and 6th streets the only options that travel west. So they want to make this street two-way, just for one block. Let me tell you what, that's a bad idea. Number one, it's confusing to drivers, especially for guests from out of town. This would be the new preferred route for out of town guests coming to the convention center and convention hotels, to try to understand that fifth street has two lanes of traffic that go one way and one lane of traffic that goes the other way, but only six blocks.

[10:57:36 AM]

Number two, it's dangerous.

[Buzzer sounding]

>> Mayor Adler: You can finish your thought.

>> Thank you. The last thing I was going to say, they're going to tell you that this goes against -- or with the downtown plan. I tell you it's dangerous for this reason. The downtown plan specifically states what I'll all streets should be converted to two-way, the two streets that should not, the four streets, two corridors, lavaca, north, so you and fifth street, east-west, that's page 1 of the downtown Austin plan.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Next speaker is Julie Fitch. Also our last speaker. You have three minutes.

>> Thank you. Good morning mayor, mayor pro tem and councilmembers. I'm Julie Fitch with downtown Austin alliance, and I'm here to express our support for items 27 and 28. The downtown Austin alliance

doesn't take closing part of our street grid lightly. We've really had many, many meetings with capmetro, lots of tough questions, until we were finally convinced that maximizing our existing transit resources and building a real permanent downtown station requires the closing of 4th street. We were really pleased earlier this year, or maybe late last year, to learn the results of the city's traffic study about turning 5th street two-way, but that really enhances the travel patterns for the street grid, especially on nights when 6th street is closed to auto traffic. It really enhances it. All other times of day, especially at peak peak times, but those nights when it's closed causes problems. Turning it two-way for a few blocks solves a lot of problems. So the cap metro's plans to double capacity in the short term for the red line and eventually maximize our existing resources, build out the green line toward manor and elgan, a permanent downtown station that closes 4th street is a necessity for that.

[10:59:41 AM]

This is forward, long-term thinking and we fully support these items.

>> Mayor Adler: Thank you. We're now back up to the dais to discuss these items, 27 and 28. Ms. Houston, you pulled 27. Do you want to talk?

>> Houston: Thank you, mayor. I had some concerns for staff that I need some assistance with, understanding the kinds of community engagement. I know that you did a lot of work. I heard that from the testimony here earlier with the downtown stakeholders. But downtown belongs to more than just downtown stakeholders. And people use those streets to get in and out of town. And how much conversation did you have with people outside of downtown about the closing of the streets?

>> Councilmember, Robert spillar, Austin transportation department. I'm sorry. I got distracted. The funding that we're asking for 5th street is to begin that process. And so it is a long process -- four, five, six months -- to get to a conversion of 5th street. We do realize that everybody uses 5th street. One of the challenges we have is, when 6th street is closed for safety or special events, when I say safety closures, that happens typically every Thursday, Friday, and Saturday night when the events on 6th street raise to a level that we need to close it for pedestrian safety. When that happens, this part of the grid, 4th street specifically and Cesar Chavez, get very congested. In fact, the whole grid locks up, if you will, because people, as soon as they turn right on 4th street, because that's the first opportunity they have, try to go north and get stuck. Opening up 5th street one lane westbound resolves that congestion. And to be quite honest, we were surprised when we analyzed it that it was such a good idea.

[11:01:48 AM]

I wish we had thought about it earlier. So we do have a process to communicate to folks. We're not taking any capacity away from the eastbound travel. They are still -- have their two lanes at the frontage road, and that really is the constraint in this corridor. So we still need to have a wider conversation, councilmember. We do continue to have that. We've been tagging along with the cap metro public information meetings and communicating that way. But we will continue that effort.

>> Houston: Mr. Spillar, I've lived in some cities where when they have those kinds of gridlock on 6th street, where they have flexible routes so that if it's a gridlock, they can turn and make it go whichever they need to in order to move the traffic. Why haven't we considered that?

>> So in this case, we don't believe that works efficiently. We believe that we need to have it on a permanent basis to reduce confusion within the grid. Austin transportation department has considered reversible lanes. We have a limited opportunity to do that. In ft, the department, 15 years ago, I think, proposed a reversible lane on 15th street. That met with considerable opposition, even though the traffic numbers suggested it would work. At that time we received direction from council that we were to refrain from considering reversible lanes unless it really made sense. We've been reluctant to pursue

that. I would tell you that our traffic patterns are such now that reversible lanes may not make sense in a lot of areas. So from a safety perspective and from a traffic flow analysis perspective, I would recommend that the improvements on 5th street be a permanent solution. You know, we've reversed -- or we've made braza street go from one-way to two-way. And certainly there was a lot of community concern before we started down that path.

[11:03:50 AM]

Since then, most of the people who expressed that concern came back and said, you know, you did make mobility better. And so I think that they will find that same thing on this one.

>> Houston: And you may be right, but if you're wrong -- and we're never wrong. Somehow we never get things right, and we don't go back and revisit those wrong decisions. Maybe north-south streets it's not a problem, but east-west streets it is a problem, because I have seen what happened when Cesar Chavez became two-way. And now it's completely blocked up. I know what it feels like to try to go down one of these other streets that we've changed. So I'm just saying that the people who use those streets don't necessarily live downtown, and I'm afraid that they have not been included in the conversation. The decision will be made. And then you will notify them that this is going to happen. And then we'll get the calls. So that's my concern.

>> Mayor Adler: Mayor pro tem.

>> Tovo: And I think this was contained within councilmember Houston's last comments, but I just want everybody to understand. As you were describing, it sounded like if we approve this you will have the discussions. We are authorizing the change today. Those discussions will educate people about the change, not about whether the change should take place.

>> Yes, councilmember tovo, that is really correct. But this is, I believe, a unique situation where we will be able to explain the benefit, that there is little impact. We're not taking an existing eastbound lane that goes all the way through and turning it westbound. We're really taking pieces of movement and reconfiguring them, and intersections, and taking some reserve space in that right of way to make that extra lane. So we view this as an addition as opposed to a transition.

>> Tovo: I appreciate that. Since the question started out as have other people been involved in the conversation about the change, and your response was those conversations with going to take place, I just want to be really clear that this decision is today before us about the two-way --

[11:06:04 AM]

>> You're absolutely correct.

>> Tovo: Can you address the concern that Mr. Jones brought up about this having been -- as part of the downtown plan, it talked about the conversion of one-way into two-way, with the exception of this one?

>> Right. So, you know, when the downtown plan was done is considered there were four streets in the city that needed to move large numbers of traffic. From a traffic engineering perspective, that's why you typically make streets one-way, moving people through the corridor as opposed to serving surrounding lane uses. And so when the downtown plan happened, we did not perceive the issue, especially in the evening hours when 6th street was closed, the significant gridlock that occurred in this southeast corner of the downtown grid. We maintain the capacity, the eastbound through capacity because it's constrained right now on 5th street with the two lanes turning southbound on I-35. When I-35 is reconstructed, that constraint will remain, whether txdot and the community choose to maintain the elevate structure or depress that structure. That inability to extend 5th street across to east Austin still exists. So T point being is that when the downtown plan was created, it did envision those one-way streets, but, maintaining the same capacity. We now have new information that there's significant

gridlock, especially on special event days. 6th street remains closed Thursday, Friday, and Saturday, typically. I could see for safety reasons that expanding into Wednesday nights or other nights. It's an opportunity to improve mobility for all residents headed to that downtown corridor without changing that eastbound capacity that was originally envisioned. So as I have said on other issues, times you learn things when you learn them.

[11:08:07 AM]

And this is a real opportunity that, yes, while it takes a one-way street and makes it two-way, functionally, I believe that street will still carry the same capacity that it was envisioned under the downtown plan.

>> Tovo: Thank you for that information. I have a couple other questions. It is my understanding that in item 28, we are also approving a fee waiver for cap metro. Or is that coming back later? The interlocal disagreement interlocal agreement includes the provision --

>> We will come back to council and discuss the fee waivers. Those fee waivers are for access to the right of way, the easements, and/or use agreement. And then development fees that might occur. The challenge is we don't yet have the ability to quantify what that potential would be. What we are doing is in the Ila we are keeping a register, a log of the potential benefits to the community and the potential costs that we would consider waiving and then we would come back to council for that opportunity. That puts the risk that if council chooses not to waive those fees --

>> Tovo: I saw in the agreement cap metro is assuming that risk, but what about the storm water fee waiver? That is contained within --

>> I would ask Joe if he's here to come forward and answer that.

>> Tovo: Thanks. I have a question about the plaza.

>> Sure.

>> Good morning, mayor and council, Joe with the watershed protection department. The amount of funding that would be provided to cap metro for the storm drain line would actually paid. So it necessarily wouldn't be a fee waiver, it would be a reimbursement of their construction costs and it would be limited to \$3 million. .>> Tovo: Can you point me to that provision?

[11:10:11 AM]

>> I believe it's paragraph 8e.

>> Tovo: Thanks. It would be limited to 8 million. I mean, excuse me, 3 million, yikes, section eight.

>> Yeah, 8g.

>> Tovo: I want to highlight this because as I understand our common practice, this is a bit unusual. We typically don't cost participate or reimburse developers for lines such as this one if we're not asking them to up-size it for our own needs. And so can you help me understand the city's rationale for participating in this particular -- component of the project?

>> Certainly. The great majority of the time when we cost-participate with a third party, it is to expand over and above their regulatory requirements. We have, in the past, though, in rare occasions cost-participated on significant improvements that were under the regulatory standards. And I can think of one situation. I believe I forwarded information where due to the size of the project and the relative benefits, there was a city interest in participating in a way that's similar to what we're doing here. And I believe there the cost participation was 66% city and one-third the developer. So we don't typically do it this way. It's very rare. But we have done it this way in the past.

>> Tovo: On very rare occasions. I would regard this one as a real exception moving forward and not something that I would anticipate being asked to do again very often. And I assume the reasons that

we're being asked to consider this or that the staff are recommending doing it a bit differently in this case is because of the benefits that accrue to the city from having that expanded rail station. Is that the rationale that -- is that the reason why staff are recommending this?

>> I think the benefits and the ability it gives our department to expand these in the future upstream.

[11:12:20 AM]

>> Tovo: Thanks. I do have a question about the plaza. As soon as I started talking about this issue, a million hands went up that way. Mayor, I have a question about the plaza. But if my colleagues have questions about this component.

>> Mayor Adler: We'll come back to you, then, on that. Focus questions here initially on the same topic area. Yes, Ms. Kitchen.

>> Kitchen: Just quickly, I just want to reaffirm that there is a value to the city of contributing -- and it's up to 3 million. This is a split cost between the city and the cap metro. And we're capped. The risk of any additional cost is on cap metro, not on the city. As the mayor pro tem stated, the reason for doing this in this case, which is unique, actually unique, is the benefits to the city of -- to the whole city, as well as the city of Austin -- of this downtown rail station. And also, if I'm understanding correctly, there's also a benefit to our system, our water, wastewater system with the ability to extend improvements upstream. It's not only the benefit to the whole community from the additional service that we're anticipating from a downtown rail station, but it's also the benefits specifically to the city of Austin in terms of our water and waste water system, if I'm understanding correctly.

>> That's correct and your first point is correct in that our participation is capped.

>> Kitchen: And all the risk is on cap metro.

>> Mayor Adler: Alter.

>> Alter: When we spoke, I think it was maybe in January or February, about this, I had understood there was a question that you were trying to figure out about what size this piping should be. There was a need for it to be a certain size in order to be able to plan for expansion.

[11:14:21 AM]

And there was a question about whether you would be able to get them to increase the size of the pipe for this longer section which appears to be in there now. It seems like this is incorporating capacity needs that we have for the larger downtown. Is that still the case? I was a little confused.

>> The exhibits in the back of the agreement show that larger line.

>> Alter: I was a little bit confused by my colleague's remark. My understanding was this was an improvement and it was an improvement, maybe we didn't need to make right now. But once you put a station over there, you couldn't improve later. Our anticipation was as we do additional growth downtown we're going to need that larger capacity. And so that needs to be in place there for when -- you know, we wouldn't want to go back and do it again under a station.

>> I think there's a sense of urgency when you're building a brand new rail station on top of a storm drain line that you have an adequately sized line that's brand new.

>> Alter: I wanted to make sure I was still understanding that. I do have another question on a different .

..

>> Mayor Adler: Anything else on this point?

>> Alter: No.

>> Tovo: Yeah, this is a different understanding than I had, so I hope that we can really drill down. I mean, I will support this for the reasons that have been identified, but I want to be very clear about

what the reasons are that we're doing it. And it was not my understanding that we were participating in light of additional capacity that the city was going to need for city projects in that area.

>> And that is correct as well. The additional capacity that this provides is not capacity within the line -- this project area. It's the ability to expand upstream in the future. So in essence the additional size they're providing is part of meeting their base regulatory requirements. So you are correct.

>> Tovo: So it is really about meeting the base regulatory requirements for this project, not about building capacity for city projects into the future.

[11:16:22 AM]

Okay.

>> Correct.

>> Tovo: All right. Thank you.

>> Mayor

Adler: Mr. Zimmerman -- Mr. Fangan. Mr. Flannigan.

>> Houston: You want something to hit him with?

[ Laughing ]

>> Flannigan: No. I was prepared. I'm going to take that off. I was prepared for months.

[ Laughing ]

>> Mayor Adler: I appreciate that it wasn't totally unanticipated.

[ Laughing ]

>> Flannigan: Okay. So, serious question. So it's a \$3 million limit on the city's participation. But when I read the rca, the last line says staff will bring requests for fee waivers.

>> The fee waivers are, I believe, point to additional fee waivers beyond the 3 million that's for the storm drain.

>> Flannigan: Yes.

>> Councilmember, we anticipate development permits that will need to be acquired by the project, as well as the use of the right of way. We are going to maintain the city right of way, so there is either a use agreement or an easement discussion that still needs to happen. We can't calculate all those costs yet. This is beyond the 3 million. The 3 million is for the participation in the drainage system only. The technique we use with other jurisdictional partners is to keep a ledger, pluses and minuses. They provide benefits. The plaza is a benefit. The added service is a benefit. Various aesthetics in the area, they will claim, are benefit. And we will weigh those against the costs of our participation as well as permits. And then council will have an opportunity to decide whether to waive those. We anticipate that the benefits will likely accrue to more value than the cost of the permits.

[11:18:28 AM]

And that's the opportunity for you all to decide. We'll take an in kind trade, in a sense, for the benefits. But we have to come back to you. I just want to make sure you know, we'll have to come back to you for those.

>> Flannigan: I understand you have to come back. By the time you come back, it will be done.

>> That's why --

>> Flannigan: So there's really not a decision coming in the future. What will come in the future, if you don't do this the whole thing falls apart, or however it might be phrased. It is important to discuss that now. I understand it's not easy or maybe not even wise to predict how much those waivers might be. But I don't think we should be telling the community that it's \$3 million no matter what. Because when those fee waivers come back, no matter what our conversation sounds like, the community will not



necessarily hear it in the same way. This is bigger than a \$3 million storm drain project. It may not have the community benefit. I understand that all signs point to yes, but there is a possibility that when we calculate those benefits, some of the community or some of us on the dais might disagree with those benefits.

>> Absolutely. The decision that you'll be offered to make is which jurisdiction pays those additional costs that we mentioned on the ledger, either city or capital metro.

>> Mayor Adler: Okay. Further discussion? Mr. Renteria.

>> Renteria: Mayor, I just want to make a correction on Cesar Chavez. The comment was made by councilmember Houston that Cesar Chavez was always a two-way street until somewhere in the '80s, I believe. They decided that they wanted to make them into a one-way street, and 2nd into a one-way street. What happened was the westbound road was right through the middle of a neighborhood. And it not only caused a lot of accidents, but one car went out of control and one of my neighbors that lived on 2nd street was hit by a car while he was on his porch.

[11:20:34 AM]

They lost control and he lost his leg. We said we had enough of that experiment that the city was doing on the our streets. Revert it back to two ways, and the city did that because they could see that it was a failure. I just wanted to make that correction, that it was two ways. Cesar Chavez was two ways, and they converted it. And it was totally unsafe, so they listened to the neighborhood and converted it back to a two-way street.

>> Mayor Adler: Okay. Councilmember alter.

>> Alter: I actually had a question for parks. So there's parkland right near here, and I just wanted to hear from parks if you were comfortable with the proposal, or if there was anything that was of concern to parks that hasn't been captured in the agreement.

>> Sure, Kimberly, acting director for the parks and recreation department. So, a team of our -- of parks staff were part of the planning process, and have been kept abreast of all of the plans associated with this improvement. At the time, we didn't have the capacity financially to participate in a full master plan process, but since that time, we have been able to secure the appropriate funding. And so it would be our intent to take what has been already designed that we are perfectly feeling comfortable about, and then design something in that space that would complement what is already about to happen. So we are on board and have been kept abreast through the entire process.

>> Alter: Great. Thank you.

>> Houston: One last question. I was listening to -- I think it was Mr. O'brien talking about the timing.

[11:22:40 AM]

Has there been an analysis or any kind of study of the impact on, say, manor road, martin Luther king, of the additional train traffic going across? Because I've asked for a traffic study on manor road, because it's getting backed up past airport because of the train going through. And if they're going to be going through quicker, or faster, or more of them, have you looked at each of those intersections to see what the impact's going to be?

>> Councilmember, I will defer that question to cap metro staff. They're here. We were focused on the downtown station. You are correct. We are doing a small study on manor. We're looking at the congestion problems. We're not sure if that's due to the train or to other elements of the signalization. And so that's what we're looking at right now. And we're also looking at the crossing at Lamar. That's the most significant constraint. And as part of the corridor study, or corridor program on Lamar, there might

be an innovative way to partner with cap metro to resolve that major congestion point as well. So, cap metro staff is here. They can talk about that.

>> Mayor, mayor pro tem, Javier, director of the long-range planning, capital metro. We are aware of those conditions. As you know, our community has been asking to finalize the metro red line. Going back a little bit and doing history, the project was actually implemented with an initial modest investment. And the reason of why our trains are over capacity is because we don't have all the infrastructure that is required really to run and respond to the demand that the corridor is already showing. Capital metro is taking all the steps that are necessary to complete the system. Today, with the project connect process, the public involvement is already showing their support to continue and finish that project.

[11:24:47 AM]

We are looking at all the crossings. We are going to be looking at how to address the issues when we move forward with the additional services, the additional frequency that we are planning. So the answer is yes, we need to move forward. We are aware of those issues. We are specifically setting up budgets today to begin the studies on particular crossings to see what are the requirements, the equipment that is required to really improve the setting and minimize the impact to the existing traffic.

