

# City Council Regular Meeting Transcript – 8/23/2018

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[10:19:46 AM]

>> Mayor Adler: I always like it when the room gets quiet. That means that everybody wants us to start. And so we will. Before we start, I think it's just worth noting that time magazine just announced their list of the world's greatest places. And the Austin central library is on the list of one of the greatest places to visit in the world.

[Applause] All right. Let's begin with an invocation. Is brother George Williams here with the church of Christ at east side? Would everyone please rise.

>> Let us all bow. Blessed are you, oh lord, god, our father, forever and ever. Yours, oh lord, is the greatness and the power and the glory and the victory and the majesty. Indeed, everything that is in the heavens and the Earth is yours, and under your dominion. Oh lord, you are exaltd above all, you rule over all, in your hand is power and might and it lies in your hand to make great and to strengthen everyone. Now, therefore, our god, we thank you and we praise your glorious name. We pray this morning in the name of Jesus, our lord and savior, we request of you in his name that you grant into our city council, the mayor and all the councilmembers, a wise and discerning heart. Please grant them wisdom, foresight, and understanding to continue to lead our ever-growing and expanding city. Let them do what is in the best interest of all citizens and not just a select or elite few.

[10:21:54 AM]

Bless them to lead the city in a fair and equitable manner, considering every citizen and the impact that their decisions could have on each of us, instill in each of them a spirit of righteousness, realizing, and your word declares, that righteousness exalts a nation, that sin is a reproach to all people. Now as we conclude this prayer, we pray that you will continue to protect our city council members and their families. Thank you for their servant leadership spirit, their willingness to serve, and the sacrifices that they make to serve the citizens of this great city. Protect our nation and its leaders. Bring our nation together, heal our wounded soul, and truly let us imbibe the spirit that graces the high ideas of us being one nation under god, indivisible with liberty and justice for all. In the name of Jesus, we pray. Amen.

>> Mayor Adler: Amen. Thank you. Today is Thursday, August 23rd, 2018. It is 10:22. We are in the city council chambers here at city hall 30, 1 west second street, Austin, Texas. We have a quorum present so we're going to convene this meeting of the Austin city council. Let's take a look at the agenda. So, clerk, I have people that -- two people that have signed up for item number 16. It wasn't pulled, though, by speakers. Does that mean people signed up after the time to do that? Okay. So 16 will stay on the consent agenda. So what I'm showing as being pulled is item number 5 by the mayor pro tem, item number 20 by the mayor pro tem, item number 21 is being postponed to next week, 8/30/18.

[10:24:01 AM]

I have item number 39 -- is that still being pulled or is that staying on consent?

>> Mayor, one of the parties has asked for a 1 o'clock time certain to come speak to us.

>> Mayor Adler: Okay. We'll pull that one so we can take it up this afternoon. I have item number 40 which is being postponed till August 30th, next week. We're going to pull item number 46 and some questions on that, so I think we'll go into executive session and discuss item number 46. Item number 75 is being pulled by speakers. Item number 76 is being pulled by Flannigan, item 77 pulled by tovo. Sos on changes and corrections, just to read it in items 10, 11, 12, 21, and 40 are all being postponed to August 30th. On item number 30, on August 13th, 2018 this was recommended by the electric utility commission, 8-1 vote with commissioner Vaughan voting against and the vice chair with one vacancy. Item number 38 also on August 13th, recommended by the electric utility commission, on a 9-0 vote with the vice chair absent, one vacancy. The following items have been withdrawn, item number 47, 50, 52, and 57 have all been withdrawn. And then item number 77, an additional sponsor, councilmember kitchen has been added to that number. So, just by way of reviewing, the consent agenda is items 1 through 51 and 74 through 78.

[10:26:10 AM]

1 through 51 and 74 through 78. The pulled items are items 5, 20, 39, 46, 75, 76, and 77. Back to the dais. Councilmember troxclair.

>> Troxclair: Can I also pull 78 for a couple of questions?

>> Mayor Adler: Troxclair pulls item number 78.

>> Troxclair: Thank you.

>> Mayor Adler: Okay. Councilmember kitchen.

>> Kitchen: I have a -- I don't need to pull it, it's item number 26. I just want to point out that what's on consent includes the yellow motion sheet that everyone has.

>> Mayor Adler: Okay.

>> Kitchen: Okay. The motion sheet adds a project to district 5, and the language is in front of you. It relates to the pedestrian crossing improvements at a. Z. Martin near Barton springs pool.

>> Mayor on 26 and 27, we're still working on some language with law. I don't think there's a problem with this we would recommend you just to delay that till the 30th and we'll bring that back. We're still working on some language that clean up -- we had a supersede list which we're not superseding a list, so we recommend just leave it on consent but delay it until the 30th.

>> Kitchen: Okay.

>> Mayor Adler: So you want us to postpone 26 and 27 till next week.

>> Yes.

>> Mayor Adler: Okay. Without objection, 26 and 27 postponed to next week. Yes, mayor pro tem.

>> Tovo: Mayor, on number 20, I just have some language to read into the record, so that could stay on consent.

>> Mayor Adler: Go ahead and do that.

>> Tovo: Is everybody is happy with that.

[10:28:10 AM]

I did distribute it.

And the language says: Per the 2018 families and children task force recommendations as well as recommendation he 2012-0301, the improvements to Seaholm waterfront should include child features and play spaces. We memorialize the intent that the Seaholm waterfront contain features and activities that appeal to austinites in all ages and particularly to children and families.

>> Mayor Adler: Okay. Any objection to that language being included in hearing none, that language is included and it reminds on consent. Go ahead.

>> Tovo: On number 5 I'd just like to request a one-week postponement.

>> Mayor Adler: Okay. Is staff okay with a one-week postponement on item number 5? Yes. Okay. Item number 5 will be postponed to 8/30. Other items? Councilmember pool.

>> Pool: Thanks, mayor. On item 26 also, I just wanted to make a point that I have two additional projects that I understand will be brought back on September 20th on these. One is a traffic signal in the boundary between district 7 and 4, and that is a traffic signal that I think has been contemplated for some time. Then also on a boundary line between district 7 and 10, pedestrian beacon at west 45th at Sinclair to help with safe passage for people going over to ramsay park. So I have funds identified and I'd

be happy to have staff kind of confirm that for me, but my understanding that these two projects will be added and brought to us for approval on September 20th. Can I get a confirmation on that?

>> Mayor Adler: Yeah, city manager confirms that.

[10:30:11 AM]

>> Pool: Okay. Great. Thank you so much.

>> Mayor Adler: You know, the quarter-penny dollars, the action taken by council, I was in the minority on that. I think I lost a 10-1 vote or something like that. I think I did, setting the money -- there might have been a couple others that voted with me on that. And my concern was that we take money and just divide it ten ways, we're not necessarily addressing need, but we still could be addressing need, so I would really appreciate it, manager, if, when we're considering that, if your staff could also tell us how the projects that ultimately are selected and appear on the quarter-penny list relate to the prioritized needs that the city has set so that we can see whether or not in this process or to what degree we're straying from putting money where the need is greatest. Thank you. Yes, Ms. Houston.

>> Houston: Just one further comment on that, I agree with you, but some of the priorities were set without understanding the reality on the ground many years ago so it's important that we go back and make sure that those priorities are still the priorities in those districts.

>> And, Mr. Mayor?

>> Mayor Adler: That could be a real lesson learned, if we're not setting the priorities or needs right, this might be an opportunity to be able to surface that well. Councilmember kitchen.

>> Kitchen: I'd also like to remind all of us that there was a process for selection of the projects, and that process went through the staff's prioritization process first, so there were technical requirements and considerations and prioritization that our staff applies that was part of this process. So I wouldn't want to revisit that. And I would suggest that if the staff wants to give us that in a -- as a reminder in a memo, that would be fine, but I don't want to rehash that with any of these projects.

>> Mayor Adler: Point well taken.

[10:32:12 AM]

I was only referring to the new projects that were showing up on the list that my understanding is that some of the projects that we're being asked to approve now are not the same projects that we approved way back when when we went through that process. So mostly I'm asking to take a look at whatever the new projects are. And if they've gone through the same kind of rigorous vetting process, then certainly just identify that as well. Councilmember pool.

>> Pool: Yeah. And just to that point, my understanding on some of these is that when staff went through the assessment process and brought us the list, there was still an array of steps to take, and it was then determined by staff that some of the projects would either cost less or cost more, continue to be feasible or have fallen off the list of feasibility, which then changed the ultimate list that we had already agreed on. And so the process continued through its various iterations, which I think has actually turned out to be a pretty good -- pretty good approach, and I appreciate staff's diligence in that matter.

>> Mayor Adler: And I wasn't pointing to any particular concern with respect to the list, and it could be that everything has gone through rigorous process. I just wanted to find out. Yes, councilmember alter.

>> Alter: I just -- out of an abundance of caution for my appointee to the tourism committee, I wanted to read it into the record. I know it's on our sheet here but I'm not sure if it was posted to backup. I'm pleased to appoint Michael cannatti, and I just want to do make sure that that went through properly.

>> Mayor Adler: And that has been pulled so we'll consider that later.

>> Alter: Oh, it is.

>> Mayor Adler: So, back to our consent, 1 through 51 and 74 through 78, the consent items that I'm -- the pulled items I'm seeing are 20, 39, 46, 75, 76, 77, and 78. Any further points before I call people to speak on the consent agenda?

[10:34:15 AM]

And 20 is back on that's right, 20 is back on because we've added that amendment. Thank you. Let's call the people who want to speak. Mr. Hirsch, do you want to come and speak?

>> Mayor and members of the council, I applaud city staff forever recommending spending nearly \$1.4 million to replace flood-damaged rental housing that would be available to income-restricted households, whether they experience flooding or not, that is item 60 on your agenda to make the dollar serve as many families as possible, I offer the following suggestions. One, a request for proposal process for the pecan grove by the Austin housing finance corporation on Tillery street south of oak springs road on district 3 that could reeled rental housing with efficiency apartments, one, two, and three-bedroom apartments serving households at 50 and 30% Medina family income if the pecan grow site is not in the 2500 or 500 00floodplain. Two, if it is, consider the parking lot as an alternate site, in central east Austin. This could increase opportunities for low income renters to remain or return to Austin. Four, consider use of a portion of the housing trust fund if the city manager recommendation that Mr. Van eenoo described yesterday is adopted as part of the budget approval process. Number five, consider using a portion of general obligation bond funds if approved by Austin voters in November. Number six, provide expedited review of the successful applicant zoning subdivision site plan and building plan review at no charge to the applicant.

[10:36:19 AM]

And number seven, begin tracking certificates of occupancy and building permits issued for smart housing aligned with the 65,000 income restricted ten-year goal approved by the city council in 2017 as part of the strategic housing blueprint amendment to imagine Austin. Your action on item 16 today will hopefully create an rfp process that will yield housing for the poorest among us, which I know all of you aspire to achieve. So thank you very much for item 16, and I hope you will incorporate these other suggestions.

>> Mayor Adler: Gus Peña.

>> Good morning. I'm here, and I thank the prior speaker for speaking on the disaster relief grant. That's one of the high topics for us also because a lot of poor ses, socioeconomic status people lost their homes also, and without having good credit through the banks, you can't -- you can't get a loan. So very much approve number 16. The -- number 22 -- I don't have have -- I don't have a problem as such, but foundation communities receiving this funding for \$100,000 for the health insurance -- I just want to make sure if they have money on their own, to do it on their own money. Just like us or anybody else, taxpayers, you know, we don't get relief from anybody else. So if they're able to get all this funding from the city, county, state governments, whatever, I would recommend that, you know, they -- I mean, it's not direct services, they have individuals that volunteer, and I'll leave it at that. You did say number 25; right?

[10:38:19 AM]

>> Mayor Adler: 25 is on the consent agenda.

>> Okay. Great. Approve a resolution accepting grant funding in the amount of 507,000, et cetera, for the housing and homeless services. Well, we need more than that. That's just, you know, a drop in the gallon of water, you know, or empty gallon. It takes a lot more than that. Mayor, I will say this in closing. I want to thank everything that everybody has done. I just want to say this, and I'm not going to talk politics, but, you know, people are really disrespectful nowadays, and, you know, doing a negative analysis of us who try to improve the city of Austin. I've been doing this for more years than some reporters have been reporting the news, and I find it very, very ugly, very, you know -- I have a tough skin, I'm a Marine Corps veteran, but I don't care what they say about me or what I'm doing, I do it because the lord directed me to do that to improve the quality of life for the citizens of Austin because sometimes they're not getting the services they deserve, and they need, like housing, affordable housing. Y'all -- mayor, eyeballs on me, like we say in the Marine Corps. They're building more expensive, quote-unquote, affordable housing, and it's not affordable for the low ses people, socioeconomic status. So I'm hoping that you understand what I said, because some people are saying, well, you just come over here, rant and rave, that's a bunch of crap. I'm over here not because I want to, because people need help. They're out there, homeless, they need help. They don't have jobs, we need to help them out. That's something the lord wants us to do. So if you want to downgrade me, give me, I don't give a D, F, O S, all I think is what the lord thinks about me, I'm going to continue what I do, and I

understand what y'all are all about. I'm no dummy, I've been doing this for 45 years. So anyway, I'll leave it at that. But, you know, people need help and people need relief.

[Buzzer sounding]

[10:40:19 AM]

Thank you very much.

>> Mayor Adler: And then -- thank you. Jose Vera, is he here? He had signed up for item number 5, but it's been postponed. Okay. Is there anyone else that's signed up to speak on the consent agenda? All right. That gets us to the dais. Is there a motion to approve the consent agenda? Councilmember alter, councilmember Casar seconds that. Any notations or notes before we take a vote? Councilmember troxclair?

>> Troxclair: Just want to be shown voting no on items number 5 and 22 and abstaining from item number 23. Thanks.

