

City Council Regular Meeting Transcript – 10/12/2017

Title: ATXN 24/7 Recording

Channel: 6 - ATXN

Recorded On: 10/12/2017 6:00:00 AM

Original Air Date: 10/12/2017

Transcript Generated by SnapStream

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[10:11:02 AM]

>> Mayor Adler: All right. I think we can go ahead and begin. Before we begin the meeting,, by way of indication, is pastor Dan Laitinen here from the holy word lutheran church? Would everyone please raise? >> Thank you, Mr. Mayor, city council. I want to share with you some words written by martin Luther, the reformer. This was his morning prayer that he prayed every morning with his family. This marks the 500th anniversary of the lutheran reformation, which is the top five in history by historians that says this event has shaped our world today. Martin Luther stood for two things and this is why he was effective. Number one, he loved the common people. He loved them so much that he translated the bible into the vernacular so that the abuses of the church would end and they could see that it was the gift of god that brought them into his care. And not something that they had to pay into the system. And number two, he says that the government, you, Mr. Mayor, the council, the princes and the kings, had a big hand in the protection of the people as the church had protection of the people's souls, you're looking out for their welfare. So thank you for looking out for their welfare and listen to this prayer. It was written by martin Luther, and he says: I thank you my heavenly father through Jesus Christ your dear son that you have kept me day and night from all danger. Keep me also from sin and every evil so my dove springs in life my please you. Into my hands I commend myself, my body and on soul and all things. Let your holy one be with me that the evil one may have no power over me.

[10:13:10 AM]

Amen. Councilmember alter, but want to make an Amons.? >> Yes. I just wanted to mention that we're doing a proclamation in honor of Lori Lowe today 5 a 30 in the proclamations listed in the agenda and I hope everyone will join us for that. Thank you. >> Mayor Adler: All right. Thursday, October 12th, 2017. We are in city council chambers here at 301 west second street in Austin, we have a quorum, so let's go ahead and take a look at the agenda today. We have some changes and corrections. Item number 9 is

going to be postponed until November 9th. That's item number 9. Item number 17 is withdrawn. Item number 19 is being postponed to October 19. That's the auditor plan. Item number 24 is zoning and planning recommendation is to grant family residence sf-3 district zoning. We have some items that have been pulled. The consent agenda today is items 1 through 18, and also on the addendum items 29, 30 and 31. We have councilmember pool is pulling item 26. Item number 7, is there a

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number that we need to fill in on the consent agenda? There's a blank, I think in it. So in this agenda item what's the number that goes in the blank as the settlement amount? >> Good morning, Mr. Mayor, Michael Seigel, assistant city attorney. The recommended settlement includes six major terms as part of the settlement the city will leave \$2,065,000 in full repayment of a 2014 ahfc loan with interest. The tenants will receive rent credits and other payments valued at \$55,000. The current owners of the complex did make repairs to the property and will make additional repairs prior to closing of the sale. The future owner promises to limit rent increases for tenants, provide a preference for housing choice voucher holders and provide additional protections against eviction for a period of at least three years. The city and tenants will dismiss a property maintenance lawsuit and the complex owners will dismiss a public information suit. And the city will provide a release of a building standards commission order. >> Mayor Adler: All right, thank you. This is part of the consent agenda on item number 7. Item number 8 is being pulled so we can discuss that in executive and act latter. Speakers, is Mr. Pena here today. >> Right here. >> Mayor Adler: Is Jay Rosenberg here today? Okay, thank you. We have some items pulled for speakers. Item 15 has been pulled for speakers, number 18 has been pulled for speakers and item number 29 has been pulled for speakers. Okay. And then item number -- I'm sorry? And item number 29 is going to be heard at 2:00 P.M.

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Again, the items being pulled are 6, 8, 15, 18 and twine. Does anybody else want to pull anything before we go to the public people speaking on the consent agenda? Councilmember Garza? >> Garza: 12, please. >> Mayor Adler: All right, 12 pulled. Anything else? Looks like this could be-- looks like we have an agenda, council, that could have us out before dinner again. If we could do that I would like to invite people to come to music and proclamations. Let's call the people to speak on the consent agenda -- >> Casar: Mayor, before you do that, has law pulled number 8 off the agenda for executive session? >> Mayor Adler: Yes. Pulled is 6, 8, 12, 15, 18 and 29. >> Casar: Great. And I'd like to note that item 16, which is the youth justice work group item, we've passed out just a minor amendment during work session. The mayor pro tem asked whether the resolution should include some language that recognized

the truancy work done by the jewish supports task force so we have added that language. >> Mayor Adler: Any objection to that being added. That amendment is added as part of the consent. >> Renteria: Mayor, I would love to be here for proclamation, but I do have out 32nd annual event that's going to be going on today, this afternoon. So everyone is welcome if

[10:19:15 AM]

y'all want -- I wanted to let you know that I will not be able to attend that. >> Mayor Adler: Gotcha. Thank you. We have also set a special called meeting due to a posting issue. So at 4:00 we're going to conduct a public hearing related to the insect screening requirements, and approve second and third reading of the ordinance, but we'll call that at 4:00. >> Houston: And I just had a quick question for councilmember Casar. Does your current version 3 take the place of the stakeholders group that's already working on the curfew? Is that group still working? Is this a separate group? >> That group asked for a continuation of their work for another year and so this is a continuation of that work with this new increased scope beyond the curfew. >> Houston: Okay, thank you. >> Mayor Adler: Mayor pro tem? >> Tovo: I have a question about the special called meeting. We had postponed that last week. Was there a reason why it went on -- why it didn't go on the addendum versus on a special called meeting? Is that because of the time frame that we have set for ourselves. >> No, it was just a mistake. When we discovered the mistake we just put it on a special called meeting. >> Tovo: Okay, thank you. >> Mayor Adler: Yes. >> Casar: Before we postpone the audit plan I appreciate that we're postponing it, talking about it during work session will be helpful. I do want to raise publicly that in conversations with the chair of the public safety commission, also the citizens review panel, we've had conversations about whether it would be a useful audit to take a look at all of the recommendations the citizen review panel has made recently and to see how well those have been implemented, which ones have been implemented and which ones have not been from the citizen review panel's recommendations to the police department. I've had some conversations with the auditor about that

[10:21:16 AM]

and hopefully between here and work session we can get some sense about whether that's something that would be best resolved as a special project or as part of the plan. I wasn't at work session and I want to raise it now so folks have a moment to think about it between now and us taking it up next week. >> Mayor Adler: Thank you. Is jahar [indiscernible] Here? >> Yes. >> Mayor Adler: Let's ask for speakers on the consent agenda. Mr. Pena? >> Mayor, before they start the time clock, what item numbers? >> Mayor Adler: You had signed up for number 9, but that's being postponed to November 9. You also signed up for number 10, number 14. >> 10 is postponed? >> Mayor Adler: No, no. 10 is still

being considered. 10, 14, 16, 17 and 30 and 31. >> So 30 and 16 are still on the list, right? >> Mayor Adler: Yes. 16 and 30 are on the list. >> You're confusing me. >> Mayor Adler: They were on your list. Those items are not being pulled. >> Great. Now you've got me further confused, but that's okay. Mayor, council, Gus Pena. We're going to go this route and see if I don't confuse anybody or myself further. You said item number 9, right, still? >> Mayor Adler: Yes, number 9, yes. It's been postponed to November 9. >> It's been postponed. I'm sorry. 16, right? >> 16 is having to do with initiating school to prison pipeline and youth justice work group. This should have been done a long time ago.

[10:23:16 AM]

What we did in the community, we started working with the youth in '74 when I was discharged honorably from the United States Marine Corps. Anything we can do to keep these kids out of the pipeline and keep them out of prison or even at Gardner-Betts is positive. And correct me, I'm sorry, number 6, right? >> Number 14, 16, 17 is withdrawn, 30 and withdrawn. >> Six is good. >> Six is withdrawn. >> 30 and there. >> -- 30 and 31. So just 30 and 31 to speak. I'm sorry, I have tbi, brother? You weren't in the military, but veterans can understand that. >> Mayor Adler: 14 has not been pulled, 10 has not been pulled 15 has been pulled. >> Item number 14 is regarding the ordinance amending city code blah-blah related to municipal court downtown court. What I wanted to say is judge Coffee did a darn good job at the downtown Austin community court and also Sheri Statman, the presiding judge at municipal court. I want to -- I want to go out and help out veterans or anybody who needs help not as a legal advisor. I'm not an attorney like you are, but I know the law very well. I ran for justice of the peace and worked at courts as a bailiff. It's a good thing that we're doing and the committee -- but remember I don't know if this new committee will be just staff or including members from the community. If it's members from the community, solicit members that have knowledge of the issues, you know. That would be our recommendation. Do with the funding for

[10:25:17 AM]

literacy first. And it includes my Zavala elementary. I'm not going to tell you how old I am because I might be dating myself. Thank you very much for that because we're trying to keep Zavala open and they're proposing to close a lot of schools in east Austin. And number 30 has to do with the fire department classification. I won't get into that. As a former investigator, I was privy to these type of data, but I'm not anymore. I just wanted to do this. I was very concerned about how the voting went last week for the firefighters and I support them strongly just like I do APD, firefighters, EMS. The chief is a darn Goodman. There was some disrespect towards Bob Nix and the firefighters. I don't appreciate that very much. I'm a strong supporter of amount people, but I feel they were slighted. And anyway, having

to do with item number -- you said 29 has been pulled. >> Mayor Adler: The consent agenda then skips up to items 30 and 31. >> So don't speak on 30 and 31, right? Yes. One of the things that I want to make clear before my time is over with is the people -- I was viewing your city council meeting I think it was a week or two weeks ago when it was raining, and the amount -- the enormous amount of funding that's going down to the convention center and I think bill bunch hit it right on the target, I'm a former IRS investigator. I've done a lot of audits, state, city, county, federal, but the issue is this. People are -- I'll wrap up. People are asking and questioning as to why all these big amount of money spent on the convention center. So we're looking at that. There's concerns. Audit, think about it. >> Mayor Adler: Thank you. Mr. King, you signed up to speak on item number 17. Number 17, however, is being withdrawn. Okay? Those I think are all the speakers we have on items other than the pulled items.

[10:27:19 AM]

The pulled items again are 6, 8, 9 is being postponed, 12 is pulled, 15 is pulled. 17 is withdrawn. 18 is pulled and 29 is being pulled. Is there a motion it to approve the consent agenda? Ms. Pool makes that motion? Is there a second to that? Councilmember troxclair. Any discussion? >> Flannigan: Mayor? I just want to be shown voting no on item 10. >> Mayor Adler: Mr. Casar? >> Casar: Mayor, before approving item number 7 on consent agenda, I would like to ask Mr. Doggett of legal aid to come and answer just a question about whether they are also supportive of this settlement because they're a part of the suit and why. >> Mayor Adler: Let's pull item number 7 and we'll come back to it. Any other notations. Councilmember troxclair? >> Troxclair: I want to be shown as voting no on items 2, 3 and 10, please. >> Mayor Adler: So noted. Anything else? Those in favor of the consent agenda please raise your hand. Those opposed? It's unanimous on the dais with the notations made. Let's then get us into the consent agenda. Let's pull up item number 6. >> Pool: Mayor? Well, I have -- I don't know who is going to make what kind of a motion, but I had

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a couple of things I wanted to say and then I have an amendment to pass out. >> Mayor Adler: Does anyone want to make a motion on item number 6? Mr. Flannigan moves to approve item number 6. Is there a second to that? Councilmember Casar seconds that. Now discussion. >> Kitchen: Mr. Mayor? >> Mayor Adler: Hang on one second. You made that motion. Do you want to address it or wait? >> Flannigan: I'll wait. I'm sure we'll all have something to say about it, but I want to hear my colleagues first. >> Mayor Adler: Councilmember kitchen? >> Kitchen: At the appropriate time I have -- I posted on the message board some direction to staff related to the minority and women owned business aspect of the contract. And so I don't know what order you want to have people talk. Whenever it's appropriate I

will speak to that proposed direction. And impassing it out on the dais and it's also posted on the message board. >> Mayor Adler: Okay. You could certainly speak. We could either call the public to speak or do amendments first. >> Kitchen: I can do it right now? >> This is just short. It's not an amendment. It's just a proposed direction to our staff. I'm proposing -- I'll be supporting the motion to move forward with the contract. And what I'm suggesting is that -- as I wrote on the message board that I do believe it's critical that we approve the proposed codenext contract amendment today so that our staff and our consultants can continue the work. There's a lot of things that remain to be done that we need to be working on. I am, however, as I said at the work session, very concerned with the lack of participation of minorities subconsultants on the project. I appreciate our staff and our consultants' efforts to create opportunities for additional community outreach performed by minorities subconsultants

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within the scope of this contract amendment in accordance with our program, our city's program for minority and women owned businesses. And I think that's a positive step but I don't think it's sufficient to address the concern. So with respect to the codenext outreach process, I have heard as many have heard and experienced, that's concerns about the lack of -- perceived lack of outreach and engagement in the minority community. And I think that this action to approve a contract amendment presents us the opportunity to address that particular issue. So what I am proposing is that the council go ahead and approve the contract amendment as recommended by the manager, but we also provide additional direction to the manager to quickly bring back for council consideration another appropriate vehicle that would include a scope of work creating additional opportunities for codenext outreach and engagement in our minority community that would be executed in compliance with our minority and women owned business ordinances. So I'm asking our staff to come back to us very quickly with how we might take additional opportunities to outreach to our minority communities in whatever form that needs to take. So in addition, I do believe that we've had many conversations from the dais about concerns that we've had with how our contracts in general are proceeding with minority and women owned businesses. And I think that's a much larger issue than this contract. This contract just points to issues that we have across the board. So I believe that council should consider ways we could present this situation from occurring in future professional service contracts and so I just noticed on the message board that I plan to work with my colleagues in the community and our staff to consider introduction of a resolution, again not today because we're not posted for it, but consider introduction of a resolution directing the city manager to recommend improvements to

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our minority and women owned business oversight process. So that resolution, which hope to bring forward shortly, will focus on things like regular compliance reporting to the council audit and finance committee. We don't currently have a mechanism since we changed our committee structure. Second thing might be options for how we visit professional service contract goals. In other words, if it looks like there's a scope change that may be addressing our goals, I'm thinking that we need an approach that brings that back to the council so that we don't learn that at the next contract revision instead of at the point that we're making a scope change. So -- and third thing might be other structural issues that we may need to address with our current minority and women owned business program. We've got a program. It's not working in a lot of ways with regards to professional consultant contracts and we need to take some concrete steps to try to address those. So I'll work with my colleagues to bring forward a resolution in that regard. So for today I just wanted to focus on direction to our city manager with regard to this specific contract and to ask them to bring very quickly back to us consideration of another vehicle, appropriate vehicle, that would include a scope of work that creates additional opportunity for outreach and engagement in the minority community. >> Mayor Adler: Thank you. Ready to hear from the public. >> Flannigan: I wanted to thank councilmember kitchen for this process suggestion and I fully support it. I think we've been frustrated, I certainly have as a council, about not just on this item, but previous items where we've seen the

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public come and where we're not meeting our minority and women owned business goals. So I think as we discussed then, I can't remember how many council meetings that was, but the broader conversation around procurement and how wire structuring our contracts and structuring the community and evaluating the matrix scores and all the things that play into it not just on professional services contracts, but how as a city might we interpret other purchasing models that exist in governments all across the nation. And so I fully support that and definitely want to participate in bringing that forward. >> Mayor Adler: I support that as well. Let's call the members of the public forward to testify. Mr. Pena? David king is on deck. >> Mayor and councilmembers, Gus Pena again. When you were running for office I went to your campaign headquarters and I showed you my former id, [indiscernible] Investigator. I want to thank former state rep and councilmember Anne an kitchen for bringing up this highly discriminatory practice of lack of minority participation in the minority outreach. It's a slap in the face to me. I'm supposed to be -- I try to be a professional in front of you, but times too it's difficult: My PTSD starts kicking up and that cop starts looking at me and they tense up. I'm cool. What makes me angry is there's a lack of minority participation and procurement process. I brought that up at the county and also to Sarah Eckhardt, the county judge. I find it highly offensive. We need to do a better job. Y'all need to do a better job, staff, whomever is applicable to do a better job.

[10:37:22 AM]

I don't know what it's going to take. Y'all get paid, I don't. I love doing what I do. I'm going to die doing what I do right now. We need to do more outreach in the minority community, especially for women. I'm a strong supporter of women's rights. My sister Louisy, she probably won't like to mention her name, but she works for central health. She always said in the '60s, Bettie Friedman and Gloria Steinham, you will support women. Yes, ma'am. You need to do better at supporting contracts for women. That's a no brainer. It offends me and I don't offend easily, you know, but I want to keep it at that, mayor. So really, really, with all due respect, I want to thank the women here that work for the city of Austin women who are participating in this process. I language Elaine last time and I want to thank you, Ann Morgan and Stephanie Hayden and the other females that are on the top hierarchy, but also the women please that are the grunts for the city of Austin. And that's why we have a good record except for the minority procurement process. And Ann, I respect you very much. I like Elaine and Stephanie Hayden and all the women that are here and not in directorship, but also the workers because they work hard. Let's do something better: Ann kitchen ran off to the back, but I want to thank her. This is highly discriminatory. It offends me and I don't offend easily. Let's do a better job of it. And thank you, councilmember Flannigan, and councilmember kitchen, and whoever else is on board with this. It needs to be improved. Look at me, mayor. We need to focus on that. Thank you very much.
[Buzzer sounds]

[10:39:27 AM]

>> Mayor Adler: After David king will be Fred Louis. >> Thank you, mayor, mayor pro tem and councilmembers. I'm speaking as a citizen, resident of Austin, Texas in the zilker neighborhood. I think this amendment is excellent and we need to focus on minority owned businesses and women and we need to keep the pressure up and make sure that we're hitting our goals. And not just lip service. So I'm hoping this will result in some changed behavior going forward. And I hope there will be metrics in place so we can measure this and continue to hold ourselves and the city accountable to meeting these goals. And I think it's important that we consider pausing codenext to allow more time for the public to analyze and provide input on draft 2 of the code and the map. And I hope that you will direct the city manager to provide the public with the draft recommendations on draft two of the code. The citizens and residents deserve to see what staff is recommending. So I hope you will direct the city manager to ensure that that happens. So that we can review staff's recommendations on the code. And I hope you will allow time for the permanent city manager to be hired before we proceed to draft 3 of the code and the map. I hope you will consider interim manager Elaine hart as a candidate for permanent city manager. And by playing -- not delaying,, but halting or slowing the process down for the teams to be on focus for activity centers and stabilizing neighborhoods that are experiencing displacement. And I hope you will direct the city manager to ask the staff to develop criteria for new zoning districts that are specifically designed to help stabilize neighborhoods in east and central Austin that are experiencing

displacement and rapid redevelopment. There's nothing in this code that addresses that issue. This code, of course, will

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continue and facilitate the redevelopment and the displacement. So if we really care about displacement and what's happening to our neighborhoods we would have zoning districts that help stabilize them and there are none in this code. And I hope that the city and zoning commission will get out the word about the meeting on Saturday located at the asian-american center. This is important. The zoning and platting commission is a part of the city of Austin and I hope that the public information will help us distribute information about that meeting so the public can get involved and we can hear from the public so we can do our job in making recommendations to you. Thank you very much. >> Tovo: Mayor, I think we have received some other amendments on this item today and I was just going to invite my colleagues who handed those out to talk about them if they would for a couple of minutes before the rest of our speakers. >> Mayor Adler: That would be fine. Ms. Pool, I think I handed something out. -- I think you handed something out. Do you want to talk about it? >> Pool: Thanks, mayor. I patted out on the yellow sheet an amendment and on the other sheet an explanation of what this does and doesn't do. Basically we still have a number of outstanding requests as you've already heard from some of our speakers from informational materials, analyses of localized flooding impacts and inability to reach fair housing goals under codenext. There are issues with the minority contracting goals and the scopes that were issued. It seems like raising the issue has surfaced and highlighted additional problems. My amendment would list several deliverables that we expect to receive, most of which we have been told are in progress and specify that we would like to see them at least two weeks before the third draft is released.

