

City Council Regular Meeting Transcript – 02/01/2018

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[10:10:18 AM]

>> Mayor Adler: All right. We have -- before we convene the meeting, we have an annual ritual. So we're going to take a few moments to focus on the importance of living a healthy lifestyle, something that we're known for here in Austin. We pride ourselves on being a healthy and fit city. So we have an employee wellness program that we call healthy connections that offers a wide variety of health opportunity for city employees. We want to bring attention to that program. We want to encourage our employees to participate. You can see just how fit the council is. There's a number of people that have sprung from the dais.

[Laughter]. Let me bring up to the podium Dr. Washington, who will kick off our third annual wellness warmup.

>> I'm so sorry, you don't get Dr. Washington this year. You get Joya. He will actually hurt and so I am a very sad substitute.

[Laughter]. They turned my mic off too? Okay. So we're very, very excited. As you all know, the more we get our employees involved, the shorter our er visits, the more money we save as a city, and we're very excited. Let me just take an opportunity to acknowledge the extraordinary work that's done by our benefits team and our wellness team. If you all will give them a clap. Will you wave your hands, wellness team?

[Applause]. It is an ard-winning program and we're very excited to have them. I too wanted to run to the back and I was not allowed to do so.

[10:12:20 AM]

And so without further adieu, I would like to bring to the table our pe instructor deion Ross, who will lead us in a short warmup as we get ready for 2018. Yay!

>> Yes!

>> I need to have everybody stand up. This is going to be a very fun and low impact little something. I need you to loosen up. So this is a little bit of what we do in our pe classes. And -- think you can spread out a little bit. All right. Ready when y'all are. All right guys. So just go ahead and start touching left to right, a little tap in the center. Can you turn it autopsy a little bit? Good job. Give me two to the left. Two. Good, two, good. Awesome. Back to singles, back and shoulder rolls. Shoulder rolls, good job. Two claps high, two low. Here we go. High, high, two squats. Squat. Good. Do it again. High low. High,, two squats. Yeah, good job. High low. High. Low two squats. Yeah. Nice and deep. One more time. High. Good. Two squats. Give me four steps to the left. Here we go. Four, three, now tap it out. Tap, tap. Go right. Tap it out. Good job. Tap. Excellent. Do it again. Left. Good. And tap it out. Good. One more time. Go right. Good job. Tap it out. All right. Tap high, high, low, low. Ready? Here we go, high, high. Two squats. Big. Good job.

[10:14:20 AM]

Do it again. High, high. Awesome. Two squats. Give me two claps left. Good. Now clap low. Good. Excellent. Go right. Good. Excellent. And low. Good job. All right, y'all. Forward and back, forward and back. Forward, good job. A little lower. Yeah. Excellent. A little lower than that. Good job. Yeah. Awesome. I like it. Switch sides! Good. High. Good. A little lower. Yeah, I see y'all. Good! Four. Yes. All right. Y'all look good. High, high, low, low. Let's do it! High. Good. Two squats. Yes. High, high, low, low. Good. Two squats. Yes. One more time. High, high, low, low. Two squats. Excellent. One more time. Excellent. Good. All right. Good job. Give yourself a hand, y'all.

[Cheers and applause] Great job. Thank you so much.

[10:16:23 AM]

>> There's been a request from the dais that we take a short recess.

[Laughter]. Which we'll decline. There's been another request on the dais that we institute this as something we do every meeting when we come back from dinner. Just throw that out there for people to think about. A couple of things before we begin our meeting. The first is that I just want to say that our thoughts on the dais are with Ken Craig, who is a senior policy advisor for councilmember kitchen. He was involved in an auto accident on slaughter lane overpass in icy conditions. He spent some time in the ICU. He's now rehabbing. We miss him and his bow ties here. Everyone knows him to be just sincerely friendly and supportive, an incredible colleague and somebody that really just knows his stuff. We look forward to him getting back to work. Mostly we look forward to him getting better. And just wanted to say to him that we're thinking about you. Ann, did you want to say anything?

>> Kitchen: Yes. We want to say this to Ken and we hope he's not watching.

[Laughter]. So on behalf of Donna and Jason and Dora and I, we're very grateful to report to everyone that Ken is recovering. He will be okay, but he does have a long road to recovery. He is much loved as

you know around city hall and the same for community. He's respected and he's a joy to work with. I think someone described him the other day as having a heart as big as Texas.

[10:18:27 AM]

I know he would scoff at that, but I think that's true. So everyone has been asking how we can all help him, so we want to say that you can send your thoughts. You can consider donating blood. He needed blood when he was in the ICU, so we're organizing a blood donation event at city hall. So we'll provide more information about that. I also want to thank my colleagues for all the cards that they've provided that we have passed along to Ken, and that's something that can you do also. My colleagues and also those different departments and members of the staff, if you would like to send messages to him, we're happy to pass it along. You can also send us cookies, which I think one of our -- one of our colleagues did. So we're not going to pass the cookies along, but it's good for our office.

[Laughter]. So he is restricting visitors because we all know it's flu season and it's very important that he not be exposed to con at a generals like the flu. We want him to keep recovering. He is dearly missed and we are anxiously looking forward to his return and his good work on behalf of the city. Please bear with us as we are going along, which is not easy without Ken. Thank you for thinking of him.

>> Mayor Adler: It's now that time where we need to draw for new points on the dais so we are positioning close to other people. If you would go ahead and let people draw numbers. So how are we doing this? Number 1 will be -- 1 is there, two my right, your left.

[10:20:35 AM]

>> Houston: Three.

>> Pool: 10.

>> Two.

>> Mayor Adler: What did you draw? What did you draw, Leslie?

>> Pool: 10.

[Laughter].

>> [Inaudible - no mic].

>> Mayor Adler: All right. So we'll make those changes and that will be good. We'll be reordered. And then of the last thing we need to do, council, also by way of wake-up before we call the meeting to order, there is a birthday this weekend on the dais.

[10:22:36 AM]

Councilmember troxclair's birthday is this weekend.

[Laughter]. As is our custom, just a real quick happy birthday. Ready?

♪♪ Happy birthday to you, happy birthday to you, happy birthday dear Ellen, happy birthday to you .

[Applause].

>> Mayor Adler: So who says being on this council is not fun, right?

[Laughter]. And then the last thing before we gavel the meeting to order, we have invocation. Rabbi Misha ben-david, the recovering rabbi. Sir. Everyone please rise.

>> Please bow your head if that is your tradition. If it is not that's entirely okay. To the great magistrate of Earth and heaven, the supreme commander of all things we thank you for your presence here today and each one of us as we come together to do the earthly work of governing the beloved city of Austin. We ask that you manifest yourself in our words and decisions and we ask that you teach each of us, citizen and leader alike, wisdom, understanding, empathy and compassion, for it is upon these pillars that great cities are built and maintained. May we rise above our momentary urges and intentions to see the grand picture of what our great city can be for all our people. And may our council guide us to things we can all guide and share and have a meaningful stake in. May we be an example that all America can look towards as a city that treats all well, leaves none behind and allows people to create their own reality.

[10:24:44 AM]

Thank you creator for the blessings and joys our lives bring us. Teach us to be with each other and theirs. Amen.

>> Mayor Adler: Thank you. All right. We'll call to order the city council meeting, February 1st, 2018. We are in the city council chamber here at city hall, 301 west second street, Austin, Texas. It is 10:24. We have some changes and corrections. Item number 6 should be district 6. The following items have been withdrawn: 9, 35, 36, 37, 43, 64, 65 and 74. Item number 14 has been postponed --

>> Pool: Mayor. You said 43, but I think you mean 45. Is withdrawn.

>> Mayor Adler: 45. Item number 14 has been postponed to may 10th. Items 20 and 34 have January 23rd, 2018 the housing and planning committee voted 3-0 to recommend designation of pathways of Chalmers court east as the most contributing project to the homestead preservation reinvestment zone. Number 1, concerted revitalization planning area.

>> Alter: Mayor, I think that was a 4-0 vote. There were four of us there.

>> Mayor Adler: Okay. We'll ask housing to tell us that when we get to those numbers. To see whether it was a 3-0 vote or 4-0 vote.

[10:26:45 AM]

Item number 55, January 22nd recommended by the electric utility commission on a 7-1 vote with commissioner Hayden against. Commissioner stout absent and two vacancies. Item number 71, suggested date and time would be March 8th of 2018. And item number 93, the correct number is npa-2017- npa-2017-0016.05. For today the briefing on labor relations is withdrawn since we've had that. , Since we had that at work session. We are going to pull and take take up the champions matter before 2:00. And we are not going to vote on the aquatic, the pool plan until after dinner. Although if there are people here we could take testimony before that, but the aquatics plan will not be voted on until after dinner. Any additional correction? Go ahead.

>> Thank you, mayor. In the backup the resolutions on some of the housing items, items 17, 33, 41 have an incorrect cite so we'll make the change to the resolution and it will be cited to the Texas administrative code Texas 11.3d and we'll correct item 30 to cite 10 Texas administrative code 11.3c, not B. I want to make sure the record is correct for this.

>> Mayor Adler: So I understand, that was a correction made to 17, 33 and 40, is that right?

[10:28:45 AM]

>> Yes. 17, 33 and 41.

>> Mayor Adler: Okay. No correction to 40.

>> Correct.

>> Mayor Adler: Okay. So this is what I'm showing on the agenda, our consent agenda goes from items number 1 through item 72. And also includes items 123 and 124 on the addendum. I'm showing the following

items being pulled: Item 2 being pulled by Ms. Houston, item 3 being pulled by the mayor pro tem. I have 9 being withdrawn. I have 10 and 11 pulled by speakers. I have 12 being pulled for no earlier than 2:00 P.M. I have 13 being pulled and we will consider that this afternoon after executive session. Because we're going to discuss that in executive session. Item number 34 -- it looks like item number 34 has two speakers and a staff presentation so we'll pull item 34. Item number 42 is pulled by councilmember alter. Item number 46 pulled by the mayor pro tem and councilmember kitchen. Item number 58 and 59 pulled by Houston and alter. I have 63 pulled by the mayor pro tem. 64, 65 being withdrawn.

[10:30:47 AM]

66, as I said earlier, we're going to pull that one and consider that after executive session. Item number 68 has been pulled by the mayor pro tem.

>> Kitchen: Mr. Mayor? Item 59, you can put me down as pulling it also. I have an amendment for that one.

>> Mayor Adler: Okay. I have that already being pulled, but we can add you to that list as well.

>> Kitchen: I wanted to let people know I have an amendment for it.

>> Mayor Adler: And staff is pulling both 20 and 34, I missed that, story. Yes, councilmember Houston.

>> Houston: Thank you, mayor. I have a question on 18, so I'm going to pull that because I'm confused about the nine percent tax credits on two of the properties.

>> Mayor Adler: Okay. We'll pull number 18. Councilmember pool.

>> Pool: I know that 10 and 11 are pulled for speakers, but I also want to make a couple of comments about it when we get to that.

>> Mayor Adler: And you will have that opportunity. It will be pulled.

>> Pool: Thank you.

>> Mayor Adler: So I'm now going to call some people that have signed up to speak on the consent agenda. And people to speak on the consent agenda, Mr. Pena and then Mr. King.

>> Alter: Mayor, I wanted to add some funding to 124, the iftar celebration. I guess it's now 124 and not the earlier number. I would like to add a 200-dollar contribution.

>> Mayor Adler: The record will reflect that additional \$200 from councilmember alter on item number 124.

>> Mayor, what items do you have for me?

>> Mayor Adler: I have what took library 2, 18, 21, 31, 32, 33 and 34.

[10:32:50 AM]

>> Okay. Good morning, Gus Pena, proud austinite, marine Corps veteran. Number two, reheartily support -- let me tell you a quick story on this item, why we're very supportive about animals and we should them just as well as we do a human being. When we moved from east fifth to montopolis back in 1961, I had a German shepherd, his name was lobo. As you well know back then there wasn't too much housing so lobo saved me from a rattle snake, so I always have been a strong supporter of animal rights also. And I want to strongly support number 2, as much money as we can spend on human services, on

this, that, trails, whatever, they're important. The animals are very important to us too. And many people have been -- have recovered from illnesses because of the hearts of animals. You said number 6, mayor?

>> I had 2, 18, 21, 31, 32, 34.

>> Great. Number 18 is the dma development company tax credits. I'm going to say it's going to have -- I have to go. I have a meeting with my wife and other people, but all these housing initiatives are very important to us. We support it 100% for the tax credits to be submitted to tdhca. I've been in close contact with Timothy urban, he's the director of thcda, the Texas department of housing and community affairs. We need housing tomorrow and this will help us out once we start the building process. Mayor, it's taking too much darn time to house people. It's not even -- I'm not saying you're laughing or anything, but it's not even funny anymore. I just found two families out there, right there near the library, they're looking for shelter.

[10:34:53 AM]

They were denied shelter from I think it was echo and then one other entity, caritas. This is not acceptable. We have many, many families becoming homeless. And do you know what? It's going to get worse, mayor, and it's on your watch also and this councilmembers' watch. The last thing I want to say is this: Mayor, I know this is not acceptable, but I'm going to say this. To aid homelessness, don't criminalize them under underpasses, whatever. There's a better way to do it than criminalize them. No, don't interrupt me. I went down there and found some good people over there. You can talk after I leave, but I'm going to tell you something, a little of good people are under overpasses, homeless, and that's why I'm heartily supporting all these housing issues. There are roadblocks also. And do you know what? I get disgusted, I get disgusted when they criminalize homelessness. I know I breached protocol, but I'm sick and tired of this. We've been doing it many years and it ain't working. Thank you.

>> Mayor Adler: Thank you. David king?

>> Pool: Mayor, while Mr. King comes down, on item 124 I would also like to contribute to that event \$100. Thanks.

>> Mayor Adler: The clerk has that. Mr. King.

>> Thank you, mayor, mayor pro tem and councilmembers. Welcome back. Happy new year. First I wanted to encourage everybody to get their flu shot. I just got mine, and the pharmacist told me that the latest vaccine is much more effective than the earlier version of the vaccine. So go get your flu shot. And the devastation that the flu has caused in our community shows why we need paid sick leave for all workers in Austin. I'm here to speak in support of item 67 to -- against the border wall. I support this resolution. I'm proud that y'all are bringing this forward. The wall is a perpetuation of systemic racism and white privilege. And we need to stop it and oppose it. The city should not do any business with any entity that participates in building or maintaining the border wall.

[10:36:58 AM]

And please, do not be deterred by threats and intimidation by federal, state agencies or legislators. Item number 70, I know it's just setting a public hearing, but I think we should send a strong message that we're not going to allow liquor sales within 300 feet of our schools or our day care centers. That should be a clear message that we send. And this one is within 300 feet of the Texas school for the deaf. And you know, the state may not care about opposing these permits, but that does not relieve council of its responsibility to take care of the best interest of those kids, those people who are at the school for the deaf. So I urge you not to approve this alcohol waiver for this business that is 300 feet away from the school for the deaf. Thank you very much.

>> Mayor Adler: Thank you. Bobby levanski, did you want to speak to item number 5?

>> Hello, mayor and council. My name is Bobby with the save our springs. I am here to speak neutrally on item number 5. The only reason I am speaking is because we had previously opposed this item and I wanted to explain why we switched our position to neutral. We had hoped that we could identify some infrastructure cost savings by doing some on-site wastewater treatment at the ACC site. We asked for some additional time to speak with ACC and we actually did get quite a bit of support there. The sustainability officer at ACC is a visionary man and I think he's got a lot of great ideas. Unfortunately we came to the conversation a little bit too late. The window to do something at that facility was probably two or three years ago when this conversation happened with awu. That's not to say that we didn't learn anything from this process. I think that we do have opportunities with ACC and other governmental entities in the future and we're actively looking for future facilities that are going to be built where we could do some on-site wastewater demonstrations and have some cost savings.

[10:39:05 AM]

What would have been great about this ACC site is that it feeds into a wastewater treatment plant that is nearing capacity. So had we been able to get on the forefront of this we may have been able to actually do something different than what we've done in the past. So thank you and if you have any questions, feel free to contact me. Thanks.

>> Mayor Adler: Thank you. I have Jason Haskins signed up on items 21, 22 and 23. Looks like they're going to pass on consent. Does Mr. Haskins is he here, does he want to speak? Okay. I have Tony mar keepquat signed up to speak on number 45. It's withdrawn. Do you want to speak? Those are all the speakers that I have signed up on consent items that have not been pulled. Again, I'll go through the list of the things that I see being pulled. Items 2, 3, 10, 11, 12, 13, 18, 20, 34, 42, 46, 58, 59, 63, 66 and 68. Are there any comments or anything people want to read into the record concerning the consent agenda? Mayor pro tem?

>> Tovo: Mayor, I would just point out that item 63 63 -- I just made one small amendment and if there are no concerns perhaps it could pass on consent. I'm happy to pull it, but it will also come up a long time from now.

>> Garza: And I accept her amendment.

>> Mayor Adler: I'm sorry?

>> Garza: I accept it as a friendly amendment.

>> Mayor Adler: Okay. Mayor pro tem has handed out an amendment to item number 63 that it's a change that adds language to plan to require that council policies, council initiated recurring reports and other rules and regulations staff rules to be ineffective be reviewed by staff.

[10:41:13 AM]

Any objection to that being added?

>> [Inaudible].

>> Mayor Adler: Do you want to take a look at it? Any objection to that being added? Hearing none, it's added. Without objection, this item 63 will stay on the consent agenda. Okay. Anything else? Any comments to be made on the consent agenda? Councilmember troxclair?

>> Troxclair: I would like to be shown voting no on items number 4, 7, 8, 53 -- are 57 and 58 pulled? I'll just say 57. I think 58 is pulled. And voting no on item 67 and abstaining from items 24, 25, 26, 49, 53, 123 and 124.

>> Mayor Adler: So we had two items that were pulled by speakers, Mr. Pena and Mr. King, items number 10 and 11. You both addressed those during our time when you came to the podium. Do you still want those items pulled? Mr. King, Mr. Pena, you would have the right to -- we could pull them, you would have the right to speak on them again. Do you want to?

[10:43:18 AM]

These are items 10 and 11? It was pulled. So we're going to continue to pull those items. All right. With those notations is there a motion to approve the consent agenda? I need a motion. Mr. Flannigan, seconded by councilmember Garza. Any discussion? Those in favor of approving the consent agenda with the notation please raise your hand? Those opposed? It's unanimous, it's everyone on the dais, and everyone is here today. All right. That gets us past the consent agenda. What do you think? Could we take care of the haca items that we have in the time we have this morning and then a lot of people go? Let's try to do that. So this would be items between 15 and 41. Is staff here? There have been a couple of these that have been pulled within this group. And that's 18, 20, 34. 18, 20 and 34 I think are the ones that have been pulled. Is that right?

>> That's correct.

>> Mayor Adler: Mr. Casar, is this too early to pull, to have speakers speak on it. Do we need to wait until 11:30?

>> Casar: I think the question is whether or not the haca residents are all here.

>> We have the housing representative here, Sylvia blanco, the representative. And we have our speakers here.

>> We have our speakers, so we're good.

>> Mayor Adler: Then let's go ahead and proceed. Why don't you set this up for us, these three items.

>> So the ones that are linked are items 31 and 34 and then I think councilmember Houston pulled 18 because she had questions.

[10:45:27 AM]

Do you want to take up item 18 first?

>> Houston: Yes, please, so my confusion is about the difference between the nine percent tax credits for two different properties. And I'm -- I'm supportive of the Chalmers courts property with the housing authority of the city of Austin, and if I vote yes on both of them, what does that do or do I need to vote yes on one or no on the other. That's the confusion I had.

>> So the two properties in question, the

[indiscernible] Project and the Chalmers project, are competing for designation and those are items 20 and 34, but they're competing for the designation of being the most contributing to the concerted revitalization planning area surrounding the homestead reinvestment planning area number 1. So that's the decision point between those two is council must select one. Housing committee last week, the housing committee recommended that Chalmers be awarded or designated as the most contributing and it's my understanding that we have the developer, Diana mcgyver, here to speak to her request for number 20 and that she might wish to withdraw that.

>> Mayor Adler: So to be clear, the choice on these is items 20 and 34.

>> Item number 18 is just the resolution of support for the talavaro lofts property that all of the nine% tax credit applications have, and it's not -- it can still be approved without any problems being created. It's that you must select either 20 or 34.

>> Houston: And I just chose 18 because that was the first one up to ask the question.

>> Perfectly fine.

>> Mayor Adler: So are you okay with approving item 18?

[10:47:30 AM]

>> Houston: Makes a motion for 18. Ms. Pool seconds that. All those in favor? It's unanimous.

>> Casar: And just to clarify as we enter into the next set of items, we can vote yes on one of the two items and on the other one just not take any action.

>> Correct. That is correct.

>> Mayor Adler: So now we have items 20 and 34 before us. We should approve one of them and not take action on the other.

>> That's correct.

>> Mayor Adler: And we have some people to speak on those. Do you want to speak on either of them before we call the public speakers?

>> I think the speakers should be called up next.

>> Mayor Adler: So I think we have -- we have two speakers to speak.

>> Alter: Mayor, I would still like to clarify that the vote in the housing committee was -- there were four of us there and it was unanimous.

>> Yes. 4-0.

>> It was a 4-0 vote, that was a mistake on staff's vote.

>> Mayor Adler: Thank you. The record will reflect that change to the change. Okay. Who is our first speaker? Is it Sylvia blanco? And then Mary.

>> Good morning, mayor Adler, councilmembers. My name is Sylvia blanco. I serve as the housing direct for the city of Austin. For many years haca has served many of the vulnerable in our community. Half of our residents are children. A quarter are seniors over the age of 62. And almost a third are persons with disabilities. The average annual household income for our residents is \$11,000. As most of you know, haca is working hard to modernize and transform our public housing properties through a tool known as rental assistance administration or raa for short. We have the opportunity to not only make improvements to existing units, but to also rebuild and expand the number of affordable housing units, creating stronger, healthier, more vibrant communities.

[10:49:37 AM]

And that's exactly what we intend to do at Chalmers courts. Due to the sheer age of the property, the 158 families of Chalmers courts live in challenging conditions. While haca maintains the property extremely well, Chalmers courts was built in 1939 and it simply lacks basic modern amenities most of us take for granted. It has no air conditioning. The cinder block walls make expansion of rooms extremely cost prohibitive. There's very limited accessibility for mobility impaired residents. Electrical and plumbing systems are inadequate and frankly reached obsolescence. And for 80 years the residents of

this community deserve better. They deserve a new Chalmers courts. Through our three phase plans the residents will not have to be displaced from their neighborhood during construction. Families will be temporarily relocated literally across the street to a south parcel that will house 86 brand new affordable units. Through this phased approach, children will be able to continue attending their neighborhood schools seamlessly. Pathways to Chalmers courts east will contribute most to the city's revival efforts in multiple ways. Through this redevelopment effort we will more than double the number of families we currently serve, from 158 to over 400. And at a deeper affordability level than typically provided by other applicants. We will serve more large families through the construction of two, three and four bedroom units, particularly increasing our three and four bedroom units from the current 28 to 50, which represents an 80% increase from our current larger units. As more families live at Chalmers this will undoubtedly result in higher student enrollment to our neighborhood schools like Zavala elementary and martin middle school. We're also creating additional permanent supportive housing units to serve our homeless veterans at Chalmers. These provide critical support services to help our homeless veterans who have proudly served our country in rebuilding their own lives.

[10:51:42 AM]

There will be more community spaces, playgrounds, a new larger boys and girls club as well as other community amenities a larger neighborhood can enjoy.

[Buzzer sounds] So across the board Chalmers courts project meets the goal of the city's affordable housing strategic blueprint better than any of the other projects you will see today. I want to thank the members of the housing and planning committee who unanimously voted on January 23rd to recommend this project as most contributing to the city's revitalization efforts. And with the council's support of haca's nine percent tax credit application and approval of Chalmers court pathways east you support a great opportunity to support affordable housing in the city's urban core.

>> Mayor Adler: Thank you very much.

>> Thank you.

[Applause].

>> Good morning, mayor, pro tem, councilmembers. Thank you, councilmembers for your time. My name is Mary

[indiscernible], a current resident at Chalmers court. I also -- I am also the resident council president at Chalmers. We at Chalmers would like to show our appreciation for all involved in the supported recommendation for the Chalmers tax credit application. On behalf of the 158 families whom refer to Chalmers as whom, we are excited about receiving the simple basic necessities that so many take for granted, such as utility bills that we have to pay, no central air, no heating system, washer and dryer connections and average utility bills. The brick walls no longer will prohibit us from sharing family photos and children awards with guests and friends. Awarding the tax credits through the Austin authority provides security in knowing that myself as well as others such as homeless vets, persons with disabilities and people with fixed incomes have the opportunity to remain in east Austin.

[10:53:48 AM]

More importantly new generations of children are allowed to grow and thrive right here in east Austin. The Chalmers development will impact the entire community by keeping schools open, providing housing for the working population and ensuring that east Austin remains a diverse and equitable community. And as Austin is consistently growing and in desperate need for affordable housing, please provide the housing authority, the city of Austin with the tax credits as we are dedicated to being a solution to the displacement of gentrification. We deserve change, we deserve to stay. We deserve east Austin.

[Applause].

>> Mayor Adler: Thank you. Are there any other speakers to speak on item 34 or item 20? Okay. Did you want to speak?

>> Diana mcgyver, president of dma development many and we're the developer for saltillo and I'm going to make your decision very easy today. Similar to what we did at the housing committee meeting, I personally believe that probably there are not two more worthy developments in the city of Austin than Chalmers and saltillo. And even if they were the highest scoring in the region, they cannot both get funded. And I'm going to ask for your help on something. First off, just know that we are withdrawing our request for item 20. So that makes your decision easy, but give me a minute because I need your help on something. Under the state statute under the state statute, the city -- or actually tdhca is not allowed to award two tax developments any size, population group within two miles in the five major areas.

[10:55:57 AM]

If you are in a county that has a population over one million, you are not allowed to fund two developments within two miles of each other. And I say that if you'll bear with me, there was a reason that was put in place. It was put in place probably eight years at the state level by senator Royce west whom I respect. And at the time it was done it was because developers in Houston and Dallas were going into what were called census tracts that were very impoverished. They've gone on to reward people who have gone into high opportunity areas as well as revitalization areas that have city support. So last session this past year, senator Kirk Watson and representative Jason Isaac, you cannot get more bipartisan than those two, supported with overwhelming support got legislation passed that would exempt Austin from that. It would move the threshold from counties to one and a half million exempting Austin, leaving Dallas and Houston, that's fine. That bill, that bill with overwhelming almost unanimously passage was vetoed by the governor. And I just do not think it is right that the governor has the say over what you do in city of Austin. If you want to fund two very meritorious developments within two miles of each other, I believe you should have the right to do that. So whereas you have this wonderful power bestowed upon you of being able to give resolutions of support, your hands are tied

because you are not allowed to have two developments funded within two miles. So we met, have met with councilman Renteria, met with the committee staff last week. I personally believe --

[buzzer sounding]

[10:57:59 AM]

-- Chalmers is extremely meritorious. I think that it's a very large development. I think they need to get it underway, and we have graciously said that we hope we will have your support for that community revitalization extra two points next year, but for this year we are going to step back and ask that you pass resolution 34 and give those two points to Chalmers. Thank you.

[Applause]

>> Mayor Adler: Is there a motion to approve item 34? Mr. Renteria.

>> Renteria: I'll make that motion to approve 34, and, you know, this situation was very unfortunate. You know, we knew that it was -- we had two excellent projects in my district, district 3, and unfortunately the governor was angry at us and decided to veto that bill. So I -- it just broke my heart because I know that there's such a big need to bring in more affordable housing in my district 3 in east Austin. You know, we have been losing all our neighbors slowly, and through the gentrification that is going on. And my goal has always been to build as many affordable units as possible and make sure it doesn't look like a run-down place that -- Chalmers had gotten to be -- unfortunately this should have been done years ago. Years ago we should have increased our low-income housing stock there in east Austin, but we just didn't have the will and the votes to do it. And now we have this opportunity so I'm -- and I really want to thank Diane and DNA for standing up and I really support you in my heart, I have always supported the kind of work you have done and I'm really proud of you for coming up and recognizing there's a bigger need at Chalmers and you were able to withdraw.

[11:00:17 AM]

So I want to thank you and I'll be supporting this.

[Applause]

>> Mayor Adler: Ms. Houston seconds, Ms. Houston seconds this item. There was one more speaker that I didn't call on. Mr. Peña, do you want to speak on this item? Mr. Peña here.

>> Pool: Mayor, I had a question for the last speaker.

>> Mayor Adler: That's all the speakers we have. Councilmember pool.

>> Pool: I just wanted to check in with the woman representing DNA. Are you able to resubmit your applications? Just because we can only choose one doesn't mean the one we may not choose -- as

councilmember Renteria has so eloquently discussed, but if you are not able to go after it this year, are you going to resubmit for next year?

>> We'll probably resubmit for as long as it takes.

>> Pool: Do we may have another opportunity to say yes to DNA.

>> Absolutely.

>> Pool: That's useful information as well.

>> Mayor Adler: Mr. Casar.

>> Casar: Ms. McGiver, you also have item 15 which I think passed in district 4 and so would you talk to us just really briefly about anything we can do to support --

>> Yes, we were selected by Travis county as their developer about a year and a half ago, and Travis flats is interesting. It's a very high, dense urban development on three acres of land that the tax entity that Travis county already owns, and it will be a combined workforce development with office space for Travis county. The office space will be occupied by HHS and veterans and we will share a parking garage. So it's very interesting high density development in your district and I'm pleased to have your support for that.

[11:02:26 AM]

>> Mayor Adler: Okay.

>> Houston: One more thing. Just so everybody knows, Ms. McGiver is the development for 51 Aldridge place.

>> I am.

>> Houston: Thank you.

>> Mayor Adler: Thank you very much. Item 34 has been moved and seconded. Further discussion? Those in favor please raise your hand. Those opposed. It's unanimous on the dais. Item number 34 passes.

[Applause] I want to thank everybody for coming down and being part of the process. Thank you. All right, Ms. Houston, you pulled number number 2. Did you have a question on that one? Here today. I was reviewing the memo from December the 5th of 2016 regarding the pilot and the fact that we had received a million dollars from Maddie's fund to do things in the three zip codes that had some very interesting data. Because they had a higher average of intake of animals to the shelter. The return rate was lower and they had the highest number of 311 calls. And so it was my -- my understanding based upon this pilot that you were going to do in these three zip codes that there was going to be data collected and that's what I'm not getting from your ask today is that what happened to the pilot. Did we

see a reduction in 311 calls? Did we see -- I know you said we paid \$45,000 for two ftes and \$11,000 for commodities.

[11:04:29 AM]

What did we actually do? How many houses did we touch? How many animals did we reunite? I'm not seeing that kind of data.

>> Understand. And Jason Garza, acting deputy chief animal services officer. So yes, councilmember Houston, so when the program was initiated that memo that went out in December of 2016, the program actually didn't fully get started until February of last year and truth be told there was hiring delays so we didn't actually hire staff until later on. Once we hired the staff, trained them and on board them, then we started canvassing the different neighborhoods in those three zip codes essentially to get a better sense of what services are needed in those areas. Find out that their barriers, why they can't get animal services or what sort of animal services they are in need of. You know, and then what they see on a daily basis in terms of animal issues within their neighborhoods. And so that canvassing work in all those three zip codes, we touched a number of folks. We also were able to create some partnerships with local organizations, churches, rec centers, libraries.

>> Houston: Can you be more specific in those three areas? Some of my area overlaps with those. What churches -- it's vague about who we are touching and how we are touching them and who the partners are.

>> Uh-huh. Well, like specifically in your area, we were -- well, in 78724 in your particular district, I mean after we were able to canvas the area, we then attended the neighborhood association meeting and let them know some of the efforts we were taking, some of the steps that -- and some plans to sort of hold events based on what we heard that were planning, that were in the initial planning stages right now.

[11:06:34 AM]

Essentially we're going to bring services out to the community, try to make it more of a family unit event so that way there's more incentive foremost to come out.

-- For folks to come out. Basic pet care, animal grooming, nail services, maybe have some initial checkups. So we're working with Austin humane society that they will be a partner this and also trying to get other aspects to the -- to the overall event itself. So we do demonstrations for folks, we maybe have --

>> Houston: So you are talking about what you are going to do. You haven't really done any of this.

>> All these initial plans that we're having for the second year of the pilot were based off canvassing efforts we did to gain data so that way whatever we did in the second year we were informed by folks from what they've seen.

>> Houston: Could you keep my office in the loop for when you are sending information out about that? Because they know emancipet just opened a new beautiful clinic in 704, but they don't seem to know -- I can't find anybody that knows what you all are doing and I don't have any data to substantiate another \$167,000. I don't know what we did really, you hired two staff people and you are studying things, so if you could keep us in the loop because we get calls all the time about loose dogs.

>> We're more than glad to work with your office. In fact, I would love to touch base with your office so we can -- whatever you've heard from your constituents and especially as we're planning this first event and any multiple events after that just so that whatever you heard, we can provide that service and ensure your residents are able to get the services that they are seeking.

>> Houston: Make sure that you have the data that you need so that you can target those zip codes so that the dogs don't -- loose and running around get picked up and if they belong to somebody they get reunited.

[11:08:47 AM]

There are things about people who love their dogs and there are people who are afraid of dogs. They've got both of those things going on. Loose dogs sometimes are very fearful to the children in the neighborhood and that's an issue I don't know that we've addressed in this, but I will go ahead and move adoption.

>> Mayor Adler: Ms. Houston moves adoption of this item 2. Is there a second to that? Councilmember pool seconds that. Any discussion? Those in favor please raise your hand. Those opposed. Unanimous on the dais with councilmember Casar off. Thank you. Is there any dispute or concern about the reappointment of Dr. Bell to the central health board? This is item number 73. Do you want to make that motion, Ms. Houston.

>> Houston: I move.

>> Mayor Adler: It's been moved to approve 73. Councilmember Garza seconds that. Discussion? Councilmember alter.

>> Alter: I just wanted to thank the health and human services committee for all their work on all of the appointments. Just from everything I can tell looks like an amazing appointment and I look forward to meeting Dr. Bell and I just wanted to thank you for your service doing that.

>> Mayor Adler: I think that's a really good point. This has not been an easy process on these appointments collectively so I add my thanks to that as well. It's been moved and seconded item 73. Discussion? Those in favor please raise your hand. Those opposed. Unanimous on the dais. Mayor pro tem, you pulled item number 3.

>> Tovo: Yes, I'd like to -- I'm not sure that all of us got information about -- we had a few commissioners who voted against this contract and in part and I'm going to find my notes in a minute and speak to them more directly, but there was a concern about, I believe it was Mickey Fishback, Maya and one

other commissioner about the fact that our ability to annex areas outside the city has changed, but yet our policy for extending our water contracts in this area has not made adjustment.

[11:11:24 AM]

Perhaps a 40-year contract was not as appropriate as a shorter length of time and during this period of time where we figure out what our new annexation program might look like. And I wondered if you could speak to some of those concerns and whether or not the staff took any of those into account when determining the length of this contract.

>> Art Jennings, Austin water. Yes, ma'am. Our wholesale contracts typically are 30 to 40 years so that provides certainty for those communities and water supply corporations or whoever is the particular provider some certainty. That has been the historic trend since early 1950s when the city of Austin started extending wholesale contracts. In terms of the current law that was passed in December of last year by the Texas state legislature, you are correct, for this particular area night hawk supply has approximately 132 single-family residents. Under that particular law, it would take 50% of those homeowners to petition the city for annexation. That particular area is not adjacent to current city limits so it would need approximately two miles of annexation to be able to reach that particular area. So it's isolated in terms of being able to have ready access even if the residents were willing to be annexed. For existing wholesale contracts because they've been a wholesale customer of the city since 1991, it becomes a practical issue for whether the city of Austin would like to continue to provide wholesale service so that particular area. Certainly that's a policy question that we would look for direction from council for. It becomes difficult for them, they are approximately four miles away from another service provider and the extent of expenditures to be able to have water infrastructure constructed all the way to that area would be quite expensive for 132 single-family homes.

[11:13:44 AM]

>> Tovo: Thanks. I appreciate that additional information. Do you happen to know if this is one of the wholesale customers who went to the PUC to ask that their rates be frozen?

>> No, ma'am, it is not one of the four.

>> Tovo: But their rates are frozen because Austin water froze all the wholesale rates as I understand.

>> There hasn't been a rate increase for the wholesale customers. That held true from last year.

>> Tovo: I'm sorry, I thought they received a rate increase in a while. Thank you.

>> Yes, ma'am.

>> Tovo: But I understand since I raised the subject, I understand that's something we're moving toward addressing with our rate changes this spring.

>> Yes, ma'am, that's my understanding also.

>> Tovo: Okay. Thank you.

>> Mayor Adler: Motion to approve item number 3? Need a motion to approve item number 3. Councilmember Garza makes a motion. Is there a second? Councilmember Flannigan. Discussion? Those in favor please raise your hand. Those opposed. It's unanimous on the dais with councilmembers alter and Casar off. Thank you. We have items number 10 and 11. These were pulled for speakers. Mr. Peña, he's not here. Mr. King, do you want to speak on items 10 and 11?

>> Thank you, mayor, mayor pro tem, councilmembers. I guess every year I'll be up here speaking in opposition to giving our tax money away to corporations and entities like this in hopes it will trickle down and help our low and middle income families and it never works. That's my main message. You know, under federal tax law passed by -- signed into law by president trump in December, the wealthy owners of circuit of Americas LLC will receive huge reductions in their federal taxes. And over the next decade this plan will shift the federal tax burden from corporations and wealthy families to low and middle income families.

[11:15:52 AM]

Circuit of the Americas LLC owners get wealthier while low and middle income families struggle with staggering incomes to pay ever higher property taxes and rents and transportation costs. Taxes paid by these same low and middle income families help advance the events trust fund from which circuit of the Americas will see money. According to state data from the state of Texas, in 2016 and 2017, circuit of the Americas received \$58.2 million from the fund with an additional 27.5 million pending. So I ask that you please explain to these low-income families how giving this money to these wealthy men is going to benefit them. Is it per pet youation of trickle down economics? Is that what this policy really is all about? I think it's only fair that for this to continue to give them this money, this tax money is going to benefit these families. Thank you.

>> Mayor Adler: Thank you. Any further discussion on items 10 and 11? Mr. Flannigan.

>> Flannigan: I just want the community to really understand this is not Austin city taxes, these are state funds, these are state funds that -- I'm not done. I'm not calling you up to the microphone. These are state dollars that are going to get spent anyway. This is -- these are events that hire local businesses and local vendors. Millions of dollars in my district alone, small businesses in my district alone. Turning this down would just mean those tax dollars go to events in other cities in the state of Texas. This is not your property taxes from the city of Austin. This is not sales taxes in the city of Austin. It is none of those things.

>> Mayor Adler: Thank you. Any further discussion? Councilmember pool.

>> Pool: Mr. King, thanks for your comments.

[11:17:54 AM]

I have talked against sea lock and the large tax subsidies for the Cota folks and the wealthy gentleman who have brought this from Austin from before it came here, I continue to oppose it. I will reiterate my opposition to taxpayer subsidies be they local or state, from local or state coffers because what that does is it takes this money, which for me is a matter of priorities and values, this could go to our school finance -- to fund our public education in the state of Texas. It could. It won't. It will go into the pockets of some pretty wealthy -- pretty wealthy men. So I reiterate my opposition. I will vote no on this item as I have voted no on sea lock continuation every time it's come in front of us. I get it, we're not actually giving them the money, but we are opening the door to ensure that they get the money from the state. My values in this instant case lie with issues around funding our public education system. As Mr. King points out, this \$85 million in the last two years, calendar '16 and '17 and that's egregious and irresponsible of our state leadership.

>> Mayor Adler: Ms. Houston.

>> Houston: Thank you, mayor. Request I ask staff a question because we have new

[inaudible] Every year and some people get really confused about the conversations that go on about money coming -- getting away from school districts and -- thank you. Could you explain the local organizing committee and what all we're doing today is doing?

>> Yes.

[Inaudible]

>> Houston: Can't hear you.

>> The action today will authorize the circuit event local organizing committee to act on the city's behalf.

[11:19:59 AM]

And in acting on the city's behalf, they will submit an economic analysis and application to the event trust fund, and if approved by the governor's office, sea lock will fund the event trust fund or the major event, the 1% the city would have to take out of their funds, but they are providing so the city has no obligations. So this action is authorizing sea lock to act on our behalf, which allowed in the state statute.

>> Houston: Thank you. And I just want to say I'll be voting for this as I had the last couple years because when I look -- and I've been out to the circuit of the Americas only one time because I needed to see what it was all about, and I saw so many of the people who live in district 1 who have jocks. I looked at the -- jobs. I looked at the number of vendors from district 1 who get an opportunity to be -- participate in getting some of the revenue, and so I think it's a worthwhile obligation. In the beginning I too was against it. Now that I've seen the results, I think it's worthwhile and I'll be voting for it.

>> Mayor Adler: Further discussion? Councilmember Garza.

>> Garza: Similar to what councilmember Houston said, thank you staff for providing a very comprehensive report at how by district small businesses, local businesses are -- get business from these events. And no surprise the majority I think over \$14 million this organization invests in small business in district 2. And so, you know, I understand that any kind of incentives or would appear to be incentives are controversial, but there is the really true side of that that it spurs economic development. And my district is one of those districts that needs jobs and needs that economic development.

[11:22:02 AM]

And so while f1 is extremely controversial, in ways they have done good -- you know, a good job of being a good community partner and especially also to del valle independent school district, they are offering them space for proms and, you know, different events. And so I know it's a complicated system that's set up with us, but these are not Austin tax dollars. I support it.

>> Mayor Adler: Further discussion? Is there a motion to approve? Mr. Flannigan makes a motion. Councilmember Garza seconds. Discussion? Those in favor? 10 and 11. 10 and 11. Those in favor please raise your hand. Those opposed? Mayor pro tem and councilmember pool. Others voting aye. 10 and 11 pass. Thank you. 12 won't be called before 2:00. That's champion. 13 we'll discuss in executive session. 42 which we weren't going to vote before dinner. If we have time this afternoon we'll take testimony. That gets us to item 46, pud the mayor pro tem and councilmember kitchen. This is the custodial services contract. One of you two want to kick us off? I'll start. I had questions related to the availability of benefits my understanding this is about a contract to provide custodial services and shows a financial benefit to the city of -- I don't know, around \$3 million or so as opposed to in-house janitorial.

[11:24:10 AM]

So my question relates to whether we are clear that benefits are available to -- would be available to the contracted workers. I understand from the backup, the Q and a, that there's information about that the contractors listed the availability of medical, dental and vision coverage, but my question is does that mean that's paid and how much does it cost? I mean just pointing to the availability of medical, dental and vision doesn't tell me whether the contractor workers actually are receiving it. So do we have the information about that?

>> Mayor, councilmember, James Scarborough, purchasing office. It is not our typical practice to inquire about the benefits and compensation and other parts of the compensation package that contractors pay to their employees. In this regard, to determine the reliability of the contractor, we asked what are their methods for ensuring retention, to make sure they maintain a stable workforce. And we gave them some examples of types of retention that we contemplated. And one of them was benefits. So they both responded that they did provide a variety of benefits to their employees, but didn't get into other details associated with the types or the quantities or the value of those benefits.

>> Kitchen: So they said they provided it or they made it available? There's a difference there or do we know?

>> I don't think we have that information.

>> Kitchen: Okay. And the reason I'm asking this is it appears to me just on the face of it that perhaps the reason that we are going down this road to contract instead of having in-house would make sense to me the reason for that is because of the cost savings. But if we're saving dollars because we're not offering these benefits to workers, that would be of concern to me.

[11:26:16 AM]

So that's why I pull this. And I'm hearing that we don't have the information to tell us that. Is that correct?

>> That is correct. It is not our general process to inquire about the financial relationships between the contractors and their employees. There might be some legal concerns that our colleagues at law could go into more detail in that regard, but typically we ask for information that's pertinent to the evaluation that we conduct on the offers that we receive.

>> Kitchen: Okay. So that means, I guess, when we put out an rfp, we don't make it a requirement of our rfp that these kind of benefits are made available to the workers.

>> That is our current practice, yes, ma'am.

>> Kitchen: Current practice is we don't.

>> That's correct.

>> Kitchen: Thank you.

>> Tovo: And this is sort of an ongoing issue and the last time a custodial contract came to us we decided to do it for a shorter period of time so we could look at the issue and try to come up with a better plan and we have yet to do that as a council. But it grieves me to continue to -- extend these contracts or to enter into new ones because I believe some of the cost savings the having those individuals on site may be at the expense of the individuals who with working and I think we should really reconsider whether to use contractors for a service that we know we're going to need into the future. We're always going to need custodial services, so it's not clear to me why we continue to do this except for cost savings. We need to take a hard look at whether that's the right value. Having said that, I'm not sure what our options are today except to shorten the contract again and really commit -- really commit to taking a hard look at it as a council. And so I'm looking at some of the councilmembers who I know share these concerns about whether we're going to be able to tackle that here soon. But I guess for starters, could you tell us what is -- what are our options here in terms of a time frame for this contract?

[11:28:22 AM]

>> Mayor pro tem, the authorization is requesting approval of the base term of two contracts. With the option to extend the contract for additional periods of time. So one option may be to just approve the base term and require additional authorization for those extensions. Another option may be to just approve the base term and not include the ability to seek extensions or not authorize the item.

>> Tovo: What is the base term here? I have to apologize because I know we've had this same conversation and I can imagine if I were on your side I would be a bit frustrated with encountering this over and over again. I hold myself responsible for not putting the time in to figure out a better solution. What is the base term on this?

>> Two years.

>> Tovo: That would be my suggestion we do the base term and I'm open to considering whether or not that should include a request for extensions. Then I have questions based on Q and a but I'll stop there.

>> Mayor Adler: I want to -- I could go with what the mayor pro tem is saying and this seems to be a question that comes up to us. And what is unclear on the dais is why are we asking for this contract. It's clear on the dais that we don't want to approve a contract where one of the motivations is to save money and we're saving money by in essence circumstance couple circumventing the protections for insurance we want to provide. At the same time if there are other reasons for that contract, they are not readily apparent to us. We wouldn't know. If we're hiring someone over time that's not the same person, we're hiring with an agency and have a one-time event and need custodial assistance and then that person doesn't work for us anymore, they go back to the agency, and if we were to hire that person, the person would be sitting without doing work or we hire that person and then have to hire a supervisory chain above that person and it's not cost effective given the number of slots we have.