>> Mayor Adler: Okay. So noted. Anything else? Okay. Those in favor of the consent agenda, please raise your hand. Those opposed? It's unanimous on the dais with the notations that have been made.

>> Kitchen: Mr. Mayor?

>> Mayor Adler: Is there a comment on the approved consent agenda? Councilmember kitchen.

>> Kitchen: I wanted to make a comment on item 74, which is the ems contract. I wanted to thank our staff and the ems union for working together on coming up with this agreement. I think it's a significant agreement and represents something that works well for the city, and just want to say thank you to you all. I don't know if anyone is here that wants to comment on it. City manager, did you want to comment on it?

>> Mayor and councilmembers, similarly, the appreciation for staff and the association for working hard on this agreement that has now been approved by both the association and this council, and so I just wanted to express my appreciation to them and the entire labor relations team that worked on diligently.

[10:42:25 AM]

If there is a member of the association that would also like to speak, I think that might be appropriate as well.

>> Kitchen: Yeah. I don't know if --

>> Mayor Adler: Is Tony here?

>> Kitchen: Is Tony here? Tony, if you'd like to come speak?

>> Mayor Adler: Hey, Tony.

>> Hello, mayor, city manager, city council. Thank you for mentioning our contract on 47 and thank you for passing it. I think this is a very good start to make some must-needed judgments in ems. And with the city manager's help and labor relations we're able to have a different outcome than the last time. Thank you all so much. I look forward to meeting with you on topics outside of the contract. City manager, mayor, thank you.

>> Kitchen: Yes. I just wanted to say thank you and please thank your members for all the hard work that they do for the city.

>> Thank you, councilmember kitchen. Appreciate it.

>> Mayor Adler: And Deven, would you also thank the team that you pulled together as well for getting this done. Thank you. Councilmember pool.

>> Pool: Yeah, I wanted to give an extra that-you and appreciation to Tony Marquardt and the ems Travis county employees association and our negotiation team. Thank you very much, Deven and the staff that supported these folks. It was a bit of a rough ride for a while, but it looks like we will get a good end result. And so we're two for three now and hope we can get to three for three. So thank you all again.

>> Mayor Adler: Okay. Thank you. Thank you. All right. Let's continue on, council. Item number 21 is still showing up on my account, but that was approved on consent. Item number 20, when we read in the amendment, got pulled -- I mean was put back on consent. Item number 39, we're not going to take up till after lunch. Item number 46 we're not going to take up until after lunch.

[10:44:29 AM]

That gets us then to the item number 52 was withdrawn. Yes?

>> Tovo: Mayor, I wonder if we might say until after executive session.

>> Mayor Adler: Okay.

>> Tovo: Because if we blast through all of our consent items and have an opportunity to go into executive session forever those, we might be able to able to come out and manage them.

>> Mayor Adler: Point well taken. Except there was one asked to be no sooner than 1 o'clock. So item number 39 won't come up until after 1 o'clock.

>> Houston: Okay. And item number 68 will come up after the zoning comes up at 2:00.

>> Mayor Adler: And 68 will come up -- that's true, it'll come up after 2:00, and it needs to because it's set on the agenda for no earlier than 2:00. So as we go through here again, item number 39 is going to come up sometime after 1 o'clock. Item number 46 is going to come up sometime after executive



session. Then we can take up item number 75 at this point, 75, 76, 77, and 78. So, let's call item number 75. This is the booting matter. I think the question here is whether we're going to have it set at a hundred dollars or \$50. We have some people here to speak from the public and I'm going to go ahead and call them up. Chris Lawson. Is Chris Lawson here? You have time donated to you from Marco Velasquez. Is Mr. Velasquez here? No snuff three minutes, sir.

>> Thank you, Mr. Mayor, councilmembers. Thank you for allowing am the opportunity to speak.

[10:46:30 AM]

I'm general manager of admiral enforcement. We provide parking enforcement services on 18 parking facilities in Austin and over a hundred parking facilities in markets like Houston, New Orleans, mobile, and Memphis. We take our motto, fair, transparent, and effective very seriously and work to create a professional work environment. On all of our operations we go above and beyond regulations currently in place. We wear professional uniforms and body cameras. Our vehicles are gps tracked and utilize front and cab facing dash cams. We ensure all enforcement actions are properly documented with both reason and charges clearly communicated to the immobilized vehicle's owner and we offer an easy-to-navigate appeals process. To maintain the quality of the operation and pay our associates' competitive and fair wages, we must generate revenue like any other business. As our fellow booting operators discussed with council two weeks ago, booting operators cannot sustainably operate with a max booting fee of \$50 as the draft ordinance contemplates. Council asked booting operators to discuss this claim with the Austin police department. So we presented them with analysis. In our conversation, I advised detective Ballard that a boot fee of \$50 would result in a net operating loss for admiral between 15 and \$3,000 a month. I asked if he thought our proposed maximum boot fee of a hundred dollars is fair and reasonable, and he agreed it was. I then asked him if he would recommend to the -- the amount to city council to help determine the maximum fee. He advised he's not able to recommend any fee to council. I followed with the question, if someone from city council asked you if a hundred dollars was a fair and reasonable amount for the professional service of a boot removal, would you advise them it was?

[10:48:35 AM]

Detective Ballard responded yes. The parking and booting industries are the only constituents to speak on the issue to date and support all aspects of this ordinance, with the exception of the maximum boot fee of \$50. Therefore, we respectfully ask council to respect the maximum boot fee to \$100. Thank you for time and consideration. I would like to donate my remaining time.

>> Mayor Adler: Our rules don't allow for that donation, but I will call Andrew Eden up to speak. You have time donated from Raymond Bradshaw. Is Raymond Bradshaw here?

>> He's not here yet. He's on his way, but I understand the rules may not allow.

>> Mayor Adler: You have three minutes.

>> Thank you. Thank you all for allowing me to address you again. I'm Andrew Eden with premium parking of central Texas, we employ the booting services of admiral enforcement. We've heard the arguments and cases made by admiral. They cannot operate profitably with a \$50 maximum fee. Suffice it to say we strongly hope we don't have to resort inclusively to towing for parking enforcement. As Chris alluded to, only a few constituencies have weighed in on this issue as it has not captured the attention of the public at large. So with the help of our parking advisor, admiral, we circulated a petition to get support for the petition from \$50 to 100, for which I have these signatures here. Beginning this Monday after booted customers paid to have a boot removed are, admiral agents provided this notice to inform the customer of the issue before council. Then after the agent has removed the boot, the agent asked if the customer would be willing to sign the petition. Keep in mind how bizarre this request would seem, a customer has their vehicle identified as in violation, booted, after they have paid to have the boot removed, the agent asks for their support in an amendment that would allow the practice of both. Despite the extraordinary circumstances, we received signatures of support from 47% of customers, or 15 signatures of support out of the 32 total that had their boot removed this week.

[10:50:44 AM]

The citizens signed the petition in support of an amendment to the maximum boot fee represent a cross-section of Austin and hail from 12 different zip codes all over town. We'd like to submit this petition for your review and consideration. It was emailed to councilmembers just yesterday. But I want to thank you for your time, and I want to welcome any questions that you may have about this petition or our ask.

>> Mayor Adler: Okay. Mayor pro tem?

>> Tovo: Thank you so much for being here. Could you ask -- I would love to see that notice, if you don't mind putting it up.

>> Absolutely.

>> Tovo: If you give it to the gentlemen behind you, they can put it on the screen.

>> Without stealing time, I'm happy to read the notice, which I have a copy of as well if that's helpful.

>> Tovo: That's okay, I have a couple more questions while we're waiting for it to get there. Okay. I guess that answers my question. I was wondering whether the notice said, and it does, that if the fee stays at 50, you would likely go to towing because I know that claim was made last time, and I wanted to see if that's -- if that was how the issue was framed for those who you had sign the petition. I guess I'm wondering a couple other things about that difference between booting and towing. Is it typical that the companies for which you're providing that towing ask you to do one or the other, or do they leave it to your discretion?

>> They usually leave it to our discretion, but we make a recommendation. Towing for us is much more efficient for our clients, which included coffee shops, hotels, et cetera. Immobilization is so much more efficient, it's customer-friendly, and it also is more cost effective as well.

>> Tovo: I'm sorry, which did you say -- you said both were more efficient, so I need to be clear on which is more efficient.

>> I'm sorry, booting or immobilization.

[10:52:47 AM]

So...

>> Tovo: And I would assume there's a bit of lag time for towing, that there are other disadvantages to doing together

-- towing, you've got to call and get the truck back.

>> That's correct. Towing, when we rely on services -- when we rely on being able to relocate the vehicle to an impound lot, having a tow truck pick up, we have a lead time expectation of anywhere from 30 minutes to two hours.

>> Tovo: How long does it take to get a boot on?

>> We can get a boot responded to within about five minutes, is about how fast. It's pretty immediate. There's some lag time just for double checking that the boot is placed correctly. And the removal typically happens within 15 minutes. Anything beyond 30 minutes reduces the rate of the boot. Anything beyond an hour, if I'm not mistaken, also makes the fee voided, so...

>> Tovo: Okay. So I guess there -- I mean -- okay. I guess I'm just trying to evaluate how likely it is that companies will switch to towing rather than booting. It seems like they're two different things and they offer -- one can be done more quickly and doesn't require, necessarily, additional equipment beyond.

>> Personnel.

>> Tovo: -- Boots, and the other is more time intensive and equipment-heavy.

>> Speaking of that, too, the efficiency of being able to get it off so quickly is because we have someone staffed 24/7, and having them stay in the proximity of the boot while they're continuing to service other facilities allows them to stay nimble. So that factors into the cost analysis of being able to operate for \$50 per boot, means that staffing shortages mean that those expectations will start to change that delay.

>> Tovo: What -- do you need a special

>> Tovo: Do you need a special vehicle to have boots? Do you have particular vehicles --

>> Yes, admiral is using a track, I'm not sure the model, might be a Toyota.

[10:54:51 AM]

>> Tovo: Just a regular truck. It is a pretty standard vehicle, so that would appear to be an advantage.

>> The one that is meant to be very clearly marked with a safety light and a lot of considerations for making it both -- one that can withstand the weight of carrying that many boots with them so they can immediately replace but also immediately remove and just be reliable.

>> Tovo: Okay. Thank you.

>> Mayor Adler: Okay. Thank you very much.

>> Thank you.

>> Mayor Adler: The last speaker we have is Anthony Martinez. You have three minutes, sir.

>> Hello, everybody. Again, we did have a meeting the other day and we were talking about what would be fair to everybody. We did come up with \$100, felt like it would be fairment I would agree with both these guys that just spoke. I feel like \$100 would be fair across the board. One of the things, in the state of Texas there's only 12 booting companies. Booting started, like, five years ago and it was at \$150 here in Austin. If it was such a big, you know, money-maker type thing, a lot of towing companies would have switched over to booting, which they didn't. Booting is a little bit harder than towing, which I've done both. And the reason is you are having to face to face a person every time you boot somebody and there's always an argument. You have to have specially trained people, people that can bring them down. You have to have them trained on the phone to get people down. Towing companies are just picking up a car and taking it and that's it. So there's a lot more training goes involved with the people I have.

[10:56:54 AM]

I think these guys are very professional, I've seen them work, so there's a little more that goes into it. I just wanted to say that, again, I'm with these guys with the \$100. Last time I spoke, we've been at 150 for five years. And, you know, we've all pretty much made a living doing it at 150, but at the lowest would be 100 and we probably would still continue doing it. Anything lower than that, we would have to buy trucks and get things started that way. Another thing that I ask is if we do change or make any changes to any prices, that we're given at least some time to continue at the current price until maybe at the end of the year and start at the end of the year, beginning of the year with a new whatever is coming in. That would give us time if there is people going to make changes. I've got ten families that work for me. You know, people have families, people have kids and houses to pay for and stuff like that. If there's going to be any changes, it would give them time also to make their changes. That's all I'm asking, if there's going to be change, give us until the end of the year at least and hopefully it doesn't go below \$100.

>> Mayor Adler: Thank you very much. Ms. Houston.

>> Houston: Thank you for coming back again. So you've been charging \$150 for how long?

>> Five years.

>> Houston: For five years.

>> And that came from tdlr.

>> Houston: I'm sorry, what's tdlr?

>> That's the ones that oversee us.

>> Houston: That's the state agency that was --

>> The Texas department of licensing.

>> Houston: Regulating you. So 150.

>> Yeah.

>> Houston: For five years and the industry is willing to go down to 100?

[10:58:57 AM]

>> Well, I mean, we're having to do that now. We had -- I think a couple of complaints. One of them I think was some kind of congressman or something like that that really made a big complaint and that's where all this stuff started. Yeah. And so from there it's gone to where we are right now. And then tdlr getting out of it and letting the police department take over, that's what -- they've had these little complaints,.

>> Dollars for whatever -- \$50 or whatever the price might be. They are going on the complain \$50, whatever the price might be. I would still park somewhere and if it's only \$50, I'll park there. If it's \$150, I feel the sting a little bit, I'm probably not going to do that again. Some of these businesses, they are -- Austin is so -- parking is at a premium. You can't find parking around here, so everybody wants to partake your parking spots. If you don't partake your parking spots and this bar over here gets so packed, if I wanted to eat at your restaurant and looks like it's full, I wouldn't stop there, but there's nobody in there.

>> Houston: Let me ask you another question. If you are a tow truck driver, how much do you charge to tow the truck to the impound?

>> It's 193.30 what it comes get it to the yard, it's 193.30. It's \$20 a night after that. The second night \$20 plus \$50 letter that we send out. And then it's \$20, it keeps ongoing, so -- plus, I mean the person that got left without a car is looking for a ride or they are left alone. I've done both and I do both of them.

[11:00:58 AM]

I'd rather do booting. I would rather let that guy get mad at me face to face and let him get his car back right away and he's gone, you know.