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The reason for choosing that time frame is because I believe the planning commission and the zoning and platting commission will need these materials in order to make informed recommendations to the council on the draft code. The deliverables I've included on the list are pretty foundational. I listed them on the message board posting earlier this week so they were available for everybody to look at. They include depleting all missing or incomplete components of the draft code, improving the response time on the council Q and a portal. This has been an issue that has been dogging us for most of the year. Producing informational materials that are compare the content of the existing code to the current draft so that wick see where the changes are and where they're not and how extensive or not extensive they may be. And also they will help us highlight where some errors may exist, and we know there are errors

in the translation from the current code to drafts 1 and hopefully not in draft 2, but that's what we need to guard against. Releasing the analyses of how codenext will impact localized flooding and our fair housing goals and releasing community feedback reports. The community has been asking for this for quite some time to. To summarize the comments received on the draft so people know when they took the time to respond, and it wasn't really easy to respond. It was labor intensive, but a whole lot of people in Austin took that effort and they want to see that their comments were received and considered. So this is just a quick overview. You have the amendments in front of you. I'd like to encourage the speakers to maybe comment on this if they'd like. And I hope that my amendments would be acceptable to the dais because this is really critical information for all of us and for the public as we work through the

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proposals. It's really important that we have a clear understanding of what we have in front of us, however we get there, we need to get there. Thank you. >> Mayor Adler: Thank you. We'll hear staff comment on it probably after the public speakers. Ms. Kitchen? >> Kitchen: I just have a question and it may be a question for staff later. I agree with these kinds of actions. They need to occur. I'm not certain what put them in, and this contract is the appropriate place, it might be more appropriate to be direction to staff or maybe a resolution to staff. Because some of these actions are actions that our staff is taking. They're not actions that the consultants are taking. So this is more of a question that we can respond to when we talk to the staff. It just seems like we wouldn't put something in a contract with optics if it's an action that our staff is taking. So for example, the impact analysis on the localized flooding analysis that our watershed department is doing, that's something our staff is doing. I can agree with direction to them for timing. But in the small area planning I'm not sure. We already passed a resolution on small area planning where we have a timeline for it. I don't think it's appropriate to put it in this contract. So there's just a few items like that. While I agree with the approach and the kinds of items that are mentioned in order for us to get feedback in a timely manner on, I just don't think that putting it in this contract, or at least not all of these in this contract, I don't think it works from a legal standpoint. >> Flannigan: I want to add to that. Councilmember kitchen, you and I seem to be on the same page today. I think some of this is a staff job, but I'm also concerned about adding new requirements to a contract and not having the full

[10:47:30 AM]

understanding of their impact to the cost of the contract. And whether or not -- how much of these things are already underway. There are so many quiz about this -- there are so many questions and it's

important to come back in council meetings to find out what staff findings are, I know there have been codenext changes in the process that have made good steps towards that end. We're all very concerned about the cost of of this process and the challenges in this process and the fact that the draft 2 that we're working on is not answering all of our questions and answering all of our needs, but we don't throw the whole thing away. If you wanted to break the codenext process that's what you would do. You would cancel the contract and say the whole thing is done, we've wasted millions of dollars and then what. Start the process from scratch? This is not the way to go. They think many of these things have been done. We've already gotten briefings on some of these things. We've got to keep moving forward on this process and getting to draft 3 and draft 4. I've said this in work session. It's kind of like developing software. If you're not happy with the beta version, you don't release it to the public. You get to the next versions. No one is happy with the beta version, but that doesn't mean the whole project needs to be scrapped. I think as a staff direction so much more analysis to be done on what's being added here that I concur can councilmember kitchen and I don't think putting it in the opticos contract is going to be the right way to go. >> Pool: Mayor, if I could respond. Mainly I want to clarify that council would like to have these actions taken before we get to draft 3. This does highlight areas of the code that haven't yet been complete and I think that's really important to

[10:49:31 AM]

note. We did talk with staff to see if they had any heartburn with any of these items and I didn't get any indication that they did. Really what this is doing is saying okay, if we're going to expand and extend the amount of work that opticos does for us and add to the contract, if they're not already working on this, when will this work be done with our staff and will it be part of draft 3? So I want to highlight these areas that are incomplete to emphasize that we don't yet know where they are and when we're going to get the information and to clarify that we need this information for draft 3. So I'm focusing attention on areas that haven't yet been completed. I'm not talking about changing the specific elements of the dollar figure or the timeline with this. I'm talking about making sure that these pieces of work yet done so that when draft 3 comes to us they're included. >> Mayor Adler: Okay. Let's go back to the speakers. Ready? Mr. Lewis. Has Jay Rosenberg arrived? >> Good morning. I urge you to stop, pause, take a breath, take stock and stop digging. You're at a critical phase to decide what alternative how you're going to salvage what is not a very good project. I met with some friends with evolve Austin and agreed with them that this is a poor professional product, regardless of the policy. It is too long, it is too convoluted, it is full of errors if you've read it. Ed Windler junior, my good friend, planning commissioner, council aide, someone who has done development for 35 years, told me it was

[10:51:34 AM]

incomprehensible. So the question is what do you do going forward? And just to pour more money into it without taking time, two, three, four weeks, to consider alternatives, seems folly. So let me say this, there's a great book written about folly, it was called the March of folly by Barbara tuckman. I'll read you a couple of quotes. First is awful momentum makes carrying through easier than calling off folly. The subtitle of her book is from Troy to Vietnam. Let's be honest. There is no community trust. The staff has done a poor job. We all know about the Zucker report and the staff does not have coding skills. But are we going to continue without another alternative, just pour money in and hope for the best? I think that's folly. So don't approve the contract today, take two or four weeks, consider the alternatives. We presented an alternative to you of how you could proceed, but there are many others. But pouring money, good money after bad, is not your only alternative. And if it were me, I would consider different ways of going about it. In response to councilmember pool's statement, Barbara tuckman said this, he wanted affirmation rather than information. And that's what we're getting in this process. We just want to continue down the same road. So my request to you is to say this, you didn't own this until today. You got this. You continue down the same path and spend four times what it should cost to do a land development code. You own it 100%. So I will end with this from

[10:53:36 AM]

the famous conservative political theorist, this is for councilmember troxclair, Edmund Burke, a very fine person who I know she -- let me finish with -- [buzzer sounds] The utility of perseverance in absurdity is more than I could ever discern. Stop, take stock and figure out a better alternative. Thank you. >> Mayor Adler: Thank you. The next speaker is Mary ingall. On deck is John highbarker here? You will be on deck. >> Good morning, I'm Mary ingall, I'm a seasoned neighborhood advocate. [Laughter] As previously mentioned this morning by the pastor of the lutheran church, we should be protecting our community and our welfare. Codenext is not protecting our community, nor our welfare. This has been a process that lacks transparency and public input just like councilmember pool stated and the public input has been most disregarded. It's needed. We've asked questions, we want answers to our questions, and this has fallen on deaf ears. This process has been and is flawed. By adding more funding to finish this product does not make good fiscal sense. We need to stop. Unless you like pouring gasoline and burning up dollars, this is just like fueling a fire, a bad fire. This product is not what the code was supposed to be. This is a breach of the contract that was made with the the previous council to the public. This was to be a hybrid code

[10:55:37 AM]

and it is not. So do not approve these extra dollars right now. There should be a revolt from the public about how our tax dollars are being spent. We are spending it on nonsense. So please do not do anything today with this contract. We don't trust the people involved, we don't trust the process. And we certainly don't trust this product. Thank you. [Applause]. >> Mayor Adler: Okay. John Haught. >> I'm a retired consultant. I was a global partner in Accenture -- >> Could you tell us your name, please, sir. >> John highbarringer. I retired 14 years ago and now teach in the McCombs school of business. I want to speak to you briefly as a consultant about this project and I've got two points I'd like to make. First of all, you would never send a football team or two football teams out on the field and say go play ball without telling them what the rules are. That's effectively what has happened here. The rules in this case is the code. The code needs to be solidified before anybody starts drawing maps and dealing with all that. That is the basis on which the maps are drawn. That's the basis for the whole thing. The code still isn't complete. I would stop the maps, I would take that down off the website, get the code complete. You all approved the code. Then we can talk about how we're going to translate that into action. That would be my first recommendation. My second recommendation is that I had 30 years of experience with dozens of projects going at one time. You had to get a nose for when things are kind of going right and when they're not going right. My nose tells me that this one is in serious danger. I would strongly recommend that you get an independent

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review to look at the contracts, look at the deliverables, look at the management and look at the costs before agreeing to spend more money and go forward with this thing. Thank you for your time. [Applause]. >> Mayor Adler: Frank Herrin is on deck. >> Good morning, mayor and council. My name is Bobby Lewinsky. I am here with both save our springs and community commodity. We are opposed to item 6 and giving the two million to opticos. I am going to continue the football metaphor that was just spoken by the previous speaker. When your national football team has a losing record three years in a row, sometimes you need to change your game plan. Sometimes you need to change the coach. You certainly don't give a two-million-dollar extension to his contract. I think we're at five years with this process of codenext. And the second draft represented the equivalent to losing to Kansas. It's not good. We've got problems and we need your help. We need a better process of tracking the changes, and to that extent definitely support the direction that councilmember pool has given in her amendment to track changes. It's a 1300 page document. And we have now reviewed not only one draft that didn't track changes to the first draft, but now we're basically reviewing three drafts of a -- three versions of a code, the original code, the first draft and the second draft, just to figure out what's going on. It's very frustrating. It's very convoluted. And we need you to step in and help us. The planning commission is starting to take a leadership role by dividing up the question into more manageable conversation, but that's only one night that's upcoming. And we have a lot more to do. Again, please just pause, reset and change direction. This is the time to do it. Don't grant this contract until we have a serious dialogue about how we're moving forward because we're

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not hitting April at this point. There's just no way. I appreciate it. Thank you. [Applause]. [Applause] >> Good morning. Once again, I find myself agreeing with Ms. Ingall for very different reasons. This making quagmire was inevitable. It's not the consultant's fault. The problem is they're doing what some of you have asked them to do, sometimes in subtle ways, sometimes not so subtle. You've asked them to come up with a new and different code that accomplishes nothing but the same old thing, the way we've been operating for years now. I've done some calculations, and without land -- with our land prices in central Austin now, we have to build 40 units an acre in our neighborhood. The current range of our districts goes from about 11 to 17 units an acre, about what we've got now. 40 units an acre would allow a beginning price point, given conservative rules of thumb on development costs, that would give you a \$300,000 starting price. As you go down towards single family it gives you about a million and a half starting purchase price. And nobody is talking about the fact that this transformation of our neighborhoods will take a generation to accomplish. Everybody acts like you allow a 40 unit apartment complex all of a sudden the whole neighborhood is apartment complexes. You don't go in and tear down buildings that have not yet lived out their useful

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lives. This happens over a very long time, and we'd better get started. And it's not like this 40 units an acre is something radical. This is what we were doing in Austin, Texas, 40, 50 years ago. And if you look at the tax assessor's roles, those are the units that today you can buy for \$200,000 in the heart of our neighborhoods. Density bonuses will not solve the problem. They've done the calculation now in the proposed code and the total possible number of density units is 5,000 for now until forever. The proposed code as it sits will provide only 11 and a half years of housing capacity in this city. At that point every single buildable parcel is gone simply because we refuse to allot density that we used to allow and that made Austin the most affordable major city in the country by the late '80s. Go back and do what works, what has already worked, and do what's right. [Buzzer sounding] Thank you. [Applause] >> Mayor Adler: Next speaker is Suzana Almanza. >> Good morning, mayor, councilmembers, I'm Suzana Almanza, I have to take a knee on this one following the football analogy. Codenext is a big inequity

[11:03:40 AM]

for east Austin and there's been nothing -- when you look at east Austin and 3% of the land that's developable in that area versus west Austin, over 55% of it already has impervious cover. So we've already taken an exceeding our amount of the burden of high density in east Austin. Yet if you look at codenext, where is the majority of the high density continued to come? It's into our communities. And when you begin to change the single family zoning in our communities, that's something we have strived for for our mobility, for our families, for that upward mobility, to have that asset, and now you want to put three or four houses, six houses on it. That's land speculation. The only people that benefits from that land speculation is the developers and people with money. And so continuing this whole process of giving more money to codenext I'm going to ask you, too, you need to delay that, you need to delay what's about to happen here and don't take that on because I've lived through a lot of boondoggles. I know a lot of you people are not natives of Austin. I'm a native of east Austin and I've seen council do some boondoggle and spend a lot of money where it shouldn't have been spent. You have a model where you should look at alternative programs. When did you the neighborhood planning process and broke down the city into 52 neighborhood districts, you then went and talked to the community. And what was it that they wanted to see in their community when you looked at zoning and so forth? So you have a model that you've used, that can be used, and that's not happened in this codenext. Communities of color especially have been left out of this process and don't know what's about to hit them, you know, and we're having to do a lot of that work and a lot of that education without any resources from this council. That in itself is wrong. That's inequitable. You talk about the office of

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equity, you talk about racism, don't just talk about it. Put some action behind it. We need to put action behind it. You come up with some things if you -- you think are really good but I can tell you they hurt us a lot, and we have to bring that forward for y'all to realize that -- don't get on that speeding train. Slow it down. Take the time to look at it. And take the time to look at the historic racism that has continued and codenext wants to continue that history of racism. And we need to really take the time to analyze what is happening on the ground. So I ask you to please delay this vote. [Buzzer sounding] Thank you. [Applause] >> Mayor Adler: [Off mic] Paul Saldana and then frank Fuentes is on deck. >> Good morning, mayor, council. My name is Paul Saldana, today I'm speaking as a representative of hispanic business leaders much Austin. Earlier I emailed you concerned as relates to the mbe/wbe participation. I remind you that was set by ordinance, by law, approved over 30 years ago. So these issues that our community continues to bring forward aren't issues new, and I think what has happened so far is we've especially able the status quo. As a reminder I want to remind you so far you've allocated more than \$6.2 million, 10% of that has gone to local, small, mbe/wbes. The proposed amendment that's before you here today is proposing that 95% of that amendment go to non-local, small mbes and wbes. You all last year approved the most recent disparity study and in that disparity study it says specifically that the city of Austin continues to be a paves participant in description in the manner in which you award contracts. That is continuing if you approve this amendment today. It used to be under a

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previous city manager leadership, Toby, when she was our city manager, she would hold your staff accountable because I think that is part of the problem, that your staff continues to enable the status quo. Project managers would also be evaluated on their performance evaluation on the mbe/wbe projects they manage. I'm assume this has continued oar five years. I'm assume that no longer is happening. If you look at your backup, I want to point out that there's been changes not only in the goal participations that were set when this contract was awarded in 2013, but in subsequent amendments you see changes in subcontractors, you see changes in the percentage. That constitutes a change to your compliance plan. Prescribed that there should be a formal process that's followed. I'm pretty sure staff has not provided you copies of those compliance plans. I think you should be asking how many changes to that compliance plan have been made to date, what were the I also want to remind you that smbr is supposed to enforce the ordinance and rules. They are not obliged to accept your staff's proposed changes to scope of work because your city staff is also obliged to follow what the mbe/wbe ordinance calls for. And I think that's part of the problem. This whole process is also supposed to be a tool, mechanism to help us address the economic segregation that we have in our community that suzana spoke so he will quantitily about but unfortunately this contract and process is actually contributing to the economic segregation here in our community. So at what point do you, as a governing body of the city of Austin, tell your staff no, you have a problem, you need to hold folks accountable to it, you need to take a pause. I support all of the previous comments that have been made here today and I think this is a good example as to why. [Buzzer sounding] So I'd be happy to answer any questions you may have. Thank you.

[11:09:44 AM]

[Applause] >> Mayor Adler: Sorry, frank Fuentes. >> Thank you, honorable mayor, honorable members of this council. Always an honor to be before you. For the record my name is frank Fuentes, and I am a citizen of district 10, councilmember Allison, you are my councilmember. From the very beginning we have been supportive of codenext. We have seen it as an opportunity for not only the council to have respectful debate in terms of not only we develop our city for the future but also how we live together in the future. We've always been very, very supportive of codenext. To our surprise, you can just imagine on Tuesday when we found out that the very reason for our existence as a group has been for advocating for participation in public contracting. So we were quite disturbed that -- finding out that that had not happened. So after serious consideration, after serious dialogue with our board members and some of our members, we decided to still continue to support codenext for the very reason that some of the other folks, some of the other speakers that have come before us -- or before me, I should

say, the issue of racism, the issue of gentrification, the issue of affordability, codenext is that vehicle to have that respectful dialogue not only between you guys but also from the community. It's a vehicle to move forward with this dialogue. It's a vehicle to move forward to create a better city. Is it perfect? It never is. It's never going to be perfect in any individual's mind, but at least it allows us to work together as a city, to create a better city. So for that very reason, we support codenext. For that very reason, we're

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willing to say on this particular contract, we won't advocate the usual advocacy role, we won't have the usual advocacy role of fighting for more participation in the contract because at the end of the day we want our populous, we want our population of the city to be diverse, and I think this particular vehicle of codenext will allow us to do that. Will it be perfect at the end? Will we be happy at the intend I don't know. We haven't gotten there yet. But I look forward to all your debates. I look forward to all your discussions. The participation of the community. I think Ms. Suzana Almanza is correct, I think we need to outreach to more minority communities, I think all the reasons Mr. Saldana said are accurate, but let's move forward and try to fix them in a way that emp I think will feel comfortable. Councilmember kitchen, I thank you for your comments at the very beginning. We are certainly supportive of that. Councilmember pool, your idea of measuring what has changed, what hasn't changed, I think it's an excellent idea. I don't know how you do that or how we do that as a council but I think that would certainly simplify it for us little guys, for us little guys that don't understand the language the way you guys understand it. Mayor, thank you very much. [Buzzer sounding] >> Mayor Adler: Thank you. Councilmembers, that brings us back to the dais. Councilmember pool. >> Pool: I'm looking for my staff member. We did some quick conversation -- had some quick conversations with staff to more finely tune the language in my amendment and I have a document to put up on the -- okay. So hang on just a second. We'll get this for everybody. What we're doing is we're separating out the pieces that are specific to optics or optics working with staff and then I want to give direction to staff and either bring resolution next week or maybe we can do some

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direction from the dais in order to give the assignments on the other items. But. . . And so it sound like law is going to quickly amend the first paragraph so I can do all of that today so maybe we can -- do we have something to put up on the overhead? Let me show you what the changes are. And I just want to point out that we're doing a negotiation and execute because we have an existing contract so we're not actually creating a contract here today. >> Mayor Adler: Yes. >> Pool: Okay. I think we're -- okay. Yes. >>

Mayor Adler: Councilmember alter. >> Alter: I just wanted -- if we're ready, then that's fine. If we're not ready I wanted to suggest maybe we can take care of the item Mr. Doggett was waiting for because I don't think that will be very long if we needed more time to get this answered. >> Mayor Adler: Are we ready or is it -- >> Pool: Okay. Looks like we are ready, and here we go. So you can see on that first paragraph -- I tell you what. Let's take a break. Let's let Mr. Doggett speak and we'll get this squared away because this is the amendment that I have that I have amended, and I have handwritten version of that to display, which I'm happy to work from if you all want to see that, and then we can

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let -- >> Mayor Adler: Let's let you hand that out to everybody let's pause. >> Pool: We'll take a pause, great. >> Garza: Mayor, I believe councilmember kitchen has an amendment and I'm sure others -- there's more discussion generally if we could -- did you want to move -- >> Kitchen: Mine was direction to staff. We could vote on that. >> Mayor Adler: I think Ms. Kitchen offered an amendment but rather a direction to staff. >> Kitchen: When we -- would we need to vote on that? >> Mayor Adler: I don't think so. My sense is if councilmembers want to speak up and just do that orally here, we could give that direction for staff to do that. I think the manager -- I've supported that. >> Kitchen: Maybe we should make certain that that direction -- so the staff doesn't feel like it's not clear, let's just make sure that direction -- that nobody opposes that direction. >> Mayor Adler: Are there other people that want to speak to Ms. Kitchen's direction? >> Garza: I just -- I support it. I also want -- I appreciate Mr. Saldana's comments and I would like also some confirmation from our city manager, if there used to be a process in place that required, you know, our staff to comply with the rules that we have set with a priority in awarding these kind of subcontracts, I hope that even in this interim process that we can start that -- you know, whatever that process was again because we continue to have this discussion about mbe/wbe and we're still here and I think, going forward, there may be more extensions on this contract and we need a clear -- this is a pivotal time to say this is important to this council and if any further contracts are awarded there needs to be a clear message about awarding those to local contractors. And since I have the mic I'm

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just going to comment generally on the discussion that we're having. I appreciate all the speakers coming to speak. I agree with many of you, but for different reasons. I really feel we have put ourselves in this situation that we're in right now with this contract. We asked opticos to create a code that was less complicated and encouraged diversity of housing but also we set parameters that denies them the very tools that could accomplish that goal. We told them we needed diversity of housing but you can't --

and we need it to be streamlined but you can't build that in this neighborhood, oh, you can't build that in this neighborhood, oh, don't but the it in this neighborhood and don't forget that there is a neighborhood plan that's decades old that you need to comply with as well. Here are all these rules that you need to follow, but you need to bring us this plan that does all these things. You know, going off of the football analogy, no, you wouldn't give extra money to somebody that's not doing a good job, nor would you tell them -- nor would we tell a football coach I need you to win but you can't score any touchdowns and you can't put up a defense, but I need you to win. That's the situation that we have put ourselves in under this contract. We have set all these rules and regulations. You can't overturn any of these old rules that we've had regulation on top of regulation on top of regulation, you can't change any of that, but give us this plan that solves all these issues that we're facing. I think we need -- I understand the concerns from our taxpayers. I understand putting more money into this and their concerns, but we have to -- we also have to stop denying the consultants the very tools that they need to keep this going forward. And so we have to fix this code. There is displacement and gentrification happening now, and, you know, when I hear we need to slow this down, there's a codenext

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video of one of my staffers with her daughter as a toddler when this process started. Her daughter is five years old now. This is not -- this is not something that's happened quickly. This has been a long process, years in the making, and I think we can get there. I think we can really get there, but we need to stop putting out all these prohibitions of -- to our consultants that will enable us to get to that spot. >> Mayor Adler: Okay. While we're waiting for this to be handed out, further comment? Mr. Casar. >> Casar: Yeah. I just want to speak to support my colleague's points here. We are already behind on doing this rewrite process, and that has cost us money. And while I respect the views and opinions of us taking more time, I think that that will only cost us more, not just in our immediate dollars but in the future. If we don't find a better way to grow as a city -- and part of growing in a smarter way as a city requires changing our zoning code and our rules -- it will cost us billions and billions of dollars in money that we need for parks and health and for housing and for safety. It's clear that if we continue to push people out to the edges of the city and regulate folks outside -- push folks outside of our city, not only are there ethical issues and segregation issues associated with that but it will cost us so much more than the cost of this contract and putting infrastructure out there and sending services out to the edge of town apart from the issues that I care so much about about segregation and gentrification. So I can't support us getting further and further behind. We have to, you know -- I knew when I ran and we all know when we ran that we got elected to work really hard, and I'm committed to

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continuing to work really hard with the community and with my colleagues to do this and get this done. The status quo, according to our staff and consultants, only allows for 2,000 units that we could ever expect in the future. Not just in the next ten years but period to be built in high-opportunity areas and everyday austinites could afford. That's under our current code, and every year that we wait we continue to have institutionalized in law that kind of inequity. I think Mr. Herrin's point is a good one we cannot solve these issues with density programs along, but even there are our current code in the next ten years we can't expect more than 1500 units through our affordable housing bonus program. The day that we change this we can hopefully multiply that number by four or five and I hope six times as many, and if we just continue to wait, it's going to cost us even more money and we're going to continue to have institutionalized rules that contribute significantly to the segregation on affordability and congestion in this city. And so I'm committed, alongside my colleagues, to do the work deliberately and with sort of urgency that our constituents deserve, considering the challenges they face every day and the way we contribute to those challenges ourselves. >> Mayor Adler: Mr. Renteria. >> Renteria: Mayor, I do believe that we need to move forward on this. You know, this came out of imagine Austin. We've been working on this since 2012. You know, in 2012 I was getting phone calls about selling my property there in central east Austin. There was people offering me 100, 200,000, and I kept saying give me a million dollars and I'll -- now all of a sudden the last phone call I said I want a million