[11:30:37 AM]

I can imagine situations where there might be a discussion, but we haven't had that discussion. But again, it is recurrent. And so actually taking a hard look at this would be really helpful so it doesn't come back to us. Answering the question of if we put this requirement into an rfp which on its face seems like something I would want to support, does that mean we're not going to have people that respond to that contract. Is that within the universe of things we could do and still provide the functions at need at the city. Mine would be among whatever questions folks have because we're searching for kind of a clearer, better understanding of this.

>> Mayor, I appreciate your comments, and given the -- the perspectives that you just enumerated, this is why it's a very complicated policy discussion. And it would require us to have some pretty clear policy direction from this body, given we could be asking for information we wouldn't really have a standard to determine whether it was good benefit for insufficient benefit. Whether the value was substantive or not. Whether certain times -- types of leave were granted. It could be pretty complicated and we receive

the request from the departments months in advance, sometimes upwards of a year in advance. So we may have had this discussion with the council over the last few months, but this solicitation may have started a year ago.

[11:32:37 AM]

These are services currently contracted out so this is consistent with the past practices of the city. So to take a different direction, we would need a fair amount of policy direction from the council and we're glad to provide you with that information.

>> Mayor Adler: In part, I mean I would support the mayor pro tem -- if she was going to make the motion to just approve a base contract. But what I would really like is the manager to set up some opportunity for us as a council to be able to answer policy questions. To tee up what the questions might be that you would need us to answer. Maybe there's a minimum standard we would set and do you provide employees this man standard, minimum coverage without limitation. I don't know whether that's doable or not doable, but I think we really need to set a time for this to come back to council. Mayor pro tem and then councilmember pool.

>> Tovo: Because the staff did do a pretty comprehensive analysis of this issue for the at-large council, I think we have a good body of information, but I think we have some new expertise on the dais that might help us drill into the benefits with councilmember kitchen and others. I agree that we need an opportunity, the staff to set up an opportunity for the council to provide policy direction, but I think it might be helpful if there are four people today, this is like a realtime opportunity. You know, if there are four of us today who would commit to kind of working through some of that information and at least coming up with questions, I'm happy to take the lead in organizing us if three or so others want to join us. We can have, of course, up to five or more if we want to post it.

[11:34:40 AM]

>> Mayor Adler: I think that kind of ad hoc work would be great and if you could let others join you. Councilmember pool.

>> Pool: I was interested, you were saying that you don't ask our few respondents whether they offer and what level benefits may be provided, but we don't know if it's provided to which portion of the workforce. Is it these people, the executive temperature or managers or whatever. Is that because can we not do that by state law, are we prohibited, or is it just super abundance of reluctance to ask? Could we ask?

>> I believe I would need to have a more detailed discussion with my colleagues at law in that. Across the country, regulations regarding what the governments can and cannot ask of offers who seek to do business with the government vary. Typically what you will see is when we have the presence of price competition, so when offers provide to us a price, that includes all the elements of their costs, that you

then do no go and request for those elements of cost. It could be inquiring about the elements of cost that are unique to their business, the amount of overhead, the amount of indirect, the amount of profit margin. Typically you would not ask for these types of costs if you are then able to determine the price was reasonable based on price competition. If I could compare the price of various offers, then I can determine if that price is fair and reasonable without having to go into their business structure and look at elements that describe their cost. Typically we cannot ask for elements of cost when we have cost competition.

>> Pool: When we put these out to be privatized, we are assuming it would be less expensive for the city to privatize.

[11:36:45 AM]

Is that right?

>> I wouldn't consider this privatizing. There's outsourcing and I would consider this service contract. Typically we would ask for their work for all the work we describe in the solicitation and if we have multiple offers we would have price competition.

>> Pool: I'm just speaking for the decision to go for the supplemental contracting please.

>> May I help you? I think we provided some legal guidance in the past on this issue and we're happy to provide it again. There's a lot of backup about the costs involved, but the legal piece we'll provide something.

>> Pool: That's great. The point I was going to make was that if we're deciding on the basis of how much it costs to outsource work, then we should also look -- and we're not going to include the value of benefits because we're not asking about that, we should also subtract that out of the costs the city would be paying if the city were to provide it so we can have some better equity in making that decision. Because we are talking about people and their jobs not only and not just the amount of money that we end up paying. That's the point that I was driving to. I don't really care what the dollar figure is, although I was interested in finding out whether we could ask that question and it sounds like we probably can't, so I think we should try to compare equals if we're going to go down that road.

>> Mayor Adler: Okay. What about -- mayor pro tem, the health and human services committee has you, councilmember kitchen, councilmember Garza and councilmember Houston. Is this an appropriate thing to ask the health and human services committee to take a look at? And let Mr. Flannigan help on this issue as well.

>> Tovo: Yeah, I would suggest -- it may take us time outside the meeting, so that would be a good group of all of those parties are interested in doing it, but I think we're going to need to do some outside meetings potentially.

[11:38:53 AM]

I'm open to whatever structure. I just --

>> Mayor Adler: I'm fine with you five working as a task force and then outside of the -- outside of the committee, the health and human services committee members with councilmember Flannigan. Does that work? Do we want a different committee? Who would you propose --

>> Tovo: I think I would allow people to opt in. I'm not sure -- I don't feel comfortable opting them in. I feel somewhat comfortable opting them in, but I think --

>> Mayor Adler: Let's get four people.

>> Houston: The other question is how soon would you want that to come back to you?

>> Mayor Adler: I would let that group decide. Let's have mayor pro tem take charge of that with councilmembers kitchen and Flannigan. Anybody else want to work on this with them? Mr. Casar. There's your group. Now, is there a motion to approve this just for the two-year base contract? Mayor pro tem makes that motion. Is there a second to that? Councilmember kitchen seconds that. Further discussion? Mr. Flannigan.

>> Flannigan: I'm in complete agreement with you, mayor pro tem, and we haven't been able to actualize this conversation, I'm excited to pull together a group of councilmembers. Mr. Scarborough, you and I have had a number of conversations not just about this issue but broader about purchasing and we've definitely had a couple of interesting purchasing cases my first year on council, so I'm hoping to dig into all of that. I would like to amend, rather than forcing staff to come back in two years knowing we're forming a task force that we can initiate that through the task force if we are able to come up with some policy direction, but if we're not, we're just going to be in the same place again so I would rather initial it in the opposite -- initiate it in the opposite way.

[11:41:02 AM]

>> Mayor Adler: Mr. Flannigan moves to amend the motion to put in the option for the extensions. Is there a second to that motion? The amendment. Ms. Houston.

>> Houston: I'll second for discussion because I'm not clear about the difference.

>> Mayor Adler: So the motion from mayor pro tem is approve the two-year base contract, but without providing for possible extensions. Mr. Flannigan's amendment is to put back into the extensions as it was posted. Do you want to second that, Mr. Flannigan? That's been seconded now. Would you like to address?

>> Flannigan: Just to clarify, if it's really on us to solve this problem, I don't want to force staff to go through this process in the two years. Sips we're forming an ad hoc group to work on this, it's on us to do the work and there's nothing that precludes us from changing those extensions if staff realizes the task force is going to come back with policy guidance, they don't have to approve those extensions. But whatever next action they take should be in result of a policy guidance, not just, well, we didn't get it

done in two years. I'm more comfortable as opposed to what I was with you mayor pro tem on just doing the base. I feel like it really is on us and we shouldn't keep forcing staff to come back.

>> Mayor Adler: Mr. Star borrow, did you want to -- Scarborough, do you want to say something?
Answered my question.

>> Mayor Adler: Councilmember alter.

>> Alter: I just wanted to invite Mr. Scarborough to talk, but if you don't --

>> I was going to ask for clarification. Was the motion to approve the base term and to have staff come back and ask for authorization of the extensions, or was it not to include the extensions as available, but I'm clear now.

[11:43:04 AM]

>> That's what we're voting on.

>> Mayor Adler: I didn't understand the difference. The original motion was to do the base term.

>> Without any ability to have extension options.

>> Mayor Adler: Which means if you wanted to extend you would have to come back to council.

>> I didn't hear --

>> Mayor Adler: Mr. Flannigan amended to allow you to do extensions in the future without coming back to the council.

>> I'm clear.

>> Mayor Adler: Councilmember alter, do you want to finish your follow-up, then councilmember pool.

>> Alter: Thank you. So is a third option to authorize the two years and the extensions but say to come back for the extension which then doesn't require you to go bid everything out? Or is that -- but the base motion was that you could choose to authorize the extensions without coming to council.

>> Mayor Adler: So your amendment -- the motion is to just have two years. Your amendment, is it to allow for the extension with or without staff coming back to council? Which?

>> [Inaudible]

>> Mayor Adler: Coming back to council or --

>> Flannigan: Base motion is two years approved, staff has to come back for approval for the extensions. My amendment is staff doesn't have to come back for approval for extensions. Staff can authorize those extensions but for us creating policy guidance.

>> Alter: So the base motion --

>> Mayor Adler: Doesn't preclude extensions but has to come back to council. >>.

>> Alter: But has to come back to council. It doesn't require you to go out for bid, it would have you come talk to us and if we don't have a policy change --

>> Correct.

>> Mayor Adler: So it allows for the extensions with additional council approval. The amendment is to let you do extensions without council approval.

[11:45:08 AM]

Further discussion? Councilmember pool.

>> Pool: I don't support outsourcing these positions so I'll be voting no. I will look for the additional work from the subcommittee that's going to do that work, but I will also vote no on both the -- Mr. Flannigan's motion and the base motion.

>> Mayor Adler: Okay. We're now considering the amendment from Mr. Flannigan. Further discussion on the amendment? Those in favor of the amendment to allow the extensions without coming back to council, those in favor please raise your hand. Mr. Flannigan, councilmember troxclair, mishouston. Those opposed? It's the balance of the dais. We now have the mayor pro tem's motion. Is there any further discussion? Mayor pro tem.

>> Tovo: Apologies, but I had mentioned I had a couple questions. So we had asked a question back in December about whether my staff had done -- some very quick internet research on one of these companies and found that they -- found a company with a similar or same name in the department of labor data base that indicates companies' violation history. We had asked a question in December about that and the response was that staff checked with -- that you asked, you reached out to the companies. They indicated that they have had no violations. And we asked a follow-up question, so the staff had said back in December that you were checking with the department of labor to inquire about any such violations with these companies but learned it would take approximately a week to receive reports in this regard. Now that it's been some time, can you please provide us with that report and the answer says it's not standard practice to inquire about contractors so you didn't ask for the report. So I guess -- I guess I would say I was just a bit surprised by that since there clearly was interest in trying to get to the bottom of whether or not this is a company that has had violations or whether it's just a company with a similar name.

[11:47:12 AM]

It's really not clear to me -- my take away but I opportunity to let me know if I'm reading this right, it sounds as if you did research it, but you were not able to -- you were not able to determine whether it was or was not the same company.

>> That is correct. We researched it as much as we could in all the different states that those violations occurred at and we cannot find any correlation between the company we're recommending award to and those companies listed.

>> Tovo: I thought there was a similarity in terms of their address.

>> The one we're contracting with is in Georgia. The one in Colorado and Florida, this company is only identified as doing business in Florida under a different name which is not even close to the one we're using and they are not out of Georgia.

>> Tovo: So there is discrepancy with the address, but you did reach out to the airport to determine whether or not that's the entity that provided the services that resulted in violations.

>> That is correct. We've reached out to them. We have not heard back confirming that contractor.

>> Tovo: So I will be interested in the result of that information when they do reach back out, but I would say, and this may be a shorter term issue than -- an aside issue than the one that our task force is going to work on, but I would like to make that a standard practice. That when we're entering into contracts of a certain amount, that we do do that kind of research to make sure they are not companies that have violations, validated violations. So I would look forward to working with staff on how best to frame that in a way that is not arduous but does give us the information we need in advance to entering into those contracts. I'll probably bring that forward outside the committee process which is going to be a longer term issue. Thanks for the research you did.

>> Mayor Adler: Motion on the floor. Those in favor of adopting the motion please raise your hand. Those opposed. Councilmember pool no, the others voting aye.

[11:49:14 AM]

Councilmember Renteria off the dais. Mr. Republic is voting for that so it's 10-1. Lent. That gets us up to 58 and 59, which are the bike share items. This was pulled by councilmembers Houston and alter and 59 also by councilmember kitchen. Does anybody want to lay out what their issues are? Councilmember kitchen.

>> Kitchen: I'm wanting to speak to 59 because I have an amendment. It establishes the adoption of the dockless pilot. To suggest that -- to go forward with this pilot, but prior to initiation, the program, the specific design of the program and the associated process would be presented back to the mobility committee for review. And then during the course of the pilot there would be additional milestone presentations also presented to the mobility committee to provide status reports and allow public feedback. Let me just say I have mobility committee in here. I did not have the chance to consult with my colleagues on the mobility committee. So I'm happy for it to come back to the full committee if there's a preference for that. To start the conversation, I put mobility committee in. And the reason behind this is just to -- I know that Mr. Spiller and his staff will be pursuing a public engagement process and a community survey as part of the -- designing the specifics of the program. But because of the kinds of issues that have been experienced in other cities, I think it's incumbent upon the council to be

involved in this process and just to hear back from Mr. Spiller after they've completed their process to understand what the specifics are of how the program will be done.

[11:51:33 AM]

And we all know those issues related to public safety and public nuisance and pollution and sustainability and things like that that we've seen happen in other cities. I think that this is a good program that needs to be tested here. We need to try it out and see if it's something of value to our community. We just need to be careful that we're learning from -- from our other cities, and I certainly trust our staff and Mr. Spiller's team to -- to bring the best design forward. I think it's part of the council's responsibility to be part of that conversation. So that's why I'm bringing this forward.

>> Houston: Mayor.

>> Mayor Adler: Mr. Spiller, do you want to speak to this amendment?

>> No, sir. We are comfortable with the amendment that's been presented.

>> Mayor Adler: Any objection to incorporating this amendment? Hearing none, Ms. Kitchen's amendment is added to item number 59. These two items were also pulled by councilmember Houston and alter. Ms. Houston.

>> Houston: Thank you, and I deferred to the chair of the mobility committee because that was my first question had you all seen this and had it been discussed with you. So that's a concern. How we get up to this point without it going through the mobility council committee. I understand that they will be -- first of all, what is the time frame that you are looking at to have this be implemented, this pilot?

>> Yes, councilmember, Robert spiller, Austin transportation department. We are planning to continue the public involvement process. We've been working on this since about December when we understood that several companies were already making the rounds of council offices. I would anticipate that we will be in the late spring before we have a plan for how to actually deploy the pilot and that that would be the time that we would respond accordingly.

[11:53:40 AM]

>> Houston: So you are not trying to get the pilot operationalized during the spring festival season?

>> I do not believe we have enough time to get this operational by sxsw so that puts us into late spring.

>> Houston: How do you define public engagement and what's the

>> Yes, councilmember. We'll start with the stakeholders in the areas where the pilot companies or the operating companies propose to pilot. We also want to reach out to each of the offices and understand where you would like us to talk to specific community. We know we've heard from one office that there

is a school that is losing its transit access for its teachers and they would like to partner with us and look at a way to connect that first and last mile. So we're really in that designing process, as you know, with our bike program, as we demonstrated I think in our district, we are more than willing to reach out to a variety of people and look towards councilmembers to help identify the folks that would be involved. Some of the potential companies that would be operating we understand are talking to various institutions in our community. I understand one community -- organization that's being talked to is giselio and also St. Edwards about a combined properties there. And recently I was able to enjoy a meeting with the president of houston-tillotson and she also indicated that she would be interested in partnering to see how we could use this dockless bike share to expand coverage and access.

>> Houston: Thank you. You gave me so much information. I just had a short question and you just give me too much. What I don't want to happen is what happened here with B cycle, which is very little if any locations east of I-35.

[11:55:52 AM]

And here's the proposed locations for B cycle. None east of I-35. And so we cannot continue to just put access to these alternative ways of transit in just the places that we think. In district 1 we're about to lose 13 transit routes and was that taken into consideration or will that be taken into consideration during the public engagement process?

>> Absolutely, we will talk to both capital metro as well as the the affected communities to see if this would be a solution for them.

>> Houston: I'm going to encourage you to talk to us first because the affected communities are the bus riders who are losing access and we tend to have more information about where those pressure points are than it seems capital metro does. So if you will come talk to us we will be happy to. But again, this is something we should have started having the conversation with the community long before today.

>> 'Em, noted.

-- Yes, ma'am, noted.

>> Alter: So I assume we're talking about 58 and 59 together? Can you tell me how much more coverage you're expecting to get from the 2500 bikes in the pilot beyond what B cycle is already doing?

>> Well, yes, councilmember. I think there are two issues here. One, it's a free market based system. And so we're not putting money into these. So part of the pilot we'll be asking the operators what markets they would like to serve or where those markets are that they would like to serve. Certainly the other point there is the city pointing out municipal needs, as councilmember Houston talked about, the loss of bus routes and transit access, and specific communities of focus where we need better access to opportunities. So these are the two points we'll bring forward. I would hope that the coverage would expand quite dramatically, not just all simply overlap with our current B cycle system.

[11:58:01 AM]

As you know, the current B cycle the assets are owned by the city of Austin, but operated by a non-profit vendor so it's a partnership with them in figuring out where to expand that system. So I would hope the coverage would expand quite dramatically. I think there's some exciting areas. As I've already mentioned the one school in southeast Austin where I think transit is being lost and there's a specific need for access for teachers. I think the domain area, which is currently not served by B cycle system could be very interested. I mean, we know there are students -- in east Austin we know there are kids who live as far away from Huston-Tillotson as Pleasant Valley who walk to Huston-Tillotson. They could benefit from a system like this. I would hope that the system spreads out and would particularly be sensitive in that in designing the pilot to force that.

>> Alter: As you go through the pilot, there are several issues that were raised by the downtown Austin alliance which I'm also concerned about. Have you seen their correspondence yet?

>> Yes. In fact, we've already started collaborating with the DAA. Some of the changes and specifically the timeline, and when we deploy this as a result of conversations with them. The issues that they have identified of course is sidewalk clutter, sidewalk blocking, potential bike litter and so forth. Unfortunately we have several other cities in Texas that I will tell you that I think have deployed these types of systems poorly, have taken a hands off approach to the deployment of those. And the results I would tell you are predictable. That they've been misused by the users and placed in places they should never have been discarded. But yet when we look nationally we find other cities that are having very good experiences, Washington, D.C., Seattle, Portland, San Francisco.

[12:00:10 PM]

So we believe that we will be able to design a program that will encourage the appropriate usage. And hopefully avoidance of issues. And then most importantly, if and when an issue does occur, a blocked sidewalk, a disintegrating bike as we've been after festivals, with bikes that people with bought and then left in town, that the response will be quick.

>> Alter: So I would ask and say that my vote is contingent on making sure that through this process that you're working closely with downtown Austin alliance. I think there's also the downtown Austin neighborhood that also has concerns. And while I hope this will reach beyond downtown in terms of its scope and that's part of the reason I support the pilot, I want to make sure that you're including them in the process and that your pilot is marking how you're addressing the safety and maintenance, how you're addressing right-of-way obstruction and clutter and the environmental impacts. And I look forward to discussing this and seeing it in the mobility committee. I appreciate trying to be innovative even in the face of what would appear to be obstacles that other cities face, but I do think it's important that we're realistic about some of those challenges and that we are prepared when we go forward with this pilot to quickly act if our mechanisms that we've put in place don't work and that we have thoroughly thought through those things.

>> 'Em. Yes, ma'am.

>> Tovo: I appreciate, councilmember kitchen, your amendment and councilmember alter in particular I appreciate your comments. And I heard your request and I share it, but I didn't necessarily hear -- I just want to be sure that we have a commitment from you, director spillar, that part of -- that among your stakeholders will be the downtown Austin alliance and the downtown Austin neighborhood association, that they will continue to be involved.

[12:02:21 PM]

I know you've said you've already incorporated some changes based on their feedback. That they will continue to be involved through the development of the pilot. Is that your intent?

>> Yes, ma'am. In fact, in April we're actually working with the national association of city transportation officials to hold a conference work session here, bring seven other cities that are experimenting this here to talk -- here to talk to talk about what they've learned. And we're considering asking the daa, downtown Austin alliance, to be part of that as well. We're excited to continue working with them.

>> Tovo: That's good. It sounds like that will happen potentially after the pilot launches, is that right?

>> No. We anticipate that to happen before.

>> Tovo: So I note in your rca that there's the initiation of the pilot, but no conclusion of the pilot. And so I want to just talk about that for a minute. You know, we've occasionally did what were described as pilots and then when it came time to make any revisions to it or any changes, there were -- there was a great out cry from individuals who believed that this was a program we had put in place, unchangeable for the -- for the foreseeable future. Short-term rentals were like that when we came to make revisions, people came down and were extremely concerned even though it was described as a pilot. Uber and Lyft is another one. It was an interim ordinance and as soon as we started to make changes, there was a great out cry that we adopted an ordinance that we were now making changes to. So I want you to first address whether it would be more appropriate to have an end date for pilot, at which time it would be affirmty actively moved forward by council and why that isn't what you've brought before us today.

>> Again, as I said previously, the reason we started working this in December and the reason we brought this forward this way is we became aware of various vendors making their rounds of councilmembers and also several of other civic partners in the community so we wanted to signal that the city planned to do a pilot.

[12:04:33 PM]

I think because we've made the commitment, rightly so, to a public process, I don't know how long that public process will take. I believe it will take into late spring, may-june time frame, and I'm not sure that we would have enough time to experience the outcome of that pilot to get back to you in an fy19

budget discussion. So depending on when we come to the mobility committee, we may in fact recommend to continue the pilot through the fy19, so that's on the long side six to 10 months, once we actually kick it off. And then resolve how we move forward as part of the fiscal year 20 budget discussion since this revolves around revenue and the right-of-way. I think as we look forward to the long-term, one of the major questions which gets back to how we move forward after the pilot, you know, some cities have simply allowed multiple companies to come in to town or sustain themselves through a permit process. Other cities have taken more of an rfp process and selected a single vendors. Still other cities have set the requirements and only allowed one permit. So this is really an area where I don't know the long-term solution and I don't know if that's definable in six months or 10 months. So I would see us recommending to you a timeline for the pilot to end when we come back to set the parameters of the pilot.

>> Tovo: Except that that -- okay. And I was throwing out six months. I mean, certainly it could be 10 months, it could be whatever months you think are appropriate and it could certainly be that clock could be set to start ticking once the stakeholder work had been completed and you were about to start.

>> Right.

>> Tovo: So those are not unsure mount -- insurmountable programs.

[12:06:41 PM]

But there is no time frame and that does concern me because it says, I believe, potentially to the industry that this is something we're starting as a pilot, but it's going to potentially continue forever. So I would look to my colleagues about whether we can address that.

>> And councilmember, if I could, if it is the pleasure of the council to set a time limit for how long this is, I would ask you to set it when it gets started no manner six to 12 months -- no more than six to 12 months, but to give us a window to get to a period in the fiscal year to --

>> Tovo: I was talking about having a time clock start once the pilot is done. That's appropriate. The rca did reference a time, and that was to get enough of the work done before we adopt the fiscal year 19 budget.

>> Sure.

>> Tovo: So I don't know. It sounded to me as though you thought that might not be realistic anymore.

>> Again, I don't want to predispose how long the public process may go, but we may come back before the 19 budget and say we need to extend this.

>> Tovo: Maybe the appropriate budget would be to pass the rca, but make that adjustment, taking out the fy19 and just say the reference to fy19, since we may or may not hit that deadline, but have a period of time, but specify a period of time at which point we would affirmatively continue it, but have that time clock start once it is done.

>> Mayor Adler: It is to have the dockless bike share demonstration program of not longer than 12 months? And then the details of that could just come back, the program itself can't be longer than 12 months? It doesn't sound like you intend for the program to actually be that much longer anyway. Any objection to adding that amendment? Then that amendment is added, the city manager is instructed to add a dockless bike share program and we're adding no longer than 12 months.

[12:08:44 PM]

It is 12:06, could we dispense with this before we get to sense communication.

>> Houston: I would like to have director spillar to get in touch with the eastern part of the city for stakeholder input.

>> Mayor Adler: Councilmember alter.

>> Alter: I want to make sure my instruction doesn't get limited to those two groups. That I was also asking for there to be a clear part of this process, an answer to how they were going to deal with safety and maintenance, right-of-way obstruction and environmental impacts. And I would like you to track those during the pilot as well.

>> Yes, ma'am. That was my understanding.

>> Mayor Adler: Is there a motion to approve items 58 and 59? Councilmember kitchen makes that motion. Seconded by councilmember Flannigan. Any discussion? Those in favor, please raise your hand. Those opposed? That was an opposition? Ms. Troxclair votes no, the others voting aye. 58 and 59 pass.

>> Thank you, mayor and council.

>> Mayor Adler: All right. We're going to go to citizen communication. My records reflect that we have not resolved 12, 13, 42, 58, 66 and 68.

>> I'm sorry, we just did 58. So 12, 13, 42, 66 and 68. We're now going to go to citizen communication and the first speaker that we have is Roy Mullin. Mr. Mullin. And on deck we have Mike valescu. You have three minutes, sir.

>> I'm Roy Mullin, and thank you for allowing me to speak. I am in a 12 step program for recovering necessary pee ans, so I hope you will be kind to me. I did a fair amount of acting in my salad days of my youth in high school and college and then you get busy with marriage and kids and then you realize you haven't been on stage in awhile.

[12:10:49 PM]

So I added it to my bucket list so I wanted to do it again before I couldn't remember my lines. I discovered if you go to Austin city theater and offer to underwrite a man for all seasons and have the

decimal point in the right place. So I had the good fortune that my wife got to see me he headed on Valentine's day. Her only regret was the lack of performance, I kept coming back. I'm here as a citizen, not as a starving artist. I'm a licensed investment advisor and entrepreneur and philanthropist and during that experience I have discovered how rapidly we were losing performance spaces in Austin and I took that on as a passion and had enough hubris to think I could solve that. And I think I've developed a self-sustaining business model for community theater in Austin. And I've been working on that. Some of you may have read a feature story -- a highlight they did in Austin monthly about the project we're working on. And I've offered testimony, spoken before the arts commission, the music commission, the downtown commission, about how we can stop the alarming loss of performance space and cultural arts spaces in Austin. I'm continued my long crawl over broken glass to make my sustainable theater a reality, but I take a break from that today to share some hopeful news. In my many, many conversations with a range of interested parties, I have most recently been in discussions with the local land consultant. His firm cobbles together parcels of lands for developers. The consultant has clicked on the significant economic advantage of anchoring mixed use developments with performance space. Think about this for a moment. From a marketing perspective, would you want to entice residents to your mixed use development by offering them a dry cleaners on the ground floor? Or would you rather be the W, offering them Austin city limits on the ground floor? Where would you rather live? Wouldn't you like to be the restaurant across the street from Austin city limits? I think this is an economic driver using this model.

[12:12:51 PM]

What we are offering is a microversion of the W and the Austin city limits. 80 to 120 seat theaters anchoring mixed use developments. The land consultant has a variety of developer clients. He is making the case to each of them that they should anchor their new projects with performance space. He showed me nine sites, some east, some central, one south, that are currently under contract to become mixed use developments. All would be suitable for my purposes of creating sustainable performance spaces. The job of persuading the developers, and this is where you come in --

[laughter]. You're paying attention at this point. The job of persuading the developers of this economic wisdom would be far easier for the city would adopt the Austin creative alliance --

[buzzer sounds]

-- Policy kit of developer incentives such as the collateral land trust and allowing chapter 380 agreements. Thank you for your time.

>> Mayor Adler: Next speaker is Mike valescu. On deck is --

>> Mayor and councilmembers, I will have to yield my time. We had some technical issues. We'll postpone the presentation until next month.

>> Mayor Adler: Until next month. Okay. Koo-hyun Kim. Next speaker is Patrick ebomwonyi. Next speaker is Tony farmer. Mr. Farmer. On deck is iris Leija.

>> Thank you. While Austin energy is facing audits and tough questions, I'm here to ask you to initiate an audit of their appeals process as well. On may eighth I had a hearing to dispute what I felt was a mistake on my electricity bill. I asked if I could audio record the recording and I was told that was against policy.

[12:14:53 PM]

I asked for the policy, and she couldn't provide one, but I turned my recorder off anyways. Having been an hearing officer hundreds of times myself I found many oddities. One, at the end I was left in the room. And second it was stated that their meters are 100% accurate. She said this with conviction. The meters are never wrong. Ever. I was so disgusted by this gross exaggeration that in October of 2017 I emailed this concern to my city councilmember staff. Next the evidence packet used against me was riddled with errors. They alleged that the increased electricity use was tied to a decrease in temperature. So I had a packet with an excel sheet of high temperatures and low temperatures for various days around the disputed time in question. Well, there were obvious errors. Things like it was over 100 degrees in December and things like that that anybody could see were a big mistake. So pointed out this mistake in the hearing and they said someone has to input these temperatures manually. So it was probably just a mistake. Okay. So the hearing officer ruled against me, but I wanted to know if what I experienced was Normal so I asked Tiffany Webb at Austin energy who confirmed one, there's no policy against audio recording and I should never have not been allowed to record the hearing. She promised in October to update Austin energy's appeal literature to make sure citizens are informed of this right. I confirmed this morning by the way that that has not been done yet. Ms. Webb also said employees should never say in hearings that meters are 100% accurate. She called this a training issue and apologized profusely. Yesterday I read that Austin energy after months of saying that their water meters were accurate finally admitted they were wrong. Was this another training issue? Or is it possible that there's a culture issue at Austin energy? They arrogantly trust their fancy gadgets and blame entry level employees for their mistakes rather than scrutinize their own technology and fix the systemic issues. In this hypothetical audit I'm encouraging you to initiate, please ask Austin energy the following

[12:16:58 PM]

question: What is their win-loss record in electricity bill hearings over the last five years? In other words, how many times have they reversed a charge and actually given money back, not in the water hearings, in the electricity bill hearings. I suspect you will learn that they never lose. That's just a guess on my part based on how unfair the process was when I viewed it. But you can see for yourself they won't answer that question from an everyday citizen. Perhaps they will answer that question from you. When someone repeatedly makes mistakes over and over, whether this is a wife, a husband or a company like Austin energy, it's either intentional or it's accidental. In other words, it's either inept that 'tude or it's corruption. It's one way or the other.

[Buzzer sounds] And what I'm seeing from Austin energy, I'm starting to become concerned that it may not just be ineptitude. But in any case, Austin deserves a better appeal process to protect us from this mistake prone company. Thank you.

>> Mayor Adler: Thank you. On deck is varnerl Franklin. Come on down. You're up.

>> Hi, my name is iris Leija and I work at the airport. I'm a food prep and a member of united here. I'm here because soon there will be a voting for the sick days ordinance. Before getting sick days with, one by my union in my job, I used to go to work sick. I used to make that choice by going to work sick and getting my co-workers sick at the same time. For the reason that I didn't have any money to pay my bills.

[12:18:58 PM]

I'm here to let you know that soon me and my union will be visiting many of you to let you know that we support the sick days ordinance. Thank you.

>> Mayor Adler: Thank you.

[Applause]. Next speaker is varnerl Franklin. Come on down. The next speaker will be Tom friedley.

>> Afternoon, mayor, city council. First my name is dannerl. They misspelled it. But I want to talk on behalf of [indiscernible] And united here. We have over 65% of the people are sky chef that already lost all their sick days pay because we had an epidemic of the flu and it was just passed on among each other. And now 65% of us don't have sick days. This is why we really need these extra sick days for us to get healthy and be with our kids and family when they get sick as well. Thank you and have a good day.

>> Mayor Adler: Mr. Franklin, I apologize about your name.

>> That's okay.

>> Mayor Adler: Our last speaker is Tom friedley.

>> Ora Houston, I may have the honor of living in your district. I would be honored. The way you represented today, please god, let me have that house in her district. I hope the cedar is not bothering you. All right, real quick, I have dharma-dot reduction productions, we are an advocacy and start-up here in town. I am days away from inking a radio deal with cumulous for radio syndication. I've been doing a podcast and I want to end all houselessness.

[12:21:00 PM]

It's a rebranding per George Carlin's daughter, a rebranding thing. I love Richard Troxell, I hope he stays on. So what I'd like to do is I've already had -- I want to thank also a great meeting I had with the assistant Sarah Hensley really was a big help to us. I got invited to the no sit, no lie theater troupe thing, learned a lot. I want to give my friends who wanted me to be more scripted today, warned me not to go

in, rightly so, angry or sanctimonious. Mayor Adler, I don't know you, but I hear stories that you have offered out of your own pocket to get people off the street. I'm not asking for confirming it, but you have a good heart, I believe. I know Ora Houston has a good heart. So let me sign off by saying the part that I was scripted was a close. And before that right quick, I gave to Sarah, there's a rumor I can't confirm that someone has left a 15-million-dollar intellectual property, it's a patent for a Sherman Williams paint that dries underwater, was given to front steps, 15 or 27 million. The arch didn't cost a fraction of that. That place we force people to go to on cold weather nights. That's going to stop. The Facebook page is home the houseless. You can't miss George Carlin's face on it. And now my senior vp of marketing wrote to for me, thank you for this opportunity to reiterate concepts that I know you are already responsibly work to go solve. I know that houselessness is your top priority and be fits all leaders worth their own salt. Working together should not just be an ideal, mantra or Moto. Working together must be directed by the responsible elect and appointed individuals who not only lead, all caps, but also provide direction by acting on that which their actions assess value.

[12:23:06 PM]

I know we're altogether on this major Austin issue so let's take action now. Thank you. What can I do with my company for the city of Austin that I owe my success to so we can get this done? Thank you.

>> Mayor Adler: Thank you very much. Those are all the speakers we have, council.

>> That was a very deep voice. Thank you for bringing it into the chamber.

[Laughter].

>> Mayor Adler: Council, we're now going to go into closed congestion session to take up four items. Pursuant to 551.074 of the government code we're going to take up personnel matters related to item 76, search for and appointment of new city manager. Pursuant to 551.071 of the government code we're going to discuss legal matters related to item 78, which is the cox newspapers versus city of Austin. Item 79, which is the attorney general letter ruling concerning information requests. Item number 12, which is the champion case. Is there any objection to going into executive session to take up the announced items? Hearing none, we will now go into executive session. It is 12:24.

[3:11:13 PM]

>> Mayor Adler: All right. It is 3:10. We are out of closed session. In closed session we discussed personnel matters, 7c and legal matters related to item 78, 79 and 12. We are back out. Do you want to walk us through the consent zoning calendar and then we'll do champion.

>> Thank you, mayor and council. Greg Guernsey, planning and zoning. Mayor, on Tuesday 81 and 82 the public hearings were closed, but I was under the impression you might have one or two speakers at

the most on those two. I just want to note that. If you want me to offer those on the consent agenda, and let the speakers speak or put those on discussion.

>> Mayor Adler: We're going to pull that one.

>> 81 and 82, property on east Cesar Chavez street, discussion items.

>> Mayor Adler: 83, 84, 85 pulled.

>> Item 86, staff is going to offer this for consent, second approval. Item number 87 is case c14-2017-0115, staff could offer this for consent, second reading and third reading for approval. , That was item number 87, c14-2017-0115.

[3:13:14 PM]

Going on to the 2:00, these are the public hearings are open, possible action. Item number 88, this is npa-2016-0016.02. Applicant has withdrawn the case. No action required on number 88. Number 89, case npa-2017- 0015.03. Staff is recommending a postponement of this case to your February 15th agenda. The related zoning case is item number 90, case c14-2017-0097. Staff is requesting postponement of this item to your February 15th agenda. Item number 91, npa-2017- 0002.01. The applicant has requested a postponement of this case to your February 15th agenda. Item 92, the related zoning case, is case number c14-2017-0105, the applicant is requesting postponement of this case to your February 15th agenda. Item number 93, case npa-2017-0016.05, staff is requesting a postponement of this case to your March 22nd agenda. Item number 94, case c14-2017-0106, staff is requesting postponement of this case to your March 22nd agenda. Item number 95, case npa-2017-0029.01, this is ready for consent approval on all three readings. Item 96, c14-2017-0086, this is ready for consent approval on all three readings.

[3:15:20 PM]

>> Houston: Mayor?

>> Mayor Adler: Ms. Houston.

>> Houston: Mr. Guernsey, 96 it's district 4 and not district 1.

>> We'll make that notation. Thank you. Item number 97, we have at least three speakers that have signed up so this will be a discussion item. Item 98 also discussion. , If item 99, staff is requesting postponement to March 8th agenda. Item number 100, c14-2017-0010, staff is requesting a postponement of this case to your March 8th agenda. Item number 101, case npa-2017-0016.01, this will be a discussion case. We have a speaker. Item 102, there's a councilmember that would like to discuss this item. This will also be a discussion item. 103, c14-2017-0022, staff is requesting postponement indefinite on this case in order for this case it would require renotification. Number 103

is indefinite postponement. Item 104, the applicant has requested postponement of this case to your February February 15th agenda. Item 105, c14-2017-0074, staff is requesting a postponement of this case to your March 22nd agenda.

[3:17:22 PM]

Item number 106, mayor, council, there are at least four citizens that would like to address council so this will be a discussion case.

>> Mayor Adler: Which number?

>> 106.

>> Mayor Adler: That is being postponed -- no, that's not a postponement?

>> 106 is discussion. Item 107, case c14-2017-0096, staff could offer this for consent approval on first reading only. Item number 108, this is case c14-2017-0118, we have at least two speakers that have signed up to speak on this case so that will be a discussion item 109, c14-2017-0122, staff is requesting postponement of this case to your March 8th agenda. Item number 110, I'll just note it's related to item 125 which I'll read in a little bit. So these two cases are related. The applicant has requested a postponement of 110 to March 8th, and mayor, I understand from the applicant they have talked to folks to see if there is any concern about the postponement. You do have four speakers signed up in regards to 110.

>> Mayor Adler: Is there anyone here to speak on item number 110?

>> [Inaudible]

>> Mayor Adler: With a postponement? Okay. So that will stay on consent, postponed.

>> Item 111, c14-2017-0126. This case has been withdrawn. No action required. That's item 111. This case has been withdrawn.

[3:19:23 PM]

No action is required. Item number 112, c14-2017-0132, this is a staff requested postponement to your March 8th agenda. Next item, 113, c14-2017- 0133, I understand a councilmember would like to address this case. 114, c14-2017-0134, item 114, case --

>> Mayor Adler: I got confused. 111 has been withdrawn. 1912 is postponement.

>> Correct.

>> Mayor Adler: 113 pulled.

>> Discussion my council. Item 114, c14-2017-0134, one citizen has signed up so this will be a discussion item. Item number -- that's 114. You have a citizen signed up.

>> Mayor Adler: Hold on a second. I'm not seeing that. Okay. Continue on. 114 is pulled.

>> Item 115, c14-2017-0136, staff would offer this for consent approval on all three readings. Item # 916, c14-2017-0137, staff would offer this for consent approval on all three readings. Item number 117, c14-2017- 0151, staff would offer this for consent approval on all three readings.

[3:21:29 PM]

Item number 118, case c14-2017-0156, mayor, I believe you have at least three speakers that would like to address council on this item. So it will be a discussion item. Item 119, case c14-2017- c14-2017-0143, I understand a councilmember would like to discuss this item. Item 120, case c14-2017- c14-2017-0094, this is a staff postponement request on this item to your March 22nd agenda.

>> Mayor Adler: 121 is pulled?

>> Item 121 is pulled. That is a discussion item. And then on the addendum, this is at 2:00 in the nonconsent items on the addendum, item 125, this is a staff requested postponement to March 8th agenda. And then finally item number 126, case c814-2017-0001, a staff postponement of this item to your March 8th agenda.

>> Mayor Adler: Let's go through that again. We're beginning here with number 81. Is that correct?

>> Yes, 81.

>> Mayor Adler: The ones that have been put on consent are the first one is 86, 87. 88 I think you said was withdrawn.

>> 88 is withdrawn.

>> Mayor Adler: And 89 is consent?

>> Yes, for postponement.

[3:23:30 PM]

>> Mayor Adler: 90 is consent, 91 consent, 92 consent, 93 consent, 94 consent.

>> That's correct.

>> Mayor Adler: What about 95 and 96?

>> 95 and 96 both consent.

>> Mayor Adler: 97 and 98 are pulled, but 99, 100 and 101 are consent.

>> 101 is a discussion item.

>> Mayor Adler: Okay. 101 and 102 are both discussion items.

>> That's correct.

>> Mayor Adler: 103 consent, 104 consent, 106 discussion. What about 107?

>> Consent for first reading only.

>> Mayor Adler: 107 consent. 108 pulled. 109 and 110 are both consent. 111 is withdrawn. 112 consent. 113 and 114 both pulled.

>> Correct.

>> Mayor Adler: 115, 116, 117 consent. 120 is consent and 121 is pulled. And then in addition 125 and 126 are both consent.

>> That's correct.

>> Mayor Adler: Is that correct? There a motion to approve the consent agenda?

>> And close the public hearings where applicable.

>> Mayor Adler: And we'll close the public hearing on these cases. Ms. Houston makes the motion Mr. Renteria seconds. Discussion? Those in favor please raise your hand. Those opposed. Unanimous on the dais.

>> Thank you, mayor.

>> Mayor Adler: Thank you. I'm going to go ahead and call item number 12 which is the champion tract.

[3:25:45 PM]

Okay. Staff, go ahead.

>> Good afternoon, mayor, city council. Chuck Lesniak, city environmental officer. Going through a presentation as quickly as I can. There's been a lot of discussion about this issue for a little bit. That I think hopefully will clarify some of the questions that have come up over the last month or so. But just backing up to last December, at the December 14th council meeting, council referred this item to the environmental commission as part of a vote on second reading of the amendment to the '96 settlement agreement and asked the environmental commission review and give you all a recommendation for today. There we go. At the January 17th commission meeting, after they first heard this on January 3rd, we did a briefing, they did a development committee meeting between January 3 and January 14 and considered it again on January 17 and took action. Commission approved a motion recommending council not approve the amendment. I won't read through this, but this is the conclusion to their motion which is in your backup. And -- but the sort of the lynchpin is that the commission finds the 2016

amendment is not necessarily environmentally superior to the original '96 agreement and cannot be represented. With that I'm going to walk you through, there's been a lot of discussion at previous council meetings, at the environmental commission meeting about the work session about the analysis that was done by staff in 2016 when this item first came up.

[3:27:50 PM]

And so as I think I talked about at the work session and during the environmental commission, in 2016 we had a group of senior staff and other staff members take a look at this. They looked at the settlement agreement and the entitlements for this site to be developed under the lake Austin watershed ordinance and under the hill country roadway ordinance and other ordinance that apply, but primarily those two ordinances. And we did a qualitative analysis. This is in Q and a, we did a qualitative analysis, it was a back of the envelope analysis based on the experience of the senior staff, including myself, Andy, assistant director of development services department, Greg Guernsey, director of planning and zoning department, and other staff with long experience working on these sort of issues. This is the champion tract. Outlined in Orange. These are the critical environmental features, the rim rock protected by the agreement. You can see a little loop of west bull creek that goes into the property. It's primarily tree covered. It's there at city park road just east of 360. You can see the intersection of 2222 and 360 here. Last December meeting, we've done more quantitative analysis. To try and give you all more quantitative data as you consider as you look at whether or not to approve this amendment again. And we focused on the lake Austin word ordinance and hill country ordinance because that's where most of the questions were. I'll start with impervious cover. This is by total site area. This is on the 45-acre site. The lake Austin watershed ordinance limits impervious cover by slope category 0 to 15 slope, 15 to 25% slope, 25 to 35% slope all allowed certain development impervious cover over 35% slope, no impervious cover is allowed.

[3:30:02 PM]

And you can see the different percentages that are allowed. It varies for commercial and multi-family. Multi-family has a lower amount of impervious cover allowed. And looking at the entire site, the 45 acres, and again, back in 2016 when we were looking at this, we were comparing what would be allowed under the '96 settlement in general office, commercial, versus what would be allowed under the proposed multi-family zoning. And so we were looking at their existing entitlement, which would give them 65% impervious cover, which is about 8.6 acres of impervious cover for commercial on the zero to 15% slope, 2 acres 15 to 25%, half an acre for a total of approximately 11.1 acres. Now I want to caution you when I say 11.1 acres, that's a maximum impervious cover. It's been my experience that generally you don't develop particularly on a site like this is not able to get all of their impervious cover. You're not guaranteed and entitled to build that. You have to also comply or a developer has to comply with other development regulations. Setbacks, tree protection requirements, cef buffers, creek buffers, although there's no creek buffers in this case. And no cef buffers. So they would be more likely to get to the full

11 acres or closer to it than under current code, but again I at this as their maximum impervious cover. From my perspective as the environmental officer, I generally consider these from a worst case scenario. I'm going to look at under the worst case, what is the most damage they could do to this property. From a impervious cover standpoint, the most damage they could do to this property was 11 acres under existing entitlements.

[3:32:05 PM]

Under multi-family, they just did multi-family zoning with the '96 agreement they would be entitled to about 7.1 acres. Again, they might not get to that, but with the watershed ordinance there were no cef buffers, they are not required to protect the creeks. There are three tributaries that are not protected. If they wanted to fill them in they could up to the limits. Under the 2016 amendment, the applicant agreed to limit impervious cover, and it was limited in these ways. 2.2 acres in the zero to 15% slope category, 2.3 acres in 15 to 25%, and 0.9 acres in the 25 to 35%. And in the 35 -- over 35% category, they asked for .07. You can see how that compares to what they would be entitled to under the '96 agreement, about five and a half acres. We were comparing this in 2016, fall of 2016 to G.O. Commercial development under the '96 agreement. So we were comparing the far right to the commercial column. Hill country roadway ordinance. It limits or requires protection of 40% of the site. It requires it to be left in a natural area. On 45 acres that's just over 18 acres. The hill country roadway ordinance, it allows applicant to include -- slope over 35% where they couldn't build anyway, it's a little over 8 acres, floodplains three and a half acres. The 100-foot no build zone on the south side. That's about three and a half acres. They can count the 25% vegetated buffer obviously because that would be left in a natural state.