>> Houston: In the time that it takes for you to tow the vehicle to the tow yard, you don't see that -- you charge so much that it covers your time --

>> Yeah, these tow truck drivers, they are really fast. They can pick up a car pretty quick and latch it all up and get it out of there pretty quick. And, you know, you are not just going to have one tow truck. If it's a hot spot you are going to have three or four trucks in the area ready to go.

>> Houston: Thank you, sir.

>> Mayor Adler: Thank you very much. Can staff come down, please?

>> Good morning, mayor, council.

>> Mayor Adler: Here's my question. I'm trying to figure out obviously how to vote on this. I see the \$50 that was set and I see that that was -- you know, the current drop fee for towing.

>> Yes, sir.

>> Mayor Adler: So it would make sense it would just be carried in because that was the current fee. I'm trying to figure out if there was any thought in addition to that and -- or if at this point having heard this discussion it also makes sense to set it at \$100, given the concerns that have been raised.

>> We started with the \$50 because it was the drop fee, but then as we continue to research and write this, we found it's in the city fee schedule already, vehicle immobilization fee at \$50. The ordinance itself doesn't enlist a fee, it just refers to the already established fee schedule. We as the police have no objection to it being raised to a higher rate, but that's how we arrived at 50.

>> Mayor Adler: I understand that makes sense to me. Does it make sense to you that we should try \$100 here?

[11:03:01 AM]

I guess that would require us to amend the fee schedule.

>> We have no data to go either way. We just take the gentleman at his word for what he said.

>> Mayor Adler: Okay. Back up to the dais. I'm probably going to support going to \$100 on this. Further discussion? Mayor pro tem and then councilmember alter.

>> Tovo: Yeah, I'm going to do what I did last time which was to support the staff's original recommendation of \$50. I appreciate the dialogue. I would say we haven't -- we really haven't been hearing a lot from people who are immediately impacted by these services. The students in west campus and other places where you see lots of booting taking place. And I think, you know, were we to hear a lot of from consumers, I think they would be advocating for the \$50 rate. After more discussion it doesn't sound to me like it's an easy matter to shift from booting to towing. It requires additional

equipment, it's a longer time lag between the car being parked and your ability to respond to that illegal parking, and so I think there are -- it seems to me that owners of businesses are electing to go with one option over another because it works, you know, they find that to be the better option, not necessarily because of the fees. So I'm going to stick with the original \$50.

>> Mayor Adler: Councilmember alter.

>> Alter: I understand this is set in the ordinance but it's also set at budget time. So would staff be amenable to a temporary \$100 fee and then we could set the fee at budget?

>> Yes, ma'am, we have no objection to that.

>> Alter: And so I'm not -- I guess from law, my question is is the way that we would do that to amend part 3 to add a maxim mobilization fee for noncity immobilization of \$100?

[11:05:09 AM]

>> Yes, Chris with the law department. So you would amend that last section of the ordinance to amend the 2017 fee schedule for the police department to include a vehicle immobilization fee of \$100, and then during the 2018 budget process the council, of course, could change the fee schedule again going forward.

>> Alter: Okay, and then it would default to -- it would default to \$100 in the budget.

>> Yes.

>> Alter: That would be coming to us -- voting on in September.

>> I believe that's correct.

>> Tovo: Okay. Thank you --

>> Alter: Okay, thank you.

>> Mayor Adler: Would we need language for that before we could approve it? Could we give that direction as part of approving this or would we need to bring this back after lunch to actually have language?

>> I think you can do that now. Part 3, which is page 15 I think of the ordinance, you're going to amend exhibit a, which is ordinance number 2017-09-13-002. And add \$100 rather than \$50.

>> Alter: We have to make sure it's for noncity immobilizations because we're not increasing the city immobilizations. So we're --

>> We would amend the part of the fee schedule that -- for the police department that has the vehicle immobilization fee set at \$50, and we would amend that particular part to the \$100 if that's the will of the council.

>> Alter: Well, are there two -- I mean we could make two fees. We could make what the police can charge people and what the companies can charge?

>> The only fee that's considered as part of this ordinance is what -- is what the companies would be allowed to charge under this ordinance.

>> Alter: I wanted to make sure because we were taking the fee that was in the schedule that only applied to city immobilization, I wanted to make sure we were not inadvertently changes that to \$100.

[11:07:11 AM]

>> We're not changing any other fee, just the one we're talking about today.

>> Alter: Okay. Thank you.

>> Mayor Adler: Councilmember alter, do you want to make that amendment?

>> Alter: Sure. I will move to add a maxim mobilization fee of \$100 for noncity immobilization. That would be in place and then we will have an opportunity at the budget to change that, but the default would be \$100 when it comes to us at budget, and if we have evidence by then it needs to change, that we could change it.

>> Mayor Adler: Let's get a second to that and then we can discuss it. Councilmember Flannigan seconds. Discussion on the dais? Councilmember Casar.

>> Casar: Mayor, I'm going to stick with the staff's original recommendation and I think part of the situation we're in is just if -- now that the state has passed the buckle on to us to come up with these rules, it really would be helpful if when staff brings these fees forward to us that there is some -- some market analysis on it, and since we don't have it and I have to some extent guess between San Antonio's 35 and tdlrs 150, I think started at \$50 is where I'm comfortable and then we can move forward from there. And I would want us to -- and the staff to consider whether that -- if there are issues where we're seeing more towing and less booting, that could mean having booting being more profitable with the higher fee or bringing the towing fee downward. I don't know if it's because booting isn't profitable or if it's because the spread gets on so large we want to lower the tow fee. I think all those options should be on the table so that we can make sure that parking can be managed well, but that we are providing accurate, good consumer protections be that on booting or on booting and towing.

[11:09:11 AM]

>> Mayor Adler: Okay. Further discussion? Ms. Houston.

>> Houston: I'm going to try one time again this time to make it stay at -- to put it at \$100 because I've had -- I've had nobody call me about booting, but I have had people call me about the towing fee.



>> Yes, ma'am.

>> Houston: And the people I'm concerned about is if we don't have something in place that will allow the booting companies to keep booting, then we will revert to the massive amount of money people experience when they are towed. And it is a lot of money. I've had to take somebody out to south Austin to be able to pick up their car and it's a lot of money and it has to be in cash. I'm going to stick with the \$100, and I agree we don't have a whole lot of market analysis, but we don't have a whole lot of time. We've got to get this in place by September 1st. Hopefully you all will be able to look at and see what the other peer cities are doing and get back to us but I'm willing to vote for 100.

>> Mayor Adler: Councilmember Garza.

>> Garza: It used to be 150.

>> That's what they were charging. My understanding from experts from the tdlr, tdlr did not set a fee. But what the the intoing companies have been charging is \$150.

>> Garza: Okay.

>> [Inaudible].

>> Although, you know, there's -- there is some anecdotal stories of some booting companies charging more than that given that there is no maximum fee. Without the ordinance, then, you know, come September 1st, booting companies could charge whatever they wanted with no recourse for the consumer. >>.

>> Garza: I'm a little conflicted on setting this, but I think technically speaking it's -- 100 is less than 150, so it's going down, essentially. So I will also support the 100.

[11:11:13 AM]

>> Mayor Adler: Mayor pro tem.

>> Tovo: Mayor, I just have a procedural question. The next vote we're taking is for an amendment to put it at 100? Did we actually have a main motion for the staff recommendation of 50?

>> Mayor Adler: We probably did not.

>> Tovo: Oh, it was second -- it was second reading because it passed only on first reading. Okay.

>> Mayor Adler: Further discussion? Councilmember Renteria.

>> Renteria: I have -- this is a very difficult decision to make because I've had people in my staff have gotten booted and because they were just going to the atm to get money because they couldn't afford to pay -- they wanted cash so -- and they got booted and said listen, look, I was here, I have the receipt, and they still had to pay the \$50 drop charge required and we had an incident where they had to pay the full amount even though they were there. And then I've had where they had a young lady that said

that she got it and she had to pay over \$200 to get off. So it was -- there wasn't no set rate at all. This is very hard, but I'm going to stick with the \$50.

>> Mayor Adler: Okay. Are we ready to take a vote?

>> How long would it take to do this market study?

>> Let me refer to the transportation guys if they have an answer.

>> At this time we don't know what we would need to do the market study. It's a very difficult study because -- Jacob Culbertson for city of Austin. It would be very difficult to do because we have to find another municipality that regulates, perhaps.

[11:13:14 AM]

And do market studies on what they charge throughout Texas at this time we've heard of booting charges being up to more than \$300. And towing charges being right around \$300. So it would be very difficult to find other states and cities that have regulation and we would have to study those markets in particular, I believe.

>> Alter: Would we know by budget what other cities in the state have set? Because everyone in the state is going to have to go through the same process.

>> We could definitely look into that.

>> Alter: So I would be -- I'm most comfortable, it is a reduction, as Ms. Garza mentioned. I'm concerned about the switch to towing, which I think would be even more frustrating for the consumer. I think that taking the step given the uncertainty about it, we can change it down to 50 if we see that others are doing that and not experiencing stuff. I would rather us not be the Guinea pigs on that, and I think we do have a little bit of time here to see between now and budget what other municipalities in Texas are doing in response to the same thing and change it then. So I would stand with my motion for the 100.

>> Mayor Adler: Is the amendment to take it from 50 to 100. It's been seconded. All in favor of the amendment please raise your hand. Alter, kitchen, Flannigan, Houston, Garza, pool and me. That's seven. Those voting no? It is Casar, the mayor pro tem and councilmember Renteria. Councilmember troxclair is off the dais. That amendment passes. We have the motion in front of us. Further discussion? Let's take a vote. Those in favor, please raise your hand. Those opposed? Casar voting no, troxclair off the dais.

[11:15:16 AM]

It passes 9-1-1. Thank you very much.

>> Kitchen: Mr. Mayor? I --

>> Alter: Mr. Mayor, I just want to ask for budget when we set it, if you could provide information on what the other cities have done so we can revisit as necessary, that would be helpful.

>> We will.

>> Kitchen: I also wanted to echo councilmember alter's request. I think that that will be important. I voted for it subject to us getting more information. So ...

>> Mayor Adler: Okay. Thank you. That gets us to the next item we'll call up, item number 76. This is the housing strike fund.

>> Which one?

>> Mayor Adler: Item number 76. Mayor pro tem, do you want to make a motion?

>> Tovo: Yes, mayor, I would like to move approval of this item.

>> Mayor Adler: It's been moved for approval. Is there a second? Councilmember Garza seconds this. You wanted to talk about it first?

>> Alter: Is it's this yellow one that has no name that says item 76, is that what you are moving?

>> Tovo: No, I'm moving --

>> Mayor Adler: The base motion.

>> Tovo: I'm sorry. One second. I am moving the base motion. I think we changed -- no, I'm sorry. I am moving the yellow one. So there are two -- there are two versions on your dais on yellow. One has amendments from councilmember Flannigan. The other embeds the amendment is from me. I apologize for the no name on it. It has some text in red that were amendments offered by councilmember Casar I'm going to accept into my base motion and those are in the first be it resolved. And the last be it further resolved was actually a change that we made in consultation with the staff just to adjust that date from November 1 to 25.

[11:17:16 AM]

Thank you for the clarification. That's the one I'm moving approval of.

>> Mayor Adler: What's been moved in front of us is the yellow sheet, item 76 in the upper right-hand corner. It's been moved -- mayor pro tem will speak to it later. No citizens have signed up for this. That puts this on the dais. It was pulled by Mr. Flannigan. Did you want to address this.

>> Alter: Do we have a second?

>> Mayor Adler: It's been moved and seconded. Mr. Flannigan.

>> Flannigan: Thank you. So I've got -- I handed out a motion sheet that kind of breaks down by each of the be it further resolves, some of them are unchanged and seem to be substantively the same as -- outside of the date change. So I think the first one where I added the words a portion of I think is the

same intent as I'm reading in the amended where it says the plan should be developed in concert with any broader land acquisition program. I just wanted to ensure that we weren't changing all of the priorities of the program, that we were just saying here's another one, see how this can fit in. I don't have to worry about the first one on the first be it resolved, and the second one what I'm -- between the second one and the third one they are somewhat related. I'm thinking about kind of two examples in terms of prioritizing the program. And one is what we saw with Chalmers where we had older housing where it was an opportunity to get more units through a redevelopment process. And so if there's opportunities to do that, those would be the ones I would want to prioritize. And then the new be it resolved where I talk about additional development potential, I'm thinking about the types of housing, some of which I have in my district where there's still some pretty big parking lots or other land that may be part of that parcel where additional buildings could be built for additional units.

[11:19:25 AM]

For those to be prioritized or at least -- yeah, prioritized is how I'm laying it out. I think those are great opportunities to get more units in addition to preserving the affordable units that are there. And then I guess that last be it resolved is somewhat similar to the change you made in the first one.

>> Mayor?

>> Mayor Adler: Yes, councilmember Casar.

>> Casar: In scanning councilmember Flannigan's amendments, I wanted to ask a couple of questions that may make this go more quickly, which are, you know, a lot of the resolution doesn't do the prioritization for the staff yet because we're asking them to come up with that, and then for us to make changes. So I wanted to -- when you stopped and said to consider and then actually that your resolution says prioritize acquisition of parcels with what development potential, I wanted to see whether it might make it faster for us have that word -- to consider as opposed to prioritize because if we wind up with prioritize, we would start thinking through in other places in the resolution what the priorities are. I just want you to consider making that consider. And then also in the -- I know this isn't my resolution so I leave it up to mayor pro tem, but just from my own thinking, when I pick this up also on the last be it further resolved amendment you have, which is about maximizing the number of affordable residential units, I think that's one of our biggest if not the biggest goal in the strategic housing blueprint, but we do have other goals there and so I would want to see if we could consider having that saying in order to maximize the impact of the funds, maximize affordable residential units and the other goals of the housing blueprint because there might be cases where in your district, for example, we might not be able to get as many units, but because we have -- we'll be setting district by district goals for affordable housing, it might make sense to jump on an opportunity in your district where we -- there may be -- in an area of it where there are fewer affordable housing units and where we want to hit those goals even if in some part of councilmember Renteria's district where we've already hit some of those goals.