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dollars -- this was last year arbitration they said, well, I think maybe we can work something out. A million dollars for my lot. We haven't done anything here in codenext. This is how much -- people are offering. They're bidding, you know -- when the -- I had a friend that lived on second street and she sold her house for \$500,000.02 years ago. I'm going, my god, we need to do something here with the -- was the house worth that money? No. But that's what people are bidding on. If we don't build housing -- you know, my recommendation would be to do all sf-r2s, you know, that would be my recommendation, the whole city, r2s, two units, all sf, single-family housing, and start there. Let the planning commission decide, you know, as they go and that will be the final place instead of coming to council, unless there's no recommendation, they can, you know, appeal it to us. But, you know, we -- you know, we're talking about displacing minorities. Well, heck, it's already happening, and it's been happening. And unless we do something where we're going to bring in more density and provide the missing middle homes, demand that the apartment builders that built in our community build two bedrooms and three bedroom housing or else they won't get their rezoning request, we need to start looking at that and be serious about it. But, you know, when people say delay, delay, delay, well, let me tell you, one of these days someone is going to be -- your next-door neighbor is going to sell their house for a million dollars and your appraisal value is going to jump up so high you're going to say can I really afford to pay these taxes? And then you're saying if he's getting a million I'm going to get a million and then I'm going to move out to Buda, Elgin, manor, where I can buy a house and retire and live off my profits. So we need to really -- we really are serious. This is a time that we're

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going to have to really focus down and work together and find a solution. And we're still -- we're not giving people enough time? I mean, god, give me a break here, you know? >> Mayor Adler: Ms. Houston. >> Houston: Thank you, mayor. And I want to thank all the people that spoke today. I did serve on imagine Austin, and mainly Austin had some flaws so when it came to it I had to vote against it because there was some flaws there. It was a long arduous process and people put a lot of good work into it. The things that we're talking about today as it relates to equity and systemic and institutional racism, we weren't talking about those things back in those days, when it was brought up, the 1928 comprehensive plan, it was kind of brought up in a benign kind of way and not the generational impact that that plan has had on our city and continues to have today. So the work that the consultants were asked to do was on the foundation of a land development code that is and is steeped in systemic bias and racism, and so that's what they've had to work with. Then they said that we are supposed to make it simpler and we're supposed to make it more consistent and more understandable for just regular people, not just developers, to understand. What came back the first draft was so much more complicated and so much more complex that even if I was trying to build something, an addition in my house, I would not be able to understand it, and that was not the simplicity that I thought we had asked them for. And so I want to be real

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with everybody today, is that it's not all of these things that we're talking about. The market is driving. The market is driving the prices, not what the codenext is doing, not what we're talking about. It's the market, the speculators, the people who are just buying up property and holding onto it until they can do whatever it is that they plan to do with it. And community is not a part of that process. The people are not understanding what people are talking about, even in the draft two, even though it's less acronyms and numbers, it's still a lot. And so people are still looking for that simple code that everybody can understand, and they're looking for some equity and they're looking for some consistency. So if it's good for people on one side of town, it ought to be good for people on the other side of town. That's not happening in this code because that's not what they were asked to do. So what we're going to do is memorialize the bad things that are in the current code into the new code, which just increases the inequities that people who are just hanging on by their finger nails are experiencing. And so I'm not sure how I'm going to vote on this, but I just needed to say that, that be we never talk about the market driving the affordability, the -- all the things that we talk about and care about for the people in this community. It's the market is driving it, not the supply, not the lack of supply, because we are building out the kazoo in east Austin and they're still priced so high people can't afford to live there. We keep

saying the more we build, the more units we have, the plieses will come down and, again, I say where has that happened? It hasn't happened in Portland, hasn't happened in Seattle, where has that happened, when the more units we build the rates will come down? So please, please, please

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listen and try to make it simple so everybody can understand it and stop saying the more we build the more affordable this town will become because the market is driving the prices, not the number of units. [Applause] >> Alter: I agree with you. I don't really subscribe to the trickle down supply theory but I did have a question for Mr. Renteria, I wanted to make sure I understood what you just proposed. Did I hear you suggesting that your proposal would be to make everything r2? Did I -- I just want to make sure I understood what you said correctly? >> Renteria: Yeah. That's -- that is my recommendation that we should just put all single family into r2. And, you know, and I can tell you what, because, you know, the people that are -- renters are the ones that are worse off than everyone else, you know? They are getting displaced and there's no place for them to stay and, you know, since they're just renters, they have no resources. They have to either move out or move further out. So, you know, I do believe that we need to put more housing stock in this, and if we don't, I mean, I can -- it's -- we're just going to continue what we're doing now. And it's -- the market is going to meet -- if there's that demand there, then, yes, the market is going to take care of it. But it's -- do you really want to be that, where the market is going to, you know -- where the demand is so great that they're bidding right now for your property. I mean, like me, I paid \$21,000 38 years ago for my house. It's now market value, without my front house being appraised because it was in bad condition and was under remodel, \$419,000. You know, I was lucky that I built a secondary unit in the back so I could stay there and not have to move

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out when my house is getting repaired. And I believe that we should, you know, have -- give everybody the ability that I had, where I can build a secondary unit. And I used that front unit to help me survive and stay in this city here. If not, I'd be living right now probably in Elgin or some of the other little small cities because I would have never been able to support -- or pay my taxes here in the city. It's expensive. >> Alter: Thank you for that clarification. I'd love to discuss that further with you. It seems like a worthy proposal to think about. So I look forward to that opportunity. >> Mayor Adler: Discussion? >> Tovo: Mayor. >> Mayor Adler: Yes. >> Tovo: Are we considering the amendments? I've lost track of what we're doing in this discussion at this point? >> Mayor Adler: I'm waiting for Ms. Pool to give -- >> Tovo: Okay. Let me say I think that is one of the things that I would like to see change in this process moving forward is a little more time for sharing these kinds of policy suggestions among our council because,

councilmember Renteria, I would also like to discuss your proposal. I think if we had a general agreement about that point, I think that would alleviate a lot of concerns that I-I'm hearing. And so, you know, we seem -- as I mentioned the other day we seem to be continually marching along even though - even though we have issues in the code that everyone acknowledges are errors that need to be corrected. I mentioned on Tuesday the un-- the supposedly unlimited number of cottages that one can build on a cottage lot. As I understand it it's simply in this draft they left out the numbers three and six but I have been to meetings where people are quite concerned about a code that would allow an unlimited number of cottages. If that's not the case, let's fix it and move on. Again, if there are policy issues around which we can agree maybe it's time to start as a council having

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some measured direction and providing it so that we can have those changes incorporated into the draft so that, as I said on Tuesday -- and I'm sorry to be repeating myself but I think we're also marching toward an April where we're going to have hundreds of amendments and tons of questions in the q&a because we're not doing that work now when we should be, when we're in -- you know, as a former writing teacher I would have called the prewriting stage. We're still in the writing and revision stage and asking people to comment on it as if it were a final draft and I think we know there are issues we need to address and need to come to some agreement on and I would suggest that we build that time in. You know, and I hear calls for more time, I completely understand it. I certainly haven't gone cover to cover on the code, and I'm a little worried about being able to do so before our comments are due to the planning commission. We have a situation where we had some very thoughtful community members go through the code and comment on one section. The process and administration changes. Some of which are quite significant in terms of the changes they make to public process and the changes that are -- would become administrative. We absolutely need to have a policy discussion about it. We need to be able to explain to our constituents what some of those changes mean. I certainly have gotten lots of questions about it. We haven't -- we have now tabled that conversation three times since June. I mean, so if you're wondering why people are saying the time seems really abbreviated, you know, look at our own discussions. We have yet to -- we have yet to have that conversation as a council to a point where I feel like I can then explain the suggested changes and explain why the staff are not responding to out the community members who have offered those suggestions. I understand they've prepared a memo explaining why they have read, reviewed, but not made changes in response to the league of women voter suggestions. We were maybe going get it Friday, maybe going to get it Tuesday, we're almost a week later, we don't have

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it. I appreciate some of you are going to to community meetings and your constituents seem okay. I tell you I feel like I have multiple codenext meetings every month, there's not a neighborhood that doesn't have it on there. I go to church, to school, there's not anywhere in the community I go from the goshery store to somewhere elsewhere I'm not answering questions from my constituent and frankly some of yours when I run into them out my district. About codenext. We have a community that has questions and concerns, and we have to figure out how within this time frame or some other we can actually make space for those conversations. But it starts with us. Like, we have got to really delve into some of these issues in real detail. And as we go through the amendments, you know, it sounds like we even have differences of opinion on whether these are in code or not in the code. So, you know, that to me suggests that we all -- anyway, I'll just speak for myself. I have a tremendous amount more to do -- to be able to really understand this well enough to come to good -- >> Mayor Adler: Ms. Kitchen. >> Kitchen: I'd like to speak to that. First off, I absolutely agree and I think that what you're pointing out is something that as a council we -- we need to be talking about what we should be doing. Not pointing at the staff and optics on what they should be doing. There are things they need to be doing, and it's our responsibility to be clear with them on the time line we'd like to see, but we haven't done what we need to do as a council, and that is to set a schedule with specifics about how we as a council are going to weigh into these issues. Now we started down that road with our work sessions but I think we're all finding, as we talked about the other day, that the work session approach doesn't give us enough time to actually work through issues. So this item is not in front of us today, but it need to be in front of us, like, asap, where I would like to suggest that as a council we

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lay out our time line about -- and our process for having a conversation to drill into the tough, specific issues. And that is one component that need to happen, and it's an important component of this process. So I would agree with the mayor pro tem on that. And that's not a contract amendment. To do some things, and we now have a better idea of what's not working about that in terms of our time for digging into things. So I think we need to -- I think we need to do that, and I will -- I will bring forward a proposal or suggestion that's actually just -- is just a reflection of what other people's ideas are, and perhaps we can have that conversation at our next work session. Or on the message board. >> Mayor Adler: As we go through this, it's -- what is before us today is the contract extension to keep the consultants working. And under any scenario, that's something that has to happen, I think, and we need to move forward with that. Community has invested a lot of time and a lot of money in this process, and the stakes are high. We're a city that is frequently talking about affordability issues and transportation issues, flooding issues, permitting process that takes too long, can cost too much, makes it difficult for someone to add a -- do minor things on their homes. There are lots of different things that we have to do as a council to be able to address those. It's not one thing that addresses them, but certainly redoing a 30-year code is one of those. We're engaged in a process, and I think we need to continue to push that

process as much as we can. And see how good a document we can get. So I still believe strongly in having the April deadline

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because I think that's -- is getting a conversation in the community for us to have. The process we've set up has us working on a draft. We only have a draft now. We haven't yet even heard the recommendations from the planning commission and from zap, and I think the next thing that should happen here from a policy standpoint is we should hear back from those folks and get their advice and get their recommendation because I think that's how the process is set up to work. I'm encouraged when I -- when I watch and see the work that they're doing. And just this week it looked as if the planning commission at their next meeting was going to resequence what was happening to look at items other than the map at their next investigation, and I think that's a really good idea. You know, we as a council, we just saw the staff come to us and talk to us about flooding provisions of the code, and I think that that was a really strong presentation, and it remind us that while the mapping is certainly a very important part of the code, there are so many other things that this code represents that are also really important to our city. So their efforts perhaps to resequence, to put the maps on I think may very well be a strong recommendation and I'm anxious to watch how that happens if they move ahead and do that at their meeting on the 24th. But I would keep this -- I would keep this process going. It is just a draft. And I know that there are a lot of people in the community engaged in this, some of them are spending a lot of their effort and time to push off dates or to -- and my heroes in the community right now are the people that are recognizing the challenges that we have and are spending their time

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and their effort to see to what extent we can deal with those as part of this code rewrite and I would, again, urge everyone to stay engaged in making this product the best possible product it could be, and I think we have to support that. So I'm going to be joining in moving the contract forward today. I like the amendments or the direction that the -- councilmember kitchen proposed with respect to minority hiring. I like the discussion between the mayor pro tem and councilmember kitchen on making sure that we take a look at the time that we have as council to best aid in that process moving forward. But I am -- I think we need to move the process forward. Further discussion? >> Pool: Mayor? >> Mayor Adler: Councilmember pool. >> Pool: I think the amendments have been ready for some time, and I hope you will also give your endorsement to these suggestions like you just did to some of the others. So what we have here is authorize negotiation and execution of any amendment to the contract with optics necessary to effectuate the following and directing staff to enforce and implement the contract

according to the intent of the following. And then we are the pieces that were specifically staff, the functional green requirements -- I understand that's watershed protection. So in that first bullet we're retaining site plan requirements for missing middle housing. Our law department is working on signing into regulations. I don't know who is handling small area planning but we will take that out. I think that was the subject as councilmember kitchen mentioned of a resolution that she passed earlier. And then the third bullet, informational materials comparing existing code and the newest draft including, and then the comparison document and a chart comparing the zone standards

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and permitted uses. Staff and optics should be working on that together. The other items I would like to direct staff to implement to best of their abilities and as quickly as possible, I think Mr. Rusthoven can give us some sense of staff's ability to do that and what sort of time frame. >> Jerry rusthoven with planning and zoning department. Were you looking for a specific one or with regard to all of them. >> Pool: Just generally the cases specifically and only staff. >> Sure. We can obviously -- we will finish the portions that are unfinished, the functional green, et cetera. The [indiscernible] Plan as you stated was in a resolution last week. We're working on that for November 10. The bringing the questions forward, we're working with the Pio office is now assisting with us that in bringing forward quicker responses to your questions where possible. With regard to the comparison materials, we will be updating a chart that we've prepared at the -- with the first draft, which will take the code sections from the existing code and show where they have been moved over into the current code, where they're addressed. As we stated before it's impossible to do a red line from current code to draft two because there are too many changes but we can certainly do a section by section that states this section of the code is now reflected in draft two. Another thing not on here I'd like to mention, as -- I figured this out last ec or our consultants did we can now present a red line of the comparison between draft one and draft two so that is being prepared as we speak and we should be able to release that probably by the end of this week. Tomorrow. However, that does not include the zoning chapter because the zoning chapter was entirely rewritten based on the change from the transect zoning to the thing we have right now. The chart comparing the Zones, no problem, we can do that. The working on the localized flooding we'll have to work with watershed protection department on that.

[11:46:00 AM]

Likewise work with neighborhood housing on the fair housing issue. With regard to the providing a summary of how we would address the comments, we can do that as long as it's a summary and we don't have to go comment by comment because we have 7,000 plus comments. So we can provide kind

of topical summaries of the feedback that we've received and how we've attempted to address it. >> Pool: I appreciate that a lot, Mr. Rusthoven, and I just wanted to highlight what you said about being able to provide the red line on everything except for the zoning chapter, although we do need to see where those changes are. It was this and now it is recommended to be that kind of thing because the red line has been desperately this was the first affirmation that we have gotten that staff would be able to provide that to us. So I just want to note that and thank you. >> To clarify that's between draft one and draft two, that red line. >> Pool: That's right. >> With regard to the time line of two weeks prior to draft three we'll do our best but as you all know we are on schedule right now on November 28 to, two weeks prior to that is maybe a month away. We'll do our best with all these things. I think we can do it. I can't commit to the fair housing and flooding part because we need to talk to watershed and housing but I do believe we can get all these things done within the next month. >> Pool: I also wanted to give a shout out of appreciation to our planning commissioners. They had a really insightful meeting this wean and Steven Oliver, who is the chair working with my office and had also briefed the mayor and councilmember kitchen on some approach -- on an approach that they were going to take to separate the elements in new -- in the draft that showed no change, minor change, and major change so that we could try to begin categorizing and sifting through the immense document to drill down to the pieces of policy where the changes are being made and where we have the intense discussion going on. And if we can in fact eliminate those portions of the rewrite that are

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literally no change, then we can narrow down our searching and our discussions on the dais, and I think that will improve our abilities to get through this, although I'm not -- I'm also like Mr. Rusthoven not necessarily willing to put any kind of a specific deadline on anything at this point. But so, mayor, those are my amended amendments with direction specifically to opticos for the first bullet, narrowed down to just site plan requirements for missing military housing. The third bullet is the staff with opticos working together, and then the other four items and the pieces that are missing from one based on Mr. Rusthoven's assurances then staff would see that as direction. >> Mayor Adler: Okay. Is there a second to that amendment? With that, mayor pro tem seconds that amendment. Mr. Flannigan. >> Flannigan: Do we have a hard copy of this? >> Pool: The one that is on the overhead is the -- actually, I can give you my handwritten copy. >> Flannigan: I'm not sure it's a good idea to move forward unless -- the 30 seconds I've seen it on a screen. >> Pool: I will put -- >> Flannigan: I have other comments but I want to make sure that I'm reading the whole thing. >> Pool: All right. So what I'll do is I'll give my staff my handwritten copy and we can put it up on the overhead so everybody can see -- you do have a copy? Oh, good. >> [Off mic] >> Mayor Adler: Ms. Houston. >> Houston: While we're waiting for rot copies to be made, could -- for the to item 7? >> Mayor Adler: Yes. >> Pool: So basically everything is still in there, I have simply

[11:50:03 AM]

separated out the pieces that are opticos only, and the rest is staff. Or staff with opticos. And I'll show you that on this overhead here. And move it off a little bit so we can see the full left. There we go. WPD is watershed protection department. Signage regulations, I wrote law. Small area planning I wasn't sure who that was going to, but that was the -- that was the -- with staff but that was the subject of a resolution last week. So site plan requirements from missing middle housing is the piece under bullet one that is for opticos to help us with. The second bullet is staff. The third bullet is staff plus working with opticos, and all of that is included. The bottom two bullets are staff. >> Mayor Adler: My sense is that everything that -- on this would be good information for us to have. My further sense on this is that this amendment allows the contract to go forward and with respect to timing it's basically best efforts with respect to timing. To get these things done. And with those understandings I'm fine in supporting this and having it go forward. Because I want to make sure that we're not putting in something here that is a poison pill or something that's going to get caught later to stop the process from moving forward. But to the degree that this is requesting this information to be gathered two weeks, I mean, that is all literally, as soon as it's possible, I'm fine with that. I just want to make sure we're not adding anything that's going to hold anything up or slow anything down, and we'll get these things just as quickly as we possibly can. Is that the intent, councilmember pool?

[11:52:03 AM]

>> Pool: Yeah, absolutely. I hadn't any ulterior motives. I wanted to get the additional work clarified and done. As I mentioned before it was information that staff had already vetted, got more specific assurances this morning, but I had some soft assurances that these were all fine yesterday. >> Councilmember, if I may clarify, on all the items the planning staff is going to be working with consultants as well any other city staff necessary to get you the answers you need. >> Pool: Great. >> Mayor Adler: This is all best efforts to try to get that done and with that understanding then it becomes the direction as opposed to a contract -- contract requirement. Because that would -- the way the wording reads it says at least two weeks prior to, but it's best efforts to be able to get that done. Mayor pro tem. >> Tovo: I have a couple of questions for staff, but I guess I want to just highlight that I'm not -- I'm not sure what it means to say we're going to encourage our staff to use best efforts to get it done ahead of time. I mean, what is the end result here? I mean, if we're marching forward with a new draft but we don't have drafts -- sections of this draft finished, if we're marching forward but we can't get answers to the questions that we would need to have to make good decisions, to what end are we marching I just think while I appreciate we're trying to keep moving forward and I think that's appropriated, we also need to ask ourselves whether there -- I mean, if we need more information or the staff need more time to finish sections, we need to adjust the schedule because it makes so sense to keep moving forward if we can't finish the work that is ongoing? And I do have a question for Mr. Mr.