[3:34:11 PM]

Even allows them to count vegetative parking medians towards this count. So on a site like this -- and these do not have to be contiguous. They can do bits and pieces all across the prompt the hill country roadway ordinance also regulates property based on intensity Zones. Intensity Zones are determined by the proximity to a hill country roadway. This tract -- the intensity Zones are low, moderate and high. This tract has all three. It's got a high intensity zone on the east end and I'll show these on a map in just a minute. Moderate intensity zone, doing most of their development on the west end at city park road and 222, and remainder of the tract or most of the remainder is in a low intensity zone. Height varies -- the primary thing about the intensity Zones is it impacts how tall you can build a building and how much floor to area ratio you can get. Height varies by zone. Within 200 feet of a hill country roadway, 222, it's limited to 28 feet regardless of zone. Low intensity zone limits you to 28 feet in height. Moderate is allowed 40 feet in height and a 50 -- high intensity zone is given 53 feet in building height. So floor to area ratio, as I mentioned it varies by intensity zone and by slope category. In a low intensity zone on zero to 15% slope you get 0.2 F.A.R., .08 in 15 to 25% slope, 25 to 35 in .04, and I won't go through each

of these. The ones that are most relevant here are the moderate and high where you get 0.25 F.A.R. In zero to 15% slope and 0.3 in high intensity zone.

[3:36:12 PM]

If a development bonus is granted as part of a development, then F.A.R. is increased by .5 in each zone in the zero to 15% slope category. We'll talk more about that as well in just a minute. So we calculated the F.A.R. And that's based on the area of the property. You take the 45 acres and calculate the F.A.R. So for this property, in the high intensity zone on the east end, on the zero to 15% slope, they could get about 44,000 square feet of interior floor space. 14,000 square feet roughly in the 15 to 25, 4,000 square feet in the 25 to 35 for a total of just under 63,000 square feet. Moderate intensity that is located on the west end, they could get about 53,000 square feet, a little over, and in the low intensity, which is most the rest of the property, about 82,000 square feet. And again, this is a lot like maximum impervious cover. You're not guaranteed that you can build this. You have to also build this within the other constraints of the property. But clearly you can get a very significant development in the various portions of this property. Of this information and try and show it to you graphically and hopefully this will help illustrate. This is the lot, 45 acres at 2222 and city park road. This is the slopes. We've got it divided up here in the regulatory category zero to 15 in white, in green 15 to 25%, in Orange 25 to 35%, and in red 35% and over. And you can see here that you've got -- on the west end it's confined of the sweet spot for development of this property where the most developable area is and it has good frontage on 2222 Maddie a -- on 2222.

[3:38:18 PM]

There right in the middle appears a nice flat area that is also all flood plain. That bow right there of red is west bull creek and so that area even though it's zero to 15% slope it's in the flood plain and really not developable. So we don't really consider that. Here along 2222 is the 25-foot buffer. The hill country roadway buffer. It's normally 100 feet vegetated buffer but it was moved by the '96 agreement to 25 feet. The G.O. Zoning from 1998 has 100-foot no build zone in the upper area. Even though they can't develop in that area, it does still count towards their denominator for floor to area ratio and impervious cover. Here's the 200-foot setback, not really setback, but 200-foot zone along the roadway, 2222, regardless of intensity zone you can only build up to 28 feet. Here's the Zones, the three Zones on the property. On the east end the high intensity zone, it's in place because the intersection of 2222 and on the west end the moderate intensity zone because of intersection of city park road and 2222. Remainedder of the property in the middle and towards city park road is low intensity zone. Then in the left corner there is it's not in a hill country roadway zone because it's over 1,000 feet from 2222. And so in terms of building height on that -- on the east end, they get 53 feet as long as it's outside your 200-foot buffer. On the west end they get 40 feet. This is, again, under the '96 agreement. They get a 40-foot high building as long as it's in the 200-foot buffer. They can build up to that high. The low intensity they can do 28 feet and 28 feet in the 200-foot buffer.

[3:40:19 PM]

So we did an analysis of the buildable area. And that -- on the entire tract based on slopes. This is kind of a building envelope. You can't cover all of this with impervious cover. You only have for G.O. 11 acres. But these are the areas where you could potentially do development, parking lots, buildings, sidewalks, whatever, that impervious cover in these areas. It's a very large portion of the property. It's nearly 26 acres, including a fairly large area on the east end. Where they have access approved access by txdot to 2222. You can see it's split, the property is kind of split right down the middle from that tributary. No impervious cover is allowed there. If they wanted to develop and try to connect those two halves it would require a variance under the lake Austin watershed ordinance. Just to give some scale here, this is a one-story, 60,000 square foot building that you could build there. I said they could get 62 to 63,000 square feet of F.A.R. in that high intensity zone. This is what that would look like. Would it look exactly like this, probably not. They need to work around their slopes. They are going to need a driveway, parking, and this does not include parking that would be triggered by this. So they may have structured parking, may be surface park, might build it on pier and beam and we'll talk more about that, park underneath it, but they would definitely have more impervious cover than this. This is a two-story, the footprint for a two-story, 30,000 per square foot building. This is 60,000 square feet. This is in a four-story building.

[3:42:21 PM]

Could see with this footprint you could do a four-story building, it's allowed in several years and you would still -- areas and you would still need a lot of parking and impervious cover for this. So where this is consistent with what we looked at in our conclusion in 2016 was that eastern end is developable. There are certainly challenges, a lot of steep slopes, some of it is disconnected, but at some point in my opinion somebody would come along and try to develop that. As environmental officer, I think it's incumbent upon me to take the most conservative view in terms of risk to the environment. So talking about multi-family development. Because there's been some discussion about that. Is what can they do under multi-family if the 2016 amendment was not approved because what we would have to be multi-family zoning with the 1996 amendment. So there is the strip of G.O. That was left over from the zoning case in 2016. They obviously could not do multi-family in there. Theoretically unked build some sort of G.O. Use in that area. But connecting to it would be challenging because you've only got about a 100-foot wide strip because half of it is that no build. Here's the multi-family envelope. There was discussion about this at environmental commission is because of this G.O. Strip, there's not any space left on that eastern end. There is some space there. On the entire tract, it's about 21 acres of buildable area, and -- and I don't have with me or handy the acreage on the east end, but it's about four to five acres of buildable area, maybe a little bit more on that eastern end. So again, you know, you could build a four-story, 60,000 square foot building.

[3:44:23 PM]

With F.A.R. You get 0.3. The zoning F.A.R. Does apply and it's 0.3. It would be roughly 60,000 square foot building. So multi-family, if the amendment is approved again and without the -- this is what they would -- gives them about 13 acres of buildable area they can build on and they've submitted a site plan under this scenario for multi-family. And so I think that kind of walks you through what the property looks like and the development chances for the property. Again I -- challenges. This is a challenging site, but I think what this analysis tells me and what what -- [inaudible] Qualitative analysis from 2016 was this is a developable property and I'm seeing properties, Andy saw properties coming in more challenging than this to develop on just because the economics are starting to work. Because it's expensive to develop these kind of properties. But price of land is getting so high, now we're starting to see these come in in site plans. And just as an example, from a couple of years ago we had somebody try and plat a lot that had -- that was basically a cliff that had three hundredths of an acre of impervious cover. They tried to get a variance and didn't get it and filed suit over it which they have I believe since lost. Trip count. There's also been discussion about trip count. The development services department, and this is not necessarily an environmental issue except there was a contention or -- that trip count actually limited the development on the property. G.O. Is limited to 30,000 square feet under the G.O. Zoning. But under -- office is limited to 30,000 square feet under the G.O. Zoning.

[3:46:27 PM]

Other uses like religious assembly, education, congregate care would be allowed under the G.O. Zoning, and you can see with 1,330 trips, and actually the property was allowed 1,438 trips, not 1330, but we were asked to analyze 1330, for education at 13030 space. We looked at the tree impacts, and this is one I really want to caution we take with a grain of salt. We extrapolated these numbers based on current site plan. The current site plan, they surveyed 19 1/2 acres, about 40% of the property. They counted 3025 trees eight inches and greater, about 155 trees per acre. Extrapolated that across the property and if you remember the aerial, the property is fairly uniformly covered in trees, but there's no guarantee that this would -- these are exact numbers. Do understand this is an ex evaporation and just gives us -- extrapolation. We estimate it could be about 7,000 trees on the whole property. Current site plan is proposing, and this is an actual tree survey, 1,351 trees, about 20% of the trees in the area. We extrapolated that out over what you could do. We took that -- it's 246 acres of trees per acre of impervious cover. We looked at, okay, with 11 acres of impervious cover, how many trees would you -- if the same ratio of tree impact remains the same, it's about 2700 trees. If you did it with multi-family, which is about seven acres of impervious cover it extrapolates to about 1700 trees.

[3:48:30 PM]

That's plus or minus. But the take home for me is where the 2016 amendment, there is significantly less tree impact than under the other development scenarios. So here's just a quick comparison of -- of some of the scenarios. G.O. Zoning, which is what we are comparing this to in 2016 with the '96 agreement gives you 11 acres of impervious cover. Cut and fill, they have to comply with the hill country roadway ordinance which limits them to 8-foot maximum below buildings, four feet cut and fill elsewhere. We estimate they might lose 2700 -- potentially 2700 trees. Doesn't provide cef protection. And then there's a max floor area that we talked about in the different intensity Zones. Multi-family with the 2016 amendment, five and a half acres of impervious cover. This was one of the big gives in -- with the 2016 amendment is they were granted a variance to get up to 34 feet of cut under the buildings. That's a lot. There's no question. But we're clustering development in a relatively question that's a lot of cut. 34 feet under the buildings and up to 28 feet outside the buildings, but in very limited areas. It was limited to [inaudible] Square foot of cut and fill. Trees potentially removed 1300. We got cef protection which was a big win. We also get setbacks from the creek and protection of the week that they were planning on filling in to get access to city park road. They are going to span the entire thing. And their F.A.R. Is just under 600,000 square feet. Multi-family with the -- just the '96 agreement without the 2016 amendment, seven acres of impervious cover, they would be limited on cut and fill, 1700 trees, no cef protection, no creek protection other than flood plain.

[3:50:41 PM]

And the same F.A.R. And then just to kind of tie all this together, this is my last slide and I'll be happy to answer some questions. I've got checkmarks here by what we -- what we consider an environmental benefit, and the smaller checkmarks are kind of less of an environmental benefit but still better than what could be done under the '96 agreement. Under the G.O. Zoning they've got about 25 acres of developable area. 13 acres with the 2016 amendment. 21 acres is under multi-family without the 2016 amendment. So that's a little bit better. Natural area of protection of 18 acres. Under the '96 agreement, we get 30 acres with the 2016 amendment. Maximum impervious cover, we've talked a lot about that. Trees removed, construction on slopes is limited per the lake Austin watershed ordinance. That's more protective than the 2016 amendment. Pier and beam requires if you are developing up slope of a 15%, greater than 15% slope it has to be done on pier and beams. You have to cantilever it out. That's an environmental benefit, no question. That was waived. I left this off the chart, but that was waived in the 2016 amendment. Cut and fill, we've talked about that. The '96 settlement agreement, lake Austin watershed ordinance is pro protective. Cef, nothing on the '96 agreement. Water quality controls are the same across all scenarios. Construction phased erosion controls, this is one of the most significant things to me, is that they can do erosion controls under the '93 lake Austin ordinance which all it says is a developer has to control sediment.

[3:52:44 PM]

That's all it says in the entire ordinance about construction phase erosion controls. Out here on these slopes in the neighbors and other folks have raised this, construction on these slopes can cause problems. We've had a lot of problems with construction in these areas. Our Normal design criteria or design standard for erosion controls is a two-year storm. They've got to be able handle a two-year storm during construction. We required a ten-year storm design criteria and much, much smaller phasing than we would normally require, plus a number of other things. In my opinion, these are the most robust and severe duty erosion aniseedment takings controls I've ever required on any project. Better than what we did on water treatment plant 4 and water treatment plant 4 was exemplary. Erosion hazard zone to protect the creek is not required in the '96 settlement agreement. It is required in the 2016 amendment. It's a small checkmark there because we're in limestone so erosion of the creek channel is not a huge issue. That was a lot of information and I'm happy to answer questions. We've got Andy here and Greg Guernsey. Thank you.

>> Mayor Adler: Any questions of staff before we go to speakers.

>> I want to mention if anybody in the audience would like a copy of the presentation, we've got other copies over here.

>> Mayor Adler: Thank you. Is the applicant here?

>> Yes.

>> Alter: I had a question. I appreciate all the work that went into this analysis. We've been asking some of these questions for quite some time. This is really the first we're seeing it, last night.

[3:54:48 PM]

This is a lot of information to absorb in this manner and in this way, and the neighbors have not seen any of it so I just wanted to underscore that in terms of process, this is a case where over and over and over again the process has worked against the neighbors. And I hope that as we move forward in other cases that we can avoid some of the mistakes that have been made over and over again on this. Of these questions last week, some of these questions back in December. So some of it is unavoidable, but we should be mindful of that especially in a case that has gone through the meanderings and put the neighbors through so much over the years. Going back 20-some years.

>> Mayor Adler: Councilmember kitchen.

>> Renteria: I'm looking at the compare --

>> Kitchen: I'm looking at the comparison of the summary which is helpful. Just trying to wrap my mind, we're comparing the '96 settlement and the 2016 amendment. And the information may be here, but I'm kind of curious about how the 2016 amendment compares to if they were just following our current code. So some of that is in here, I think, but I'm not sure if all of it is in here.

>> And I've actually got a to it. Towards the end here. That's a good question.

>> Kitchen: Because the '96 agreement, if I'm understanding, waived a bunch of requirements. So in the 2016 amendment is also waiving some requirements. I'd like to understand if we didn't waive any requirements where would we be.

>> Subject to current code, this would be the development.

[3:56:49 PM]

We don't have impervious cover by slope category in current code, but what we do is we prohibit impervious cover or development on most steep slopes.

>> Kitchen: Okay.

>> Very similar limitations. We do it in a different way. It's really that triangle there is all that would be allowed and it would be 65% impervious cover. They would have to comply with heritage trees, which they don't have to comply with which I suspect there are probably heritage trees, but there are very steep slopes. This doesn't show the 100-foot no build zone so you are looking at a very small development envelope on this -- under current code.

>> Kitchen: So under current code, there would be less developable area, more protection for trees, less cut and fill --

>> Creek buffer.

>> Kitchen: Creek buffer. Not as much impervious cover.

>> The creek buffers are really what impact this property.

>> Kitchen: Okay. Uh-huh.

>> That's what you are seeing on this map.

>> Kitchen: Okay. Thank you.

>> Mayor Adler: Anything else further from the dais?

>> I will point out by the creek buffers, that was not waived by the '96 agreement. In the lake Austin watershed ordinance there were not creek buffers so they were granted grandfathering back to the '83 lake Austin watershed ordinance which also doesn't protect cefs and there are several on this property.

>> Mayor Adler: By rule we start with the applicant. The applicant has five minutes.

>> Richard Suttle. Are we handling this as if it's another public hearing, and it only makes a difference in the rules. My client would like to speak in deference to you all's time, but I would like to reserve the opportunity to close if you are handling it as a public hearing.

[3:58:52 PM]

>> Mayor Adler: You will have an opportunity to close.

>> So with that, I'll let my client, he would like to address -- this is the guy who ended up buying this. I'll reserve my right to close. Thank you.

>> Mayor Adler: Okay.

>> Mr. Mayor, mayor pro tem, members of the council, my name is mark Stephenson. I have a company named slate real estate partners. We have an office in Austin and an office in Houston. We were the buyers of this property in November of 2016 following the zoning and entitlement in question here. I'm going to quickly run through how we got here, what happened, why we're in the predicament we're in and what we're going to ask you to do. In 2016 the current owner of the property, the champions, had some consultants that were trying to put this property into development. They came to us, we were familiar with the property, we were looking for multi-family properties on the westside of town, the westside of town is underserved in multi-family, especially for the nice type of multi-family buildings. We do not to mention affordable housing. We were very clear with the consultant for the champions in that we were only interested as a multi-family site only, no other use was of interest to us, we only develop multi-family. And we were only interested some absolute, complete, rereversible entitlements for the tight and we would purchase the site after all that was accomplished. We spoke with the consultants during that time after they were negotiating with Mr. Lesniak and other members of staff. We gave our approvals to all of the various agreements that were made with staff and with the city. And then upon the successful completion in November 10th, I believe, of 2016, the entitlements were done, the first amendment to the settlement agreement was signed, we had a fully entitled site, 20 days later we closed on the property.

[4:01:07 PM]

We paid millions of dollars more for the property than it would have been worth had it not been entitled for multi-family for our particular use. Since then, since we were buyers so closely after the entitlements come down the city asked us to sign some of the agreements on our part of the contract, the contract being the 2016 first amendment to the settlement agreement. We were required, and I personally executed the restrict for the -- the restrictive covenant for the 30 acres. It's in effect right now. The restrictive covenant for the 30 acres in favor of cone that's how it stands today. The restrictive covenant for the city for the 10% affordable housing, which we've since perfected, we can talk to you about how we've perfected the enforcement of that. But that's enforced today. Anyone that develops this site with multi-family must comply with that. It's in force. So we fulfilled all of our requirements under the contract at that time. We began to design the building. The -- we commissioned architect, hundreds of thundershowers of dollars to design our particular use building for this site. We commissioned engineering for the site work. Hundreds of thousands of dollars. We have spent \$2,061,252 as of last night since November of '16 on this site. That's what we passed out if you care to look at that. That's just what we have spent on this site as developers. We're not a big development company, it's me and two partners. We have an office here and an office in Houston. All of that was in reliance on the first

amendment to the 2016 settlement agreement. We've fulfilled all of our requirements under that. The city all of a sudden told us the city made a mistake, we didn't post something right. Here going to rehear this because we're forced to but we may change our mind.

[4:03:08 PM]

It's kind of like we fulfilled our obligations under the contract, but the city has a right to rehear it all, relitigate it all and potentially change their mind and come to a different conclusion the second time around because the city made a mistake in a posting. I can't imagine what would happen in F that watershed begins to happen with other projects if you can find wording wrong and everyone gets to rehear their cases all over again. We can't believe we're in this predicament. We did nothing but fulfill all the requirements. We have \$20 million so far. That's not our damages. Our damages are 10 times that amount or more if we weren't able to do that project. That's just out of pocket in the last 15 months. We've given the conservation easement, we've been given the site plan and we've fulfilled all of our contract and we think that owe of our -- of our obligations and we think it's enforced. It didn't just stop when the judge showed the posting error. We're asking you to ratify the posting contract and all you need is an affirmative vote today that ratifies the vote we already have with the city and we can move on, all stop talking about champions. And we're very proud of this development.

[Buzzer sounds] We'll talk about it if we need to. And I'm happy to answer questions. Thank you.

>> Mayor Adler: Thank you.

>> Alter: Mayor, I want to clarify this is not a public hearing, it's an item before council. It's number 12 on the agenda.

>> Mr. Suttle has signed up and he has the ability to be able to speak at the end of the time. Mayor pro tem?

>> Tovo: I had a question for the last speaker. I apologize, sir, you've already gotten back to your seat.

>> Sure.

>> You indicated that you would be -- that you would be glad to provide some more information about the affordable housing component and I wanted to give you an opportunity to do that. I know that in our conversation you did talk about what you've done to respond to -- what is a voluntary [indiscernible].

[4:05:17 PM]

>> It was interesting. We have a content with the city that we have -- we have a covenant that we have signed with the city and then I understand from city legal that the city may not be able to enforce our requirement. We thought it was enforceable when we signed it. We understood since that that maybe

it's not enforceable. So we want to make sure that for us or any subsequent owner of the property it is affordable. We made a deal with habitat for humanity and as soon as we have our entitlements final here we execute that agreement. We can show you the layout they have given us. They charge us for every application. They process every application. We give them an irrevocable right to sue and for enforce. It's a third-party non-profit that enforces affordable housing forever on our project. We have to pay for that, but it's better to pay for that and eliminate this question of enforceability and we would be glad to get you the details of what habitat for humanity has agreed. They've accepted this site in, they charge us I think \$5,000 upfront. They pay us an application fee for every application. And then we give them a right to sue it enforce. If any of us or subsequent owners do not comply.

>> Tovo: Thank you for those additional details. It's not working.

>> Alter: All right. It doesn't say green. I just wanted to thank you for taking the next steps on the affordable housing. It was disturbing to be told it wasn't enforceable on so I appreciate you moving forward on that piece of this very large puzzle.

>> Thank you, councilmember alter.

>> Anything else before we get to speakers? All right. I'll come up the speakers against in the order that's been provided to me.

[4:07:23 PM]

Carol Lee will come up first and Jim Duncan will be second and you will each have three minutes.

>> Good afternoon, mayor, mayor pro tem and councilmembers. My name is Carol Lee and here once again to talk to you about the champion tract 3. I did get late last night a copy of the staff workup so I am going to try to address that. When this was considered in November 2016, as Mr. Lesniak described, it was in general office with a maximum 30 K square feet. This is a photo from last week's "Austin american-statesman" that talked about a 34,000 square foot office that's coming online in 2019 and that 39 K square foot of office was portioned 529 trips in the champion tia. Staff said as Mr. Lesniak described, that G.O. Allows other uses so it wouldn't be limited to that 30,000 square foot office. However, the table that they provided to you, table two there, that Mr. Lesniak went over, has errors in the first three uses. For the apartments congregant care and education school, it's not 536,000 square feet, it's student population, occupied rooms and dwelling units. I was on the original email of this data and I think they just made a mistake in translating that column to square footage.

[4:09:33 PM]

So for religious assembly, medical, dental office, it is appropriate. That is a measurement of square footage. Using all of the trips that were remaining on tract 1, 2 and 3, and 1 C and 2 are still

undeveloped, but given them all the remaining trips that would allow 19,000 to 143,000 square feet of other uses or 145 to 149 dwelling units. And mayor, I didn't hear you say how much time I have.

>> Mayor Adler: You have a total of seven minutes because you have donated time.

>> Thank you. So from the trips that would be pretty limited on the total square footage for the whole tract. In the land conserved in table 1 of your backup, and I think Mr. Lesniak cleared this, this it's not zero of 45 acres that you would get. If you applied hcro, you would have 18 plus acres of natural area. The restrictive covenant does not conserve the 30 acres in perpetuity. It also does not transfer the impervious cover from that eastern portion to the western portion as is required for the transfer of development rights. So think about that. Eight feet structural excavation. The waivers allow up to 34 feet, four times as much. And what you were not told is teracon did an environmental site assessment where they said the first occurrence of groundwater is 30 to 50 feet below this tract. What is the impact of puncturing our groundwater? How do you ever fix that? I don't believe that we would grant a waiver for 34-foot excavation with the possibility of polluting our groundwater. Mr. Lesniak went over this table so I won't do that again.

[4:11:35 PM]

I really appreciate that staff finally looked in detail at the hcro F.A.R. Analysis and what that would allow on the right to the staff's table there I'm showing the table that they're including in the third update of their site plan, which was submitted like late November. We'll go over this is a bunch of jumble of numbers so let me try to simplify it. That would allow, even if they can get txdot approval for this jc Lee skinny drive and a drainage easement up for the eastern tract, that would be 62,800 square feet that could be built on that eastern tract. In the moderate intensity zone, 53,600 square feet. In the low intensity zone, which gets into the really sloped, steep slope area, almost 82,000 square feet for a total of 198,422 square feet. So what are the waivers allowing. If you look at this table they're allowing 132 experts in what should be allowed in the 0 to 15% slope. 280% of what should be allowed in the 15 to 25% slope. 351% of what should be allowed on 25 to 35%. And 1,000% over 35 because that shouldn't be allowed at all. For a total of 185% more. Instead of 198 square feet, 366,000 square feet. And that's just the buildings. That doesn't count the drives and parking lots. That's certainly the bulk of the buildings that are being crammed on to that western side. So instead of 135,000 square feet, the first amendment allows them to put 366,200 square feet on that western side.

[4:13:46 PM]

It can't sustain it. So the fix amendment waivers do not provide environmental. They will cause permanent and irreversible damage to shepherd mountain, west bull creek and our drinking water supply. They bypass all processes for ensuring sensible development, and note that staff commented in your attachment 3 that this site may not have qualified for the unusual circumstance for development bonus hazard it been through the public process. So please demonstrate respect for natural resources

and your environmental commission's thoughtful recommendation. They spent at least three weeks tirelessly reviewing this case understanding the complexity, asking questions and really looking at it to come up with that recommendation. So do not reinstate these harmful monster waivers. You can say no. The 1996 special exceptions ordinance, which unfortunately staff does not --

[buzzer sounds]

-- Give to you in your backup. They give you the settlement agreement, did not guarantee any intensity of land use. And it also, they were supposed to take advantage of it within six years. Thank you.

>> Alter: May I ask a question?

[Applause]. Carol, I have a question. Carol, I have a question for you. Is this working because my system is down? Thank you for that information. I just wanted to understand where you got your 198,000 number from? Why is that different from the number that was presented by staff.

>> It's not different. It's a total -- all broken down by slope and it matches those staff numbers.

[4:15:49 PM]

>> To what they are showing as far as on their final site plan, the third update of the final site plan.

>> Alter:

>> Alter: So you have the final site plan.

>> Their site plan reflects all the waivers of the first amendment so they're going to actually realize -- and those numbers have changed. I think Mr. Lease 93 accuse mentioned 6 Hupp thousand. I've seen over 400,000, but this latest one was showing 366.

>> Alter: So the site plan differs from what was presented as the amounts for it with the amendment?

>> That was with three iterations of the site plan responding to staff comments. I think those numbers have changed. So I went from the latest one.

>> Alter: Do you have a copy? Do you have a copy of your material?

>> Yes. I'd be glad to send it in.

>> Mayor Adler: Hang on one second. That's okay. Have you gotten a copy of those materials? Would you give a copy of that also to staff so they had a copy.

>> I only have one hard copy, but I would be glad to send in a PDF of it.

>> Mayor Adler: Okay. That would be good. Thanks. We'll make copies and bring them back down. The speaker that will be up after Jim will be Linda Bailey. Mr. Duncan, you have seven minutes.

>> I only need two, three. First of all, thank you for allowing me to address you on this item today. I will promise to be brief and I promise not to throw out any more numbers. My head is swimming right now

and I'm sure yours is too. For over three decades this community has strived to preserve the environmental and esthetic character of our fragile hill country by adopting regulations to protect its watersheds and its roadway corridors.

[4:17:54 PM]

Now local developers is asking you to grant over 20 variances to those ordinances that will essentially render them meaningless. My next comment I think everybody is overlooking a little bit, but following on this, adding insult to injury, the residential for which those variances are being for comprehensive Austin. If anyone wants to check that, it's table 28, preferred scenario population map. That should be a primary issue. As you're well aware, Austin is now in the process of drafting a new development code. And parenthetically I hope we learn a lot from this project that we can preclude these types of cases from happening in the future. In a 2015 deep dive workshop presentation with you, I said that you have the best code in the world, but if it is not properly administered and enforced, it is not worth the paper it is written on.

[Applause]. If we continue to dilute and/or disregard our adopted plans and codes with the wholesale granting of variances, waivers and exceptions such as you are being asked to do today, then we are wasting our time and money on codenext and we should just followed up the tent and go home. In closing, let me quote the wise words of your esteemed colleague Mr. Flannigan at the last council meeting. I love this one, when he said that this case stinks to high heaven. We could not agree anymore. Please vote with the thinkers and not the stinkers.

[Laughter]. Thank you very much.

[4:20:02 PM]

Clap last.

>> Mayor Adler: Linda Bailey is the next speaker and then Marissa lipshire is on deck. You have seven if you want it.

>> I'm here to ask you to not waiver. Neighbors, please stand up. Thank you for being here despite it being a workday. We are all asking you to not approve the waivers. There's at least 14 neighborhoods actively engaged and they're watching today despite it being a workday. Over 250 of them have signed our opposition letter. In addition, neighbors have signed handwritten letters opposing the waivers. Many of these handwritten letters have taken hours and have taken considerable time and consideration. They were delivered to the mayor yesterday. One neighbor remarked, this is like a scene in the miracle on 34th street where the Santa Claus letters pile up before the judge -- I mean mayor, and the judge believes -- I mean mayor believes. We want a final solution today. When considering your vote, ask if this will really provide a final solution or just another escalation. We would like a real solution please,. Please vote no on the waivers.

[Applause].

>> Mayor Adler: Thank you. Marissa lipshire. Linda Solomon is on deck.

[4:22:11 PM]

>> Good afternoon. My name is Marissa lipshire and I'm the president of the shepherd mountain neighborhood association. I only have one slide to show you today. And that's it. Yesterday morning lake Austin collective, my lake Austin collective colleagues and I delivered all these handwritten notes from all of the neighbors that are affected by this development development. And I just want to make sure that if there's one thing that is abundantly clear, I looked at every single letter, is that all of our neighbors believe that this is an opportunity. The lawsuit gave us a chance to look at this hearing one more time. And it's your opportunity to right a wrong. So Richard Suttle has come up here at least a couple of times and talked about how his client has felt like this whole process has been unfair. Well, let me share with you how we have felt like this has been unfair to us. So for starters, in 2016 Mr. Suttle created around what I like to call a fake land buyer who worked with us, who sat down with neighbors, who met with us in our homes, who in certain cases went out on our back porches with people who live near the property and made all kinds of promises about what would and would not happen. We didn't know about a Mark Stephenson, we only know about this other fella, Joe Lamey. The city grants the zoning, grants the waivers and suddenly Joe Lamey vanishes into thin air. It was like this magical act, this great magician's act. And then I think Mr. Stephenson just said 20 days later they bought the property. But when they bought the property their name was very well obscured under this mysterious corporate entity I believe -- I don't even remember the name of it, too 2222 something or other. We could not figure out who had bought the property.

[4:24:12 PM]

All we knew is we were promised a lot of things by a previous guy who was out of the picture, and then we have a new guy to deal with and we don't even know who it is, or guys. So we start poking around and basically it took the sleuthing of a local reporter to help us figure out who the new owners were. And that took a few months. So as you could imagine our distrust was pretty high. So that was unfair. How else has it been unfair? Mr. Suttle, in early 2016, went before the zoning commission and said I promise y'all will get to see everything I've got planned before council gets to look at this. So has that happened? No. Last bit of unfairness, our valid speak disgusted, I'm not going to -- vp, I'm not going to belabor that. Our neighbors signed a petition expecting certain rights and they were taken away. Why? Because Mr. Suttle decided to pull back the boundary line between our neighborhood and tract 3. I like how Mr. Lesniak gave it a euphemism in his presentation awhile ago. He said that the strip of G.O. Zoning that is between us and the tract 3, he called it leftover from the zoning case in 2016. It's not leftover. It was used against us to take away our rights. I mean, how much more unfair can you get? So a lot of promises were made by Mr. Suttle and his new team, and they were never meant to be kept. How

much more unfair can this get? And voters are watching, we're all paying attention to this. This is your chance to right a wrong. And we're asking to you rethink this and take this opportunity to do the right thing, deny these waivers.

[Applause].

[4:26:16 PM]

>> Mayor Adler: Scott crossby is on next.

>> Mayor, city council, I feel like it's ground hog day. Every time I come up here it seems like it's about this case. I'm Linda Solomon, president of the Westminster Glen homeowners association. The voters and residents of my neighborhood have voted over and over again unanimously to oppose this. We've had many people speak up here about the environmental impact. I'm going to speak about something different, but it goes to the site plan. And to me you can't divorce those two. Somebody is going to die at that driveway. And that is all there is to it. I've got all the data, I have given it to you, I have spoken on the record about it. There is a problem. This development as opposed is 10 times the size of what should be. It is shoe horned in to where it is and the neighbors and the neighborhood associations are spending our own money to implore you to abide by your own regulations that were passed by this body. Mr. Flannigan, one of the things I know that has come up is do we want to undo something that a previous council has done. What about the previous councils passing the hill country roadway ordinance? What about standing up for the things that previous councils have passed, ordinances that the citizens have gotten behind? And you know my husband used to be a commercial real estate developer in another state. And I'm sorry if there is some risk on the table for the developer. Sorry about that. But the lives of my residents and the citizens of this city should come first. You have an opportunity to do what's right. I implore you to listen to your environmental commission which you all said last time I was here that you wanted to refer to them because it hadn't gone through the proper process.

[4:28:21 PM]

The vote was 7-2. This is not a close call. 7-2 is not on the line. I implore you to vote no.

[Applause].

>> Mayor Adler: After Mr. Crossby, then Dale Beulah.

>> I am Scott crossby, the president of the river place homeowners association, representing approximately 1150 homes. I've spoken before the city council before in opposition to the waivers. I'm not going to repeat myself here. The real focus is in the last couple of weeks we've tried to do a letter writing campaign to Mr. Flannigan and Mr. Adler. I think we've been successful at doing that. The reason I'm up here today is to talk to the rest of the councilmembers. We oppose those specifically as a result of the environmental commission findings that this is not environmentally superior. I'll echo the

comments that were just made that it's your commission, your environmental commission, your commissioners. They're there to do the work on behalf of the council and evaluating the information from the staff. They voted 7-2 that it was not environmentally superior. We expect you to vote in the same way. Thank you very much.

[Applause].

>> Mayor Adler: After Dale, then Bobby levinski will be next.

>> I'm here to talk about this incident. You have an advantage over me, most of you, because you've only had to do with these things for a couple of years.

[4:30:22 PM]

I've been doing with them for decades. We moved here in 1998 and we watched the development along 2222 and the distribution of our beautiful hill country. Cut and fill, I have hundreds of photos of developments that are just upstream on west bull creek that look like mudslides in California when gushers of rain poured down the hills and overwhelmed every possible erosion control that was there. Do not believe for one minute that that creek in a major flood event will not be destroyed. Please think about what was called then an act of god by the developer. God did not bulldoze us on those hills and do massive cut and fills. Thank you.

[Applause].

>> Mayor Adler: Thank you. After Bobby levenski, then David king.

>> My name is Bobby. I'm here with the lake Austin collective. I know that everybody's frustrated that we're seeing this case again and I have to admit that I'm actually very frustrated that it's at this point. Yesterday we received a dump of information that we've been asking for for two months. We have asked for staff's analysis. We sat down with them finally. The first time we asked to meet with them we were denied access because of the pending litigation. The second time we met with them we asked for that information and we did get a good back and forth and I appreciate that, but it wasn't the level of the detailed analysis that we got just yesterday at 5:30 P.M. So there is no opportunity to actually fact check the charts that have been sent to you and one of the -- I wanted to clear up some inconsistencies with this chart. First of all, you're seeing that the developable area under the 1996 development agreement is upwards of 20 acres.

[4:32:31 PM]

The developer's own marketing material that they use to sell this property stated that the buildable area on the property was approximately 7.17 acres. On the east Austin side of the tract that was 2.5 acres and that did not factor in the zoning restrictions on the northern boundary. If you factor that in you erode that 2.5 acres to somewhere closer to one acre to one and a half acres. So clearly this 2016

amendment was a benefit to the developer because he paid bow ties of money. You don't pay for something that's in excess of the entitlements that you're purportedly giving away. You're able to do a lot more with this property than what he could have done before. I want to clear up a couple of misconceptions. Under the current code it's not 60% of impervious cover, it's actually 60% of net site area of impervious cover. Net site area is important because you remove all those steep slopes in the floodplain. And I also want to clear up the misconception that we're just here to rubber stamp priority council decision. The court showed it wasn't properly noticed so we have to go back and do it appropriately and do it right and the only way to do that is to give it another fair shake. You can't just say that it was the prior decision so we're just going to rubber stamp that. That's not how the judge ruled. That's not what the judge meant by that. And then another thing that hasn't been addressed yet, the only construction access to the site that's proposed in the site plan is from city park road. In the 2016 amendment there was a requirement that it has to be a clear span bridge.

[4:34:33 PM]

There are filling it in for the construction Dave. That is inconsistent with the 2016 amendment. The 2016 amendment says you can't fill it in. But they're saying do you know what, we're allowing them to do it on a temporary basis. There is no such thing as temporary on environmental damage. And I also want to just also just take a step back and figure out why we're here in the first place. We're here because the developer is getting something that nobody else in the city can get. They're going through a process that does not exist. It is contract zoning. I'm really hesitant to use that word, but it is. This is contract zoning. And I'm also concerned that the council is taking on authority that it does not have. It is granting variances, we can call them waivers, but the state law would call them a variance, that supposed to go to the state board of adjustment. Now, I understand that the hill country roadway has a process that goes to the zoning and platting commission for variances, but that process is actually being waived. That's a variance in itself. The board of adjustment is the state delegated authority to grant variances to the zoning code. That's not being done here. We asked that you please respect the environmental commission's recommendation to you. We went back to the environmental commission to get their opinion. They said it can't be recommended as proposed. Now, I understand that there's some conversation around the word sufficiently versus necessarily. And let me give some context behind that. The original draft that commissioner govern proposed, not sufficiently superior. It was based on the recommendation of another commissioner, commissioner island, that said I'm not comfortable with that because that might indicate that we're actually supportive of what this is doing.

[4:36:37 PM]

We're not supportive of it. How about the word necessarily? It was actually trying to scale back the recommendation to make sure that the concern that the environmental commission raised was understood by this council. And the rest of that sentence is, and cannot be recommended as proposed. So please do not pass this as proposed. And if we do need to go back and sit at the table and negotiate

further we would be happy to do that. The problem is I don't know where we can get because this should be coming under current code and I've already talked about that. But it's current code, thank you.

[Applause].

>> Mayor Adler: Okay. Mr. King does not wish to speak. I think there's just one speaker left. Mr. Suttle. Is anybody here to speak other than Mr. Suttle. Did you sign up to speak? You need to come up and sign up if you're going to speak. You can walk down here. Just come down and we'll give your name from the podium. Just state your name.

>> Daniel Correll.

>> Mayor Adler: You have three minutes.

>> Hello city council and hello people in the public, in the audience. I'm kind of late to all this process of development. I have not been in town for over 10 years.

[4:38:37 PM]

I just arrived a few months ago and I'm shocked, appalled, and somewhat glad. Some buildings are nice and some are not. The traffic is terrible, the pollution, the buildings are created can already be visible. I think developments and developers should go through a certain type of scrutiny that would be citizens of the city, resident scrutiny in a way that the developers should show and provide their designs, say on screens like this, for everybody to -- to critique, visualize, see and think if that's what they want in the future for their neighborhood. I think we should not have to put up with the monstrosities that are being built that could fall on all the other buildings in case there's a nuclear fallout from Houston. If the especially my wanted to -- if the enemy wanted to destroy our source of gasoline, Austin would be affected and everything that is built higher has the greatest resistance against fallout. And the pressure of shock waves would knock most of these buildings down. I think that following the news with our president and the president of North Korea would be a very wise thing for everybody that has to do in development of buildings because we're talking about the future survival of our people in our city and our state and our country.

[4:40:38 PM]

And we cannot control those people's intentions, which are to send nuclear bonus to our nation, our cities. So the most intelligent thing that I can advise or suggest to anybody is to approve -- not approve buildings that are high, but try to build low underground shelters and there's -- I read somewhere that there's going to be -- well, okay. Just a little quick note. President Kennedy asked the top scientists of our nation back in I think 61, 62, 63, before he was assassinated, and he asked the top scientist in our nation what would happen if there's a nuclear war with Russia.

[Buzzer sounds] Sorry. What's the word? Can you make an exception, everybody?

>> Mayor Adler: No, can't do that, but I appreciate your --

>> Y'all got to research it on a book, please.

>> Mayor Adler: Thank you.

>> Thank you for listening.

>> Mayor Adler: Mr. Suttle, you have donated time. You have five minutes.

>> Mayor and mayor pro tem, members of council, thank you. I'm Richard Suttle on behalf of the applicant and I'll give a lot of that time back because there's really been no new information on this case. I believe all of the engineers and environmental scientists and planners that have looked at it, I think they all agree on the numbers and on the benefits that were agreed to in the past. Recall that the only way that we got to this whole situation was that there was this '96 agreement that says that there are things that of property. They had development rights. And at the end of the negotiated conversations about this development there were things that the city and some neighbors thought were important, and the only way that we could get there was through amending the settlement agreement.

[4:42:45 PM]

And by that I mean there was no way to say it -- to allow the city to say you can't develop the 30 acres to the east. There's no way that we could get the 15 enhanced environmental protections because those were not consistent with the lake Austin watershed ordinance. The only way we could get those things was to amend the settlement agreement. My client, on the other hand, was saying I'm willing to do all those things and commit to those, but I have to have some certainty on what I can do on the remainder of my property and that's how we got to the discussions and the conversations with the environmental staff and the planners and that's how we got here. So nothing has changed. Floor area ratio, I can't figure out how it has anything to do with this discussion because floor area ratio is not a consideration under the hcro. It's only under office. So I don't know how we get there. But I'm going to urge you tonight or this afternoon to listen to your staff and if you have environmental questions, please dig in to the questions that the environmental staff has. I haven't seen the information that was given to the neighborhood last night. Generally speaking, I always think I can do more than Chuck thinks we can do. But I'm not going to quarrel with Chuck's numbers today because I know they've been working really hard on it. But I believe that everybody -- everybody believes that with the amendment that was already entered into, signed, executed and recorded in 2016 that that is an environmentalty superior to that which could be done in '96. I just know that my client never would have agreed to go from commercial zoning to -- down to multi-family, never would have agreed to all the other things that were involved in that.

[4:44:50 PM]

Unless everybody got what they had negotiated for. So with that I'll close, be happy to answer any questions. We have our engineers here if you have any questions about the amount of cut and fill or the amount of construction on slope, all the technical details, and we'll be happy to answer any of the technical questions that you might have. And I'll close. Thank you.

>> Mayor Adler: Thank you.

>> Alter: Mayor, I have a technical question. Mr. Suttle, how many square feet are there in our site plan?

>> Square feet of like living area?

>> Alter: Well, we have all these floor area square footage things. How much square footage on the site plan?

>> Let me ask Joel because it's the cap on floor area ratio for apartments is limited by the zoning classification and not anything else. So I'll ask him.

>> 234,000.

>> 234,000.

>> Alter: And that's for everything?

>> I think that's for everything, yes, ma'am.

>> Alter: So is that not above what the hill country would allow.

>> The hill country ordinance doesn't allow floor area ratio.

>> I'll ask chuck that.

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

>> So I'd like to finish that question and then I would like to hear from my colleagues if I could just finish that one. Chuck, I'm just trying to understand, you have a slide on page 9 that says allowed floor area under the hcro. And that I think is what added up to 198,000?

>> Yes. Councilmember, that's correct.

[4:46:50 PM]

But -- and if I failed to mention this I'm sorry. I think I did. The hcro only applies to commercial development. The F.A.R. -- I think I did say I've got a table later on, and -- let me find it. And I think. The F.A.R. For multi-family is 0.3 and that's over the whole 45 acres. 593,000 square feet of interior space, floor space based on F.A.R. So they're well below.

>> Alter: Thank you. One last question.

>> We went on out and walked the property, was involved in the discussions in 2016. And these areas, it wouldn't surprise me to hit -- she didn't raise that as an issue. Let me finish my thought there. It wouldn't surprise me to area. There's a lot of shallow groundwater in these areas. We tripleed what existed at that time and those are shallow groundwater areas that are fed by local recharge by what just flows over the ground directly. It's not a groundwater body like the Edward's aquifer. It probably flows very quickly to the creek there nearby.

[4:48:51 PM]

It may provide recharge to the aquifer. I don't know. We didn't identify any. She did a survey of the property, found the rimrock, but I don't remember that she identified any springs or seeps that that shallow groundwater -- they are very ephemeral. They are being fed by the shallow groundwater and if memory serves, I don't believe she found any in this area, so in my opinion groundwater is not a concern. The shallow groundwater anyway. >>

>> Alter: You just said it was likely to be 20.

>> It's possible they may intier secretary it, yes.

>> What happens if they intersect it and they're trying to do a cut that goes that --

>> Either Andy or their engineer can speak to this, but typically what you would do is you would put a French drain. This building intersects shallow groundwater that to the Colorado river and has a French drain.

[Lapse in audio].

>> Flannigan: I didn't have the pleasure of participating in the long version of this conversation in 2016, but what I have come to understand is that there seems to be multiple conversations going on at once. If seems to be a -- multiple conversations going on at one. If you look at this site and compare it to base zoning regulation that is completely different than if you were comparing it to what Mr. Wozniak laid out, which is the more accurate reality of the 1996 agreement under go, nu, what that looks like or mf or mf with this amendment and it seems pretty clear that under mf with the amendment it is better than under mf or G.O. Or the '96 agreement at large.

[4:51:12 PM]

Now, if you happen to think that the settlement agreement as a whole is invalid than that would obviously mean a different thing. And I think that's an interesting debate, but it is not the debate that I think we're having today. Whether or not you approve the amendments to the agreement, it doesn't change whether or not the agreement is valid. My understanding, you think it's a thing or you don't think it's a thing. I'm also concerned about this very unique situation where the council voted to approve a zoning case and a restrictive covenant and a settlement agreement amendment all in one shot, all in

concert with the landowner and the landowner made significant investments in that property relying upon that decision which through the city's fault, because of a posting language issue, was then undone. And I'm concerned about what that might mean for the city and for the taxpayers. So I am in support of the amendment for those reasons. I think it is a better outcome for the city because I don't think that the entire settlement agreement can be wiped away, and if we are talking about this site under the settlement agreement in '96 versus the settlement agreement with the amendment then I think the right choice is to continue.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I understand what -- oops. I understand the comments that my colleague is making. I don't know that it's even necessary to go that far, though. I mean, that this is not as good a protection as we potentially could get. To me mind what we really need to be looking at is what are we talking about doing on that site and -- from an environmental perspective. And I'm very concerned about the recommendation from our environmental commission.

[4:53:14 PM]

They pointed out some very, very serious concerns as we have heard from folks who have been talking to us today. I was intrigued by someone who testified perhaps we need more discussion. I know no one wants more discussion but I also know that I am not comfortable with what we have on the table before us. It's just not good enough, whether I'm comparing it to 96 or whether I'm comparing it our current code. It just doesn't get us there. There's too much issues with it from an environmental perspective. And I would much rather have some additional conversation about what that amendment could look like than approve something that's flawed just because we approved it before.

[Applause]

>> Mayor Adler: Further discussion on the dais? This is a hard case. More than anything else in this case I am sick, once again, of what the state does to a community that tries to puts its values in its ordinances and resolutions. The state bypassing what was originally section 1704 and chapter 245, which are the the grandfathering provisions remove from a city like Austin the ability to be able to do those things most dear to us. There's a long line of things like this that the state does to us and it's disturbing every time we run into them. You know, I look at the environmental tapes from the environmental commission/board that looked at this.