[11:21:47 AM]

Does that make sense? Our only goal isn't maximize of the number. For me, I feel like it's in the spirit of the resolution if we have prioritizes consider and other goals of the housing blueprint. Those are the first things I thought about when I picked this up when reading the consent agenda.

>> Flannigan: I'm fine with that because I think the changes the mayor pro tem in her motion, is this setting priority station. Now that it's not, I'm fine changing the word prioritize to consider in that third be it resolved in my amendment. And you wanted to add language to the fifth one that I've got laid out?

>> Casar: In order to say, in order to maximize the number of affordable residential units and reach the other goals of the strategic housing blueprint so we're not just focusing on that one goal. Although it is a very important goal, obviously.

>> Mayor Adler: We don't -- he hasn't moved it yet so I'm going to ask him to make that motion to move his amendment and we'll discuss then.

>> Flannigan: I'm going to move the following changes, in the second be it resolved where I've added and where appropriate redevelopment in the red line.

>> Mayor Adler: Yes.

>> Flannigan: In the third be it resolved as written with the change where it says prioritized --

>> Mayor Adler: Was there a change in the first be it resolved?

>> Flannigan: I'm not going to move that because what the mayor pro tem moved is sufficient.

>> Mayor Adler: So not the first one.

>> Flannigan: The change I've laid out in the second one. In the third, adding a third be it resolved, but instead of saying prioritize say consider.

>> Mayor Adler: To consider the acquisition of parcels. Okay.

>> Flannigan: And the fifth be it resolved, adding the language --

>> Mayor Adler: And reach the other goals of?

>> Flannigan: Yes.

[11:23:48 AM]

The strategic council blueprint.

>> Mayor Adler: Of the strategic housing blueprint. Okay. Is there a second to amendment? Councilmember Houston seconds those. Discussion? Ms. Houston.

>> Houston: Thank you. Are we assuming that when we're talking about parcels, we're talking about city of Austin parcels as well?

>> All parcels. I would say all parcels.

>> Houston: So parcels includes city of Austin parcels and aid parcels and Travis county parcels?

>> Mayor Adler: Well, it's -- are you talking about parcels in the one, two, third be it resolved clause? I think those are talking about acquiring parcels.

>> Houston: Right, that's what I'm saying, all parcels are out there, public and private. Just want to be clear.

>> Mayor Adler: Let's confirm. My understanding -- okay, no, that's what you are adding.

>> Flannigan: That's what I'm adding. So obviously the city parcels are already city parcels, but it would include any parcel that we are contemplating acquisition of, but I think the intent of the resolution is where there already exists affordable multi-family, so I don't know how many of those are owned by other entities, but in the broader scope of this resolution, mayor pro tem, I see you are nodding agreement, it's not so much about buying properties broadly, but in context it's about anywhere where there already exists affordable housing.

>> Houston: And some of those acquisitions might be city owned.

>> Flannigan: We already own them so we wouldn't be acquiring, we already own the city ones.

>> Houston: Right, I understand that. So I guess the issue is when we talk about acquisition that we have to be -- never mind. I got it.

>> Flannigan: Okay.

>> Mayor Adler: Okay. Further discussion? Councilmember kitchen.

>> Kitchen: Just a question, really, about the intent.

[11:25:53 AM]

The very last be it resolved talks about returning to council with the recommended acquisition criteria and acquisition plan, budgetary estimates and framework. So I would read that to include the -- in the acquisition plan the potential locations for purchase. And I just want to ask if that would be the intent of the authors and just ask the city manager if that's how he would read that.

>> Flannigan: Mayor, can we wrap up the amendments on the table and then talk about additional amendments?

>> Kitchen: I'm not suggesting an amendment. I don't mind waiting.

>> Flannigan: I think better wrap up the ones --

>> Mayor Adler: Let's do that. Stay with the amendments.

>> Kitchen: That's fine.

>> Mayor Adler: Mayor pro tem.

>> Tovo: I have a few things I want to talk about with regard to the amendments. Councilmember Flannigan, I think it may be useful to include a portion of the first one you had just to clarify that this is not suggesting we spend all of that money on acquisitions, which would be out of context with what committee said. I actually unless you feel strongly, I think that's useful Zan I love it.

>> Tovo: Fine with the second one. Insert where appropriate, comma, but otherwise I'm fine with that one. The next one to change to consider works tore me. The whole point of this was really to ask staff to come back with criteria for how we would acquire -- what properties we would acquire. And so I'll talk more about this when councilmember kitchen asks her question, but I wasn't suggesting they come back with a list of properties to acquire, I want to be well poised when I see another property in my district as I did a couple months ago that was up for sale, multi-family housing in a good area, in a good attendant zone, we could call staff and say give this a look and if it meets criteria -- that is what this was about, getting us well poised to come back and I have a lot of questions for staff here in a bit.

[11:27:53 AM]

But so I mean it worries me a little bit to be calling out criteria, individual -- and video criterion, but I'm comfortable if you change to it consider. The last amendment I'm just really struggling still to understand. Directs the -- I'm not sure where we ended with the language. I rewrote it myself to say compared to other initial activities of the housing trust fund and general obligation bonds to full file the goals of the strategic housing plan rather than talking about maximizing impact, maximize be number, whatever it was you all added together. I guess I'm just not sure -- I'm not really sure -- I'm not really sure what this provision is doing.

>> Flannigan: I don't know that it's -- it's just reaffirming the fact that there are a lot of goals related to the housing trust fund and a lot of goals and priorities related to these funds and wanting to ensure that we are accomplishing the goals of the blueprint, which includes not just preserving units, which would not add units to the housing stock, but also adding units. So I want to make sure we're looking at this stuff in confection. I don't think -- context. I don't think ear in disagreement with that.

>> Tovo: Would you mind reading the most current language on this?

>> Flannigan: I think the most current language, council directs city manager to include in the plan how this new fish initiative is prioritized in order to maximize impacts of the funds and maximize the number of affordable units and reach the other goal to the strategic housing blueprint.

>> Tovo: I think that's fine. I think that's fine. One thing I do just want to note about -- I mean I really would not support prioritizing the acquisition of parcels with additional redevelopment over other criteria necessarily. I think we will encounter, I hope we will encounter opportunities that are in high opportunity area where there may not be additional land available that we still they are very strategic acquisitions.

[11:30:02 AM]

The three I'm thinking on east Riverside, I'm not sure there's existing redevelopment potential, but their affordability terms are just about up and I would regard those as high priority and I wouldn't want them to be ranked lower because they don't have a lot of extra land. I'm happy to consider that, but I wouldn't necessarily support that being one of the highest priorities. I think we'll miss a lot of very strategic opportunities otherwise.

>> Flannigan: And I trust that staff will take those into consideration when they come back with a plan.

>> Tovo: Okay. So that's all I have on on the amendments.

>> Mayor Adler: Any conclusion including the amendments? Hearing none, they are included. Is there any further discussion in we have someone from the public I think we should call. Gus Peña, you've signed up to speak.

>> Kitchen: Mr. Mayor.

>> Mayor Adler: We'll come back to you. Let's give Mr. Peña a chance to speak before we take any action.

>> Kitchen: Okay.

>> Thank you, mayor, appreciate that very much. Gus Peña, native east austinite, 2327 east fifth street. This is very dear to us and I'm reading it back over there because I didn't put my glasses on, but preserving multi-family, now, I ride the bus a whole lot, the number 7. You know the area of Riverside drive and Wickersham, three apartment complexes are set to be demolished. Affordable housing. Three apartment complexes. They are going to tear them down and build some -- what they call affordable housing. But what's affordable in their definition is not affordable to the poorest socioeconomic status people. When we say that and preserve like it says there, preserve multi-family developments and multiple home parks, it's very important, please, please, if you hear -- I've been doing this since Bruce Todd was mayor, transitional housing, affordable housing, it makes me want to cry to see how people, developers are lying to the community.

[11:32:05 AM]

And mayor, we're going to have a lot of people that are homeless. Families, families that deserve better, you know. 906 right now per month when they finish building those apartments. I guarantee you it ain't going to be affordable for a lot of the lowest socioeconomic people. It's important to preserve but also talk to the developers before you grant them perks. As it is right now, this city is too expensive. And you have the army command coming in here, whatever stock or reserve we have now of so-called affordable housing, it ain't going to be there anymore. So word to the wise, I've known homelessness myself, about out the issue is this, it hurts me to see people being displaced and they are going to build affordable



housing, define affordability and let's preserve the family developments and mobile home parks so people can live in truly affordable housing. Thank you very much.

>> Mayor Adler: Thank you. We're back up to the dais. Councilmember kitchen.

>> Kitchen: I just wanted to confirm the way that I'm reading this request to city manager and that's to return with recommended acquisition criteria and acquisition plan, budgetary estimates and a framework. I'm just wanting to confirm that that would include a survey of the city in terms of where mobile home parks are. Is that the -- would that be the thinking?

>> Rosie Truelove: We can do that as part of our analysis. We are not anticipating bringing back any recommendations on potential parcels to acquire.

>> Kitchen: Okay.

>> With this particular resolution, just more on kind of prioritization and decision-making framework.

[11:34:06 AM]

>> Kitchen: Okay. But could you within the context of this include a survey of what's existing?

>> Yeah, we'll work with the office of real estate services to see if they can help us with that.

>> Kitchen: I assume you don't need an amendment to this resolution to do that.

>> I don't feel like I need an amendment to the resolution. I can jot that note down and take care of that.

>> Kitchen: All right. Thank you.

>> Mayor Adler: Councilmember alter.

>> Alter: I'm not sure if this is a question for Ms. Truelove or mayor pro tem. Can you explain to me what this resolution makes happen that's not already set in motion with the implementation of the strategic housing blueprint? So I don't have any issues with what you're requesting, I'm just trying to understand what the additional direction is beyond what we already have in the blueprint.

>> Tovo: Sure. And actually this will lead me to some questions I have for staff about their response to the question that was asked in the Q and A. I see this as very in line with the strategic housing blueprint. What I think is different about this year in our budget is that we're able to fully fund the affordable housing trust fund and I want us to be intentional about creation of a strike fund initiative. It has been a long-time community goal. It's been in a lot of task force reports to create a city -- to create a strike fund. I know the mayor and others have worked to create one that's operating outside the city at higher levels of median family income apartment acquisition, and I am trying to be responsive and get moving the strike fund initiative at the city. While it is certainly a goal in the strategic housing blueprint, this resolution is intended to be intentional about saying we're creating it, we want you to come back with a

criteria for how we would invest those moneys and what would be the kinds of properties we're going to look for and then have a plan for doing it.

[11:36:09 AM]

Basically I want us to start spending the affordable housing trust fund money on acquiring multi-family housing developments that are in danger of shifting and of being either redeveloped or sold and demolished and then becoming unaffordable.

>> Alter: Thank you for the clarification on that. I just want to add, I don't need to add it to the resolution, that we need to make sure we're tracking the money in the housing trust fund that is supposed to be going to the grove to purchase the affordable housing. This must be in the works with that development and so there's a portion of that money that is dedicated towards that. We might use other things, but I just want to make sure the resources are there for that. And I don't know if Ms. Truelove, you wanted to comment on what you think this additionally provides us.

>> Well, I think it compliments the implementation plan of the strategic housing blueprint. We have a number of in in addition to our G.O. Bonds and housing trust fund, we have other force of funding including federal funding. And my goal for the next six months or so, regardless of whether we have this resolution or not, has been to take a broad look at all of our sources of funding and make sure that we're being strategic about how we, what types of acquisitions or investments we make with those funds, including the creation of a new consolidated plan for our federal dollars, which is due to HUD in August of next year, but we're hoping to bring to you much sooner, more like late spring of next year. So we've already been talking about this internally in housing so this compliments a lot of effort we're already doing. It may alter our time frame somewhat. We were anticipating bring the strategic housing blueprint back, we had a presentation to the housing and planning committee last -- was it last week, and we anticipate additional discussions moving into the fall with the housing and planning committee. We have the implementation plan that's going to be going out for public comment in the next month or so, and we are anticipating having some action on that early next year based on how much public comment we anticipate and working through all of that and getting feedback from council.

[11:38:26 AM]

So trying to -- it's all about capacity of staff to have all of these initiatives going on at the same time and trying to make sure that we're taking in mind the implementation strategies as we construct the framework, which are still in development. So we're going to have to think about how we can do all that at the same time, but it compliments the work we're doing quite well.

>> Alter: Thank you.

>> Mayor Adler: Mayor pro tem and then Ms. Houston.

>> Tovo: So I had some questions about your response in the Q and a. The question was asked by one of my colleagues just in line with what you've just discussed to estimate the impact on city resources, et cetera. And the first part of the answer talked about developing -- I'm just going to excerpt, developing the plan would impact the department's ability to implement the strategic housing blueprint. I just want to pause there for a moment because as I went through the strategic housing blueprint, there are easily, you know, just on our quick review five references to the strike fund as being a significant component of the strategic housing blueprint. I'll just read some of them. On page 2 it talks about promoting strategic investments, creating protections for low-income renters by developing a strike fund to preserve multi-family buildings to retain affordable units. Pursuing, page 3, pursuing future general obligation bonds and other local fund appropriations for affordable housing. Page 22, targeting those affordable units that will be lost through attrition with strategies like the strike fund, et cetera. Page 23, which had a whole recommendation about developing a strike fund strategically acquiring, Renteria rating, managing existing multi-family buildings to make them affordable for the long-term. Page 37, those policies should encourage preservation of affordable housing near transit quarters. Just in reading your response, it almost sounds like this is derailing -- directly in response about developing a strike plan, strike fund.

[11:40:34 AM]

I guess I'm not clear on where that perceived misalignment is.