Rusthoven. I heard you say all of these were okay with you. I didn't hear you speak specifically to including the appendix showing the comments received. >> We'd be happy to provide all the comments we received. What I cannot commit to is

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addressing individually all 7,000 comments we received so far. >> Tovo: I completely get that but I would like to have those in some fashion where we can kind of glance through them if we're interested in doing so. >> Sure, we can get you that. >> Tovo: I do think it's important. I had an experience recently where I was standing up in a neighborhood meeting and people were saying, you know, we told you these were concerns back in June, we're saying they're still concerns, and I said I know, I share them, I put them in my comments. They said but nothing in the draft has changed. I said, well, that's -- you know, it's up to the staff and the consultants whether they've made changes. Well, why didn't they make those changes? And I can't answer those questions. We really do need to be able to -- we need to be able to tell people when their concerns aren't reflected in the next draft why the staff, especially if they heard it from many places, including a councilmember's office in their formal comments, why the staff and the consultants decided to -- decided -- you know, why some comments got reflected and others didn't. I'm sure you had, you know, deliberative processes and rational discussions about why you accepted some and others but we need to be able to convey that to the public. Thank you for doing that last bullet. With regard to the questions I would like that -- as I mentioned on Tuesday to be kind of a functional way we're able to communicate with one another about information that we need and information we need to get back to our constituents. So in saying that you can do this, is it not just I want to make sure it's not just kind of keeping -- responding to the questions that exist, but also having that become a functional tool into the future. Is it your understanding that you can -- that you'll be able to do that? >> Yes, it's our understanding that whatever y'all post to the q&a board we will work better than we have in the past to try to get you those answer that's in timely manner. If y'all want to have discussions on that board, I guess that's up to y'all. >> Tovo: What do you mean in discussions in it? >> What I'm saying the way it's worked right now it's been questions posed to staff and I know that we have not been timely in answering some of those questions and I'm committing

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we'll do a better job of that but the function of the board as I understand it is for the councilmembers to post questions so everybody can see them and for us to post responses so everybody can see them. >> Tovo: That's great. As we think about how we use our work session time, I think it would be helpful and I know the mayor and I and our staff are talking about what the kind of path forward looks like for those

and councilmember kitchen, I think you've brought up good ideas here today too. I think we do need sessions where we're maybe doing q&a with our staff and consultants if they're in town so we can fly through a lot of things rather than kind of shifting from the presentation style and really working threw some questions. Again, if we can get the q&a to a point where we can submit questions and get timely responses I think we can accomplish quite a bit of work in a pretty efficient way so I thank you for -- thank you for that response. >> Mayor Adler: With my understanding this is not an amendment to the contract but direction to staff to try to do this, I think it's been moved. Is there a second to -- it's already been seconded by mayor pro tem. Any discussion -- is there any objection to including this direction to staff as part of a resolution? Yes, Mr. -- >> Flannigan: I want to be clear because this is a handwritten situation here. So -- and there's -- I got two documents, and the top one, if I'm understanding, replaces the first paragraph. So what we're -- the amendment says authorize negotiation and execution of any amendment to the contract with optics necessary to effectuate the following. So what we are voting on is not staff direction. We are telling the staff that they have the power to amend the optics contract without our approval. >> Pool: But the contract is a negotiate and then they bring it back to us to execute. >> Flannigan: And it's -- as posted, but you are adding things to staff's direction to negotiate, and this is saying that staff should go out and do that and I'm not comfortable having staff go through that process without being able to talk about what the new price is going to be because there's no

[11:58:06 AM]

consultant firm in the world that allows you to add stuff to the contract without being able to say it's going to cost more money or take more time. >> Pool: So we had the lawyer who wrote that for my staff and I think there's a semicolon -- I don't have that document anymore because they got all given away -- wait, no. I do. Right here. After there's a semicolon there it says and directing staff to enforce and implement the contract according to the intent of the following. And I did actually separate out the two things that I wanted optics to do, and the rest of it that I thought would be staff. That was my amendment. But the mayor and Mr. Rusthoven had both said -- well, Mr. Rusthoven said actually staff would be working on all of this with optics but I specifically did what's in the green, which is on that handwritten piece that's on the back where you see optics on the first bullet and then staff and optics on the third. That was my amendment. But the rest of it being direction. I recognize this has gotten really messy and I don't like it either. >> Mayor Adler: Let me ask a question. Does this work -- is this work already subsumed within the contract? >> Yes, I do not believe it would be nose amend the proposed contract that is on the agenda today anymore to accommodate answering the questions and doing the thing in councilmember pool's amendment. >> Flannigan: All right as long as we're seeing this as staff direction and not a substantive change to the cost or time line of the consultant's contract I'm willing to accept it as a friendly amendment. >> Mayor Adler: I think that's what was intended. >> Casar: Never mind. If it's not actually changing anything I don't object. >> Mayor Adler: It's highlighting things that are already subsumed as I read multiply Ms. Garza. >> Garza: I was concerned about opening this can of worms because of the concerns that councilmember kitchen gave, and so if we are putting

language in here that is giving staff direction I think there also needs language in here with staff direction with regards to the mbe/wbe. If we're going to get really specific about direction then we need some kind of

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language about that. And some kind of -- so I can start working on a sentence. I don't want to slow down the process. But if we're giving staff direction and we think this needs to be in writing, so does the other concerns about minority contracting >> Mayor Adler: I think that would be fine. Is that okay for us to adopt both of these directions? The manager says that would be okay too. Does that work? So we're adopting both these as directions to staff. >> Garza: So city manager, do you need a specific sentence or do you think that this -- do you think you have the direction you need to empower our mbe/wbe program to power our staff to work with optics or to make sure we're meeting our goals and following our own rules? >> I think I have sufficient direction. I do think that we need to amend the goals for this contract and not be the generic goals in mbe/wbe ordinance, but I think that the proposal by councilmember kitchen is sufficient direction if you adopt that. There's two pieces, one related to the optics contract and another piece that's ongoing work on how we manage our mbe/wbe ordinance and how we report out. >> Kitchen: That's not all direction. The last paragraph is a resolution that I'll bring forward. The direction toward to this contract is the third paragraph. >> I see that. So you want the rest to be a separate resolution? >> Kitchen: We're going to bring forward a resolution. >> Mayor Adler: All right. Any objection? With no objection those two directions are added. That gets us to the main motion? Any further discussion in those in favor -- I'm sorry. Councilmember alter. >> Alter: I just want to say that I appreciate the amendments that were brought

[12:02:08 PM]

forward for the direction or whatever we'll call that. I also appreciate the hard work of the community and the staff on this important endeavor. I appreciate that the staff released most of the contracts through Q and a. It's over 1500 pages, roughly speaking, and I would really hope that we get to a point in this process where not every document that we have to review is 1500 pages. I'm going to vote no on this contract because I believe that when you have a contract you have to deliver your product and we're not there yet. >> Mayor Adler: Okay. Anything else? Ms. Houston? >> Houston: Thank you, mayor. And as I said, thanks to everybody that's so concerned about how this rewrite of the land development code gets done. This process started in 2013. I became a member of this council in 2015. And since I came on the council I've asked contractors, I have asked the contracting department, I've asked the small and local minority and women owned businesses department about the goals. We had study that

said we weren't meeting the goals and if we set the goals we tried to reach them, but if we didn't have the goals no one tried to reach them. I'm going to be voting no on this because this is now -- 17, however many years we've had this contract that there seems to be no appreciable move towards minority owned businesses, local owned businesses or women owned businesses. And at some point we've got to say no. We've got goals, we've established goals and even if they didn't reach the goals -- they're not trying it doesn't look like to me. So I'm going to be voting no this contract. >> Mayor Adler: Anything further? Let's take a vote. Those in favor please raise your hand? Those opposed, alter, pool

[12:04:09 PM]

and Houston voting no. The others voting aye. This passes. Anything else before we go to citizens communication? Mayor pro tem. >> Tovo: Mayor, I'm sorry I didn't have an opportunity to speak to my vote and I'd like to because I've gotten dozens of emails asking us to vote no on this. I see my vote today as expressing hope that the path we are taking from today on is going to be a better one than the one we've been on. While I appreciate all the work of the consultants and the staff and the community, we are not in my opinion on a path to success at the moment. But I have faith in the amendments that we just passed and the discussion that we've had here today about really changing the way that the council is going to interact with this information as a sign that we're going to be moving forward in a more productive direction. >> Mayor Adler: Thank you. Let's go to citizens communication. First speaker is Tony farmer. Is Tony farmer here? Yes? And is Teri Mccaffrey here? You will be on deck. You have three minutes, sir. >> My name is Tony farmer and I live in district 9. As you know, your campaign finance reports are public and viewable by anyone. While some of you have received criticism by whom your campaign money came from, today I'm discussing the other side of the reports, who you gave money to during your campaign. I'm going to be polite today and not mention names, but as a whole this council has spent its money in a disappointing mannered and at times hypocritical. Big box buys are puzzling from candidates who said on the campaign trail that they were dedicated to local businesses. Entire books and documentaries have been made about the harm that these large corporate businesses have on employees and the environments. And if you buy those arguments and those corporations who set up camp

[12:06:10 PM]

in Austin are undoubtedly harming austinites in the Austin environments. I know you can justify Walmart spending left and right. It's cheaper, more convenient, but let me be clear, there's no excuse for it and the hypocrisy is almost unbearable. How can you say on Twitter that you're dedicated to small businesses and on your website that you protect children, yet spend over a thousand dollars at office

deep Poe which harmed children in California and forced to \$6,868.5 million for overcharging the local government for school supplies. How can your campaign call you a staunch champion of environmental issues when you gave money to office Maxx, which called millions in cleanup in damages to our environment and refused to pay it until a federal judge stepped in? Sadly these examples are not hypothetical. You are leaders. Shouldn't you just do the right thing? In fact, when you purchased locally, you're doing two right things. You're giving your money to support local businesses and then you're also not giving your money to people who are harming us. So it's kind of a win-win in that sense. So my fellow austinites I encourage you to utilize the campaign finance reports for as a litmus test for consistency prior to casting your ballots. To the councilmembers in front of me I encourage you to put your campaign money where your campaign mouth is. But why am I even here today? Shouldn't you as leaders be leading by example and then encouraging us to spend locally? It's a sad day in Austin when it's the other way around. Thank you. [Applause]. Next speaker is Teri Mccaffrey. And then on deck will be Sylvia Mendoza. Is Sylvia Mendoza here.

[12:08:11 PM]

>> Good afternoon, mayor Adler and honorable members of the council. My name is Teri MC. I reside on parker lane in the city of Austin. The purpose of my speaking time today is to ask that the city council amend the noise ordinance to include C weighted noise emissions. Currently the code does not regulate C weighted noise levels for dine venues. That means any business can turn up the bass as loud as they want on as many subwoofers as they want. Toss problem Matt pick for residents near a bar, club or other live music venue. I understand that there needs to be a balance between music venues and residents brought up by residential regulation, but right now there isn't any on base levels and that's why I'm here today. This lack of regulation is negatively impacting residents all over Austin, including myself, and I am here on behalf of all of them I'm unfortunate enough that I have a job that allows me the flexibility to speak here today so I feel like I owe it to my community to put other responsibilities aside, to do the right thing and be here today to talk to you about this issue. Last month I moved into my current dwelling which I later learned is directly across the street from a dance club located within a strip mall. As you guys know, strip malls have very, very thin malls, but it still qualifies as an indoor venue. This indoor venue pounds incredibly high levels of bass starting at eight P.M. Until after two A.M. Several days a week. This includes Thursday nights, Friday nights, Saturday nights and Sunday nights. Surrounding residents, including myself, are often kept up until after two A.M. Regularly even on week nights leading into work or school the next day. The club in question is in compliance with a weighted noise levels as regulated by Austin's current noise ordinance. While the C weighted bass tones are tremendously loud and not regulated. Imagine having that in your

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home four nights a week. This is the reality that myself and surrounding neighbors live in every week. I am here requesting that city council take steps to regulate the bass from indoor venues in a reasonable manner that honors Austin's heritage while also respecting the citizens who want to enjoy the night life and live in peace simultaneously. Thank you for your time and consideration. [Applause]. Mayor pro tem? >> Tovo: I wanted to thank our speaker. I know she's been working with our music staff and with staff in my office. I believe that the council, previous councils have passed a couple of resolutions and I'd be glad to give my colleagues the reference numbers, but we did pass several resolutions asking our staff to look at C weighting and bass because I believe in this case our staff were able to confirm that the bass was extremely significant in this location. And so it's my understanding that our music staff may be preparing to come forward with something with regard to that and I think there's a real need. Thank you so much for being here today to share those concerns. >> Mayor Adler: Thank you. John goldsteinstone. Sylvia Mendoza first and then John is on deck. Sorry. >> Ladies and gentlemen, distinguished guests, council. Did you know that one of the first questions a spanish-speaking hispanic asks an english-speaking hispanic when they sense something different about them, asked in Spanish, of course, is do you speak English? And then they ask are you an American? When in reality we should be asking them are you one of us? Anyway, if your answer is yes to any of these questions you are then put as American together with the blacks and whites. But then most of the Americans reject us and put us back with all the Mexicans and other hispanics. Well, that category is now too broad, consisting of

[12:12:13 PM]

guatemalans, Hondurans, Salvadorans, the legal American born categorized as hispanics or, sorry, undocumented. We have also discovered that a lot of first generations mostly of Mexican descent cannot disconnect from their parents' country. Up until the war was to break out in the United States, they would not fight for the United States of America. They would fight for their parents' country. That is not how we U.S. Born identify. And we do not appreciate being thrown in the aforementioned. We as American born have seen a lot of U.S. Presidents. We deserve presidents with presidents, meaning we deserve priority according to how many U.S. Presidents we have lived through. We pledge allegiance to the United States of America. So the time has arrived for the hispanic category to separate. Though this may be life changing and sure to divide people on who they really are and sure to upset people because as of now the hispanic category will soon be the majority. But there are true hispanics and false hispanics. So we are going to pull ourselves out and let them have the hispanic name. We are going to come up with a new name so that those who wish to identify in a different category may do so. The United States census bureau states an hispanic or Latino relates to a person of Cuban, Mexican, or other Spanish origin or ethnicity. They also state that an hispanic is not a race. But I'm pretty sure it is scheduled to become a race by the 2020 census. Therefore this event is inevitable and I hope to resolve this by the 2020 census. Thank you for allowing me to announce this at the local level, the rising up, the

separation of an hispanic race within the hispanic category. Let me make this a little more clear to you since I still have time. If a German person was to

[12:14:13 PM]

come over here or Norwegian or my friend from Belgium, she does not state that she is an American. They separate themselves. And the blacks from the Zimbabwe, Americans, yes, they put us all together as hispanic. [Buzzer sounds] That's why we think the time has arrived for us to separate. Thank you. >> Mayor Adler: And then after Mr. Goldstone, Barbara Szalay. >> My name is John goldstone and I pay property taxes to the city of Austin and the aid. How dare you give aid two million dollars in the budget. You should feel ashamed. That means you should feel shame as our elected officials and taxpayers. We cannot trust these people with our money. Aisd's current \$1.1 billion bond contains the true, but completely deceptive statement no tax increase, which as the mobility bonds lie about the five dollar per month repayment cost for a 250,000-dollar home represent major examples of the epidemic of intentionally deceptive sales tactics by central Texas bonding authorities. You should feel shame. Giving my hard earned tax dollars to these liars. How dare you. And if you don't understand the lie you are grossly incompetent yourselves. On the other hand, Travis county's current bond informational materials contain the sole financial disclosure that household needs in order to make a decision on a bond. The standalone repayment cost per \$100,000 of value based on a 25-year am at five percent interest. If Travis county can do it why weren't you able to do it. Ace ice's failure to disclose this number each though we know that they have the number around \$70

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per \$100,000 of value, should force you to revoke your offer of giving them the \$2.15 million and force us to vote no. We cannot trust these people with our money. They're cfo has given a shameful cause as more deceptive as reported by KVUE in that it was not a standalone payment number. Stop contributing to lawyers and do not bring us a bond in the future that does not have a standalone repayment cost. Do not shame yourselves again and embarrass the city of Austin with lies to get your bonds passed. Be honest with the voters, don't endorse the bond and do not give them our money. We cannot trust them. They have lost all credibility. Vote no. Thank you. [Applause]. >> Mayor Adler: Thank you. Barbara Szalay. And after Barbara, Carlos Leon is on deck. >> From current events I hope we've learned codenext won't matter much if Austin burns. I'm Barbara Szalay, founding member of the lost creek civic organization. I do not speak on behalf of any organization today. Lost creek is a limited district and bothereddders on the Barton creek wilderness, balcones canyon land preserves, the greenbelt and some district owned districts. We're also fire wise and dark skies communities, but I'll hit dark skies another

day. There has been an interesting in baking fire wise into codenext which goal I've discussed with city staff. No one can deny wildfire mitigation can be addressed. Look napa and is a gnome ma burning as we speak. Austin comes in second in the entire United States. We're also high on the list of likely to have such a

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fire. We must learn from what happened in the bastrop, pinnacle and steiner ranch fires. Certainly we need to fund fire stations already approved, but not yet funded. Wildfire urban -- wild land urban interface fires are different from traditional fires in that you cannot use old formulas of population density to determine how many fire stations you need and where to put them. Austin fire tells us the current response time is inadequate to deal with that type of fire. We also need to continue acquiring aerial equipment to drop foam and water from above. Some non-fire department staffers argue that fire wise, while important, is not best suited to be addressed by codenext. Maybe that's recruitment you are going to consider wild line interface ordinances soon and codenext does not address building codes. However it does address flood mitigation so why not wildfire. Meanwhile it addresses setbacks and clearing trees for site planning and surveys, so why not address the setbacks, clearing and underare brush and canopy and trees for wildfire midgation that Austin fire wants us to attain. Most of us don't own 200 feet or even 100 feet behind our homes so what do we do? How do we manage the borders of preserve land fire wise while complying with federal law conservation. In addition, cost is an ever present issue. Is there any way to allow homeowners along the edges of conservation lands to voluntarily shoulders these tasks and costs if educated and willing to comply with fire wise clearing principles while being protected from repercussions from the city. Yes, bulldozing and clear-cutting is never the way to go except perhaps when a fire is imminently approaching. Even Cedars are important. Contrary to urban myth they are native and they provide important erosion control.

[12:20:15 PM]

They may be irreplaceable on sloped areas. To sum up, I simply ask you to be cognizant of opportunities to bank principles of fire wise in as codenext continues to unfold. Thank you. [Applause]. >> Carlos Leon. October 12th, 2017. To speak what's right. First and foremost, [speaking foreign language] For letting me fight reverse sexism at cap metro in Austin. Former cap metro vp Beverly Silas, a black female, publicly said she would definitely be opposed to an African-American male being cap metro's CEO and president because Austin is not the place for them. Because they would have a very difficult time here, but that should be less -- she would be less hesitant for an African-American female hire. Later she said she hopes this starts and continues some badly needed conversations about prejudice in our community

to concur it. -- Conquer it. Bull crap. For more than two years I regularly provided Ms. Silas and the cap metro board documented evidence of systemic driver, staff and security, reverse, racist and sexist acts against a

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non-black male passenger is like the complaint in front of you on record now against operator number 6440. And spoke directly to her and the board about such prejudice until they illegally banned me from attending cap metro board meetings to silence me, to not hear the truth or honestly deal with it. There are when Ms. Silas said her words clearly did not capture what was in her heart, that's bull crap too. Because her real actions against me speak louder than her fake words to you. Just like what Charlie strong did to UT football and Barack Obama did to America. Bottom line, cap metro is broken from the top down. Solution: Immediately remove all cap metro board members and replace them with a diverse group of regular bus, access and train riders from the community who see cap metro for what it truly is, to change it asap, to serve Austin the right way with the right people doing the right jobs, like what us patriots must continue to do with president trump to make America great again under god. In Jesus' name I pray, amen. Thank you, lord. God bless Texas, the united States of America, constitutional law and truth. >> Mayor Adler: Council, there's been some requests that we have one person that was going to give up and give us something on item number 7 and then we can pass that and be done with that. Councilmember Garza? >> Garza: The same for 12 if we can do that before we go on our break. These are just minor changes and I wanted to point out that this is just second reading for 12.

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>> Mayor Adler: Let's see if we can do those quickly then. Why don't you come down and speak to seven. >> Thank you, Mr. Mayor and councilmembers. My name is Michael Doggett and I work for Texas legal aid. And let me say whenever I come down here I am impressed by how well you listen to each other and talk to each other and listen to all of us, and I'm just telling you I do appreciate it. And so do a lot of other people. I wanted to say a couple of things about item 7. I want to say that despite Michael weigh less than we got this -- Michael whellan, we got this thing done. Not true. But I want to say that the tenants do approve of this. We worked very hard with the city, and particularly Mike Siegel. He's with the city attorney's office and I will tell you to balance all of the -- his clients, if you will, and there's lots of them at the city. You can imagine. But to balance them plus the new owner representative. We won't mention his name. And the old owner and the tenants. And obviously others interested in this. It's not a great deal. I mean, it's not like this is a wonderful turnout. What this is is the best deal we could get for a bad situation. And so I do want to say that the tenants appreciate everything that the city did

and particularly the city attorney's office, Mr. Siegel's work and obviously Mr. Whellan, very professional. And it's always a pleasure. But with that that's all I had to add. But I will say without tenants' representation and legal advice, none of this would have happened the way it did. It would have been a lot more difficult. So obviously thanks to y'all for helping support Texas Rio grande and Basta in these efforts. >> Mayor Adler: Is there a motion to approve item number 7. Mr. Casar makes that motion. Is there a second to that

[12:26:20 PM]

motion? Councilmember alter. Any discussion? >> Casar: I just want to make a brief comment because this is an important issue. Actually, it was one of the first issues that I had a meeting about in my first term on council, so this has been ongoing for awhile and this council has been a part of that because we actually voted to try to support having affordable housing locked in at this site. We failed in that work at this property to successfully partner to rehabilitate this property and make sure it was permanently affordable. The tenants have had to live in substandard conditions at this site for awhile, for a long time actually, for far too long, and still haven't gotten all of the repairs that they need. Actually, even after our own vote there was a point in time where there were tenants calling our office who were being told they would be evicted from the property because of the repairs we had authorized in complete conflict with the rules that we ourselves had put in place. And I had to get on the phone and call the owners to tell them that they would be violating city rules by evicting tenants. That we can't spending city money to evict people. So there have been a lot of challenges that these tenants have faced. And again, echoing Mr. Doggett's point, I appreciate legal aid and Basta and our own law department doing their best with - [buzzer sounds] Doing their very best in what's really a terrible situation. I think that some of the points for learning out of this are important to mention. The two million dollars that the city has put in, I'm glad that we're getting that plus interest back. There's a lot of need in this area to reinvest that money back in this area to make sure that we don't lose a lot of these affordable apartments. Next, we need to do better that we aren't at risk in the future so much to just

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lose bond funding that our voters entrusted to us. You know, there was a lot of risk of losing that in this deal and I appreciate that we are able to get that back, but we have to make sure we don't get put in that kind of situation again. I think we have to really scrutinize the folks that we're going to work with on these projects because in this case it failed. To some resolution, but we need to be really careful. The same with the housing department, I think they've learned that. And finally, I think that the last point is that it's so critical for the tenants to have some level of representation here, not only is the city getting

our money back, but we are putting in place because tenants were organized at the table and represented. We are getting some level of rent protections and rent caps for the people who have suffered the most through this process, even when the city was trying to step up and help, there are people who really deserved -- who deserved better and I'm glad that they're getting at least some of that protection and we couldn't have gotten that done without the organizing and representation that legal aid provided. So thanks to y'all. [Applause]. >> Mayor Adler: Those in favor of item number 7 please raise your hand? Those opposed? It's unanimous on the dais. Councilmember Garza, item 12? >> Garza: Yeah. These are just some minor changes. It's my understanding staff was okay with these and this was just on second reading. They're going to go back to -- I forgot the name of the company, encore. And confirm that necessity as well are okay with this and it will come back to us on third reading. I move item 12 as amended on this street. >> Mayor Adler: Is there a second to this item 12 motion? Ms. Houston seconds that. Councilmember troxclair? >> Troxclair: Can I just ask really quickly what was the impetus for the changes? >> They're just some minor to like apply with applicable estate law.

[12:30:24 PM]

There's a grammatic one changing requests to request. And if you see in section 71, except in cases of emergency. Just little minor changes that we thought would be good for this contract, assuming that everyone is okay with it. >> Troxclair: We, meaning your office? Your staff? Okay, thanks. >> Mayor Adler: It's been moved and seconded to pass this on second reading only. Any discussion? Those in favor please raise your hand? Those opposed? 12 passed as inclusive of the amendment. All right. It is 12:30. We're going to go into executive session. In executive session we're just going to take up one item because the second item was postponed. Pursuant to 551.071 of the government code we're going to take up item 8, which is city of Austin versus Olnick. Without objection we'll go into executive session. It is 12:30 now. Hopefully we can be back out here 1:15 might be pressing it. Yes, we have some items that were on the consent agenda that we could move forward on. I'm showing that the consent items in a we could move forward on are we just handled 7. Eight we have to handle. 12 we just did. We have speakers on 15 and 18. But we could take up all those items before 2:00. Let's see if we can come back out here -- let's try for 1:15 and see how long executive session is. Probably 1:30 is more realistic, but let's sigh if we can get back here at 1:15 to we can get done before dinner. With that said we will now recess for executive session.