>> Houston: Thank you so much for at least acknowledging that there is a problem, because on the mlk station, you know, we've got so much density there now that's just started.

>> Correct.

>> Houston: That's going to be a problem. Most people are still bringing cars to . . .

>> That is correct.

>> Houston: And so thank you. Those are the two that I'm most concerned about, is the M station -- mlk -- and then the manor road, where -- and, of course, right there under I-35, right by Hancock center. That's another pressure point. So I think we need to really study those and make sure that we understand the impact that it's going to have on vehicular traffic.

>> That's correct, we're looking at --

>> Houston: Thank you.

>> Mayor Adler: Mayor pro tem.

>> Tovo: I have a couple remaining questions. The first is really a statement that gets to director Mcneely's point about working on the parks. So a little bit over a -- year ago this council passed a resolution to do -- pull together stakeholders and talk about master planning this area, brush square, the plaza, and some other things. And, you know, I was not able to attend those meetings and didn't see it first happened, but let me just say that I think the outcomes of that process were not what we anticipated. And so I hope -- I'm glad to hear that you now have some that are eager to work on that.

[11:27:05 AM]

I think the city took charge of it and they were not as productive as they really need to be to make sure that we're making great decisions for this area, is and that the decisions take into account the many other projects that are going on. So thank you for your leadership of this, because I think it's really necessary. And so I'm hopeful that the items that we highlighted within that resolution will be ones that are really discussed, and discussed in a full and thorough way. And I want to talk about the plaza for a minute. Mr. Jones sent us a note yesterday outlining concerns, but also outlining some things that had changed. And one of them, toward the end of that letter is talks about capital metro choosing this option due to limited resources. The project presented to you today is nothing like the original plan architecturally and does not include any of the original amenities, including restrooms or the signature

gateway that defined this project. And I'm not sure who among the staff is the right person, or whether capital metro is here to discuss this. But it was my understanding that there were to be restrooms included. We're having a conversation and it has taken years to get to the point of getting some public restrooms downtown. It was my understanding that this project would include restrooms as well. If that's not in the current configuration, I'd like to understand why and what we need to do here today on the dais to make sure that that is a component that's part of the plaza.

>> Once again, Javier, capital metro. Thank you for the opportunity. You are correct. The current plan doesn't include public restroom facilities. One of the reasons is capital metro is currently looking at many improvements that actually the community expressed during the connections 2025 process, during mobility talks related to transit, which is an initiative that the city started.

[11:29:12 AM]

The management of public restroom infrastructure is an expensive initiative, and capital metro currently is considering if it is something for the board to begin to talk about those discussions. Currently, the plaza doesn't have the public restrooms. However, in the initial planning, many ideas were put on the table. And again, capital metro is responsible for providing the service -- transportation services. And in order to make this downtown station successful, it requires a coordinated effort among many different entities. Specifically because of the area where we are. We have several meetings with the convention center looking at their operation, seeing how the station will complement and will minimize some of the issues that currently they have. We work with the bicycle community to address their issues. We work with the Hilton hotel. And we work with the park departments. And a lot of different initiatives and ideas came to the table. And these ideas have to go through a process so that we are able to mature them and make them a reality. For example, the community expressed a desire to relocate the fire station. One of the biggest issues to make the park, again, a park. There is a major parking in the property of the park that doesn't allow the park to be the park that the community would like to see. When those ideas begin to progress, the opportunity to -- and in the future, there is the capacity and the willingness of the community and the leadership to take those ideas that the community is putting on the table, like, for example, relocate the fire station out of that. Is there opportunity to take that existing building and convert it into a building that can benefit the community around this area and provide the public facilities that transit users may use. So there are several possibilities.

[11:31:14 AM]

There are several conversations. But again, we are in the process to define those. And specifically we are trying to be sure that we respond to the community's request. There is not only one element responsible to making this process successful. It is the combination of everybody working together. We hope we can go. Through the process and continue to seek community involvement.

>> Tovo: I am very eager to see all of those conversations continue. And that was one reason why we had the resolution a little more than a year ago as you were discussing the plans for expanding the rail station. We hope that can happen in concert with the square conversation, which did not go to the places it needed to for it to work successfully. But all of those things I see as absolutely related to the success of this area. I think they are working in close combination with the metro rail station. And I had hoped that the work that you were doing on the metro rail station could enhance the square. That doesn't appear to be -- at the moment, there's more work to be done there. However, with regard to the plaza, am I understanding correctly that Mr. Jones' statement was accurate that the original plans from cap metro had restrooms on the plaza?

>> We had a conversation about the opportunity to provide those amenities in the station. But as you can see, through the development of the design, from the budgetary perspective are forcing us to meet financial requirements of the infrastructure. For example, helping and participating with the requirements of the storm drain. It's additional monies that are coming from the regional budget that the station had to make the station successful.

[11:33:17 AM]

So there is a balancing effort that is going on in order to bring this project to reality. And some other sacrifices were made. There is a lot of things that we wanted to have in the original design, when the concept was presented to begin creating the momentum that was required to get us where we are today.

>> Tovo: I appreciate that. I don't mean to cut you off. I know we have two other items we're trying to get to before 12:00 P.M. I want to be sure I'm understanding. It sounds as if restrooms were included in the original design, and cap metro cut them for financial reasons.

>> Well, the concept was presented as a multi-modal with amenities to support the users and the enhancement of their experience when they are traveling using the facilities. Those conversations were put on the table. However, capital metro hasn't made any policies. Remember, bringing public restrooms into one facility would require to contemplate bringing public restrooms to all the facilities for metro rail. And so those are conversations that the capital metro board needs to have and make decisions about it if it is something that needs to be happening from that perspective in order to provide better services to our users.

>> Tovo: So I guess -- thank you for that information. I guess this now is a question for Mr. Spillar. As you go forward and negotiate and execute the interlocal, is there an opportunity -- what would you need from us to ask you to really negotiate for the restrooms there? And I guess I would also ask our cap metro members whether this came up. It was in the original design. I think it was the understanding of at least some stakeholders that there would be restrooms there. It is a major rail station. And, you know, we're having some pretty significant issues throughout downtown because of the lack of public restrooms. Most train stations have public restrooms. And I guess I don't believe that just because you put one here you're going to need one at all of the other stops. This is intended to be one of the major ones.

[11:35:21 AM]

It makes sense it's going to have amenities that may not be present in all the others. While I appreciate what you're saying about needing to cut costs to -- I would just remind -- I'm a bit uncomfortable with the way the participation is being described with regard to the storm water needs, because it is a regulatory requirement. And in fact, the city is doing something extremely unusual and cost-participating with you on on the regulatory requirement that is one for this project. So it is -- you know, that is not an extra item that capital metro is being asked to do. It is part of your regulatory requirements to construct in the right of way. And we are doing something unusual in cost participating with you. So I'm concerned about that being linked to the trim offing -- trimming of the budget with regard to the public restrooms.

>> Mr. Mayor.

>> Mayor Adler: Yes.

>> Kitchen: I think mayor pro tem was asking --

>> Tovo: Sure, and then I would like to hear from Mr. Spillar.

>> Kitchen: I thought you were asking us to comment. Okay. So to respond to your question, you know, I think it's important that we really consider this a joint effort. This should not be a conversation about this, you know, in terms of cap metro should do, should do this, should do this. We have to understand the realities of the situation here. And I think that the cap metro board -- and cap metro would certainly like to keep restrooms in there. But we have to consider that in the economics of the whole project. And we have to understand that cap metro is another public body that is very limited in its resources. They're limited to sales taxes. So I think -- I appreciate the questions that are being raised. I would've appreciated them being raised a little earlier so that we were able to respond to them. So I can't tell you today exactly what the financial situation is and respond to the restrooms.

[11:37:25 AM]

I can tell you that I think that cap metro is acting in good faith in doing what cap metro can do in terms of affording this project. And it is true that the dollar amounts for the storm water were ones that were not originally contemplated. It is appropriate for cap metro to pay those. And I think there's been a good balance met between cap metro and atd in our city of Austin in terms of how we're going to handle those storm water payments, given all the -- you know, given everything we've already discussed. So I guess what I'm saying, I hope we're really looking at this as a partnership, because this project is not for cap metro. This project is for the community. And it's for all of us. And we -- all of us, the city of Austin and cap metro -- have a responsibility and an opportunity to really make an improvement for the community. And so I hope we're looking at it that way. And I can tell you from the cap metro's perspective we'll do everything -- I'll put that hat on for a minute and tell you we'll do everything we can to include restrooms. But we haven't had that specific conversation yet. I cannot tell you today what the economics are of that. But I can tell you that we'll make every effort that we can. I would also ask the city of Austin to consider what the city of Austin can do to help with restrooms. So I just wanted to give you some perspective.

>> Tovo: Thank you, councilmember. I appreciate that. I'm not sure whether you were directing the comment about raising the question before now to me or to the citizen who raised it, but honestly, I thought -- it was my understanding, and I think it was the understanding of some of the stakeholders that the plaza continued to include restrooms until it was highlighted in Mr. Jones' letter. It wasn't my understanding that those had been removed from the conceptual plan. So, again, it's disappointing.

[11:39:26 AM]

And I think that -- and just to comment about the viewing it as a partnership, as I spoke about the \$3 million participation from the city, I indicated I was supportive of it for that reason. This is a partnership and that is why I'm supportive of the city doing something very unusual in making a \$3 million contribution to a regulatory requirement for a project that is not a city project, but doing so because it's one for another public entity and for the reasons we discussed earlier. But I just believe that we should really be regarding restrooms as infrastructure, you know. It's like creating a project without any parking in an area where you need it. We know that the people using the rail are going to need restrooms. And it seems to me a really important component of the plaza, which is, you know, cap metro has undertaken to do as part of the services they provide. And so Mr. Spillar, I would ask you, what are our options here in terms of including that, if not as a requirement, as a very strong directive to the staff to please negotiate for the inclusion of public restrooms?

>> So, councilmember, I've asked Kate from our law department to speak to the issues related to the current proposed agreement. Bathrooms within the plaza actually are contemplated as part of the agreement. But let me let her -- let me go forward. We're not sure how to pay for them yet. I'll let her

speaking to how they're represented right now. And I would suggest the direction to work with cap metro to find a way to bring those into the early project would be appropriate.

>> Tovo: What was the last word you said, the early project?

>> Yeah, so that we can bring them forward. Change the Ila dramatically in terms of the negotiations piece, but I'll let --

>> Tovo: Thank you.

>> Mayor, mayor pro tem and councilmembers, assistant city attorney Kate.

[11:41:28 AM]

The restrooms are contemplated in the agreement at the city's expense as part of future programming operations and maintenance of the plaza. So it currently states that if those are added, it's not a requirement, but they could be at the city's expense.

>> Tovo: It seems to me it should be a requirement, but, thank you.

>> Mayor Adler: Okay.

>> Councilmember, one last thing. We can work with cap metro and invite them to participate, but it would be a subsequent discussion. As I said to councilmember Flannigan, you will have an opportunity to decide where the fee waivers go.

>> Tovo: Right. Because the fee waivers --

>> Mayor Adler: That's of concern to the dais. And when this does come back, we're going to discuss it so that people can hopefully-- prepare for it. Councilmember pool.

>> Pool: We spent a good bit of time during budget last year trying to identify funding so that we could have -- I think it was a Portland loo was the technical name for it downtown, because we are recognizing the need to have those facilities in the city's living room, some people call downtown the living room. So I also would support the effort early in the programming, the front end, to try to identify where that would go at the site. And I would work hard to find the matching funds, because I do think that cap metro should have some skin in that game as well.

>> Sure. And councilmember, you know, one of the items that was pointed out earlier with the possible move of a fire station in the future, or reconfiguration of the park, there might be quite elegant ways to provide public restrooms as part of an existing structure, or as you said, maybe it's a free-standing structure as well.

[11:43:33 AM]

>> Pool: Use all the creativity and inspiration that you all can. But I think if we drive toward that end, it will be a definite benefit.

>> Okay.

>> Pool: Thanks.

>> Houston: Thank you, mayor. I'm going to side with -- I think that's something that must be done. I'm sure many people on this dais have ridden the red line from downtown to the lake line mall. And trying to get back, it's a push, because there's some quick turnaround. An amenity for the people who ride the red line to be able to have public restrooms there, not only for those but for our visitors in town. So it's an amenity to people who ride public transit. Sir, is there anything at lake line? Is there a public facility at lake line?

>> We do have restrooms that can be used if requested. The station attendant, drivers, or personnel can open the restroom for public use. But on that type of scenario, when it is being requested. It's not necessarily open to the public.

>> Houston: Thank you. So I think it's a capital metro issue about how the people you're inviting to come ride don't have access to facilities. And to me, that is onerous to say that you're going to get on the red line, ride all the way downtown, which is a good 35 minutes if you get in on lake line. And then you get off the bus and there's nowhere to go. And so I think that's something that capital metro really needs to be thinking about. I don't care about the public-private partnership, but I think that's an amenity that should be offered to anybody that rides the train.

>> Absolutely. We understand that. We are transit riders and we understand.

>> Mayor Adler: Are we ready to take a vote on item number 27? Is there a motion to approve item number 27, please?

[11:45:36 AM]

Ms. Kitchen makes that motion, seconded by Mr. Renteria. Any further discussion? Mayor pro tem.

>> Tovo: Yeah, it's not clear to me how to effect this change, again, but I would just offer as an amendment that we direct staff to make it a priority to include public restrooms within the early phase. I've forgotten the language you used, within the early phase of this project with the strong request that this be a shared expense between capital metro and the city of Austin.

>> Mayor Adler: Any objection to including that? Hearing none, it's included.

>> Just to be clear --

>> A question --

>> 28 --

>> We're on 27 right now.

>> Tovo: We probably could use a public restroom on 5th as well.

>> Mayor Adler: We'll add that to item number 28. Item in question is 27. Those in favor please raise your hand. Those opposed? Troxclair, Houston, voting no. Others voting aye, Garza not on the dais. Someone move approval of item number 27?

>> Kitchen: 28.

>> Mayor Adler: 28, Ms. Kitchen makes that now. Second, Mr. Renteria. The mayor pro tem has offered an amendment just a moment ago. Any objection to that being included in the item number 28?

>> Kitchen: I don't have an objection. I just wanted to hear it again.

>> Before you do that again, I think this is direction that you're giving from the dais on an actual amendment.

>> Tovo: If there's a method of making it as an amendment . . .

>> I think you're going to want to write it down, given how long it was, for us to accurately . . .

[11:47:36 AM]

>> If I may, what I heard was there was direction that the bathrooms were important as part of council's approve for us to move forward, and that we should seek a joint funding or mixed-use funding opportunity.

>> Tovo: And that captures it, with the exception of, as a priority in the early phase of this project. As in, you know, when it's being constructed.

>> Mayor Adler: Are you comfortable with that amendment?

>> Yes, sir. Since it's already -- restrooms are already contemplated in the agreement, you've given us direction to go negotiate as good a financial relationship as possible.

>> Mayor Adler: And to reflect that it's a priority. Any objection to that being included?

>> Kitchen: So I'm understanding that -- I think I understand what you said. The language is in there. This is direction to create . . . Okay.

>> We'll find a solution.

>> Kitchen: Got it.

>> Tovo: If you want to direct me to where the language, I'm not seeing it immediately. While we're taking up the next item, I could take a couple minutes and revise it, if that's helpful.

>> Mayor Adler: Even if it's not there, I think you've covered it.

>> Tovo: I agree. As long as our attorney is fine with it, everybody understands the intent.

>> I prefer we not change the Ila. That's substantially the same as what cap metro has. The rc, you've given us direction.

>> Mayor Adler: There's where we are. There was no objection, it's included. Any further discussion on item 28? Ms. Houston.

>> Houston: Mayor, I support cap metro's work in trying to increase services for people. I feel very uncomfortable about voting on this without having anything in particular about how the concerns that have been addressed by both of the parties. And some of the concerns that I'm going to get as a result of action taken today. I have no response to that. Things will be moving along and people will be trying to catch up. So I'm going to be voting no.

>> Mayor Adler: I understand. Any further discussion on item 28?

[11:49:38 AM]

Those in favor, please raise your hand. Those opposed. Troxclair and Houston voting no. Others voting aye. Garza off the dais, it passes.

>> Mayor.

>> Mayor Adler: Yes.

>> Casar: We've had some folks waiting on 42 all morning. I wanted to see -- it's about the date for setting the public hearing.

>> Mayor Adler: Let's do that to make sure we get that done. This is an item that is currently -- it's to set a public hearing. The public hearing would be may 11th. I understand there's a conversation to move that later into June. So we will have discussion on this item. And the discussion at this point should not go to the merits of whether or not we should do this, but rather to on what day should we set this. Is that right? Question is, on what day should we set this public hearing. Is Morgan craven here? Do you want to speak to this issue?

>> Good morning, my name is Morgan craven. I live in district 5 but I'm here representing Texas apple seed, a public interest justice center. We do research on juvenile justice issue and make policy recommendations. We're asking you set the public hearing for June 15th. I know that doesn't leave a ton of time between the hearing and the exploration date, but we want to make sure that there's enough time to hear all community voices and get input from all the interested individuals and groups. And so by June 15th, teachers, students, and families will be out of school and we'll have time for them to weigh in. That would give plenty of time for other community-based organizations and individuals who are interested to weigh in on the juvenile curfew ordinance. It'll give time for us to talk to families who are in nontraditional schooling environments like homeschooled families and children.

[11:51:43 AM]

We also want to make sure that we have time to communicate with homeless youth who are impacted bid ordinance in a unique way. We think it's especially important because the people who are most impacted are the people who are not often always well-represented when decisions about them are made. For example, we know black youth receive 23% of the curfew ordinance violations but are only 8% of the population. Similarly, Latino youth receive 60% but are 40% of the population. We want to



make sure we hear their voices. I was just at a press conference this morning to discuss the murder of Jordan, it was organized by the black legislative caucus and mexican-american caucus. There's a lot of interest in discussing the ways youth and police are interacting. And we do understand that APD and some of the members may have concerns about the ordinance and its impact on attendance and safety. And we share those concerns. We certainly want to make sure that students are in school and are safe. And we know that the best way to do that and find solutions that work for us are to make sure all the voices are heard. Be the date that the issue is heard. Thank you.

>> Mayor Adler: Okay. Thank you. Is staff here?