>> So -- and Erika leak, acting assistant director who was instrumental in developing the strategic housing blueprint can help with this, but the strike fund references that were in that document were referring to the strike fund that is now known as affordable central Texas. And so this is kind of a different envisioning of a strike fund. This is utilizing city dollars rather than the affordable central Texas, which is completely separate entity from this city of Austin. So -- so again, we think that strategically acquiring properties, especially the types of properties that are referenced in this resolution, is a good thing and will be necessary. The strike fund that we talked about in our envisionment of the strategic housing blueprint is not a city-funded strike fund, but a community-funded strike fund.

>> Tovo: I guess I'm very -- I've been hearing about and seeing and reading recommendations for a strike fund for a whole lot longer than the community one. And the resolution in 2014 pre-existed this council, it pre-existed the formation of the community -- I'm not really sure that -- I guess I would say that I have always read those recommendations for a strike fund as being a city strike fund. It never occurred to me in reading through the strategic housing blueprint that that was referring to the private strike fund that had been set out. Because again, it would just be an historic anachronism. The 2014 resolution was -- was preceded, the formation of a community one. That was a response. As I saw it, that was a response to the calls to create a strike fund. I'm just not -- this is a surprise to me that the strike fund here was really intending to refer to this outside effort.

[11:42:41 AM]

>> So Erika leak, acting assistant director of neighborhood housing. The evolution of the strike fund has - has gone through numerous stages, and initially there was the idea that it could potentially be a joint public-private partnership working with partners for fundraising potentially using city of Austin funds as part of that strike fund. As it was developed, it was determined that actually having public funds as part of a strike fund would likely make it less able to strike quickly. And so it was determined that for an entity to be able to purchase property quickly, that the strike fund that has been discussed since 2014 and before really should be just using private sources. Not public sources. That doesn't mean that we as a city can't acquire property. It does, but I think the idea of a strike fund is often that that money can be invested in the quickest pay possible. And often having the city involved does not make that possible. So again, what is -- what is discussed in the blueprint is -- is really referring to something that has evolved into a private fund that can work quickly. And the implementation plan of the blueprint will -- will talk about that private fund, but it will also talk about what we as a city can do to wisely invest the funding that we have available.

>> Tovo: Okay. Thank you. I'm going to have to go back through this strike fund and ask --

>> Mayor Adler: Can I pick up on the point you were raising?

>> Tovo: Sure.

>> Mayor Adler: Because I think those are two different things too.

[11:44:43 AM]

It's not just a speed issue or ability to be able to act, it's the fundamental basis of each. So to the degree that you are attracting private funding, you're paying a return. In order to be able to pay the return, there's a limit to how low you are going to be able to go with affordability. My recollection was when we looked at the plan, I don't remember that the strike fund and the strategic blueprint was just for properties 60% and above, maybe it was, but I had thought that strike fund was listed as also a tool for below 60%. But to the degree that -- if it's not, it should be. And to the degree that it is, it can't be met by the community fund because -- so the only way to do a strike fund, to be able to get below 60% is consistent with the kind of thinking that's in here.

>> So in our recent conversations with is that their goal is to serve households, some potentially below 60% of the median attack -- median family income and some at a higher income.

>> Mayor Adler: But it's based on the premise of being able to return to an in investors a 68% return, which means it has to generate greater income than what is the focus of what the mayor pro tem's resolution is. Which means they are going to be two different things.

>> Correct.

>> Mayor Adler: Because one develops a return which is hopefully able to attract private capital investment, not philanthropic, and then there's the subsidized money tool that comes either from the G.O. Bonds or from housing trust fund that is subsidized so it's not intended to generate that same kind of return.

[11:46:45 AM]

>> Correct.

>> Mayor Adler: I think what the mayor pro tem -- that difference between the two -- and I think the goal is to be able to do both those and using the strike fund as an option being ready to be able to go at the lower levels, my understanding it's always been part of kind of the conversation that requires us to do something outside of affordable housing conservancy. I'm sorry, mayor pro tem.

>> Tovo: And I don't want to belabor the point, but in looking back at that 2014 resolution, all the actions were directing the city manager to do something. They weren't directing the city manager to go and work with an outside partner in creating a private strike fund, which is why -- which is I didn't, you know, I and I believe a lot of others when we see strike fund think it's about something the city is going to do. And I'm delighted there's this outside entity, but that is the substance why I was so concerned when I saw this answer about this work kind of suggesting that it's going to derail the work of the housing, the strategic housing blueprint. Which again, just to close the loop on it, I don't think it will. I think it's helping implement the strategies that were identified in the strategic housing blueprint.

>> They do. The reason why I crafted the response in that way is about timing and about staff capacity. That was my primary concern. We have, you know, for most of the policy direction that comes in the nature of the items from council, they tend to hit a similar group within the housing department, and they are stretched pretty thin. Even with outside consultant help helping us with the implement plan for the stream housing blueprint, -- strategic housing blast, we're at capacity. And when we start piling more things on us with competing deadlines, things have to move around because there's only so much that we can do. That's my concern and it's not that we -- we don't see the benefit of this and that we weren't already thinking in these terms and that we're not looking to -- at the positive for how we would spend our acquisition dollars, G.O. Bonds or housing us from fund other otherwise, we're recognizing some other things will potentially get, you know, moved around a little bit.

[11:49:07 AM]

>> Tovo: Thank you for that. And several of these are clearly things we don't want to -- we don't want to make not happen. The next one that was noted was to secure restrictive covenants on developer incentive properties. You know, those are often very critical to an agreement on a particular development. So if -- if coming up with criteria for how we're -- how we would invest our money in a strike fund is going to preclude us from carrying through on commitments to get affordable housing out of those private developments, that's not something -- that's something I want to figure out how to do both. Is it the legal department who is -- who is securing the restrictive covenants or the housing? How is that working.

>> It's housing staff working with the law department. We have a real estate team within the housing department that -- that largely interface with the department making sure we -- the restrictive covenants and that's the same team that would be working trying to develop this particular framework and, again, we just want -- it's just -- it's the capacity concern and want to go make sure that we're going into any direction with time lines associated with it that there's -- there's the potential for either the time lines to be missed or for other time lines for other initiatives to be missed.

>> Tovo: Well, I certainly don't want to jeopardize the city's ability to secure restrictive covenants. Is this work going to jeopardize the city's ability to secure restrictive covenants from developers?

>> We can take the conversation as priority to ensure we're doing what we need to to ensure those restrictive covenants are being secured.

>> Tovo: Thank you. And I would -- you know, the other elements you've mentioned here are also important.

[11:51:08 AM]

Developing affordable housing on Austin housing finance corporation and land. I think maybe -- I'm wondering if there is a bit of an understanding between what I'm requesting and what you all are contemplating doing. My goal here is to be able to spend our affordable housing -- invest our affordable housing trust fund money as quickly as possible and it was a goal of several co-sponsors to embed within that thinking how we would acquire properties through general obligation bonds as well. My goal is to begin to make those investments. And so if you need to scale this back so that you're not jeopardizing other work, that's fine with me. I just want to get to the point where we have an approved list of criteria so we can make investments here in the city before we just continue to lose properties that we might have otherwise been able to secure.

>> Yeah, and I just want to reiterate that we're in complete support of that. That's our priority as well. And we'll -- we'll figure out how we can strike a balance here, but there's -- there's a number of really big initiatives that are in front of us over at the housing department over the next six to nine months. And we want to make sure that we can devote the appropriate amount of expertise and skill to all of them without letting anything fall and that's part of our head scratching that we're going to have to do.

>> Tovo: Thank you. Thanks for your work.

>> Renteria: Mayor pro tem, what if we just do away with the date on there in November and give them -- the staff more time to work on it? I wonder if that could work.

>> Tovo: Councilmember, I'm happy to -- I think again back to my goal of being able to invest our affordable housing trust fund money, if there's a piece that could come back like the criteria for those investments, I would really like to have that as soon as possible. So I would prefer to keep the date in there with the understanding that if the rest of it comes back later, that's fine.

[11:53:08 AM]

I just want to be able to start making those investments.

>> And I -- since we're talking about the housing us from fund, I did want to just highlight that you will be getting a memo in the next couple of weeks that we've been working on with the law department to kind of go back through the legislative history on the housing trust fund. There are a couple of things we're going to want to bring forward, some changes that we feel like would better align the -- the housing us from fund with the goals and objectives in the strategic housing blueprint and where we're moving to as a city with how we invest those dollars. And so that -- that will be come to you in a couple weeks. I'm not going to stop that process because of this resolution so it might be there are synergies with those two efforts, but we do think that we need to make some -- that we're going to recommend from the housing department to council some policy decisions, some changes to make the housing trust fund more agreeable with the framework of how we're implementing housing now.

>> Mayor Adler: So the last paragraph would be interpreted to read, framework within this initiative, with at least the criteria provided no later than November 25th, 2015, if not all the requested information. Okay? With at least the criteria provided by November 25th, 2015, if not all the requested information. Is that okay, mayor pro tem?

>> Tovo: Yeah, that's fine district 1 okay. Any objection to this item? Let's take a vote. Those in favor, please raise your hand. Those opposed? Passes unanimously, with councilmember troxclair off the dais. That gets us to the 11:54. Let's see if we can do the next item. The next item I think here is item number 77, the density bonus issue.

[11:55:10 AM]

I'm sorry? Ms. Houston?

>> Houston: I'm sorry, mayor. Whenever you get to take the vote, I'm off here doing something else. So if I had been here, I would have voted for it.

>> Mayor Adler: I actually called you here, voting for it. I thought I saw you. I thought I saw you.

>> Houston: My spirit was here, but I did have a question and request about the mobile home locations, you were going to ask real estate, if you could please, when you get that information back from real estate, the manufactured homes, where they're located, if you could check with the various district offices because some of ours are hidden some places that somebody may not know.

>> Yes, ma'am.

>> Houston: So if you just make sure that you check with the district office so that we can confirm that that is or is not a manufactured home, I'd appreciate it.

>> We can do that. Thank you.

>> Mayor Adler: Okay. Item number 77 is just a request for the staff to recalibrate the density bonus provisions and come back to us. Someone want to make that motion? It's my item.

>> Tovo: I'll make it. Make the motion. I'll make a motion.

>> Mayor Adler: I said did someone want to make that motion? Councilmember kitchen makes that motion. Is there a second to that? Councilmember Houston seconds it. The intent was not to get us into a discussion about how we should or shouldn't change practices or plans, it was intended just to get back as quickly as we could a recalibration of the work. It was apparent to all of us, I think, that's fee-in-lieu amount was too low, so this was a chance asking for staff to come back and tell us how to do that. This is something that operates entirely outside of the conversations that we were having related to codenext or the rewrite of the land development code, although I think that certainly was part of that conversation, but this was something that predates that. It was just trying to figure out, to calibrate it quickly and correctly to make sure that when they're implementing the existing policy, it's done in a way that's fair.

[11:57:19 AM]

The other thing that this does is it tries to pull out all of these places where we have those things and to enable us to recalibrate more frequently, perhaps on a nearly basis, but without having to amend ordinances the same way we set fee schedules. So those really were the two things. The intent was to put off discussions now. There are a lot of people making suggestions on how to change the density bonus program, change the percentages, change the application, change the -- lots of other stuff, and I didn't include those in this, thinking that we would hold off that conversation for those elements, but we would go in and try to get this thing recalibrated as quickly as we could. That was the intent of the motion. It's been moved and seconded. Is there any further discussion on the dais? Mayor pro tem.

>> Tovo: Mayor, I appreciate you bringing this forward and was happy to be a co-sponsor on it and appreciate that opportunity. I would like, though, to move my amendment, which indicates that the council expresses its intent that on site affordability shall be the expectation, and council's approval shall be required prior to allowing use of the fees in lieu. I understand --

>> Mayor Adler: The mayor pro tem has made an amendment. Is there a second to that amendment? Councilmember pool seconds that. Mayor pro tem.

>> Tovo: This just seems to be a recurring and ongoing conversation in our -- with regard to our density bonus programs, probably for a decade or so it's been discussed with regard to the pud ordinance or others. I just think we need to set a very clear policy that our expectation is that density bonus programs will yield on-site units. And if there are good reasons for those units not to be on site but to be a fee-in-lieu, then that would require a council labor.

[11:59:21 AM]



We had this discussion to some extent during our codenext -- most recently, during our codenext conversations, but we've had them just over the years with regard to the downtown density bonus program or the planned unit development rewrite or others. I think it's time for the city of Austin to set a clear policy that those units should be on site. That's going to our expectation. And if they're not, that's going to -- if there are particular circumstances, we can have that discussion here at council.

>> Mayor Adler: Okay. I'm going to move the amendment that I've handed out, which is to not be prescriptive, to state that as a preference, but to ask staff to come back to frame that conversation, just like I'll be voting no on the north shoal creek matter today, two amendments, I just think we shouldn't be pulling forward bits and pieces of the overall conversation, and I understand the point the mayor pro tem is making. I think that's a policy conversation we should have. I just don't think that now is the right time for us to have that. And I'm concerned that if we just take actions like this, that we may put ours in a position where, inadvertently, we're actually ending up with less affordable units or less money in the housing trust plan. I just want that to be studied and recommendations made. Is there a second to the amendment to the amendment? Councilmember kitchen makes that. Discussion on the amendment to the amendment that I've handed out? Mr. Flannigan.

>> Flannigan: So, mayor, we've talked about this a little bit at work session. I don't see these -- I don't see the item that's coming up later about the neighborhood plan as the same as this. Just to note that. And, you know, I'm -- I would -- if what we're setting here is that it is the policy to always do on site, I don't know that I can agree to that until I know what the future of the recalibration looks like. Because one of the challenges that we have is that the cost of units in one part of town is significantly different than the cost of units in other parts of town.