[1:45:30 PM]

>> Mayor Adler: All right. We have a quorum. It is 1:45 P.M. While we were in recess, in executive session, we discussed legal matters related to item number 8. We are now back into the regular

meeting. We have some items on the -- that were on the consent agenda that got pulled and we're starting back with those. The first item is item number 8. Let's hold off on that. Let's start calling up -- we have speakers on some of the other items. This is item number 15 and number 18. Item number 15 up first. Mayor pro tem, this is your item. Do you want to make a motion? >> Tovo: I would wait until the speakers conclude. >> Mayor Adler: Is Gus Peña here? What about Jay Rosenberg? Is Saher Mace here? He was here this morning, apparently couldn't stay. Do you want to make a motion, mayor pro tem? >> Tovo: I would move approval of this item, mayor. >> Mayor Adler: Is there a second to item number 15? Councilmember pool seconds this item. Any discussion? Mayor pro tem. >> Tovo: So this is -- as you all know, an item to ask our staff to engage stakeholders in thinking about the arch and what the plan might be going forward and whether that scope and the programs that are offered there might change between now and when that contract is bid. I just want to replay the

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only thing -- this fits into a lot of other issues we've talked about and I don't need to talk about the rationale for doing so now, it's my understanding based on discussions with law those stakeholder meetings that they will hold will be open to social service providers and that there will not be an obstacle to the current contract holder or other potential contract holders from participating in those stakeholder processes. It wouldn't prohibit them. They can participate in the stakeholder process without be prohibited. I want to make sure we're not inadvertently excluding somebody. My understanding we're not -- I just wanted to make sure that we all understand that those meetings will be open to people including those who might compete for that bid. For that contract. Thanks very much. And that's all. >> Mayor Adler: It's been moved and seconded to approve this item number 15. Ms. Houston. >> Houston: Mayor, a question. >> Mayor, I just got here. >> Mayor Adler: I'll give you a chance to talk. >> Thank you, sir. Appreciate it. >> Houston: Mayor pro tem, can we make recommendations for others to participate in the stakeholders process? Thanks. >> Mayor Adler: Mr. Peña, do you want to talk to us? >> Yes, I do. >> Tovo: While Mr. Peña is coming up, it's my understanding -- that would be a great place to make recommendations but thank you for including more people in the conversation. >> Mayor and councilmembers, Gus Peña. Thank you for allowing me to speak even though I had to go get my blood pressure checked. I'm serious. Services also resource center for the homeless, we have a lot -- I shouldn't say a lot, but we have improvements to be made to the services rendered at the

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center. I do know, I have a difference of opinions with Ann Howard and echo. I think some of that is related to that and all the other issues related to the homelessness. Mayor, I will be honest with you, we need to make a stronger, concerted effort to reach out to the homeless. Even though the library closed, you don't see too many homeless because of the library closing. That's where used to hang out and go to sleep, whatever. Personally I can tell you about being homeless. You and I talked about it. Every time I got out of the hospital when I visited you. There's so much to be done. I know there's sensitivity about the homeless individual. Some want to be, maybe 5 or 10%, not all of them. I see good people will. I talk to them on a daily basis. I walk through there. And whatever we can do to improve the efforts to find housing, I'll be honest, it's a challenge. I heard you on television, you know, saying about housing homeless individuals. We lack a lot in our veterans that are homeless. I go to the clinic yesterday, I meet 20 of them that I've never seen before. They are coming in from other cities. I wouldn't say we're losing the battle. We're winning it strongly, but I don't want nobody to con me. I don't want anybody to be -- I want everybody to be truthful with me on what they are doing and what the approach is and who they are helping. There's a lot of bs out there. There's a lot of not factual information coming from there. And you know who I'm going to talk about. I'm not going to slander anybody. We need to hold those executive directors accountable because they ain't doing their job. As much -- we talked about funding for the other codenext and the funding for that, but we can pump as much money in there if you don't have the wrap-around

[1:51:32 PM]

services to support them once we get them out of homelessness into transitional housing. That would have been the best thing if we had transitional housing until they get back on their feet, get a job, whatever. Some of them don't even have a wage or a disability or pension. I just met three of them on the bus, on capital metro. So we have 100 miles left before I can be satisfied and I'm not asking anybody to be -- to satisfy with anybody but I make it a point to go over there and talk to them. They talk to me because they know I've been homeless because they share inner feelings and hurts. [Buzzer sounding] We need to do a better job. >> Mayor Adler: Is Ms. Aher here? Moved and seconded. Discussion? Those in favor raise your hand. Unanimous on the dais with councilmember kitchen off. That gets us to item number 8. >> Afternoon, mayor and council, make began Riley on behalf of the law department. I recommend that council approve a settlement in the case of city of Austin versus Walter Olenick. As part of the settlement if city would receive \$150,000 to settle fines assessed against the property by the building and standards commission and a third-party buyer of the property does promise to demolish substandard buildings that are on the property and construct new housing. Under those terms we recommend settlement. >> Mayor Adler: Okay. There are no speakers signed up to speak on this. Does anyone want to make a motion to approve settlement? Ms. Houston makes the motion to approve the settlement. Is there a second to that?

[1:53:33 PM]

Mr. Flannigan seconds that. Any discussion? Mr. Casar. >> Casar: Mayor, I'm going to vote no on the settlement. This property is in district 4 and I believe that there is -- that we should have a much better deal for the city in this case and a better deal for the community there so I'll vote no and potentially have further comment after the vote. >> Mayor Adler: Any further discussion? >> Renteria: Mayor, I would like to ask a question. You said that the 150 was -- was the fine? Or what is the 150? >> We're receiving \$150,000 as a payment. In exchange for that, the city would release any orders related to fines on the property. >> Renteria: Okay. >> Mayor Adler: Yes, councilmember alter. >> Alter: What are the fines that they are owed or they owe us? >> I believe the fines to date are just over \$800,000. >> Mayor Adler: Further discussion? >> Tovo: I'm not able to support this settlement. I'm going to be voting no for the reasons councilmember Casar indicated. >> Mayor Adler: Further discussion? Those in favor please raise your hands. Troxclair, Flannigan and Houston. Those opposed? The others voting no with councilmember kitchen off the dais. That then gets us -- thank you. The vote was three against, one not here and that would make it seven in favor. I'm sorry, the other way around. Three in favor, seven against, and one person not on the dais. The settlement was not approved. Motion to approve the settlement failed. That gets us then to item number 18.

[1:55:40 PM]

Mr. Renteria, this is your -- your motion. Do you want to hear the speakers first or make a motion? >> Renteria: I want to make a motion to approve this item. >> Mayor Adler: There's a motion to approve item number 18. Is there a second? Mr. Flannigan seconds that. Do you want to speak before the public speakers? >> Renteria: I just want to let everyone know that I passed out this letter of support from the neighborhood contact team. The haca did go before them and discuss with them about their plan and why that they wanted to have that zoned in their district. I'm going to let the speakers speak on this item, but I think that it's -- it's going to expand and create more housing for lower income people in my district and I hope that everyone else supports this item also. >> Mayor Adler: Okay. Mr. Peña, do you want to talk to us? >> December 18 or 17? >> Mayor Adler: 18. >> I might have the wrong -- the wrong backup, but anyway, it's talking about the Austin strategic housing blueprint at haca. >> Mayor Adler: This is the -- the saltillo T.O.D. Rezone. Bring additional land area -- >> Here's my comments. We would like to see more housing if that's the verbiage from whomever, but one of the things I really want to let the people know is that when you talk about affordable housing, we need to fully define -- have a

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definition of affordability, what can be affordable to you, mayor, councilmembers, is not affordable to me or anybody else. Having said that, I'll support housing. Is that what it is, more housing on there? >> Mayor Adler: It's to allow redevelopment of a tract. >> Oh, the redevelopment tract. I'll support it. I just -- let's make sure everybody is on target and on page with this issue and -- but I would like to see more improvements with this item number. And I'm sorry I don't have number 18, but anyway, I'll support it. >> Mayor Adler: Thank you. Mr. King, do you want to speak? >> Thank you, mayor, mayor pro tem, councilmembers. I think this is an important project and I can see how it's going to add more housing supply. I do have a couple questions and I really appreciate the opportunity to meet with the housing authority, the city of Austin staff to learn more about this project. I got interested because I was wondering what does this ultimately mean to incorporate this into the T.O.D. And I learned it's going to be part of the rental assistance demonstration program. So I was trying to understand those components of the proposal here. And what it kind of boils down to this is going to be -- this public property that's dedicated to subsidized affordable housing is now going to become a public-private partnership in which the property will be utilized for some market rate units. And so to me it's sort of like our density bonus program in that we're going to be doing market rate units with subsidized units. And this is the first step in moving in that direction and I don't think there's enough clarity in terms of -- or certainty in terms of the total number of units that will be market rate and

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what -- how many bedrooms those units will have versus the number of units that are going to build I also worry this will set a precedent that other public property in the city that's dedicated to subsidize the housing will then follow this model. And then we already have a challenge with our own current density bonus program and monitoring that program to make sure those units actually exist, that they're for families with children and that they're occupied by low income families. And so this model, that's one of the concerns that I've read about the rental assistance demonstration program is that there's a lack of oversight of that program. And some tenants that are being evicted from that unit, once they convert to what's called RAD, rental assistance demonstration, I think oversight is essential here. I think if we're going to move forward with this there needs to be some certainty that there's certainty that what we want here, that they're occupied by low income families, and I've been assured that the current families that are there, the 158 units that are there, they will have a new place in this redevelopment and they will continue to be subsidized with affordable housing. Which is great. I just love it when our low income families are able to have fourth quarter that's up to current -- affordable housing that's up to current standards. That's really good. But I hope we can see how that works out before we start replicating this model and converting other publicly owned land dedicated to subsidized housing into this partnership and that we have oversight to make sure that these units are produced and that the low income families are occupying those units. Thank you very much. [Buzzer sounds] >> Mayor Adler: Thank you. Susana Almanza. Michael Gerber is on deck.

[2:01:51 PM]

Good afternoon, mayor and city councilmembers. My name is Susana Almanza and I'm with poder. And I actually worked on the saltillo plaza redevelopment for many years, 2005 to 2008 there was a minority report and I ask that you review that minority report. This particular Chalmers court has nothing to do with the plaza saltillo redevelopment. I'm really frightened that we're moving it in. I'm not sure that you're trying to reach the 25% affordability you have in the saltillo plaza plan or what it is, but what we currently have this is public housing and it does matter. We have 100% units that are currently affordable and has the only rent control, 30% that they have to pay of their rent. The only one. There's only -- only other public housing that equals this amount, and we're going from 100% affordable housing to a public privatization and now only going to have 75% of the units affordable. That really concerns us with the community that's been there for generations about what this means. And as David king says, are we setting a different priority here privatizing our public housing. The other thing is that paca hasn't been working with the public development commission. It is the only nation looks after the interest of the poor. If anyone is to monitor this particular project, it should be the community development commission getting constant reports. Here's the questions: How long will it remain affordable? How long will the rents stay affordable at this place? And will residents have to reapply to get back in? Because we've seen a lot of that.

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We've seen a lot of when they tear down or rebuild, people having to reapply and then all of these new recommendations to get back in and we can't get residents get back in to the affordable housing. So I really think we need to look at what we're doing, that we're going to privatization, that you can look at a win-win, but how long will this complex be affordable. And I want to add that zoning helps drive the market. The market is not an abstract. If you rezoned properties to commercial services, mixed use and high densities, the market will step in. The Cesar Chavez plan is an example of what happened to blanket zoning cs-mu and what happened after that neighborhood plan was adopted, within four years the land value went up 400%, the property taxes went up 123% in that area. So definitely zoning did play a major part in driving that market. So I ask y'all to really study this carefully and put up some committees and communities to be constantly monitoring this particular project. Thank you. >> Mayor Adler: There are some people who have donated you time. Is Ann Gass here? Is pillar Sanchez here? You have seven minutes. >> Thank you, mayor and council. My name is Mike Gerber, president of the housing authority of the city of Austin. Thanks to your support and encouragement, we are transforming and preserving all 18 of our public housing properties and we're doing this through a federal program known as the rad program. Rad allows a select number of the highest performing housing authorities in the United States

to fund major capital improvements to our public housing stock now rather than waiting for years for congress to appropriate the necessary

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money. By the time rad is complete we investment that haca have invest \$125 million into preserving our existing units making the quality of life in those units dramatically better as well as instant significantly expanding the number of affordable housing units here in stint. Through rad, haca retains full ownership of all our properties. I think that's a really important point. Again, haca retains 100% control of all 18 of our public housing properties. And we've made three important commitments to our residents. First, every public housing resident who has the right to return to their property and to an upgraded unit at that property and their rent will be calculated exactly the same. No resident will be someplace displaced. Second, every public housing unit will be upgraded, modernized and made to be energy efficient and our residents and residents councils have a strong and important voice in identifying and planning the improvements that they'd like to see made. Finally through rad, residents can stay at their current property or they can move. They have the opportunity to have some additional choice to move to other properties that haca has traditionally in public housing they have been compelled to live only at the property that they're assigned to. Now they'll have the choice to move to a property that may be better for their families. Today right now there's active construction happening all over in Austin. In councilmember Houston's district, at north loop at councilmember pool's district, at Georgia manor and councilmember Casar's district, construction is happening. Just in last two months we completed construction at manchaca village in councilmember kitchen's district and at shadow bend ridge apartments in councilmember Garza's district. The improvements are significant. These are not just cosmetic improvements. We're talking about plumbing and electrical systems, replacing wall boards and roofing, remove Al of asbestos, central air, far too few of our properties have central air. Washers and dryers in the units. Most of our properties have depended on clothes lines.

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Updated bathrooms and flooring. Playground covers for the kiddos and accessibility features for persons with disabilities. You can see some of the improvements we're making on the screen in front of you. Rad is making possible the critical investments to preserve the public housing units and keep them as public housing units over the long hall. Haca has no interest in privatizing our public housing stock, and our intent, we've been here for 80 years, we're the oldest public housing authority in the United States, and we intend to be here well into the future. Now we're turning to our next phase of rad and these are the properties where we believe we can add additional units to meet our city's affordable housing

challenge. Thanks to the support of council we recently received nine percent low income tax credits to replace 40 older units at Goodrich place with 120 new high quality units which will expand in the zilker neighborhood and we had a chance to work with Mr. King on that issue. Construction on that project and those 120 units will start early in the summer. The next up in the project for your consideration today is Chalmers courts in east Austin. I'm really proud of the work that we've done with our residents, our community leaders and the east Cesar Chavez neighborhood association that to develop a plan that they support which will replace the 158 units at Chalmers courts. Chalmers is a low density property with 158 units that cover about 8.5 acres in central east Austin, just about a block from the saltillo plaza station. And our plan is to redevelop that property in three phases. I've put a map of the property on the screen which may be helpful to you. First is phase 1. Haca owns two older office buildings. They used to be our administrative buildings, that are just south of the existing Chalmers site. Nobody lives there. We will be taking down those two office buildings early next year and replacing them with 87 modern high quality units. Our goal is always to keep our residents in their community and to minimize displacement, so once the new Chalmers site is complete, phase 2 is to

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relocate the residents that are currently living in Chalmers east over to Chalmers south and then we'll take down Chalmers east and rebuild the site with nearly 150 new units. Once Chalmers east is complete we'll begin phase 3 and relocate those in Chalmers west to Chalmers east and south. When we're done, our plan is to have nearly 400 units on the ground. 158 of those units will continue to serve the 158 public housing families that are there today, most of whom make 30% of median income and below. We estimate another 150 units will serve others. We're absolutely in the affordable housing business and we're trying to serve those persons at the lowest income level. So we're excited that we may be able to provide as many as 300 affordable units whereas today we only apply 158. We do hope to develop some mixed use units at the site because the evidence suggests that promoting and sustaining mixed occupancy increases the quality of life, builds community and effect active neighboring and revitalizes community. Haca is respectfully asking for your support of councilmember Renteria's resolution. It's unclear why Chalmers wasn't included in the tod in the first place. Included in the saltillo plaza tod today would do two things. The greater certain that comes from being in a well established transit oriented corridor and the president-elects that it affords will be helpful in getting this project across the finish line. It's complicated and it will be difficult and the more certainty we have the better off the housing authority will be. Second, most of our residents do not have cars and if they do it's usually one car. So reduced parking requirements in the tod can translate into more community green space, playgrounds, bigger boys and girls club at the site and potentially bigger units.

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It's important to note that we're not asking for Chalmers south to be in the tod. We're only looking to include the areas of phase 2 and phase 3, which we again refer to as Chalmers east and west. Again, I'm pleased that just this morning we received a letter of support from the east Cesar Chavez neighborhood association supporting this action, which you have in front of you. I hope that I've given you a sense of the work that we're trying to do with rad, the work we're doing with rad is really exciting. [Buzzer sounds] The work we're doing with Chalmers is exciting. It's helping thousands of people in our community and thank you all for being a part of it. >> Renteria: My understanding is that you have a team that's already on the ground that are guaranteed the support the protection program you're implementing. Can you explain that? >> We have a tenant protection team. It's a two pronged effort. We've already moved at our other properties like Mann village and shadow bend. Many families have already started to return back to the new units of shadow bend and man village and soon returning back in bigger numbers to neck loop and Georgia manor. Everyone is leaving for short periods time and returning. Here because we're building a property, people will be moved for a longer period of time. But our intent is to keep them within the Chalmers courts community. The team we have, the tenant protection team, is made up of some professionals that we've hired to actually work family by family to identify health needs, educational needs, transportation needs, of each haca family. Sometimes we don't get that right and when we slip we have a team in-house headed up by ruby Roja, who works with the residents to make sure we work hard to fix it. We joke that it is the give haca hell department. They make sure we get it right and sometimes we

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don't. I think our residents will tell you that we have made mistakes, but when we make them we own up to them and we fix them and we've tried to do right by folks. >> Renteria: Thank you. >> Mayor Adler: Thank you. Mayor pro tem? >> Tovo: I have a question about the overall affordability percentage that you intend on this tract. I think one of the speakers talked about the requirements within the tod as being 25% and that currently, of course all of the housing that you offer on this site is 100%. I understand your intent is to have some market rate units as well. What is your goal for the overall percentage of affordable units versus the total number of units on this tract? >> Overall we would like to see no less than 75% be at 80% or below. Obviously 158 of that 75% or those 300 will be at 30% below meeting the needs of our existing public housing residents, but our hope -- it depends on the financing streams that we're able to tap into. The more subsidy -- the more tax credit equity that we're able to receive if we receive nine percent tax credits, for example, we think we'll be able to serve folks at even lower income levels, 30, 40, 50%. And 60%. So our goal is to drive it down as far as we can so that -- there are woeful shortage of houses at those low income levels and that's who we feel compelled to serve. Most of the subsidy programs seem to hover right around 60%. Our intent is to get as many folks in that 300 as close to that 60% as we can. >> Tovo: So I need you to go through the numbers more

slowly for me please. >> 158 units will be at 30%. >> Tovo: How many currently. >> Currently we have 158 units. >> Tovo: So your commitment is 158 units at least will be at 30% and below? >> Absolutely. >> Tovo: And then at 300 I heard you talk about 300 units, those would be at 80%

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or below? >> 300 minus the 158. That balance will stay at the 142, will stay -- we believe that will hover right around 60%, but we're committed to making it again today as -- at 80% and below. So again, three-quarters of the site will stay serving folks at 80% and below. >> Tovo: But it -- >> We want to do more. We want to try to achieve those levels of affordability. >> Tovo: I think if we end of the day the numbers served at 30% and below stay the same, that would be a deployment in my book. I mean, I appreciate that you're trying to serve others as well, but I know also you're waiting lists are really quite long as I understand for that. Few the housing that meeting the needs of families at 30% or below. So I hope you can keep those numbers -- the income levels as low as possible. >> Absolutely. >> Tovo: Can you talk a little bit -- of those 400 total, is that right, 100% you expect to be at market rate? Or 80% of that? >> Approximately 100. We're targeting about 25% being potentially at market rate. Again, it's really a matter of what subsidies we're able to receive, what the financing tools that are in play really look like. If we can make the entire project affordable and we can make the economics of it work, we'd love to. I just don't know at this point based on what we're seeing in Washington with changes to the low income tax credit program and changes at the housing and urban development that we'll be able to do that. We think that east Cesar Chavez commitment to 75% of it being affordable and we think it will make a substantial difference both in the community as well as to the residents who live there. They will have a much higher quality of life at the newly rebuild Chalmers than they have today. >> Tovo: I agree. I think you have a fabulous

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track record here in the city of Austin. I think my concern is that 80% is pretty high and if most of those from 158 to 300 units and up at the 80% rate, you have the asset of the land, but it's -- my hope would be again that you would use that asset to really continue to serve the families who are in most need in our community who you do serve day in and day out, rather than moving toward higher income levels. >> We would really love to. I'll give you an example, Mr. Pena has been a real leader in working on issues of concern to veterans. And we've had conversations with him and with Echo and with the city about could we do some increased veterans housing using some of the veterans programs and have that be a component here. Those would be serving folks at those lower income levels, but that would probably require some additional subsidy and potentially some go bond money. We have to put the

pieces together before we can commit, but I promise we'll be coming and consulting with councilmembers. I think we've made it to -- I think we have some visits coming up and we've made it to many offices. We definitely want to hear your perspective on who we should be serving and how we should be serving them. The speakers were absolutely correct, this is a public asset and we want to try to again meet the needs that are so pressing in our community. But again, we also have to make the project financially viable. So we have to strike that balance and we'll keep you posted on what we're hearing and what the markets are telling you and where we think we can go. At the end of this as we develop the different phases, I think you will be pleased who we are serving and I think we'll create a neighborhood that will be serving some of our most challenging folks in a way that really is providing opportunities that they didn't have before. >> Thank you. -- Of the 400, how many are going to be two bedroom,

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three-bedroom? Whether your audience is families with kids as well as individuals? What's your target mix of units? >> It's mixed. It will certainly have a higher percentage than usual of two's, three's and four's. We have a high number of units at Chalmers today. We're looking to put significant number of four bedroom and three-bedroom unit at the new Chalmers. All the units -- all of the different sizes will actually be bigger. The floor print and the design that we see at Chalmers south, all of those units will be bigger than those residents have today. A two bedroom unit in the existing Chalmers is going to be bigger in the new Chalmers south, and we're anticipating that will be the case across the board, but we're anticipating again lots of additional three's and four's. Our target audience is families, it's seniors, persons with disabilities. And potentially veterans as well if we can make that program work. >> Do you have yet the bedroom count of those -- >> We haven't for Chalmers south. We don't have the bedroom mix for Chalmers east and west. Ann, do you want to -- >> Tovo: This has to come back to us. We're just initiating the code amendment. If you would like to get us that information between now and when that amendment comes back, that would be okay too. >> I didn't want to mess this up. How many units do we have currently? >> So currently at Chalmers -- >> I'm Ann Gass. Currently we have -- we've got one bedroom, 48 two bedrooms, 18 three bedrooms and 10 four bedrooms. So that precise unit mix will be replaced when Chalmers is ultimately redeveloped. In addition, at Chalmers south, which is the only property at this point that we have the unit mix for, we have 45 one bedrooms, 32 two

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bedrooms, six three bedrooms and four, four bedrooms. And the primary purpose of Chalmers south at this point is to act as relocation housing for that first phase so we had to make sure there were enough

units to accommodate those families? >> Tovo: How you do that? How will you accommodate those families if you're going from a complex with 10 four bedrooms down to a complex with four four bedrooms? >> We're actually not. So the west part of the property where all the four bedrooms are located won't come on -- won't be redeveloped until phase 3. So we'll have new units that will be developed in the awesome Chalmers east site. So we'll be able -- most of the units will be replaced in Chalmers south, but some will have to wait for Chalmers east to come online. And residents will also have choices. We have other properties right nearby. Rosewood courts isn't very far. Lake side isn't very far and Santa Rita is only about three blocks away. So we have other options for residents as well based on their needs and again where they choose to live. >> Tovo: Are those properties currently full? >> They generally are, but as we have unit turnover we can prioritize our rad residents and put them in there and give them that first opportunity. >> I think that you and I have a meeting scheduled maybe next week, so it would be great if we can review some of this information together about the unit count and really what the bedroom count -- what your expectations are for bedroom count across the site. I think it's -- we've had a couple of cases recently where we were talking about this issue and I just think it's really important that we make sure that the units that are being created, especially when we're making really a zoning change here that we're really very well apprised of who that target audience is going to be in the end. >> Agree. And all of us at the housing authority, and I know all of you on the dais as well have a particularly sensitivity for kids.