[4:55:18 PM]

One of the members that I have to vote against this because, quite frankly, I can't vote for the 2016, I can't vote for the 1996, I can't vote for anything other than what is the current code because the current code incorporates what it is that we want and it incorporates really what is best in order to protect our environment. Anything short of the current code is a -- is a degradation. And I wish we could do that. I

wish the law allowed us to do that because anything short of the current code is something that we -- that hurts us as a community and hurts us on this property. Whether Mr. Flannigan said it stinks, it stinks because of the position we're put in because we can't enforce our existing ordinance. The variance that has been granted on this case that is the single largest factor today that is the variances developed by the state of Texas that the city entered into. I have tried really hard to come up with a way to figure out how to undo that grandfathering and get us to have the current code apply. I looked at arguments about whether or not -- got us to the place where the agreement was no longer valid and there was nothing that could be developed on this property. And I really wanted that argument to be able to work. The problem with that is this agreement was originally signed in 1996 and the applicant or the property owner had six years to be able to apply for a use, and they did that. They did everything they were required to do to perfect that. So they have a development.

[4:57:19 PM]

The issue is, if they move perfect that commercial development to a residential development, is that a change in project then? That puts them in the position where they lose the original application. So where was the change of project in this case? In 2000 or 2002 there was a zoning case, ended up in, yet again, another champion lawsuit because there were lots of them and there will probably be more of them. 2002 a group gets together, they come out of mediation and talk about what they're going to do coming out of mediation. They all talk about that plan that had a mixed-use component which included residential as something that would not invalidate the project. But in any event, that was ultimately not passed on third reading. So regardless of whether everybody at that time believed that that wouldn't invalidate the agreement or not, I would argue isn't relevant because it wasn't passed on third reading. But because it wasn't passed on third reading there was no change of use at that point. So where was the change in use? The change in use to residential then has to occur in what happened in 2016, when the multi-family was approved. In 2016 we had a zoning change, we had a restrictive covenant, and we had an amendment to the agreement. If we're going to invalidate the agreement at this point, we can't hold on to what was decided in the zoning case or in the restrictive covenant. There is no way that a court is going to say to a property owner you entered into an agreement with the city that had three things in it, some that were to your advantage, some were to the advantage of the city, and we're going to invalidate the things that were advantage to the city and keep those two things that work to the disadvantage of the property owner. So either a court is going to find that either we're going to approve this agreement or we're not going to approve the agreement.

[4:59:23 PM]

If we don't approve the agreement then the zoning case will go away, we're back to where we were in 2016. But if we're back to where we were in 2016, we're back to a place where [there was a change in use which means the agreement is still in force. For of life of me, as many times as I have sat down and spent hours on this trying to figure out how it is that we can invalidate this 1996 agreement, I can't get

there. I can't figure out a way for us to be able to do that. Which means that all we have in front of us right now is the 2016 agreement. The amendment. And the question before us is, is that environmentally superior to the 1996 agreement? Because if it's better for the environment than it's something that I would approve. If it's not better for the environment, than it's something that I wouldn't approve. Because the environment becomes the -- really the first and sole focus. I want to put aside for a second what happens legally in the case where you have a situation where a property owner does something with the city, relies on a deal that was made and then later it's determined what led to the agreement wasn't valid. We have cases like that that involve the city of Austin. Landowner would have been found to detrimentally rely on that agreement and with the detrimental reliance is able only under those circumstances to claim estoppel against the city. Putting that aside and focuses only on the question of is this environmentally superior or not is the question that was before us before in 2016. It's the same question that was before us in 2016.

[5:01:26 PM]

What happened this time that was different I think it was important for the council to do this, when it came back to us in January we said let's send this to our environmental board, let that commission take a look at it and come back to us and tell us if this is environmentally superior or not. I've watched that tape. I've watched that tape numerous times. I watched that tape over and over again. The original resolution presented to the environmental commission said it was not environmentally superior. Someone on the dais said we can't say that it's not environmentally superior because the evidence indicates that it is. That's what that person thought. So we suggested instead of saying it's not environmentally superior because it could do better or we would like it to do better. He proposed putting in the word "Sufficiently" so that the language would read "It's not sufficiently environmentally superior." That was his suggestion from the dais. And then a speaker or two later said -- made another point about something else and came back to that language and said "I'm uncomfortable with the language sufficiently because it implies that it's environmentally superior, just not enough." And she said "We cannot say "Sufficiently" because it assumes that, quote, we all agree." She said, quote, "I think it's still debatable, end quote. She said "I think it's still debatable if it's environmentally superior." Based on the discussion, the debate they had at the environmental board she said "Reasonable people can have reasonable disagreement," and she concluded, quote, "We are all in disagreement," and she said "I think it may or may not be environmentally superior."

[5:03:39 PM]

What the environmental board did at that point was suggest to us that we renegotiate the deal, that we stop where we are, say we're not going to approve the agreement, come back to the table and renegotiate that agreement with us. I don't think that happens in this situation. I think we're involved in another lawsuit because there was an agreement that was entered into. I think we have a choice of either accepting the agreement or not accepting the agreement. I think we accept it if it's

environmentally superior. In 2016, I looked at the evidence and decided to me that it was environmentally superior based on the multiple reviews by our staff. It's the same question that we have today. It's the same issues that we have today. In the absence of our environmental commission themselves even being able to come to a conclusion about environmental superiority, I believe that it is environmentally superior. I wish it was more environmentally superior. I wish there was a way for us to get back to current code. I just can't figure out how to do any of those things. Councilmember kitchen.

>> Kitchen: Well, I understand I think that -- my question that I'm asking is a bit different. You know, there's a lot of complications to this case, and I think you outlined those. I don't think that we have to get all caught up in those because what's in front of us is an agreement. It's an amendment. And so when we're looking at an amendment, I think that the quote that you laid out -- I forget who it was, but someone suggested renegotiate the agreement. So we don't have to take what's in front of us. We can say that perhaps we'd like to discuss it more. Or we can say perhaps it's not a good enough agreement.

[5:05:43 PM]

Whether or not it's better than 2016 is not really the question. The question is, is this the agreement that is the appropriate agreement right now, better than 2016, but good enough? And so there's -- I don't see -- you know, it's not -- I'm not being very articulate here, but it's not an up or down is it better. The question is, how much better? Is it good enough? Is it the kind of agreement we want to agree to or do we want to talk about it more? That is no different than any other analysis we do when we decide whether we're going to take any agreement. So I don't think that the -- that we have to get all caught up in the history of it in order to make this decision.

>> Mayor Adler: Any further discussion on the dais? Councilmember pool.

>> Pool: I was going to say given the large amount of new information that we've gotten, both the residents haven't seen it until this week, as Mr. Levinsky pointed out, and we haven't either, I'd like to suggest that we take a deep breath and postpone this so that we can try to get to a better agreement. If we have -- because I agree with what councilmember kitchen is saying. We don't have to accept what's in front of us here today. I think there's yet a better solution out there.

[Applause]

>> Mayor Adler: Further discussion from the dais? Mr. Flannigan.

>> Flannigan: I'll move approval of the amendment.

>> Kitchen: I think we had a motion over here. Weren't you making a motion?

>> Pool: I'd be happy to make a substitute motion.

>> Mayor Adler: Let's go ahead and get this motion in. I will immediately recognize you for a motion postpone.

[5:07:45 PM]

>> Pool: Okay.

>> Mayor Adler: This is therein a motion to approve this item. Is there a second to that motion? Mr. Renteria seconds. Councilmember >> Pool:, I recognize you for a motion to postpone.

>> Pool: Thanks. I'd like to make a motion to postpone this. I don't have a date off the top of my head but I think I could have conversation with councilmember alter and maybe some staff and I could come back with a -- if you could give us maybe ten minutes.

>> Mayor Adler: Okay.

>> Pool: Thank you.

>> Mayor Adler: Should we try to get something else while we're waiting to get back to this?

>> Tovo: I think we still have a couple things from the asked and answered consent agenda, one is the city manager item, one is 78, I'm doing that off the top of my head, the water utility item that councilmember troxclair brought forward.

>> Mayor Adler: Okay. There's an item to approve the contract for the city manager. Would anyone like to make a motion to approve the contract that's in backup as with the lines built in? Mr. Flannigan makes that motion. Is there a second? Ms. Houston seconds that motion. What number was that? It was number 66. 66 has been moved and seconded. Any discussion? Those in favor please raise your hand. Those opposed. It's unanimous on the dais. Item 66 passes.

>> Pool: Mayor?

>> Mayor Adler: Sorry?

>> Pool: Do you want to go back to 12?

>> Mayor Adler: Okay.

>> Pool: In discussion with councilmember alter, I would propose our next meeting, February 15.

>> Alter: I would like to add to the motion I would ask the legal department to meet with the neighbors.

[5:09:47 PM]

It appears that the developers had an opportunity to speak with the legal department directly, but the neighbors have not.

>> Mayor Adler: Does the applicant want to speak to postponement to February 15?

>> Mayor, members of the council, on behalf of the applicant, I'm unable to agree a postponement. There have already been deadlines missed in the process, and I'm unable to do that tonight. I also want

to make one clarification on the square footage. As I sat down the engineer got another piece of paper out and said square footage may be 266,000 square feet. Whatever it is, it's less than the far allowed under the zoning. But thank you.

>> Mayor Adler: And I understand the repeated postponements in this. Is there any prejudice other than this whole thing has taken 20 years too long?

[Laughter]

[Applause]

>> Mayor, it's uncertain whether there's prejudice but there's certainly possibility of it. There is a site plan that is in review that is on the cusp of being approved by the staff and it will start through the process of the planning commission and potentially back to you. The review was already stopped on that, and now it's picked up --

>> Mayor Adler: Last time we were together we said we'd postpone this, we wanted the administrative and staff processes to continue, we would want that to continue.

>> And it did after you instructed that. But before that it had stopped.

>> Mayor Adler: Okay. So with the instruction that over the next two weeks nothing is to stop, does that -- then the process continues. We've taken a break here.

>> Let me talk to my client about that because off the fly -- because this is so complicated -- oops, hold on.

[5:11:57 PM]

>> Mayor Adler: Mayor pro tem.

>> Tovo: I do have a question before, and then I'm happy to -- I'll afford you more time. Can you repeat what you said about something that had gotten delayed and then who instructed -- would you mind just repeat ago what you -- repeating what you said, please?

>> Well, when the court ruled that the posting was not adequate, then the site plan was in the review process and the city staff had no choice but to stop reviewing it under those rules. The last time -- I believe it was the last time that we were here, as this case went to second reading, I believe there was part of the motion was to allow the staff to mitigate the problem of delay.

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

>> Mm-hmm.

>> Kitchen:mr. Mayor, I have a very short announcement while they're talking.

>> Mayor Adler: Go ahead.

>> Kitchen: I see some folks in the back that I want to recognize. We have the weeblo scouts from pack 14. Would you guys raise your hands?

[Applause] These guys are from the zilker and Barton hills elementary in district 5. Welcome. We're glad you have to here.

>> Mayor Adler: Thank you.

>> Mayor -- I'm sorry.

>> Mayor Adler: Go ahead.

>> On the question of postponement, we are not in the position of being able to agree to a postponement. Because we don't know what it might do to us or prejudice us.

[5:13:57 PM]

But of course it's your prerogative. So. . .

>> Mayor Adler: Okay. Can we close the public hearing today, extend two weeks, let any review or anything come back to us through council discussion?

>> Alter: The whole point of extending it is because we had a dump of information on us yesterday, which may or may not be something that we have additional comments from the public on.

>> Mayor Adler: Can we limb the discussion to changes that occurred in the data that was given yesterday?

>> Alter: I think so.

>> Mayor Adler: There's a motion to postpone this for two weeks to February 15, with the public hearing limited as we just described. Is there a second to that motion?

>> Alter: Making it or seconding it? Did you --

>> Mayor Adler: I'm sorry.

>> Alter: Did you count Leslie as making it or --

>> Mayor Adler: Leslie made it.

>> I'll second it.

>> Mayor Adler: Alter seconds it. Any discussion? Those in favor of the postponement for two weeks raise your hands. It is troxclair, mayor pro tem, me, kitchen, pool, Houston, and alter. Those opposed. It's the otherwise on the dais.

>> Alter: Mayor, I just wanted to say something to the neighbors who came out, if I may.

>> Mayor Adler: Go ahead.

>> Alter: I was trying to take the time to listen to where my colleagues were. I spent a lot of time talking in executive session. I wanted to thank the neighbors for coming out yet again. We all know that this has been a bad process all the way along for you, and I want you to know that I'm proud to represent you.

[5:16:04 PM]

And we will keep working our way through this, and I'm of the mind that we should be going back to current code. That's where we -- what we spent a lot of executive session on and I hope we can iron out details with legal between now and then to gain clarity on whether or not that's reasonable or not. I'm with you, and I'm with the environment on this one. Thank you.

[Applause]

>> Mayor Adler: Okay. Let's move on in the agenda. We need to -- a motion to reconsider item 34 because we had the wrong ordinance number in the one, two, three -- fourth whereas clause. The ordinance number should be 2015-1217-0199 dated December 17 of the year 2015. Is there a motion to reconsider? Councilmember Pool makes that motion. Is there a second? Councilmember Kitchen seconds. Any discussion? Those in favor of reconsidering please raise your hand. Those opposed. It's unanimous, everybody on the dais, with councilmember Alter off. And councilmember Houston off.

>> Thank you.

>> Mayor Adler: Now we'll reconsider with the change made that I just read into the record. Is there a motion to approve this item number 34 with the change made? Councilmember Garza makes it, seconded by councilmember Casar. Any discussion? Those in favor of adopting 34 please raise your hand. Those opposed. It's unanimous with councilmembers Houston and Alter off the dais. Thank you.

[5:18:05 PM]

>> Thank you.

>> Mayor Adler: Takes care of that number. We've taken care of the executive session items. Let's see what we have left. We have a -- we're not going to decide until later tonight, but there are seven people who are here. I want to know if you want to speak now or if you want to speak after dinner. This is on the aquatics plan. Susan Holland. Is she here? She does not lose her right to speak. Kata Carbon? Here? No? Laura Katum St. Stageball? What about Pamela O'Connor? I'm sorry?

>> [Off mic]

>> Mayor Adler: You can come down and speak now. Is Allan Pease here?

>> I am here.

>> Mayor Adler: Would you like to speak? I'll speak next. Ma'am, please go ahead.

>> Mr. Mayor, councilmembers, I'm Pamela O'Connor, chair of the aquatics advisory board. This is one of the finest departments you have in the city. They represent 49 different pools. They represent leadership among the children. They represent safety. They represent health issues. All we are asking is that you will honor the study that we had done, which is the aquatics master plan, and approve it with funding to come later to repair and bring all our pools up to today's standards. Thank you.

>> Mayor Adler: Thank you.

>> Pool: Mayor, I have a quick question for Ms. O'Connor.

>> Mayor Adler: Yes.

>> Pool: Thank you, Pam, for coming and testifying.

[5:20:05 PM]

Do you also support the recommendation that's came from the parks board task force that took the second look at the master plan?

>> Absolutely. I support the task force.

>> Pool: Do you also --

>> Recommendation.

>> Pool: Including the one where the council would have the -- the council would need to take a vote if we were to choose to close a pool? You want the council to make that decision as opposed to staff?

>> If you use the master plan as your guide, that is as nonpolitical as you're ever going to get because it's based on parameters judging each pool against the other and not one district against another. We have a tremendous aquatics program in the city of Austin that is nationally recognized. I have a list of all of the awards that we have gotten since 1997. This is your aquatics department. Let them operate as efficiently as they can.

>> Pool: Thank you.

>> Thank you.

>> Mayor Adler: Okay. Is Daniel Corral here? You'll also get a chance to speak. I'll be up next. Sir.

>> Thank you. Thank you for allowing me to speak before dinner. I hope not to be here after dinner. Many people have heard about the aquatics report. I brought my copy along today so that you can see what five years worth of work looks like, without the task force even included in this. That is on my iPad. That's an additional 100 some pages. I understand that we have a problem, but we're going to have a problem no matter what. The pools that close will close themselves. There's nothing we can do about that. We go out to a pool. We find out that it's closed. It's closed for the season because there's no plan. We come down here, I come down here, Pam O'Connor comes to down here and ask for more money along with the aquatics department and hope we get that money.

[5:22:12 PM]

Really what we hope is that we can keep the pools open in every district in order to allow the people who live there to use those pools. We don't want to -- we'll have four pools that will be closed this year. There's nothing we can do about that. Nothing. It's reached a point that all of these pools for the most part are older than I am. So what are you going to do with something like that? You have to have a plan. This is five years' worth of this is how we look at this, this is how we can deal with this. It's just a grid. It just says that if this, this, this, and this go wrong, we need to look and see how much that would cost. If it's reasonable to repair that, then we probably should repair that. If we can't repair that, then we have to decide what to do. The suggestion to make this fall upon the council at the end, I'm going to fall on the sword. That was my suggestion. Only because we have probably a gap in here where people come down and they see a report but they can't read the 500-page report. It took me five years to read it. I got it each bit at a time. Not all at once. When you look at that they have to trust their council to do the right thing in order to trust your council to do the right thing if you put that stop in there that says we're not going to close anybody's pool without this, without it going to the council, so your pool is not going to be closed tomorrow without you at least having a chance to say I wish you weren't going to close my pool, and that's it. I would like to commend the aquatics department for everything that they have done, for all the meetings I've been to. They have been to more. And I've been to almost all. So if no one has any questions, I'm going home to dinner.

>> I got a question.

[5:24:13 PM]

>> Mayor Adler: Hang on, hang on one second. I think you have your three minutes. Why don't you come on up and take your three minutes.

>> Okay. Why are the pools --

>> Mayor Adler: And you need to direct it to the council.

>> Why are the pools being closed?

>> Mayor Adler: If you're done, thank you for your time -- you're perfectly okay to ask him questions but we're going to go on to something else.

>> Okay. My comment is about aquatics.

>> Mayor Adler: Please.

>> Three minutes?

>> Mayor Adler: Yes. You can sit down. Thank you very much.

>> Thank you.

>> If we have 50 or so pools for a city of close to 1 million people, it is not too many pools. And I think we should value the water that hydrates, especially our children, in such a hot weather that we have in Texas. So 50 pools is just very -- is just a little bit. I think we should consider, as the city grows, to have community centers with pools for over so many inhabitants so that we are -- our growth is responsible, intelligent, and everybody in Austin has -- you know, has healthy, happy children. Thank you.

>> Mayor Adler: Thank you. Okay. Those are our speakers on that. We're not going to move further on that until after dinner. We have five minutes before we break for music. And I'm not sure as I look at this -- I think that we have -- we can't do the one we were just talking, can't move that any further. 42 was the aquatics master plan, which we can't do. Sorry, that -- 68 is the benchmarking study, probably not something we can do in five minutes.

[5:26:13 PM]

It didn't have the items in the backup. All right. So on item 66 the numbers were not in backup so let's take care of that real fast. Item number 66, motion to reconsider item 66 so we can fill in the numbers. Mayor pro tem makes that motion, seconded memory Mr. Flannigan. Any objection? Hearing none it passes. Now I'm going to fill in the blanks base salary is \$325,000, executive allowance number 4, \$7,200, and in number 13, housing allowance is \$4,500. Is there a second to that motion? It's Mr. Flannigan's motion. Is there a second to that? Councilmember Garza seconds that. Any objection to its passage? Hearing none, it passes unanimously on reconsideration. Let's go ahead and take a break. Yes?

>> Troxclair: Just wanted to make one clarification. The clerk asked me to verify my vote on item number -- I think it was 54 -- oh, no. Yes. On item 54, when I read out my list earlier, when we were on the consent agenda, I wanted to be shown voting no on item 54. Thank you.

>> Mayor Adler: Being shown as no on of I'm item 54. Sounds good. What about item 113. Is that something we can do quickly? Item number 113, you pulled this one? Why don't you do that one.

>> Mayor, before we go could you tell us what's left?

>> Mayor Adler: I'll do that in one second. Is staff here to speak to item 113? What is that item?

>> Flannigan: This is a zoning case on south congress, and I had a question about the co that's being included.

>> Greg Guernsey, planning and zoning.

[5:28:16 PM]

There's a question that was made by councilmember Flannigan of staff regarding the co. I've talked to our development service department and the assistant director about the co and given there's a site plan already in process and there's not adequate frontage along congress avenue, staff -- couldn't accept the removal of the co and the case go forward without the conditional overlay with the prohibition of vehicular access because it would be done administratively.

>> Mayor Adler: So we will not be able to handle this quickly. We'll take this back up after dinner. Let me go through the things I think are still open -- yes, mayor pro tem.

>> Tovo: Mayor, we have a -- I don't know, five, six zoning cases on today's agenda. I want to let people know if they're here for those we have amendment sheets on here that would almost -- from one of my colleagues that would remove the conditional overlays from a lot of them. I want people who have been involved in these cases to know. In some cases those were carefully negotiated compromises and in some cases we have actually closed the public hearing. So those are coming up. That's one reason why I didn't think we could get to give a signal as to why I thought we couldn't get through this one by 5:30.

>> Mayor Adler: Go ahead.

>> Flannigan: Normally I don't make motion sheets for all of my questions about cos but the legal department asked me to do that today. That's the only reason I laid them out in the way that I did. I'm pretty sure most or all of them might still pass in the end but I still have legitimate questions about the cos that I want to have in public but I haven't done the motion sheets in the past but it was something that legal asked me to do.

>> Tovo: Councilmember, I have no issue with you bringing forward motion sheets. I think that's very helpful. I just want to let the public know who may not be expecting that we're going to contemplating removing the co that that will be a subject of discussion as these come before us this evening.

>> Mayor Adler: Okay. Items 81 to 85 should come off because they're executive session things.

[5:30:19 PM]

What I'm showing as us still to handle is item 42, 68, numbers 97, 98, 101, 102, 106, 108, 113, 114, 118, 119, 121, 122.

>> Houston: Did you say 84?

>> I'm sorry? What?

>> Houston: Did you say 84.

>> Houston: 84, yes.

>> Alter: 83 --

>> Mayor Adler: Well --

>> Alter: Or is 83 on consent.

>> Mayor Adler: Yeah, yeah, I'm sorry. 419-4068, 81, 819408192084, 85, 97, 98, 101, 102, 108, 113, 114, one earnings 119, 121, 122. We're going to have to work fast after dinner. It's 5:30 do we want to come back here at 6:45? What? 6:30? 6:30 I'll do that. I may eat while you guys are handling some of these.

[Laughter] We'll come back at 6:30. We're in recess. It is 5:31.

[5:32:36 PM]

[Recess]

[5:39:04 PM]

>> Testing.

>> Mayor adler:okay. All right. Doesn't get any better than tonight. One of the things that I most love about this city -- and there are lots of them -- is that we put such a value on creativity and music in this city that I think we are the only city in the country, perhaps even in the world, to stop every council meeting to make sure that we get to enjoy some live music here in the live music capitol of the world. So we bring in great musical talent to give us a break from our day. And if you've sat through the last couple hours, you understand why this musical interlied -- interlude is so important to everybody involved. Joining us today is the houston-tillotson university concert choir. The houston-tillotson university choir, under the direction of Dr. Gloria continues on the tradition of the historically black college university choirs as ambassadors for their respective schools. The current 27-student member choir, the greatest number of whom are music majors, performs a wide variety of music, including works from the classical choral repertoire, spiritual, gospel and jazz.

[5:41:25 PM]

The concert choir is a much beloved institution in the Austin, Texas, area. Houston-tillotson university is the fourth historically backed college in the country, and the only institution of higher learning in central Texas to earn the coveted title of an all-steinway school. The choir performs more than 30 engagements annually in addition to its on-campus responsibilities and university functions such as charter day, commencement, and honors convocations. Please join me in welcoming the houston-tillotson university concert choir.

[Applause]

>> Mayor Adler: Welcome.

♪♪ Choir]

[5:44:49 PM]

[Applause]

>> Mayor Adler: That was great. Thank you. So, doctor, if there are people that are out here or watching, watching on TV and they want to come hear a full concert, when would their opportunity be to do that?

>> Well, our next file concert is actually a collaboration concert. We'll be doing our annual black history concert with the university of Texas, actually, on February 24th. This time it's going to be at UT in baits recital hall. However, in the future it will be at HT because we're an all-steinway school.

[Applause]

>> Mayor Adler: Well earned. So does a choir like this have, like, a web page for people to go look at? Or is there a way to -- how would they know on an ongoing basis how to follow this group, where they might be performing?

>> Well, we sort of have all of our performances announced on our HT website, so it would just be www.ht.edu.

>> Mayor Adler: Hopefully you have picked up a few more fans here this evening. Thank you.

>> Thank you.

[Applause]

[5:48:37 PM]

>> Mayor adler: I'm going to say this out loud and then we'll take a picture. I actually had a proclamation but I was so excited to get my picture taken with them I didn't read it.

[Laughter] It was my one duty, the one thing I was supposed to do. So be it known that whereas the city of Austin, Texas, is blessed with many creative musicians whose talent extend to virtually every musical genre and whereas our musical scene thrives because Austin audiences support good music produced by legends, our local favorites and newcomers alike and whereas we are pleased to showcase and support our local artists, now, therefore, I, Steve Adler, mayor of the live music capitol do here by proclaim February 1, 2018, as houston-tillotson university concert choir day. Congratulations.

[Applause]

[5:51:09 PM]

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>> Mayor Adler: All right. So we have a city of Austin distinguished service award. For her service and commitment to Austin residents through her work in the city manager's office and her unwavering dedicating herself to the health and wellness in the pe program as a city of Austin employee. Sheree Bailey is awarded this certificate of service award on this first day of February in the year of 2018 by the city council of Austin, Texas. Thank you for your service.

[Applause].

>> Thank you, mayor, thank you for the opportunity to say a couple of words to recognize Sheree on this special day. First I want to say thanks to the pe coaches, captains, participants and city employees who have benefited from healthy connections. I've had the privilege of working with Sheree since 2005. Under her leadership healthy connections has grown into a nationally recognized program. Sheree began healthy connections with six fitness classes focused on walking and running with less than 200 people. Today we offer 74 classes ranging from yoga to bicycling at 34 different locations serving over 2,000 participants. Healthy connections is also added programs for health assessments, health coaching, healthy eating, health fairs, diabetes management, tobacco cessation and weight loss.

[5:53:13 PM]

Through healthy connections we've seen people lose over 150 pounds, others get off diabetes and other medicines and others quit a multipack per day smoking habit. But most importantly, the shared experiences at the healthy connections classes, the shared experiences that the healthy connections classes provide. Employees are able to build relationships and support one another on their wellness journey. These cross departmental relationships are one of the best things about healthy connections. Throughout our time in healthy connections, is here rehas continued to owe shore rehas continued to encourage city employees to work towards a healthier lifestyle. She has done it with charm, dedication, persistence and best of all a great sense of humor. Please join me in thanking Sheree for making all this possible.

[Cheers and applause]

>> Thank you all for this amazing tribute today. It means so much to me to have everyone here celebrating my retirement. It's been such a rewarding experience helping city employees get healthy and well, working on the pe program and healthy connections. I could not have done it without all of the help from all of these guys behind me, the wellness champions, the pe captains. It's truly a team effort. And I want to just do a quick shout-out. My mom is here. She's my biggest cheerleader.

[Applause]. And my husband Roger and sister Cindy are all here today. Thank you all and I hope to see you all on the trail out exercising. I'll be watching for you. Thank you.

[Applause].

[5:55:43 PM]

>> Tovo: I'm mayor pro tem Cathy tovo and I represent city council district 9 and I'm proud to present the following proclamation. Back in about 2001 some community members and some leaders of this city decided that the city and the county really needed a sobriety center. And so the city council passed a resolution to create one and there followed some various work, but the idea was never implemented. So fast forward to about 2014, some dedicated community leaders who had that vision, including judge high hangar 10, continued to raise this with elected leaders and the city council voted again to create a sobriety center here in the city of Austin. So a local government corporation was set up and about a year ago that local government corporation in one of its first actions decided to hire Carol Drennan as its interim executive director. And that has been a tremendous -- a tremendous movement forward in the history of the sobriety center. She has really led this organization forward in getting all of the many, many details and logistics organized. She has now -- last night was her first meeting because the local government corporation has hired a permanent executive director so we bid her farewell and great thanks. It's with great appreciation I present the following certificate of appreciation on behalf of the mayor and the entire city council. For her service as the sobering center's interim executive director, Carol Drennan is deserving of recognition for her commitment to the sobering center. Her service has been unvaluable to the sober sobering center's success anding it have a positive impact on our community. This certificate is in acknowledgment of her dedication on this first day of February in the year 2018 and it's signed by mayor Adler on behalf of the entire city council.

[5:57:43 PM]

And now I'd like to invite judge hohengarten who chairs the local sobering center corporation to say a few words of thanks as well.

>> As it turns out when you start a new organization there's a tremendous amount of work to be done, especially when the focus is to open up a facility. And when Carol came in February of last year to assist the board, she jumped in in a big way. She has been so instrumental in helping us with all the details of setting up an organization, from the website to filing for 501(c)3 astronauts to -- 501(c)3 astronauts to working on the build out. We could not have made the progress we have if we had not had Carol on board. So the board would like to extend its thank you to Carol and we're very, very pleased for her to get this recognize from the city of Austin.

[Applause].

>> Thank you, judge hohengarten, thank you mayor pro tem tovo and thank you, mayor Adler. My time at the sobering center was very interesting. Working at a brand new organization, I thoroughly enjoyed working both with the county people and with city of Austin, and working through what it takes to actually start the center and to bring awareness to the need for such a center. And I'm happy to hand

over the reigns to our -- reigns to our very capable new director Ron Kirkpatrick and I know it will be a great success for the city. Thank you.

[5:59:55 PM]

[Applause].

[6:02:12 PM]

>> Mayor Adler: You know, we are so honored by the vets that we have in our community. Our city has a really large number of employees that are on active be reserve. We have a very large number of employees in the city of Austin that are vets. We work real closely with fort hood, we've created pipelines and transition programs for military personnel that are retiring and entering the civilian workforce. So with as much honor of us as they do, it is wonderful to have the opportunity to be able to publicly say thank you on behalf of a very, very grateful city. So I have a city of Austin certificate of appreciation. There's going to actually be an individual one of these for everybody. But they all read as follows, city of Austin certificate of appreciation for going above and beyond in their service to the members of the armed forces, military veterans and community of Austin, Texas and surrounding areas. This group is deserving the public acclaim and recognition. In partnership with the city of Austin veterans program, fleet services, the code department, public works, the office of real estate services and other community partners, these folks have assisted and participated in the initiative that led to the fort hood warrior transitions unit kids holiday care package drive. As a community effort these organizations were able to deliver presents to those in the warrior transition unit at fort hood, Texas, and to those who are currently serving in the United States army.

[6:04:27 PM]

Together these individuals and organizations were able to raise \$10,200 to buy 500 presents for 30 children, 18 families to those in the warrior transition unit at fort hood. The joy and appreciation seen on the faces of the children and the parents receiving these gifts showed the true spirit of the holidays and the meaning to giving to others, especially to those who serve our country. These certificates are presented in recognition of the service, volunteerism and kind heartedness as advocate for those serving in the military and military veterans on this first day of February in the year 2017, signed by the city council of Austin, Texas by me, mayor.

[Laughter]. Thank you so much for what you guys did. I saw the photos of this. It was just heartwarming and incredible to see. Does someone want to come and say something? I guess that would be you.

>> Mayor, I just want to express my appreciation. I'm Rhonda Englander, the co-founder and executive director for the comfort crew for military kids. And it was an honor to be -- to work with this whole group and the generosity of our community to quickly raise over \$10,000 to serve these families during this difficult time over the holidays as they are healing together as a family. So it was an honor to participate in this event and I just want to thank you, mayor, for your support and for the support of all the organizations and individuals that participate to make this a special day for those families.

[6:06:30 PM]

[Applause]. Clears.

[6:10:41 PM]

>> Mayor Adler: Be it known that whereas the city of Austin mentor and tutor program was formed as a partnership between the city of Austin and the Austin independent school district to increase community participation in our schools. And whereas over 1,000 city of Austin employees have volunteered their time by developing caring relationships and providing academic assistance to local students. And whereas the city of Austin mentor and tutor program is celebrating 15 years of partnership and service, thereof I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim February 1st of the year 2018 as city of Austin mentor and tutor day, and I sure do thank the tutors. Thank you very much.

[Applause]. I have mark Dreyfus here with Austin energy. Do you want to say a couple of words?

>> Just a couple. On behalf of Austin energy, the Austin energy team that operates the city of Austin mentor and tutor program and the program volunteers from across the city, it is my honor to accept this proclamation from the mayor. For 15 years the tutor program has engaged our workforce, strengthened our community and enhanced academic success through building positive relationships between city of Austin employees and local students. In those 15 years over a thousand city of Austin employees have volunteered. This week alone 300 employees will make time to visit a school, encourage a student and make a difference in a young person's life. We have several city of Austin employees here today who have volunteered with this program for 10 years or more.

[6:12:42 PM]

[Applause].

>> Mayor Adler: Who are the 10 year folks? Wow. Thanks a lot.

>> I want to give special thanks to the Austin independent school district, superintendent Paul Cruz and Dr. Gloria Williams and Karla robe son who are here with us today for giving our employees the opportunity to serve. I also want to thank Stephanie Hayden, acting director of Austin public health for her leadership as the executive sponsor of the program, and to superstar program coordinator Louise Liller of Austin energy.

[Applause]. Thanks also to the city manager's office for continued support of this important initiative. We could not be successful without our program partners. Austin partners in education, communities in schools, seedling foundation and victory tutoring who work hard to train our volunteers and make great matches with our kids. And finally and most importantly, thank you to the volunteers and volunteer coordinators who make giving back a priority by putting someone else first and who go above and beyond in working to mathematic our community strong -- working to make our community stronger. Thank you.

[Applause].

[6:16:38 PM]

>> Mayor Adler: So we have a city of Austin distinguished service award. We have a city of Austin distinguished service award for her untiring service and commitment to our citizens for over 25 years as a dedicated employee of the city of Austin. Cynthia Dewitt Jordan is deserving of public acclaim and recognition. This certificate is presented in acknowledgment and appreciation thereof this first day of February in the year 2018, signed by the city council of Austin, Texas. Thank you so much for your service.

[Applause].

>> Good evening. I don't have anything prepared, but I did want to thank mayor and council for this wonderful award tonight. I do want to thank my management, public works. I've really enjoyed working for the public works department and working with all of the departments within the city from my very first project, which was the reroof and the mechanical system replacement at the fiesta gardens, to my last project, the central library and the extension of streaked and the city's butterfly bridge. I've been very honored to work for the city of Austin and I thank you again very, very much. I want to thank my family for being here with me today and over the last 25 years. So thank you.

[Applause]. Could I ask my other friends and co-workers here to support me.

>> Absolutely.

>> Would all the friends and co-workers here to support me come down for my picture, please office?

[6:43:58 PM]

[Recess].

[6:48:37 PM]

>> Mayor Adler: All right. It's 6:48. We're back in the city council meeting. Let's see if we can get through some of the co cases. That might be the way to let the greatest number of people go home. Because I think there are people hanging out.

>> Flannigan: Mayor, I think they're technically zoning cases, but if you want to call them co cases, I'll take that.

>> Mayor Adler: We're going to take the co subset of the zoning cases. People would die to be called up first like this. And I'm calling up Mr. Flannigan's pulled items first. Take us through those.

>> Greg Guernsey with planning and zoning. I think with the Flannigan series, item number 83, c-14-2017-0028, this is the great hills mixed use project at 9828 great hills trail. This is to approve second and third reading and it was recommended by the commission and staff. And there were 24 prohibited uses, also a prohibition on drive-in uses. The zoning and platting commission did unanimously recommend this on an 8-0 vote. And council approved this on first reading on a 9-1-1 vote.

>> Mayor Adler: Okay. Let's do it this way. Let's have a motion to approve it it and then let's make amendments to it. Councilmember alter makes a motion to --

>> Alter: To approve with the co as we did on first reading.

>> Mayor Adler: To approve it as presented. It's already been approved on first reading so this would be second and third readings. Second and third readings. As recommended by the planning commission and adopted by council on the first reading. Is there a second to that? Councilmember pool seconds that.

[6:50:37 PM]

Discussion or amendments?

>> Flannigan: Mr. Guernsey, where did the co's come from?

>> They came from the zoning and platting commission.

>> Alter: They were negotiated with the neighbors and developer, I believe.

>> Flannigan: But the negotiation with the developers and neighborhood doesn't put it on the agenda. That was my question. So part of my concern as generally with the cos is generally removal of a bunch of uses that are not defined appropriately where they are for the site. The veterinary services, I mean, there's just a list of things on here that are absolutely appropriate for general retail. There are some of

these that were permitted under the current zoning. There doesn't seem to be any explanation about why these are going to be prohibited. You end up with a situation and you will hear me say this maybe seven times tonight. You end up with a situation where you've built a business use and because you think only the person who is applying is going to go in and that business goes out of business and the next business that comes in has to go through a whole zoning case in order to tweak or change one co. And I don't see any explanation about why these co's are relevant or why these co's are necessary in some cases where you couldn't put a campground. It is necessary to prohibit a campground. I think the neighborhood would prefer it because there wouldn't be a big building in the way. It doesn't seem to make a lot of sense that these types of co's get placed. If I had -- this is not that far away from my district. I would love to have a vet services that I could walk my dog to and take them in and this is the type of place that's surrounded on all sides by retail. It's surrounded some distance by apartment complexes. There are no low intense uses anywhere near this site.

[6:52:40 PM]

It seems very confusing. So Mr. Guernsey, in the process of these co's being added was there any explanation given why the co's were necessary?

>> I don't have the background. I know there were discussions by the commission about prohibiting uses. They didn't come from the neighborhood. The commission accepted them. The applicant agreed to them. And they were incorporated into the commission's recommendation.

>> Flannigan: Right. And I think our job on this dais is bigger than just accepting a recommendation. Clearly we routinely deliberate things that come to us in this fashion. There are other items on this agenda that I'm going to talk about under these co's that have even more specific examples of this question, but were I to make an amendment to remove all these, it would create a whole other long conversation that I don't think is necessary. Because this is not how I think we should be managing uses on these sites. It is not how people should be managing their properties to force them to go through commissions and force them to come in front of council. So I'm going to leave it at that, Mr. Mayor, and continue my conversation on the next one.

>> Mayor Adler: Councilmember alter.

>> Alter: I appreciate that, Mr. Flannigan. I do want to remind folks that this was worked on by the neighbors and the applicant and the applicant supports it. This is a residential development of 370 units in district 10 and a high opportunity, I think it took three months to go through. These co's give them some predictability for the neighbors who are absorbing a change, which to them is really vague. And so I think it's very appropriate in this case and I just really want to say thank you to the developer who worked very hard with us to make sure that all of the neighbors' concerns were addressed as best we could with this change of use.

[6:54:52 PM]

So I'm happy to proceed to the vote.

>> Mayor Adler: It's been moved and second the. Is there any further discussion? All those in favor please raise your hand? Those opposed? Flannigan, troxclair voting no, this number passes. Next item.

>> The next number is 84, case c-14-2017-0209 at 6506 decker lane. At first reading council approved cs-co combined district zoning on a 10-1 vote. The zoning and platting commission recommended this case on a 9-0 vote. It does list 21 prohibited uses in the ordinance. >>

>> Mayor Adler: Let's get a motion first. Is there a motion on item 84, Ms. Houston?

>> Houston: Yes.

>> Mayor Adler: Also Houston moves passage, adoption on second and third reading.

>> Houston: Second and third.

>> Mayor Adler: Second and third reading as proposed on the agenda. Is there a second to that? Councilmember alter seconds that. Discussion? Flannigan?

>> Flannigan: This is an interesting one. I had my staff go back and look at the transcript from the zoning and planning commission. This was not a negotiation between the neighborhoods and applicant. This was a single commissioner reading a list of uses to the applicant and asking them if they intended to do it. How on Earth -- is this how we're making policy? There's no justification for this process. There's no reason why one zoning and planning commission should be dressing down a applicant and striking out uses on a property one by one. I understand that councilmember Houston has applicant later came back and said they wanted to do, which is further reason why the process that we use doesn't work.

[6:56:54 PM]

It's shocking to me that we would apply zoning, we would restrict the use of a property owner's rights, to do this in such a haphazard and inconsistent way. And if on one hand we're saying that zoning should be a process that is a negotiation between neighborhoods and property owners or are we saying that zoning should be a negotiation between a commissioner and an applicant or maybe it's all of those things but, nonetheless, it takes so much time and effort to just use the property in the way you want to use it. This is the -- the point of zoning is not for us to individually site by site restrict to a site only the use that is being applied for. That is not the point of zoning. We are not site by site saying this business gets to exist and if that business fails no other business but accept that type of business can go in there. These are important conversations because, as we look at how we rewrite our land use code, we should be seeking ways to simplify this process for property owners. If we want to say as a matter of policy we don't want to see camp grounds in areas that are urban -- urban defined, then why would that not necessary lib a conditional use permit that staff could approve based on policy direction set by the council. You could apply that to my type of use. This is especially use on adult-oriented businesses. Stands right now it's permitted on every cs zoning yet every cs zoning I see restricts it as a conditional

overlay. But yet it leaves every other cs zoning as applicable to adult-oriented businesses. How is that a way to manage that some neighborhoods might be concerned about. We wait for a property owner to decide they want a zoning case before we restrict some of these uses? So I think this is aning there one because of the way it went through the zoning and planning commission and the way that these cos were added. It was not something being asked for by anyone but a single commissioner at the zoning commission and so, mayor, I will move to restrict all the cos on this case.

[6:59:05 PM]

>> Mayor Adler: There's a motion to remove the co uses on this case. Is there a second to that motion? Councilmember troxclair seconds that. Mayor pro tem.

>> Tovo: Yeah. I think depending on the extent to which there's support for this amendment and others I'm going to try to keep my comments short, but I just want to be really clear because I think we -- you know, we are increasing the entitlements somewhat substantially on this case so I don't want to proclaim this as we're restricting property owners' abilities to do various things. We are upzoning this property from general retail to cs. It has a lot more uses that are permitted within cs, and I think it's completely appropriate to determine if some of those uses aren't. So I guess I just take objection with the comment that we're restricting this property owner. We're actually, if this passes, granting this property owner a good deal more flexibility than they have at the moment. And so, you know, I think you're right, councilmember Flannigan, that we should consider things like adult-oriented businesses and others that are very often put into a co as prohibited. And, you know, my guess is that that's -- those are some of the changes that we may see in draft three, but, you know, pawn shop services, bail bonds serves, I think as we're looking at changing zoning, I think it's appropriate to consider whether those uses are appropriate to this tract given the proximity to the businesses or the residents around it. And, you know, I think the land use commissions that we have, zap and planning commission, are the right place for those conversations to go on. They spend a lot of time studying these -- the case that's come before them and I trust that they -- having served on one of them, I know the kind of work that's required and I know the kind of study that goes on before the meetings and the dialogue that goes on within, and I see that this was a -- you know, passed with a good margin.

[7:01:21 PM]

Though it might have been the suggestion of one commissioner, it was clearly supported by that person's colleagues. So I think this is a reasonable request, and I'm going to vote against the amendment.

>> Mayor Adler: I'm going to go ahead and vote against this, too. I want to say for a little bit different reason. I think that the customs and practice we've used in the city is to adopt the cos exactly the way that it happened here. We're about to go through a codenext process and I think that would be a good time for us to revisit that practice and I'd rather us do that in the context of a codenext provision. And --

but I will say that I miss what you're asking for, which is the policy conversation. If you're going to say you can't have a vet clinic there, you know, in an area that that might look and operate like any other retail establishment, why not have that? And that conversation didn't happen. So I'm going to support the co and not support the amendment because it's the current practice without necessarily saying if the person came in for a change from the co, if there was a co listed as a prohibited use might not have been the result of a really specific determination that that use should be prohibited but rather the custom and practice of that wasn't what that person was intending to do and the neighborhood was seeking to have some measurement of prohibit associated with that because I can't tell in some of these cases in any event I think it's something we do need to discuss in codenext and hope that we advance that from a policy standpoint. Any further discussion on the amendment?

>> Flannigan: I'll be brief.

>> Mayor Adler: Go ahead.

>> Flannigan: I appreciate that, mayor. There are a number of reasons why I keep bringing these up and daylighting these issues is one of them. It's not necessarily an expectation that I want my colleagues to go down every single road with me on this, but the other piece of this, the reason why we need to have these conversations now is that substantively if we approve cos in this manner they won't get changed under codenext.

[7:03:27 PM]

That was what we've seen under previous drafts that get f25'd. So there's one coming up later I'll speak a little bit more about that.

>> Mayor Adler: Okay. The amendment has been moved and seconded. Is there any debate? Those in favor of the amendment please raise your hand. Troxclair and Flannigan. Those opposed. The balance of the dais. Any further discussion on this item?

>> Houston: Yes. I want to assure councilmember Flannigan that the neighborhood has been concerned and has been in conversation with the agent, and although you may have seen the tape of the commissioner making these requests the neighborhood has also made these requests.

>> Mayor Adler: Okay. Those in favor of this item please raise your hand. Those opposed. Troxclair and Flannigan voting no. Others voting aye. It passes.

>> Thank you, mayor, council, next item, 85, c14-2017-0114, property at 611 east Braker lane. To approve second and third reading on the property, and the zoning, gr-co-mp and co-mp was approved on first reading, recommended by the planning commission on a 12-0 vote on consent and had five prohibited uses.

>> Mayor Adler: Okay. Let's go ahead and take a vote here. Is there a motion to be made on this item number 85? Ms. Pool moves to pass it on second and third reading, this item as it proposed in our materials, on the agenda. Is there a second to that motion? Ms. Houston seconds that motion. Is there any discussion? Yes, Mr. Flannigan.

>> Flannigan: This one is interesting because it's the first time I've seen these five uses only listed in a co restriction on a cs zoning case, commercial plasma center, traditional housing, transportation terminal.

[7:05:33 PM]

I assume there was some conversation about why these five specifically. Is there something about these five use that's makes it inappropriate for being what is one property away from I-35?