[12:01:27 PM]

So if it's the same fee, you end up with completely different reactions from developers or -- depending on how that fee lays out. And I think it's important in context with the decision we just made about uses of the housing trust fund that we might want more fee-in-lieu, and it may be more valuable for those fees in lieu to preserve existing older housing stock than it is to squeeze one more unit in a development. I think there's a way to create a policy that's clearer, that staff can implement, then to force every conversation to come up to this dais where, inevitably, we're going to be debating things beyond that scope. So if we can set clear policy to the community and to developers and to staff about what we want to see happen, then it should be implemented and not require a constant political drum beat.

>> Mayor Adler: Okay. Further discussion on the amendment for the amendment? Councilmember kitchen.

>> Kitchen: I want to support the amendment to the amendment. I think it captures the policy directive that on-site affordability is preferable, but it doesn't create the expectation because it allows for additional information to come back to us. It says staff should return with recommendations and options to encourage on-site affordability, considering the risk of diminishing the number of affordable units, all that's the kind of information we need to have. So I'm comfortable with this amendment to

amendment, making clear that on-site affordability is preferable, but also making it clear that we also need to see the whole picture, so we need to see additional information.

>> Mayor Adler: Okay. Further discussion? Councilmember Garza.

>> Garza: I'm just trying to understand. So this was moved?

>> Mayor Adler: That's mine, yes.

>> Garza: And then the amendment is mayor pro tem's amendment, and then what was your amendment to her amendment?

>> Mayor Adler: It's what you had in your left hand.

>> Garza: Oh. So --

>> Mayor Adler: So that is the mayor pro tem's amendment, and it's red-lined to the changes I would make.

[12:03:33 PM]

So I would add the language -- I would say that it's preferable --

>> Garza: Got it.

>> Mayor Adler: -- And include the sentence that says come back to us but take these things into account.

>> Garza: Got it. Thanks.

>> Mayor Adler: And striking, making the policy decision now. Mayor pro tem.

>> Tovo: Mayor, can you explain what you mean by "To consider any risk of diminishing the number of affordable units and fees dedicated to affordability"?

>> Mayor Adler: What I wanted staff to do was, as part of the broader conversation, about, you know, as you ask the staff to come back as part of the calibration study, to give us recommendations as to what we should do with that policy to help ensure that it gets utilized, and to encourage on-site use. As I was thinking through what the unintended consequences might be, I pointed out to other people, one was suggested that if we're not careful, we may do something that inadvertently decreases the number of opportunities or units.

>> Tovo: I see.

>> Mayor Adler: There are probably 50 different things, as I think councilmember kitchen was alluding to, that we would want staff to take a look at as part of this, and by listing that I don't want to diminish that I would want staff to take a look at lots of different impacts it might have so that ultimately, when we make this decision, we make a decision that truthfully gets us the most units. I don't want to do something that discourages people from participating in the program.

>> Tovo: Okay.

>> Mayor Adler: I just want to make sure --

>> Tovo: I understand.

>> Mayor Adler: What we do is right.

>> Tovo: I can't support your amendment to my amendment for the reasons I've been encouraging the requirement be on-site affordability for longer than I've been on council. I think that we have -- you know, in the report back in 2015, we got some good examples about which programs had yielded on-site units and which hadn't. And, you know, the facts are that the on-site requirement are the only places where we get on-site units. I do agree that recalibrating the fee will help, I hope, but I do think setting -- setting the expectation that those units are on site as the expectation is appropriate.

[12:05:45 PM]

>> Flannigan: Apparent, did you hand out the amendment?

>> Tovo: It's on the floor. The mayor --

>> Mayor Adler: You can see her amendment. It's the words in black plus the words that have been stricken at the end of my amendment because I red-lined to the mayor pro tem's. My concern in this, mayor pro tem, is that I want to vote to get us to do the surgical recalibration because I think that's an important thing for us to do. I hope that we don't tie to it the policy of mandating at this point that everything has to be on site because if the amendment passes, then I have to vote no against the calibration because I don't want to -- I'm not ready yet to adopt the policy. So my hope would be that you would bring separately, rather than trying to amend the calibration, and put perhaps some was in a position where we have to vote against the calibration, if the amendment makes it onto this, that you would handle those as two separate things, that you would let us vote to do the calibration because we need to do that and I think everybody is going to agree to do that without -- without saying we can only get the calibration if we also agree to adopting an on-site policy, because I'm just not ready to do that yet. I don't think that we've had the discussion, the community hasn't had the chance to come in and weigh on that one, specifically. And I would just really like for us to be able to do the rather surgical recalibration of the ordinances that we have. Yes, councilmember kitchen.

>> Kitchen: And I'd also like to be clear that the -- that I'm supporting the mayor's amendment because it does say "Preferable." I don't want it to be interpreted -- I don't want it to be interpreted as not --

-- as not speaking to the policy that you're raising. And I also would not want it to be assumed that by voting for this, that that means that I don't support on-site affordability.

[12:07:51 PM]

I just think it's really important, given the context of the resolution that this is being put in, that -- you know, this resolution is about focusing on -- you know, focusing on the level and recalibration and also bringing some additional information back to us. So that's what this does. It makes a policy statement about it being preferable, but it also says bring us back more information, and then we can deal with whether we always want to say it's our expectation. It also sets in place a approval process that we haven't even had the opportunity to discuss the details of what kind of approval process we might want to have. So I just don't think it's appropriate to go into this, this resolution.

>> Mayor Adler: Ms. Houston.

>> Houston: And, mayor, I agree that the calibration is the most important thing for me at this point in time because we're losing money as we speak, every day. But I also don't want people do think that I'm in support of off-site affordability. So I'm for both of those things. So I think your suggestion to make two separate ones is good because I think this is the priority for me at this point.

>> Mayor Adler: And my intent was to try to reaffirm the sentiment that the mayor pro tem had, rather than just voting no to the amendment, I wanted to send the message that it was the preference, and we wanted the staff to come back to us with how we could do that and drive that preference. But without deciding that question now until we have that additional information. So we have in the amendment to the amendment that's on the table for consideration. Are we ready to put to it a vote? Those in favor, please raise your hand. Casar, kitchen -- I'm sorry? Casar, kitchen, Flannigan, me, Renteria, and Houston.

[12:09:52 PM]

That's six. Those voting no, raise your right hand. It's the mayor pro tem and pool. Those abstaining is councilmember Garza, troxclair off the dais, and alter off the dais. Okay. The amendment to the amendment passes. Now let's vote on the amendment as amended. Those in favor, please raise your hand. It's everyone on the dais with alter and troxclair gone. Let's now vote on the main motion. Those in favor, please raise your hand. Those opposed? It's everyone on the dais again with alter and troxclair off. That gets us to citizen communications. And I apologize for this, but building maintenance is requesting a short 15-minute recess before we do citizens communications. So it is 12:10, and -- and we'll be back at 12:30? We'll be back at 12:30 for citizens communications. I'm sorry?

>> They're going to check it out.

>> Mayor Adler: So do we want people to leave the room?

>> Sure.

>> Mayor Adler: So if everybody could please leave the room, we'll come on back here at 12:30.

[Recess]

[City council is in recess until 12:30 P.M. 30 P.M.]

[12:19:55 PM]

[Recess until 12:30 P.M. Until 12:30 P.M.]

[12:39:36 PM]

>> Mayor Adler: All right. We have a quorum, so we're 12:39 here, we are back, reconvening. Manager, do you want to tell us what that was about?

>> Mayor, councilmembers, and members of the public, I appreciate the flexibility and being able to take a recess for a short period of time. I'm just going to ask assistant city manager Rey Arellano to just describe the procedures that we went through to make sure that this facility was comfortable for everyone.

>> Good afternoon, mayor and council, members, Rey Arellano, assistant city manager. As the city manager mentioned, on the report of the smell of gas, we certainly had building services to check our own system but as well had the fire department come out and do their atmospheric tests to make sure that we understood what was in the environment, in the atmosphere, and according to their instruments, they found no presence of gases or anything like that to be concerned about. They did report that they were responding to an adjacent building that was either in construction or had -- or is potentially burping gas from the Texas gas systems, which may have been inducted into our own system so that was probably what was going on. But for purposes of our environment here in council chambers and certainly in city hall, there is no presence of gas to be concerned about. It certainly was a safe thing to do to take a pause and for us to check that out, but I can assure you that things are safe at this moment.

>> Mayor Adler: Great. Thank you very much.

>> Uh-huh.

>> Mayor Adler: Let's do citizens communication. Is Terry Colgan here? Why don't you come on down. Is Pat Bowser? Come on down. Go ahead, sir.

>> Good afternoon, mayor, councilmembers, I'm Terry Colgan. I'm either a former volunteer or a current volunteer at Austin's three animal shelters. I live in district 10, and today I'm here representing myself and Tom Rott, a shelter volunteer who resides in district 7.

[12:41:46 PM]

We want to provide an update on the presentations made to the animal advisory commission, several council committees, and city council, about dogs not being walked at Austin animal center. Right now,

between 30 and 100 dogs at the shelter are not getting out of their kennels on a daily basis. These dogs are not provided daily exercise, bathroom breaks, or any real positive human contact. There's no doubt that walking shelter dogs can prevent their behavior from deteriorating due to boredom, stress, and frustration. Exercise, structure, and love are keys to dogs' well-being that can only happen with positive human interactions and out-of-kennel time such as walks. A group of shelter volunteers and our supporters have been involved in an effort to have animal services hire contracted dog-walkers. We believe this program will help bring relief to these issues, and we've asked for your support. With much appreciated assistance from acting assistant city manager Sarah Hensley and Austin animal center deputy chief Jason Garza, we learned that \$25,000 in the city manager's proposed budget will be used the contract for paid dog-walkers. These dog-walkers will fill in base -- excuse me -- will fill in daily based on anticipated needs to get dogs kennel breaks at the shelter. This effort, combined with the creation of a daily performance measure for percent of dogs given kennel breaks will have real benefits for reducing the stress levels and increasing the adoptability of our shelter dogs.

[12:43:53 PM]

This will have the additional benefit of improving currently deteriorated relations between Austin animal center management and volunteers. We ask your support for the creation of a daily performance measure for percent of dogs given kennel breaks in the fiscal year 2019 animal services monthly reports and in the fiscal year 2020 animal services budget. Thank you for your time.

>> Mayor Adler: And is veal Brannon here? Come on the one. You'll be next. Go ahead, ma'am. You have three minutes.

>> Okay. Thank you, mayor and councilmembers, my name is pat Reyes. I live in district 9. Today I'm also speaking on behalf of a 10-year-old who lives in district 1. On behalf of myself, I also want to thank interim assistant city manager Hensley for setting up a meeting we had this week with animal services management. That meeting would not have happened without her support, and I want to thank her for that. Now, about the 10-year-old. She and her sister and her mother have been very concerned about two dogs that live in an outside closure 24/7 at a house where the owners either have already moved out or are planning to move out. This closure is too small for the two dogs and is, therefore, illegal and could have been cited. However, two weeks ago, when her mom called 311 and reported this situation, there was no citation for the fact that the closure was too small. They were told that it was legal. A follow-up phone call by me to animal services resulted in a good conversation with animal services supervisor mark slope, where he admitted that the closure was illegal, but thought there was no point in citing them because they were planning to move anyway.

[12:45:54 PM]

However, since they've already said that they're going to move and not take the dogs with them, I was hoping to get a little bit more of a proactive response. And so today, when I heard there was a heat

advisory, I called the family to ask if the dogs were still there, and the mom said, well, as a matter of fact, my daughter woke up this morning and said, mom, we have to do something. And she was very concerned that the system was not being responsive. So I again called animal services. I again had a good conversation with mark slope, and as of a little while ago, like maybe 15, 20 minutes ago, he has told me he's sending someone back out. He is going to look into the situation, and we hope to have a good resolution today. So back to my original thanking Sarah Hensley for her support, I again want to thank her, I again want to say that what we discussed in our meeting on Tuesday was a better collaboration between community and animal services management and city management, and I'm hoping that these two events of this week, the Tuesday meeting and the then this morning's phone call, will lead us down a productive road because I think that's what we all want. So thank you very much.

>> Mayor Adler: Thank you. Before Mr. Brannon speaks -- Mr. Veal speaks, is Freddy zamora here? Come on down. Sir you have three minutes.

>> My name is Brannon veal. I'm representing open idea Austin chapter and compassion Austin, as part of the resolution that was passed. I am the founder of a project called built with humanity. And built with humanity is a 12-month design fellowship for plaque students and professionals in east Austin area to help co-create solutions for the community. As you know with all the tensions between what should be done about gentrification and what is being done about gentrification, a lot of times this community's voice has not been heard.

[12:48:00 PM]

And this idea that I have for a fellowship has been supported -- is a collaboration between three powerful entities. One, which is the Austin center for design; two, impact of Austin; and three, creative reaction lab based in St. Louis. The fellowship is meant to empower many of the community members that are having these problems to help design solutions that would actually be effective. Many solutions fail because they're not co-created with the community that has the problem, and this fellowship seeks to change that. Overall, the Austin center for design has agreed to educate four fellows in their design school for one year to be able to apply the theory of design to urban problems, creative action lab, created by a 2018 Ted fellow, as well as one of the leaders in aiga, has agreed to provide mentorship and schooling for these fellows to help them understand the framework of how to design in their communities. She's the pioneer of the equity design framework, which is one of the fast companies 2018, on one of the fast companies 2018 list of world-changing ideas in the categories of urban design, as well as in the general category. Lastly, impact of Austin has agreed to provide business mentorship and co-working space for the fellows, based on their existing housing and affordability accelerators. Overall, I hope that this fellowship is an opportunity to help embed the people that have the problem into the design process by educating with the vernacular the cools and the reasoning and education to actually make a difference. So I'm asking and I'm requesting that the city council consider this idea as a part of an initiative for affordable housing in Austin, and I'm willing to -- I would like to have a meeting with someone from the housing department to discuss further details about funding and where we're at in the process.

[12:50:01 PM]

So thank you.