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This is a property that has lots of courtyard space, lots of open space. We're really excited to be working with architects that have prioritized that. Nelson and partners is one of the best in the business and they've been helping us think about creative ways to use that space, those court yards with the combination of gardens, public spaces, community meeting spaces and playgrounds. They really do make that site both attractive and a place where people can come together and play. We've even talked a little bit, there's a proposal to put a trail in east Austin about potentially closing a part of Chalmers street. Chalmers dead ends at fourth street. The potential of maybe even closing Chalmers street, recapturing that as green space because it's not a well used thoroughfare and putting that bike path run through there as well. One of the things that is the biggest problem for public housing is that it's isolated. It's an island. And we don't want Chalmers to be an island any longer. We want to have greater community spaces that bring programming to our residents and we want our residents to get out and take advantage of the broader neighborhood. So we're really working again at neighborhood building and fostering community. >> Tovo: Sounds like some good design elements ahead. Do you have a sense of when you might know some of the funding decisions? Not in terms of the federal, but in terms of some of the other funding applications that you gave reference too? >> We would anticipate that we would apply for nine percent housing credits in the next round so this is an issue that will come to council around -- I think around February or March. Frankly we hope you will prioritize this project. This is a project that is distinctly serving the lowest income people in the community. I'm not an expert in

tods. Everything I've learned has been in the last two weeks. But our belief is that this could potentially help

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achieve some of the goals of the saltillo plaza tod, maybe, maybe not. But we don't think that there are many projects again in east Austin or in Austin happening where we're putting this number of units on the ground southbounding folks at this level of income and we hope that you will prioritize this project for that nine percent tax credit round. We think it's a unique opportunity and frankly with all the changes happening in Washington we're worried about losing that opportunity. >> Tovo: Thank you. Thanks very much. >> Thank you, ma'am. >> Mayor Adler: Maybe one of the things, Mr. Gerber, that also as you go around and talk to councilmembers and present, is what would the trade-offs be if we wanted more units that were 30% and below in terms of -- it would obviously impact the number of units that you could do because you can either do numbers or you can do reach. But getting a feel for that trade-off might be helpful too. >> We'll try to do that analysis. >> Mayor Adler: Ms. Houston? >> Houston: Thank you, Mr. Gerber. I want to talk just a minute about of having mixed income communities because too often we have isolated induce segregated our very lowest income producers in what we call public housing. So although it's important that we maintain that 1 158, that's what's there now and increase that, it's also important that we have mixed income properties there too. So that's why you didn't talk much about the reason for that. When I grew up in east Austin it was mixed income. It was organically that. Someone who cooked at houston-tillotson was next door to my house and both my parents were educators. That was an organic kind of thing. Now we have to be more intentional about that because I think having mixed incomes together is the kind of community that we're looking for. We don't want to segregate

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our lowest income people. And I understand the need to keep that housing there for those people who have the lowest incomes, but I think it's also important that we do a mix of incomes. So I appreciate you all being intentional about thinking about that. >> Thank you, councilmember Houston. We've actually been consulting with the national niche on mixed income out of national case university in Cleveland. There's a research professor there who just wrote a book about the Chicago transformation and things that did not go well. They've also studied Detroit, Cleveland, some spots on the west coast. And they make a compelling case on how you build neighborhoods. Not all that is applicable to Austin, but the benefits of a mixed income community were ones that we're taking to heart and we want to try to meet affordability challenges and we do want this to be a community for all. >> Mayor Adler: Do we want to

go ahead and hear from the last speaker? >> Thank you, Mary and council. I am a resident and council president at Chalmers streeters court in east Austin. I was born in Austin, raised a Rainey street and I attended palm elementary school. Once married I moved to south Austin with my husband, parents and children. Four years ago I arrived at Chalmers court and I am here representing the 158 families, over 400 residents who live there. We're asking for your support to include Chalmers sort and the saltillo plaza tod. As you know, the housing authority has made big improvements to our properties here in Austin. More than half the properties have significant construction and renovations happening. These include new bath rooms, kitchens, central air conditions, washers and dryers in every unit. Now it is Chalmers time. We have worked with consultants to figure out the best approach.

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They asked us for design ideas, what amenities we would like in our apartments. They have made us feel like partners in designing our simple and practical wishes. What we have seen so far is beautiful. The units will be bigger than what we currently have. There will be central air conditioning, washer-dryer connections in our units and this is a big issue since we currently use old clothes lines in our backyard. There will be bathrooms and kitchens that are accessible to the elderly and disabled residents. Like my old neighbor Ms. Dorothy trailer. And there will be some really big community spaces for the new boys and girls club and our job training program, jobs plus. To make sure that no resident is displaced, haca will first build a new 87 unit building directly across the street for half of our residents to move to. Then then they will redevelop the east side of Chalmers and then the west. Every resident will get to stay at Chalmers and every resident will pay 30% of their adjusted income towards their rent. Chalmers should have been in the tod all along. Everything around Chalmers is in the tod. We will give hack that -- it will give haca more certainty in the building process and since many of our residents do not have cars and main that do have -- many that do have only one, being included in the tod can reduce parking requirements and help make our units potentially bigger and have more green space. We're excited that we will be able to help meet Austin's affordable housing needs by going from 158 to 400 units. There's a long way to go on this project and we're going to need your help. Chalmers has more low income, elderly and disabled people than any other haca family property. Many of these are people who would be homeless if they didn't have haca housing. Or would be -- or would be able to stay in gentrifying east Austin. With Chalmers in the tod we

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can provide more housing for our Austin neighbors. Thank you for advance for your support and helping get new Chalmers built. >> Mayor Adler: Thank you very much. Council, that brings us back up to the

dais. There's been a motion and a second. Any discussion? Yes, Mr. Flannigan? >> Flannigan: One housekeeping suggestion on the second be it resolved. It says staff, I think it should say directs city manager. >> Mayor Adler: Any direction to making that -- any objection to making that change? Thanks for pointing that out. Anything else? Ready to take a vote? Yes, Mr. Casar? >> Casar: Mayor, I'd like to thank councilmember Renteria for sponsors this and for everybody that spoke in a time where we see the continued cuts to public housing at the federal level I think it's important that we have housing authority that is working the best they can and really not great circumstances for public housing to figure out how to keep units liveable, work with residents, and I appreciate the residents that are here today and that spoke to make sure that we keep on doing our best to expand that affordable housing stock even if it means sometimes going to the private market, which for me isn't necessarily the preference, but if it's the situation that we're in, we still have to tull fill our responsibilities to house people and I wish we were in a different situation, but this is the one we're in and we have to be innovative. And I think that easing zoning restrictions on our public housing authority makes really good sense here and lots of other places too. >> Mayor Adler: Okay. Let's take a vote. Those in favor of this item please raise your hand? Those opposed? It's unanimous on the dais. >> Houston: Mayor? >> Mayor Adler: Ms. Houston? >> Houston: Mr. Gerber, I would like to talk to you before you leave about

[2:34:08 PM]

transportation for some of the Gaston place residents. >> Cream. Yes, ma'am. >> Mayor Adler: We still have a bunch of items. Item number 19 has been postponed until October 19th. 20 and 21 both executive session items, so we've moved past those. That gets us up to our zoning call. Mr. Guernsey, is there a consent agenda with this? >> Possibly. Greg Guernsey, planning and zoning department. Item number 22, case c-14-2016-0096 I understand there is an agreement. I don't have all the details. I understand that councilmember alter has those details and we could possibly offer that for consent approval on second reading only, just second reading. And then I think 23 councilmember Flannigan, as I understand it, might want to discuss item number 53. Item 24 staff could offer as a postponement to your November 2nd. We would anticipate this actually being a consent item on that day. I know you're trying to make sure that November 2nd agenda is light, but we could offer that, coming back on November 2nd for item number 24. And we could probably come back in consent for three readings. And item number 25, mayor, I think we have at least three speakers that are signed up for that item so that is a discussion item. ,. >> Kitchen: I'm sorry, Mr. Guernsey, what did you say about 23 and 24? >> 23 I understand councilmember Flannigan would like to pull this for a brief discussion. And then item number 24 there was a notice issue.

[2:36:09 PM]

I'm not quite sure what that is, but staff is requesting a postponement of that item to November 2nd. And when that comes back we anticipate that will be a consent item for three readings. >> Kitchen: On so on that 24 postponement, that is okay with the applicant? >> Yes. It's my understanding the case manager, Wendy Rhoades, has contacted the owner and they're aware of that. >> Kitchen: Okay. >> Mayor Adler: Councilmember alter, do you want to read into the record what is the agreement on 22? >> Alter: Sure. And we have a copy for Greg. So I'd like to -- I guess I don't have to make a motion if it's on consent. But the agreement that we have between the new property buyer and the neighbors would be to approve lo-mu-co zoning is the following conditions: Prohibit all lo district uses that are not printed in the no district except medical office uses. Prohibit art workshop, communication services and cultural services uses. Multi-family residential use shall be limited to a maximum of eight units. Include a 35-foot building set back from the south property line where it abuts a residential property. Require a 24-foot Tseng say active setback within the compatibility buffer along the south property line. Require that an eight foot high fence be constructed and maintained along the south property line that abuts a residential property. The maximum height for a building or structure shall be limited to 28 feet from ground level and may not compete two stories in height. And include a 35-foot building setback buffer from the west property line. Just to clarify what the differences are from what passed on first reading, the base zoning remains L.O. Rather than getting to G.O. This effectively prohibits business or trade school as a use much this is on the back side I think of the sheet you have. The conditional overlay remains unchanged from first reading except that

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multi-family residential use is no longer fronted. Convalescent services are also no longer prohibited. Those were prohibited under the conditions passed on first reading. The 30-foot building setback vegetative buffer from the south property line is only applicable for the portions of the property that abut residential use. And this also eliminates the condition limiting the operating hours for a business or trade school because that use is not permitted under L.O. Zoning. This is both the property buyer and the neighbors are in agreement. There is a valid petition on this and I would offer on second reading so we could properly notify people on third reading since this is different than what was there on first reading. And I also just want to thank the perspective buyers and the neighbors for working so diligently to find a way forward that respects everyone's needs. >> Mayor Adler: Any objection to making this the consent item? Mr. Flannigan? >> Flannigan: I'm happy to just being shown as voting no on consent. >> Mayor Adler: Okay. This then is the consent item. So on the consent agenda I am showing item 22, 23 -- I'm sorry. >> Mayor, I think it's 24 -- >> Mayor Adler: It's 22 and -- >> And 24 with staff postponement on 24. >> Mayor Adler: And -- that's it, just 22 and 24. >> I don't know if councilmember Flannigan, I know he wanted to make some comments on 23. >> Mayor Adler: So on consent right now is items 22 and 24, is that correct? Is there a motion to approve the the consent agenda? Councilmember alter. Is there a second?

[2:40:10 PM]

Councilmember pool. Any discussion? Those in favor raise your hand? Those opposed? It's unanimous on the dais. So 22 and 24 are passed. >> Alter: Mayor, could I ask just for one clarification? When will item 22 come back for third reading so that everyone has that knowledge? >> It will be -- it will certainly probably be in November. My guess is maybe the second. I see neighbors raising their hand they would like it on the 9th. I'm fine either way. >> Mayor Adler: Okay. >> We'll work and see if we can do it on the 9th. >> Alter: If you could work with the representatives and the neighbors on that, thank you. >> Mayor Adler: That gets us to item number 23. This was consent on second and third reading. >> Casar: And mayor, can I just comment briefly on 22? >> Mayor Adler: Okay. >> Casar: That it's been I think a few months since we had this case so I don't remember the whole geography. I just would want to note that I -- while I certainly support and appreciate having some residential use, I would want to get some sense that if we're starting to require fencing and other things like that, I just don't love having residential use on such a major road without people being able to walk somewhere other than the major road. So that may already be addressed in whatever it is that was passed on second reading. I'm trying to pull up a map and reorient myself. It doesn't even have to be discussed now because I know it's coming back for a third. But I just want to note that I'm always most comfortable if people can leave wherever they live and walk somewhere that isn't just on a big street like rm 2222.

[2:42:10 PM]

>> Mayor Adler: Got it. We'll pick that up on third reading then. Thanks for the notice. We're up to item number 23. Mr. Flannigan, did you want to say something on this? >> Flannigan: Yeah. I'm just curious if staff has any information about the three use co's that were added? Were these contemplated by the property owner? It's alternative financial services. It's the first time I've seen these three co's presented in this way. I've seen lots of lists of co's prohibiting uses, but is there any reason these were called out? >> Councilmember, on this item I believe that the original application, although I don't have the notice in my hand, was originally had a co with a -- it was gr-co originally when it came in. There was a trip limitation of 2,000 trips so that was something the applicant probably added just to avoid doing a tia. It didn't generate enough traffic so they asked for that. The zoning and platting commission granted on an 11-0 vote and they added these additional conditions to prohibit the three uses. Also asked and the reasoner agreed to do a public restrict to prohibit the outdoor sound amplification equipment being used on the property. So I think those were added at the commission meeting. I don't know if that was -- I know the applicant agrees with those conditions, but I don't know if that was -- if that was beyond the original co to waive the trip limitation. >> Flannigan: I'm not arguing the trip limitations because I understand it was part of the original application and not something we can argue about. We often have

applicants agreeing to things in order to move their cases forward. It doesn't mean that want them, but they like them, so let's not be confused about

[2:44:11 PM]

that. Was there any -- to your knowledge was there a reason why these three uses were called out and added by zap? >> I don't have knowledge of that. I can go back and contact the case manager and see. And the agent is also here, Rodney Bennett, and he might be able to provide additional details. >> Flannigan: I prefer to understand why behind the policies we're presenting. Someone has the explanation for why these uses were added, then I would appreciate to hear T. >> I know the commission unanimously -- >> Was it on consent? >> It was an item that went on consent at the zoning and platting commission. >> Flannigan: So somebody on zap added these uses during the consent portion and it was voted through on consent. So it wasn't deliberated specifically -- we've had this before. It gets noted in the backup as voted on 11-0, but what really happened is some commissioner said hey, let's add three prohibited uses and everyone is like whatever, fine, and the votes are on consent, but it wasn't like it was deliberated and -- >> I don't think there was a lengthy deliberation. >> I want to make sure we're all clear about what it means when we hear something was voted in 11-0. >> Mayor Adler: Councilmember kitchen? >> Kitchen: I wanted to point out that this is in front of us on second and third reading. And the council approved it on first reading. So I did want to point that out. And also I can't speak to your specific question. I respect the question, but I wasn't expecting it. So I'm not certain. I can tell you in looking at the location of this that it makes sense to me why these are on there. If you look at where it is and the edge of the neighborhood there's always concerns about off site parking, for example. So as well as the sound amplification and those kinds of things. So if this is something that is agreed to I don't think now is the time to be

[2:46:12 PM]

calling it into question. So -- >> This site is already developed and I think the intention of the property owner to expand the existing, I guess, gas station, convenience store use on the property. And -- because it had a single-family designation and probably did back in annexation and they're trying to bring it into compliance so they can do the minor expansion to the existing facility. >> Mayor Adler: Okay. Applicant, did you want to speak to the conditional overlay? >> Thank you, council. I'm Rodney Bennett, Bennett consulting. Mr. Guernsey is correct, the property was zoned sf when it was annexed. There's currently a convenience store on the lot. The owner wishes to add 1,000 square feet to the convenience store and maintain the convenience store. He doesn't want to redevelop it to a new use. The applicant has no problems with the co ooze are the restrict for the outdoor sound amplification. I'm

happy to answer any questions. >> Flannigan: I'm not arguing about the restrict and about the trip limit. I'm fine with those. And I get the sense that the council is not willing to go farther down this rabbit role and that's fine. It is again co's are being added. There doesn't seem to be an explanation. We're passing zoning, passing conditional overlays without a substantive policy conversation. I'm getting information from my staff that it wasn't debated at zap at all, that staff added these co's at some point. There is some debate around it. We can have this conversation offline, but I think we can move forward, mayor, if someone wants to make a motion. >> Mayor Adler: Someone want to move approval of this item number 23. Ms. Kitchen makes that motion. Is there a second to this motion? Councilmember alter. Any further discussion? Those in favor please raise your hand? Those opposed? Mr. Flannigan is voting no, the others voting aye. It passes. >> Thank you, council. >> Mayor Adler: I think that gets us up to item

[2:48:13 PM]

number 25. >> Thank you, mayor and council. Item number 25 is a zoning Conrad road. The tract is about 17,300 square feet in size. The zoning change request is from sf 2 to sf 3, the single-family standard lot, to a family designation. The request was recommended by staff. The zoning and platting commission did not make a formal recommendation to you. They had several votes of split votes on this. The property is currently undeveloped. It's the owner's intent, Mr. Ford, to construct of two residential units on the property, a single-family home and a two family residential or Adu on the property itself. It is large enough actually to subdivide the property is into two lots under an existing zoning. There's a desire to build the two units on a single large lot. There is some opposition that's been filed by adjacent property owners over the concern of going to the sf 3 zoning. I think there's also some support for the sf 3 zoning. The adjacent zoning to the east is L.I., to the north is sf 2. There's some sf 2 and some commercial uses along research boulevard, 183 and sf 2 zoning to the west. Mayor, I believe you have the pliability probably and two -- applicant possibly and two speakers. And if you have any questions, staff will answer them at this time. >> Mayor Adler: Okay. Yes, councilmember pool? >> Pool: I have a note on this zoning case that-- all

[2:50:15 PM]

the surrounding homes are sf 2. Is there a possibility that the sf 3 zoning on that lot was intended to be a buffer from the commercial tract? >> There's a little bit of sf 3 zoning to the south, but it's probably a buffer from that commercial. It's not an uncommon practice back in the '80s to we called them a little spike strip of putting it back from commercial properties mainly to prohibit access by the commercial use into a residential neighborhood. And that's what you may be seeing on the map the sf 3 on the bottom. >> Pool: That's the note that the sf 3 strip is a buffer between the commercial property and the

neighborhood overlay. On the commercial property. >> Mayor Adler: Anyone want to speak? >> Casar: Mr. Guernsey, how many square feet is the property? >> It's 17,389 square feet. >> Casar: Okay, thank you. >> Mayor Adler: Okay. Let's hear from the applicant. Is Billy Clifford here? >> [Off mic]. >> Is the applicant here. I guess it's Charlie Ford. Would you like to come down and speak? I'm sorry. You have five minutes. >> I don't know whether I should be flattered or targeted because it's named after me. Anyway, I'd like to have that map put back on. I'm going to be very amateur hour here, but bear with me. But I'm about 250 feet from 183, and it's very loud. As a matter of fact, I went out to get the paper the other day at 5:57 A.M. And the decibel reading was 62 plus. And yes, I'm nerdy and I've got one of those.

[2:52:16 PM]

Inside my house was 32-plus. If you know anything about decibels, every 10-decibels is double the sound. So this is triple the sound and it's still dark outside early in the morning. The bend I think has something to do with that. The summit oaks neighborhoods association is both sides of that highway, not just one side. I feel like I'm the one representing the neighbors if the zoning can be approved, then people whose whole entire life nest egg may be improved for them. The lots are very large. They're enviable large at this point. As you can see, and we'll call this north -- north, every street is a dead end. If you're going by the property in question you have no business down there unless you live there. If you go down tweed court you have no business unless you live there. The same way to the left off to bell avenue. In other words, traffic impact is minimal. Particularly since the property in question is the closest one, so that's a non-issue, I feel. The the fact that it's less than a football field from a very loud nonresidential type source with commercial zoning and Lico zoning in between it. It's -- it should be Adu recommended. It's on a transit corridor. It's within the setbacks required. It's everything when we talk

[2:54:16 PM]

about affordability. I've stated before -- I am the next-door neighbor, by the way. So anything that goes there I'm the one that's most affected. So it's going to look nice, it's going to be nice. But anything we've talked about affordability, because my intention is to pass it on to my two sons, keeping it in the family, basically everything we've talked about on what we want to do. Now, my understanding is I could have walked in here and got subdivided and not had an issue, but I'd have had to increase my impervious cover. And that doesn't make sense to me. Because I want to keep the trees and I want to keep it natural and the vitriol that I'm getting from the neighbors -- and I do have support, by the the way. They do not want to show up today. I asked them not to show up today because it's not pretty. But I do have support to get the increased zoning. So perhaps I was steered wrong by staff, but here we are today. I

want to go for sf 3 because I already have the money involved in it. Again, if I went and subdivided it, I would have to increase the impervious zoning. With respect to co's, which I know are not always popular, I don't have a problem with street parking being eliminated because we don't have it now. I don't have a problem with it not being a duplex because again, I want to build two separate houses for my sons in the future, pipe dream. Almost everyone here -- well, I won't get into that, but again, we have two sides of this highway that are still basically considered summit oaks.