>> Mayor Adler: Those are all the people I had signed up. Are there more people signed up to speak on this? Okay. Why don't you speak and then give your name to the clerk when you're done.

>> Forgive me, mayor and council, I came in a little bit later and didn't sign in. My name is Ken, I'm president of education Austin, the employees union for aid. I taught for 12 years at middle school as a language arts teacher. We're also asking to move this to June 15th.

[11:53:44 AM]

This has an enormous impact on our work, on the kids that we work with, and the issues around equity that we are constantly striving for in the city. And I think it's important to align some of our policies to make sure that we are taking care of our kids and their families the best way so that they can get an education and they can break through some of the barriers that are presented to them. We think that it's very important that June 15th that we are to have a little extra time. There's a lot going on at the end of the year with kids and with groups that work with kids. And so having this pushed to June 15th will allow us to work with appleseed and with other community partners and nonprofits, families and children to make sure that we're arriving at the right policy and doing the right thing by our families and kids. So.

>> Mayor Adler: Okay. Thank you. Mr. Renteria.

>> Renteria: Can you let me know -- tell me about what happens when these are issued to one of the juveniles? What's the penalty or the fine associated with that?

>> Well, the exact -- I mean, the dollar figure to that, I don't have a dollar figure. But what happens is -- I want to be careful not to get too far into merits or anything like that. However, nationally what we're trying to do is avoid the school to prison pipeline. Any entrance into that pipeline creates enormous risks for children of color. And it's so disproportionate nationally, statewide, as well as locally, that we have to make sure that our policies -- we're not unintentionally putting kids at risk and putting them into the pipeline. Which even if it's not the intent, happens very quickly and quite often even in our city.

[11:55:49 AM]

And so we want to avoid, to the greatest extent possible, that first step into the pipeline, to either look at a fine, which may be very difficult for some to pay, which may create other legal issues for them, which creates a pile of strawing for family --

>> Mayor Adler: In fairness, we're trying not to debate the merits.

>> I just --

>> Mayor Adler: No, that's okay.

>> Thank you.

>> Mayor Adler: Let's try --

>> We just need -- June 15th will allow us to do all the work we need to do to be able to address these things in greater detail with authenticity.

>> Mayor Adler: Okay.

>> Okay. Thank you. Again, I apologize.

>> Mayor Adler: Thank you. Is there a motion to be made on this item number 42?

>> Casar: I'll move.

>> Mayor Adler: Mr. Casar moves to set the hearing for June 15th. Ms. Troxclair seconds that. Is there discussion on the dais? Mr. Casar, do you want to go first?

>> Casar: I think that this is an important issue. I recognize from our discussion during work sessions that this puts us close to the expiration time, but this council does have the ability to extend it if we so choose on the 15th. My impression from the conversation has been that it's really important for these folks that are standing up for kids and for teachers at the legislature and also trying to get kids through the end of the school year that that meeting in June would be the best. And I would appreciate to have the most robust discussion on this as we can.

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

>> Alter: I support the postponement. I had a question for our counsel, if we need to post it in a particular way so we could choose to extend it if that was where we were temporarily.

[11:57:49 AM]

Do we have to do anything special with the posting language?

>> We'll post it to make sure that you have those options available to you.

>> Alter: Thank you.

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

>> Pool: I'd just like to

>> Pool: I'd like to get our attorney's read on how we can six weeks in advance set something where it's expiration would require us then to take emergency action, when we could do this five weeks from now and not run into potential expiration, where if we do want to extend it but decriminalize it, that we would be able to do that within the Normal course of our activities.

>> As you know normally an ordinance takes place ten days after you vote on it. In order to pass an emergency you'd have to find there was a health and safety reason to pass something so you would make that effective immediately so [indiscernible] If you decide to do this on June the 15th.

>> Pool: The reason I am uncomfortable with the additional week -- and I appreciate hearing from Texas appleseed and my good friends with education Austin -- is if we do it a week earlier, if we do it five weeks from now instead of six, then we don't run into -- we don't put the council in what I think is an awkward position to say this expires in three days and if we want to extend it, even though we know six weeks ahead of time, then all of a sudden it becomes an emergency because we -- otherwise it will expire on the 18th of June, which is a Sunday, I suppose -- so I suppose the next day. I think that five weeks is a good amount of time to organize all the folks who would need to come and speak to us. I think they are organizing now, and so I would like to urge that we have this robust discussion on June 8.

[11:59:56 AM]

So I would substitute June 8 for the public hearing date instead of June 15.

>> Mayor Adler: Okay. Is there any discussion before I go back to Ms. Pool to make her amendment?

Ms. Pool moves to amend the date to go from June 15 to June 8. Is there a second to that amendment?

>> Pool: I just want to make the point, then, that if we do this on the 15th, it can and will expire three days later, and I do think that it puts the council in an awkward and potentially not justifiable position to say even though we knew six weeks ago that this could be an emergency we're now declaring it an emergency, and I am not getting into the value of the issues.

>> Mayor Adler: I understand.

>> Pool: Only the hearing when this will occur.

>> Mayor Adler: The amendment dies for a failure of a second. Further discussion on this item? Motion is to move to postpone to June 15. Those in favor please raise your hand. Those opposed. It's unanimous with Ms. Pool voting no. Ms. Garza after the dais, the others voting aye.

>> Pool: Mayor?

>> Mayor Adler: It is now noon. There was -- I believe that I had a misunderstanding about which alley it was and I think we can dispense with it on extent here in a couple minutes. Am I right in thinking we don't have a full complement of citizens communicating?

>> Mayor Adler: That is correct.

>> Tovo: May I ask your permission then just to quickly pull up a photo and confirm that it is not the alley that's being asked to be vacated.

>> Mayor Adler: Okay, let's do that and then we can see whether or not this is something Mr. King wants to address. We only have one --

>> Tovo: I didn't realize we had a speaker.

[12:01:57 PM]

>> Mayor Adler: We just have one. Let's see how quickly this can go.

>> Tovo: So it's a little hard identifying alleys. If you could pull this one up. I think in the time that's elapsed since this morning when the meeting started and now I think we've determined this is not the alley that's being requested to be vacated and that the alley being requested to be vacated -- to be vacated is actually a strip that's within the paid parking lot.

>> Councilmember, Robert spillar, I'll let real estate speak, but the answer is yes.

>> Tovo: Okay. I did drive through that parking lot this morning. It doesn't connect to red river as the map suggests it does. It's got a curb so there's no way to get -- it didn't appear to match the map.

>> Right.

>> Tovo: It is actually within that paid parking lot?

>> Yes, ma'am. In fact it is a sliver that we would not want to encourage use because it goes from a midblock to a midblock location in a curbed area so it serves no function from a mobility perspective.

>> Tovo: And it's completely indistinguishable from the parking lot?

>> That is -- go ahead.

>> Councilmember, that is correct.

>> Tovo: Okay. Then it is definitely not the alley --

>> Mayor Adler: That was lauraine Rizer --

>> Yes, lauraine Rizer, officer of real estate. Thank you.

>> Tovo: Thank you. That is not the -- yeah. The reason I pulled this dates back to kind of the council's work and a previous resolution from 2013 about really looking closely at our alleys and making sure -- the city has had a practice of vacating alleys, and we vacate them we sell them for very little money. Some of our downtown alleys have been vacated and there are great things happening in other cities about activating alleys, not just in downtowns but in surrounding neighborhoods and there's great opportunities for what we can do with the alleys. That's why it captured my attention.

[12:03:59 PM]

I've actually attended parties to a lovely party one day in the alley and it does seem to serve a connectivity issue.

>> Mayor Adler: But it's not that.

>> Tovo: This is about making sure? Pardon? You were there too.

>> Mayor Adler: It's good to hear it's not that.

>> Tovo: No, it is not that. I'm happy to move approval and, again, want to be careful as we move forward that we're -- regarding alleys as -- for the full possibilities that our community can realize from activating some of them in appropriate ways. So I move approximately approval of item 8.

>> Mayor Adler: Do you still want -- did you want to speak to this, Mr. King? Come on up.

>> Tovo: I probably need a second or I'll move approval after Mr. King.

>> Mayor Adler: I'll come back to you and you can make a motion.

>> Thank you, mayor, councilmembers, I'll be very brief. Empty point here is I think to build on mayor pro tem's point concerning about, you know, the value we're getting back in return for this public property, you know, if I look at it as being my property, that I'm going to give up, then I'm going to try to get the highest market value I can for it. And I don't think we have done that in this case. The appraised value for this property right now 2016 is \$40 a square foot of tcad. Appraised value, not the market value. I know there's going to be an easement there that's going to continue and that's going to decrease the value, but I -- you know, we need -- I just -- you know, I look at it as my property. This is public property that we're selling. We're giving away. I think we're about giving this away, and this is to endeavor, who does business with this city and gets very good deals with this city from time to time, as we have just encountered here recently. And so, you know, yes, you can tell, I'm upset. I don't think we're getting the value we deserve for this. And the 2017 appraised value for this is proposed to be \$44 per square foot so I don't think this is good value and, you know, I look at it as my property because this property belongs to we, the people, the taxpayers, the citizens of Austin.

[12:06:03 PM]

And, you know, if we're going -- when we're Wheeling and dealing with public property, then I think it's only fair that whenever we're going to do a deal like this or any deal where we're going to transfer public property to a private entity that it require a two-thirds vote of this body to say, yes, it is a good deal. Why not? Why not a two-thirds vote? If you're not two -- two-thirds of you are not convinced it's a good deal then we shouldn't do it and I think this strategy should apply to P.U.D.S and zoning entitlements we're granting. Let's raise the bar to make sure we're getting the most value we can of the public property that the citizens of this city own. I don't think we're getting that. And the money from this should go into our affordable housing trust fund. We are fighting for every dollar we can get to help low-income families being pushed out and we need to fight every step of the way so this is not a good deal. We should increase the price that we're asking for this. Thank you.

>> Mayor Adler: Thank you.

[ Applause ]

>> Mayor Adler: Those are all the public speakers we have. Mayor pro tem, do you want to make a motion is?

>> Tovo: I move approval and apologize to staff for the mix-up.

>> Mayor Adler: Okay. Item number 8 has been moved. Is there a second to that? Second to that? Ms. Kitchen seconds that. Any discussion? Those in favor please raise your hand. Those opposed. It's unanimous on the dais with Ms. Garza off. Congratulations, council, we took care of all of the consent agenda items in the morning. We will now go on to citizen communication. Is Lance Keltner here? Mr. Keltner? And Greg Webb is on deck.

[12:08:05 PM]

Sir?

>> Thank you, mayor Adler. Thank you, city council. I'm a local musician, will you in district 8 and a documentary film maker, and I'm doing a documentary right now for a company out of Houston called republic ems and republic works primarily doing transportation between free-standing emergency centers and hospitals. I notice during the making of this documentary that we found that only acadian is allowed to operate other than Travis county ems in the county and in the city -- actually in the city, and republic actually is a very well-established company that has 200 clients around the state of Texas, got an incredible representation, trained their ems staff very well on handling the free-standing emergency center marketplace and actually they operate outside of Austin with several companies that operate within Austin, which are complete care, signature care, five star e-r and first choice er and I did more research and found out in 2007 that Travis county ems staff recommended that acadian be the only company allowed to do these transports. Republic would like to operate with their current clients and anybody else that would like to operate with them in the city of Austin, and I wanted to bring it up to the council that this was something that was put into -- you know, into a motion in 2007, and the city has changed considerably, online, and grown quite a bit since 2007. And I was wondering if I could give you these documents which were issued in 2007 and ask that the council consider opening up the ems service, you know, for Austin so that companies like re-public could, you know, issue -- you know, something where you good night might talk a look at them and let them operate here as well.

[12:10:06 PM]

I've been working with these fellows now for the past month on a documentary, and they're absolutely incredible and they do a fantastic job with all of their clients. In fact I'll have a documentary that I can show you in just a few days that will show you how many lives they've actually saved and how incredibly they're regarded by their current client base. I was wondering if you guys had any opinions or ideas about why there's only one independent ems service allowed to operate in the city of Austin.

>> Mayor Adler: Why don't you go ahead and give the materials to the clerk. We'll make sure they get to the manager, and if you could have ems take a look at that and see it, it would be great. So thank you. Next speaker is Greg Webb. Is Mr. Webb here.

>> Houston: Mayor, I think he's with the -- item number 57 on sprinkle cutoff. I think he'll probably come later.

>> Mayor Adler: Okay. And then koo-hyun Kim. Is our last citizen's communication speaker today.

>> Good afternoon. I have in here -- I have been here since 2006 today. That's 11 years. I spoke to you and wrote to you. You did not responded to me, except very few. I'm going to prove the great American today, great American leader, Carolyn dobe son Sorrels, if anyone knows her let her know I'm saying her about the greatness, she is the best American leader right now, better than Donald Trump.

[12:12:31 PM]

Why? She fixed the problems she made and Travis county made for several years. She fixed it. She nominate Connie steel as my -- and she wrote a letter, so I'm going to write a letter to the white house about Carolyn Robertson so remove rels. Sorrels. You received my papers. Did you not respond at all, and I'd like to have you

[indiscernible], you're a lawyer, right, you want to a

[indiscernible]. You received my letters several times. You never responded. Do you know what the law said? If we do not respond, my request admitted without another court order. So what I wrote to you, everything should be admitted without any court order. Do you understand that? That's a law. I asked you, city manager, prosecute well-being -- wells Fargo bank president and attorney, and I asked you to prosecute ACC president, and I asked you to prosecute homeland security director.

[12:14:35 PM]

[ Buzzer sounding ] You all rejected.

>> Mayor Adler: You can finish your thought, sir.

>> You count -- the rest of you don't know. Do you know?

>> Mayor Adler: Thank you for joining us today. Those are all the speakers that we have on citizens communication. We're now going to go into closed session to take up one item pursuant to section 551.074 of the government code, city council will discuss personnel matter, item 48, city manager. Yes, Ms. Kitchen?

>> Kitchen: We had also discussed on Tuesday another executive session item we would take up today and that had to do with open meetings.

>> Mayor Adler: Open meetings. Let's go ahead and call that too. So that would also be item e44, discussing legal issues related to open government matters. So those two items. We will come back. It's 12:15. We can't take any action until 2:00, so we will be back at 2:00.

[ Executive session ]

[2:03:25 PM]

[ Recess ]

[ Recess ]

[ Executive session ]

[2:36:24 PM]

[ Recess ]

[2:56:39 PM]

[ Executive session ]

[3:25:37 PM]

Test test test

[3:46:47 PM]

>> Mayor Adler: All right. We're back. We are out of closed session. Closed session we discussed personnel matters related to item 48 and legal matters related to item 44. It is 3:45. We are back picking up our agenda. Mr. Guernsey, you want to walk us through the consent agenda.

>> Yes, thank you, mayor and council, Greg Guernsey. First items offered for consent, item 50, npa-2016- 0021.01. And 51, these are both ready for third reading. Council asked a question at second reading regarding the possibility of having a site plan come back for council review. The issue dealt with access that would be on sun ridge, connect where the terminus would be to B.P. -- Ben white boulevard. I've discussed this with legal staff, it is not possible. According to ordinance there's a restriction in the code that basically states council is not -- cannot approve a site plan as a condition of zoning. I will note that the ordinance has been amended to reflect language that did take place at second reading that states that there is in the ordinance on page 3 or 4, paragraph F, pedestrian, bicycle and emergency

egress and ingress will be available to the public street running through this property. So with that I would offer it as a consent item for third reading on items 50 and 51. Item number 52, this is an applicant postponement request to your may 18 agenda.

[3:48:56 PM]

Item 53 is an applicant request for postponement to may 18. Item 55 staff is requesting indefinite postponement to this item. Item 5 is being withdrawn because it's being merged with a prior case. They are landing the area in 55 to the land area in 54. Item 56, I believe there's a councilmember that would like to discuss 56 so that will be a discussion item. Item 57, I know at the work session there was discussion about possibly taking this case after the dinner break. I wasn't quite sure of the time, but this is a case that's on sprinkle cutoff. Item 57.

>> Houston: We've got two people signed up. I've called the constituents and asked if they could get here early and --

>> Mayor Adler: Let's pull 57 off consent.

>> Item 58, I think I have a council member that would like to address this item.

>> Mayor Adler: 58 pulled.

>> Item 59, c14-2017-0007, staff would offer this item --

>> Mayor Adler: Mr. Guernsey, who pulled item 57?

>> 57 was the item that was council member how often was waiting to hear back.

>> Mayor Adler: 56.

>> 56, I think councilmember Houston wanted to discuss.

>> Houston: There are two speakers, but they are for it and I want to speak against it.

>> Mayor Adler: 56.

>> Houston: 56.

>> Mayor Adler: Okay.

[3:50:57 PM]

>> Item 58 is discussion, I think councilmember Flannigan wanted to hear that case. Item 59, that's for consent approval all three readings. Item 60, consent approval on first reading only. Item 61 would be for consent approval.

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

>> Alter: I just wanted to ask for clarification on the emergency gate one. I didn't totally follow that. For 50 and 51. I just want to make sure what we're voting on.

>> 51 would have the emergency ingress and egress so if police, fire and ems showed up, they would be able to access sun ridge to Ben white.

>> Alter: That's as within our backup?

>> In the ordinance that's attached on page 3 or 4 it talks about the emergency access drive. It would be within a dedicated easement. That's a minimum of 25 feet wide. That would be between the terminus and the frontage of Ben white.

>> Alter: I just wanted to clarify that's what was in our backup.

>> Mayor Adler: Motion to approve consent agenda. Is there a second to that motion? Mr. Renteria seconds that. Discussion on the consent agenda? Those in favor please raise your hand. Those opposed. It's unanimous on the dais with Ms. Garza is gone, continues to be representing the city and cap metro out of town. That would get us then to the pulled items. Before we do the pulled items, I just want to say, on item 50 and 51, there was some question about connectivity on those items.

[3:53:01 PM]

And I'd like staff, Greg, if you could take a look at in the situation where we might be not allowing car connectivity, where we've made a decision to just allow emergency vehicles and pedestrian and bikes, whether it would be possible in all of those cases where we do that to require a right-of-way width that would be sufficient to allow a road to be built in the future if at some point the council decided to initiate action to turn it into a road so to make it possible to do that. So in future cases what I would like to know, I'll give you advance notice of the question that I would be asking in those instances, is can we - can we do that. Does that make sense?

>> It does and we can talk about the law department and development service staff about that.