>> Mayor Adler: Thank you. Is Ruben Cantu here? You will be up next.

>> Hello. My name is Freddy zamora and I'm with the go love now project here in Austin. Thank you, mayor Adler and city council members for your resolution designating Austin as a compassionate city. Our project is representative of the compassion Austin movement and the open ideal Austin chapter and was recognized by Lisa walker at your August 9th council meeting. I'm here to provide with you more details about the project and demonstrate its importance for our community. It was founded in 2015 by Scott goliette. He went to school before and then afterwards kind of fell off a little bit, then he said, hey, Freddy, I want to start going to some schools. Do you know? Schools we can go to? Our project is geared to help children love themselves more, be more compassionate and have more empathy towards one another. We offer a one-year program to transform school cultures. We teach the importance of love and the and then the importance of overcoming fear, so we have a love component and a fear component. Additionally, we go to schools and we have teacher programs where we help the teachers with what we're doing. We actually go in there and give them a little, small portion of our program, to let them know what's going to be come and they also get counselors ready because our program enables the child to actually take their heart out of themselves and examine themselves to see what -- if they can become a better person. I mean, not saying that they're not, you know, but just to improve themselves. And so we also offer same thing with ptas, we go to the ptas and let them know, hey, we're going to be coming to your school, then give them a small version of the program to see if it's acceptable for their children. 100% of the time they love it and they're lining my -- they say my kids will really be impacted by this.

[12:52:10 PM]

The reason I'm on board, I lost my son in 2012 to cancer. He was 18 years old, a graduate of Akins high school, and his heart was for community and for people, and he just loved, loved everybody. And so I wanted to share that with those students, and every time I go and give the program, there's not a dry eye because they can relate, you know, like how many of you have children in here? You know, what would you do if you lost one of those children? So instead of me being upset with the world, I turned it around and I wanted to share his love with those. So that's the reason I got on with build love now. We've been to Akins high school, martin, o'henry, Gus Garcia, rockport, is there, we've also been to New York, but we really are based here in Austin. The problem we're having is funding. We just don't have funding to go to these schools. I mean, I'd love to do it full-time, but I work at Austin energy full-time.

[Buzzer sounding] Thank you guys so much for your time.

>> Mayor Adler: Hold on a second, please.



>> I just want to briefly thank you for coming down. We don't get a lot of folks from district 2. I've been able to attend one, it's a great thing. I also wanted to remind council we named the baseball field after Freddy Zamora, Jr., so I thank the council for approving that back then.

>> Yeah, thank you guys so much. Y'all are awesome district 1 good to see you again. Thank you.

>> Yes, sir.

>> Mayor Adler: Is Leslie Padilla here? You'll be up next. Go ahead, Mr. Cantu.

>> Good afternoon, council, mayor, thank you for the opportunity. My name is Ruben Cantu, I'm in district 1, and we are working on the good emporium project. We want to thank the council for designating Austin as compassion city, and I am a representative of the compassion Austin movement and open ideal chapter and was recognized by Lisa Walker at the August 9th council meeting.

[12:54:23 PM]

I'm here to provide more details about the project and demonstrate its importance in our community. We're a city that enables funders to make comprehensive decisions related to impact. I have been working with United Nations and creating a global community around sustainable goals for the past five years. Once rolled out in 2015, we spearheaded that effort in Austin as well. The reason we created this tool was, we needed to understand what was happening on a microlevel, down to the granular level, around making progress of the sustainable development goals. Now that we have the 17 set -- the 17 goals and a set of them to be able to make progress, we want to understand who's making progress on homelessness, on gender equality, and no hunger, and we want to be able to see across the board from government to nonprofit to for-profit, in how we've been making progress, so we can reach the goal of 2030. So what I would like to do is be able to work with you all, the city as a whole, as the pilot city to be able to showcase what we in Austin can do to become the social innovation capital of the world, and be able to show the rest of the cities around our communities and country how we can actually make progress to our social impacts. Thank you very much.

>> Mayor Adler: Thank you. Is Okon Chroma here? Okon Chroma? Yes. You have three minutes. Please proceed.

>> Thank you, councilmembers. I'm Leslie Padilla. I live in district 1. I don't need to tell you how important Austin Pets Alive has been to homeless animals in Austin. They've saved thousands of lives, but there are some serious concerns about APA and its use of Town Lake Animal Center. This past February another APA volunteer and I were suspended after we tried to raise these concerns internally.

[12:56:23 PM]

These concerns go to the animal welfare of the dogs and cats. Since 2011, APA has operated Tlac under a licensed agreement with the city. APA's use of this public land for free was tied to a commitment to help

the city increase its live outcome rate from taking animals from the city shelter. The license agreement has a number of conditions, many of which in my opinion, Apa has failed to meet. One of those conditions expressly requires Apa to follow national guidelines for the standards of care in animal shelters. This is just a portion of that document. It's pretty extensive. I've reviewed the guidelines carefully, and in my opinion, Apa is non-compliant with many of them. One in particular, I want to focus on, and that is that operating beyond an organizations on capacity for care is an unacceptable practice per these guidelines. And unfortunately, that is where I think Apa has been since hurricane Harvey last year. After Harvey, Apa began using derelict kennels that were abandoned by the city after they failed to meet state standards, I believe two years in a row. Those kennels today are still housing dogs, and I have one of the pictures of the roof of those kennels where dogs are still being housed today. Actually, it's earlier in the slides. Should be -- there we go. It's a roof of the kennel. The roof is entirely covered with tarps. And the next picture is another picture of the tarps. And this is what happened when it rains, and that's the video. This is a dog -- you just saw it, in a completely soaked kennel. The rain was coming down into the kennel during a recent rain event. I guess -- I think most of you know the problems that tlc has in general when it rains heavily, it floods. This is the rainy day, and that dog has been covered with water in his kennel.

[12:58:25 PM]

[Video playing] The next two pictures I have are of August 11th when tlc flooded again. This cannot be healthy for animals living in this shelter. In fact, it is spreading disease. Apa's continued use of public lands -- I knew Apa was going to be able new shelter at Lamar beach, sometime in the future, but its continued use of public land should be subject to oversight, and I don't see that taking place right now. These days, Apa is taking fewer animals from the city and more dogs from elsewhere in Texas. Since the fourth of July, the city's shelter has had an overflow of dogs to the point that many dogs have been living in crates in a conference room there. This overcrowding is not healthy for animals. There have been several recent deaths of young dogs at both Apa. I think two have recently died of distemper in public kennels. I'd like that you bring back the draft agreement, because you approved a new license agreement in December. I'd like to bring that back for full consideration and as a city of Austin licensee. Apa should be expressly prohibited from retaliating against staff and volunteers who speak out about conditions.

>> Mayor Adler: Thank you.

>> Thank you so much.

>> Mayor Adler: Is -- who is it that's speaking to us remotely? Is that Kelly land or Andrew Myers? We're going to take Andrew Myers last. Is Kelly land here? Ly?

>> Mayor Adler: Is Kelly land here? Three minutes.

>> Hello city councilmembers. Thank you, mayor Adler for having me here today. I'm speaking about the black community.

[1:00:26 PM]

Naacp usually is the one that helps us with the problems that we have to present, but naacp, everybody is colored now. So we really don't have identity for black people, but about ten years ago there was a situation that affected the black community on east side. East side usually was partitioned into two sections. The black people were having the east -- northeast towards decker, and chicanos had southeast from downtown to southeast. But the city wanted to get a look and it truly affected all these people, the black people everybody know their story about slavery, hardship, about education. It sounds so easy because it's not the bottom for everybody, it's a special bottom for them and they are trying to overcome it. So a lot of them lost homes. A lot of them lost finances in business. A lot of them lost life. Some are still -- homes. It's time for the city to step up and look at this community of black people and try to make restitution and repentance on the way they were handled because, first of all, they were in the northwest part of Austin and they were walled off from there because somebody got the idea to build beautiful homes there. They settled on east side and established themselves. Within ten years code enforcement was used. I sued the city at that time. I lost 750,000 worth over four to six properties in this city. I forgive that because that's what we do, we forgive. But I can't vouch for other people's forgiveness.

[1:02:28 PM]

There were old people 70 years old who were walled off, died in nursing homes and many criminal. So I'm requesting for the city to take responsibility and think of building a complex because poor people, a complex like they have in triangle and domain and bring back the black people. Over 2,000 people to come back because there are histories that are there that people who don't know about history. And what do they use of history of slavery, of poverty, what is the history of [indiscernible]. And all the university that was -- for the slaves that had them living there. 75% hispanic.

[Buzzer sounding] 20% white. And less than so% are black. So I'm requesting one billion dollars in restitution and we can work it out with the federal government and build a big complex, bring them in and bring in the homeless people among them. Thank you.

>> Mayor Adler: Thank you very much. After Mr. Land, what about Kevin Henderson? You'll be at this other podium. Mr. Land.

>> Good afternoon. Mr. Mayor, councilmembers. I'm the executive director of combined arms in Houston, Texas and we are a veteran backbone organization. And I'm a former resident of Austin, Texas. I was actually on active duty here in Austin, Texas, and found a great community while I was here. Primarily I'm here to support the proposal for the 2019 budget line item to create a veteran resource center. And there's a few reasons why this is necessary. I'll kind of go into a couple of findings and recommendations from academic studies from Los Angeles and also cincinatti that we used when we created our veteran resource center in Houston, Texas.

[1:04:33 PM]

So these academic studies both provided some insight into the challenges the veterans and their families have during transition from the military. Number one, they typically have a lack of awareness of what resources are available to them in the communities they are going to rather than what they learned at the base they are coming from. Number two, typically any veteran and family member they need access to more than one type of service so they have complex need sets. And then the organizations that typically are in the communities do not have -- they are unable to provide holistic care. Also the individual organizations in the communities typically don't know what's going on their left and their right. So having this -- having a veteran resource center is a really important way for organizations to collaborate together and the care to veterans whenever they come to Austin. A fast-growing city. And then last, typically in the -- all these individual organizations are collecting individual data so they don't have holistic need sets. The veteran resource center provides an ability to gather all this data upped one roof so they can get a good picture of what's going on with veterans in the community. So what do we do in Houston? We built a veteran resource center. We built a technology to go along with it so we can streamline between veterans and organizations in the community. We collected the best in class organizations in Houston and provided them with accountability between -- we want to make sure we had accountability between veterans and organizations and the community. And then last we created an awareness program so veterans would understand what's available to them, right? So what does this mean? Well, just as one of the data points that we collect was a -- is response time, how quickly do organizations -- do organizations reach out to veterans. Well, when we first started in the first year, the average response time was 173 hours.

[1:06:38 PM]

So that's pretty bad. We set a standard for 96 hours. By January of 2018, the average was down to 70 hours. Okay? This morning when I checked average response time.

[Buzzer sounding] That's in one year. So I ask you guys look at that line item in the 2019 budget and approve the veteran resource center so you can improve delivery of services for veterans. Thank you.

>> Mayor Adler: Thank you.

>> Kitchen: Mr. Mayor, you may have already provided that information, but I would appreciate having that in my office.

>> Absolutely. I'll send it to you.

>> Mayor Adler: Send it to everybody. Anything else? Thank you. Mr. Henderson and then we'll go to Mr. Meyers remotely.

>> Hello, mayor Steve Adler and honorable councilmembers. My name is Kevin Henderson. I'm a veteran of the gulf war. I'm here to introduce myself of the founder of the dance organization step up steppers of Austin and Killeen, Texas. Where we have been established have classes in Austin for over seven

years. Step up steppers and I fully dealt -- devote to promote a healthy lifestyle through dance to support against domestic violence while being a positive influence for the betterment of life in our communities by charitable acts and volunteer involvements, we asked to team with the city to champion against domestic violence. Our long-term goal is to be a household name viewed as a great family activity and a platform against domestic violence.

[1:08:46 PM]

The ballroom dance we teach is called Chicago style stepping where you will find the origins in its name. We also host an annual juneteenth steppers celebration where this year we relocated to Austin to the holiday inn midtown Austin, Texas, making Austin home to this event coincides with one of our long-term goals. Not only will this move give us the resources to help the city against domestic violence, it will give us a flexibility to entertain the 300-plus steppers that will descend on this fair city. Beginning -- beginning with this event, Austin provides our guests the convenience of travel to and from weekend events that will bring in people from around the globe and its revenue. Mayor Adler, I would like to extend a verbal invitation as an honorary guest to attend our annual event. Followed by a written invitation in the months prior to our June 22, 2019, main event dinner, awards and dance. With an annual standing invitation for you and the members of the city council to attend. And in closing I will look forward to teaming with the mayor's programs where I or my organization can be of help and support for the well-being of the central Texas, the city of Austin and standing against domestic violence. Thank you, mayor and council.

[Buzzer sounding]

[1:10:49 PM]

>> Mayor Adler: Thank you. Clerk, we have someone coming in remotely. Andrew Myers.

>> Good afternoon. Thank you for the opportunity [indiscernible] I would also like -- service to our community. My name is Andrew Myers. I live and work within council district 1. My wife has taught at Decker middle school and still with Manor ISD. She wanted me to thank councilmember Houston. I represent a group of 488 anglers and like-minded stakeholders who all love Decker Lake, also known as Walter E. Long reservoir. The group Save Decker Lake can be found on Facebook. We formed as a result of the June 2018 open house meeting for the Walter E. Long metropolitan park when renditions of our beloved park illustrated a reduction of this water body to an intermittent pond. We were also concerned of the stakeholders group whose opinions were engaged early in the process anglers were not included. To that point, according to the Austin chamber of commerce, there exists no economic impact information for angling in the capital area. So we polled our members to see what we bring to the table. Of 190 respondents, average angler visited a park 32 times a year and spend just high of \$250 per trip. That's over \$1.5 million back into the local economy from just 190 anglers. Also around 10% of the survey participants traveled from other states and countries specifically to fish Decker Lake.