>> I think there was -- again, there was some agreement with neighborhood adjacent property owners to come up with these specific ones. I don't know the specifics on how they got there. I believe the applicant's agent is in the audience and probably could address that better on how that negotiation went. We can invite him up and he can speak to that.

>> Flannigan: I'm satisfied with having the applicant reach out to me later to explain it just to move things along more quickly. But this is a property right on I-35 and if you can't do some -- I mean, transportation terminal -- I don't even know what that means in this context. We're not building a bus station. So it just seems like a weird place and weird list of cos. If the co process is merely a way to get something in the process to feel like you've negotiated and got a victory, that doesn't seem like good zoning either. But I invite the applicant to come and talk to me and neighborhoods. If cos are on your case, know I'm going to pull it. Please let me know why you think these cos are important and this process can go much faster. So I move to amend to remove the cos.

>> Mayor Adler: Okay. There's an amendment. Second to that amendment? Councilmember troxclair seconds that amendment. Any discussion? Those in favor of the amendment please raise your hand. Those opposed. Troxclair and Flannigan voting yes. Others voting no. The amendment is defeated. We have a motion pending. Any further discussion? Those in favor raise your hand. Those opposed. Troxclair and Flannigan voting no, others voting aye. Passes. Next item.

>> I believe the next item is similar to these, item number 102c14-2017-0090. Sh for the property located at 3524, 3528, 3532

[7:07:47 PM]

[indiscernible] Street. The planning commission recommendation was to grant gr-co hmp, listed about 23 prohibited uses and some additional conditions. This is only ready for first reading on this particular item.

>> Mayor Adler: Item 101, 102?

>> That's correct. I did not have any speakers to speak to council. Someone signed in not wishing to speak, but this is a public hearing associated with this case.

>> Mayor Adler: Anyone here to speak on 101, 102.

>> This is just 102.

>> Mayor Adler: Just 102.

>> Just 102. What do we do with 101?

>> We do have one speaker here to speak regarding 101 who I believe is in opposition but that -- but I did not have anyone signed up --

>> Mayor Adler: Are these not -- are these companion cases?

>> They are. But they're only opposed to 101 and not 102.

>> Mayor Adler: What's the difference between --

>> 101 is the neighbor plan amendment and 102 is a zoning case that would basically implement a change to the zoning map.

>> Mayor Adler: What happens if we approve 102 and don't approve 101?

>> There may be a consequence to that.

>> Mayor Adler: We pretty much have to handle these together, right?

>> Yes.

>> Mayor Adler: Let's go ahead and do that. Let's call up item 101 and 102.

>> Do you want to introduce 101 real quick?

>> Mayor Adler: Okay.

>> Npa-2017-0016.01, entertained neighborhood plan for (351)950-3528, 3532. Planning commission did recommend the change to future land use map, which is a mixed use land use. And I'll pause and I think you may have one citizen --

>> Mayor Adler: We have one speaker registered as neutral.

[7:09:47 PM]

Is Daniel Corral here? You're fine. Sounds good. On 101/102, is there a motion to approve 101/102 -- is it both on first reading?

>> Probably do both of them on first reading bring back both on second reading later.

>> Mayor Adler: Is there a motion --

>> Renteria: I want to ask a question real quick.

>> Mayor Adler: Go ahead.

>> Renteria: What are they proposing to build?

>> They are proposing to construct on the property

-- the zoning is to develop, let's see, warehouse and distribution use with additional parking on the site. Oh, excuse me. No, that is not the one. Why don't you invite you up and you can explain.

>> Mayor Adler: Come on up. Please introduce yourself.

>> Councilmembers, thank you, Glen Coleman for the applicant. The applicant is proposing a mixed-use building with office and workshop on the bottom, and then multi-family on the second and third stories.

>> Renteria: Are any of these homes going to be affordable?

>> Yes. Glen Coleman for the applicant, sorry, Mr. Mayor. Yes, this is a smart housing project and the developer has agreed to cluster the affordability in 4-bedroom units, at least two will be complete 4-bedroom units include at 60% mfi.

[7:11:59 PM]

>> Renteria: I'll support it.

>> Mayor Adler: Mr. Renteria moves adoption. Is there a second to that? Ms. Houston seconds. Is there any discussion?

>> Flannigan: I'll be brief and I won't do an amendment especially since it's first reading. I think this is an interesting example of where form based code actually would be beneficial because what -- even beyond the use cos its height and privacy fence, vegetative buffer, building scootage it seems like we have an applicant who possibly has a really good idea we want to fit it in this space but the combination of the different zoning classifications means we had to use a more intense classification and co it back to something that was site appropriate in scale. That doesn't seem like a very efficient use of zoning. That will be something that I'm looking for under codenext.

>> Mayor Adler: 101, 102 on first reading approval having moved and seconded. Any discussion in those in favor please raise your hand. Those opposed. Mr. Flannigan votes no, others voting aye on the dais. 101, 102 approved.

>> The next one similar to this is item number 113 for the property located at 4401 south congress avenue, this is to zone the property to cs-muv-mp. Planning commission added conditional overlay and approved this on a 12-0 vote. This was the one that has the access prohibition to south congress avenue. I did speak with staff in our development service department. Given that there's a -- the width of the lot would not allow staff to go forward and approve automatically access to congress after mu and would require access to St. Elmo and there's also a site plan that's pending showing no access to congress avenue and has joint access with an adjacent property staff is comfortable with the removal of the co from this case.

[7:14:10 PM]

And that is I believe the only co that's attached to this item.

>> Renteria: Mayor.

>> Mayor Adler: I had -- I've been having conversation there with the neighborhood team, and they request that we -- that I recommend only passing it on first reading. That they are still negotiating that now.

>> Mayor Adler: Okay. Mr. Renteria moves passage of item 113 on 1st reading only.

>> Then also close the public hearing.

>> Mayor Adler: And to close the public hearing and to require the co or not require the co?

>> Renteria: Require.

>> Mayor Adler: And to require the co on first reading. Is there a second to that motion?
Councilmember Garza seconds that motion. Any discussion? Mr. Flannigan.

>> Flannigan: Ms. Garza, is there a -- Mr. Guernsey, is there a reason why it has to be done in a co as opposed to a site plan.

>> After talking with staff it sounds like it could have been done with that. It was I guess to ensure that there would not be the anticipation in the future of making this request. It would be made more clear to someone filing an application in the future that access would be prohibited. Given that there's a site plan that's already been filed, not showing an access, I think that intent has already been made not to take access to congress avenue.

>> Flannigan: And that's because staff has policy about where we allow and don't allow access or it just happens to be that this applicant's site plan did not contemplate?

>> No. We have the ability to do a review, make sure there's adequate frontage. This property does not have sufficient frontage it it would come up as probably a -- basically a deviation that staff would consider at the time of site plan review. However, there is a site plan that's in process right now. As this comes to forward this would be redundant in that case deafblind it's first reading I'm just going to let it go.

[7:16:17 PM]

>> Mayor Adler: Okay. Those in favor please raise your hand. Those opposed. Unanimous. That passes. 113. Related to number 118?

>> Flannigan: It's related in my mind.

>> Mayor Adler: Got you.

[Laughter]

>> Mayor Adler: So 113 is taken care of. What's next?

>> 121, I think.

>> Jerry rusthoven, zoning and planning department, item 121, which is case c14-2016---

>> Mayor Adler: What happened to 118?

>> 118 is there are speakers.

>> Those are pulled for speaker, not for the co issue.

>> I think 119 is similar. Yes, 119 is similar to the others that we've read in. Item 119 is case --

>> Mayor Adler: Hang on a second.

>> Kitchen: I'd like to speak to 119.

>> Mayor Adler: Okay. Can we call it up now?

>> Kitchen: Okay. 119.

>> Okay. Item 119, c14-2017-0143 at 11500 manchaca road to zone the property to cs-co on tract one, gr-co on tract two, wlo-co on tract three. The planning commission recommendation -- I should say the zoning and planning commission recommendation did recommend this with some conditional overlay overlays that prohibit adult-oriented business, on tract three it would have truck accesses prohibited on the north and west property lines. Also on tract three that lighting fixtures are required ton shielded. On tract three a 25-foot wood undisturbed vegetative buffer would be provided and maintained along the north and west property lines. And the removal of trees within the 25-foot compatibility setback is prohibited. This was recommended by the zoning and planning commission on a vote of 8-0.

[7:18:23 PM]

>> Kitchen: I'd like to move passage of this with the conditions on it and just by way of explanation to anti my colleagues' questions, this was done --

>> Mayor Adler: Let me go ahead and get a second.

>> Kitchen: Okay.

>> Mayor Adler: It's been moved to pass item 119, 2nded by councilmember Garza. Go ahead and proceed.

>> Kitchen: This tract three backs up against a neighborhood, and so these conditions are designed to reduce the impact of this commercial area on that neighborhood. And so the zap was very careful in designing those, and they were in response to neighborhood concerns.

>> Mayor Adler: It's been moved and seconded. Any further discussion from the dais? Yes, Mr. Flannigan.

>> Flannigan: I think one of the interesting things about this is the tail of annexation. This is going from Irr and what -- you know, our districts are -- we have tail ends, most of us actually have areas like this. Almost all of my district is weird annexation patterns and I've got a ton of Irr in my district and I have areas that people bought homes and built homes knowing they backed up to unannexed areas and then those areas got annexed. I struggle philosophically at times because if you knew the property behind you wasn't part of the city you knew you wouldn't be able to use the city process to dictate. That's one separate thing. In this case specifically almost all the cos were part of the applicant's application I couldn't remove them even if I wanted to so I'm not going to worry about that. The additional ones that's got that adult-oriented business one on cs-co, which we talked about maybe there's a better way of handling that across the city. There's one we talked about that was cs that we didn't talk about adult-oriented, the one on I-35 we didn't mention the adult-oriented business but I imagine the business wouldn't want that anyway. The lighting fixtures is interesting as we look in codenext to say the code as recipient says fully shield or full cutoff.

[7:20:29 PM]

Maybe file cutoff is bad and we shouldn't have to enforce that in a co if fully shielded is better then it should be the code for everywhere. In part I daylight these things because it's helpful to show even as we are months away from contemplating codenext that these issues are ones that don't we are cos in we do them correctly in the future. The same goes with the 25-foot vegetative buffer, I've seen these in other yeas annexed in recent annexation, backs up to homes that got built before, this whole scenario. So mostly because these cos were baked in by the applicant I'm not going to make any amendments, but it was important to lay out my concerns.

>> Mayor Adler: Got you. Any further discussion on one mean? Those in favor please raise your hand.

>> Mayor, this is closing public hearing and -- for three readings.

>> Mayor Adler: All three readings. All those in favor raise your hand. Those opposed. 119 is handled.

>> Mayor, I've been asked to clarify on 101, 102 did that motion include closing the public hearing?

>> Mayor Adler: Yes.

>> Thank you. Item 121, c14-2016-0120202500 north Lamar. Approved on first reading on December 14. The approved zoning at first reading was g.o.-muv-co-mp. Single co to limit the height to 59 and a half feet. Obviously that's an unusual number so I'll explain. In negotiations between the applicant and can pack, the central Austin neighborhood plan advisory committee there was an agreement that this building should be limited to 60 feet in height, which is the allowable height under the requested zoning, and the minimum allowable under vmu project, which is what they're proposing to do. However, we are not allowed to do cos.

[7:22:30 PM]

They cap it at the allowable height so in other words if 60 feet is allowed you can't do a co that says 60 feet. That's why they came up with 59.5 feet. The reason why they want to have a co at all is because the existing co limits the property at 50 feet. The proposed codenext draft two map proposes this property to be in a zone that would be capped at 40 feet. Everybody is in agreement that they're work the building being at 60 feet but since we cannot do a co at the same as the minimum allowable height it was decided to go 6 inches below that. So that is the reason for the unusual 59.5 feet number. With that I'm available for any questions.

>> Mayor Adler: What's staff's opinion of the co?

>> We're okay with it because, you know, 60 feet is what's allowed in vmu, what they're requesting to do. We're of course supportive of vmu project because of the affordability and other things that go with it. This is just kind of a technical go-around to get it to what everyone agrees upon, which is 60 feet.

>> Mayor Adler: Okay. Seems funny we have a process of -- that requires us to do that. Is there a motion on this item 121? We do have a speaker to speak. Is there a motion on this? Yes. Councilmember pool moves passage of the planning public hearing and --

>> Yes, the public hearing was left open before.

>> Mayor Adler: Close the public hearing. This would be on third reading.

>> Yes.

>> Mayor Adler: I know we have speakers. I'm trying to get the motion out on the floor and, Mary, I'll come up and speak. The motion is to approve on second and third reading or third reading?

>> Second and third reading.

>> Mayor Adler: Second and third reading. This item, planning commission recommendation.

>> If I could further clarify by doing the co essentially what would happen the property would not change zoning in codenext and so it would not fall from 60 feet down to 40 feet. By doing 59.5 feet we satisfy the law enforcement's requirement we don't do a co at the regular height but makes sure it won't change down to 40 when it goes to codenext.

[7:24:43 PM]

>> Mayor Adler: Anybody want to come down and talk to us? Do you want to talk? Or does the applicant want to speak first? Thank you.

>> I'm good.

>> Mayor Adler: Ms. Ingall, do you want to come down and speak?

>> I'm Mary ingall and I'm a men of the central Austin neighborhood plan advisory chi, campac. I wanted to say I'm a spokesman for the group tonight and we voted to support this project because we think it is a good project. We have some conditions that need to be met, a traffic study at 25th and Lamar, which is problematic and congested and a bit dangerous. We want uno sidewalks to Lamar, and it goes through parklands, we have to work all that out. And we are going to monitor the use of the building because they want to build office but also have affordable housing at 60% mfi, which is really great because it's on the periphery of west campus. We also voted to support the proposed height at 59.5, which is kind of silly, 60 feet would be nice, but that was the preference of the developer and the planning team agreed. So this case should have been a no-brainer but I'm leer to actually inform that you our city bureaucracy is working against affordable housing, which is very sad to me. I want to thank Amanda with the Drennan group for her perseverance in finding an entity to track the affordable housing component for the next 40 years. Initially the city's legal department wanted the burden of the affordable housing to be placed on the contact team or the neighborhood. They were -- because they're refuse to go do anymore public restrictive covenants on affordable units. One suggestion was to force are not allowed to hold monies or escrow so this is rather ridiculous.

[7:26:52 PM]

And if a neighborhood is supposed to track these for 40 years, I'll be 103 and that's also ridiculous. This points out a problem for affordable housing that all of you should know. We paid lip service to having affordable units in the city and yet our own bureaucracy is unwilling to track the units. Does this make sense? I think this is one of the reasons contributing to our affordable housing crisis. We need to fix it. So this case brings to light a problem and a solution that a private entity is willing to track the affordable units that Amanda found after much effort. This case also brings to light the unwillingness of the city bureaucracy to keep covenants and good records of what we need and want. I imagine that most of you did not know this. Thank you very much for allowing had he to speak -- me to speak.

>> Mayor Adler: Thank you. There's a motion and a second. Any further discussion? Mayor pro tem.

>> Tovo: I wanted to also add my thanks back to campac and the developer. I think this is a very good project for district 9 and I'm excited to see it move forward. We need to figure out how to handle the quandary we're in on this project as well as some others. Thanks to the staff for capturing my comments in the staff report actually about the comments I made last time about the need to solve this. You know, we've had a series of developers come forward and make voluntary contributions of affordable housing within their projects and I hope that -- I look forward to working with our staff. I have faith that we're going to figure out a good solution if it's not in a public restrictive covenant than perhaps some kind of covenant with the Austin housing finance corporation.

[7:28:53 PM]

We also have a potential new opportunity. We have as a council initiated the creation of an economic development corporation. I don't know whether they can play a role in being a party to restrictive covenants with regard to affordable housing, but I -- again, I just have faith that between the law enforcement and -- law department and our staff and my office we can figure out something that makes sense, I hope, and can make it by legal scrutiny. We ought to have an ability to do this, to have a restrictive covenant or some kind of codification when we have developers who are willing to create affordable housing on their property, some kind of formal relationship in an ongoing way with the city rather than with private individuals. But I really appreciate the developer for being creative and looking for a solution and finding an organization that could play that role for this case.

>> Mayor Adler: So to that end, can -- is it possible for a city by ordinance to give standing to a member of the public where they might not otherwise have had standing in a lawsuit to enforce a particular thing? I mean, one of the reasons why the public can't sue is because there's no specialized benefit to a member of the public so no standing to bring the action. Can we create standing or is that something you can take a look at?

>> We can take a look at that.

>> Mayor Adler: Maybe there's a way for us to do it. Okay. We have a motion and second. Mr. Flannigan.

>> Flannigan: So I share the concerns about making agreements that become unenforceable. We had that conversation in December about restrictive covenants -- November, restrictive covenants or whether or not rcs or cos are the appropriate pool and there's concern whether rcs get lost and we don't know they're there. To my mind the solution is not to use a different tool. If the tool is the right tool we should be tracking them and have the right system to address this problem and this sounds exactly like one of those situations and I would definitely support trying to find ways to track the things that people agree to. We have to maintain the public's trust and if we take agreements at the dais and they're not fulfilled that harms everyone.

[7:31:00 PM]

To the extent it's not standing in a coral coral -- court of law, it's certainly standing in the public opinion. In this case specifically, this 6-inch co is puzzling. I hope my colleagues are paying more attention than they may have been in the few cases prior. I think this one is important. We don't have codenext. We don't even have the draft we're contemplating under codenext. To say that codenext does a thing is not a true statement. There is no draft that we are about to vote on. And so to say that we need to exempt a property from codenext because it's going to do a thing is very attic. I think nearly all these co cases on some level are doing that thing but in this case it's explicit. At the same time we're hearing testimony from neighborhood representatives and other councilmembers it's a great project it's going to do affordable housing and there's no issues with the developer and so there's absolutely no need to do a co that limits 6 inches in order to prevent a code that is being contemplated but not yet adopted when we could in fact do it correctly under codenext. There are zoning classifications that I've seen in some drafts that put the height restriction right in the zoning classification. I think in the last draft it was cc60, cc90,

cc120. Maybe there are options to do that under a V designation or whatever the new version of that is. The problem is I don't know what that is because I don't have a draft that I'm working on. So I will move to amend to remove this co and restore the base zoning of the 60-foot height.

>> Mayor Adler: It's been moved to amend it to drop the co as to height. Is there a second to that? Councilmember troxclair. Is there any discussion? Those in favor please raise your hand.

[7:33:03 PM]

Three people, Casar, Flannigan, troxclair. Those opposed. Balance of the panel. It's defeated. Let's take -- without further discussion we'll take a vote on item 121.

>> Second and third reading and close the public hearing.

>> Mayor Adler: I'm sorry?

>> It would to be approve on second and third reading and close the public hearing.

>> Mayor Adler: To be approved on second and third reading, closing the public hearing, otherwise as posted, in fact it was as posted. Please raise your hand if you approve. Those opposed. Flannigan and troxclair voting no, others voting aye. It passes, 121. Thank you.

>> Those are the last of the co cases.

>> Mayor Adler: Let's go ahead and call up item 122. Staff here to do that one? .

>> All right.

>> Mayor, can she start the invention.

>> Mayor Adler: I'm sorry.

>> Garza: Can she start her presentation.

>> Mayor Adler: Please go ahead and proceed. Thank you.

>> Thank you. Good evening, mayor, councilmembers. Rondella Hawkins, telecommunications and regulatory affairs officer. This item is a hearing on the complaint of Mr. Paul Robbins regarding the increase to the 2018 Texas gas service program rate. The challenged increase amounts to approximately seven cents per month for residential customers effective January 27, 2018.

[7:35:09 PM]

Now, this conservation adjustment clause rate funds the Texas gas service's conservation program, which provides rebates to residential and commercial customers to purchase energy efficient natural gas appliances with the goal of conserving natural gas and also funds low-income customer programs.

The conservation adjustment clause tariff adopted by city council in 2016, it governs the calculation and implementation of an annually adjusted rate and budget for the cost of this program. The adopted tariff, it grants city staff the administrative approval of the conservation budget and rate change, which staff granted after budgeting a review and receiving approval at a public meeting of the resource management commission on the 2018 conservation budget. During the resource management commission's consideration of the 2018 budget Mr. Robbins explained his objection to the cost effectiveness of some program elements to the resource management commission and as well as to my office. Staff recommends that council approve an ordinance finding the 2018 Texas gas service rates proper, reasonable and it's in compliance with the conservation adjustment clause tariff and applicable law. This does include my comments, and Texas gas service representatives are available for questions and to make comments following Mr. Paul Robbins' remarks.

>> Mayor Adler: Thank you very much.

>> Thank you.

>> Mayor Adler: We have a speaker here, Paul Robbins. Mr. Robbins, why don't you come on down. Testifying neutral. You have time for Mary ingall and David king. So you have seven minutes.

>> Seven minutes?

>> Mayor Adler: Seven minutes.

>> I was told I would have five minutes for my own presentation plus whatever donated time, but I'll -- I know you all are busy so I will try and limit it to seven minutes.

[7:37:10 PM]

>> Mayor Adler: I'll give you nine minutes if you need it since this is an appeal.

>> I know brevity is rewarded. Before I start, I handed this to most of the council, but to those that [indiscernible] [Off mic]

>> Mayor Adler: Why don't you go ahead and give it to the clerk.

>> [Off mic] Okay. Council, if you were in Alaska, would you pay a thousand dollars more pour an energy efficient air conditioner? Yeah, it would save some energy, but only for the three hours or so a year that it ran. That is behind the question you will answer tonight. I'm Paul Robbins, environmental activist and consumer advocate. I have worked around energy policy and clean energy issues on and off for 40 years. The Texas gas utilities regulatory act allows gas utility customers to protest a rate that they think is unfair. As a petitioner in this case, I am protesting the conservation adjustment clause because I think about 43% of the residential conservation budget is not cost effective. By eliminating this fund, you will save rate papers about \$1.2 million. Said. It's not seven cents a month. It's more like five dollars a year to the average residential customer, and this waste is happening year after year. First a bit of history. The company that owned the main gas company that serves Austin before Texas gas service was

southern union gas. In 1985 southern union was quite opposed to implementing a conservation program.

[7:39:14 PM]

Austin forced it to conduct conservation programs as a condition for renewing its franchise to operate here. In 1986, southern union began to implement the programs but conservation advocates felt some of the money was being wasted on marketing programs for the company rather than programs that saved gas cost effectively. The company was publicly criticized repeatedly and they abandoned their efforts to administer the programs. Instead southern union gave conservation money to the city of Austin, which was already operating effective conservation programs for electricity and water. For ten years, the city operated these gas conservation programs cost effectively, which saved gas at less than it cost to purchase. However, in about 1997, Austin energy began to administer the city's electric conservation programs. Southern union looked at Austin energy as a competitor and took the programs back. And the cost effectiveness has unraveled since then. Conservation programs are typically measured by benefit cost analysis. Simply put, if a program saved gas at less than it costs, it has a benefit cost ratio of over one. If it saves gas at more than it costs, it has a ratio of less than one. Texas gas programs in dispute here save gas at two to four times its cost. And these estimates were derived by the company's own consultants, not an objective third party. Now a more common way to look at cost effectiveness is pay back, how many years it will take to recoup your investment.

[7:41:17 PM]

My calculations estimate that the efficient furnaces will take 32 to as much as 98 years to -- 89 years to pay back. The tankless water heaters will take 29 to as many as 48 years to pay back. Since they typically last 13 to 18 years, this is obviously not a good return on the ratepayer's money. There's nothing technologically wrong with the equipment. They might be a good investment in Maine, Minnesota, or Canada, but not here in the south. Tankless water heaters will save lots of energy in a laundromat but not in a residence. Austin energy's award-winning conservation program programs strive to be cost-effective. Every year they get evaluated with the exception of weatherization, which is conducted as a social service. It is rare for nearing's programs to fail benefit cost analyses. You can see that in 2016 the only program that was below 1.0 was low-income weatherization. Whereas here's the list of programs for Texas gas service that failed. And the 43% of the budget that I'm disputing is not for low-income programs. It largely is about the tankless water heater rebates and the efficient furnace rebates. In essence you have two conflicting policies. Where a program run by the city cues the cost effectiveness while a program run by the private utility company that you regulate is lax.

[7:43:19 PM]

Your staff in regulatory affairs recommends the opposite of what I'm doing, that you approve this money. They have approved the budget as a kind of black box or -- that's utility rate parlance for negotiated settlement. Respectfully, council, whatever invalidity experience the regulatory affairs office may have, staff there does not have background in efficiency programs and has not hired its own third-party consultants to advise them. Instead, I advise you to adopt the model -- used by nearing. Austin energy. The city he's programs have been a model for the country for decades. Council, you have original jurisdiction over the gas company's rates and you have the power to eliminate these wasteful programs to save ratepayers money. I just -- that concludes my prepared speech. I do want to comment on a couple of things. One of the councilmembers asked if I was aware that one of the rebates had gone down. I checked, and, yes, indeed, I was aware, but that's still a \$400 rebate which is over a -- over 50% of the cost incenting something that has a payback as long as 48 years. So, while that's kind of sort of maybe moving in the right direction, it's really not going to solve the problem. The other thing I want to comment on, I've been advised that there's some suggestion that, well, maybe we'll fix this when a new rate goes into effect. If I am not mistaken, Texas gas service's rates are not up again for three or four more years.

[7:45:22 PM]

That they're having interim, what they call grip increases on a year to year basis, and I don't think you're going to be able to change their conservation clause up until that time. So I'm asking you to regulate it here. I can take any questions. I have been a conservation advocate since, I guess, the late '70s. I helped start the city's conservation programs in another lifetime. I would support just about anything that makes sense, but an 89-year payback just doesn't make sense. Thank you, council.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Is there somebody here to respond to that? Graham?

>> Good evening, Mr. Mayor, members of the city council. My name is Larry graham with Texas gas service, and I'm joined by Haley Cunningham, who is our manager of our energy efficiency programs. Let me say that I've known Mr. Robbins for 15 or 16 years, and we've worked together and agreed on many issues. And I think he's wrong, and I -- we completely disagree with him tonight. So a week ago we filed a written response. There's a lot of information in your packets to this agenda item to provide you some background on our energy efficiency and our conservation program. And most importantly, the process that we took to follow the tariff, the conservation adjustment clause tariff, which you all approved in November 2016. We support the adoption of the ordinance before you, confirming our compliance with the tariff and approval of the 2018 conservation clause or cac rate, which funds this program.

[7:47:34 PM]

And I think in 2017 the rate generated a little over \$3 million, and that's what funds the rebates that we give. So we have proposed a budget for our 2018 program year that includes an array of rebate programs that help our customers to conserve natural gas and are cost effective, as the tariff requires. So let's be clear about this. The tariff says that our portfolio of rebate programs must be cost effectiveness. And they are. The portfolio is cost effectiveness. Our programs have evolved over time, over the 17 or 18 years that we've administered the program. We've listened to our customers, to the city staff, to city council, to our stakeholders, hvac contractors, the Austin green building program and many others. Each year we offer slightly different programs to meet changing conditions. Our program offerings balance the different interests of our constituencies and offer a variety of programs for the customers that pay into the fund. So we want to tell you a little bit about and illustrate the substantial effort that has gone into designing and evaluating the program this year. I want to highlight a few aspects of the process that the city and Texas gas went through in evaluating the proposed budget for 2018. And I want to say that Mr. Robbins also participated in this process at many different levels. Prior to filing the budget with the telecommunications and regulatory affairs office on October 13th, Texas gas service and our staff began discussions with Rondella Hawkins of Tara and her staff regarding possible program modifications to improve the cost effectiveness of the programs and we voluntarily complied with the requests from the resource management commission, those folks that y'all have appointed, to let the commission review the draft budget prior to our filing it with the city.

[7:49:42 PM]

So we filed a draft budget with the resource management commission on September 1. We addressed concerns from both the commission and Mr. Robbins in writing and we provided these responses in materials we filed with you last week. Haley and I attended the October 17 meeting of the resource management commission. We answered questions and discussed the issues for a long time. Mr. Robbins was there. And at this meeting the commission voted unanimously, I'm sorry to recommend that the city staff approve the budget. After this meeting we continued to answer questions from Rondella and the Tara staff until it was administratively approved by her office November 29. Texas gas service participated in a robust discussion of the budget with tariff staff, members of the rmc, members of the community, Mr. Robbins for several months, beginning from last summer until the budget was approved. So in addition we respond -- we responded to several questions from Mr. Robbins after he filed his complaint and even talked to Mr. Robbins this morning. In closing, as Mr. Robbins stated we are one of the first gas utilities in the country to offer rebates. I can't really speak to what we did or Southern Union did in the 1980s, but we were one of the first to offer rebates for energy efficient appliances. We work very closely with the city and Austin Energy for the benefit of our shared customers in Austin. We partner with Austin Energy on several rebates and we also partner with several nonprofit organizations such as Meals on Wheels to provide new gas appliances to low-income customers in Austin. We work with the housing authority and the city of Austin on rebates. They -- last year they used our rebates -- I think over \$120,000 worth of our rebates for equipment for their residents. We partner with Austin Energy and attic insulation, duct ceiling, and other things to benefit our customers.

[7:51:47 PM]

So just in closing, we feel like we are in compliance with the tariff. We worked with the community. We worked extensively with the resource management commission. We disagree with Mr. Robbins. And we would ask you to approve the rate today. Happy to answer questions.

>> Mayor Adler: Councilmember troxclair.

>> Troxclair: So can you just help me to understand, where is the -- it seems like you may be working off different sources of information or different data points? I mean, Mr. Robbins is presenting us with one -

>> Sure.

>> Troxclair: -- Set of facts and figures and you're saying that's not true. Where is the discrepancy?

>> Yeah, good question. Let me say this. Going back to the franchise of 1986 and 2006, the goal of the program was to conserve energy. Period. So in a new filter, new layer was added with the new tariff in 2016. And in 2016 it said we have to look at the total portfolio of rebate programs and the total portfolio should be cost effective. So here is where we disagree. There are a few of the rebate programs that we have that on their own, in the snapshot analysis that was performed last summer, that were not cost effective. When you add all 15 or 16 rebate programs together, whatever the number is the portfolio is cost effective. So I think Mr. Robbins may disagree, may not like the tariff, but we're in compliance with the tariff. The other thing is one of the rebates he mentions has to do with furnaces, right? So the data that's used in that cost effectiveness analysis has to do with whether the previous -- weather the previous 12 months. Last winter was the warmest winter on record, okay, in Austin, Texas.

[7:53:47 PM]

So the energy -- so the cost effectiveness of that one particular rebate, this one year, was lower than it has been. And we grant that. But I will tell you next year, when we do the same analysis, it's going to be cost effective. As he said, these appliances will last 15, 18 years. So that's why we don't make a snapshot judgment. And something else, this summer, when we were using this new filter of cost effectiveness, we chose to eliminate I think three or four rebate programs because we think, over time, they would not be cost effective. So we've taken the input and the direction and we've done that. But, again, the whole portfolio is cost effective, and I don't think anybody is disputing that.

>> Troxclair: Okay. Thanks for that response. And then, Mr. Robbins, the page that you passed out, is that -- I mean, I guess that's an example of a resolution that council could bring forward if they wanted to do something? Or were you --

>> Yeah. It was -- what I'm aiming towards, which is to ask that all programs except ones that are for low-income or pilot programs have a benefit cost ratio of 1.0. And by the way, when I gave that estimate

of 32 to 89 years on furnace, the 32 years is if we had a cold winter. So no. In a average climate in an average winter, the furnaces are not cost effective. But, yes, I'm asking if you all might consider going for a 1.0 benefit cost for all programs except those that are low-income or pilot programs.

>> Mayor Adler: Mr. Flannigan.

[7:55:48 PM]

>> Flannigan: So I appreciate helping define the difference between the two analyses. That's very helpful. And I understand that the portfolio as a whole is cost effective. When you add it up it's kind of like the average number looks good but some of the details are on the low end, some of the details on the high end. How did you determine which of the programs were so inefficient, cost inefficient, that you did eliminate them, but some that were a little cost inefficient you kept in the portfolio? How was that decision made?

>> I'm going to let Haley answer that, but I guess the first thing I'll say is that there's some of them -- one of them in particular, I think two of the last -- the first two times we did the test it was cost effective. Because of some weather in the data, this one time it came under, it wasn't cost effective. We believe over time it will consistently prove to be cost effective. And there were others that when we add that lens, we said, you know what? Over time they won't be cost effective so we chose to eliminate those.

>> Flannigan: I see. So all of the ones that you retained may have certain years in which they were not cost effective in the analysis but over time you believe they are cost effective.

>> I'm Haley Cunningham, manager of the program for Texas gas service. There are five tests we look at. Each looks at that time from a different angle of who is participating. So we look at further than just the one test referred to in his complaint. We look at several. We eliminated programs that didn't pass any of the tests. That was sort of the baseline we looked at. We also looked at participation and the entire portfolio programs that we're offering. There are 220,000 customers that pay into this program. So if it's something that's highlight yield by a lot of customers, we -- took that into consideration. We also have savings goals that were -- natural gas savings goals that were implemented by the resource management commission that we're tasked to meet.

[7:57:52 PM]

Some of the programs that he is program we eliminate contribute significantly to those savings goals. While it might not be cost effective in this iteration of the test or in one of the five tests it does contribute significantly to that overall savings goal we're trying to meet.

>> Flannigan: That's actually very helpful. I think the more we can come to a philosophical difference the more it feels lining a policy conversation. I think I -- at this point I'm willing to support the rates as they are and give you one more cycle to do this analysis. But I don't know that every councilmember is going

to do that math in the same way. I'm going to personally be less concerned about utilization if it's costing a lot more money and more concerned about the ones that are hitting the financial markers. But, you know, other councilmembers sometimes have different perspectives on that. But at least -- not to have this conversation -- I don't think there's time or substance to do this conversation tonight, but it will be something I want to dig into the next time the rate comes around.

>> Sure.

>> Mayor Adler: Further conversation from the dais? Is there a motion from the dais? Ms. Houston?

>> Houston: Well, not a motion. I just have a question because it's late. I've had too much sugar. And, Mr. Graham, explain to me why the rates are going up.

>> So first of all, this rate only funds the conservation program. Okay? So the way the tariff reads -- so bear with me here. The way the tariff reads is the city approves the budget, and then we back into a rate. And I think it's contemplated that the rate is going to go up and down because the rate is collected volumetrically, so if people -- as it's colder, people use more gas. We collect more. And so last year was very warm, so we undercollected.

[7:59:56 PM]

This year, we're raising the rate to make up for that, and if the weather is cold, next year this rate will go back down. The key piece is, is the budget the same from year to year. And we did not propose a budget that was any -- significantly bigger -- I think it might have been smaller, it was about the same as last year. So does that make sense? The way we collect this is related to the weather, and it's contemplated that every year there's going to be a slight adjustment. What we don't do is just say it's \$1.20 a month, a customer. Then we could just keep it the same. Does that help?

>> Houston: That helps.

>> Okay.

>> Mayor Adler: Okay. Councilmember pool moves adoption -- no, denial of the appeal.

>> Pool: Yes.

>> Mayor Adler: Is there a second to the motion to deny the appeal? Is that the right --

>> May I correct? There's a draft ordinance. You would be moving to adopt the proposed ordinance that determines the rate as appropriate.

>> Mayor Adler: Thank you. The motion is to adopt the ordinance approving the rates. Is there a second to that? Any further discussion? Councilmember kitchen.

>> Kitchen: I have a question. I think -- I think we received -- this is for legal, so I think we received -- I'm just wanting to understand what our next steps -- or what our potential steps could be. Councilmember Flannigan had indicated some interest in understanding -- understanding the impact, I guess, in the

future. So -- or understanding the effectiveness of these programs in the future. Yeah. So when could we do that? I know we talked about this, but I want to be clear on what the next steps would be if we wanted further information in the future.

>> The current process that's in the tariff that regulates the city's review of the program and the implementation of the rate that pays for that program requires that Texas gas present their budget in front of the resource management commission.

[8:02:17 PM]

It's usually September or October.

>> Kitchen: Oh, okay.

>> So you will have -- well, the advisory commission will have that authority to review at that time. You could instruct or ask staff to involve or have the resource management commission present what its findings are back to the council for their consideration if you'd like to. But what's already in place now is that that commission reviews it and passes on it in September or October, every year.

>> Kitchen: Every year. Okay. That's what I thought I heard you say, but I wanted to clarify that. So we could ask that commission to specifically look at the cost effectiveness of these programs.

>> Absolutely.

>> Kitchen: Okay? A. And how would we do that? Do we need a motion to do that, or is that just a formal --

>> You can instruct regulatory affairs to make that presentation to them, or you know -- because they advise you, I assume you could just let them know that that's what you want to look at.

>> Kitchen: The reason I'm asking that is, I think a number of us may want to have that happen at that time and may want to have the information, but I don't want it to get lost, you know, I don't want us to forget that. I want us to make sure that we -- if we want to do that, that we express that tonight in such a way that it'll be remembered and it will happen. So...

>> We can make note of that.

>> Kitchen: Okay. Did you want to --

>> Flannigan: Whatever you all do, I'll go to sleep tonight, but I want to comment on something that was said. Repeatedly tonight, the resource management commission has been taken as a sign from god that these programs are okay. Please understand that there were six members of an eleven-member commission there that night.

[8:04:22 PM]

Four of those six had not been on that commission a year, did not really understand the history of this, and most important, did not understand what their power really was. This was presented to the rmc as a black box, and there's -- their stance was more or less to accept the black box as decided by expertise, and the regulatory affairs office did not own that expertise. They did not have their own consultant.

>> Mayor Adler: I think you've sensitized us to this issue now. There's been a motion to adopt the -- Mr. Flannigan.

>> Flannigan: I'm going to have a conversation with my resource management commission about this so they can get -- they understand my perspective on what I'm going to seek -- what I'm going to want to see come up to the dais, but I just wanted to thank Mr. Robbins. You know, sometimes -- I'm going to say this with love because I've been described this way, too. Sometimes a passionate nut job is what you need. And I've been that guy from time to time myself, and so thank you for sticking with it and hopefully we'll have a more substantive conversation next year.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I'm sorry, Mr. -- I can't speak -- did you say that this is something that we can make happen, or -- I just didn't know if everyone heard you.

>> I want the tariff staff is to look at this.

>> Kitchen: Okay.

>> Mayor Adler: Okay. Moved and seconded. Further discussion? Mayor pro tem.

>> Tovo: Yeah, I just also wanted to offer my thanks to Mr. Robbins for raising this issue and the analysis you've done on this and so many other things. I agree with my colleagues that this is an important issue to look at going forward.

>> Mayor Adler: Okay. Those in favor of this item, please raise your hand. Those opposed? Troxclair voting no, others voting aye, it passes.

[8:06:26 PM]

Thank you. Look forward to that first annual review to see if those numbers do flip.

>> Thank you.

>> Mayor Adler: Okay. This next item, let's go to number 42. We were taking public testimony on 42, which is the aquatics master plan. We'll pick that back up. Is Susan Holland here? Then on deck after Ms. Holland --

>> Alter: Mayor, sorry to suggest this, but mayor pro tem tovo and I feel like we can get through item 68 relatively quickly. I think we have three department directors here who have been waiting all day. I think we can dispense with it before we go into this item. It's up to you, but --

>> Mayor Adler: I'm getting lots of requests to move things up because lots of things will move quickly.

>> Okay. I trust you to manage the meeting, I just was feeling bad.

>> Mayor Adler: Okay. Let's get this. We don't have that many speakers, half dozen. Let's move through. Go ahead, please. Cadi Carbone is on deck.

>> My name is Susan Holland and I'm a member of lap, love Austin pool. A number of our members are here tonight in the audience. I have lived here in Austin for 50 years and have swum in many of the city pools on a continuous basis during that time. I love all the varieties of swimming pools that we have around our city, from Depp Eddie, Barton springs, big Stacy, northwest, and know we are a unique city because of them. I use the pools because they provide me with a wonderful opportunity to get great physical exercise year-round, meet people from all over the world who come to Austin and come see our iconic swim holes, reunite with all my old swim buddies, and be a part of the Austin community.

[8:08:34 PM]

I have noticed, though, that in the last 10 to 15 years, more of our pools are deteriorating, with some being closed permanently. We have not been putting money aside to maintain our city pools and keep these wonderful neighborhood social hubs up and running. Many of these pools are close to 90 years old, and we are now working on making some of them and their parks in which they reside in historical designation. We are working with neighborhood associations and preservation Austin to do this. We want these pools to be viable in Austin so that they can remain in our neighborhoods across the city where they provide inexpensive and sometimes free outdoor recreation for all ages, ethnicities, and economic levels, and also provide physical fitness, mental well-being year-round. These pools also provide swim lessons, safety training for first responders and lifeguards, and they also provide great jobs for our teenagers. We are not asking for expensive upgrades for our pools, such as splash pads and slides, but regular maintenance, and no more pool closures. I believe that the aquatics advisory board put together a workable plan for the future of our city pools with input from a great many of our private citizens, and I urge you to vote for their proposal. Thank you.

[Applause]

>> Mayor Adler: Thank you. Is Carbone, then on deck, Laura coddam --

>> Thank you, mayor Adler, mayor pro tem tovo, councilmembers. I support the aquatic master plan. I'm speaking for us who don't have a Y or gym membership or private pool.

[8:10:37 PM]

You may not think public pools are important in your district, but when one of your pools closes, you'll hear from your constituents. Each one of them will be reflecting scores of others. Over the past three years, annual attendance at public publicpools not including Barton springs averaged 17,000. That's a lot

of swims. For someone born understand a raised on an island I haven't if he would landlocked in Austin because of our public pools. In 2014, after residents complained about pool conditions to my neighborhood association, I read the aquatics assessment and was alarmed by the condition of our pools. Their longevity far exceeds the typical life-span, which is a testament to the resourceful maintenance personnel, but repeated band-aid solutions is just throwing good money after bad. Surveys, neighborhood talks, community focus groups, alternative workshops, I've participated in aquatic public input opportunities since 2015. I joined the swim 5-12 community, advisory committee, the aquatic advisory board, and attended the parks boards task force meetings and public engagements. Community outreach and feedback were tremendous, and the need for an aquatic master plan was painfully obvious. The dated outcome provides the blueprint for generations to come, reflects community needs and desires, and is steeped in equity. Swimming makes for healthy and happy children. Parents know that the joy of being in water starts with splashing in the bathtub. Swimming is also an essential skill for child safety, and park aquatics provides that vital instruction. Park staff, the master plan team, and parks & recreation task force have done all the heavy lifting to help us understand and guide the future of aquatics in Austin.

[8:12:41 PM]

Please prove adoption of this aquatic master plan. Otherwise, it will be like throwing the baby out with the bath water. Thank you.

>> Mayor Adler: Thank you.

>> Sorry about that.

>> Mayor Adler: Next speaker is David -- no, Laura, and then David king.

>> Thank you for hearing our concerns. I'm Laura Scheibel. I want to talk about why the aquatics plan is worth the expense, how it enhances equity and affordability. We have an opportunity to invest in a vibrant city, a city people consider very livable. We've topped all the lists and we need to stop and consider how we got here and what would -- what we would lose if our unique features go to waste. In turn we're fighting over Codenext which burdens neighborhoods with added density, gridlock, fast frustration, growth and cost of living decimation artists and musicians who cultivated cool parks and neighborhoods. Tucked away spots become high rises. You can't stop progress. I understand. But we can reinvest in one of the pieces that makes Austin a special place to live. City leaders have the foresight to build a network of pools free to the public. Those pools have hosted swim lessons and swim teams utilized by hundreds of kids every summer, and lifeguarding offers the teens jobs. The pools provide neighborhood hubs that reach across age, income, race and ethnicity. We raise our kids in these pools, meet neighbors at the pools. Many use the pools for exercise. Everyone from beginners to former olympians. This doesn't happen in other cities. Trendy water parks have replaced the public pools and in most places you have to join a club to swim. Offering free pools in Austin keeps health and recreation affordable for us as our cost of living rises. This report is expensive. It shows that we've neglected our -- these the oasis in our midst.

[8:14:42 PM]

The beauty of a neighborhood pool is that you can walk and bike, no gridlock, and neighborhoods as they absorb density, the accessibility is only going to become more important. The report points out neighborhoods that have been long neglected and we need to remedy that for equity sake. A pool in St. John's neighborhood was cemented out living families with no pool at all. Like many residents I've hung on as my hippy neighborhood quadrupled in value and my taxes rose because I am thankful every single day we have those pools. They provide physical and mental well-being. I wish I had a picture to show you of Stacey pool. It was packed in the last year of January in the middle of winners, families and lap swim El Paso. Most of us are not asking for bells and whistles at our pools. We just want good maintenance. We need to build pools where residents have no access and the conversations need to continue. I would like for Austin to talk to aid about partnering, for example, on the \$10 million auditorium on which is on the aquatics wish list because there is money in the recently passed school bond that serves the same population. We must not neglect the core of our city. It's the heart of Austin. It's time to take care of the residents who built the city in such crown joule, and you, sitting on the dais, have the opportunity to make another swimmer in Austin's future pause and think --

[buzzer sounds] Someone had the foresight to preserve these amazing pools. Thank you.

>> Mayor Adler: Thank you. After Mr. King will be Anna villalobo ser yes, mayor pro tem.

>> Tovo: I just want to pause here for a minute. We have -- -- I'm not sure I understand which task force recommendations -- we have a list which were incorporated into the task force master plan but not all of them have been. It's my understanding that the aquatics -- that the task force report is one of the -- is in one of the appendices of these, but when those of you have come up weigh in on the aquatics master plan, it would be very helpful to know whether they also support the task force recommendations because, for example, one of the recommendations that's a bit different from the aquatics master plan is the recommendation from the task force that pool -- any pool closures come to council for consideration rather than that they be an administrative process.

[8:17:10 PM]

We had kind of a -- the starting of a good discussion on Tuesday, and there's not agreement on the dais, I think, about that point, and so it would be helpful if we could hear from speakers on whether or not they would like to see that become part of the aquatics master plan or not. So I just wanted -- I just wanted the remainder of the speakers to know that not all of those recommendations have been incorporated into the master plan, and so if you support them, let us no.

>> Mayor Adler: Okay.

>> Tovo: And when the staff -- when it's appropriate, it would be helpful to know from the staff whether in their estimation, if it is in one of the appendices, if we pass the whole master plan, if those

automatically become part of the master plan, or if in the areas where there are conflicts, which one will rule. And that's one where it seems to me a slight conflict between the task force recommendation and what was in the original master plan, about what would happen in the case of pool closure considerations, whether they would be administratively decided or whether those would come to council.