>> Mayor Adler: For the next time I would like to know the answer to that question. Okay. Let's go to items that have been pulled. That gets us to item number 56.

>> 56, c14-2016-0125 for 13007 cantarra drive. This is a zoning change request to Ir-mu-co. It's a property about 2.38 acres in size. The zoning and platting commission forwarded this to you without a staff recommendation. Their vote was 5-4-1. It is an undeveloped tract, sparsely vegetated, sitting at the corner of cantarra and east Howard lane. Council had previously approved zoning on this property in 2015. There was a conditional overlay that limited the number of vehicle trips on the property to 2,000. There was a neighborhood traffic analysis that was submitted that would have a trip survey in the same amount and a request to limit it to 2,000.

[3:55:13 PM]

After talking with our law department, we incorporated that into the ordinance for that previous case. So that was a 2,000 trip limitation. There is a petition that was filed in opposition. It did not reach the 20% threshold. It currently stands at 0.66%. And that is in your late backup. I think we just received that this week. The applicant is here if you have questions. The staff did recommend the Ir-mu-co zoning. And maintaining the current zoning, but off site accessory parking use on the property. The agent is here and I don't believe -- we didn't have anyone signed up in opposition.

>> Mayor Adler: Okay. Thank you. Does the agent wish to speak? So is -- is.

>> I'm Alice Glasco representing the applicant. And the case before you is located at 13007 cantarra drive, and Mr. Guernsey just gave you an overview of the case. The property is located on the site that is highlighted in red. It's between on the west side of -- to the extreme west is east Howard lane to the east is wells branch parkway. To the south is east palmer lane and Samsung development is south of Parmer lane. This is a close-in map that shows the subject site with residential subdivision to the back and the residential subdivision has approximately 320 homes currently out there.

[3:57:21 PM]

The request is to remove the 2,000 trip limit. I would like to clarify that two years ago when council approved the zoning change, typically when a piece of property is being upzoned from interim residential or residential to commercial, the staff at the time of application there's a form you fill out indicating -- to indicate what the traffic, the trips are going to be. And the city code requires if you exceed 2,000 trips based on the use you are proposing at the time of zoning, then you are required to prepare a traffic impact analysis and submit that with the city. But typically with most of your zoning cases, at the time of zoning a specific use is not known until much later down the road at the time of site plan and at that stage 2, the city code requires you to submit a site plan at that stage of site planning if the proposed uses exceed 2,000 trips. So the type of zoning if you -- at the time of zoning if you don't know specifically what use is, then staff asks you to agree to limit it to 2,000 trips if you don't have a



traffic impact analysis. The requirement really is a city requirement, so then at time of zoning if council approves with a conditional overlay limit to go 2,000 trips, then the law department prepares a public restrictive covenant or in this case they place that into a conditional overlay for the case that then requires you to come back later if you exceed those trips. And that's why we're here, that we have a specific use and the use generates more traffic than the 2,000 trip and the code requires you to submit a traffic impact analysis. The city staff has reviewed the traffic impact analysis and the proposed use for phase 1 is for 3500 neighborhood food mart with eight fueling stations. There's a second phase proposed that there have 9600 square the future obviously is to accommodate future development and until you have enough rooftops, some retail uses are not really -- you cannot develop those uses until those rooftops are there to support those uses.

[3:59:39 PM]

So the proposed foot mark can be supported by obviously residents who are there and pass-by traffic when you have fueling station. The phase two development is -- will include tenants that will provide services that can -- that go beyond what the foot mark has and those uses will obviously occur at a much later date. There's no telling when enough rooftops are gonna be out here to support other retail uses, but this is what is contemplated under the phase one development and then phase two at some future date, there will be additional specialty retail uses that will be placed on phase two. In any case, either phase one or phase two, to have additional rely such uses when you mix different uses your trips always exceed 2,000. If you have a good coffee shop or one that attracts a lot of people, that alone can generate quite a bit of traffic. So depending on the mix of uses even in the retail portion phase two, we believe even traffic with those uses will still generate more than 2,000 trips. So we're here to seek your support of the staff recommendation to allow the trip limit to exceed 2,000 and hopefully also in the future to be amended, the traffic impact analysis would be amended to include that. So, again, under imagine Austin plan, the east Howard lane is considered an activity corridor. The property is on on cantarra drive and uses that are contemplated here would provide needed services for this area that is rapidly growing and has a need of services. Also, under imagine Austin plan, the code -- excuse me.

[4:01:42 PM]

The corridor, the activity corridor, is supposed to serve a dual role of connecting activity centers to key destinations. So the -- over time the corridor will expand and provide those services. As far as compact and connected, I believe that over time those uses will allow for sidewalks to be constructed, which then can provide the connectivity that is needed for the residents in the area. The number of trips that are generated with the new use are not that significant and transportation staff is here that can speak to that. There are two measures, there's the morning peak hour trips and afternoon peak hour trips, and the trips that occur during those two hours that are in the morning from 6:00 A.M. To 9:00 A.M., total 133 trips, and those include pass-by traffic. Then in the afternoon, from 4:00 to 6:00 P.M., you have those other --

[ buzzer sounding ]

>> You have 153 cumulative trips. These are just during the peak hour and the majority of them are pass-by traffic. Thank you very much. I'll be glad to answer any questions you might have.

>> Mayor Adler: Yes?

>> So with your last slide, you were suggesting that there was not a huge amount of traffic impact from the uses? Is that how I -- I'm trying to understand why you need to limit -- why you need to raise the limit if that's the level of traffic impact

>> Yeah. The traffic impact analysis, the city staff provided a scope of what to study and the focus of the study -- the traffic analysis focused on the peak hour traffic because that usually shows how much traffic is new traffic and pass-by traffic.

>> Alter: So those numbers are just for the peak.

>> Just the peak, correct, these are just for the peak hours.

>> Alter: You're still expecting --

[4:03:42 PM]

>> The land use code, the land use calculations from the traffic impact, when they run the numbers are the model it generates, that's the number, 4341 is the number that is generated total, but then currently -- [indiscernible] Just showed -- the 24 hour, the 4341 is your 24 hour total traffic.

>> Alter: Then I have two other related questions with the traffic impact analysis. So currently this is zoned so that you could have a service station but with three or four pumps. Is that correct? And this would allow you to go up to eight pumps?

>> Correct.

>> Alter: Then what exactly are you covering or proposing to cover in terms of traffic mitigation? And about how much is that worth?

>> The recommendation, the requirement from the city transportation staff, the only one recommendation that was generated as a result of the traffic impact analysis is to strike left and right turn southbound lanes to distinguish between the two turns. That's the only improvement they've asked for at this time.

>> Alter: Okay. Thank you.

>> Thank you.

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

>> Houston: Thank you, Ms. Glasco. No, it's for staff.

>> Mayor Adler: Okay.

>> Thank you.

>> Mayor Adler: We're now back up to the dais. Does anybody have any questions or discussion on the dais? Ms. Houston, did you have a question for staff?

>> Houston: So, Mr. Guernsey, this is -- this request is being made so that they can add additional gas pumps, pumping units. Is that correct?

>> Yes.

>> Houston: Because they can have a gas station there now with how many in your opinions.

>> I think they can have three and a half.

>> Houston: Three and a half.

>> They're asking to go up to eight.

>> Houston: Eight.

[4:05:43 PM]

I call my colleagues' attention to the petition filed -- of course it's not enough, a valid petition. It was in late backup. And this is from the people who live on cantarra, in that development. This property is turned over three times in the last -- since 2013. When we passed that resolution in 2015, it was owned by a different person, when we granted the overlay, and the neighborhood was supportive of that. And then in 2016, the current owner purchased the property, and so now we're asking for a different entitlement. So I just want to call a couple of things to the petition language because they are not able to be here. While the failed promises fall upon previous neighborhood developers we're now on our

third or 4:00 development, this community has been misled time and time again with promises of communities that everyone would envy. Secondly, there are already five convenience stores and gas stations within ten minutes of the cantarra subdivision, placing another gas station is not only unneeded but increases the risk of loitering, unwanted attention and most importantly increasing the influence of youth in the sales of alcohol and tobacco and then they go on to talk about other things in the neighborhood. I guess -- I'm -- well, I'm not gonna say what I'm gonna do because I know I can't make a motion right now. So, mayor, look at me. But every time we make a zoning change and a new developer comes in, then we come back to negotiating what it's gonna be on that site. When they purchased the property, they knew what the limitations were, they knew what the cap was on the trips per day.

[4:07:44 PM]

They promised the last time that they would get community amenities like a coffee shop or a barber shop, beauty shop, those kinds of amenities, not increasing in the number of secondary phase, whenever that is, and there are no guarantees, again, with developers. And so they may change the property -- may change property hands again. So it's upsetting to people who don't understand the process that we go through about what happens every time they say, okay, we accept this, and then a year and a half later you come back and say, well, we've got a new developer and we need to have more and different kinds of entitlements. And so I think it's one of those things where the people who live in cantarra -- and it's gonna continue to grow and there will continue to be more and more trips a day coming out of the development on to Howard lane, and so I just hope we think about what it is that the -- the policy that we make and how we say to people, this is the policy, this is the zoning, and then they come back and say, but we want something more, something different, and the families and the communities never get what we promised them the first time. So with that I'm through, and then when somebody will say something I'll make a motion.

>> Mayor Adler: Anybody want to say anything before Ms. Houston makes a motion? Ms. Houston? , Do you want to speak to the issue? You get to close.

>> Understanding councilmember Houston's comments and concerns, I would like the opportunity to withdraw the case before council acts so that -- and the reason I ask the opportunity to withdraw, that way if there is an opportunity down the road, in the future, to consider the traffic impact that we can come back without a penalty.

[4:09:50 PM]

There is a provision in the code that -- provision in the code that if council does not approve your request, then you have to wait 18 months before you can seek a similar request. And I know the city attorney is looking at you.

>> Houston: I don't know that --

>> Mayor Adler: But I don't -- do you want to see what's gonna happen first? Let me come back to you in a second to do that.

>> Okay.

>> Mayor Adler: Let's see what's about to happen here first.

>> Okay.

>> Houston: Well, one of the things --

>> Thank you.

>> Houston: -- I would be willing to do that if they would go back and talk to the neighbors. And talk about what the neighbors' concerns are. Because I don't know how many conversations you've had with them.

>> Councilmember Houston, we hosted a meeting with the residents on March 28, on-site. Since the subdivision does not have the required homes occupied for them to have an official homeowners association, the developer is the homeowners association. And we met with about 12 families, and the majority of the folks who attended were in support and about four families were in opposition. So, you know, we certainly wouldn't mind meeting with them again to explore some more. And the letter they wrote and they expressed those concerns to us, when they talk about the third developer, it's the third developer of the sandwich the subdivision that they live in has been owned by three different owners and they also shared with us that one of the previous owners told them that the property in question tonight was supposed to be a dog park. So the letter that they've sent to you in their petition mentioning a dog park, they told us that too when we met with them, that they were told that this property was supposed to be a dog park.

[4:11:51 PM]

And so they wanted to know why it's not a dog park. I can't speak because I don't know who told them that, but -- but anyway, we did meet with them and we're glad to meet with them again to find out if there are other things that can be done.

>> Mayor Adler: So if we wanted to postpone it so you can you could talk to them -- my sense is that most of the people in the neighborhood are postpone it to have that conversation. With respect to the first point you made, I understand that. I don't know if this traffic issue was discussed at the earlier approvals, but my sense is the way the development process works is there's an approvals that made and then as people get closer and they get more definitive plans we learn more. So the fact that it evolves over time as people learn more about specific projects is not as troubling to me as I think it was to you. But rather than withdrawing it, if the issue is to visit with the neighborhoods, maybe that's a better solution and then we put this -- bring this back depending on the conversation that you have with the neighborhood. You could always withdraw it then if it's something you wanted to do, if the law allows for that. Ms. Houston.

>> Houston: The only reason I say, that mayor, is the petition, although it didn't reach the amount, the numbers, there are more than 12 people on here that say no. And so I would be willing to host a conversation to see if we could come to some resolution, but, again, that -- the 2,000 trips a day cap was put on last year. The issue in removing this overlay is just to build more pumps, more pumping stations for gasoline. And as they said there were gasoline stations all up and down that road. I would be willing to host that, but, you know --

[4:13:55 PM]

>> Mayor Adler: So I'm taking this kind of in the nature of this is your district and you want to have additional time to be able to work through those problems. So if you wanted to move to postpone it, I would support that motion so as to give you that opportunity to do that. If we're going to approve it, if this is an appropriate use, my sense is I'd rather than be successful than not and if eight pumps make it as opposed to three, that would be okay with me.

>> Houston: None of us live in that area so I would like to have that conversation with them so I would be willing to make a motion to postpone and it would have to be in June because we have to have time to schedule with the community to have the meeting and then come back.

>> Mayor Adler: Is that okay?

>> That's fine with us. And I just -- just one more comment. Councilmember Houston, I know you raised that petition chart. It can be confusion the way it's designed, the -- what they -- the staff that prepared that chart based on property owners within 200 feet is they identified every property owner that is

within the 200-foot radius and they list all their names and they indicate whether -- a yes means yes they signed the petition to qualify and the no means they did not sign a petition and they're not within the -- within the signature of the petition to approve it. And the yes is the .66%.

>> Houston: So we can go ahead and take a vote. I'm willing to make a motion to deny or we can move to postpone and give us time to go out and talk to the people, more than 12 people, and see what they want.

>> We agree to the postponement. I'm just clarifying.

>> Mayor Adler: What would be a good date then to postpone this to in June?

>> We agree to that, councilmember, city council and councilmember Houston's motion to postpone.

>> Mayor Adler: We could either postpone it to June 8 or June 15.

[4:15:57 PM]

Is there a --

>> June 8 is probably --

>> Mayor Adler: Okay.

>> Houston: We've got to meet -- we've got to notify the people, we've got to schedule a time to meet, we've got to meet, and then we've got to have a conversation. My preference would be June the 15th.

>> Mayor Adler: Okay.

>> Houston: Because everybody --

>> Mayor Adler: Ms. Houston moves to postpone this matter until June 15. Does that work for you too?

>> Yes, that is acceptable.

>> Mayor Adler: Is there a second to postpone to June 15? Ms. Alter seconds that. Any discussion?

Those in favor of the postponement please raise your hands. Those opposed. Everyone on the dais with Ms. Garza off. Okay.

>> Thank you. Thank you.

>> Mayor Adler: Thank you. So items 50 and 51 are postponed to June 15. Wasn't there --

>> 56.

>> Mayor Adler: I'm sorry, no, it wasn't. It was 56 is postponed to June 15. That gets us then to item 57.

>> Mayor and council, councilmember Houston was waiting to hear back from the two citizens that were opposed if they were present or not. I could zip to item 58 if you'd like.

>> Mayor Adler: Let's go ahead and do 57. You ready for this, Ms. Houston? 57 we're not doing. I'm sorry. You're right. 58. Let's go to 58. I'm sorry. Mr. Flannigan. Sorry.

>> Flannigan: So help me understand, again, because I know we've had some conversations earlier about this. This was an area -- this was a site that was already constructed when it was annexed.

[4:18:01 PM]

>> Yes. Very briefly, item 58 existing development with a commercial and office uses. It's my understanding that they wanted to get some additional tenants in some of the spaces. They don't have - as new trends come in they'd be subject to our zoning regulations. The property is currently zoned interim rr, that's why they're seeking the zoning change to gr. Staff recommended gr-mu, a commercial mixed use zoning, and the zoning and planning commission did recommend gr-mu with additional conditions. They added nine prohibited uses for conditional overlay and also added an additional deny, I believe, that dealt with amplified sound. No. I guess there was nine additional conditions.

>> Flannigan: No sound.

>> No sound on this one.

>> Flannigan: So when -- and I actually live pretty close to this, and lost a few tenants over the last couple of years. I drive by there all the time. When they built that because it was not in the city there were no rules effectively.

>> There weren't no rules on the uses.

>> Flannigan: Right. So when you've got an existing development that gets annexed, are they not -- I mean, how do you end up -- I understand if it's open land you end up with Irr but how do you end up something that already existed that during the annexation we didn't figure this out then? Why did it still remain Irr.

>> By operation of the code when a property is annexed, if it is an acre or greater it's in the interim residential classification, Irr. Less than an acre it lets sf-2. We need to property the property owner with some rights to do something on their property.

[4:20:02 PM]

A property owner can come in and file for a zoning change, and our typical practice is we waive the fees for a zoning change for that first year. It doesn't require them to come in, but after that first year then that typically goes away. And they are subject to our regulations. If they don't change the use that was there, that would be considered a legal nonconforming use and they could continue that business I guess in perpetuity. The intend we have here, I think it's in a small shopping center and as tenants change they would have to bring in a new tenant that would be either exactly the same as the previous tenant or conform to zoning. So in this case they've asked for a zoning change to allow them more flexibility to get a range of tenants move in.

>> Flannigan: They're not asking for a zoning change. They're asking for zoning because they're Irr now.

>> Correct.

>> Flannigan: It's not really a change.

>> It's to establish --

>> Flannigan: Establish what they are --

>> Permanent commercial zoning.

>> Flannigan: I bring it up for discussion because it's a -- it's been a fairly important point of confusion for my community when it comes to codenext when we look at a lot of properties in my district that were zoned Irr and there's some confusion that people thought that meant the city intended it to be rr and not that it wasn't just a math problem that based on the size of the plot it got this zone or that zone. That part is confusion and then there's kind of a -- more of a policy question about if we're not actually talking about redeveloping a property and I can look up -- codenext draft map and I see a certain zoning and I see this zoning, so they're gonna like anyone else would be completely rezoned again next year. As part of codenext.

>> That's correct.

>> Flannigan: And do you know how we're going to reconcile cos that we're currently passing with how codenext -- I mean, I don't want to necessarily go into this full discussion right now obviously but I've been told that cos are not intended to continue, we're grandfathering some in but I feel like we're so close to the finish line it seems unusual.

[4:22:13 PM]

>> We would take a look at the conditional overlay, see if it would fit into one of our proposed districts and this most likely would be a commercial district. I think actually staff recommended if I remember the draft maps that this would be a commercial zone.

>> Flannigan: Gc-I in the draft map next to gc-o and next to multi-family and of course I know know all that. But staff's recommendation is to give the gr-mu with no Cs.

>> That's correct.

>> Flannigan: If I can move to approve the zoning without the cos according to staff recommendation that's what I would like to move.