[2:56:17 PM]

It was stated at the zoning and platting commission that as many as eight homes on the northside of the highway, eight, and there's about 32, so one-fourth, were suspicious of being duplexes already. So they're big lots. Some of them are big houses. The acrimony to me, the sense that somebody telling somebody else -- [buzzer sounds] -- What to do with their property because they don't want it for themselves, it's not a basic evaluation. I think the value of the properties would go up if the zoning was requested. Or given. So I really think are they turning to their neighbor and saying I don't trust you to who you're going to sell it to therefore I'm going to prohibit you from whoever you want to sell it to? And again, the only reason you're on my street, and I understand the buzzer went off, the only reason you're right there is either because you live on that street or you accidentally made the turn there, but yes, we are buffered by sf 3 by both ends of the street. There's a 300-acre 3 M property behind me. Thank you very much. >> Mayor Adler: Let me move on. Mayor pro tem? >> Tovo: I want to clarify something that you just said. You made reference to somebody prohibiting you from selling to someone? Was there any suggestion in this process that somebody wanted you to -- wanted to prohibit you from selling this tract? >> No. What I meant by that is you wouldn't get the highest and best use of your property some time in the future if indeed sf 3 zoning allowed your property to be more valuable. So somebody -- I think by protesting that they are saying not in my backyard, obviously. And two of them that are

[2:58:17 PM]

going to stand up here and talk are not on this map. You cannot see them they are so far away, are basically telling the rest of us how to handle our own property. >> Tovo: Well, you're asking for a zoning change and so that's part of the process that people get to weigh in on that. >> But not in the middle of the block, end of the block, absolutely no traffic impact because it will be my two sons. >> Tovo: I appreciate it. I heard your argument. Thank you very much. >> Mayor Adler: Okay. Thank you very much. Next speaker, Billy Clifford. Michael O'Reilly is on deck. Mr. Clifford, you have three minutes. >> Thank you, mayor and council. My name is Billy Clifford and I live in the summit oaks neighborhood. And

contrary to what Mr. Ford said, the summit oaks neighborhood association is only north of 183. It does not cross 183 to the south. It's a very small it's a very small neighborhood. There are four short streets, one entry and one exit to 183. Many residents including myself have lived there for decades. We moved there a continue to live there because it's a quiet single-family neighborhood. We expected that to continue because of the zoning and the deed restrictions. This map in front of you is on your screen. It is also the map set up by the city to -- neighbors within however many feet within the zoning request. You'll notice on the very top there's a sf-3 highlighted in blue and in the middle of the map there's a more narrow sf-3. That is a buffer. It is not a lot. It is property owned by the commercial interest there to separate the neighborhood

[3:00:18 PM]

from the commercial interest and therefore that zoning, those parcels should not be used to justify an sf-3 zoning for the applicant's property. Talk a little about the history. This neighborhood was annexed by the city in 19 -- by the city with interim aa zoning. Several years later the streets were reconfigured with the neighborhood support to have a single entry exit on tweed court. At that time the interim aa zoning was changed to sf-2 and that was after considerable discussions, scrutiny and collaboration among the city staff, the city council and the neighborhood. It was all changed to sf-2. So every lot currently in the neighborhood association, all 36 lots are zoned sf-2. In 1977 this study was commissioned by the city to study the 183 area, part of which was annexed at the time. And they -- they recommended sf-2 zoning for our neighborhood. So bottom line is that over the years a lot of people have spent a lot of time and they've all come to the same conclusion that this should be a single-family sf-2 zoned neighborhood. I want to talk about deed restrictions for a minute. [Buzzer sounding] All right, I won't get there. But this rezoning benefits only the applicant. If the rezoning request is approved, it will invalidate 40 or more years as a single-family neighborhood, provide the applicant justification to violate the deed restrictions and

[3:02:19 PM]

provide current and future property owners in the neighborhood to violate deed restrictions. >> Mayor Adler: All right, sir. Thank you. We have a question -- sir, we have a question from Ms. Houston. >> Houston: Thank you. Sir, could you talk a little more about deed restrictions for me, please? I'm not sure what you are restricting or who you are restricting. >> The deed restrictions were written about 60 years ago so it's in the language of that time. I don't expect city council to enforce the deed restrictions, but I do expect them not to grease the wheels and make it easy and encourage property owners to violate the deed restrictions. And the deed restrictions, if you read what we have for our properties, it -- to me

it's clear that the -- the properties are single-family oriented. It's -- in fact, the last item which I think refers to Mr. Ford's lot because it's smaller than the regular lots. It's already been subdivided it specifically says a single residence. The other reference to residence or dwelling units is in the singular. It doesn't say plural, multiple units. But I think the intent of the deed restrictions is to say it's a single-family neighborhood and that's the way all of them are today. Although as Mr. Ford said, there are some people, we believe, are misusing their properties. They are renting out a section of it so it's being used as a duplex. >> Mayor Adler: Okay. Anything else? Thank you. Ms. Pool. >> Pool: So now I understand why the sf-3 piece was highlighted. The point is those two pieces were put in there

[3:04:20 PM]

with that zoning to be buffers, but that is the zoning piece that the applicant is relying on to say that he should have sf-3 on that parcel. >> I'm not sure what he's relying on, ma'am, but I do know the zoning -- the highlighted areas are not part of the neighborhood, they are -- it's an overlay on the commercial property to act as a buffer to separate the commercial property from the neighborhood. >> Pool: And so that clarifies for me because -- because we could see there were some sf-3 zoning categories in summit oaks. >> Correct. >> Pool: And then the notes said they are buffers and it wasn't clear to me, you have made it clear to me now why they are different and why they would not necessarily apply to the parcel in question. >> Thank you for your question. And I'd like to stop by saying the sf-2 zoning in our neighborhood is not broken. Please do not try to fix it. Thank you. >> Mayor Adler: Thank you. Next speaker. Sir. Michael O'Reilly. You have three minutes. >> Hi, I'm Michael O'Reilly. I'm the president of the summit oaks neighborhood association. After Charlie announced -- or I guess we got the notices of the request for zoning change, we had a neighborhood meeting where Charlie came and, you know, spoke his piece about what he is planning and what he had in mind and other neighbors spoke their piece about what they thought about it. At that meeting at least it was 100% expressed opposition to the change with the exception, of course, of Charlie.

[3:06:22 PM]

As such, as president of the neighborhood association, you know, I can say that, you know, all that I heard from anyone in the neighborhood is opposition to this plan. There's definitely concern for precedent being set where, well, if this one happens, someone else is going to feel free to make a similar application at which point you all are going to look at that and say, well, there's one sf-3, why not another one and the dominoes fall from there. So that is the view of the neighborhood in general and the neighborhood association specifically. I know Charlie said that he has heard some support. I've not heard that. It's not impossible that -- that there are people in the neighborhood supporting it, but, you

know, none of them have talked with me about it. I will say that Charlie is a good guy. I'm actually his next-door neighbor, we share a fence. So I'm I guess the next closest person who would be affected by this. He's been a great neighbor for 22 years. I don't think he has, you know, bad plans or ulterior motives, I think he's up and up about what he wants to do. I think the concern of the neighbors is simply that it's a bad precedent as well as, you know, what Charlie was saying about selling the property. If the property does change hands, then regardless of what Charlie's intentions are for it, once the zoning is changed, it's changed. And anyone else who comes into possession of the property would then have the more expansive zoning for that. I believe that's all I have to say. >> Mayor Adler: Mr. Casar. >> Casar: One question, sir, and thanks for coming and speaking. So I understand what it is that the applicant wants to do with it.

[3:08:22 PM]

What are the concerns that you would have if -- you know, I understand he doesn't have plans to sell it, but there's always chances that could happen. What have folks expressed to you as a concern of what could happen if somebody had sf-3 zoning. [Buzzer sounding] >> Sure. I think the biggest issue is the possibility of duplex or somewhat more dense housing as Billy brought up before, you know, the entire neighborhood is single-family, single dwelling, and that to a lot of people is an important part of the characterization of the neighborhood. The fear, of course, is that if the zoning were to change, that there's the possibility of the increased density housing which I brought up before then would open up the possibility for other people wanting to change their zoning and continuing from there. >> Casar: Understood, but the -- but his plan currently is to have a house with an accessory dwelling unit or two homes and y'all's concern is if somebody else do it it could be a duplex essentially. >> That's my understanding. People who object to his plans, the two separate buildings. I have heard from at least one person who expressed that they don't have any problem with the two separate dwellings and that they wished that he had pursued resubdivision as a route rather than a zoning change. >> Casar: Okay. Thank you. >> Mayor Adler: Okay. The applicant like to close? >> Yes, sir. >> Mayor Adler: You have three minutes. You can close. >> To address councilman Houston, I do have the deed here and it says we can put

[3:10:24 PM]

up servant quarters. They have to be less than 1200 square feet, which is more than an Adu. >> Mayor Adler: Either one works. >> It is in the deed we can go ahead and do it. To councilmember pool I had no ulterior motive. I have a bigger concern with 3M being behind me at 300 acres. You know, I was advised by staff to go with zoning and not subdivision. And I didn't want to put any more impervious cover. So

how can I be more straddling the fence on doing the right thing? I also want to be up front about what I'm doing as opposed to eight houses that are sneaking in duplexes and living as duplexes. All I've done is try to do what I feel is better for the environment and more up front legally. >> Mayor Adler: Mr. Casar. >> Thank you for bringing up the servants quarters issue. My understanding actually -- but maybe I'm wrong, maybe the planning staff needs to answer this for me, under current zoning on sf-2 we have folks entitled to be able to -- just for the record I'm supportive of your request, sir, but I think it's important for us to know under sf-2 are you able to build a secondary unit if it's for -- for somebody that works for you? >> Councilmember Casar, you are correct, there is a provision under 25-2-893, accessory uses for principal residential use, under that section it does allow a single accessory building as permitted with the principal use as a single-family use located on a lot at least 15,000 square feet. This is 17,000. The accessory dwelling may be occupied only by a family

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with one member actually employed on the property for security and maintenance management [inaudible] Personal service. So the only way that you could have a second dwelling under the existing zoning would be that that person has to be employed in some capacity on the property. And whether Mr. Ford or Mr. Ford's son or someone in the future that employment requirement would carry forward as a condition. So this -- an average family couldn't move in without providing some service for the lot. >> Casar: So you couldn't have your in-laws move in, but you could have somebody that works on the property. >> I guess if your in-laws took care of the house and mowed the lawn, we would probably -- that would be okay. >> Casar: And the city would check to see if that's okay. >> Our code department would have to -- >> Mayor Adler: Would you explain the issue if it's subdivided you would have to increase impervious cover. >> Subdivision is more expensive than zoning process and Mr. Ford can speak for himself, but if you were to build another single-family home, we would require two parking spaces and it would have to have a driveway which would add impervious cover. This is an Adu, within a quarter mile of a transit so you wouldn't have to provide parking under the regulations of sf-3 today. So I think that's where he's probably talking about you would have to add more impervious cover because we would require parking and driveway which would not be necessarily required for the other unit. >> Mayor Adler: Ms. How often. >> Houston: Thank you, Mr. Guernsey. I think it's incredibly interesting we have put in code deed restrictions that talk about servants quarters but we do them in different ways and say they have to be employed by rather than -- which is what servants are. We've included in our code now the fact that he could in fact add an accessory

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dwelling unit if they were servants or employed by. We're using different terms but it's the same concept. >> It says employed on the property. >> Houston: Yes, but that's what a servant is. In the old terms, that's what it is in their deed restrictions and now we just say employed by, but it's the same thing. Somebody has to work for the primary homeowner. >> Mayor Adler: Further comments on the dais? Ms. Transaction Claire. -- Troxclair. >> Troxclair: On the issue of the subdivision, so he would have the ability to do that now or is that something that would come to council and have to be approved by council? >> It would be approved by the commission and provided there's no variances that require, the commission would be required to actually approve the subdivision, but there's a great cost in going through and hiring a surveyor or engineer to create the subdivision. And it's probably a more lengthy process than going through zoning change. >> Troxclair: Yes, certainly -- >> Additional impervious cover. That's backwards to everything. >> Troxclair: Between the two options, this certainly seems like the more appropriate option than requiring you to put for impervious cover on the property. Mr. Guernsey, can you tell me the reasoning for the staff's initial recommendation of making the change? >> Well, it is a large lot. It is in close proximity to 183, as the applicant amended. He could actually subdivide this and actually create the second unit. We didn't see the sf-3 as being that intrusive in this situation. >> Troxclair: Thanks. >> Mayor Adler: Further discussion from the dais? Councilmember alter. >> Alter: Can the -- given the size of the lot to the neighboring lots, would they be able to also subdivide? >> They would. You know, this is a vacant

[3:16:28 PM]

lot so there might be some situations where you might have some issues over the existing homes on some of the existing lots. May end up having flag lots or having been reconfigured differently because of the existing structures, but this is an existing vacant lot. >> Alter: Okay. Thank you. >> Mayor Adler: Mr. Flannigan. >> Flannigan: I've had the pleasure of talking to both the applicant and some of the neighbors that live in that neighborhood, and I've really gone round and round on the deed restrictions thing because ultimately this is not the body that is tasked with interpreting deed restrictions. I think that's the part that holds me back from using that as part of the analysis. That being said, I also am not a big fan of using plans written the year I was born in order to justify zoning for the future. In 1977, 183 did not look like 183 looks like today. I have lived in district 6. I lived through all of that construction when 183 was expanded. There used to be stoplights that allowed you to cross, it's all different now. And I think as difficult as it is, we can't pretend change isn't coming. We have to think about how change will happen in our neighborhoods in a slow and deliberative way. And I think by enabling a better style of development, by going with sf-3 instead of leaving the only option being subdivision where I think there are other negative impacts that will happen to the neighborhood that are completely out of anyone's control, I think the best path forward here is to approve the sf-3. I think it's also important to note that this lot is so different in size and dimension from every other lot in the neighborhood that it is in many ways a unique situation. I want to change councilmember Houston for bringing up her point about the deed restrictions. I think there's a longer

[3:18:29 PM]

community conversation we always seem to avoid around that impact in our community, not just in this case but in a lot of cases. But I -- I understand the community and the neighborhood's frustration with what they think or what they worry that a sf-3 zoning might provide, but we are talking about one unit more than could have been built anyway. And it is a small self-contained neighborhood. A couple more units is not going to hurt. You have already had neighbors that have those extra cars, that have extra impacts happening and the neighborhood is great, like you said, it's a wonderful neighborhood, it's a wonderful pocket neighborhood that is unique among many of the neighborhoods in our community. And I don't believe seeing other neighborhoods that have beautifully integrated duplexes and single-family homes like the neighborhood I live in just one exit up the highway, that I don't think this is going to be problematic. But I want to encourage my colleagues to support this rezoning. I think it is a common sense change. I also wish everyone the best of luck as they interpret 60-year-old deed restrictions. >> Mayor Adler: Councilmember Garza. >> Garza: I don't want to open up a can of worms and a discussion of codenext, but this is a perfect example why we need to change our current code. When austinites have to come before council -- and that's not including the hours this gentleman has spent in front of our other planning commissions, simply to build two houses for his family on a giant lot. For every Mr. Ford there are a lot of Mr. Garcias and other families who want to be able to do this exact thing to be able to keep their family here in Austin.

[3:20:30 PM]

And they don't have the ability to come up here and sit through hours of testimony and hours of this discussion and come before council and sit here for hours. And so I'm -- I'm supporting this to be changed to sf-3. We should have a code that allows our families to do this exact kind of thing. So they can stay in Austin. >> Mayor Adler: Mr. Renteria. >> Renteria: I also support -- want to vote for approving it. And to me, you know, I had a bumper sticker that said pray for me, I drive 183. [Laughter] >> Mayor Adler: Further discussion from the dais? Yes. >> Casar: I'm going to be voting for this and I think the fact that there are people that are stacking up in some of these houses, I think just goes to show that there is a lot of demand for living in that part of town as well and the only way that we can accommodate that well is to make sure that we adapt our regulations to accommodate that well. This lot is around three times the size of our lot size here in Austin and our lot size of 5750 is already pretty large. And so the fact that something that is three times larger than our lot size is technically only currently allowed to have one house just doesn't make good sense, especially in a neighborhood where there's lots of folks that are trying to live there to be close to their families or close to their work or for

whatever the reason. I'm supportive of this and I appreciate you as an everyday citizen coming through this long process. We don't see that very often and I hope that through the

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code rewrite we can, as councilmember Garza mentioned, just fix this issue. When we were actually trying to change the Adu ordinance during our first term as a 10-1 council, that's why I thought it was important to create this option for people on sf-2 lots. That wasn't successful then but hopefully it will be soon. Thank you. >> Mayor Adler: Further discussion from the dais? Yes, Ms. Houston. >> Houston: I would like to ask Mr. Guernsey a question. See, that was one of those senior moments. You went back to get it and it's gone. I'll do it -- I'll do it in a minute. It was something about -- something about accessory dwelling units, the lot is massive, right? >> Right. On this property under sf-2, if the lot is 15,000 square feet or greater, and this is, it's 17,300 plus square feet, an accessory dwelling unit is permitted for someone employed on the property to provide security, maintenance, whatever. >> Houston: So if they are only there because they are a student and they happen to work at 3M -- did you say 3M was behind you -- then they wouldn't qualify? >> They would only qualify if in addition to working at 3M they took care of the property, provided maintenance, security. They would have to be somehow employed on that property in addition to maybe working at 3M. >> Houston: Okay. >> Mayor Adler: Ms. Pool. >> Pool: Can I ask Mr. Guernsey a little more about that? So you are saying that

[3:24:37 PM]

our -- the Adu on a lot this size can't just be for someone who is part of the household, a family member? A person has to -- >> The way the ordinance is set up, you can have what's called a guest house also under 10,000, but it can't be rented. It's only for nonpaying guests. But if you are actually trying to create another dwelling unit, it doesn't look so much to the person if they are related or not in that second unit as much as our ordinance says they have to be employed to provide some service, security maintenance management, supervision or personal service. >> Pool: What about all those ads we permitted two years ago when we expanded the allowances in the ordinance for ad Us? >> A properties zoned sf-3, there's not a restriction like that. >> Pool: Okay. >> So they can be rented to a family member or somebody who works on the property. But you need to -- >> Pool: It's because it's sf-2. >> Sf1 or residence district. If they meet the minimum lot size requirements, they can have a second unit, but they have to be employed somehow on the property. >> Pool: Or live in the what you were calling a guest house, which would not -- I can't imagine Mr. Ford is planning to charge his sons to live there, but I mean I don't understand where the prohibition would be for him to build the additional housing unit. >> Well, for a guest house, it's occupied by occasional nonpaying guests. So I'm not sure if

someone lived there all year you would call that occasional. >> Pool: Or a guest, for that matter. I mean if it's a family member. >> Correct. >> Pool: I'm really having trouble penetrating the reasoning behind this particular prohibition. And thanks for clarifying that when we made the

[3:26:38 PM]

changes it was on the sf-3 so we didn't delve into these particular elements. F2. >> Casar: Indeed I would be willing to -- imagine people wouldn't want to do this before codenext, but we did discuss this during the Adu reform and I believe our committee asked for -- we did recommend that in sf-2 we allow for the accessory dwelling unit because it was already allowed for guest houses or servants quarters or maintenance workers quarters and it should just be allowed, generally I believe that was not lost by a narrow margin. I think councilmember troxclair actually made the motion -- made another motion or I did for us to try it again and I think that lost by a narrow margin actually on this same issue that it's already permitted if it was a guest house or a worker's quarter. But if there is a change of opinion on that, now that we have a different council, I'm -- I'd be open to, again, trying to allow ads in sf-2 but considering it won't be a category that much longer than might not be worthwhile. >> Tovo: Most of the sf-2 has changed to r1 in councilmember Flannigan's district. Very much remaining the same as far as I can tell. >> Mayor Adler: Ms. Houston. >> Houston: Mr. Guernsey, who would enforce whether it was a guest house or somebody was working on the property as an employee? How would that be enforced? >> It would be code enforcement and it's probably a hard determination to make to -- to verify the employment of a person on the property. We've seen this on much larger properties that you might see in our city where there's a family that has a

[3:28:38 PM]

nanny that might live in this building. There's larger properties that have security. We recently had a pud in the last couple years that had a facility or basically a house like this on the property for security reasons. But that was a very large property. >> Mayor Adler: All right. Further discussion? >> This is only ready for first reading. If you act after you close the public hearing -- >> Mayor Adler: Is there a motion to be made? Mr. Flannigan. >> Flannigan: To approve the rezoning and close the public hearing. >> Mayor Adler: To approve zoning on first reading only and close the public hearing. Ms. Garza seconds that. Any further discussion? Let's take a vote. Those in favor of the motion please raise your hands. Those opposed? Pool voting no, others voting aye. This passes. Okay. That gets us then to the next item. This would be item number 29. If I have that right. Let's see. Yes, we're up to item number 29. >> Pool: Mayor, just to

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lay this out real quick for everybody and then I think it's ready to go. >> Mayor Adler: Okay. >> Pool: On Tuesday I talked to everybody about the different things we were working on with the approval of the marketing plan and the budget for the visitors bureau. The marketing plan isn't ready today to be approved, but I think as soon as we get the revisions back from the staff, they are working on them, a number of not only my office but a number of other offices have submitted some so that work is ongoing. But the really good news the budget is ready to be approved for the rest of the fiscal year. I had concerns about the reductions that were being taken in the film and music commission specifically because those were areas we didn't want to see any cuts so in talking with Julie heart at the visitors bureau, she advised they probably already moved the money around so that those reductions are restored. So I would move approval of the fiscal '18 budget for the Austin convention and visitors bureau. >> Mayor Adler: A motion to approve the -- this item 29. Second by Ms. Houston. >> Pool: And let me just make sure everybody knows that there is the additional backup that goes to the agreement that -- based on the budget rider about the local business marketing and tourism program grant. That's the \$200,000. Remember, there was some question that acvb and the dais did as well about how that would be managed and so we have an amendment to -- amendment number 2 to the agreement for convention and tourism marketing services and it's item 1.3.3, \$200,000 shall be allocated ... To tourists. So that's the piece that -- of the budget rider some of us have worked on during budget.