>> Mayor Adler: Mr. King, then Anna Villalobos.

>> Thank you very much. I'll be very brief. I do support that pool closure decisions should come to the council so y'all can decide and hear from the communities about those important decisions, and I do support the plan and I just want to make sure that it's equitable to our communities throughout our city. Equity has been a problem in our history in the past, and I think these -- this gives us an opportunity to take a look at that through the equity lens to make sure that we are addressing the inequities that have been occurring in our communities for decades. And then also, just want to emphasize a point about our task forces do good work, make lots -- make important recommendations, and so often they just sit on the shelf, so I hope this does not just sit on the shelf, that there's action and follow-through taken on this plan. Thank you very much.

>> Mayor Adler: Thank you. And after Ms. Villalobos, then os Susana.>> Yes.

[8:19:13 PM]

I'm in support of the master plan. I want to make sure that it's -- the pools are attended equitably because at montopolis, we have two pools, but one is closed in the surges at times they're both closed. Really quickly, a lot of our children can't afford camp, they can't afford the special programs, so this is their main source of recreation and activity, and they really look forward to it. So on the days that it does get closed, there's a lot of complaining, a lot of bickering. You know, they come to the rec center because they think the rec center is going to fix it and that's not the case. I understand that both of our pools are really out of date, but that's all we have out there for a lot of the community. They really look forward to swimming out there. And I for one earned all of my swimming badges at the pool when I was a little girl, and I still live out there. Thank you.

[Applause]

>> Mayor Adler: After Ms. Armanza --

>> I'm with the montopolis neighborhood association and I too and the association supports a master plan. I think it's time for equity across the city. As you know, the montopolis community serves very young population and we are one of -- and the neighborhood planning area, that has a younger population than most neighborhood areas. And so for us, this is very important, like Ana said, a lot of times our community has suffered because it's so old and outdated and our children had nowhere to go. And it's because we have to remember that it's a very low income community with an average median family income for a family of four for 28,000. So it's very important for our children and children from all Austin to have access to water because water is sacred, and we must be constantly in that water to

remind us that we came from the water in our parents, in our mothers' wombs, and how important water is to our whole being.

[8:21:25 PM]

Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Hernandez and then Rick Cofer. Is Rick here? You'll be the last speaker up.

>> Good evening. My name is Pedro Hernandez and I'm with the montopolis neighborhood association, and I'm also chair of

[indiscernible] Fields neighborhood association which is close to the pool that's also on the list, for the replacement. I just want to say I'm in support of both -- of the plan for both those pools.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Mr. Cofer. Is -- you have donated time, so you have five minutes.

>> Thanks, mayor. Mayor, council, very nice to be here. My name is Rick Cofer. I'm a member of your parks board and I chaired the task force that y'all created to look at this master plan. It was my pleasure to serve on that with Jane Rivera and rich Depalma and don Louis. I just want to hit a couple of high notes in the recommendation from the task force. There are 13 pools that are expected to fail within our city in the next five years. Those pools cost, on average, about five and a half million dollars each to replace once they fail. That can range from three million on the low end to as high as ten million, just depending on various factors. It is expensive to replace a pool because you have to bring it up to code. Once you cross a certain threshold, it's not just the hole in the ground that has to be repaired, but everything that goes into that, the facilities, the bathroom, the locker room, the sidewalks, Ada compliance. And so while it is expensive to replace a pool, it's even more expensive to make minor repairs year after year until that pool fails. It's like using duct tape to fix your engine. You might get a few more miles out of it, but eventually the thing's going to fail. The recommendations that you have in front of you in the master plan include consideration for replacing pools that are about to fail.

[8:23:30 PM]

It also has an equity perspective to add four new pools, already contemplated within this proposed 2018 bond package is funding for pool at colony park, but there's also a need for funding for southeast, southwest, and northeast pools. I'm here to ask you to vote yes. Staff and consultants have put a lot of

work in it. It is a good plan. It's had robust community input. I'm here to encourage you to direct staff to incorporate into that master plan a couple of recommendations. One is the public/private auditorium that provides year end access. It is climate controlled and it's necessary for training lifeguards, which, of course, are necessary for the pool season. That could be a partnership with the Y or what used to be known as the ymca, university of Texas, Dell Seton or aid. There are different ways to do that. Potentially it's a way of partnering with the county if you were to put it in the northeast. Commissioner Travillion had been looking for some funded entity. One challenge is describing the historical and cultural significance of some of these pool assets. Some of these pools are 50, 60, 70 years old, and in particular, a number of the pools that were built on the east side are within eight-tenths, or approximately one mile of each other. And that's a product of the era of segregation when a white pool would be built and black pool would be built. That's a very emotional conversation and discussion. When we talk about closing pools that are near each other, the council and the community has to be deeply mindful of that history. We recommend a streamlined process for pool aquatics development with development services.

[8:25:33 PM]

That's one area to save money. We recommend exploring with Austin energy and with the Austin water utility, providing utilities at cost or potentially discounted rate. These pools use a lot of water. The parks department buys a lot of water from the water utility. How are we going to pay for this? I haven't talked about the \$124 million price tag that we recommend for the bond so let's talk about something else. New revenue. Perhaps the most surprising thing I heard repeatedly in the public input was the willingness of this community to pay fees to go to neighborhood pools. We're here because the council in 2012 passed a resolution creating this process, and that resolution had two things that I believe councilmember -- then councilmember Tovo and Morrison added in, which was come back with a plan that doesn't close neighborhood pools and that doesn't put fees. What I heard was, people are open to fees and people are willing to pay more and they want to pay more. I'm not just talking about go bonds. There's an opportunity to structure a rate schedule so some of this can begin to pay for itself. There are creative partnerships. We're going to have to have pool adoption in the conservancy model, just like the trail foundation. We have to become willing to embrace the certain inequities that come with that model. Where I live wants to pay to have an expanded season, wants to pay for the lifeguards. Other neighborhoods are going to have different capacities, our entities and non-profits that want to take a role. We need to have a conversation good what that means for equity, but I think we need to lean in. If there are other neighborhoods or groups that want to pay for the pool system, let's figure out how to do that.

[Buzzer sounds] Finally, hot money, there are opportunities, and last thing, then I'll sit down, on the bond, that's a broader conversation, but I'm very enthused by where it's going. Thank you very much.

>> Mayor Adler: Thank you. That gets us back up to the dais, item number 42. Discussion or motion?

[8:27:34 PM]

>> [Off mic]

>> Mayor Adler: I'm sorry?

>> Last speaker, still on the change subject? Are you changing subjects?

>> Mayor Adler: We're staying on this subject. If you want to sign up for things -- okay. We're staying on the subject. We're now up to the dais. Is there a motion or conversation? Councilmember troxclair?

>> Troxclair: I'll make a motion to approve item number 42.

>> Mayor Adler: There's a motion to approve item number 42. Is there a second to the motion? Councilmember Casar seconds. Discussion? Councilmember alter.

>> Alter: Thank you. I want to, first of all, thank staff and all the community -- the parks board, the working group, the love Austin pools group who have put so much time and energy into this. I think the common denominator for everyone involved is that they really do care about our pools. And if this master plan does nothing else, I hope -- I hope it does more, but if it does nothing else, I hope that it really emphasizes that we are in a dire situation, having a conversation with pard the other day, and they shared a comment from a pool mechanic that I think is really telling. And that is that our pools are on life support. We've been triaging them and moving on, and that is not good for our pools, not a good policy, and it's not good for our community. If we move forward with this plan without funding or a process to get funding, we will end up having to choose to decommission our pools. We will end up wasting money triaging when we could have been repairing if we had put the time to find the resources to do things right. And it will be Russian roulette about which pool comes up next with certain pools already having higher odds, and that's not very good policy, and it's not going to help our community that is living in a climate that's getting hotter and hotter.

[8:29:45 PM]

I want to call attention to a statement by the working group, which called for investment, not disinvestment in the aquatic system, and talked about decades of our inadequate aquatic infrastructure funding and investment. That is what has led us to this point where we have so many pools at end of life. What they heard also I want to emphasize, both in the master plan process and the working group, is people want their pools, and they want to be able to walk to them. Some people want bells and whistles, but not everyone. Some people just really want to be able to dip in the pool. I have a couple of questions for aquatics on some specific items that will help me to move forward, and then eventually I will have some direction to provide, and I think it's more direction than amendment to the master plan, because I think that's appropriate. My first question is that in talking with Ms. Jay the other day, I understood there was going to be an updated chart 8 because there were some typos in that. I don't know if I've managed to see that. Was that corrected? I'm not sure how that was getting to us.

>> Sure. Acting director, Kimberly Mcneeley, parks & recreation department on behalf of the manager, all corrections that were discussed, including the typo or edit that had also been found and update to

the chart has been made, and those have been uploaded to the website as the most -- most recent revision to the master plan.

>> Alter: Okay. Great.

>> Which hasn't been passed yet.

>> Alter: In going over some of those details, I was struck by something, which I guess is also a recommendation of the resource group, the working group -- excuse me, it's getting late -- which had to do with code compliance, and I think it would be really instructive for my colleagues to hear -- I don't know if ray is here, if he could speak a little bit about the code compliance problems that we've had with the two pools that we're trying to rebuild.

[8:32:09 PM]

We have a code that's not set up for dealing with parkland, and it creates a lot of hurdles and a lot of extra costs, and one of my recommendations is going to be to expedite that process, but this was really kind of startling. We talk a lot about code problems in other contexts but it's having a big impact on our parks.

>> Ray Hernandez, with pard development. Thank you for that question, Ms. Alter. Essentially, what we're faced with in the majority of our facilities where we have pools in our parkland is that the majority of these pools and the majority of these park sites have not been looked at for improvement. So when you have a pool, for example, schipe, that was built in the early 1930s and has been in place since that time frame, decades upon decades of code changes, so on, when we go in there to redevelop that pool facility, it has to now apply -- those now codes then have to apply to that site. So that makes it really difficult in terms of expediting and moving that permitting process forward. Govalle is another example. We are looking at a limited construction site of just the pool area, but current code wants us to look at the broader picture of the park site for code compliance. So these are some of the issues that we're faced with. On the other hand, we are working very diligently with our sister and our allied departments, including the development services department, in trying to resolve those issues. We do that on a case-by-case basis.

>> Alter: We discussed a couple examples as of 12-foot sidewalk around schipe park that you were going to have to do or you couldn't use the bathrooms that were --

>> So what Ms. Alter is referring to is again the site pool. Subchapter E, which is a code that would impose onto that site, sidewalks all around the park site, based on the subchapter E requirements.

[8:34:26 PM]

We were able to work with the dsd department to review that, and we were able to work with them and come to an agreement with what walkways we would provide. But all of that takes time, and all of that

takes time, not only staff time, but also consultant time, and the cost in getting something done. And then in addition to the restroom facilities, we were very successful working with, again, development services department and the health department in including the existing fixtures that are in the existing log cabin. So that way, we were able to reduce the mass of the required bath house for the new pool facility.

>> Alter: Thank you. So the first direction that I wanted to give, along with the master plan, was to direct staff to work with public works and dsd to develop an expedited process of applying site-specific variances to our local codes and ordinances for park and pool infrastructure, including, but not limited to parking requirements, survey plans, and other things identified by the pard staff. I think this is a problem that is increasing cost across our park system that could be expedited by having the right people in the right room to make what I consider common sense decisions that would allow our money to stretch further. So I will pass this out and at the appropriate time we can decide how we want to deal with direction, as opposed to modifications to the plan, but there are some things that don't go in that, as I understand the process. The second thing that I wanted to talk about is a collaboration that I've been encouraging and watching for several months between pard and Austin water, and I want to recognize Greg masaurus and Peter, working with pard on this way of incorporating some of their technology to help us find the leaks faster and to save water and save money on water over time.

[8:36:38 PM]

They had a pilot at Zaragosa. I understand they were to repair the pool leaks, install meters, and that reduced the amount of water that was being lost by five million gallons and reduced the water cost by something like \$40,000, and I think that's a great example of how we can use new data techniques and collaboration and knowledge across departments to really be solving some of these needs. And, you know, over the long run, if we have this kind of technology in all of our pools and we can detect things sooner and we can identify when it's happening and whatnot, we'll be able to make the right repairs, not lose as much water, and save some money over time. So the second thing that I would like to put forward is directing staff at Austin water to continue working with our pard staff to further partner in reducing water costs at city pools, building on the existing pilots, and also exploring reduced water rates. And all of these probably should direct the city manager to do this. It's probably not in the right language there. And I have a couple other things, but I will pass it on to my colleagues now.

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

>> Tovo: I support the direction that councilmember alter just distributed, the points of direction. I think those are all appropriate. As I compared the list of items that had been integrated, the task force items that had been integrated into the master plan, it appears that these maybe are not. And so I think that that's -- it seems appropriate to highlight them for additional direction. And I'm happy to treat the item I just handed out as a direction rather than an amendment, if there is a distinction, I mean if it makes it less directive, then I will do it as an amendment because I think it's a very important one. And that is the task force recommendation that any pool being considered for decommissioning come to the city council for consideration and a staff presentation.

[8:38:46 PM]

And as we discussed on Tuesday -- I mean the reality of it is that if the staff proposed decommissioning permanently -- I guess decommissioning is permanent -- one of our neighborhood pools, we will, for our colleagues in the future, we'll hear significant concerns from the communities, and it will likely end up here at council. And so I think just having that be the expectation makes the best sense, and probably is the swiftest way to make decisions, and in my opinion, the best way to make decisions because then we have an opportunity, or again our colleagues in the future have an opportunity to really consider the context. I know that there have been changes made to the site suitability standards, but I think they still require some discussion and consideration and balancing of factors, back and forth, and to me, that best happens in the course of a dialogue here at council.

>> Mayor Adler: Yes, Mr. Renteria, then Ms. Pool.

>> Renteria: Yeah. I really want to thank you for bringing this up. I just have one concern that gets out. You know, that's the potential fee, you know. I want to make sure that somehow it comes out that we're equitably distributing the fees for maintenance to all pools. I know that, you know, working with the -- with high schools, eastside memorial and the vertical team, but I also went to Austin high, and I get their newsletter. They raise over a million dollars a year for their booster club. We raised less than a thousand dollars for eastside memorial booster club, so we've got to make sure to be really careful that when we do that, that we distribute the funding to all the pools equally, or if not, we make it up through the funds that we have available here for our pool maintenance.

[8:40:49 PM]

>> Mayor Adler: Okay. Councilmember pool.

>> Pool: I have a question for our staff. The aquatics master plan drafts in front of us today, are the recommendations that came from the task force part of this draft that we have here as an appendix, for example? I've got the whole master plan here, and then I have a summarized shorter piece, and I see the recommendations from the task force including having council do the approvals if we're going to close a pool, that's one of the recommendations in here. Is that part of -- in this motion that we've made to adopt the master plan?

>> The task force recommendations are appendix G, which is included as part of the draft master plan before you for approval. If I could be so bold as to say, there's a few recommendations that are outside of the master plan, and I think that Mr. Cofer explained some of that, like the bond discussion is not something, but they're all included, and obviously wealth be able to discern -- there are obvious ones that are -- that we -- that the master plan would not prevail over, so obviously, the master plan is not going to dictate what a bond election would look like or a bond proposal would look like, but certainly we know what the recommendation is.

>> Pool: Are there any of the recommendations from our discussion at work session and at the various things that the various councilmembers said were important, is there anything not in here that we would need to ensure is included include a separate -- a separate motion?

>> I believe that some of the things that councilmember alter just -- on that piece of paper, some are not specifically outlined, but I have had the opportunity to review that prior to you seeing it. Not that I'm special, just -- I know -- I have an idea of what it says, and there's nothing that is in those directives, whatever form in which we decide to provide those -- that information to the department, that we are -- we object to, or that we wouldn't feel as though we couldn't comply with.

[8:42:56 PM]

>> Pool: Okay. So just one last time, the recommendations from the task force, from the parks board, are included as appendix G to the master plan.

>> Yes, ma'am.

>> Pool: Okay. Great. Thanks.

>> Mayor Adler: It's appendix G, but it's almost informational. It's attached in appendix G as the task force report, that's different from the task force -- different from the report itself or the plan itself, that basically says at different funding levels, this is what we would do, generally, so that people can understand, if you don't want to be down here at this funding level, you're going to have to find money to be up here. But the task force report is -- is appended to be able to provide what the task force did. Is that correct?

>> Pool: I think the reason why I was digging into this was the recommendations that came from the parks board task force are of interest to me, and I think --

>> Mayor Adler: No, no, no, so I can finish here, just a second, I just want to confirm that. Because then, that said, then there's nothing that's actionable in the task force until the council adopts it or brings it forward. I'm supportive of all the things that councilmember alter has listed here, and I would join in whatever the form is for saying, in addition to adopting the plan, which at this point tells us at different funding levels, this is what we're going to do, we're also asking the staff to come back to us with laying out for us what plans might look like in these various things, it doesn't commit the council to doing any of these things, but gives us the information to be able to understand what those options might be. That's how I understand that.

>> Pool: If that's --

>> Mayor Adler: Mayor pro tem's amendment, I think, is something that has to be made, it would be appropriate to be made, because I think that that is something that could be part of the plan itself, because that seems to be more consistent with that kind of plan character.

[8:45:02 PM]

If I'm looking at this wrong --

>> If I might be able to apply just a little bit of clarification, there were very specific items that are absolutely incorporated into the master plan. So, for example, cost associated with cool replacements that include Ada standards, that is appendix e2. It's part of the master plan, it was part of the master plan to begin with. It costs -- it shows you all the cost estimates. Section 8.5 talks about considering public/private partnerships, and we incorporated master plan -- I'm sorry -- task force recommendations specifically. Include historic and cultural factors, and also unique and cultural importance of specific pools, specifically incorporated in the plan in 7.14 or 8 -- and 8.3 of the plan itself. Reviewing the population projections, it's part of appendix b2, which is all about the population and the demographics. And then, finally, it talks about an indoor manditorium, I failed to rely down the section, but that discussion is incorporated into the master plan. The things that are outside of master plan, or that I proposed that were outside of the master plan direction that I thought we needed further direction by whatever inform is appropriate,

-- whatever mechanism is appropriate had to do with the bond, and how much money should be put into the annual budget to take care of new or existing swimming pools. Certainly, the master plan and the recommendations can tell us that's important, but those are not -- just because that information is in the -- in the master plan does not mean that this council is going to automatically say every year we get X amount of money. So those were things that I listed out in a memo that certainly are important, and they're part of the appendix, but they couldn't be incorporated into the master plan because there's another process by which those directions are given, either through an annual budget process, through a budget amendment, through the bond proposal, and those -- those types of things.

[8:47:15 PM]

Councilmember -- I'm sorry, mayor pro tem tovo did talk about incorporating the decommissioning item and certainly we can accept that as something that needs to be incorporated in the final document before it would be posted as the -- the accepted or approved -- council-approved master plan.

>> Pool: So everything you're telling me makes a lot of sense. Mayor, you're still confusing me a little bit, but I'm going to put that aside, because I think we're all moving in the same direction, and I just wanted to ask the mayor pro tem, on page 5 of 8 of the task force report, it has the public process on any future decommissioning, which is finally we recommend any individual pool never be decommissioned without an affirmative vote of the Austin city council. I think maybe what your -- the difference between that and what your motion provides is that you also want to have, before a council decision, you want to have a staff presentation and a public hearing? Is that right?

>> Mayor Adler: Mayor pro tem.

>> Tovo: Yeah. There's not intended to be a difference between those.

>> Pool: Okay.

>> Tovo: I was actually bringing forward the task force recommendation. So on Tuesday, as I understood our work session conversation, absent our affirming this point of the task force, this recommendation from the task force, the process as outlined in the aquatics master plan would allow for the administrative decision for those -- for that decommissioning. And I think the conversation we had is that in practice, that might not be the case, that you would likely hear from the community and need to bring it forward, but I felt like it was important to -- to adopt that as a formal recommendation because it is -- or as a formal amendment because it does conflict to some extent with what is in the aquatics master plan. And as I heard a lot of the feedback, they're not necessarily here tonight, but in some of the comments that we've received via email, people want that opportunity to weigh in. So, again, the language is pretty close to the recommendation and it's intended to be the same.

[8:49:15 PM]

So I would concur that I think we should take that up as an amendment to the plan, even though it's in the recommendations and it's in one of the appendixes and I'm going to -- you know, people in the future might argue that it was part of it and was meant to be the consideration, just so there's certainty to it, I would suggest we vote on it. I guess I was answering your question, so it's not appropriate to ask one of mine but we have one --

>> Mayor Adler: Let's see if we can resolve some of these things in pieces, perhaps. Do you want to finish your thought?

>> Pool: Yeah. The conflict is the piece that's administrative closure that's in the master plan and coming to council, which is in the report. I support it, I think it makes good sense and helps the community understand it too.

>> Mayor Adler: So tell me if this works. We have a motion to adopt the plan. Can we add to the motion, we move to adopt the plan and we further direct the staff to come back with additional information as listed on the page from councilmember alter? Because I think this would be good information to have come back to us.

>> Alter: Mayor, can I just lay out the last couple ones because everyone doesn't have a copy of that? First of all, Ann has asked me to frame them all, to direct the city manager to coordinate between -- so the first one is direct the city manager to coordinate between pard, public works, and dsd. The second one would be direct the city manager to coordinate work between Austin water and pard employees, in that. So the last three deal with funding options, and the first one is on philanthropy, direct the city manager to explore how private philanthropy can increase our investment in local pools and to identify what policy direction or resources the department would need to have the appropriate framework to allow private philanthropy to invest in our pools, and the word "Appropriate" there was meant to address some of the concerns that councilmember Renteria has raised about different capacities in different areas of town to raise funds for the pool and their neighborhood, but allows us to move forward with a possibility to see how philanthropy could be leveraged in a way that was still equitable.

[8:51:44 PM]

The second one related to funding directs the city manager to report back to council with funding scenarios on how to align our bond package with the principles contained in the aquatics master plan, as well as whether any of our culturally significant and historic pools can be invested in using hot funds. So as much as I wish we could just decide tonight to give millions of dollars to pools, this is simply asking them when they bring the bond package to us, that we are also given some scenarios about how we might move towards funding aquatics through that process, and then we have several pools that are historic where we might be able to use hot funds for, and to look into that. And then the third one was fee structure. And that one is similar to what they have in the working group, but I was particularly intrigued by the idea of, if there are more people in Austin who are willing to pay something more for their neighborhood pools, and we decided to do that fee, then all of those fees should definitely be going into maintenance if we were to implement a new fee structure. The challenge we have with the fees is the fees right now all go into the general fund. And while I would personally love to have a reinvestment fund that was just from aquatics, if you put it into aquatics, I'm not sure I would manage to get that to be additional to the park's funding, but I think if we were going to impose new fees, that it would be perfectly legitimate to say, okay, we're only going to impose these fees if that money is going back into our pools, because we did hear from a lot of people that they would be willing to pay something to go to their pool, and we now have these health people -- health-imposed -- health department imposed people who have to be at the front of the pool that we're paying for who might be in a position to do that, from previously we didn't have any sort of mechanism. So those are the other three ones, in addition to the code requirements in Austin water that I had laid out here.

[8:53:55 PM]

>> Mayor Adler: Let's stay on this for just a second. What is the way for us to process these five things? Is it okay for us to adopt the report as part of the plan and as part of that plan, to adopt additional directions to the manager?

>> I think you can do that, and I think the one that's the amendment is specific enough and the task force has something about it, but it needs to probably be this specific, so I would recommend that you adopt -- that you vote on the amendment from councilmember tovo, and that she use the direction from councilmember alter.

>> Mayor Adler: Okay. Let's focus just first on councilmember alter's deal, then we'll get to the mayor pro tem's.

>> Alter: If I can just point out, there is some overlap obviously from the working group in that -- and I'm seeing now the one thing that seems to be missing is the solar panel portion of that, on that, if I'm not mistaken.

>> Mayor Adler: I didn't understand that, I'm sorry.

>> Alter: I was just trying to point out that there is some -- there are policy guidance that's provided -- there's policy guidance that's provided by the working group, most of which is captured in my direction, that is not automatically adopted into the master plan because it was considered policy guidance, not master plan edits, I guess, was the way that you looked at it, but it does not fully capture everything that the working group had down there.

>> Mayor Adler: So if you wanted to carry that forward, then either it has to be incorporated into the plan, as staff has done, some of the things in the task force report that are not only in the task force report, now, they have been captured in the plan itself by reference or otherwise, so they're included. If it's -- if there's not a reference in the master plan to something in the exhibit, then it's not part of the plan, it's just attached as work that was done by the task force.

[8:56:06 PM]

Outside of that, we can amend the plan specifically to add more things, like the mayor pro tem's amendment, or outside of the plan and the task force report, we can give direction to staff to come back with the council for something else, and at the risk of confusing my colleagues, which is not intentional, am I seeing that wrong?

>> I see it the same way that you do, mayor.

>> Mayor Adler: Okay. So we have the plan. To the degree the task force things are recorded, it's because there's been a specific reference back to the plan that's been brought in. Top typical the directions that you have are happening outside of the plan, saying in addition to adopting the plan, we are also asking for staff to come back to us with recommendations. It could be that when staff comes back, we choose to amend the plan to put in some of the things that we may learn or not learn or things we want to put into the plan, but we're not there yet. And I like what you've done because it's not directional, it's basically getting information back, obviously pointing in a specific direction, but it's asking staff to come back and say with respect to this, explore this, measure this, you know, tell us how we can do this, which I understand. So I think that I'm comfortable incorporating these five things into the motion saying we approve the plan and also direct the staff to come back to us with these five things. Anybody have any thoughts or -- yes, mayor pro tem.

>> Tovo: I don't mind doing that because it's coming back for additional consideration, but I need to express some concerns with the fee structure item. You know, one of the -- and here's where -- well, I just do have concern about the -- I don't mind studying it and thinking about it or having the staff talk to us about how, if we raised fees, they would go into a designated fund, but one of the real values of our neighborhood pools is that they're free, and I think in -- you know, as I've been in Austin since '91, I've spent tons of time at our neighborhood pools, and sometimes it's just a quick jump in the pool, sometimes I've spent hours there, when I was in grad school, reading, and you do see a lot of kids and a lot of families, and I just -- I think that it's -- I think it's really going to restrict our neighborhood pools to just people who can afford them if we start charging fees.

[8:58:32 PM]

And the real beauty of it is, if they're near your house, you can go, jump in quickly, and there's no financial investment in that. It's one thing to charge at our regional pools and deep eddy and Barton springs and some of those facilities where people might go for a day and spend several hours, but I really am -- I stick to the comment that Mr. Cofer read from the original resolution that I am still real interested in continuing to see a network of neighborhood pools that remains free. So --

[applause] Again, I don't mind having this direction in there but I want it to be taken as an enforcement of creating new fee for our neighborhood pools.

>> If I may, council, every time a fee is implemented it does come back to council through the budget process for which you would all determine whether or not that was appropriate or not. And knowing that this is a hot topic, I would it would be incumbent on me or whoever is in this position at that time to make sure we highlight that for you so you can give it special consideration.

>> Mayor Adler: I don't read this as directing any fees. Just like I don't read any of the other ones as directing any course of action. But just getting information back to the council so that if we have that conversation in the future it can be more -- better informed.

>> Tovo: I agree. That's why I said I'm going to support it because it's not -- but I don't want it to be taken as an enforcement and, again, I'd request actually that it come back to us for discussion in some forum before the budget because there are so many fees and so much financial information, and that's really a subject around which I would want to have a public conversation.

>> Mayor Adler: Councilmember alter.

>> Alter: Mayor pro tem, would you be more comfortable if we made it more general about the investing of the fees that we pay to our pools and to our aquatics maintenance system and then they could explore this as one permeation of that? I would be perfectly happy to have it be direct the city manager to report back to council with scenarios of how to reinvest fees collected at our pools in general and invest those in designated fund for pool maintenance and operation.

[9:00:48 PM]

>> Tovo: I'm vastly more comfortable with that. Thank you for that change.

>> Mayor Adler: Will you say that again?

>> I'll try.

>> Mayor Adler: Report back to council with scenarios of how to reinvest?

>> Alter: Direct city manager to direct whack to council with scenarios of how we might reinvest pool fees collected at any pool and invest that a designated fund for pool maintenance and operations. So I

was probably getting a bit ahead of the game in that there might be an issue with the general fund but I'm perfectly happy for us to have the broader conversation and have that more information if it makes -

>> Mayor Adler: Will you do that again, please? I didn't get the wording. I'm sorry. With scenarios of how we might reinvest pool fees collected?

>> Tovo: I think the first time you said it fees collected at our pools.

>> Alter: Collected at our pools to a designated --

>> Mayor Adler: Direct staff to report back to council with scenarios of how we you might reinvest pool fees collected at our pools in the future to a designated fund for pool maintenance and operations.

>> Alter: Yeah.

>> Mayor Adler: Mayor pro tem.

>> Tovo: One more caveat to that same point, and I think this is a useful direction, but I don't -- I also don't want this to become framed like an enterprise fund because I'm not sure those pool revenues will ever total the amount of maintenance we need for those pools.

>> Alter: They won't.

>> Tovo: I just want to put that online table. While it's fine to designate it we're still going to need to fund pool maintenance through our general fund.

>> Alter: I agree. I agree completely that the idea is to take some of those peas and allocate them and there are some tricky things that we will have to navigate to make that happen, but I think it's worth having that discussion to see if that's one of the ways that we'd want to fund aquatics. I mean, all three of the last three are designed to help us to move towards how do we fund these replacements of that to happen?

[9:02:55 PM]

And they're a step along the way. And ultimately we will have to take action. And if we don't take action we will have to make choices about decommissioning.

>> Mayor Adler: Any objection to including these five things? With a change as the last one, as a direct to staff so we have information. Any objection? Then it's included into the motion. Mayor pro tem.

>> Tovo: I'd like to move approval of the amendment I distributed, which is consistent with the task force recommendation about how we would handle decommissionings.

>> Mayor Adler: Is there a second to the mayor pro tem's amendment.

>> Pool: I'll second.

>> Mayor Adler: Councilmember pool seconds. Any discussion?

>> Mayor, can I have a quick one-minute comment --

>> Mayor Adler: No. I'm afraid.

>> -- On how to make money to keep them alive.

>> Mayor Adler: This wouldn't be the appropriate place for that but we sure would love to hear that.

>> One minute.

>> Mayor Adler: You can't do it at the meeting but you could do it outside of this meeting to one of the staff members when this is over. There's been a motion and a second on an amendment. We're on the dais. Any discussion to this amendment? Then let's take a vote. Those in favor of the mayor pro tem's amendment please raise your hand. Those opposed. It's unanimous on the dais. It passes. The motion is to approve the master plan as amended with the associated direction. Any discussion? Councilmember alter.

>> Alter: I had one question about the regional pools. That in an earlier draft there were a couple levels of regional pool. What I'm trying to understand is, in adopting this master plan, I completely understand that in order to serve areas of the city that don't have pools that the regional pool model makes sense.

[9:04:57 PM]

What I'm concerned about is I'm not sure that those need to be the Cadillac models if we're going to try to be able to actually provide enough pools for those areas. And if I understood correctly, there was a version that had a Cadillac pool and then one that was like a big 50-meter pool, like they're not -- they don't all have to look like Bartholomew to satisfy the need for access to pools.

>> All of the categories of pools have some base criteria, and to answer your question, very simply, yes, they don't all have to look exactly the same. One thing that it might be helpful for council is that whenever we embark upon building something, putting in a new amenity, there's always community engagement so that becomes part of the conversation. There's some very base criteria and then we would build from there within that particular classification.

>> Alter: But for a pool that we would be building it would come to council because it would be over the amount. Is that correct?

>> Any contracts that would -- any contracts that we were to -- to build a pool would actually exceed the city manager's authority and would have to come to council for approval.

>> Alter: I just want to make sure in approving this we're not saying when we open those pools they're all going to be of a particular kind, that that public process is going to take place and we will be able to weigh some of the investment choices we have to make balancing the neighborhood pools, new pools, and making sure we have the new pools where we want them.

>> That is true.

>> Alter: Thank you for that clarification.

>> Mayor Adler: Ready to vote? Yes, Mr. Flannigan.

>> Flannigan: While I made my thoughts on this pretty clear in work session, I just wanted to say one more thing. I really appreciate the thoughtful conversation that everyone on the dais has had about this issue. I think the staff has done a really fantastic job compiling really good information and the challenges that the aquatics system is facing, I think neighborhood pools are an important asset.

[9:07:03 PM]

There's certainly a community value. There are challenges on equity and fairness that need to be addressed. I agree with you, mayor pro tem, that I don't think a fee exile is going to be -- schedule is going to be a good move for this system. That's kind of not the point of it. So I agree with you on that. But I also agree with you that sometime in the future someone may look at these appendices and assume they're part of the plan. I cannot vote for a plan -- I will be in the stark minority on this but I cannot vote for a plan that recommends spending 40% of new money on new facilities. We have an aquatics system we can't afford to maintain. Prior councils have kicked the can down the road. It is yet again in our laps and one of the things that I really appreciate about this council is our ability too do big things. This is a big thing. And I would expect a bond measure to be complete and to contemplate addressing all of our needs, but if that bond measure contemplation collides 40% of the money D includes 40% on new facilities I will fight it we can't even afford the facilities we have now. 99% of this plan is great. But at the end of the day this is a money problem, not a plan problem. And what we contemplated with the task force is 40% of the money in a -- spent in a way that doesn't actually solve the problem.

>> Mayor Adler: Further discussion? Mr. Casar.

>> Casar: I'm going to be voting for the plan and I think there's a lot of value in our aquatics system. I think that you can't get more stark of a difference just there in my difference between the incredible thing Bartholomew is and going up the street to Cameron road, one of the folks talked about St. John pool and my district being surrounded by barbed wire for years.

[9:09:17 PM]

I support some smart level investment in the right places. Some of the comments I made in last work session I just want to be clear, though, as far as a bond measure goes I do think investments in our pools, as I said, is important and makes sense. At the same time, when we have only invested \$120 million in housing total ever in the city through bond measures, when I hear about us investing more than \$120 million in pools when we still haven't done more than 120 million ever in housing that's difficult for me. So I would hope we can really make sure we have a commitment to affordable housing so we have all different kinds of people still in this city in the years to come and really put our focus

there while still making an investment in our pools. I just would find it difficult for us to do over \$120 million in pools this year when that's more than we've ever done for housing in the course of our city's history.

[Applause]

>> Mayor Adler: Thank you. We have item 42. Ready to take a vote? Those in favor please raise your hand. Those opposed. Mr. Flannigan voting no. Others voting aye. 42 passes. So you think 68 will be something that isn't going to take long? Did y'all work things out at that end of the table? Thank you, everyone, for coming out. Councilmember troxclair.

>> Troxclair: Okay. Item 68 is the affordability goals for Austin better Austin resource recovery that we discussed at work session on Tuesday. I see this resolution as important for two reasons. Number 1, just so we can be a better informed council. I don't know where we stand in the market on those two utilities.

[9:11:21 PM]

We have that information for Austin energy, but not for Austin water or for our trash fees. And just for transparency for our constituents I think that's that did it's perfectly reasonable for our -- you know, any goals that the staff comes back to us with to -- or any information that they come back to us with to take into account and to point out differences between utilities across the state, differences between public and private information that they've found, but ultimately I think it's information that we need to have. And I just -- I feel like it's a little bit of a void in our decision-making process right now, and I don't think anything in this resolution -- I think this gives staff really broad authority to conduct the study and recommend whatever kind of goals that they think are appropriate. But it would really help me in helping to -- helping me to explain to my constituents when they call and ask about these two portions of their utility bills, you know, what goals we do have in place, why our rates or fees might be different from other entities, et cetera. I did connect with the staff after work session on Tuesday and incorporated some of their changes. It was passed out first thing this morning. There's just a whereas that was added, whereas given the differences in energy, water, and solid waste markets and the differences in services and other factors between utilities in different cities, the goals maybe different for each utility, which I think is absolutely consistent with the original intent of the resolution, but made staff feel more comfortable about our direction.

[9:13:22 PM]

And then changes the words standards to goals, which, again, I think is keeping in the same spirit. So thank you.

>> Mayor Adler: There's been a motion.

>> Troxclair: I don't know if I did. Can I now that I've talked?

>> Mayor Adler: Anybody object to speaking to the motion before -- you can make your motion.

>> Troxclair: I make a motion to pass item 68.

>> Mayor Adler: There's been a motion to approve 68, redlined handed out. Is there a second to that? Councilmember alter seconds that. Discussion. Mayor pro tem.

>> Tovo: Mayor, I distributed amendments on the dais this morning. It is -- I think they may have been inadvertently noted as amendment to number 63, but it is number 68. Let me say I appreciate the additional whereas from councilmember troxclair making clear that the goals -- you know, these utilities are different from one another. That addresses one of the concerns I had the other day and I appreciate that. What I have proposed doing in the be it resolved is to add some additional language about the benchmarks. I'll read that aloud. It would add the language -- currently it talks about conducting a comprehensive benchmark study, I added the language to provide information that the internal benchmarks that the city of Austin conduct to customers. Then it picks up councilmember troxclair's language. This is just kind of picking up on the points that the staff raised the other day that they're already -- as part of their work with the rating agencies they're already assessing affordability within our utilities and using a metric for that that relates to percentage of median family income.

[9:15:29 PM]

Then it also just highlights one of the points I mentioned the other day -- I've also adopted the suggestion that the staff made the other -- well, not suggestion but responding, again, to one of the points the staff made the other day about the challenges of getting private information or information from private utilities. And I suggested removing "Private." It adds language that talks about contextual information. To be sure we would be getting this information back from staff in a way that recognizes some of our goals, that this community has adopted and this council has adopted relating to sustainability, zero waste commitments, landfill diversion goals, et cetera, conservation, drought mitigation efforts. Maybe we can take these as two amendments. That is adding what I believe is essential context to what the benchmarking provision would be. That we're asking them to provide us with information about what they're currently doing to benchmark and also conducting the benchmark that councilmember troxclair's resolution is doing, but just so there's no confusion, adding in those contextual elements that I believe would help us really understand how that information compares to how those other utilities compare to ours. Because as the staff acknowledged and as our discussion focused on, there will be differences in terms of their -- the extent to which different utilities focus on conservation, climate differences, where the water is being sourced from, et cetera.

>> Mayor Adler: I'm sorry. Your motion is to do just the changes in blue in this first paragraph?

>> Tovo: Correct. For the moment. Then I'll hit the other.

>> Mayor Adler: The mayor pro tem moves as an amendment the changes in blue to this first resolved clause. Is there a second to that amendment? Mr. Casar seconds that. Discussion?

[9:17:29 PM]

>> Troxclair: I mean, I don't have a problem with anything that she laid out because I feel like the resolution already gives the staff really wide latitude to include all of this information if they so choose. I actually think this is probably more restrictive and directive and time consuming because -- but I have no problem with including it. But I do want to keep in the private -- the comparison to private rates. I certainly -- I think that the staff has made it clear that they might not have access -- I certainly don't expect them to have access to every company. I think if you're -- from what I understand if you're operating within the city limits the rates are approved by the municipality, so I think there would be some they would have access to. But, again, I just think it's good for us to know. We may find out and say, well, that's great, they have totally different priorities than we do, but at least we know where we stand. When -- like I said, I have a neighborhood who recently has been annexed and their trash rates are five times more than what they were paying before, which totally caught me off-guard. I don't know, maybe their private provider was unreasonably low in the market. Maybe the private provider is totally out of line with what the rest of Texas is doing. I don't -- but I don't have that information to be able to justify our rates to them. So I don't know if you want to take this in three amendments now? I'm happy to accept everything else.

>> Mayor Adler: Let's move forward that way. Any objection to including all the changes in blue in that first paragraph with the exception of the striking "And private -- to including both -- not including the striking of the words "And private"? Any objection to including the mayor pro tem's other changes in that first paragraph?

>> Tovo: Can I offer one -- I just want to say thank you for mentioning -- one thing I want to be sure to point out to staff is that including that contextual information doesn't mean you necessarily have to give us a thorough understanding of all those issues for every utility you're serving.

[9:19:44 PM]

I'm saying let's take those into account. Thank you for mentioning that it sound -- I can't remember the language you used but I want to be clear that the staff don't feel they need to do an exhaustive analysis of that. I want it to be part of the consideration.

>> Mayor Adler: Sounds good. Councilmember alter.

>> Alter: I was going to follow up on that particular point. I'm wondering if we could say that includes contextual information where useful because it may not be useful and I'm not sure that we're asking them to go do a benchmark study of every city's zero waste commitments and things like that. Am I right that your intention is to get at some of the things that were raised in work session about context that would be useful for understanding any data that came out of it?

>> Tovo: Exactly.

>> Alter: But that the focus is still on the affordability, it's just to understand the affordability you have other policies and values that we're trying to take care of that affect how you assess whatever data comes out of that?

>> Tovo: Yes. Exactly.

>> Alter: Okay.

>> Tovo: I don't mind adding language or making sure the staff are clear. Whatever makes sense to the dais.

>> Alter: If I would make a friendly amendment to say contextual information build useful. If staff is interested in speaking to this I'd like to hear from staff if they're comfortable with this or if they have any concerns before we would pass this.

>> Mayor Adler: Do you want to come up? Speaking now to this first paragraph, amendments, please don't address at this point strike the word "And private." The question is the rest of the language with the addition of perhaps that includes contextual information where useful.

>> [Off mic]

>> Mayor Adler: You're okay with that amendment?

>> I am.

>> Mayor Adler: Any objection to that amendment being included? Hearing none, that is included. Now let's have the conversation about whether to strike the words "And private" in front of water.

[9:21:51 PM]

Does it make it to say "And private where readily available"? I think the concern was it would be hard to get.

>> Troxclair: I have no problem with that.

>> Mayor Adler: It would be the study of public and where readily available private water. Does that work? Does that create problems?

>> I don't see that as a problem.

>> Mayor Adler: Okay. Any objection to including that? So we'll say "And where available or and private and where available private." Okay. Both those changes are made. Mayor pro tem, do you want to continue on your page?

>> Tovo: Yes. And so then the next change is more substantial. After looking at -- after reflecting on our conversation in substance my recommendation would be that we -- that we not direct the city manager to go forward and create goals or standards -- I'm confused as to which the language mentioned. The language went to goals, but that we yes.

>> Come back and -- because this really sets in motion not just the development of those goals, which in my opinion is probably a policy

-- we would be disclosing them. It would require annual public disclosure. And the recommendations -- annual public disclosure of compliance with these goals. So it actually, you know, goes several steps further than I'm really comfortable with so I would -- I am comfortable supporting this if we stop at providing a benchmark, directing the city manager to go forward, get us the information, coming back and making -- and I've made this the recommendation section with the addition of language less prescriptive, asking the city manager to make recommendations for how to continue the utilities' evaluations with regard to affordability as well as strategies for effectively communicating these ongoing efforts to customers.

[9:24:21 PM]

So based on the information they find, based on the work they already do analyzing our utility rates with regard to affordability efforts, what would they suggest about how we evaluate the affordability of our rates and how best to communicate these to the public? I think it gets at -- I think it gets at the larger goal here, which is to really understand how affordable our rates are and how to communicate that to the public. So when we have constituents who say why is -- why are these rates higher than X, we would, I think, still from the revision I've made still be able to speak to those constituents about why those are the case. And have meaningful metric that our staff are already using or -- to assess our rates. I think it's, you know -- again, I think we're not at the stage of directing the staff to set those goals, develop a system of compliance, and then have an annual public disclosure about how closely we comply.

>> Mayor Adler: Discussion? Councilmember troxclair.

>> Troxclair: I'm going to respectfully oppose the changes to this part of the resolution. All my resolution does is ask the city manager to -- or the staff to take that information and then recommend to us what should -- what should the metrics be that we should be paying attention to. And how do we -- how do we keep track of that over time? Again, this is just modeled after what we were already doing with Austin energy. I don't think it's impeded us from, you know, going after any other goals that don't directly, you know, connect with affordability.

[9:26:21 PM]

A public disclosure could just be something as simple as an update during the budget cycle or, you know, whatever is most convenient. The -- being able to tell constituents when it comes to Austin energy, granted, the comments you come up with maybe totally different but being able to tell a constituent when they call about Austin energy that there's an affordability metric in place that, you know, that the council is going to try to meet that their rates won't increase more than 2% a year I think is a really

helpful thing for our constituents to have for some kind of just knowing what to expect going forward. And so this was really kind of the heart. Like the entire purpose of this resolution is this part that mayor pro tem tovo's amendment strikes. So I'd ask for you to oppose the change.

>> Mayor Adler: Further discussion? Councilmember pool.

>> Pool: Don't we already have the 2% cap on increases.

>> Mayor Adler: Austin energy.

>> Pool: Okay. All right. Thanks.

>> Mayor Adler: I think thousand bridge this. I see that the first paragraph may direct us or indicate to us how such standards might be set. I heard staff last -- on Tuesday describe the problems associated with trying to do that. And I can see the concern that mayor pro tem has that this assumes that there's going to be a way to be able to do that. How about if we kept the language that the mayor pro tem has and at the end of the mayor pro tem's language we added a phrase that said -- so it reads "The city manager shall make recommendations for how to continue the utility's evaluation with regard to affordability as well as strategies for effectively communicating those" and then put comma and said "And on whether or how affordability standards might reasonably be approached?"

[9:28:40 PM]

That enables the staff to take a look at that information and data and come back and say this is the way it could be done or given this information this is why this is something that can't happen. But it has us looking to see whether or not we can establish those standards but doesn't presume we can't. So, again, it would add language at the end of the mayor pro tem's language in blue that says "And on whether or how affordability standards might reasonably be approached."

>> Troxclair: I mean I guess I don't think that that -- I don't -- there's not a question as to if we can put affordability standards in place. The question is what is the appropriate metrics for us to be paying attention to. But I'm really uncomfortable with changing it to have -- just having the staff evaluate whether or not we can do it. I think that we -- we can do it. We just want to know what the best way -- how to do it. And I feel like the original language really encompasses that.

>> Mayor Adler: You're saying how, that's why I put in that language because it says how but doesn't presuppose that they can and that's what I thought might be a bridge between where you both were. It wasn't just saying whether or not. It was saying whether and how you would do this.