>> Mayor Adler: Any objection Mr. Flannigan moves item 58 without the cos. Is there a second to that? Mr. Casar seconds that. Is there any discussion? I don't think we have anyone here to speak on this item.

>> Flannigan: The applicant is here. I don't know if he cares to speak.

>> Mayor Adler: Let me see here. Actually, this is -- no citizens. Is the applicant here? Do you want to speak to this item? You okay with this proposal? It's been moved and seconded to approve it without the co. Is there discussion? Mayor pro tem.

>> Tovo: Yeah. I want a -- to little bit better understand the co and what the impact of removing it would be and I haven't had an opportunity to review the planning commission decision on this issue and why their recommendation, as I believe the report said, included the co.

>> Flannigan: It would be zap, not planning. There are no plans in my district.

>> So the zoning and planning commission, they recommended approval unanimously and they listed a conditional overlay to prohibit outdoor entertainment, outdoor sports and recreation, pawn shops, service station, hotel-motel, exterminating services, funeral services, business

[4:24:23 PM]

[indiscernible] School and drop-off recycling facilities and actualone

[indiscernible]

>> Flannigan: [Overlapping speakers]

>> Flannigan: There was no --

>> Opposition by the commission I'm aware of and there wasn't any voiced by the community that they came up in opposition because it was offered as a consent item. Had someone come forward and voiced opposition to the application as it was submitted they would have testified in opposition to the case and it would have been pulled and not offered on the consent agenda.

>> Tovo: While I completely understand that it was offered for consent with conditional overlay prohibiting some of those uses. This is different once you remove that conditional overlay. Let me express some production reluctance to do that without further thought about it because it has been noticed and discussed throughout this process with that conditional overlay in place, right?

>> Since the zoning and platting commission, yes, it was offered at that time.

>> Tovo: Well, was the -- okay. So the staff recommendation wasn't a conditional overlay.

>> That's correct.

>> Tovo: The zoning and platting commission imposed the conditional overlay?

>> Yes.

>> Tovo: Well, could we do this on -- not on all three reads and afford the opportunity -- readings and afford people the opportunity to reflect? That would give me some level of comfort.

>> Flannigan: My intent here is not we want to see a bunch of new uses come in. My intent is to keep our Zones as clean as possible as we come into codenext because we're gonna relitigate all this stuff next year anyway. I mean, we're relitigating all of it now and all having these conversations about conditional overlays and all the different Zones and it is adjacent to other Zones that don't have cos.

>> Tovo: I think that I share a very different opinion about cos than do the consultants.

[4:26:27 PM]

I mean, having watched those through the years, both as a community member, as a planning commissioner and now as a councilmember, I think the conditional overlays have actually been really helpful at getting lots of agreement around a zoning change where it wouldn't have necessarily otherwise have been lots of agreement because it did -- it allowed some more tailoring of those uses to a particular site. So I'm -- you know, I'm not in this -- I believe that the conditional overlays have been really valuable and will continue to hold to that perspective probably. So, again, I think -- I would ask that maybe we move forward with your motion over moving -- going back to the staff recommendation versus the zap recommendation but if we could do it on, say, first and second reading and have third reading another day that at least allows opportunity for more discussion about it, about the conditional overlay piece of it.

>> Flannigan: If the conversation is about the concept of cos, then I wouldn't support that. If the conversation is whether or not the community wanted these cos, they clearly did not and there's been no community outreach about it, knowing properties that are on that corridor and the things that are built on that corridor, there are no -- and there were no conditional overlays when all of that area was built because it was all annexed after it was built, there's no expectation in the community there's conditional overlays because they all moved out there Predom analyst before it was the city. I'm happy to have the broader conversation on cos but it is my preference to keep the properties in my district the way they were intended originally and not to add cos to them when there's been no desire from the community that surrounds it to further limit its uses.

>> Mayor Adler: Ms. Pool.

>> Tovo: If I could just summarize. So your point is that there was not significant -- there was no -- there were no people who came down to zap and the conditional overlay wasn't in place at that time.

[4:28:34 PM]

>> Flannigan: And it wasn't even discussed at zap because it passed on consent.

>> Tovo: How did it pass on consent if they applied a conditional overlay? They must have had some discussion on consent to have done something different from the staff recommendation.

>> I don't want to speak for the applicant but if the applicant agrees to what the zoning and platting commission asks it can still go on consent.

>> Pool: He agreed to it.

>> The applicant -- you know, staff made a recommendation, zap added to that by adding the additional conditions and the --

>> Mayor, council, come to, one of the zoning commissioners requested noise reduction type uses and we discussed it prior to the consent agenda and talked about automotive, stuff like that. I talked to the owner. He had no problem with that. He left it on consent and passed it with that. One of the problems - we have a problem after that, a small one that we talked to Greg and staff about. There's a gun safety class in one of the occupants there, and that may or may not have been considered business or trade school. The staff has told us it's not but the owner wants it removed in case there's any kind of criteria. That's how that all happened. It really was a voluntary effort by our part to reduce the noise. That's it.

>> Mayor Adler: Ms. Pool.

>> Pool: Would it be possible for us simply to remove that one -- or add that one use so that -- remove the one use that you think might cause the problem as far as it being able to continue there? And still have those conditional overlays so we can address the noise factor?

>> Yes. And the business trade school use, council could approve the zoning and platting commission recommendation deleting business and trade school being a prohibited use, yes, you certainly have that as an option.



>> Pool: That would seem to me to be a better resolution and it matches up with what the applicant was trying to do and it also addresses what those who did -- from the neighborhood express some desire to have a reduction in noise.

[4:30:43 PM]

I also hesitate to remove all of those conditional overlays. I understand what councilmember Flannigan is saying, but I think we have to look at the larger further down the road planning principles, which is what kind of uses are appropriate in what parts of town. Those parts of town that are newly annexed or more recently annexed having once been in the county, I hear constantly about folks who live in the county wishing that they had more zoning authority so that they could ensure that the kind of uses that crop up around them are more appropriate for living in a residential area. So I would like to see us simply remove that one conditional use so that the potential rub with what's going on there would be removed and then also acknowledge the noise reduction request. So that would be -- so I guess what I would say is the motion that I would offer or amendment to the staff -- to the zap motion so it would be the zap motion minus the trade school piece. Which is what Mr. Guernsey read a little bit ago.

>> Mayor Adler: I'm trying to figure out who it is that wanted the cos. Mr. Casar.

>> Casar: Mayor, I'm gonna -- I seconded councilmember Flannigan's motion because my understanding is that this wasn't some large group of folks that asked for this, that it was just applied by zap. There may be folks that want some of those uses or who don't but that this was -- but if there's not some significant number of people that were asking for this, I feel comfortable following councilmember Flannigan's lead in seconding his motion here.

[4:32:50 PM]

>> Mayor Adler: Mayor pro tem.

>> Tovo: So you foe what? I mean, we have -- you know what? We have a zoning and platting commission who we've asked to make recommendations about this. I assume -- you know, I -- because I didn't anticipate that we were going to be asked to remove the conditional overlays here today, I didn't go back to that testimony or speak with my commissioner about why they felt the conditional overlay was important. My guess is that part of what they were looking at is the fact that this is immediately adjacent to apartments and, as we know, when we have residents up against commercial uses there are commercial uses that work and are very compatible with residential living and uses that are very disruptive to residential living and quality of louvre issues. So, you know, when we -- I look to our planning commission and zoning and platting and to us, you know, to make good planning decisions and my guess is that's what they were thinking they made that recommendation to eliminate some of the uses that could prove and have historically proven to be administrative to people living next door to them. Again, I I -- I'm really not inclined to remove this conditional overlay and at least not without further consideration of it. I mean there are times where I think we -- anyway, I mean, I have a couple examples from I think that having apartments up against this commercial use would be better if some of those uses we just discusses like automotive uses and others were not part of the mix.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: Greg? And I may have copy and pasted this from a different area as I go through my notes. The list of cos that I see don't include automotive uses.

>> The list of uses, only one that's on here automotive related is the severance station.

[4:34:56 PM]

>> Flannigan: Right. So it's not that --

[overlapping speakers] Other zoning case where it was no automotive sales, automotive repair, that's not on this list.

>> That's correct.

>> Flannigan: Yeah. That's one we did pass with those cos on Mcneil road even though it was an auto parts store we did still prohibit other automotive unions that site is my reflection of that case. I also have a lot of areas that are in etj and a lot of areas that are very recently annexed and it is -- it would be a very unusual situation for someone to say they wished the city would annex them. More often than not I get folks recently annexed who lament many of the things about annexation and so I don't necessarily have the same experience as maybe some other parts of town have with what that process looks like. In this case, I'm -- if I'm not mistaken, if we take the vote and we don't have enough votes for all three readings it just passes on the first two anyway? Is that how that works?

>> Mayor Adler: We can take a motion -- there's a motion to either approve on all three readings.

>> Flannigan: Mm-hmm.

>> Mayor Adler: Or a motion to approve on two readings. And if the motion -- for a motion to approve on all three readings to pass it has to have seven votes. We could also have a motion to approve just on first and second reading.

>> Flannigan: My motion, if I didn't communicate it, is to do it on all three with removing the cos according to the staff recommendation.

>> Mayor Adler: Okay. So if that motion failed, we could take another motion. Yes, mayor pro tem.

>> Tovo: I assume we could also take a substitute motion for staff with the cos in place.

>> Mayor Adler: We could amend that motion either by time, someone could amend that motion to say first and second reading only, someone could amend that motion to say all three readings but take out the cos.

[4:37:04 PM]

All those things are possible by amendment. What's in front of us right now is to approve the staff recommendation without the cos, which is the staff recommendation. The staff recommendation on all three readings. That's the pending motion.

>> Tovo: Let me say I feel comfortable about making a substitute motion on a zoning case in your district. On the other hand to do it -- to vote against a zoning change I basically support because I think the cos need to be in place is also an awkward situation so I'm either gonna do one or the other. I guess I'll think about it for a minute. I'm happy to add back in trade school but outdoor entertainment, outdoor sports and recreation, we have situations from district 8 to district 9 to almost every one of our districts where we've heard from residents who are concerned about outdoor entertainment and the impact on -- so I really think there are some of these that I would really strongly urge we keep in place.

>> Mayor Adler: So what I hear and then -- what I hear is questioning the co on this property, not the general policy question, but whether the co is appropriate or not on this tract. So in this situation, what I would ordinarily do would be to give the councilmember additional time to approve the motion but only on the first two readings so as to give time because I don't think this was something they could necessarily have been anticipated. Ms. Kitchen.

>> Kitchen: Okay. If I'm -- I want to make sure I'm understanding correctly. I can -- I see the list of -- that are proposed for the co. My understanding is no one standard for this list. Did I get that right? Okay. There were no neighbors that asked for a conditional overall.

>> Flannigan: That's correct.

>> Kitchen: So I'm not understanding what the -- huh?

[4:39:06 PM]

>> They asked --

>> Pool: They asked for a noise reduction.

>> Kitchen: The neighbors?

>> Flannigan: There was one person who lives back behind who was concerned about noise.

>> Kitchen: Okay. So there was one person that -- noise reduction not listed in the co.

>> Flannigan: Right.

>> Kitchen: So okay. So I'm understanding that. And so now tell me a little bit more about in reading about where this property is, it sounds to me like it's all office at the moment, office and other kinds of commercial uses?

>> Flannigan: That's right. And immediately adjacent to it is another similarly constructed area that already has this zoning without any conditional overlays. Right next to it.

>> Kitchen: Okay.

>> Pool: Could we get staff to put up on the overhead the map so we can see adjacent? Because I understand the apartment complex is fairly close, I think about 5 feet on the north corner of the building, 17 feet from the edge of the -- let's see, 5 feet from the north window of the apartments. This is immediately adjacent to a multi-family complex on the lot line.

>> Flannigan: As is the other property without any cos.

>> Pool: I think this is --

>> Flannigan: It backs up to multiple properties on pond springs road.

>> Pool: This is the only one up for consideration today.

>> Flannigan: That's true but it we're thinking about what's already permitted in the area. That's kind of the perspective I was thinking about.

>> Mayor Adler: My sense is I'd rather approve this without any cos then to go through and start amending the cos, but I would also support the request to postpone for third reading to give the mayor pro tem time to look at it. If I was presented with those choices.

>> Tovo: Mayor? Having thought about the various option brothers us, that is the amendment I'm -- before us, that is the amendment I'm poised to make, to hear this only on first and second reading today so we have an opportunity to look at the tract and think about it.

[4:41:12 PM]

>> Mayor Adler: So mayor pro tem moves to amend the motion to make it first and second reading only. Is there a second to that amendment? Ms. Pool seconds that amendment.

>> Pool: Could somebody explain to us what the --

[overlapping speakers]

>> Mayor Adler: She's amending his motion -- the original motion was approve it, no cos all three readings. The amendment is to change it from all three readings to just first and second reading.

>> Kitchen: Got it.

>> Mayor Adler: But the base motion is -- it's approve the staff recommendation which does not include cos. This amendment would change it to first and second as opposed to all three readings. The amendment is on the table.

>> Pool: Can we get a description of the picture? Can you orient us?

>> Yes. The property to the east is existing apartment complex. That would be on the right side. To the west across pond springs there's a credit union, financial services. To the north there's a combination of various uses, auto repair, personal services, there's some office, there's a small commercial center with a garage, a barber shop, other retail. To the south there's another financial services, another credit

union and further to the south there's a charter school. Those are a little bit off on your picture but we can put a larger picture up if you'd like to see them.

>> Pool: Mayor.

>> Mayor Adler: Mayor pro tem.

>> Tovo: Can you put the one up that shows -- for one thing, can you point to the apartments here? As you're doing that I'll just say, you know, sometimes we have neighbors who are engaged in the process and come down here and talk and sometimes -- and sometimes we don't.

[4:43:13 PM]

But it still seems to me a value if we have apartment complexes here to make sure that the decisions we're making are the best ones for the residents who are renting those apartments now and who will rent them in five years and ten years or other. So that is -- that is the basis for my wanting to think very carefully about things like outdoor entertainment and other things which historically have been an issue. Can you show me, Mr. Guernsey, where those are?

>> The property is outlined in yellow. This is [off mic] Retail center, credit union, another convenience store. Further off you have some other businesses. But the apartments I think that you're asking about are right here. And that's the --

>> Tovo: Thank you.

>> Mayor Adler: The amendment is to -- the amendment goes from three readings to two, just first two readings. Further debate? Then let's take a vote. Those in favor of the amendment to go from three readings to just the first two readings please raise your hand. Houston, mayor pro tem, me, pool, kitchen, alter. Those opposed to the amendment raise your hand. It's the others on the dais, Garza off, amendment passes. We now -- passes. We now have the matter in front of us, it removes all the cos, first and second reading. Any discussion? Those in favor please raise your hand. Those opposed. It's unanimous on the dais with Garza off. Okay. Ms. Houston, if you learn anything about number 57 at any point just let me know.

[4:45:17 PM]

>> Houston: I will. He's on his way.

>> Mayor Adler: Okay. So what other items --

>> We can do the 4:00 periods.

>> Item 21 pulled off your agenda, no action rushed. Item 64 is pulled off your agenda, no action is required. Item 66, this is regarding two compatibility waivers, 2510 south congress avenue, staff is requesting postponement of this case to June 8. That's item 66.

>> Mayor Adler: Was 65 postponed?

>> Yes. To what date?

>> It is postponed by request by the applicant.

>> Mayor Adler: That was -- maybe I got -- is 64 postponed or pulled?

>> 64 is pulled, no action is required.

>> Mayor Adler: 65 is postponed by the applicant. To when? To June 8? And 66 is postponed to June 8 at the request of who?

>> That's the request of staff.

>> Mayor Adler: Of staff. Okay. And what about 63?

>> Rebecca, neighborhood development, 63 is a discussion item.

>> Mayor Adler: On our consent agenda here is items 62, 64, 65, 66, 64 is pulled -- 62 is pulled, 64 is pulled, 65 are both postponements. Is there a second to approving those?

>> [Off mic] Is.

>> Mayor Adler: That's okay. So the pulled one is no action. Actually we're not doing anything on 62. 64 is pulled so we're not doing anything on that. So the only two items before us are 65 and 66, which are both postponements to June 8.

[4:47:21 PM]

Is there a motion to postpone those two items to June 12348 Ms. Houston makes the motion. Is there a second to that? Councilmember alter. Any discussion? Those in favor of those two postponements please raise your hand. Everyone on the dais. Those opposed? Ms. Garza is not here. Passes unanimously. So those two items are postponed. That gets us to item number 65, which is a discussion item.

>> 63, mayor.

>> Mayor Adler: 631st and then 65 -- that was postponed. 63 is the discussion item. Sorry.

>> Good evening, my name is Rebecca, assistant director of neighborhood housing and community development. 63 is to conduct a public hearing and consider a resolution supporting an application to be submitted to the Texas department of housing and community affairs. As a reminder the neighborhood housing and community development department serves as the administrative portal for developers to obtain the resolution from the city necessary to submit an application to the Texas department of community affairs for a 4% tax credit application. It is my understanding that there are individuals signed up for the public hearing.

>> Mayor Adler: Okay. It looks as if we have seven -- for the public to testify, all of whom are here to testify in favor of this item. So that the speakers have an indication of what's happening on the dais, does anybody on the dais have any reservations about this item? Okay. So it looks like --

>> Houston: I have a reservation about the location, which I always do, and then we'll vote. But I suspect it will pass but do I need to enter that into the record.

>> Mayor Adler: And I understand that. So just for the speakers to know it looks as if there is pretty overwhelming support for this as you come up.

[4:49:29 PM]

First speaker is bill fisher.

>> Thank you, mayor, councilmembers. I'll be brief Ms. Ms. Houston, thank you very much. Your staff was genesis with their -- generous with their time as we reviewed the items. Been in the industry for 20 years. Best affordable housing site we've ever been involved in. Already zoned multi-family, walking distance to schools, shopping, ISD soccer schools next door, email from the montessori welcoming us to the neighborhood and we appreciate your support with no opposition. Thank you.

>> Mayor Adler: Thank you.

[Indiscernible].

>> Name is [indiscernible]

>> Mayor Adler: Sorry.

>> I also rise in support of this affordable housing project. I've been involved in affordable housing projects as a private developer for the past 25 years. As bill has mentioned this is an ideal location for this property. It is zoned multi-family so the only question is what is gonna be developed there. Is it gonna be another affordable housing project? Or an unaffordable market rate deal? So I'm here to support the project because the location is ideal the developer has a stellar record of operating this sort of housing. It involves supportive services, a community center, all of the elements are there. Thank you for your support.