[3:32:42 PM]

>> Mayor Adler: Okay. It's been moved and seconded. Have you discussed the rider with the staff? At that time we had asked staff to come back with an appropriate vehicle for spending -- figuring out how to do the \$200,000. >> Pool: It looks to me like this is pretty official. So I'm assuming -- >> Mayor Adler: I haven't seen it yet. >> Pool: It's in the backup. Revised backup to 29. >> Mayor Adler: So the answer is question, staff has signed off on that? >> Pool: Yes. >> Mayor Adler: Okay. It's been moved and seconded. We have tons of people here to speak on this. Now that it's been worked out, I'm not sure that we need to hear from 55 people, although I appreciate everyone coming and we can certainly do that if people want to speak. Is there further discussion from the dais at this point? Is there anyone in the public, because I know you all came down here. I want to give anyone a chance to speak who would like to have a chance to speak. We're back up to the dais. It's been moved and seconded to approve the budget. Ready to take a vote? Mayor pro tem. >> Tovo: I have a couple quick questions that I wanted to ask visit Austin staff. And if I overlooked this in that big binder, I apologize. But I appreciate you providing us that. Can you talk to whether or not you are planning to add staff in this next year? >> My recollection is right now we have no additional staff planned for this -- things could change but we don't have that planned

[3:34:43 PM]

currently. >> Tovo: Remind me what happened last year if you added staff for pma and were those temporary or permanent? >> We added one staff last year, diverse I have marketing. >> Tovo: That was just a need that you identified. >> Mostly volunteers. >> Tovo: Thank you. I appreciate that additional information. You know, I just want to say I'm going to support this. I do think, as we've all seen, that we're having increasing numbers of -- we're having increasing -- increasingly thoughtful conversations about how to spend our hotel-motel tax dollars. As we're having those discussions we are opening up some opportunities for spending them in different ways. So I really appreciate the work visit Austin does and has done and hope it continues. I would like to say it is an interest of mine to continue to use those hotel-motel tax dollars in new and innovative ways that fulfill a mission we're required to under state law but that may result over night in fewer -- time in fewer dollars going to Austin. Continue work on building private contributions to visit Austin and I would -- because we had this conversation this year and there was grave concern if we didn't allocate the samement as last year or in previous years to visit Austin that you might have to lay off staff and other things. I just want to signal that it's an ongoing mind to continue to look at how we spend our hotel-motel dollars and that will mean looking at allocations in separate buckets. Those that go to visit Austin, those that we retain at city of Austin and maybe some other opportunities we haven't thought. Again, I appreciate your work, but [lapse in audio]. The reason for that is because we have -- we do have different ways we can support tourism.

[3:36:44 PM]

And again, I think there's conversation going on. Thanks again. >> Mayor Adler: Further -- councilmember alter? >> Alter: Thank you for all the information and thank you to the many members of the community to shared their views on this issue. Today is not the appropriate time, but one thing that I've learned from the last few weeks is improved communication between the council and this particular industry would be very valuable in both directions. And so I think that maybe we should explore whether -- in a way of having someone on the board or not exactly sure what it would look like. We haven't had that conversation, I don't think today is the time to do that, but I think we as a council would benefit from learning more about how this industry works and if we could structure that part of the relationship a little bit differently, I [lapse in audio] So that we understand each other better and we don't get to a point of having this kind of crisis at the end of the budget. Process. >> Thank you, councilmember. We're an unusual industry, we understand that and we would be happy to have a conversation and deeper dialogue to understand how our industry works. Anything we can do to help, we'll definitely do. >> Alter: And I know there's a history of how you respond and we want want -- potentially set that up in a constructive manner. >> Pool: To Mr. Noonan

[3:38:46 PM]

letter of October 10, which was Tuesday, he lines out in here the -- in response to the council directives, he wanted to share the commitments that they are making to Austin. The first one is the audit. There will be a financial and program audit done by our city auditor and visit Austin welcomes an indepth financial and performance audit conducted through the city auditor's office. Using local Austin musicians out of market when they are out of market [inaudible]. We talked about the thousand dollar grant for -- are happy to facilitate and administer and we've gotten the additional clarification for that that everybody was looking for. On the alcohol issue, visit Austin promises to use private funds only to pay for alcohol for client entertainment. Contract review, they look forward to working with city legal, city council and city staff for complete review of the visit Austin contract and its requirements. That will be ongoing. We're not doing that today and that relates to what councilmember alter is also mentioning. So this letter was -- I think hand delivered to all our offices so you have that in backup. I really appreciated the work that visit Austin staff and representatives did with me and my office the last two weeks, it was really helpful. We did a careful assessment of the items in the binder and are continuing to have dialogue about the contents of the marketing plan which I look forward to you all bringing it back when the revisions are complete and we'll be able to approve that. I'm happy today to move forward on the approval of the budget. >> Mayor Adler: Further statements from the dais? I would just note that I think you guys are doing a

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really good job. And I think that's evidenced by the materials that you've given us. In particular I want to call out when this council met last year there were requests to redirect some efforts with respect to diversity, promotion and activities. And your presentation on how you handled that was one of the more impressive I think we've seen this year. So I think you are doing a really good job and it's important to the economy so thank you. >> Mayor, mayor pro tem and councilmembers, thank you so much for your support todayen a I just want to thank all my industry supporters here today. I know we had an overwhelming crowd and we're proud to have their support. And our team is here as well. A lot of our staff. Thank you so much. >> Mayor Adler: Any further discussion from the dais? Those in favor please raise your hand. Almost but not quite. >> Lela fireside from the law department. I will amend the resolution so that it approves the proposed amended budget and establishes the contract payment as reflected in that amended budget. Because there were changes in the numbers and I just want to make sure that this resolution is accurate. Then if I understand you, the marketing plan is going to come back. That's pretty important because it forms the basis for evaluating our deliverables and so we really need that reviewed quickly. >> Pool: I agree and right now it is with visit Austin to -- with the comments that

have been collected, so we are waiting and I know they are working on it quickly. >> Thank you. >>
Mayor Adler: Those in favor raise your hand? Those opposed? It's unanimous on the dais.

[3:42:47 PM]

[Applause] Thank everyone for coming. Council, I think that gets us here at 3:42 to everything that we can handle before 4:00. So we will stay in recess until 4:00 and then come back. So the items that we are going to have when we come back are items 26, 27 and 28. And then the special called meeting, item number 1. [Recess]

[4:01:15 PM]

>> Mayor Adler: All right. I think we have a quorum present. So we could begin. 26, 27 and 28 are public hearings, and I don't think there's any action to be taken today. I think we just call the public hearing, is that right? >> That's correct, mayor. >> Mayor Adler: Okay. Do you want to lay those out? >> Yes. Greg Guernsey, planning and zoning. Good afternoon, council. These are our 4:00, we have three annexation items. The first one has no speakers, but I'll just read into the record we are conducting a public hearing for the full purpose annexation of the river place outparcels annexation area. This is approximately 212 acres in northwest Travis county adjacent to the river place menu utility district and the city's full purpose annexation. This is the first of two public hearings that will take place on this property. And then a second public hearing will be next week, Thursday, also at 4:00 P.M. The ordinance readings have tentatively been scheduled for November 9th. As I said, mayor, I don't believe we have any speakers for item 26. And staff is recommending -- >> Mayor Adler: Okay. Is there a motion to close the public hearing on items 26 and 28? It's been moved by Mr. Flannigan -- >> Mature, I've only read in 26. I can read in 28 if you would like. >> Mayor Adler: Why don't you do that. >> Item 28 is an additional annexation. This is for full purpose annexation of the holt cat subdivision, a 27-acre tract along south I-35, three tenths of a mile mouth of slaughter lane. This is also the first of two public hearings. The second public hearing would be next Thursday at

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4:00 P.M. And staff would recommend approval of this annexation as well. >> Mayor Adler: We have a motion from Mr. Flannigan to close the public hearing on items 26 and 28. Is there a second? To that? Mr. Renteria seconds that. Ms. Houston? >> Houston: I have some concerns because those are in

councilmember kitchen's district and she's not even here. Oh, that's right, that's your district. >> Flannigan: Two different ones. The river place one is my district and the holt one is in councilmember kitchen's district. And the also -- we're not talking about 27. It's just 26 and 28. But 26 is in district 6. >> Mayor Adler: And all we're doing is closing the public hearing until next week. >> That's correct, mayor. This is the first of two public hearings. >> Mayor Adler: Correct. >> Houston: Okay. >> Mayor Adler: Those in favor of closing the public hearing please raise your hand? Those opposed? It's everyone on the dais with Ms. Kitchen off voting to close the public hearings. That gets us then to item number 27. >> Correct. Thank you, mayor and council. Item number 27 is to conduct a public hearing for the full purpose annexation of the Mooreland addition. This area is approximately 34 acres in southwest Travis county east of the intersection of Manchaca road and Mooreland drive. It is surrounded on the north, south, east and west already by the full purpose annexation by the city of Austin. This is the first of two public hearings. The second public hearing P.M. Staff is recommending this annexation. This one -- this particular annexation was brought to you last year. We had some citizens that had concerns about the annexation and taxes, and I believe you have several citizens here today that would like to speak to you on this issue. If this were to be annexed, the proposed date

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would be in November, and the annexation for taxing purposes would take place with the tax bill in January of 2019. >> Mayor Adler: Thank you. Council, I'm going to call the folks that have signed up to speak. First is James Gomez. Mr. Gomez. And then on deck speaking up next is Blaine Todd. Is he here? And I think you have some time that's been donated from Diane Rice. You have three minutes. >> I apologize. I'm not fully prepared for this. I just received the draft and was reading it. And what I didn't stand last year, just real quick, last year they weren't going to provide any services in our area from the city. You were going to annex us without water, without wastewater, any of that management. I'm looking at this now and I'm not understanding fully, are you planning on providing that now? Within that area? >> Mayor Adler: Staff, do you want to respond to that? >> Mayor and council, also to my right or to your left are the service plans for this area. And the draft annexation plan goes through the different types of services that would be provided. Certainly fire protection, police protection would be provided. I don't believe at this time that we are actually proposing the extension of new water lines or sewer lines, but as tracts would be developed that that would certainly be something that could be provided. The solid waste collection would also be a service that would be provided to these properties. And there would be a

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maintenance from the city of Austin for the streets and roadways that exist in this area. The capital improvements, -- there are no capital improvements proposed at this time for water and Austin water services -- and wastewater services. >> Mayor Adler: Thank you. >> So basically in essence we're not going to have any of the services that the city of Austin actually has on hand now, correct? You're not going to provide those except for solid waste basically. >> And police and fire. >> And police and fire, but we have that already. We have it through Travis county. >> We have a reciprocal agreement with regards to police and fire. We may be the first responders in this case, but the primary responder would be those emergency district for this area. >> Okay. >> Mayor Adler: Thank you. You can sit down, Greg. >> Personally I am against it. I prefer to stay with the Travis county. We've been with Travis county forever. All the personnel that live in that area, all the people that own the property there are elderly, disabled and veterans. For the most part. No change of families, nobody has ever left this area. It's complete family areas. They are not going to provide all the services that the city of Austin has already. Your taxes, first off, they're going to be pretty low from the people that are there anyway due to the fact that they are either disabled or veterans, which we already get that. We're not going to receive

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anything from you and you're not going to really receive much from us on that small -- those small areas. And he was talking about development, there's no area to develop except for one block. Which the rest of them there's houses on them, everybody is going to stay there, we're not going to move. So I'm not sure what benefit the city of Austin gets out of annexing this area. And that's all pretty much what I have. >> Mayor Adler: Thank you. Blaine Todd. You have five minutes because you have some donated time. Is John onichmidt here? You will be up next. >> Good afternoon, councilmembers, mayor. My name is Blaine Todd. My wife Diane and I live at 11507 Susie street in the Mooreland addition. We are opposed to annexation by the city of Austin in any form. Based on the discussions from last year as well as continued research and keeping a watchful eye on what goes on in the city of Austin, we find no compelling reason to agree with the proposed annexation. After renting for several years in central Austin, we were ready to take the big step and buy our first home. Nothing in Austin proper seemed affordable to us and with paying a mortgage and student loans on my part, unfortunately, we asked ourselves if we waited too long? We asked ourselves were we going to get to live here? We found an oasis in the Mooreland addition. It's quiet, affordable. Close to our jobs. We didn't have to quit, have to move out of town. We started to look at the break down of taxes and from the layperson's eye it looked like comparably priced homes in the city of Austin carried double the tax burden. We currently have top tier law enforcement provided by the Travis county sheriff's office. And while we appreciate that APD does a fine job when I consider fact that I read

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June 24th of this year the that the police department was experiencing staff shortage that was leading to response time: Currently man shake fire is less than 1.5 from my house. On a clear night when they get a call I can actually hear them answer the phone. If there's a fear -- something funny? If there's a fear that this development that our neighborhood might become overdeveloped and that maybe the city's ability to regulate such things might be able to step in and prevent something that nobody likes, there's no wastewater line and shallow soil, septic will really prevent any further development there of any notable scale. So I asked myself, what's offered that we don't already have? And I haven't been able to find much. I've also been looking into do I have leverage here? Is there anything I can do? Apparently the state just passed some sort of Texas annexation reform so I did some research and I started looking into it. From what I could tell, we can weak and powerless in this discussion. The decision solely in your hand. I can only hope that I can appeal to category 4 sense of justice. The dictionary says the quality of just is being impartial and fair. That means nothing to a lot of people, but when I stalk about justice I am reminded of one of my favorite books,

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the history of war. I don't know if any of you are familiar with it, but in it Athens sends an expedition to melos to demand they join their empire or face destruction. I'm not implying you guys are putting something like that before me. I understand. But they tell the people there the strong do what they have the power to do and the weak accept what they must accept. They would not accept what they wanted, to simply be neutral, a friend and neighbor. Like Athens, you have the power to do as you wish. Like the melians, we can only pray for justice. Thank you. [Applause]. >> Mayor Adler: You have three minutes, sir. >> I'm not well spoken, but my main thing was in our area we have the 35 homes as he was mentioning, and there's families that have been there long-term. They're fixed income families with not a lot of money and there's not a lot of acreage here. The fire department, as he says, you can hear the calls from our house where the fire department that comes to our house. It was just newly built. We don't have any problems with that. I get garbage, cable. I can watch you on the news whenever I want. And I don't know what the end game is here besides just taking more of our money. And a lot of the families in that area can't afford more and as he was saying there is nothing that we could really do about this, and it is in your hands. I just don't understand what this small amount of acreage is that you're taking. There is not a lot of end game or gain for you guys at all. And we get absolutely nothing in return. If Austin takes this over I'll still use pec electric, I'll still use the water well that my neighbor used to own, sold to Austin years ago or whoever. Nothing will change at all except for some garbage,

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which I get that too. So I guess our hope is that y'all do see it the right way for what we want. And it comes -- and I don't know how else to say it. I just hope that you can see that there's not a lot of gain here. And a lot of themes it would I think hurt. That's all I have to say. Thank you. >> Mayor Adler: Is Steve Crossland here? You also have three minutes. >> Good afternoon. I'm Steve Crossland. I own a property on 11617 Manchaca road. And the lot behind it, which is on 11604 Easy street, I believe. I bought a property which was used as a commercial property back I think in the mid '90s. It's always been a commercial property. Currently I have it rented to a contractor, a roofing and fencing company. My concern is that right now I'm in an etj. I've bought, fixed, sold, resold, rehabbed properties in Austin since the early '90s. It's always a hassle dealing with the city, a big major hassle. I don't know if any of you have ever tried to have any work done on your own homes, but the permitting process is overly burdensome. It doesn't really accomplish much. It's kind of offensive. The kind of things that you make us do for something as simple as swapping out a water heater, for example, back in the '90s it cost about 325, 350 bucks to swap out a 40-gallon water heater. Now it costs about a thousand, maybe 15 hundreds depending on the permitting upgrades and you make the

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homeowners put all kinds of plumbing devices on their faucets and carbon monoxide detectors and a bunch of unnecessary stuff. So when my old house on Manchaca road some day gets to the point where I need to improve it and do work on it, I don't want you guys involved. I don't want to be involved with the city of Austin or having you come out there and tell me what I can or can't do with my property. There are only about six streets in this neighborhood. Starting at Manchaca road they go backwards to the east. Chappell lane on the north, Mooreland on the south. About the first three or four streets largely undeveloped. You have some scattered mobile homes, some old houses. I think there's a duplex next to my lot in the back and then you have some old commercial properties that maybe extend back into that residential area. There's not a whole lot of gain for you guys. You've taken over this little area. And really if you care about affordability, if you really want people who are on the very lower end maybe where they can barely afford to buy something or get into a house, this is the neighborhood where you can actually still do that. You can buy a lot, you can put a mobile home on it. There's not a lot of regulatory hurdles to get through. You would need a septic system, but everything else is there. Once you guys come and take it you're taking away that affordability. So you say you're for affordability, but everything you do and everything the city does makes it less affordable. And this is just another example. [Buzzer sounds] >> Mayor Adler: You can finish your thought. >> Okay, thank you. >> Mayor Adler: Okay. I think those are all the people that I had signed up. Is there -- yes, councilmember Kitchen? >> Kitchen: I want to say I appreciate everyone coming. We reached out to your neighborhood a couple of weeks ago because we wanted to make sure that you all knew that this was an item

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so that we would have the opportunity to hear from you. I recognize some of the folks that I talked to last year as you recall. We did not move forward with annexation last year. We listened to you all at that time. So what we're here doing today just giving us another opportunity to listen, so I appreciate you all coming. >> Mayor Adler: Okay. Mr. Flannigan? >> Can I ask staff a question? In the request for council action in the way I'm reading it staff is recommending this solely because it's surrounded by existing city annexed areas on all sides? >> Yes. This was in our annexation program actually last year. >> Flannigan: There were concerns that was brought forward by the residents and council basically said let's wait on this and take a look at this. It is surrounded by the city of Austin north, south, east and west and folks from this neighborhood actually travel into the city of Austin primarily to get out of their neighborhood. Police and fire would be protection, would be provided by the city, and we have overlapping agreements with the esd's that surround Austin, first responders may be city of Austin today on these properties or the esd for fire service. >> Flannigan: In the service plan that I see in the backup I don't see any dollar figures. Will there be more information provided before we get to the vote? >> We can see if we can get you some additional. There's no infrastructure I think that's being proposed. >> Flannigan: We had a prior annexation case where the lead of it was the anticipated tax revenues? >> We can certainly get you that information. >> Flannigan: I've not seen this, but to the extent

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that it's possible, what the cost of providing these services may be to the city? I have, as you know, and my colleagues know, very grave concerns about sprawl annexation. It is what created my district and there's not a lot of folks that are happy about it. And my guiding principle is that we're not putting the city in a more negative financial position at the end of this process than when we went into it. And for the lack of a substantive development like the holt property, I don't see that there's a positive financial outcome for the city here. So I would love to work with staff on making sure that analysis -- we can get as far down that analysis path as we can before that final vote has to come up. >> Mayor Adler: Okay. Thank you. Is there a motion to close the public hearing? Mr. Flannigan makes that motion. Ms. Troxclair seconds that motion and then Ms. Troxclair, did you want to say something? >> Troxclair: The gentleman mentioned that the annexation bill that passed I think during special session this year, can somebody tell me between now and the next time we'll talk about this, whether or not postponing this till next year that after the first of next year would allow the residents to Voigt on whether or not they want to be annexed? >> A delay in the annexation process that we have with two hearings this week and next week and the action which would result on November 9th, any delay would force us into under the new legislation that goes in effect on December 1st. So the rules that would apply -- >> Troxclair: Isn't that December 1st? >> December 1st. So any delay would cause this annexation to be considered a new state law. >> Troxclair: If the council decided we wanted to give the neighborhood the

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ability to talk about it amongst themselves and vote we could just -- we could postpone it until after December 1st and they could hold a vote and decide whether or not they want to join? So it would be one -- I just didn't know procedurally if that was -- like the city would have to start something all over again or if that was one option that was available to us? >> We would have to start the process over again. There would be by state law special notices that would need to be sent out. So there would be certainly a cost incurred. And by the city to basically notify under the new state law that it's different than it is today other than the newspaper notice. And the property owners would have the right then to weigh in on the decision for annexation. This annexation, like the others that you've heard today, were ones that council considered last year. Staff did not bring forward any new ones that were part of our 2017 program for annexation. We only brought those that council considered last year. >> Troxclair: Thanks. That will be an option that I will be interested in. I think that it's -- if the city provides really good services at a really good cost that people will be wanting to join the city and if not, then they shouldn't be forced to. So I would be interested in allowing them to vote on it. >> Mayor Adler: Councilmember Flannigan. >> Flannigan: I'm curious if the clerk's office or anyone else has done a cost of what hold be an election would be to the city? Do we know? We've heard what it cost to run a citywide election in may and I think this provides it would have to be may or November, would have to fall on a regular election date? >> We've had one meeting with the clerk's office in our law department in regarding this issue. And we can follow up and -- and try to get you -- get

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that information to you. >> Flannigan: That would be helpful. Thank you. >> Mayor Adler: It's been moved and seconded to close the public hearing. Ms. Kitchen? >> Mayor Adler: I'm hearing that perhaps -- I would like to suggest that we leave it open because I'm hearing that perhaps -- don't we have two -- so it will come back regardless of what we do today. Okay. So we close today, but they will still have an opportunity if there are others in their neighborhood that wants to come, they can still come next week? >> Mayor Adler: By statute there are two public hearings. This is the first and the second will be next week. >> At 4:00. >> Mayor Adler: At 4:00. All right. Moved and seconded to close the hearing? All those in favor raise your hand? Those opposed? It's unanimous on the dais. That takes care of that item. We have one item left, but wildfire we go there we have a -- but before we go there we have a birthday on the dais today. It is Elaine's birthday. In keeping with our custom do we want to sing a quick happy birthday to Elaine? [♪ Happy birthday to you, happy birthday to you.

♪♪ Happy birthday, dear Elaine, happy birthday to you . [Applause]. >> Mayor Adler: Let no one say we're not the live music capitol of the world. >> We're not going to Winnie awards. [Applause]. >> [Indiscernible]. Mayor Adler all right. That gets us to -- I think at this point that's all the stuff on this regular agenda so I'm going to adjourn this agenda. It is 4:27 P.M.

[4:27:32 PM]