>> Troxclair: But there's no question about whether we can or can't. I mean, if the metric that they decide is most valuable or that we should be paying attention to, the one they mentioned the other day was a percentage of somebody's household income that they spend on -- I think this was specific to water but of course you could do something similar for trash too. If we're at 1.4% now they could say that percentage shouldn't rise more than a certain level or stay under 2%. I mean, just as a fact. There's no question as to whether or not we can put affordability standards into place.

[9:30:45 PM]

It's just what the best way to do that is. So that's the problem I have about your language change, but maybe councilmember alter has a different suggestion.

>> Alter: So I'm comfortable with what was in the original language. I was a cosponsor. I just wanted to offer to councilmember troxclair something that might be in between. If we took the first part of what the mayor said and then instead of saying "Whether" or "How" and just said "How the affordability goals for Austin water and Austin resource recovery could be determined applied, tracked and disclosed," which takes the verbs from your four there might be a compromise. But I'm comfortable with the original. I just wanted to offer that to see if that might be a compromise that captured all of those so it would be determined, applied, tracked, and disclosed and you would not have a "Whether" in it.

>> Mayor Adler: I would support that as being less directive.

>> Alter: But if -- I don't know if you're comfortable with that. I'm comfortable with the original. So. . .

>> Troxclair: I mean, I guess I feel like -- I mean, anybody else can pipe up but I feel like the cosponsors were comfortable with the original language so I'm tempted just to leave it like that. I appreciate and I have a -- I appreciate mayor pro tem and I have a difference of opinion on this.

>> Mayor Adler: Mayor pro tem.

>> Tovo: I'm happy to -- I think the suggestion of your language coupled with -- I mean, I'm comfortable with councilmember alter's alteration to your language because it still accomplishes what I'm trying to do, which is not to set this whole process in place for when the staff come back to us they'll have set goals, set number for each customer class, they'll have construct aid methodology for how we're going to measure it and then begin measuring and disclosing whether or not we're in compliance with it.

[9:32:55 PM]

Goodness.

>> Mayor Adler: I'm comfortable with it and I would vote for what councilmember alter suggested as you said. I would vote for that. If that doesn't happen I will vote for your amendment as originally proposed.

>> Tovo: Either that or change my amendment to incorporate both those good suggestions and that will possibly make what you had proposed?

>> Alter: Going on 12 hours here.

>> Tovo: I think I captured it.

>> Alter: So the.

>> Mayor Adler: It would say in presence to customers and how affordability standards might reasonably be approached?

>> Alter: You said approached and I just changed approached to determined, applied, tracked, and disclosed.

>> Mayor Adler: Determined, applied, tracked, and disclosed.

>> Alter: Which are the four verbs in the beattles below.

>> Mayor Adler: I understand.

>> Alter: So it would be how you determine -- her first phrase was methodology for how each recommendation was determined, affordability goals that apply to all customer classes, capability for the city to tract benchmarks, annual public disclosure of compliance with that. So I see that as capturing all four, but, again, I'm a cosponsor and I was fine with it before. I was just trying to get us to a place where --

>> Troxclair: I think I hear the mayor saying that he doesn't support the original language so if that's the case then I'll accept your suggestion.

>> Mayor Adler: Okay. Might be agreement on the dais then. Ongoing efforts to customers, and how affordability standards might reasonably be determined, applied, tracked, and disclosed ja I

>> Alter: I did want to clarify goals or standards which was ultimately what councilmember troxclair wanted to have.

>> Troxclair: The original said standards.

[9:34:58 PM]

The staff I think prefers goals and that's fine with me.

>> Alter: Okay.

>> Mayor Adler: Goals instead of standards. Audioing the phrase and how affordability goals might reasonably be determined, applied, tracked, and disclosed. Any objection to mayor pro tem's amendment being changed that way? Hearing none, it is. Any objection to the acceptance of the amendment? Hearing none, it is. That then would be -- the mayor pro tem's amendment is then adopted. That gets us to a vote on item 63. Any discussion?

>> Troxclair: 68.

>> Mayor Adler: Those in favor please raise your hand.

>> Troxclair: 68.

>> Mayor Adler: 68. The number was wrong. 68. Those in favor please raise your hand. Those opposed. It's unanimous on the dais and we're passed 68. Good job.

>> Kitchen:mr. Mayor.

>> Mayor Adler: Yes.

>> Kitchen: Well, I don't know how you want to do this but I've got an item that -- where I only have three people waiting.

>> Mayor Adler: There's three on some, one on others.

>> Kitchen: Never mind.

>> Mayor Adler: All right. Let's take 81, 82.

>> Greg Guernsey, planning and zoning. Items 81 and 82 are related. Item 81npa-2016-0016.01, neighborhood plan amendment in govalle for 3212 east Cesar Chavez and 111 tilery street to designate the property as multi-family and mixed use land use. 82 is related zoning case c14-2016-0079 for the same two properties to zone the property to manufacture-c-co-mp.

[9:37:07 PM]

At your work session I think there was a question that raised about the neighborhood planning contact team that they did not participate in the public hearings that took place last December. And I'm aware that the representatives of the contact team are here tonight. I think they have one or two speakers that would like to address you. The public hearing is closed on both of these items. But as I said at the work session, council could be free to ask those individuals to come forward and make comments if you so desire. So I'll pause and I think Mr. Daniel Yanez is here from the govalle Johnston terrace combined neighborhood planning contact team if I'd like to hear from him and maybe bun other person.

>> Renteria: Yes, mayor. I do want to ask the members of the contact team to come down. I would like to ask them some questions. And.

>> I believe there's three from the contact team.

>> Renteria: Okay.

>> Councilmember Renteria and the rest of the council, thank you for allowing us to speak. We really appreciate it. If you don't mind I would actually like to have

[indiscernible] Start out, if that's okay.

>> Renteria: Sure.

>> Good evening, mayor, council. Thanks for the opportunity. I know it's out of the norm here, but we missed one. There's a bunch of zoning cases in this neighborhood right now, and it's -- and this is one of

the most important ones. There's a lot of important ones. I shared some of my thoughts via email on behalf of the contact team.

[9:39:11 PM]

You have copies of that right now as well. And so I'm very kind of anxious and frustrated just about where we are with this particular project that we're considering and so much so that this is literally the first time I've come to speak on a zoning case since the 12 years that I've been off the council. So this is a unique case, and I typically stay away because I know y'all have more info than we do a lot of times on this side. But on this -- I think the magnitude and potential impact of this is so great that I felt that I needed to kind of share some additional thoughts. And so as you see if you've been involved with neighborhood level work you know you we worry about precedence when you consider a particular case in your neighborhood you worry about the precedent it will set because there will be other projects that come afterwards asking for these same kind of things. That first list that I have about precedent is we're looking at 100 units per acre, multi-family six, 75 feet. You know, where do we see these? We don't see these in a typical application. So they're all in this particular case, and it's a case, again, that has serious implications going forward. There's already an adjacent tract pending for a vote that will probably ask for the same thing we grant this particular project. If you look at this -- the map that's attached you see I just kind of circled the area kind of where this particular tract is. And I just kind of use he had a sharpie to denote where the salvage yard is but you see that area with the industrial and commercial zoning? You know, there's probably another 15-20 tracts that are this size in this particular circle. And this particular project is 300 units, so multiply that by 15 to 20 units, and you're talking four, five, 6,000 units.

[9:41:14 PM]

So the number of units akin to a Mueller development in probably less the space -- half the space of the Mueller development. That's why I think this individual case you can't take lightly. Again, I'm still kind of really unclear about how staff could support it and say that this is actually something we can support when it's not supported by the neighborhood plan that's adopted, it's not supported by the contact team. We don't see a hundred units per acre, manufacture-6, 75 feet anywhere in Austin as of yet so why would staff support this? That's definitely a question I have. So now the last thing is --

[buzzer sounding] That was my last thing.

>> Tovo: You can feel free to address -- I'll ask you a question about that. Could you explain your last thing please?

>> Sure. The last thing is, you know, because I know that there's that this is a greater degree of intensity than we've ever seen on a project in east Austin. We also have seen the developer commit probably to more affordability than we've seen in other projects that don't have public assistance, right? So 10% at

60%. You know. So I think the two -- so the comparison I wanted to make about that, when we do -- we consider developments over the aquifer, right? Somebody wants to develop over the aquifer, they need 30% impervious cover, what do they do? They mitigate down to 15%, right? And so I kind of see this as the mitigation, right? The 10% at 60% as the mitigation based on what -- where you're developing. Now with what you also do over the aquifer is mitigate for water quality, right? You don't just mitigate for impervious cover. You mitigate the impact on water quality. I think what we have here is we're mitigating for the development intensity but there's no, like, community benefit. Just like the water quality is the environmental benefit. What's the community benefit by having this level of intensity in our neighborhood?

[9:43:17 PM]

So I think that's a part of the reason we created the coon servesy, right, to have a vehicle through which if we wanted to mitigate and address community concerns we could. But I think that that's something that, again, if you can come up with a good solution here and we're not really that close, you know, in terms of an agreement, but I'm always hopeful that you could find an agreement, but if we do this one right then maybe the next 15 or 20 that come after it we'll be able to create that vehicle that helps the community and helps makes sure we have something that's good for the community and good for the project and the developers who are putting this forward. So thanks for your indulgence and appreciate the opportunity because I know it's a little out of the norm.

>> Renteria: No. I really want to ask you a couple questions.

>> Absolutely.

>> Renteria: Do you feel like you could -- y'all could sit down and work it out? This thing has been going on since July, and I've been pressuring the contact team and the neighborhoods to come and meet and see if they could come up with a compromise. I haven't been able to be able to do that, find out whether y'all have been working. I keep hearing different versions of y'all have been meeting or haven't been able to meet or y'all can't get to -- y'all are too busy doing some other things. And I'm just trying to figure out, and I need some help from y'all guys to find out what y'all want to see there. I don't like the zoning that's light industrial there. I don't think that we should keep a salvage yard there at that -- that long. I mean, we need to find a working solution on this. Are you -- if I -- if I would postpone this to February 15 do you think, that will be enough time for y'all to sit down there and maybe snuck.

>> We tried to -- sitting down and talking in the lobby earlier and we're still kind of not in a place where we can find the middle ground.

[9:45:19 PM]

And I think that, again, for me, you know, what -- you know, they brought their proposal to us, right? And we made a counter, right? Our counter to them was we'll go not 300 units but 200 units with 25%

affordable. And so they came back basically almost the exact same units per acre and 10% affordable. And we just, you know -- and for us, you know, the 200 was with the affordability, not give us the affordability and you get the hundred because, again, for me the way I look at it is if you give them mu on this they get multi-family-4 zoning potential, right? So how do we get to multi-family 6 is, again, that's beyond me, how we could get from here to there. But I think it's just, you know, the dangerous thing about this one is you're literally going to be setting the land value with this particular case. So if you're now saying that the land in this particular part of east Austin its value is -- the development potential is 100 units per acre that's what it's going to be going forward and I think that's why it's kind of dangerous going forward. I think one thing I would encourage, again, like I said, if you know there's potential for five to 6,000 units here, something almost as big as Mueller you, we didn't do Mueller willy-nilly. I was on council that took ten years to develop. We can't do tract by tract development here if you want a quality development, you know? So I think that's why I'm very hesitant to say that we'll give more than we have, but I think there is a middle ground. I just don't think it's articulated yet. But I think you should articulate it before we go forward and then the domino affect sort of begins.

[9:47:19 PM]

>> Renteria: I really want to, you know, work with and find out if we can because I don't want to see another Rainey street that we don't get anything out of it, you know? That's the big thing. You know, we're very restrictive on how many affordable units we can have now because it's only density that's going to give us affordability. At the mercy of the bond -- at the citizens passing the bond actually. So I really want to see if there is a common ground and I'm going to be asking the developer the same question. If not we might as well not even move on and we'll kill it here right now. We'll just have a salvage yard.

>> There are a couple other neighborhood reps that wanted to speak. On behalf of their neighborhoods. I am a resident, and I represent the east Austin conservancy on the planning team.

>> Thank you for opening this back up for us to come and speak to you because we have been working for quite a while with the developers. We had quite a few meetings. I'm the co-chair of the govalle neighborhood association, and they've also come to my neighborhood association and talked to us. You know, we have done some negotiations, but I'm here to speak from my neighbors that come to the meetings and it's just not enough. We're concerned about it becoming a Rainey or east sixth street, where we're already bleeding the schools over there. I'm also a teacher at govalle elementary. And my school is holding onto its population of students, and I know the school immediately near this development is at risk of closure because there's no housing for the families that they can afford over there anymore. So like Raul was saying, this is going to increase that property value. Of course we don't want to -- you know, not many of us really want a salvage yard to be there because of the environmental impact and it's just a space that could be used for something better for the community.

[9:49:30 PM]

And so my understanding was that we were going to be meeting with the developer and continue working out some more details that would be beneficial to the neighborhood, the community, and hopefully profitable to them as well. I appreciate you letting us talk, and just -- I would like to see something there that goes with the future land use map, which was -- that area was really imagined to be an area that's a mix of work space and housing, like linking the single-family homes to places where the people who are living there could work is from our neighborhood plan. And just that to encourage not residential uses in those industrial areas, maybe not industrial, but more businesses that are more neighborhood based, like little local shops, arts and crafts studios, things like that. That's actually immediately behind this lot. There's already a thriving area of small crafts, nonprofits that are really doing a lot for our neighborhood. Thank you.

>> Tovo: I wanted to thank the speaker for her comments and particularly your concern about whether the kind of housing that will be produced here will support the goal of encouraging families with children to live in areas in our central city, especially in areas that are in the attendance Zones of under enrolled schools. I hope that will also be an important part of the discussion moving forward with the developer. So thank you for bringing that consideration to the discussion. And I guess when we can hear from staff, I also want to know whether they did an education impact statement for this project. It seems like it would have hit the trigger with that number of units, but I'm not seeing it in the backup.

[9:51:33 PM]

>> Thank you. I'm Daniel Yanez and I chair river wood neighborhood association in which this project is located. I also am the chair of the contact team. Councilmember Renteria, we actually had three meetings with them and formed a committee to try to work with the developer but they would not move 1 inch from their density, you know, 300 plus units. Starting at \$1,500 a month. And Mr. Alvarez pointed out to you that what is really, you know -- what we're dealing with here on the face of it, you know, you want more housing, et cetera, et cetera, et cetera. However, this is a heighth building, bigger than anything that we have. They already -- we had no say, but already two and a half blocks north of this location they are building 320 units. If you drive on seventh street going, like, from the airport coming up over seventh street, you see all the buildings and then you see, boom, this huge thing. So what we are concerned with is what's already happening on south Lamar, on parts of south congress, what's already happening like you say on Rainey street, east sixth street already, and seventh street is the designated corridor for vmu and all that and already it's developing those areas that I mentioned are developing into canyons. Now, Cesar Chavez is a very mixed-use area, and so just like when we dealt with the red bluff hotel, they first wanted to have a five-story parking garage on that triangle and they want to put 100 room hotel after two and a half years, you know, we worked out a plan. And now they're going to be using surface parking, 50-room hotel. They were able to work with it.

[9:53:36 PM]

But this entity, they have not given 1 inch from their density proposal. Now, in fairness, I will say we suggested that they stair step from tiliery two stories and go up. They have done that. The 10% at 80% mfi is really not addressing affordable housing. So beyond just this one project, projects like this are not -- they actually show that density is not affordability. Density is just not affordability. What we want in govalle, Johnston terrace, and our neighborhood plan addresses this, you know -- we downzoned over 600 properties. We're looking for more homes and housing that will provide for families. We've got several schools that are in jeopardy of closing. And all of the new construction in my neighborhood is all rental. That speaks to equity.

[Buzzer sounding] To equity of a neighborhood. I point out what happened on lake shore, you know, 1,700 apartments, all working class. Those were all rubbed out. Now there are all these high rises. The rents are 1500, \$2,000. And so we want to prevent that. Now, we don't want a salvage yard there. I agree with you, councilmember Renteria, anything is better than a salvage yard but I think we have to be much more creative and in closing I will just say we've been in conversations with the mayor about alternative building systems, both financial systems, both alternative materials of systems. We're working with that, and hopefully in govalle Johnston terrace we will be able to create a model that will build new apartments with rents under \$800.

>> Mayor Adler: Mr. Yanez, thank you so much.

>> I appreciate your time.

[9:55:37 PM]

Thank you.

>> Renteria: Just for your information it's at 60% mfi, not 80%.

>> What's that.

>> Renteria: The affordability part of this.

>> That's what we suggested to them but we wanted 25%. Thank you.

>> Mayor Adler: Thank you. Is there a motion?

>> Renteria: I want to make a motion to postpone this.

[Off mic]

>> Mayor Adler: You have to turn the mic on. Do you want to postpone it, approve on first reading?

>> Renteria: Well, we already approved it on first reading.

>> Mayor Adler: Okay.

>> Renteria: So I just wanted to see if the applicants have any information, any more information about whether they're going to be able to meet with the contact team and the neighborhoods around there and see if they can work something out.

>> I'm here on behalf of the applicant. I almost never in a case like this say that there's no hope of any movement by the parties, but we had a lot of discussion, councilmember, outside of the room about whether each side could really give any more than we were, and I was trying to mediate that and it just sounds like we may be at a point where we've reached impasse. I think we -- you mentioned, councilmember, that you all have been looking at this since July of this past year. We actually have been working with the contact team and the neighborhood association since July of the prior year. So 2016. And, you know, there's a long list of community benefits, including the affordable housing that 10% at 60% you mentioned. So I never want to close that door, but I think not even really me, but the guys who were having the discussion I think said they don't see that there's a whole lot of hope in discussion. But, you know, of course we are not -- if you feel like there is, we'll take your lead on that and we're not gonna -- going to stop the discussion if anybody is willing to come to the table.

[9:57:44 PM]

>> Mayor Adler: Administrator moves to postpone this item -- Mr. Renteria moves to postpone this item.

>> Renteria: Yes. I think we need to give these two groups a lot of time. I would say in the March meeting that we're having. March --

>> Mayor Adler: Is it March 8?

>> Hang on.

>> With all due respect, councilmember Renteria, I appreciate -- I never want to say no, but we kind of --

>> Mayor Adler: This is the applicant -- I would have asked -- I would like to ask the applicant to comment on the postponement issue.

>> Hi.

>> Mayor Adler: Introduce your name for the record.

>> John Burnham. I apologize, councilmember Houston. We've talked for -- we've been under contract for two years on the parcel. We frankly -- this is not a decision of if something will happen or not. It's a question of do you want residential or do you want commercial? Because there's a viable commercial plan right now we could move forward with. We think residential is better given what's happening in the overall neighborhood but honestly we've talked outside and with all due respect to them, we are at an impasse as it pertains to the project.

>> Renteria: Thank you.

>> As you know there's a laundry list of benefits to the project, including 10% of the units at 60% mfi, 20% of the units two or three bedroom units. We're trying to make it family friendly, controversial units. I mean, I'm doing things that -- convertible units. I'm doing things my colleagues look at me and go, wow, how are you doing that? The way we're doing that ultimately is we're saying that the market rate the way we're doing that, the market units, they can subsidize the affordable units. That's the way it works. They will pay more so we can subsidize the units that are going to be \$700 a month.

[9:59:47 PM]

I'd also like to point out, there is -- there's almost a million square feet of office, within about a mile and a half of this site. What you don't have is the housing. And we can build more office, but that's not really what this site or neighborhood needs.

>> Renteria: So you don't feel like you could lower the units at all?

>> We -- I hate that game. I hate that game of you come in with 400 units, and then the contact team says, no, 200, then you settle on 300. We came in with what we thought was a really good proposal. And so, no, sir, to your question.

>> Renteria: Thank you.

>> Thank you.

>> Renteria: Well, mayor, I'm going to have to support the contact team and recommend that we don't go forward on this zoning.

>> Alter: I'm sorry, I didn't hear --

>> Mayor Adler: He said he couldn't support the contact team -- would support the contact team, could not support the request.

>> Okay.

>> Pool: Mr. Mayor? I would just like to express, also -- I'm sorry to hear that the groups are talking about not having the ability to sit down and talk anymore, and I'm going to have to support the contact team, too, and just vote against this.

[Applause]

>> Mayor Adler: I would raise as an aside, a legal question that I have that you don't need to answer now, but I'm wrestling with. When a property owner comes in and offers significantly more than what we could request, and in exchange for that, asks for additional height, which becomes the driver of being able to provide the affordability that's being offered, but it's more than we can ask for, the adjoining property owner -- could they come in and use as precedent the height on the adjacent parcel and say the zoning allows for this additional height?

[10:02:00 PM]

I mean, you've demonstrated that you're okay with this kind of development here, and argue that they should get that without providing the same affordability that this person does. Because since we can't require the affordability to get the height, because that would be contract zoning, I'd like to know what the mechanism is, and I think probably it's like in codenext, it's making sure that we do the density bonus tool as well. But the concern would be that the adjacent property owner would come in and say, I want the same density, the same use. No, I'm not offering the same affordability, but you can't ask that of me. What happens then? I'm not asking you to answer that question now, but it would be something that maybe you can get to us on outside of this forum.

>> Sure.

>> Mayor Adler: Mr. Flannigan?

>> Flannigan: I'm really frustrated by this. It sounds like that we're going to end up with a salvage yard still. And -- or we might end up with an office, which is arguably less appropriate for the area, just because it's a little tall. And what's frustrating to me, I think, ultimately with this process that we see over and over again, is that when council or a commission works on a zoning case, works on this type of thing, it's done in public, it's recorded. When a neighborhood contact team, quote, negotiates with a landowner, it's not public. And when a neighborhood contact team is selected, there is no assurance that it is representative of their community. It's the people who have the time. And we have to make very hard decisions about the future of this city. We are not -- we are forced into making these decisions parcel by parcel.

[10:04:02 PM]

Every parcel sounds like it's too much. Every zoning case sounds this way. And we're talking about \$700 a month, like we're going to get some affordable units. To not have those units is better, does not square with me. And I have been completely consistent in my belief that I would take ten of these projects in my district. This is what we have to do as a city, and if we can't get there, we are going to not have the housing we need for the people who want to stay in their neighborhoods. Property values go up when you don't build. And if what we're saying as a community is that let's keep a salvage yard because it suppresses property values, that's not something I can abide.

>> Mayor Adler: Mayor pro tem, then councilmember kitchen.

>> Tovo: I guess I would say that what I heard from the neighbors was not that they wanted to keep a salvage yard, but that they wanted us to really evaluate this carefully and they wanted an opportunity to really see whether -- whether the -- really substantial increase in entitlements that's being requested is matched by the community benefits. And there seemed to be a resounding opinion from those who came up and spoke that it -- that those don't match. And I guess I would agree with them. And I agree also with councilmember Alvarez's point that this will potential increase property values, and that that

does make it more difficult for people to stay in their neighborhood. So I think this is -- I think this is -- I agree with -- that the points that you raised are ones that we need to consider carefully.

[10:06:02 PM]

I guess -- I have a couple questions, one for the property -- for the individual who just spoke, and I'm sorry, I've forgotten your name, sir, and then I -- I may have one for the staff. But I am -- it may be a moot point, with regard to the educational impact statement. But, sir, I'm sorry, I didn't understand, you said you had had the property under contract for two years. Do you own it now?

>> We have. We are -- yes. We effectively closed on the property in November. It was a sale, lease-back, so there's -- Mr. Painter is still there, operating the salvage yard on site, but yes, we are the owners of the property, legal owners of the property. Sorry. The contract has been effectively -- it's been a two-year process so far, is all I was trying to say. It's been a year and a half of discussions with the neighborhood contact team, and I thought respectful back and forth, listening to their concerns and lowering height on Tillery and star-stepping the building and making what -- if you look at the property -- seemed like an appropriate use, given the single-family across the street, this is industrial, it's salvage yard today, but it's commercial zoning, it seemed like the appropriate use when you looked at it in the greater context of you have single-family across the street, multifamily that goes two levels up to five levels, then you can have more intense commercial uses farther to the east. That's -- anyway, we've listened to those concerns, and we felt like we tried to address them.

>> Tovo: Okay.

>> The only place where we could get there was on the density. And I don't -- this is not unprecedented at all, in terms of a hundred units per acre, there's 10 projects that you could name in a mile and a half, maybe two miles, that are all right at a hundred units per acre.

>> Tovo: Well, sir --

>> The way you get at 10% at 60% of median family income is with that density.

[10:08:03 PM]

>> Tovo: Okay. Sir, thank you. I was really just trying to establish whether you owned the tract or whether it was for sale and under the contract. Okay. Thank you. And I'll just note that I also heard concerns, as expressed by our speakers tonight, about the height and that being out of -- out of character with the other things. And I do want to ask the question that one of our speakers posed, and this one is for staff, about why they're recommending -- why are you recommending something that is out of line with the neighborhood plan?

>> Mayor Adler: And as staff is coming up, it's after 10 o'clock. We need a motion to extend the meeting past 10:00.

>> Tovo: So moved.

>> Mayor Adler: Is there such a motion? Mr. Casar makes the motion. Is there a second to the motion? Mayor pro tem seconds the motion. Those in favor, please raise your hand. Those opposed? Councilmember alter votes no. Not her item this week --

>> Alter: No, gist don't think we should be making decisions like this at this hour.

>> Mayor Adler: I remember.

>> Tovo: And Mr. Guernsey, if you could address my other question about whether or not an educational impact statement was done?

>> Yes, I'll answer is that well. Staff did recommend the change to the neighborhood plan. We felt that the land use was appropriate, that the location of the nearby residential, having industrial and commercial zoning that close, and the type of industrial use that we have there right now, really is not appropriate for a residential area. I think you've heard from the neighbors, it's not so much maybe a question of the land use that's proposed. I think there are people that are accepting of a mixed use --

>> Tovo: Uh-huh. No, it's really the height and the density.

>> I think we looked at, as far as the zoning case, those concessions to bring the height down, that would be compatible with the residential that's further to the west, was reasonable, and given that the - again, the use and the location along an imagine Austin corridor that runs along there was appropriate for this location.

[10:10:23 PM]

As far as educational impact statement, we did get one. It's part of the zoning backup. It's about halfway through the packet.

>> Tovo: Okay. Thanks. I just missed it. I'll take a look for it. Just to get back to the height, are there projects immediately adjacent or in very close proximity that have that level of height?

>> I don't believe so, not in this location.

>> Tovo: So can you help us understand why the staff are supporting such an increase in height on this tract?

>> I think --

>> Tovo: I think you concluded -- I mean, I didn't hear a disagreement about the land use, with regard to residential. It seems the crux of the matter is the density and the height being so out of character with what the neighborhood plan talked about, and just the other properties in this area.

>> And so the -- going back, I guess, to the height, it would still have to meet certain qualifications for compatibility. It's -- right now, the distance from this, going to the -- uses to the east, are ones that your transitioning from residential to those more intensive commercials to the west. And we did not think

that the height was that far out of line, given those other conditions. On the surrounding tracts and the compatibility.

>> Mayor pro tem, may I address your question about height and education impact? Only because we have tried to speak with every council office about this case, but really haven't had an opportunity to do a full public hearing. But it's important to note, because I really think it's gotten lost in translation, that it is -- we are not asking for a significant increase in height on this tract. The tract is currently zoned such that we would be able to do 60 feet of height across the whole tract. And we are -- the delta that we're asking for there is to do an extra 15 feet to make it 75 on a portion of the tract that was borne out of a negotiation with the neighborhood to trade shortening the dense -- or height, rather, on Tillery to make it more compatible with the mostly one-story single-family homes across Tillery.

[10:12:42 PM]

And basically we were taking that level that we're cutting off and putting it on the back of the tract that abuts industrial and commercial. So I really think that's an important point that this is not -- this tract is zoned commercial and light industrial. We can do a very substantial development on the tract today, and what we're saying is, let us put -- I think one of the planning commissioners said it as well, commissioner knuckles, let us put homes there rather than a five-story, 200, 300-square-foot commercial or industrial facility. So that really is the difference. I would also say that in talking to the property owners or the applicant, we do think, councilmember Renteria, that it is not a good result for the neighborhood to end up with a salvage yard, and that we need to take your suggestion of agreeing to a postponement to try to have another discussion. It's probably going to be beating some heads against the wall because I think everybody feels like there's an impasse, but as I said, I think there's always some room for discussion. We would ask, though, councilmember Renteria, that we not have to postpone till March. If you feel strongly that we need that much time, but we -- again, a lot has been talked about in this case. We've really had a lot of discussion. I just think it may be helpful and possibly with your intervention, to bring the parties to the table to try to hatch out, really, the two issues out of probably 20 community benefits we've agreed to, the two issues that remain, number of units and level of affordable housing.

>> Renteria: I could work with that. Is my first okay --

>> Three weeks? I think that's fine.

>> Renteria: Okay.

>> I don't know what -- I'm saying this, and Danielle and Raul may tell me, heck, no.

[10:14:49 PM]

>> Renteria: Because --

>> As I stated, when they first came to us, they came with the exact same package. After a year, almost two, of several communications, we're still at the same place. They have not given one inch. What they have taken is our recommendations. When we -- when we recommended stair-stepping on Tillery, it's because there's 43 houses there. And by the way, there's over 70 single-family, one-story units around this development. So what I'm getting at is that we never agreed to go to a fifth level. That's what they assumed. What we said was that we wanted from Tillery, if they were going to have that kind of project, but really, it's the density and the incredible impact that would have. And so unless your client -- unless they are willing to go down from that, there's not much more that we can -- can really talk about. You know, like I say, we don't want this to set precedent and start another south Lamar or congress or east 6th street or Rainey street, frontal matter, because the mayor is right. The next person is going to say, well, you let them do it. So -- and by the way, all around them, there are one-story buildings. And we would go for two stories, three stories. But -- so we're at an impasse here. So you should make a decision, unless you -- unless you guys are actually willing to move from the current position. And it's not us that are unwilling, you know. We're -- but they haven't. So --

>> I would just say I think our perspective on the discussions is very, very different, and we're willing, councilmember, if you would like for the parties to discuss.

>> Mayor Adler: Mr. Renteria do you want to move to postpone until March 1st?

>> Renteria: Yes.

>> Mayor Adler: Move to postpone till March 1st.

[10:16:51 PM]

Second? Councilmember alter seconds. Any further discussion? Let's take a vote. Those in favor, please raise your hand. Opposed? It's moved to March 1st. Thank you.

>> Mayor and council, I just want to note, during the previous break, on item number 106, the parties, neighborhood and the applicant, agreed to a postponement. This is at 6507 east Riverside. Item number 106, case c14 20170084. The people have signed up this evening and the applicant agreed to postpone this to 2/15.

>> Mayor Adler: Okay. That gets us then to 97?

>> Tovo: Mayor?

>> Mayor Adler: Yes.

>> Tovo: I want to bring up -- I'm sorry to backtrack, but before everyone leaves, I just want to say if the parties are going to go and discuss and come back to us, I wonder if we want to leave -- I mean we're postponing it, but this time we had a closed public hearing and had a challenge hearing from people, so do we want -- councilmember Renteria, I wonder if you want to address the ability for people to speak at our next hearing so they can talk to us about the results of those discussions? I would suggest we have the ability, including posting it differently for next meeting, so people can sign up and talk to us

about the case so that we don't have to do what we did today when the public hearing was closed. I don't know if we can do that when we're postponing an item.

>> Renteria: I don't have any problem as long as legal doesn't have any problem with that.

>> Tovo: So basically --

>> Mayor Adler: So the question is whether we open this for public hearing when it comes back on February 15th. We have closed the public hearing before, did you tell --

[10:18:52 PM]

>> I think council said March 1st.

>> Mayor Adler: Or March 1st.

>> Are you talking about actually a posted public hearing or just allowing some -- if you want to have another public hearing, I think it would require a reposting, whether we have to redraw and redo it --

>> Renotice?

>> We notice.

>> Tovo: Well, that seems expensive and complicated, but maybe we could just set an expectation that we would allow for some speakers at the next --

>> As you did tonight?

>> Tovo: At the next hearing.

>> To ask questions of the results of the discussions?

>> Mayor Adler: Certainly the council can do that on any item, at any time, as the one we just did. Make sure that we bring this up on the February 15th work session and then talk through that issue at that time. And then we might know more at that point. Does that work? Okay. So let's make sure we bring that up on the February 15th, or 13th work session. Okay. Next item.

>> Mayor, did you vote on that postponement I just mentioned on 106?

>> Mayor Adler: 106, let's take the vote, it's been moved to postpone 106 to February 15th. Those in favor, please raise your hand. Opposed? It's unanimous on the dais. We're all here.

>> Thank you. The next two items are related, item 97 is case npa-2017-0005.03, and case number -- item 98, case c14-2017-0098. These are for properties in the montopolis neighborhood, and the item number 97 an amendment to the montopolis neighborhood plan future land use map, for higher density single-family land use. Planning commission did grant the higher density single-family land use.

[10:20:54 PM]

Item 98 is the related zoning case, and the planning commission recommended a grant sf 5 comp, and the zoning did have a recommendation of 9 to 2 by the commission. It did limit the number of units to a total of eight units in two buildings, with some bicycle pedestrian access to Carson ridge as part of the conditions. The property is a little bit under an acre in size, and when it came before the commission, there was an amendment that was made by the applicant to address the number of units. It went from a -- to a higher density residential. The original request was for mixed use. Staff recommended limiting it to nine units so there's a difference between the staff recommendation and the commission's recommendation. The properties to the north are zoned sf-2 and single-family to the south are some cs and cs-mu, and single-family, and undeveloped tracts further to the east, also cs-mu and multifamily, and to the west is grmu, and undeveloped, although there is a multifamily site plan that's under review right now. The applicant's agent is here. I don't know if he's -- Mr. Wittliff, Jim Wittliff is here to represent the owner and has a brief presentation as well. I believe you have at least three or four speakers that have signed up wishing to speak to these items.

>> Mayor Adler: We do. Okay. I think we'll begin with the applicant. Introduce yourself, you have five minutes.

>> Thanks, mayor, councilmembers. Appreciate you putting in the long hours. When I heard the councilmembers were working half days, I didn't realize that meant 12-hour council hearings.

[10:23:00 PM]

My name's Jim Wittliff and I'm here on behalf of the applicants. Octavian and Michael. Octavian is a first generation immigrant to the United States and Michael Vasquez grew up in the montopolis neighborhood. These guys put together a deal where they're going to buy this tract that's pointed out here. It's colored red because it's zoned cs, and they were very excited that they were going to be able to build 10 affordably priced single-family residential units in the montopolis neighborhood. When I went to the montopolis planning contact team to present this, I was told with no uncertain terms that this would be strongly opposed, that the only thing they would agree to would be one residential unit on one acre. And they told us that if they -- if we didn't go along with them, there would be a valid petition, and sure enough, there is a valid petition. My clients -- I've been doing this for more than 30 years here. Done several hundred zoning cases before the city council. This is the first time I can ever stand up here and say my clients don't care if you approve or reject this plan tonight. They really don't care. They'll take it either way. Now, with a valid petition, it's going to take eight votes to approve it, but only three votes to deny it. So we think that we meet the goals of the neighborhood plan. I won't go through them all. Here's the conceptual plan that we're talking about, three triplexes on one acre, and I guess that's all I have. So if you guys vote no, I mean, this is a cs-zoned property that we're trying to down zone sf-5.

[10:25:05 PM]

If you vote no, we'll just keep it cs. I mean, I've determined that we could build convenient self-storage on the site. Now, the president of the Carson ranch neighborhood, at the planning commission, said let's call his bluff. So I'm telling you, we're not bluffing. We will happily take the cs zoning if you don't think that nine units of residential development are appropriate. Thank you and I wanted to at least make an easy one at the end of the night because we don't care how you vote.

>> Mayor Adler: Okay. We're calling 97 and 98 up, same time. First speakers Susana Armanza. Mr. Mcghee, you want to speak? Is Georgia Stein here? Okay. You have five minutes to speak.

>> Mayor and council, good evening. And thank you, Georgia for donating your time. And happy Black History Month. I'm here in my capacity as president of the Carson Ridge Neighborhood Association. I'm also one of the petitioners in this case. I reside at 2316 Thrasher Lane. I have a quick presentation I'd like to share with you. Before I get started, I also want to make it clear, it's in your backup -- oh, thank you. This property, like much of Montopolis, was zoned commercial at the adoption of our neighborhood plan in 2001. Even though there were people living -- this is not this particular lot, but other areas that have since experienced rezonings, there were people living there under single-family conditions who were zoned cs, and quite frankly, because of racism.

[10:27:07 PM]

This property was originally sf-2. So, in other words, this is not a down-zoning, it's an up-zoning. So with that said, let me proceed. First of all, there's the affordability issue. Montopolis is one of the poorest parts of our city. We are -- we were known, in many ways still known as poverty island. If you have read my book, Austin's Montopolis Neighborhood, you'll know the reason we were called poverty island. Our median household income is slightly over \$27,000 and we have a poverty rate of almost 40%. This housing is not for us. This housing is for other people. I think that's pretty clear. Now, something else that I'd like to bring to your attention is an interesting fact. The previous landowner was code-enforced into being encouraged to sell the property. This is something else that's happening throughout east Austin, including in Montopolis. This is a notice that this property owner was given shortly before he decided to sell to the current owner, Octavian and his partner. Some of you might not know this, but Octavian is actually the name of Augustus Caesar. This is an issue of neighborhood character. Poor neighborhoods have just as much neighborhood character, by definition, as rich neighborhoods do. So what is our neighborhood character? Well, it's -- Thrasher Lane is a dead-end street. This area is essentially one large -- we have single-family zoning, there's only one method of ingress and egress, which is Thrasher. This is one of the most flood-prone parts of the city and this lot is 100% green space. It has zero percent impervious cover, which adds to the life of our neighborhood by being undeveloped. The infrastructure on this street and in this area of our city is not capable right now of handling this level of intensification of development.

[10:29:10 PM]

I'll show you in a minute what that looks like. Another thing you might want to consider is the fact that along Carson ridge is one of the main feeder lines for Texas gas into south -- into the southern portions of our city. I've done a schematic here with the proposed property in brown and the gas line right there along Carson ridge. That's a problem, especially when you consider that there is only one ingress and egress along this street. There's precedent for how we densify, for how we engage in development in our community, and I've given you some here. They are further up on thrasher, at the mobile home park, and at 2109 thatcher, where you can see in the schematic taken from Google maps, he decided to put two buildings behind his main building and generate revenue, among other things, something that you, councilmember Renteria, have talked about a lot for the dais. That's how we're doing it in our community. Here's some pictures of what that looks like. And there is one slide that I wanted to show you of the movie, so you can see what flooding looks like. This is an example of what flooding looks like from across the street, from my house and this property. This is what -- this was caused by the construction of the point and villages at Ben white, a housing authority development, and the stormwater detention was completely inadequate. As you can see, it overflowed the boundaries of the concrete closure, flowed down the hill, and completely flooded out my neighbor across the street. This happened on three separate occasions, with the city never acknowledging what -- really anything. So we really have an infrastructure problem before we could even begin to consider this type of development.

[10:31:12 PM]

Fix the infrastructure, develop it, and then we can talk about putting something there. For the record, we're happy --

[buzzer sounds]

-- With accepting, just like in the previous case, some development at this property. That's not an issue here. The issues are similar to some of the things that you heard in the previous case, under what terms. And the terms right now just simply do not work for us as a neighborhood. Thank you very much. I'd be happy to answer any questions.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Susana, did you want to speak? Is Dave Cortez here? You have three minutes.

>> [Off mic]

>> David king.

>> Mayor Adler: I'm sorry, Mr. King, you're going to donate? You have five minutes. Mr. King is donating his time.

>> Good evening, commissioners -- city council members. I'm Susana armanza. I'm president of the montopolis plan contact team, and we have had a meeting with -- several meetings, with Mr. Wittliff, trying to work out something on this particular tract, but we've also gotten pushback, and his willingness

not to meet unless we're willing to accept his terms, and that's not what we think a meeting is about. First I want to say, too, that the Montopolis contact team is represented by the community. There are seven neighborhood associations that belong to our contact team, so we have representatives, north, south and west of the Montopolis contact team, and we were sanctioned by the city of Austin to make these decisions to look at zoning cases that came before us. And I can tell you that the Govalle Johnston team is the same way. They have eight neighborhood associations that belong to the contact team, including business, I think we meet all the criteria that the city has put forward for contact teams. And so since we are sanctioned by the city and we do meet all the rules, I think that we do have and deserve that privilege to come forward with our recommendations and our communities because we're not developers.

[10:33:17 PM]

We're actually people who live there, and are going to live day in and day out. We're not just investors and we're not just bringing other people. We're raising our families there. That makes a big difference when you talk about development coming into the particular community. And so for me, like Dr. Fred McGehee said, we have zero development there. Right now, the green island effect, the heat effect in Montopolis is raising because at the beginning of our adoption of our neighborhood plan, we had a 35% vacancy. No other part of the town had that much land vacancy so we knew that we would be coming against a lot of zoning. And unfortunately, the city did not invest at that time, or in these years, to buy some of that land to protect us from displacement and gentrification. We now have already over a thousand units in our community, and we're going to get a thousand more coming, and you're going to hear a couple of those cases coming forward. So, yes, when we look at what's happening there, and the flooding, I'll tell you that our street, Vargas, was completely flooded. DPS had to come down and close it because of that runoff and that rain that happened. So we're very concerned about this case, and we ask that you support the neighborhood plan and our recommendations. Thank you.

[Applause]

>> Mayor Adler: Okay. Those are all the speakers on 97 and 98. Does the applicant want to close? Sir?

>> Rebuttal time?

>> Mayor Adler: Yes.

>> Okay. Very quickly, the question of flooding might affect property across the street to the south, but it doesn't affect this property.

[10:35:19 PM]

This property is up a hill, and it is not flood-prone. And of course we will do a stormwater detention pond on it, as required by city code to hold all development runoff to predeveloped conditions. So we're

-- we've offered that. And as far as not being willing to negotiate, it's pretty hard when one side says ten units and the other one says one, not much room to negotiate there. We did have, you know, three or four meetings, and you know, we're just too far apart, so that's it. Thanks.

>> Mayor Adler: Okay. Back up to the dais staff. Greg, what is the zoning that's immediately north of this tract?

>> Zoning that's north is sf-3.

>> Mayor Adler: What's immediately west?

>> West is grmu.

>> Mayor Adler: And what about immediately east?

>> Cs-mu.

>> Mayor Adler: What about immediately south?

>> Csmp. >> Mayor Adler: Mr. McGhee, can I ask you a question? Sir? Please?

>> Yes, sir.

>> Mayor Adler: I'm looking at the map. I see the cs zoning immediately to the east and to the south and to the west. I do see the sf-3 to the north. What do you -- it's zoned cs right now. What do you think is the appropriate zoning, or --

>> Sf-3. Sf-3 -- I ran out of time, but here's basically how our neighborhood sees this issue. We have not opposed -- we didn't support, but we didn't oppose all of the mu rezonings that were south of the end of the thrasher lane cul-de-sac.

[10:37:24 PM]

All of that was cs. It's been rezoned to mu and there is a plethora of development slated to take place there. But the buffer or the boundary where we're not willing to accept these types of rezonings is essentially from the end of the thrasher lane cul-de-sac, north. So, basically, everything there that you're talking about, from 2404 thrasher to the property, the two lots -- I think it's two lots immediately to the south of that, those are de facto sf-3 lots, including there's one on the other side where -- that was a recent mu rezoning, that was cs, that was previously sf-2, but as I mentioned to you, when our neighborhood plan was adopted, certain parts of montopolis became commercial.

>> Mayor Adler: I understand that, but my question is, this tract is zoned cs right now. Immediately to the east of it, going as far north as this tract, it's directly -- is cs zoning. Right?

>> That's the current designation that has been put on it. The reality on the ground is sf. That's my message to you.

>> Mayor Adler: On the east side.

>> Yes, sir.

>> Mayor Adler: It's cs-mu, and why is it de facto sf-3?

>> That's -- people are living there in single-family homes.

>> Mayor Adler: Directly to the east.

>> Directly to the east of 2404 thrasher -- no, directly to the easies thrasher lane and then --

>> Mayor Adler: And on the other side of thrasher lane -- across the street.

>> Across the street is the point at Ben white housing authority development, the senior citizen housing that was put there on some open space, about three years ago.

>> Tovo: That's the cs tract that's immediately across the street and as far north.

>> I'd have to look and see.

>> Houston: Mayor, can you put that up on the --

>> Mayor Adler: Can you put that on the -- I just want to make sure I'm locating this correctly.

[10:39:33 PM]

>> Oh, yes. Yes. That shouldn't be cs. That's interesting. Oh, this is an old map. Doesn't it show what's there now. What's there now --

>> Mayor Adler: Have him put it on the overhead. Can you see the screen?

>> Oh, there you go, where it says cs -- on the lower right -- that is not -- that's an old picture. That's not what's there now.

>> Mayor Adler: Okay.

>> What's there now is a multifamily apartment complex owned by the Austin housing authority, a low income, called the point at Ben white.

>> Mayor Adler: The tract immediately to the west, that's G are --

>> Grmu. That's being developed. There's going to be --

>> Mayor Adler: Then immediately to the south of this tract --

>> Yes.

>> Mayor Adler: -- Is cs zoning.

>> Cs. And everything from that area there, if you go further, you can see there's houses there.

>> Mayor Adler: And what is that property zoned?

>> It's cs. It's zoned cs, just like the property in question is. But in fact, it's single-family houses.

>> Mayor Adler: So I have sf-3 to the north of it, I have cs zoning to the south of it. It seems as if some kind of transition zoning between this -- the sf-3 above it and cs below it would be appropriate.

>> Oh, we think -- we have a solution. You can't see it in this picture -- you can see it in this picture here, actually. It helps to see it better if it's visual.

>> Mayor Adler: Thanks.

>> Here we go. I'll move it up a little bit so we can see the bubble at the end. That bubble at the end.

>> Mayor Adler: Uh-huh.

>> That's not -- that's the proposed thrasher lane. Thrasher lane actually dead-ends right -- about right here, about right here is where it actually dead-ends now.

[10:41:36 PM]

>> Mayor Adler: Uh-huh.

>> And this rezoning request is in conjunction with the transportation department to extend thrasher lane down here to all of these properties now, which are mu. They were cs, but they're mu now. All of this, all of these trees are going to be cut down like all of these trees over here were. This is all going to be developed. What we're saying is, you can have this down here. We don't like it. We think it has massive environmental impacts, but we'll accept it. But basically from everything on here on up, including this lot and this lot -- these are sf-3 lots.