>> Mayor Adler: Thank you. Melissa fisher. Jean Elliot is on deck.

>> Good afternoon, Melissa fisher. I'm here as a representative for the owner and the developer. I'm really here for any questions that you may have. I don't want to waste your time but this deal, it is a great location.

[4:51:32 PM]

It's a great family opportunity as we get some affordable family housing in the area. It's shovel ready, which is a big deal for this because of the tax reform coming. It is amazing that we have the investors on board that we do and they are ready to go and we just don't want to waste any time. So if you have any questions, M here to answer anything that may come up. Thank you.

>> Mayor Adler: Thank you. Jean Elliot and then mark pusca is on deck.

>> Good evening, Jeanie Elliot. I am in support of this project. I, too, was a person who was looking for affordable housing. I was a mother, husband and I both worked minimum wage jobs. We could not afford a market rate. We were able to get an affordable housing apartment, raise our family, and we are now homeowners in the Austin area. So this is really important to me to have it available for others to have the ability to have a home for their family, and this being close to schools and a montessori school is really important too so I support this project.

>> Mayor Adler: Thank you. Mark pusca, and Robert onion is on deck.

>> Hi, I'm mark pusca. I'm here to speak in support of the creek view apartment homes project to be located near old mayor road and Springdale. I'm familiar with this part of town and to me this use makes a whole lot of sense for this property. Thank you.

>> Mayor Adler: Thank you. Neil Radcliff is on deck.

>> I'm Robert onion, I represent strategic housing finance corporation. I will be the issuer of the bonds and also a codeveloper and I'm just in support of the property. Wanted to let y'all know. Thank you.

>> Mayor Adler: Thank you, sir.

[4:53:33 PM]

Neil Radcliff.

>> Good afternoon, mayor, members of city council. It's an honor to stand before you. My name is Neil Radcliff with the law firm of lock lord, practiced in the affordable housing area for about 20 years, and until just last July I served for about the past five years as the director of housing and community development for the city of Houston. I love Houston, but I've moved to Austin recently, and I have to tell you that it is pretty darn awesome. And I am really encouraged by the fact that this city has put together a strategic housing plan to meet the gap of over 48,000 affordable housing units that are needed in this city. So I am -- I have a great deal of confidence in this developer. I think this is a wonderful addition to the city and it will help new moving towards making Austin a more affordable and equitable city. Thank you very much.

>> Mayor Adler: Thank you. Those are all the speakers we have. Is there a motion to approve this item 63? Mr. Renteria makes a motion. Is there a second? Ms. Houston seconds the motion. Ms. Houston?

>> Houston: Thank you. Thank you all for coming. This is indeed going to be a great project. The responses that I've gotten from all my questions have been timely and very thorough. I had concerns about it being located right across from star flight and what about noise mitigation and they've answered all of those questions. It's in walking distance to the montessori, magnolia montessori school and Lyndon baines high school, but no other school is it in walking distance to. There is a transit route there, it would take about 50 minutes to get into town from this location. The grocery store is across

highway 183 and that's being reconstructed so that's not really within walking distance to it, and of course there's no health care, access to health care anywhere in that area.

[4:55:48 PM]

But although I'm gonna vote against it, I support them because I think that their record indicates that they want to do what's right for the people that they will be serving, but because of the location, again, it's not in a high opportunity area, it's way out off 290 and Springdale, and the same reasons I usually vote against these projects, is that they need to be placed in other areas, not at the edge of the city where the services are limited.

>> Mayor Adler: Okay. Any further discussion on this item? Ms. Troxclair. Other -- since my new colleagues haven't heard me say this, I don't think, before about these 4% grants -- not grants, 4% tax credit and 9% tax credit. The 9% tax credits are competitive 37 so when they apply -- only certain projects get funded and the city council in the past has kind of just blanket approved all of them. The 4% tax credits, this is the only hurdle that they need -- hurdle they need to pass in order to receive tax credit from the state. So the reason that the Texas legislature put this step in place is so that the city -- specifically so that the city can have a -- more of a hand in making sure that affordable complexes are going to in in places that are -- that are good for the city. Because they don't always know where it is that we have transit or where it is that we need more affordable housing. So I share councilmember Houston's concern that we've kind of taken this policy -- I know that the feeling on the dais is that we need as much affordable housing as possible, but when we're blanket approving these things without taking into consideration what kind of infrastructure demands that -- adding people to these places is going to require in the future, whether or not people are going to have access to transit, whether there's amenities, I mean, there's just -- we take such a detailed approach to any other development that happens in this city, and we have long drawn-out conversations and public hearings and we argue over the most, you know, minuscule details to make sure that people with very differing I guess needs can come to an agreement, but for some reason we don't have that same process when it comes to affordable housing.

[4:58:24 PM]

You know, I just want you to keep in mind that a lot of times these are for-profit developers. That's not to say they don't do a good job it's not a good product and all of that, but we haven't had a whole lot of conversations about what we can do to make sure that affordable housing is being built in the most -- in the best places possible in our and I. I think I'll join councilmember Houston in voting against this one.

>> Mayor Adler: Okay. It's been moved and seconded. Let's take a vote. Those in favor, please raise your hand. Those opposed? Troxclair, Houston voting no, others voting aye, Garza off the dais this passes with eight votes. Okay. That is all of our items on our agenda, save one. Do we want to take a recess, Ms. Houston?

>> Houston: Please. He just sent me a note. He's stuck in traffic. He's on his way.

>> Mayor Adler: Okay. We have music and proclamations at 5:30. Do we want to come back here 5:15, 5:20, 5:25? What do you think? 5:15? Minutes?

>> Houston: Let's do music and proclamations.

>> Mayor Adler: That would be -- then people coming back at, like, 6:15?

>> Houston: That's fine. That's fine. He's on his way. I can't make him get here any faster because of the congestion, but he's on his way. I'm not sure he will be here by 5:30, is what I'm trying to say.

>> Mayor Adler: Yes, sir.

>> Mayor, if I may, I'm the applicant on this case, too, we have someone that wants to speak regarding some of the roadway networks.

[5:00:27 PM]

He's got a drop-dead time of 6:30, he's got to go to a doctor's appointment with his wife. So if we can get that in --

>> Mayor Adler: This is item 57?

>> Yes, sir.

>> Mayor Adler: We can bring him to speak now if you'd like.

>> Thank you.

>> Mayor Adler: Yes. I'm sorry? It's the applicant in this situation, so he'll have an opportunity to speak. Item 57.

>> 57 is c14-2016-0134, appropriate located at 11126 sprinkle cutoff road. Zoning request is for mf 2. It's about a 16 and a half acre tract. Zoning and platting commission didn't move to approve on a substitute motion to the staff recommendation, sf-6 zoning, with a condition set forth in the neighborhood traffic assessment on a vote of 8 to 2. I can pause there and we can let the applicant --

>> Mayor Adler: That sounds good.

>> Houston: Mr. Guernsey? Mayor? Mr. Guernsey, could you put the location of the property up so people know where sprinkle cutoff is?

>> Yes.

>> Mayor Adler: Okay.

>> Mayor and council, thank you. My name is then be Vince

[indiscernible] With Vincent Gerard and associates, the owner. I may as well do my presentation. We can upload the powerpoint real quick. I'll get started.

>> Mayor Adler: Okay. We'll time you at five minutes, then the next witness can have three if we need it.

>> I want to show you the location of this facility. It's basically on sprinkle cutoff road, south, southeast of Samsung. You can see the existing roadways in the area, that the major arterials are ponder lane, Samsung boulevard.

[5:02:28 PM]

It ends right into sprinkle cutoff. The owner has been involved in this property since 2005. He's done a lot of engineering work, preliminary plan, final plats, all approved by the city, environmental assessment, cefs, floodplain assessments, all those things. These projects were listed at multifamily plan use, both on the plat and preliminary plan. There's about 2000 linear feet of frontage on sprinkle cutoff. We are required as a developer if the owner is not one to make those improvements to the road, all the way down that road on our side, which is over \$400,000. This is another annexation case. It was annexed in 2015. I am not an annexation expert, but I did read the agreement that talks about acceptance of basic services to maintain the streets. There was a statement that was interesting in there that said no road or street related to capital improvements are necessary at this time with that annexation agreement. So either transportation planners looked at this and said this is not a substandard roadway, but the developer will pay for over that of that thing when he does start it. So the problem is that east breaker right now dead-ends into the neighborhood, and Samsung dead-ends into sprinkle cutoff and the county is still working on designs. These things have not been funded, and Dan is going to talk a little bit about the transportation network there. But that appears to be a problem with sprinkle. Again, we're right -- just within a mile of Samsung, one of -- maybe even the major employer in northeast Austin. People that live here could walk or even bicycle to this -- this facility. It



would -- they announced last year they were going to expand this place, add more employees, that would allow midlevel and entry level employee, affordable housing in the immediate area, and it's a good land use mix as well.

[5:04:37 PM]

It's small, basically isolated site with a tributary on one side, long and skinny as you show it. What we proposed to the planning commission, we propose to revise the request from mf 2 to mf 1, to reduce density from what we asked for, 250, down to 200. We would also offer, if we get mf 1, to make improvements, a deceleration and acceleration lane, left turning lane so there would be no conflicts on sprinkle cutoff. We would also build that portion of the roadway, which we're supposed to at time of development. The landowner has invested a lot of money and entitlements into this property, and with annexation, use trying to not reduce the density down to its unaffordability. That's basically it. We understand the issues. We saw a lot in the e-mails about pedestrian traffic, and we would dedicate a pedestrian pathway all around the back end of that tributary. That tributary is fairly nice. Basically, it would be a nice amenity for the neighbors if they wanted to walk the dogs, bike, anything like that. We would dedicate it to the city, all the way around, all the way around the track. Anyway, we think what we're asking for is a fair and reasonable request based on this annexation. We think the improvements we're offering are really good compromises that would benefit not only the road, the neighbors, but the project itself. I want to turn it over to Dan and see -- and just reserve some time if you have any questions for me. Thank you very much.

>> Mayor Adler: Thank you.

>> Thank you, mayor and council. My name is Dan Hennesy, with big red dog engineering. The applicant contacted me in response to concerns he heard from residents and wanted to see if there was justification for those concerns or what we might be able to do about them.

[5:06:46 PM]

So really we focused on three things, based on the resident concerns that I read through and heard. One is traffic in the area. Two is collisions and three is speed. With respect to traffic, the applicant conducted some traffic counts. We supplemented those with some of our own, along with observations along peak periods. We also looked at historic Google traffic data for sprinkle cutoff road and the adjacent with intersections in the area. All of those scenarios show that traffic is not -- there's not really congestion in the area. There's a minor period of congestion on Samsung boulevard waiting to get to sprinkle cutoff in the morning. I think that's mostly related to the elementary school that is just to the east. So we also then considered what is adding the project do to those interactions intersections B I'm focusing on intersections because that's when delay and congestion occurs. When we add traffic due to the project, it really doesn't change conditions that much. So will there be more cars on the road with the project? Yes. Will it really change the experience and the travel time and speed of cars and delay experienced? Not in any significant manner. I also conducted a collision history request through txdot's safety record system. About 75% of the collisions on the roadway are single vehicle. It's typically due to driving too fast, and as many people have said, the road is a rural, two-lane road, and it truly operates like that. Those -- so leading into that we also conducted a speed survey to look at, is this -- is the roadway posted correctly for its speed limit? Are there other things we should be looking at with respect to speed? Speeds are a little bit high on this road compared to the 30-mile-an-hour speed limit, if you were doing this from an engineering perspective of a speed study, the posted speed limit might be closer to 35.

[5:08:50 PM]

There were a number of vehicles traveling higher than that speed. But, again, that's not related to traffic or more vehicles isn't going to make that problem worst. In fact, what we found was that on the northern end of sprinkle cutoff road, the collision rate was a lot lower. I think part of that was due to the driveways in the area and the number of interactions and potential conflict points for vehicles is something that makes you pay more attention, the clearings on the side of the road, there's a little bit more sight distance due to those driveways in that area. So I just wanted to update on that information. I'm here to answer any questions, if there's a specific concern.

[Buzzer sounding]

>> Mayor Adler: Thank you.

>> Thank you for your time.

>> Mayor Adler: Is there anyone here in the room also to testify to this item, 57? Okay. So in keeping with the -- we will go now go into recess. We could reconvene here at 5:25, if we wanted to, to see if the person is here, and if he is, then we could do it. If not, we'll go into music and proclamations and then come back after that to finish.

>> Houston: I actually have a question for staff.

>> Mayor Adler: You want to go ahead and ask that? Sure.

>> Houston: So, Mr. Guernsey, on page 3 of the March 13th neighborhood traffic analysis at walnut creek, there's a table that talks about the desirability -- desirable operating levels and the width of the pavement, from my understanding, is 24 feet. And that should be about 1,200 trips a day, and it seems like that the F -- multifamily 2, the estimated trips would be 1,657.

[5:11:01 PM]

Is that correct? My reading that correctly?

>> Yeah. Yes. Under the conclusion, there is currently the pavement width is about 24 width, that is accurate, and the vehicle trips under the existing traffic would be about 3,233.

>> Mayor Adler: So that means --

>> The site traffic --

>> Houston: That's already happening, the it would thousand --

>> That's correct. And the trips generated, 1657.

>> Houston: Okay. And there's about 60 feet of right away? Is that correct someplace, I remember?

>> On the recommendations prior to third reading, there would be 30 feet of right-of-way that should be dedicated from the center line of sprinkle cutoff road to provide another dimension of a road that would be a right-of-way of 60 feet. So, yes, that is recommendation number 1 of the dna.

>> Houston: Okay. So just before we go into recess, I asked for the same kind of accident and crash information from Travis county and from A.P.D., and three years from 2014 to 2015, there have been 33 actual crashes on sprinkle cutoff road. And that's why I'm trying to wait so that you all can see how narrow and windy that road is, and access into the development is going to be an issue. School buses go that way to drop kids off to the schools in pflugerville, and so that's my primary concern, is with the number of units in multifamily 2, that -- because there are no buses out there, either. There are no amenities out there. So everybody will have to be in their vehicles. The walk score for this site is 1/100. All errands will require a car. And the aarp livability score is like 50%. So for people -- you know, they're going to have to use their cars, and that's going to add more trip counts.

[5:13:07 PM]

So hopefully he will be here in just a minute and we can look at his video and hear his testimony. Al I have a question if I may.

>> Mayor Adler: Yes, councilmember alter.

>> Alter: For staff. I just want to make sure I'm understanding. The applicant is -- Greg, a question? Thank you, Mr. Guernsey. So I just want to make sure that the applicant is requesting mf 2, and staff has proposed FX 6?

>> That's correct.

>> Alter: By your estimate, can you help me understand the difference in the number of units that might be possible under the two different zonings, giving the plot of land that we're talking about?

>> The sf 6, we're talking about 12.4 units per acre. Probably to do a little calculating, when we come back from the break, I can go through and run some calculations and try to give you an estimate. But it'll certainly be less than probably the 200 that would be under the mf 1.

>> Alter: Okay. Thank you.

>> Mayor Adler: Is the applicant asking for mf 2 or mf 1?

>> The applicant originally requested mf 2. You heard he would be agreeable to mf 1. Staff and the zoning and planning commission recommended 6.

>> Mayor Adler: Was the suggested by the commission? Persist mf 1, but 2 was suggested by the planning commission and they went as sf-6. If you could give us the density numbers for all three categories, that would be helpful. Yes, Ms. Pool.

>> Pool: Mr. Guernsey, the difference between the multifamily and single-family zoning, is it because the planning commission was hoping that these would be homes for families, as opposed to maybe studio or one bedroom units?

>> Under the sf-6, you could still have units that would be rental.

[5:15:09 PM]

So that's still a possibility. They're not required to be for-sale units. That does allow for town household condominium type of development. It would be less dense.

>> Pool: Right.

>> And there's some additional standards that they would have regarding the property itself.

>> Pool: Well, were they looking for a particular mix of bedrooms?

>> I don't know if the discussion really got down to the bedroom mix. I could go back and check in the file and see if there was a little bit of discussion.

>> Pool: Could I check with the applicant to find out what the plans are? Because I think if you're building out in an area where people would be working at Samsung, for example, it may be that those are families with children.

>> Yes, ma'am. That's right around the corner, too. The zoning -- planning and zoning commission didn't have a conversation about bedrooms when we designed the concept, the first time with the 250, and now with the 200, it was two- to three-bedroom units, two-story max.

>> Pool: Okay. So you have a mix of single bedroom and two and three-bedroom units?

>> Yes. A mix of twos and threes within there, and mean mf 1, they could be condos, basically for sale. The owner is not a developer of apartments, he's a hotel developer, so he's -- there's people asking about this property, and we don't have a developer yet.

>> Pool: I see. Okay. Thank you.

>> Thank you.

>> Mayor Adler: And we're going to -- yes.

>> Kitchen: I have one question. I notice in the backup there's some discussion, and you also talked about the fact that this is near at least one major employer.

>> That's right.

>> Kitchen: Have there been any discussions with surrounding employers about the potential for this to be helpful in workforce housing?

>> Have we talked to Samsung?

>> Kitchen: Yeah. Right.

>> I had considered it. Actually, I talked to councilmember Houston's aide about talking to Samsung, and we came to the conclusion it would be falling into a black hole.

[5:17:16 PM]

We didn't really have a good contact to call there. We know that their expansion is underway. I guess in the reality of the market, this would be in play for a lot of the entry level and midlevel people that would work there, that would not be needing to drive. But we did not contact them directly. I didn't know who to call.

>> Kitchen: Well, just a thought, you might want to talk to their H.R. Department, for example.

>> Sure.

>> Kitchen: Just as a way to get -- assuming this moves forward, as a way to get information out to employees.

>> Absolutely.

>> Kitchen: Then is it possible to walk from this development to, or how close is it?

>> It's a mile.

>> Kitchen: It's a mile.

>> Basically one mile down, if you come down Samsung, all the way to the entrance right there through the neighborhood, next to the elementary school.

>> Kitchen: But are there paths and sidewalks and those kinds of things?

>> There would not be sidewalks on our property until it is developed. We would have to build squawks on our side. You heard about the hike and bike trail. From there, it would connect to all the Samsung pathways and sidewalks all the way down it.

>> Kitchen: Okay.

>> Mayor Adler: Okay. Before we take a break to go with music, I thought we'd have a little music on the dais because we have a birthday.