>> Mayor Adler: The lot immediately to the south of the outlined lot, is that zoned sf-3, or is that zoned cs?

>> This here? This is a cs lot, just like this one and -- these were originally sf lots. They were rezoned to cs when the montopolis neighborhood plan was done.

>> Mayor Adler: And you think that -- you think that this -- that that lot -- this, the subject lot, should be a single-family lot, sf-3 lot.

>> Yes. It was sf-2. It once was. That's why there's houses on there.

>> Mayor Adler: So the owner of the property said that because it's zoned cs, that the use that he'll make of that lot would be a commercial use. Is that -- do you think -- I mean that's what the zoning would say he would be entitled to.

>> Well, he can -- you know, there's a reality of what he's entitled to and there's the reality of what's on the ground.

>> Mayor Adler: That's because you don't think he'd actually be able to get a commercial development there.

>> It would not be, first of all, compatible. Number two, it's not the highest and best use of the property. Just, you know, if you're purely thinking like a real estate speculator. There will be residential here or nothing. I think anybody with common sense knows that.

[10:43:38 PM]

>> Mayor Adler: All right. Thank you.

>> Thank you, sir.

>> Alter: I just wanted to clarify if I understood correctly. So the cs portion to the south is zoned cs, but it's actually single-family houses that are there.

>> Yes, ma'am. That's correct. And that's true with a lot of the lots in this area.

>> Alter: Okay. Thank you.

>> The closer you go to praxair, on montopolis, where the old va outpatient clinic was -- this used to be the outskirts of the city of Austin, close to the del valle border. In the '50s, '6s, and '7s, this is where the affordable housing was. Now it's become attractive because our city has become, well, the live real estate capital of the world.

[Laughter].

>> Renteria: Mayor -- >> Mayor Adler: Mr. Renteria

[applause]

>> Renteria: The

[indiscernible] Street is the same thing, zoned commercial but there's a lot of single-family houses there. Then slowly the owners that are selling it out and buyers that are buying it are converting it into commercial. And that's what -- basically what's going on over there in montopolis. I bought my first house in 1970 there in then montopolis, and it was -- they still had horses and cattle in their yards, and it was basically a rural country setting there. But it was really close to the city. And so that's how the zoning is right now. It's -- there are people that are using it as single-family, but it is really zoned commercial, and they do have the ability to just -- if they wanted to, they could just convert it right into a commercial business, and they'll lose their homestead exemption, and that's probably -- that's the only thing that you lose when you convert your property back to commercial.

>> Mayor Adler: So the planning -- the landowner wanted ten units per acre.

[10:45:38 PM]

The planning commission sent it to us overriding the staff recommendation and reduced it to eight units. What do you think the appropriate number of units is?

>> Well, I gave you the precedent of 2109 thrasher. That was one unit with two ads in the back, or basically -- that would be the preferred course. There is precedent, and that's the lofts at Carson ridge, which you can see up there, which were developed in 2004 by Tim McIntyre and Richard Kunz, and they developed a property there with duplexes. And that was -- that's four buildings. So four buildings, all of them -- each building is on sf-3. So we want to keep the single-family neighborhood character of the area, is really what it boils down to. What councilmember Renteria said is perfectly true. There are people who keep animals and do all kinds of things in this part of the city that the city doesn't know anything about running various types of off the table enterprises and stuff, keep animals and stuff I can't even mention here, you know, in polite conversation. We would like to keep the single-family character of the community. And so sf-3 -- we would consider that an upzoning. Sf-2 is what it originally was, but we can settle for sf-3.

>> Mayor Adler: Right. In terms of the number of units, you're saying the duplexes and four buildings?

>> Well, that's the precedent. That's one of -- that's really the only major precedent.

>> Mayor Adler: Is that eight units, four duplex units, eight units?

>> That would be four duplex buildings, eight units. There is precedent for that. I have to concede that's the case, yes. Not what we would prefer, but that is something that the city put there, along Carson ridge, in a pioneer project for it's smart housing program, which was new at that time.

[10:47:48 PM]

>> Mayor Adler: Okay. Thank you.

>> Thank you, sir.

>> Renteria: Also, I'm concerned that there's just one way in and out of that place, and that's a big concern. I mean, it's -- I don't know if -- a fire truck would have a very difficult time going in there and turning around and coming back. So my recommendation is just deny the request.

>> Mayor Adler: Okay. We've heard Mr. Renteria's recommendation. Do you want to address did the.

>> I just wanted to address the accessibility. There is a proposed fire truck, 25-foot plain going back with fire truck -- truck turnaround at the end, so accessibility for a fire truck, no problem.

>> Mayor Adler: Okay. Thank you.

>> Thank you.

>> Mayor Adler: Can you get eight duplex lots back there? Eight duplex units back there, rather?

>> No, we cannot. The problem is, there's only 90 feet of frontage on thrasher, so each lot has to be 50 feet wide. That leaves us 40 feet left. There's only enough for two flags going back, so we could get six units on there if we did it with duplexes. That's it.

[10:49:55 PM]

>> Mayor Adler: That's more than a single-family house. Would you rather have three lots with three duplex units, six --

>> No, we'll go ahead and build the convenient self-storage. If that's what the neighborhood wants, that's what we'll build. It's up to you guys.

>> Mayor Adler: We're not the only ones talking up here. Do you want to make a motion, Pio?

>> Renteria: I'll make a motion following the neighborhood recommendation to deny.

>> Mayor Adler: Okay. There's a motion to deny. Is there a second to that motion? Councilmember pool seconds. Any discussion? Councilmember Casar?

>> Casar: Yeah, I'm -- I respect my -- all my colleagues' opinions on this one. I think that some triplexes on over an acre of land is fine and appropriate, so I'm going to vote against the motion to deny. Further up the street there was a bunch of mobile homes that I wish were still there, you know, many more per acre than this, and so I think that on something that's an acre large, having some triplexes isn't such a bad thing, but we'll leave it up to the dais.

>> Mayor Adler: Further discussion on the motion to deny? Ms. Houston?

>> Houston: Can I ask a question to the developer or the agent?

>> Yes, ma'am.

>> Houston: What is the price range per unit? Do you have any idea?

>> I know they want to make them as affordable as possible. I can't tell you what it is. It's probably somewhere in the 200s, maybe the upper 200s.

[10:52:01 PM]

But that's why when the planning commission said eight units, they couldn't make it work. They would have -- they would have had to add bells and whistles and make it a more premium gentrification project than what they wanted to build. They want to build something sturdy and simple and as affordable as possible. That's why they call it affordable dream homes.

>> Houston: And are these homes for sale or for --

>> For sale.

>> Houston: For sale. Okay.

>> Mayor Adler: This is a hard one, because if it turns out to be commercial use back there, storage or something like that, it will have been a loss for the community and I'm not sure that's appropriate use for that place. I look at the language from the planning commission that was discussed, and the practical -- you know, the argument is that as a practice matter, that's just not going to happen back there, and then it will just be put to a single-family use, which if it is, then it is, but if it's not, the right thing won't have been done here. Further discussion? Ready to take a vote? Ready to take a vote? Those in favor of the motion to deny the application, please raise your hand.

>> And close the public hearing?

>> Mayor Adler: And close the public hearing.

>> On both items?

>> Alter: Can I ask a question?

>> Mayor Adler: I'm sorry?

>> Alter: Can I ask a question?

>> Mayor Adler: I'm sorry?

>> Alter: I have a question.

>> Mayor Adler: Yes.

>> Alter: There's a valid petition on this?

>> There is.

>> Alter: So --

>> But this is only ready for first reading.

>> Alter: But if we deny it on first reading, what happens then?

>> It's just a simple majority is needed to approve or deny on first reading.

[10:54:07 PM]

>> Alter: Okay. But if we have a majority that's going to deny it on first reading, it's not likely to pass.

>> Mayor Adler: Then it's over.

>> Alter: But it's not likely to pass, the valid petition --

>> Mayor Adler: That's not in front of us, no.

>> Alter: I understand that, but we don't have to keep them going through the whole zoning process if we -- okay.

>> Mayor Adler: Let's play it out. Those in favor of the motion to deny, please raise your hand. It's the mayor pro tem, it's Mr. Renteria, kitchen, pool, and alter. Those opposed to the motion to deny, please raise your hand. It's the balance of the council, the motion to deny is not approved.

>> Casar: Mayor, to councilmember alter's point at this point, I wouldn't make a motion to support it, either, because it seems like this issue is decided, based on the valid petition.

>> Mayor Adler: Unless something happened between here and there. In other words, we could approve this and carry this on in first reading, or we could just let this go.

>> Casar: As someone who thinks nine units makes sense here, I would be opposed to having this drag on anymore.

>> Mayor Adler: Okay. So what happens if -- what happens in this situation, there's been a motion to deny, it hasn't -- it's still pending. Right? So we need another motion to take action, or it just doesn't -- if we don't take action, then the thing is just pending. Right? So I need somebody who voted in favor of that move to reconsider and put it to bed.

[10:56:08 PM]

Councilmember Garza? Somebody?

>> Garza: I guess I'm inclined to approve it on first reading because I don't think there's -- I don't think there's enough votes to overcome the valid petition, but with all due respect to the applicant, I don't -- I think maybe there would be the opportunity to -- to have a better compromise and maybe have a less intense residential ask? I just can't believe someone would go through this whole process and be willing to go to commercial. But I mean, I guess you could say, if you're not willing -- anything less than that?

>> Yeah. If you guys don't approve this tonight, I will withdraw the case tomorrow.

>> Garza: Okay.

>> Mayor Adler: Then if we don't do anything, you'll withdraw it tomorrow.

>> Yeah, I'll withdraw.

>> Mayor Adler: All right. Let's move on to the next item. No action taken on that case.

>> [Off mic]

>> Mayor Adler: Sorry? There's no action being taken, so it's not being approved. It's not being moved forward, and the applicant said he's withdrawing this tomorrow.

>> So eventually, mayor and council, if there's no action taken, this case would actually die on its own accord, I think after 360 days. However, if it's been withdrawn by the applicant, then it's kind of a moot point. If we get withdrawal tomorrow.

>> Mayor Adler: Okay. So council is not taking any action, it'll die on its own within a certain period of time, but the applicant said he's going to withdraw tomorrow, which means it's over tomorrow. If he doesn't do that, it'll die on its own just by the passage of time. Okay?

>> I just want to let you know that property

[indiscernible]

>> Mayor Adler: Let's go on to the next -- I'm sorry?

>> Do what it needs to do, you know -- he does have zoning on it, and he can still build something under that zoning.

>> Mayor Adler: He has a cs zoning.

[10:58:09 PM]

>> Yeah.

>> [Off mic]

>> Mayor Adler: Okay. Let's move on to the next one. We have three left, council. 108.

>> Thank you, mayor and do you know. 108, c14-2017-0118, property on fort view road, this is a zoning request to grmu. It's approximately six-tenths of an acre. Your planning commission did recommend the grmu in a consent vote of 13 to 0. Right now, it's the Asian cultural center and it's within the south Lamar neighborhood. And there's a proposal to develop the site with a clinic, medical office, and a pharmacy use. I believe you have two or three speakers that would like to address you, and Mr. Wittliff again is the agent on this case.

>> Mayor Adler: Hold on. Let him finish.

>> And Mr. Wittliff is the agent for this case.

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

>> Kitchen: Yes. This is in district 5 so I'd like to say something before we hear from everyone. Live -- everyone. I am leaning towards a motion for passage only on first reading. I want to hear from our neighbors first, but the dilemma in my mind for this location is the -- what's being requested, to my mind, is appropriate in this location because it's on Ben white -- I mean, it's on an access road to Ben white, but the dilemma has to do with the condition of the road that's next to it. So we'll hear more from the neighbors, but the difficulty is there's a dip in the road so it's actually nicknamed lake fort view because whenever it rains that's the result there.

[11:00:14 PM]

There's also concern about lack of sidewalks. I think one of the concerns is what will this -- will this development cause -- worsen that problem? But to my mind we just need fix that road. I want to hear from people first but I'm just letting my colleagues know I will likely move for passage on first reading to allow some time to work with our public works department and transportation department to see what can be done for that road.

>> Mayor Adler: Thank you. You have five minutes.

>> Thank you. Once again, Jim Witliff and this time my clients very much care what you think. So here's the property. It's -- part of it is zoned lo, part of it is zoned gr, as councilmember kitchen said, it does have frontage on Ben white but because it has less than 200 feet of frontage city code says if you have alternative frontage of less than 200 feet you have to take the alternative access. That's why it's always taken access from fort view. What I've drawn on here, the blue line through the middle of our property represents the dividing line between where four stories -- I'm sorry, 40 feet, three stories can be built, and 45 feet. What we're proposing would certainly fit into that. What we're proposing and one of the reasons asking for the gr zoning on the site is because they want to add an herbal pharmacy. They de facto have a pharmacy that's been growing but they want a real herbal pharmacy that sells to the public and that requires commercial zoning instead of lo. So 2500 square feet for an herbal pharmacy, 10,000 square feet for 16 apartments.

[11:02:16 PM]

They want to build a parking garage with 134 spaces in that. So there was one woman that I was aware of that was in strong opposition to this, Claudia Cuchia. I don't know if she will speak to it or not. So I've got her email from last November 5, and I want to summarize a couple of points. I'm opposed to the major expansion of the business. I'm also opposed to the five-story monstrosity. I do not believe that fort view can safely handle that traffic. I believe the additional traffic that you propose exceeds the design catch fort view. The intersection at Manchaca and fort view is already overburdened. What I did was went to the city's senior public information specialist for the Manchaca program which asked her to provide me with data, which you see here. This section of Manchaca road is at 55.32% of capacity right now, 18,610 vehicle trips per day. She gave me traffic counts from September 19, 2017, morning and evening and information on levels of service for calculating how an intersection is graded. So intersections are graded, like, you know, kids in school. A-f but they have an E also. And a pretty much is -- does not exist in Austin. B doesn't exist in Austin. C, most of this intersection is a C. Manchaca road southbound would be a C. Sometimes a D during peak hours. I went out there and studied it extensively in the morning and afternoon peaks, where you simply -- fort view westbound is a level service C. It's almost never that all the cars waitin to get through the intersection from fort view can't make it through on one single light cycle.

[11:04:23 PM]

So because of that, I think it's appropriate. So there's been questions about infrastructure. Of course we will build commercial design standard sidewalk, the 12-foot wide sidewalk that's required in front of our property. We'll put in curb and gutter in front of our property. I do want to correct councilmember kitchen. It's not lake -- fort view, it's lake C almost aussen, south of fort view, that the lake exists, not on fort view.

>> Hang on, please. We'll call you in a second.

>> Kitchen: I have a question.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I have two questions for you. The first question is, I was under the -- I was thinking that the access on to Ben white was because txdot wouldn't allow that, not because of our zoning.

>> No. It's our zoning. 256116, I believe.

>> Kitchen: So, Mr. Guernsey, could you speak to that, please?

>> Less than 200 feet of frontage.

>> When you have a principal roadway like this it's not uncommon for staff basically to say that access is denied to a roadway of this side. If there's alternate access available. So if it was on the corner we would say you need to take access to the corner as opposed to at the frontage road. I'm not sure about txdot, it may also be a reimbursement of txdot as well and we can check into that.

>> Kitchen: The reason I asked that question is, have we done an analysis of whether an exit on to the Ben white access road would be safe?

>> We can certainly look into that issue.

>> Kitchen: Okay.

>> I don't have a transportation planner here.

>> Kitchen: Right.

>> This evening. Also, there's ways that you can combine properties. If there's joint access available. Sometimes you can combine a neighboring property with your property and come up with enough frontage to have access as well.

[11:06:27 PM]

>> Kitchen: That's one reason I'm thinking in terms of first reading only, because the problem is -- could you -- I'm sorry. Would you go back to Mr. Witliff? Can you put up the picture again? Because the difficulty is fort view. And -- which is -- we don't have any actual visual pictures, but if you -- for my colleagues, if you look at fort view road right there, that's a narrow road. There's people parked along both sides of the road. Because that's a commercial area all around there. And so you've got difficulty along fort view because of that, and I apologize, I thought that the dip in the road where there was flooding was right there on Claussen, but can you -- anyway, that Claussen and fort view intersection is where there's difficulties our neighbors can tell us more about that. That's why I'm concerned about the impact of this development because it hasn't -- there's no tia, it hasn't been required. So, anyway, thank you for answering my questions.

>> All right. I had three brief points I wanted to finish up from my presentation the Texas health science university is the first acupuncture school in the state of Texas. They've been in business for 28 years, and at this clinic, they treat cancer patients for free, they treat Travis county sheriff's department employees for free, and they offer 1,000 free acupuncture sessions each year to the senior activity center next door. And so they're good community people, and this is what's needed.

[11:08:32 PM]

Their clinic, ironically, I'd think a acupuncture school would get most of their students from America, but guess what, most of them are coming here from China. They need more room. They got more students and need more room for a medical clinic. So thank you.

>> Mayor Adler: Let's go ahead and hear from the other people that have signed up. Thank you. Yes, mayor pro tem.

>> Tovo: Sorry, Mr. Wit links you have a couple of questions for you.

>> Sure. Yes, ma'am.

>> Tovo: Can you help me understand the 16 apartments? Who are those going to be occupied by?

>> Well, I guess they're going to be occupied by anybody. Originally they wanted them to be dormitory but then we found out there's a thing in the code that says if your access is ton a road that -- to a road that has less than 40 feet of pavement you can't have a college or university facility. So they became apartments so they'll be available to anybody. But I do expect some of their Chinese students would want to live there.

>> Tovo: I thought that whether it was classified as a college or university was dependent on whether the clinic and the pharmacy were open to the public.

>> You know, I just went with what city staff told me. They said we're not clarifying this has a college or university facility. We're classifying it as a medical clinic and the pharmacy is a retail business and then the apartments are just apartments.

>> Tovo: Okay. Ip actually got that from the staff report. Maybe I'm misunderstanding but it sounded as if -- if the pharmacy -- well, I'll call up Mr. Rusthoven to answer that question.

>> Okay.

>> Tovo: But your intent at this point or the intent of your client is to have those apartments be available to anyone?

>> Yeah. I think they have to be by law.

>> Tovo: Right. Unless it's a college or university.

[11:10:33 PM]

>> Yes.

>> Tovo: What about the pharmacy and the clinic? Are those going to be open to the public.

>> Yes? Open to the public. It will be to anyone in the city. Anyone that wants to come there.

>> Tovo: Okay. And I guess I missed one of your points. Where is it currently? Where is its current location?

>> The pharmacy?

>> Tovo: No. The institution that you're discussing.

>> It's -- they use that site. That is their medical clinic.

>> Tovo: I see.

>> It's just a one story --

>> Tovo: They're there on-site. Okay. Got you.

>> Thank you.

>> Tovo: Thanks.

>> Mayor Adler: Let's do public testimony. Claudia cuchia.

>> I'm last but I hope not least.

>> Johnny [indiscernible] Will be on deck. Three minutes.

>> The name of the school is Texas health and science university clinic and this man plays fast on the truth. I do not believe. He wanted to build a dormitory there when someone from the south Lamar association pointed out to him the code they changed it to apartments. I do not believe they will be open to everybody but that's not the point. That road, fort view, is the road to my neighborhood. It's how I go home. I have a picture. There's two pictures. This is at 1:40 yesterday multiply he's talking about how easy it is to get on manchaca, you may have to go through three or four lights to get through

because the traffic is solid. You can't block the box so you can't get there. The other end of Claussen and fort view, it floods on Claussen between where I live and -- it was in -- within, like, three blocks they have got building -- they're building 17 duplexes. 17 duplexes and a 36 condo unit on Claussen road. They will all be using fort view to come to our maintained. That's our neighborhood street. They want -- you know what?

[11:12:34 PM]

I love -- I'm a builder. I don't care if they expand. But they can't dump that traffic out on fort view. We can't handle it. We'd love for them to be able to build and expand it. Go out on Beaumont right down, there's a cut for long John silvers, for what a burger. They should be able to get a cut, you know? I would completely agree with them expanding if they could get on to Ben white. Fort view cannot handle the traffic. I'm telling you, it cannot handle the traffic. There's no sidewalks. The road is skinny. At the other end there's a BMW car repair place and they have trucks that haul vehicles there. And you have to go around them. I've actually had to call the police once because when the roads are flooded the traffic coming off Ben white came into my intersection, to my side to sought flooding. I'm asking you, please, this is my street to my home. We all have to deal with the traffic when we're all on the major arteries. I mean, we all know what the traffic is sound like, but when you're on your final stretch to home or you try to get out of your neighborhood and you have to go through three lights it's terrible. We can't take anymore traffic. With all the building that's going on on Claussen, I mean, 36 condos they're building and 17 duplexes, right down the street from me. I can't even imagine just having all that traffic on the road, what it's going to be like. I don't know how Claussen road -- it's been abandoned, that street has not had any attention paid to it in a long time. It's really kind of pitiful for Austin to have a street like that. All the beautiful bike lanes we have and you can't even walk down it. If I want to walk down the street I have to worry about getting killed. Please. If they can get it on Ben white I say go for it. Otherwise, we can't.

>> Mayor Adler: Thank you.

>> Five interiors.

[11:14:34 PM]

>> Mayor Adler: Is Johnny cuchia here? Mr. Cuchia. And then Brian king, if he's here. You're on deck. Sir, you have three minutes.

>> Thank you, mayor, council. This particular property on Claussen road -- well, Claussen road and fort view interjects Ben white feeder -- intersects Ben white feeder road. This particular road, fort view, has been there a long time, obviously. It is a two-lane road, it has no sidewalks on either side of fort view. And this particular university and school has been there a long time. They currently have a one-story building there. They currently have, like, 25 parking spaces. The proposal is to build a five story garage with a capacity of 134 cars. Which is a dramatic increase in the traffic coming in and out of fort view

road. The queue from the intersection of fort view and Claussen is four cars. So if you go the other direction and you go down toward manchaca road, you've seen the pictures of how long it may take to get through a light. There's one other short street there called Morgan street. The queue there is a total of five cars. And if you get down to the intersection of -- manchaca and Ben white you have a exit right at the stop sign of the intersection. So generally you have the full street of manchaca road from fort view to Ben white is stacked up almost all day and it's really quite a nightmare. I also wonder if they're going to tear down the existing building and build a three-story building and a V story garage, what are they doing with their current business, the current school?

[11:16:46 PM]

Is it going to be shut down? Is it going to be moved off? How are they going to accomplish that? I would agree also with my wife who spoke earlier that if they could get an access, a curb cut on with with about Ben white boulevard and have no exit on fort view road we would not object at all to their proposal. But if that can't happen, if you can imagine taking a site that currently has only 25 parking spaces and converting it to up to 134, it would be a tremendous addition to cars on fort view and the situation already is very dire because of the traffic there and also because of the lack of sidewalks. And as a councilmember was mentioning the flooding at the corner of fort view and Claussen road. So we hope that you will deny their application.

[Buzzer sounding] Until we get further information on what's possible for them to do on their property.

>> Mayor Adler: Thank you.

>> Thank you very much.

>> Mayor Adler: Mr. King, you have three minutes.

>> Thank you, mayor, mayor pro tem, council members. My name is Brian king, executive committee of the south Lamar neighborhood association. I've been you facilitating meetings on this project and a second project related to this one on your agenda next meeting, which is around the corner. I'm not sure where that one is going to be but they are interrelated because it's the same property, the same operation. Traffic issues you've heard. We have no existing traffic data, and as councilmember kitchen suggested I also recommend that you do a first reading only so we can get some data. It would be nice to get counts on fort view to see what we're dealing with. There are different realities obviously on what the traffic situation is. If this property had access to Ben white there would be no issue.

[11:18:49 PM]

We were told it was a txdot issue and now I'm learning something entirely different this evening so I'm hopeful we can look at a variance to get that access ingress-egress off of Ben white and then we can all go to the house. The current use has 25 parking spaces, delta is over 100 on what's proposed with this

five-story garage. The pavement width on fort view is only 28 feet, and it's no curb, no gutter, no sidewalk, no improvements whatsoever. The loading there is pretty serious. This project was originally proposed and I'll see in your backup it mentioned dormitory use. When I pointed out to the agent that the code did not allow university use on a street that was not at least 40 feet in width, suddenly the dormitory became apartments. I'm afraid what we've got now is a duck that no longer quacks. So I don't know that these are going to be available to the general public as apartments. It looks to me that it's going to be the same use as a dormitory, it's just been rebranded. And if the market rate apartments, how many? What are they going to do? Anyway, first reading only. Let's look at the txdot situation, see if we can get another access on to that -- ton the Ben white frontage road. We need some hard data one way or the other whether that's a possibility. And then beyond that can we look at a variance to get it in and out of there. Thank you very much for your time.

>> Thank you. Ms. Kitchen.

>> Kitchen: I'd like to --

>> Mayor Adler: The applicant to close?

>> Kitchen: Oh, sorry. I was going to make a motion.

>> Mayor Adler: We need to give the applicant a chance to close.

>> This property doesn't have 25 parking spaces. It has about 41.

[11:20:49 PM]

There's parking that wraps around three sides of the building. And other properties and businesses in the area do utilize this street for parking. This street has never yield the street for parking. As I said, we'll be required to build curb and gutter, required to build sidewalks, 12-foot wide sidewalks on fort view, and, yeah, we'd love access to Ben white boulevard but I don't think we're going to get it. But if there's a chance, I'm up for that. That would be a heighth -- huge benefit for everybody. Like I said this school has been around a long, long time. They do good things. I would encourage you to ask the transportation staff to try to articulate what the traffic load and conditions are on fort view and on manchaca road. I predict what you'll find is they're not all that bad. Nobody likes to wait in line but it's going to be level of service C, sometimes D, and as I'm sure you're aware, level service E is acceptable in this city and most cities. Thank you.

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

>> Tovo: Sorry. I had one more question. Mr. Witliff, how many students are projected to be at the -- associated with the clinic and pharmacy?

>> Well, every decide they have eventually would have a turn working at the clinic.

>> Tovo: How many students does it currently have?

>> I don't know. Hang on a second. You don't know? Okay. The owner's sister doesn't know. Neither do I.

>> Tovo: Okay. Thank you. And I went back to the staff report and I now understand it was talking about the pharmacy, it's a pharmacy and the clinic are open to the public, those don't qualify as college and university uses.

[11:23:01 PM]

So the question hinged on the housing.

>> Yeah.

>> Tovo: I thought they -- I thought "They" was referring to the apartments but now I get it.

>> We'll play fair on the housing. It's got to be open to everybody. That would be discriminatory if it's apartments and you don't rent it to people that are interested. So --

>> Tovo: Sure. I'm not questioning that. I was telling you I now understand why I thought the clinic -- why I was asking that other question. Okay. We're good. Thank you.

>> Thank you.

>> Kitchen: Mr. Mayor.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I make a motion that we approve this on think it will take a long amount of time before we bring it back from my perspective. I would like to work with our public works department and transportation to address the kind of concerns that have been raised about fort view to exam the ability or possibility or option to open on to Ben white and I'm also -- remain concerned about the flooding there on Claussen.

>> Mayor Adler: Okay.

>> Kitchen: We'll work on that too. And so --

>> Mayor Adler: All right. Motion it to approve on first reading only, close the public hearing, seconded by Mr. Renteria. Any discussion? Those in favor please raise your hand. Those opposed. Unanimous on the dais with councilmember troxclair off. Let's do the next item.

>> Thank you, mayor, council, next item is 114c14-2017-0134, zoning change. The commission recommended for govnp and it's on a vote of 11-0 and I'm not sure if the citizen who signed up for this item is still here.

>> Mayor Adler: Is Daniel Coren here?

[11:25:01 PM]

I think I called him earlier and he was not. The answer is no.

>> We can offer this item for consent approval on all three readings.

>> Mayor Adler: Is there a motion to approve this item? Mr. Renteria makes a motion. Is there a second to that? Seconded by Mr. Casar. Any discussion? Take the vote. Those in favor please raise your hand. Those opposed.

>> And I collide -- include closing the public hearing.

>> Mayor Adler: Closing the public hearing interlocal. I'm sorry on the dais with councilmember troxclair off. Gets us to our last item.

>> Mayor, council, Jerry rusthoven. Last item c14-2017-0156, 1105 airport boulevard, requested zoning to grmnp. The applicant requested the co be lifted. It restricts the trips to 2,000. The applicant is proposing to do a faculty family project and has done a tia. The restriction to single access to airport boulevard is for an existing driveway located near the corner of airport boulevard and baum road, where the bridge rises to open over the railroad tracks. It is not deemed to be a very safe location for a driveway at this time. So the staff is recommending a removal of the restriction that access be taken only to airport boulevard and allow access to be taken to shady lane. I did meet earlier in the evening with the neighborhood people they're about to speak and the applicant out in the lobby. It seems to me that the only outstanding issue has to do with how many driveways are located on shady lane. The tia contemplated three. However, in discussing with our transportation staff there's no site plan in right now so they haven't had a chance to actually look at the safety of those can driveways.

[11:27:03 PM]

They did tell me there are issues with all three of them. One of the issues would be the proximity to the curb in the road where it goes up towards the [indiscernible] Development, the second would be lining a driveway with the cross street where it heads into the

[indiscernible] Development and the third driveway the issue would be its proximity to baptism ax um road and cuing for baum road. Long and short, staff is not ready to say at this time they can get three driveways because of those three issues. Rather we'd like to wait and see after they submit a site plan exactly which driveway locks they're proposing. I believe the neighborhood would like to restrict the neighbor of driveways on shady lane to two. With that I'm open for any questions.

>> Renteria: Mayor? Jerry, you know, we have a lot of development that's going on shady lane because of -- we're going to improve the street there. We're going to -- haca is moving in there, Cesar Chavez is moving in there. I think last year we approved an event center there, right, there on shady lane. I'm really concerned that, you know, that road is so narrow that how -- we're going to have a lot of trouble with the traffic in that area. It's just -- is there anyway or -- well, I guess we'll have to wait until the site

plan. But there's a lot of concerns that the traffic is going to back up so severe that people are not going to be able to get out of their apartment complex and they're also -- I have a big concern that there is a -- if there is a fire or something like that, you know, with all that traffic, the street being -- it might pose a safety problem also. If we undo the ti is that going to take that into effect about maybe finding an alternative way to get out of that?

>> The tia has been completed with the zoning case and there are improvements to be made for improvements at shady at the airport.

[11:29:13 PM]

And so what's on hold right now is waiting for the site plan to figure out the actual driveway locations and amount of development. But the analysis proposing a minimum number of units the developer proposed, I have to look it up, 308 units, has already been done. I guess we haven't looked at the actual locations. In the backup is a tia memo that lists improvements of the applicants being required to pay for.

>> Renteria: Yeah. That's going to be a big concern. Is that going to be available before we end up making the whole recommendation of -- for this side to change the zoning? I mean, if we passed it on first reading, are you going to be able to come back with information about what kind of impact that traffic will have on that road and what it's going to need happen to get it --

>> Yes, the information is already in the tia memo but if you like I can provide a summary of the memo.

>> Renteria: Okay.

>> But in the -- it identifies the levels of service at the intersection and the anticipated traffic levels, et cetera.

>> Renteria: I would like to hear from the speakers actually.

>> Mayor Adler: Okay. Let's hear from the speakers. Is the applicant here? You have five minutes.

>> Thank you, mayor. Good evening, councilmembers. Obviously it's been a tough night for applicants in zoning cases tonight.

[Laughter] But I will say this. We are not seeking an upzoning. We're -- we did do a tia. So I feel like -- I hope I'll find that we're different from a lot of the zoning cases you've had before you tonight. First of all, this property is located at 1105 airport. The zoning case is only to allow safe access for a site which is already zoned gr-mu. We're not asking for additional uses, we're not asking for density bonus, we're not asking for an increase in density, we're not asking for variances or waivers.

[11:31:22 PM]

We're not asking for a neighborhood plan amendment. All we want is to have safe access to our site. In fact, I would argue that the city should allow any owner and in fact maybe is obligated to allow any owner to have safe access to their property. The property is located at airport and baum and shady lane. That's a challenging intersection to be sure. Here's an aerial. You can see where it's located. It's undeveloped currently. It was formally developed. I'll give you that in a little bit more. We're not displacing anybody. There's no apartments that are being torn down for new apartments. There's no mobile homes being destroyed for new apartments. The property has currently only one access, and that is to airport. And you can see from this image where that access is located. Zoning for the area, we're zoned current gr-mu. We're not changing that. We're keeping the zoning. You can see there's there's cs-mu as well as some cs. The site if y'all are familiar with your history on city of Austin zoning cases, this was formally a tank farm case and was previously zoned light industrial, and the city downzoned property in 1998 from LI to gr-mu. They didn't downzone it to gr. They downzoned it to gr-mu and it specifically allows residential use. What's interesting is if you look at the approved minutes from 1998, it actually says the co prohibits access to airport boulevard. However, the ordinance actually prohibited access anywhere else but the existing access on airport boulevard.

[11:33:23 PM]

But this access is not safe. The city has recognized that, txdot has recognized that, which maintains airport boulevard and I think frankly the neighborhood would agree. Some history. This property was formally the tank farm property. My client -- or predecessor which owned it previously cleaned up the property. They did not do monitoring and testing for residential uses. Subsequently monitoring and testing has been done to allow residential use, and we provided that information in the backup material. This shows where the existing access is. You can see how close it is to the intersection of airport and baum. It does not meet your spacing requirements. It is a dangerous place to have access. And that's the only access that's allowed by your zoning ordinance. So all we have asked is to change that zoning to allow safe access. This shows you just how close that access is to the intersection. It's dangerous. People could get hurt or worse. Again, an image for that. So even though we weren't changing the allowable uses or increasing the entitlements, we did do a tia. And even though it was less than 2,000 trips per day we did a tia. The tia assumed planned future development in the area. And it analyzed all of the intersections in the area, and it mitigated our proposed forecasted traffic. We had to come up with \$40,000 in funding, and we have agreed to do that. With that \$40,000 in funding as our pro rata share, all of our site traffic is mitigated. Now, this is in addition to funds, the \$40,000 we're proposing is in addition to funds that others have -- other developers in the area have committed to the area. It's also worth noting that this project is on the airport corridor bond project.

[11:35:31 PM]

And, therefore, the city will be upgrading both airport boulevard and the intersections adjacent to it. And so we are also providing --

[buzzer sounding]

-- A trail easement and \$120,000 in costs. In addition to constructing trail access to shady lane -- or from shady lane to the existing trail system. This -- to the extent you have questions, council, this is the proposed improvements in our tia. This is the location of our trail easement. And this is the location of our govalle park connection. With that I'd be happy to answer any questions you may have. Thank you very much. Mr. Flannigan.

>> Flannigan: I'm excited to see a zoning case that

[indiscernible] A co. But can you help me understand just to get rid of this co what additional costs your project has been -- has had to incur as a result of going through this process just for this access co?

>> Councilmember, I would -- I asked my client that question, and we would probably estimate just in direct out of pocket costs probably about \$150,000. And of course it's cost us a year in time. We haven't been able to submit any approvals while we get the co done so you have to factor in holding office and other costs as well.

>> Flannigan: Do you have any idea what the holding costs are for a year in delay?

>> I don't know. But it's substantial.

>> Flannigan: Okay. Thank you.

>> Mayor Adler: On the dais, councilmember alter.

>> Alter: I was wondering if through the process with our staff there were any discussions of needed right-of-ways as part of that airport corridor?

>> Yes, ma'am. The -- councilmember, the tia memorandum that's in the backup requires some additional right-of-way dedication for both airport and shady lane.

[11:37:40 PM]

The airport boulevard calculation will depend on a survey based on the center line of -- from existing airport boulevard. We have not done that survey. But basically we're required to dedicate 70 feet from the existing center line. That's probably going to be, you know, three to 4 feet on the southern end. We're probably at that right-of-way dedication on the northern end.

>> Alter: Okay. Thank you.

>> Mayor Adler: Okay. We have other speakers. Go to them. Thank you. All right. Number 118 is Nadia

[indiscernible] Ramirez. Then Susana Almanza is on deck. You have three minutes.

>> Good evening, councilmembers, mayor. Thank you, my name is Nadia

[indiscernible] And I live in the Johnston terrace neighborhood and I feel like Mr. Howard stole some of my slides because they're very similar. It just shows that we are bound by airport, the river tracks, 183 and baum road so abaum is really the only way out of our maintained.

-- Our neighborhood. This shows the development know, so [indiscernible] Has 600 plus units coming on to shady and 1105 airport is proposing 300 plus units with three driveways coming ton shady lane and there's another proposed development with another 290 potential units all coming on to shady lane. What that does everyone comes down shady and into this problem intersection. So this is just a picture that I took on my way home and you can see the buses from eastside memorial and endless cue of cars and down shady an endless queue of cars.

[11:39:45 PM]

Behind that SUV there's a cyclist trying to make his way through. On the other side we have our signature urban trail which has on a good way 3,000 plus visitors. This is the only way to navigate that intersection. Like Mr. Howard mentioned there has been a tia performed and I'm not very experienced with tias but for some reason they recommend improvements way up at Springdale and airport and way down at Gardner and baum and then something -- right-hand turn from baum on to airport and we're moving this [indiscernible] On shady lane. So this is just a -- you know, a snippet of the tia. And what I'd like to see is all of the funding go into fixing the problem of airport, baum and shady. I don't think we need to spend money at those other intersections. I think we need to focus the funding -- and I believe it was written that way so we have the flexibility to do that. As councilmember alter mentioned, there are -- three and four talk about the right-of-way that the developer is planning to dedicate and number 5 is regarding the urban trail that they're planning to build. So my request or what I think the solution would be is to allow right-hand only turn lanes exiting on to airport because I think that would help not only the people that live at 1105 airport get out of this development quickly and I think only having a right-hand turn only lane and getting it 75 feet away from the intersection meets the requirements and it would be a safe distance away from the existing intersection. So I'd like the transportation department to take another look and the development services department to take another look at that penal. I -- potential. I talk about a slip lane here but I'm not sure if we're in concurrence in our neighborhood about removal or keeping the slip lane. Sorry, last recommendation.

[11:41:47 PM]

[Buzzer sounding] Just wanted to shoat connection, potential for

[indiscernible] So you can completely avoid this scary intersection and that's it. Thank you.

>> Mayor Adler: Thank you. After Susanna speaks, then Daniel Yanez, you're on deck. You have three minutes.

>> Good evening, mayor, city council members. We're part of the govalle Johnston contact team. I want to state the gr-mu in 1998 that was adopted was not for apartments because at that time the land was contaminated. This was part of the tank farm. All the sites -- all citco, Chevron, tex corks all of them only cleaned up to industrial standards, only gulf coast state cleaned up to single family standards. So when we had gr-mu there it was because we wanted different types of retails and shops. At that time we knew you could not put housing on that site. It was contaminatessed. So we knew if you look at that, that's a tank farm. That would show the lines there and the contamination. So we knew that people would never be able to live there because it was never cleaned up. Now, I'm very surprised because I requested when this case first came for it to go to the environmental board. Because it took us over ten years to remediate that site. And then they clean up this site in one year. I just -- I'm dumbfounded by that, that we monitored that cleanup process for over ten years and that they were able to clean this industrial site in one year and then they got a letter from tcq that was all that we were able to see. I'd like to have that checked because knowing the people that are in power right now in the governorship and tcq, I don't trust them and I'm really afraid about putting over 300 families here on a contaminated site and having also when you're digging all the contamination coming from this site.

[11:44:06 PM]

So I would like to also -- for y'all to send it to the environmental board for complete review. I'm in agreement with that airport being a right-turn lane only, that that be looked at so people leaving the complex, only if they're taking a right turn they can leave the complex. You can't come in on that particular turn.

[Indiscernible] Was one we worked with the state transportation department and the city of Austin, we had that whole area of that intersection redone. As you know, it was sort of like that dead man's circle and students even died at that intersection. So we worked to redo that whole intersection. And so that slipway that's there, it's there because you cannot have the people from shady lane coming to baum ready and try to take a road because it's always stacked. People run that light and get stuck between airport and baum road. If you're trying to come out of shady lane to get on baum you might never be able to get behind those cars because there's no opening. That's the reason they opened that particular site that way, when that whole intersection was done. So that shady lane could come across and that people coming from south.

[Buzzer sounding] On airport could take a root on baum as they yield. Thank you very much.

>> Mayor Adler: Thank you. Mr. King is here. Is Candice fox here?

>> No. She left.

>> Mayor Adler: You have five minutes.

>> Thank you. I'm Daniel Yanez, govalle Johnston terrace neighborhood contact team. This is in our area and we're supporting the neighbors in that part of the area. That's why we had Ms. [Indiscernible] Give you her presentation first. This is supposed to be mixed use. It's really mono use. And the developer's agent explained to us it wasn't viable for them to do commercial so they're doing this.

[11:46:15 PM]

But councilmember Renteria, you hit the nail on the head here. 600 units units scheduled from -- on to shady lane, these guys 320 units. There's a proposal that will come up later that will be 1125 shady. We will be opposing that. 8.9 acres. That is zoned single family. It's an empty lot right now, and they also want to do 200 units, all rentals, et cetera, et cetera. So shady lane will have tremendous pressure from all this. And it's not an easy puzzle to solve. So our position is that if they do -- if you do give them access ton shady that it be no more than two, and, you know, so I'm just going to draw in the air, okay? This is shady lane there. Their project is, like, a triangle. So the length along shady lane right here Jane lane turns. So we're asking that they put their ingress-egress in the center of that length because the closer they get to the corner on the south end, the harder it is going to be for traffic piling up there and the closer they get to the north end where it goes around it will be the same kind of thing. So if you do grant them access, we would appreciate it if it was in the center of that lane. And we talked earlier outside with the -- with the traffic people, and they said the same thing, that until they have a specific site plan, it's difficult for them to ascertain that. But safety -- we also are concerned with safety. So just, you know, as a layperson looking at it, their ingress and egress would be best served in the semester of their project relative to the length of shady.

[11:48:19 PM]

Am I making that clear? Yeah. Okay. If you have any questions other than that, I'd be happy to answer.

>> Mayor Adler: Mr. Yanez, thank you.

>> Thank you very much. I want to say thank you all for your service. I know it's late. Geez. Y'all have a lot of hootsba to stay up here every week.

>> Mayor Adler: Laura

[indiscernible]. Those are all the speakers we have. Does the applicant want to close?

>> Mayor?

>> Mayor Adler: Yes.

>> Pool: Could I ask the applicant also to address the tank farm issue and then maybe we can get -- I don't know if staff is here to address that. I want to get a sense of what the status of that cleanup and the remediation there.

>> Mayor Adler: We can end this in 12 minutes we can end before midnight.

>> Pool: You know, they can maybe bring us back some information but that would mean -- I don't know. Are we not going to be a final vote on this tonight? But I think the tank farm --

>> Mayor Adler: Let's do what we need to do. Let's let the applicant respond. Answer those questions.

>> Thank you, mayor. My name is Jeff Howard for the applicant. Couple things. First of all, we agree with Ms. Verara. The right turn on to airport, we're willing to keep that. It will cost us some parking spaces. But if the city will say that's safe and txdot will allow it we're okay with that. We're also in agreement with leaving some bicycle access through that slip lane on shady lane. We think that makes a lot of sense. And we don't see the need to rip up the pavement. We can achieve that with strike in ballards so we're in agreement with Ms. Verara. On a couple of points, first of all, the signature trail on to govalle park we're improving that. We're actually extending trails to the park trail from shady lane.

[11:50:22 PM]

We're also providing over \$120,000 in public trails on our property, even though all we're asking Forrer - we're not asking more more density, we're not asking for change of use. All we're asking for is safe access but we're willing to do more than is required. As far as the cleanup, if the intention was for this property to not have any residential, it should have been downzoned to something other than gr-mu. It allows 100% to be residential. We don't have good access on airport. It's not a commercial site. As it relates to the cleanup, citgo did do the cleanup but they did not do the monitoring and testing that was necessary in order to be certified safe for residential. That monitoring and testing was done, and we did receive tcq approval this past year, 2017, that it was safe for residential use. That is part of the backup that's in your file. As far as 600 units being scheduled in the area, our tia assumes that. We've analyzed, that looked at that, included it in our tia. And our traffic improvements and our pro rata contribution mitigates that traffic as well as our own. Now, as far as the sf-3 site across the way, we don't include that. But that's up for y'all to consider. And it's for that applicant to prove they can mitigate that traffic. We have mitigated our traffic. And factoring in the forecasted. Finally, as it relates to the number of intersection or driveways on to shady lane, all we would request is that you take staff's recommendation and that is that you leave that to site plan. Bell have to meet -- bell have to meet space -- we will have to meet spacing requirement, queue length requirements, site distance requirements.

[11:52:24 PM]

All those things are very rigorous in your transportation criteria manual. And staff will vigorously, I can assure you, vigorously ensure that this is safe access to shady lane. And so --

[buzzer sounding] Rather than have an arbitrary number of access points, let's leave that to site plan. If you have additional questions I'd be happy to answer them.

>> Mayor Adler: Okay. Thank you very much. Any further questions?

>> Pool: I just wanted to follow up with Ms. Almanza. If citgo didn't clean it up but Mr. Howard says they went in and did the cleanup. Have you all got that report? Can we get that to Ms. Almanza?

>> Yes, ma'am, we'd be happy between first, second, and third reading providing any information Mr. Almanza would like to see regarding that.

>> Pool: If there's anything else you're looking for, please share information.

>> Yes, ma'am, absolutely.

>> Mayor Adler: Is there a motion to approve this on first reading, close the public hearing? Mr. Renteria makes that motion. Is there a second to this? Councilmember Houston seconds it.

>> Renteria: Also can you work with the neighborhood and contact team to get them all that information about the cleanup and the documents that you received?

>> Yes, sir. We will absolutely do so. I will say that we met early and often with the govalle neighborhood association. We offered to meet with the neighborhood planning contact team in the fall. When this case started getting closer to council, their -- it generated additional interest. We've had some excellent discussions with the neighborhood, and we'll be happy to continue those discussions between now and second and third reading.

>> Renteria: Thank you.

>> Mayor Adler: Sounds good. It's been moved and seconded. Any further discussion? Those in favor of approving this item 118 on 1st reading, closing public hearing, please raise your hand. Those opposed. It's unanimous on the dais with councilmember troxclair gone.

[11:54:25 PM]

That's all the items we're going to consider today. We're not going to consider item number 13, not necessary for us to act on. I think that is all the things on our agenda. So at 11:54 this meeting is adjourned.

[Adjourned]