[Laughter] Today is the youngest member of our council's birthday. 28. As recommended here, we give them a cake with a file in it.

[Laughter]

>> Houston: That took a while.

>> Returning so quickly on that one.

[ ♪ Sing happy birthday ♪ ]

[5:19:27 PM]

[Applause]

>> Casar: I may be blushing, I didn't have any gray hair till I started hanging out with you.

>> Mayor Adler: In ten minutes we'll have real music. Wheel come back here -- should we try 6:15? Let's try 6:15 today.

[5:28:51 PM]

[Recess]

[5:33:34 PM]

>> Mayor Adler: All right. You know, now we get to the best part of city council meetings. We, I think, are the only city council in the country that actually stops their city council meetings in order to be able to do live music, only befitting the live music capital of the world. And if you've managed to sit with us or watch with us since 10 o'clock this morning, you would understand why it is our favorite part of the city council meetings. So today we have joining us Ashley Borrero. Ashley is an austinite who has been singing semiprofessionally since the year 2011. When she won the first annual tejano idol competition. She spent a few years as the lead backup vocalist for the local artist, angely hermana, and in 2016 ventured out on her own by releasing her single. What is the name of the single?

>> It's called [speaking Spanish]

>> Mayor Adler: Okay. Did you get that? She and her band Ashley and the boys perform locally around Austin, and are set to perform at the national tejano music convention in Las Vegas this summer. Please join me in welcoming Ashley Borrero.

[Cheers and applause]

[♪ Music playing ♪]

[5:35:41 PM]

[ Singing ]

[ Singing ]

[ Singing ]

[Cheers and applause]

>> Thank you.

>> Mayor Adler: That was beautiful!

>> Thank you very much.

>> Mayor Adler: Thank you. You know, I'm -- you know, we get a lot of musicians that come in here and sing for us. I don't know that we've ever had one that has sung acapella for us like that. That was amazing.

>> Thank you.

>> Mayor Adler: So if people wanted to find you on the web or something like that, where would they go, what would they do?

>> There's a couple places, you could search me, Ashley Borrero on Facebook. And I've got my music page so it's facebook.com backslash Ashley Borrero music. Then of course you can go on my website which is [www.ashleyborrero.com](http://www.ashleyborrero.com).

>> Mayor Adler: And if they wanted to get some of your music, if they wanted to buy some music, how would they do that?

>> You can actually find my music on the same places, my website and Facebook, and then soon to be released on Spotify and iTunes.

[5:37:53 PM]

>> Mayor Adler: Cool.

[Cheers and applause]

>> Thank you.

>> Mayor Adler: And if they want to come hear you sing, do you have any upcoming gigs in town?

>> I actually have a gig tomorrow here in Austin at rustic tap, which is actually locally owned by an austinite I went to high school with, which is awesome. So if you guys want to come out for Cinco de mayo tomorrow, it will be at 7:00.

>> Mayor Adler: Great. I have a proclamation. Be it known that whereas the city of Austin, Texas is blessed with many creative musicians whose talents extend to virtually every music genre, and whereas our music scene thrives because Austin audiences support good music produced by legends, local favorites, and newcomers alike, and whereas we are pleased to showcase and support our local artists, now, therefore, I, Steve Adler, mayor of the live music capital, do hereby proclaim may 4th of the year 2017 as Ashley Borrero day. Congratulations.

[Cheers and applause]

[5:40:30 PM]

>> Good evening. I'm mayor pro tem Kathie tovo. I represent city council district 9 and it's my privilege tonight to present the following proclamation. This is motorcycle safety and awareness month, and so it is so important for all of those of us who are on the road, whether we are in vehicles or on motorcycles, to really make sure that we're aware of one another. And so in support of the Texas department of transportation's effort to look twice for motorcyclists, and again on behalf of motorcycle safety and awareness month, I'd like to present the following proclamation on behalf of mayor Steve Adler and the entire city council. Be it known that whereas new yorkists are motorcyclists are relatively unprotected and more prone to injury or death in a crash than other vehicle drivers, and whereas all those who put themselves behind the wheel are responsible for being aware of motorcyclists, regarding them with the same respect as any other vehicle traveling our highways; and whereas it is the responsibility of riders and motorcyclists -- riders and motorists alike to obey all traffic laws and safety rules; whereas the Austin community and the entire state of Texas recently lost one of its most effective motorcycle safety advocates, Daniel D. J. Jeffreys, I Kathie tovo, on behalf of mayor Steve Adler, do hereby proclaim may 2017 as motorcycle safety awareness month in honor of Daniel D. J. Jeffreys. Congratulations. Now I'd like to invite yogi to say a few words.

>> Well, I'm not very familiar with public speaking so I thought I would just keep it short and sweet. The men behind me, as well as the women on motorcyclists all over not only Austin, Texas, but the state as a whole, we appreciate the proclamation given to us honoring may as motorcycle safety and awareness month, so thank you, mayor Steve Adler, mayor pro tem, and Austin city council as well.

[5:42:49 PM]

And I'd also like to thank all the motorists who do look twice for motorcycles and help ensure that all of us get to go home to our families every night. Thank you.

[Applause]

>> Tovo: Next I'd like to recognize digital inclusion week here Austin, Texas. Be it known that whereas increasingly digital engagement is a requirement to fully participate in many elements of society, including education, health care, civic engagement, job opportunities and social connections, and whereas the vision includes every Austin resident having an opportunity to be fully engaged in digital society, by accessing and using digital and communications technology; and whereas the city can leverage assets such as fiber networks to deploy and support community digital inclusion programs and services in the most needed communities, in partnership with other agencies, non-profits, and the private sector, and whereas Austin has several city and community resources and partners who help to achieve a vision of digital inclusion, including Austin free incorrectly Austin will you be lotteries, skill point alliance, and many others, and whereas the city adopted the digital inclusion strategic plan with

the purpose of addressing access and adoption of digital technology to serve as a guiding document for providing digital inclusion opportunities and effecting the city's goals to ensure all Austin residents are served, now, therefore, I Kathie Tovo, on behalf of Mayor Steve Adler, do hereby proclaim May 8th through the 13th, 2017, as digital inclusion week in Austin, Texas.

[5:45:58 PM]

[Applause] And now we're going to hear from several of our partners, as the proclamation states, the city of Austin works in partnership with lots of great community organizations to make sure that all Austinites have the ability to access digital technology, and so we will hear from several of those, and I'd like to start with Tianca Crocker from Austin Free Net's digital inclusion.

>> Hello. Good afternoon. My name is Tianca Crocker and I'd like to thank Council and Mayor Pro Tem Tovo for the opportunity to accept the digital inclusion week proclamation on behalf of Austin Free Net. We're a non-profit who's been working for over 20 years to close digital divides in Austin. Digital inclusion week, May 8th through the 13th, is a national awareness week about the need for equity to access to technology. But more important, it's about the 40,000 residents in Austin who report not having anyone to help them get online. And also, many of the same communities in south and east Austin, who face social and economic barriers in other areas of life, also face those same challenges to access technology, which is a basic resource in today's society. So I encourage you to get involved by joining us next week in a number of activities. You can visit us online at Austin Free Net, [AustinFreeNet.org](http://AustinFreeNet.org). And I would like to thank my partners at the City of Austin, the Housing Authority of the City of Austin, the Skill Point Alliance and our Google community leaders here with us tonight. I'm going to turn it over to my colleagues who are also digital inclusion fellows to also share remarks about the week.

>> At the Housing Authority of the City of Austin and Austin Pathways, we are dedicated to connecting all public housing residents to access to broadband internet, earn digital devices, and apply digital literacy training. We know that when our residents join the digital economy, they're finding jobs, growing Austin's tech sector, excelling in school and staying connected to loved ones.

[5:48:07 PM]

I'm personally honored to work with 10 mobility ambassadors to use tools to help navigate transit and bring perspectives to citywide policy debates. You can actually join us on May 8th at 10:30 A.M. here in Council Chambers to learn more about their work. At Austin Pathways, we're striving to ensure that our residents can have a voice in Austin's digital inclusion community, and we are, therefore, honored to be accepting this proclamation today. Thank you.

[Applause]

>> Good afternoon, everybody. My name is Earnest Russell. I work for the Skill Point Alliance and what I've done, I help all the public schools to help them out with the [indiscernible] to get better information of their students. I also help with senior citizens, to help them out to get their benefits and also how to get their government benefits. And I'm very grateful for this award, and thank you.

[Applause]

>> Mayor Adler: Take a picture. We'll center on that.

[5:50:55 PM]

>> Mayor Adler: So we have a proclamation that when I'm done is going to be accepted by Jose, the deputy building official.

This proclamation reads: Be it known that whereas in our continuing efforts to address the critical issues of building safety and resilience in the built environment that affect our community, both everyday life and in times of natural disasters, gives us confidence that our structures are safe and sound, and whereas building safety month reminds the public about the critical role of largely unknown guardians of our public safety, our local code officials, who work year-round to ensure all of us are safe, efficient, and liveable buildings; and whereas code officials, partners, and community safety and economic growth, the theme for building safety month in this year, 2017, encourages all austinians to recognize the importance of code officials in building safe and resilient construction while supporting economic development, fire protection, disaster mitigation, water safety and conservation, energy efficiency, and new technologies in the construction industry, building safety month 2017 encourages appropriate steps everyone can take to ensure that the places where we live, learn, work, and worship and play, are safe and sustainable, and recognizes that countless lives have been saved due to the implementation of saved codes by local and state agencies; now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim may, 2017, as building safety month.

[5:53:06 PM]

Congratulations. Jose, you want to say something?

[Applause]

>> Thank you, mayor Adler, thank you, council. I'm really honored to receive this on behalf of development services staff, from intake to plan reviewers, inspectors, administrative staff, they all work together as a team to make sure we have safe buildings, and -- this safety month is supported by the international code council, and through the month of may, they will honor code officials throughout the nation, and they will have some topics of discussion on the website. So if you have some time, go to [icc safe.org](http://icc-safe.org). They have a link to the building safety month and they have plenty of information on how to keep our buildings safe. And that's what we strive for, to have safe buildings, safe homes to actually live in. Thank you.

>> Mayor Adler: Thank you.

[5:55:12 PM]

>> Mayor Adler: So we have a proclamation that is going to be accepted by Christina Kuehn.

Proclamation: Be it known that whereas community mental health is essential to overcoming -- to overall health and well-being for all, and whereas we live in a community where one in five of our children of all races, ethnicities, religious backgrounds is affected by mental illness; and whereas we see our community coming together to help children, youth, and families who live with mental illness to lead full and productive lives, positively impacting our community; and whereas we dedicate the month of may each year to raise awareness about children's mental health, to reduce stigma and celebrate resiliency and recovery; and whereas the city of Austin continues to support the development and implementation of our community's system of care to ensure children, youth, and families have access to services and supports that build upon their strengths and best meets their needs, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas do hereby proclaim may 2017 as mental health month and may 4th, 2017, as children's mental health awareness day. Congratulations, and Christina, you want to come on up? Christina is with the child and youth mental health planning partnership and ad hoc committee.

>> Hi.

>> Mayor Adler: Hi.

>> Nice to see you again.



>> Mayor Adler: Good to see you too.

>> Thank you, mayor Adler, councilmembers, and community for your support of children's mental health.

[5:57:16 PM]

I'm co-chair of the Travis county child and youth mental health planning partnership. Since 2005, this collaboration, along with children's partnership, has been promoting mental health awareness on behalf of Travis county children, youth, and their families. Each year, we celebrate may as mental health month, and today we are celebrating national children's mental health awareness day, 2017.

>> Thank you, Cory. We are highlighting the importance of children's mental health to reinforce that positive mental health is essential to a child's healthy development. We are celebrating resiliency and recovery of our children, our youth, and their families, along with the transformation of our mental health services. Please join us in our efforts to decrease the stigma around mental health, and to increase access to services and supports in our community. Thank you

[5:59:53 PM]

>> Mayor Adler: Come on with me here. So we have a proclamation. This is to be accepted by taja beekley, the manager at asian-american resource center. Be it known that whereas the Austin parks and recreation departments asian-american resource center has served thousands of visitors since its grand opening and whereas its mission is to provide spaces, services, programs and resources through an asian-american pacific-islander perspective. And whereas may is federally designated as asian-american pacific American heritage month and asian-american pacific islanders are the fastest growing demographic in Austin, Texas. And whereas the asian-american resource center will host its fourth annual food and heritage festival to honor the contributions of asian-american pacific islanders. Now therefore I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim may 6, 2017 as celebrasia Austin asian-american pacific American food and heritage festival day. Should be exciting.

>> Thank you, mayor Adler, mayor pro tem tovo and city councilmembers. We hope that you all will join us on may 6th from 11:00 A.M. To 3:00 P.M. At Austin's asian-american resource center. We are located at 8401 Cameron road. For more information about the event you may visit our website at [austintexas.gov/aarc](http://austintexas.gov/aarc), or visit our web page.

[6:01:58 PM]

I'm very honored to accept this council proclamation on behalf of the asian-american pacific islander community. Thank you.

[Applause].

>> Pool: So we've got a proclamation here for Barton springs bathhouse day. So let's all come up. We've got a nice showing of councilmembers here. And councilmember kitchen and I are going to read this. Why don't you guys come closer.

>> Pool: Here we go. Proclamation, be it known that whereas the 1947 Barton springs bathhouse graces Barton springs pool as an historical and architectural treasure of our community and...

>> Kitchen: Whereas Barton springs pool and the Barton springs bathhouse are enjoyed by native reviewers and people from all walks of life who celebrate birthdays, marriage proposals at this beloved site.

>> Pool: Whereas the Barton springs conservancy is hosting 70's themed events through the month of may to celebrate the 70th birthday of the homework Barton springs bathhouse.

>> Kitchen: And whereas the official temperature of the springs will be 70 degrees for the month of may.

>> Pool: And I'm going to check for that.

[6:03:59 PM]

[Laughter]. And whereas everyone is invited to March in a parade at Barton springs pool on may 13th to celebrate the 70th birthday of the bathhouse. Now therefore I, Leslie pool, on behalf of the mayor and all of the councilmembers for the city of Austin, do hereby proclaim may 2017 as 70th birthday month for the historic Barton springs bathhouse. Congratulations.

[Applause]. And mikanady may have some words to share.

>> Thank you, everyone for supporting our efforts. On behalf of the Barton springs conservancy board we have these three here with us and also our executive director, we really deeply appreciate the support of the mayor and council with our work to support Barton springs pool. With the bathhouse gracing the Barton springs pool since 1947 as an historical and architectural treasure of our community, we're very excited about may 2017 as being the official birthday month. And we look forward to celebrating the history of the pool, the places that have drawn people from all walks of life over the years, including everyday swimmers, environmentalists, civil rights, swimming activists, philosophers, naturalists, free spirited sunbathers and families young and old. In our historical research we found that lady bird Johnson swam at Barton springs when she was a UT coed and I believe that mayor Adler first visited the springs in 1978 when he came here to law school. If that's correct.

>> Mayor Adler: That's true.

>> And we hope everyone will join to us the parade and then there will be an art exhibit on may 14th. Please join us. For more information about, please go to our website, Barton springs conservancy.org. Thank you very much.

[6:06:01 PM]

[Applause].

>> How does this even survive or work without Ted Stribling?

[Applause]. So this is to recognize on behalf of our colleagues leaving us to follow your dreams.

>> Yes, sir.

>> Mayor Adler: You've done a hell of a job.

>> Are you going to travel the world?

>> I'm traveling to west sixth street.

>> Mayor Adler: There have been a lot of dreams on west sixth street.

>> Yes, sir.

>> I hope yours comes true.

[6:08:11 PM]

>> Mayor Adler: Let's get a picture taken together.

[6:27:36 PM]

>> Houston: Mayor? Mr. Webb is here.

>> Mayor Adler: All right. We have a quorum. We're going to reconvene here at 6:26. May 4th. Council chambers. We are in the middle of considering an item. We have an additional -- we have a speaker to

come talk to us. We have Greg Webb that is here. Is cassie Mckee here? You're donating time? And is ping-ping sou here? Okay. Mr. Webb, you have nine minutes. Please come on down.

>> Mayor, councilmembers, my name is Greg Webb --

>> Mayor Adler: Could you pull the microphone a little closer?

>> My name is Greg Webb. I represent the homeowners of pioneer crossing west, which is a neighborhood in northeast Austin of about 1200 homes. We own the property directly across from and adjacent to the property that is subject to the zoning request tonight. Also, and it's important for me to go ahead and bring this up, but I live on sprinkle cutoff road with my wife Claudia, our son Sam who is four years old, and our son Ben who is two months old. We can tell you from personal observation and experience that sprinkle cutoff road is a dangerous road with an undesirable level of traffic.

[6:29:37 PM]

The homeowners of pioneer crossing west are aware of this and they've asked me to come here to ask you to vote no to a proposed rezoning for multi-family residences or even condominiums and townhomes. The reason why, we already have too much traffic and we don't really need to add to the problem. Now, they've been told that we need to compromise and so the compromise position is let's change from rural residences to single-family 1 or single-family 2. And the reason why, it would be consistent with our neighborhood and the other surrounding neighborhoods and the council could approve the problem of spot zoning. They've also asked me to ask you to install or see if you can encourage the city to install vehicle suppression devices along the roads. The reason why is we have to slow down the traffic along this road because not only do we get too many non-resident people driving through our neighborhood on sprinkle cutoff road, but they're doing it at excessive rates of speed and endangering the local families. The homeowners of pioneer crossing west have four reasons for this request. One, undesirable traffic levels, unaccept traffic injuries and accidents. Let's run through them real quick if you don't find. Undesirable traffic levels, if you will see the handout one that we've provided to you is the neighborhood traffic report. It's showing that we've got over 3000 vehicles per day coming down sprinkle cutoff road, which is almost three times the amount -- in excess of the amount that is considered desirable by the city.

[6:31:41 PM]

That alone, without even considering what new traffic will be coming down sprinkle cutoff road if we allow multi-family residences to be hold or if we even allow townhomes and condominiums. So that would just increase the problem. And it's our understanding that the council has the authority and if the proposed rezoning request is going to increase traffic such that it would exceed the desirable levels, that you can turn it down. We don't even have to consider what new traffic is going to be added because we're already almost three times over that amount. Also a change to a multi-family residences or mf-2, townhomes and condominiums, sf 6, they're inconsistent with the surrounding area, which may create a problem with spot zoning. I encourage you to take a look at exhibits 2 and 3 which discuss those issues. Take a look at sprinkle cutoff road itself. It's unsuitable for the amount of traffic that we have on it. It's poorly illuminated. It's narrow, two lanes, winding road that was never built for the amount of traffic that's coming down it right now, much less any new traffic that would be coming down that. There are no sidewalks, there are no shoulders, there are no bike lanes and no bus routes along the portion of sprinkle cutoff road except for that one-10th of one mile section that's part of my neighborhood. And if you're going to -- there are no businesses close by, so if you're going anywhere and you live on sprinkle cutoff road you're going to have to drive. So if we allow a zoning change that's going to allow multi-

family or townhomes and condominiums, it's just going to increase the problem that we already have on sprinkle cutoff road.

[6:33:46 PM]

There are only seven lighted utility poles along sprinkle cutoff road. Four of them are in that one-10th of one mile section that belongs to my community. The other 1.7 miles there are only three utility poles. It's very dark. I would encourage you to look at exhibits 4 and 5 in the handout material we provided to you. Four is just a simple picture showing the location of the property and the road. As you can see what I said about there being no shoulders, no bike paths, no need medians, all that, that's all true for that part of sprinkle cutoff road. If you take a look at exhibit 5 it's a nighttime drive down sprinkle cutoff road. I'm sorry, please?

>> Kitchen: Sir, we don't have that exhibit that you're referencing.

>> You don't. Well, they are showing them up here, but I had asked someone to make a copy of this flash drive which does have all the exhibits that I'm referring to. So if you would like I can -- you can have this if you wish. Or if Andre is here maybe he can tell me. Because I gave it to him so he could make sure it was circulated among all the council.

>> Houston: We can give it to the clerk and see if she can send it out to all of us.

>> Okay.

>> Mayor Adler: Can you email this to all of us?

>> So that's exhibit 4 right there on the screen. That just shows what I said. It's a very small two-lane narrow, windy road. Watch our video on exhibit 5 and you will see just how dark the road is and windy because I'm making every twist and turn in that road to stay on the road.

[6:35:52 PM]

The third item, unkept promises. Back in 2007 when this property was built or pioneer crossing west was built, the developer promised all the residents before they purchased their property that this is just a temporary overflow on to sprinkle cutoff road. The city and county are going to put through east Braker lane all the way through to Harris branch parkway. And when that's done all this overflow traffic is going to go away. It's been 10 years. It's not been done yet. I spoke with Pauline at the zoning department, she said the design phase won't be done until 2019 and that's just the design. She said that's not gotten funding set aside yet and she said even when those two items are completed we've got the construction phase and she said that's going to take years. So that promise has not been kept and is not even a short-term or really even a long-term solution to our problem about this excessive traffic coming down sprinkle cutoff road. Please take a look at exhibit 6, which will show basically the information I just provided to you and in some additional detail about that unkept promise. The final reason that the homeowners asked me to bring this to your attention and ask you to vote no, unacceptable traffic accidents and injuries. And if you will refer to exhibit 7 you will be able to see a listing of some of those, but let me go ahead and talk about a few. We've got 33 -- the sheriff reports that there are 33 traffic accidents on sprinkle cutoff road over the last three years. We have a real problem with non-residents -- [buzzer sounds]

>> Mayor Adler: Go ahead.

>> With non-residents feeding along sprinkle cutoff road on their way to and from work. We also have a problem with drunk drivers.

[6:37:54 PM]

Let me give you a couple of examples. The beginning of this year in January we had a guy come down sprinkle cutoff road at such a rate that he went right through the intersection with pioneer farms road, jumped the curb and hit the utility pole with such an impact that it knocked out the utility light at the very top of the pole. And it split the pole right down the middle. The city had to send out a crew to put great big bolts through that pole to hold it together until they could get out another crew to put up another pole that they attached it to. And another example, a resident was in the crosswalk, he was hit by a truck that was in such a hurry he didn't give the guy time to get across the crosswalk. He broke his leg.

>> Mayor Adler: Why don't you conclude your comments because the timer went. And then people can ask questions for you.

>> Just a couple more if I may. There's a home that was hit by a non-resident driving through our neighborhood. He was drunk. There have been cars, parked cars hit by non-residents driving through our neighborhood. Some were drunk, some weren't. For these reasons, the fact that we've got undesirable traffic levels, unsuitable road, unkept promises and unacceptable level of traffic accidents and injuries, that the homeowners of pioneer crossing west ask you to vote no to multi-family townhomes and condominiums, consider as a compromise position the rezoning from single-family residences to rural residences and please consider installing traffic suppression devices along S road and pie -- sprinkle cutoff road and pioneer farm road.

>> Mayor Adler: Thank you. Those are all the speakers we have. We're now back up to the dais for discussion.

[6:39:56 PM]

The applicant can close. Yes.

>> Just one thing, mayor. Thank you, again, councilmembers. I don't think the problem is density. I think based on the transportation planners from the city and the one we had earlier this clearly indicates a majority of this is cut-through traffic on this road. Once those arterials are built it looks like from both their opinions that this will alleviate some of those problems. Thank you.

>> Mayor Adler: Would you say again what you think would alleviate the problems?

>> We and Mr. Webb discussed the arterial from the east Braker lane extension all the way to Samsung in arterial a that the county is also building or designing that's not constructed yet. Those things and one of the maps earlier that we talked about show that everything is cutting through sprinkle with the lack of that infrastructure there.

>> Mayor Adler: You're saying the future development would mitigate the issues.

>> I don't think it's future development. I think these are basically in -- one is in a cip mode with the city of Austin, that's east Braker. The other one is in an arterial plan called a that's with Travis county that we checked on, and the county's under design, should be completed sometime today, but there's no guarantee for funding of infrastructure to build these.

>> Mayor Adler: Okay. Thank you. Yes, Mr. Casar?

>> Casar: Sir, you said y'all would be required to install sidewalks on sprinkle cutoff road.

>> Yes, sir.

>> Casar: And does your property road get you all the way to Samsung boulevard where there are sidewalks?

>> No, there is no sidewalks. As everybody said it's a rural road.

>> Casar: I'm saying if you install your sidewalk, starting at your property, does your property line get the sidewalks all the way down to Samsung boulevard?

>> We have 2,000 feet, councilman.

[6:41:58 PM]

I think it starts at Samsung and goes to the very first turn that goes towards the east.

>> Casar: Quickly looking at the backup it seems loose a little chunk between the edge of your tract and getting to the rest of the complete sidewalk on Samsung, but I may ask the staff to take a look at that.

>> Yes. We would be responsible for half the roadway for that 2,000 feet, which is about one-fourth of the whole roadway length, with sidewalks and again we would offer to do deceleration, acceleration and a turn off from the main lane.

>> Mayor Adler: Ms. Kitchen?

>> Kitchen: I think this is a question for staff. We -- the tia recommends I think it's four mitigation actions. Can you let me know whether those mitigation actions, -- I'm not clear whether they're included in the staff's recommendation. Mr. Guernsey, I don't know if you heard what I was saying.

>> Yes. The recommendations that are part of the nta that dealt with the right-of-way dedication from the center line --

>> Kitchen: There's four different recommendations that are on that last page of the tia.

>> And we would be recommending it with those.

>> Kitchen: All four of them?

>> It would be all four of them.

>> Kitchen: Okay.

>> Alter: I have a clarification on that point, mayor. So the fourth one says city council may deny an application if the neighborhood traffic analysis demonstrates that the project defined with the existing traffic exceeds the operating level on a residential, local street collector street traffic study area. From what you just said, you said you were recommending all four of them.

[6:43:59 PM]

How is that?

>> Well, this is up to the council. It's your decision whether or not to go forward. We've made a recommendation on the zoning change request. And as the code as it's written today places that up to you. So that is an option that council has.

>> Alter: Okay. I just wanted to be clear about what the mitigations were. So I was just confused at how you --

>> It's something we will say with every zoning case because that is the discretion of the city council.

>> Are the deceleration and acceleration lanes part of this cross-section at sprinkle cutoff road or is that additional mitigation that the applicant is proposing?

>> I believe that's an additional offer by the developer.

>> Alter: Okay. Thank you for the clarification.

>> Casar: Mayor? Mr. Guernsey, can you tell us what the trip count difference would be from the sf 6 that the staff recommended and mf 1 that the applicant brought up?

>> Based on information that I have -- and this is a rough guess based on what I've got, is 165 units for sf 6. I think the applicant indicated it would be 200 for the mf 1. If you calculate the number of trips that could be generated per units, it's almost 6.7. So you will probably looking at about 1100 trips, 465 units or about 1330 for the 200.

>> Casar: So a 230 trip difference?

>> It would be 1330 for about two hundred about 1100 --

>> Casar: So about a 200 count difference. And what is the traffic count for that road?

[6:46:02 PM]

The existing traffic is 3,233 vehicle trips per day.

>> Casar: 3,000?

>> 3,233 vehicle trips per day.

>> Casar: Thank you. So between sf 6 around mf 1 you're talking about the difference of 200 or so trips on a street with 3300 trips.

>> A little more than that, but yes.

>> Casar: Thanks.

>> Houston: Mayor? Mr. Guernsey, could you put the map up. I'm not sure we got a clear picture of where the sidewalk goes and how far it goes. And then I also want to know about the left turn out of the development. How would that be accomplished since the traffic is coming that direction. How would people go left out of that development?

>> Councilmember, regarding where the property ends, I think you were talking earlier on sprinkle cutoff, the property owner here, there's a question I think where Samsung boulevard began. And that would be at this point. So you would have a couple hundred feet between where the property ends and where Samsung boulevard would begin. I don't have the details on the acceleration, deceleration lanes, but I think Vince may be able to give you that information. I'd turn back to the applicant's agent about the acceleration, deceleration lane locations.

>> Yes, ma'am. We looked at the main entry about 200 feet on each side to go ahead, dedicate additional right-of-way. We've already dedicated for a deceleration lane at the main entry and then have an acceleration also to the right side.

[6:48:04 PM]

And then get enough right-of-way in the middle to pull off that road and get a left turn lane in. So we thought that would help create almost zero conflict at that intersection unless if you're taking a left out of the tract.

>> Houston: And I guess that's what I'm asking, if you're taking a left out and there are no stop sign and lights there, how do you take a left?

>> We would have a stop sign within the development project. They would have to yield to go left. But to the right -- say if --

>> Houston: I understand the right. That's easy. You can go out, see what's coming and you turn right. But if you're going into town or into Cameron road, you have a stop sign at the development and the traffic is going to Samsung. How do you navigate that turn to the left safely?

>> We would have a stop sign and we would yield for that traffic oncoming.

>> Houston: So you would have a stop sign on sprinkle cutoff?

>> Yes. Well, going into sprinkle cutoff at the intersection of our entry. Let me try an exhibit.

>> Mayor Adler: Do you want to pull up that exhibit?

>> Okay. There's the site location about where the star, somewhere in there. If we're coming out of our site and we're taking a left, we would have a stop sign on our site. Most of the traffic is going to come to the right down -- go to the right anyway down Samsung boulevard. And you can see over there where east Braker is a dead end.

[6:50:10 PM]

Does that make sense?

>> Houston: I guess I'm not -- I understand your site location. And I understand that you're going to have a stop sign on your property and that there's easy directions to be able to turn right and go up to

Samsung boulevard. But there's traffic going both ways. And most of the traffic probably in the morning or -- I'm not sure because the traffic analysis doesn't talk, but there may be people going to Samsung in the left turn lane so you're just say they back up to turn left on sprinkle cutoff after they stop at your stop sign?

>> No, ma'am. They don't back up. They basically have -- we have the main entry to the site. There's going to be a right and then there's going to be a left out. They will have to -- to take a left they would have a stop sign yield to oncoming traffic on sprinkle. If they take a right they'll yield to the traffic coming down sprinkle going towards Samsung.

>> Houston: And I guess my concern is with the number of traffic trips a day already that it's going to be difficult for people to come to the stop sign, yield and then take a left because of the amount of traffic already on that road. I think that's my concern, and I'm not hearing any mitigation about like a blinking light or four-way stops. I'm not hearing anything about trying to make sure people have an opportunity to get out, go left or go right.

>> We didn't think about blinking lights. Non-of the transportation -- none of the transportation planners brought that up, but we are making all the improvements for the roadway to bring it up to standard for a tune of \$400,000 along that stretch, probably provide lighting too.

[6:52:10 PM]

It's going to increase the ability in movement of traffic in that area for this development.

>> Casar: I would tend traditionally to planning commission and staff's recommendation on some 6 and mf 1. But I would be happy to hear from your perspective and my colleagues' perspective what the community benefit and difference is for us to do mf 1. What -- why would this project be better at mf 1 than sf existing traffic, which the planning and staff have recommended?

>> Mf 1 has more affordability. You get more flexibility you're not tied to a net site area number. You can also do condominiums. You can do ownership property in mf 1 as well. But it gives you more flexibility to go either multiple stories or work around within the design.

>> Casar: Thanks.

>> Mayor Adler: Mayor pro tem.

>> Tovo: I heard you mention that the multi-family designation allows for more affordability. Are you designating several units if as affordable or income restricted units?

>> We haven't got that far. We're just trying to zone it. We talked to staff earlier about qualifies for affordable housing benefits. I don't believe it does. It has to be certain items, but I'm not sure we would disagree with that.

>> Tovo: No, because you mentioned that the higher zoning designation would provide more affordability, I wondered -- I'm simply asking how far that extends. Is there a commitment from the developer to make sure that certain of those units will be classified as affordable units and be income restricted to the residents who might occupy them.

[6:54:22 PM]

>> That's the problem, Ms. Tovo. We don't have a developer. This is from the owner who has owned it for 10 years. He's just trying to get a zoning. But it would be a consideration.

>> Tovo: Thank you.

>> Mayor Adler: Is there somebody here from transportation? It's a difference of 300 cars over a day. Those are daily trip counts? Is that what those were, daily trip counts?

>> Yes. I think it's about -- the difference between the mf 1 and the --



>> Mayor Adler: Do we know -- not the morning trip counts, but the morning peak time and the evening peak time do we know how many cars difference it is between what Ms. Houston was talking about?

>> I do not. The agent may. I will note that this is only for first reading today. If it passes on the second and third reading we can certainly have that information for you.

>> Mayor Adler: Okay. Is there a motion here? Ms. Houston?

>> Houston: I'd like to move to close the public hearing and go with the staff and zoning and platting recommendation to grant single-family 6.

>> Mayor Adler: It's been moved sf 6 on first reading only. We've closed the public hearing. Mayor pro tem seconds that motion. Ms. Houston?

>> Houston: When will that come back, Mr. Guernsey?

>> It would probably be in approximately four weeks would be the Normal time. We would have to prepare -- I understand if it's a staff and zap recommendation to include the nta, so there would be a restrictive covenant, the neighborhood association would be a restrictive covenant with that, before we could bring that back to you.

[6:56:30 PM]

>> Mayor Adler: Mr. Casar?

>> Casar: I'm going to support the motion. And one thing that if the staff or applicant could talk through and something potentially for if councilmember Houston is able to figure this out, looking at it, it seems like there is a pretty clear sidewalk connection from this all the way to Samsung except for that very small gap of what was estimated to be 100 or 200 feet. I don't know if it's transportation or the applicant or anybody who can help us think through how it is that if this gets developed it would be promising, you know, if you're only a mile away from Samsung, for somebody to be able to have a sidewalk connection all the way instead of there just being one small awkward gap. If we're talking about reduction in traffic, hopefully having in the future more housing near this major employer I think would help out. That's actually connected.

>> We can talk to the public works department about sidewalks in that area.

>> Houston: And I'd also like to know from transportation where in the capital improvement projects this road may fall. Not only for the city of Austin, but for Travis county. And the applicant talked about this is a cut-through until some other arterial is -- Braker lane, I think. So we need to find out where that is not only in the design, but the development and construction phase. I suspect some of this is cut-through traffic from toll road 130 as well.

>> Mayor Adler: I'm going to support the motion as well. I still have questions about it that hopefully did develop on transportation, and that's trying to go not only look at the daily traffic count, but also the peak out period which I guess will show up as part of the analyzation that we'll see on further -- analysis we'll see on further reading. It appears as if the problem here is the speed of the cars, which is different than the traffic problem we hear of most places in Austin, which is the cars are stopped because there's so much traffic that cars have been slowed.

[6:58:43 PM]

So I still have questions but I will support the motion to do this on first reading. It's been moved and seconded to go on first reading. Any further discussion? Let's take a vote. Those in favor please raise your hand. Those opposed. Unanimous. Everything on the dais with Ms. Garza off.

>> Houston: Mayor, the exhibits are available in everybody's in-box now.

>> Mayor Adler: Okay. That being the last item that we have, I urge everybody to go to the bulletin board to look at the meeting next Thursday. It appears as if there's an item that was noticed that 3,000

notices have been sent, so it looks like we need a meeting next Thursday afternoon to either postpone that item, in which case six of us present could do that, or if six of us have to be could do the meeting from 3:00 to 6:00 and handle that item and the other 20 items which don't appear to be controversial. So on the bulletin board we're asking for -- for that discussion. We have to make the call tomorrow, so weigh in, but I think that the two choices -- I think we need to meet on Thursday if for no other purpose than to postpone. If we're doing that, than any six of us could do that and the other five don't have to be there. Or we could call the meeting to handle that item and the other 13 things that are on the agenda, making sure that we only take care of exempt items and we don't have anything else that's gonna take time. So that's what's on the bulletin board for us to --

>> Kitchen: We can't comment right now? We should just --

>> Mayor Adler: Can we discuss a calendarring issue? What do you want to say.

>> Kitchen: I want to say if we've got to be here anyway, if we don't take care of those items on Thursday we're adding them to an additional calendar, so it makes no sense to me to do part of it on that day and then just add them to the next calendar.

[7:00:56 PM]

We might as well just have our meeting -- I may be the only one that feels that way but that's what I think.

>> Houston: Help me understand. If we postpone the item that we're having the meeting, do they have to be renoticed?

>> Mayor Adler: No. Because we're postponing it. That's why we have to convene the meeting, so as to stop the re-- the.

>> Houston: Process.

>> Mayor Adler: Resending out of the notices. That's why we would do that. I would urge everybody to think about it. If you want to cast a vote go online -- I mean, go to the bulletin board and we'll make that call tomorrow. Okay? We've handled everything we're supposed to do today, and, again, 7:00, we're done, this meeting stands adjourned.

[ Adjourned ]