As is the park serves as a great refuge for us, our friends and neighbors to escape the ever growing sea of concrete and asphalt.

[1:12:57 PM]

I and many other park patrons -- [inaudible]. We fear the loss of this lake would -- not only recreation but a healthy way to put food on the table. That loss would put more boat traffic through other Austin overcrowded and dangerous area Lakes and drive those dollars out of Austin. As we anxiously await the next presentation in the parks and recommendation department, we want to impress upon council the importance of our beloved lake. We're not here to stand in the way of development but would like a seat at the table. Thank you again for your time.

>> Mayor Adler: Thank you very much. Ms. Houston.

>> Houston: Mr. Myers, thank you for being here and expressing the concerns of the anglers. I'll be happy to set up a meeting with you and the folks from Austin energy about the lake. I think we are good, but contact my office and we'll set up a time to talk.

>> Awesome. Thank you.

>> Mayor Adler: Thank you. Just noting this is probably the third time we've had people who have been able to remote in. That's pretty cool. One item, item 39, councilmember Garza, you indicated this could go quick for approval. There's one person signed up to speak in support of it. It's -- we might be able to handle quickly. Councilmember Garza, do you want to move passage of 39?

>> Garza: Yes.

>> Mayor Adler: Is there a second? Councilmember Casar seconds that. We have one person here to speak, Rachel Mcgee. Is she here? Do you want to speak to this? Come on down.

[1:14:59 PM]

You have three minutes.

>> Thank you. Good afternoon, mayor, mayor pro tem and counselors. My name is Rachel Mcgee and I'm the president of its local 205 Austin stage employees union. On behalf of the employees we represent who work with Freeman ad at the Austin convention center and palmer auditorium, I speak in support of authorizing the execution of this contract with Freeman for audiovisual and rigging services. Since 2012 we have been providing Freeman av with riggers and technicians through our hiring referral system. To date temporary agreement governs our work. I am pleased to report that Freeman and av and the union are -- provide local 205 workers where the same stability that we hope Freeman av will secure from you today. In 2017 our work with Freeman av generated approximately \$752,000 in wages and \$113,000 in health benefit contributions. We firmly believe executing this contract without

amendments will help ensure the livelihoods of our technicians and our riggers. We value our relationship and our employment with Freeman av and look forward to strengthening our partnership with them. Respectfully, we petition you to vote in favor of agenda item number 39. Thank you.

>> Mayor Adler: Thank you very much. Item 39 moved and seconded. Discussion? Those in favor of item 39 those in favor please raise your hand. Those opposed? Those abstaining?

[1:16:59 PM]

It's unanimous on the dais, number 39 passes. With alter off the dais. Thank you. With that, the city council will go into closed session to take up two items. Pursuant to 51.071 of the government code, the city council will discuss legal matters related to item 46, approve appointments and certain waivers, and item 80, which relates to the community development commission. Without objection, we will now go into executive session on the items announced. It is 1:17.

[2:39:28 PM]

>> Mayor Adler: All right. Let's see where we can go. What I'm going to do, we're going to do the consent agenda on zoning, then we're going to leave that and then we're going to go to the housing group, corporation, and then we'll come back to zoning and stuff. So, Jerry, you want to take us through the consent agenda? It is 2:39. We were in closed session. In closed session, we discussed legal matters related to items 46 and 80. All right.

>> Thank you, mayor and council, Greg Guernsey, planning and zoning department. The first I can offer for consent, 59, npa-2016-0014.01. This is for a staff postponement to October 18th. Item number 60, case c14-2017-0010, this is also for a staff postponement to 10/18. 61, c14-2014-0062.01, staff postponement to 10/18. Item 62 and 63, we have several speakers all signed up for both of those items. That will be on discussion. Item 64, case c14-2018-0053, a staff postponement to 9/20. Item number 65 is case c14-2018-0063. It's ready for consent and approval on all three readings. Item number 66 is case c14 20070087, rca, staff postponement to August 30th. Item number 67, case c14-2016-0094, this is for consent approval on first reading only. I believe also, staff would ask that item come back on the same day as the covenant I just mentioned item of 6 for second and third reading.

[2:41:37 PM]

Item number 68 is discussion. We have speakers that have signed up for that item. Item number 69 and 70 are related items, case npa-2018-0026.02. And 69, and item number 70, case c14-2018-0024. I understand councilmember Casar may be asking for a delay of this for one week. I think we mentioned this at work session, for item 69, and item number 70, so it'll be a postponement by council for one

week to August 30th. And then finally item number 71 and 72, that I believe there has been some documents signed by a third-party nonprofit and the property owner. There was an agreement on language between a neighborhood association, although there's not actually signed documents, but I understand -- I don't know if the neighborhood representative Lisa is here, but we have an email saying we're good for consent, so I would offer 71 for consent approval on second and third reading. Case npa-2018-0026.01, and item 27, case c14-2018-0022, for consent approval on second and third reading.

>> Mayor Adler: Okay. So what I'm showing here, make sure I have it right, the consent agenda is between -- items 59 through 72, and the ones that have been pulled are 62, 63, and 68.

>> Correct.

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

>> Renteria: Mayor?

>> Mayor Adler: Yes, Mr. Renteria. You need to turn on your mic.

[2:43:38 PM]

>> And you're closing public hearings.

>> Renteria: On 62 and 63, I know it's being pulled for discussion, but I also had a request by the govalle neighborhood people that they would like it postponed for at least another week or two.

>> Mayor Adler: Postponed for another week? Let's pull that for right now and we'll pick that back up.

>> Renteria: Thank you.

>> Mayor Adler: Postpone request. 62 and 63 have been pulled, and 68 has been pulled.

>> Casar: And, mayor, I'd like to pull 71 and 72.

>> Mayor Adler: I'm sorry?

>> Casar: I'd like to pull 71 and 72.

>> Mayor Adler: Okay. 71 and 27 are pulled. So 62, 63, 68, 71, and 72 are all pulled. The others remind on consent. It's been -- there was a motion and a second -- no -- is there a motion and second on consent? Mr. Casar makes the motion. Mr. Renteria seconds it. Any discussion?

>> Noting public hearings are closed.

>> Mayor Adler: And public hearings closed as appropriate, on the ones we're closing. Ms. Houston?

>> Houston: Yes, mayor. Please show me abstaining on 61.

>> Mayor Adler: Okay. The mayor will reflect that those in favor of the consent agenda, please raise your hand. Those opposed? It's unanimous on the dais. The consent agenda is approved. Thank you. So let's do housing. So, I am going to recess the city council meeting now at 2:44.



[See separate meeting page for AHFC transcript]

We're back in the city council meeting here on August 23rd, 2018. It is 2:53 now. We have a quorum present, and we're going to continue on in our -- on in our agenda. Let's hit some of the things that we can hit at this point. So we have item number 46, which is the boards and commission appointment. Will someone move to approve item number 46, save and except the nominees for the community development commission? Councilmember Garza makes that motion.

[2:54:05 PM]

Is there a second to that motion? Ms. Houston seconds that motion. Is there any discussion? Those in favor, please raise your hand. Those opposed? It's unanimous on the dais, so those nominations and waivers are approved with the exception of those two. That takes care of item number 46 that gets is, I think, to item number 78. Do we want to try item 78? This is an ifc. Mr. Casar, this comes from you. You want to make a motion?

>> Casar: I move we pass item number 78.

>> Mayor Adler: It's been moved to pass item number 78. Is there a second to that motion? City councilmember Renteria seconds that. Any discussion? This was pulled by councilmember troxclair. Do you want to address it?

>> Troxclair: I -- yeah, sure. I just had a couple questions. I don't know if they are better for staff or for councilmember Casar. Let me find it here. Our -- so this is initiating rezoning for existing mobile home parks. Have the current -- have the owners of these properties been notified that city council is considering this?

>> So staff has not taken any action on -- to contact property owners regarding the three properties that are listed in 78. This would be initiating an action. We would certainly -- if council moves forward with this, we would contact those property owners and make them aware.

>> Troxclair: So they will have an opportunity to voice thoughts, opinions, concerns to the council before a change would be made.

>> They would, and they would also have ability to protest the rezoning so they -- if they desire.

[2:56:08 PM]

>> Troxclair: Okay. And are those three properties -- those are just the three properties that we know of right now, about the there's more out there, or why are these three properties specifically called out?

>> Casar: I can speak to that. Mayor?

>> Mayor Adler: Yes, Mr. Casar.

>> Casar: There are many, if not the majority of mobile home communities in our city, are not zoned for that use. And so these three are the ones we're initiating today, but we're also actually asking staff to bring back initiation of all the others as soon as possible, the challenge being that we need the exact addresses of them all, and it needs to be posted for all of them. And so these three are called out here because one of them, we've been working with that community for a long time to keep them intact, and we know their exact address and we know that it's important and urgent to move forward on it. And two of the others councilmember Renteria has mentioned are in the -- in the path of rapid redevelopment, and so I think it's really important for us to get those moving as soon as possible. I think the others are urgent as well, and that's why we're asking them to come back on September the 20th. But there's a list of dozens of them. And instead of spending this time going and verifying all of their addresses to get them all up here, we've asked the staff to bring those back for September the 20th.

>> Troxclair: Okay. Thanks. And are they -- this would be down-zoning for most of them, or what is the --

>> We'd have to take a look at the other ones and contact probably Austin code department that does registration for mobile home parks to get that list. Some may be upzoned, they may be zoned single-family, others might be down zoning, so it would be coming from a higher classification to mobile home zoning.

>> Casar: In this case, we are zoning -- are asking to rezone some of these mobile home parks from commercial services to mobile home.

[2:58:08 PM]

>> Yes.

>> Casar: And some of the ones we're initiating today, we're zoning sf-3 to mobile home, but in each of these cases, past city councils and past neighborhood plans have put into law that we want to reduce the number of mobile homes, essentially, in the community as an affordable option, and I think that the values of this council is that we actually want to do the opposite. We want to protect that kind of more affordable housing in the community, and so that's the change and message we want to send. My understanding is, because of some of our advocacy, the latest codenext draft zoning maps actually did some of this work, but we need to get moving on this type of rezoning, and so we're moving forward to set that as a policy in the city.

>> Renteria: Mayor?

>> Mayor Adler: Okay. Yes, Mr. Renteria.

>> Renteria: And also, you know, some of these contact teams at the neighborhood planning didn't realize -- some didn't realize what they were doing, by zoning some of these things -- lands commercial and different zonings. It took away the protection of the residents that were living there on a mobile home lot so we're just trying to restore that protection because we went through a long and hard process with cactus rose, and we saw what was causing a lot of the pain and suffering where these

people were forced to have to move out, and we're trying to put in a tool so that we can protect them, and that's what this whole resolution does.

>> Mayor Adler: Okay. There's been a motion. Mayor pro tem.

[3:00:08 PM]

>> Tovo: Just as a quick note, so I think earlier when we were talking about the strike fund resolution, there was some discussion about getting together a list of mobile homes and maybe real estate could help with that, but the work from this item will produce that list.

>> Casar: We generally have a list. Just the exact addresses is what we're trying to nail down, so that's exactly legally right.

>> Tovo: I just want to make sure --

>> Casar: They should talk to each other.

>> Tovo: That we're not asking -- it's something I just heard Mr. Guernsey say code department has. So anyway, thanks.

>> Mayor Adler: Okay. Further discussion on this item?

>> Alter: Mayor, I just want --

>> Mayor Adler: Yes, councilmember alter.

>> Alter: I just wanted to clarify, this process would be initiating the zoning cases, so all the properties would be notified of the zoning change and they would be able to -- the owners would be able to oppose that and if they can file a valid petition, then that would trigger a super majority requirement. I just want to make sure I understand what ear what we're selling the --

>> Yes, that's correct. We'll notify the property owner and those within 500 feet, both city of Austin utility customers, within 500 feet and registered neighborhood organizations with the city can all voice their support or opposition. With with it would be the property owner of those in surrounding area, both the land use commission level and also at council.

>> Alter: Thank you for the clarification.

>> Mayor Adler: Thank you. Any further discussion on 123478.

>> Casar: Mayor?

>> Mayor Adler: Yes, Mr. Casar.

>> Casar: I sense there's support for this and I just want to thank the dais because I think it's an important step forward, and I think that not every council in every community is like ours that rejects the kinds of stereotypes about mobile home parks and actually is supportive of protecting this housing type, so I appreciate it.

>> Mayor Adler: Okay.

[3:02:09 PM]

Ms. Houston.

>> Houston: And councilmember Casar, because I lived in one for a long time until I could get on my feet and get my first little stand-alone structure, I'll be supporting that as well. We've got many people who are living throughout this community. I was out in district 8 the other day, and they have mobile home parks out there, and that surprised me. But that is an affordable option for housing that we're not utilizing now.

>> Mayor Adler: Okay. Let's take a vote. Those in favor of this item, please raise your hand. Those opposed? Those abstaining? Councilmember troxclair abstaining, the others voting aye, passes 10-0-1. For the record, when we passed item number 46, which was the board and commission nominations and waivers, there were a couple that were added by the clerk that I don't know made it onto the posted list but was part of our motion handed out. The tourism commission, Michael cannatti, as councilmember alter specifically pointed out earlier, but also the planning commission appointed Yvette flores to the planning commission joint committee and the planning commission appointed James Shea to the Jane committee as an alternate. I thought the record should reflect it was part of what we approved. Okay? Now taking care of item number 78. Let's do the -- do we want to get to 61 and 62 now or do we want to start with the briefing on the two puds? I just want to know if everybody is here to testify. Let's go do 62 and 63, then we can give an opportunity for people to be able to leave. Mr. Guernsey, why don't you call that up.

>> Thank you, mayor and council. Item 62 and 63 are related. Item 62 is case npa-2017-0016.02, known as the flats at shady, at 1125 shady lane.

[3:04:15 PM]

This is a neighborhood plan amendment to the govalle Johnson terrace combined planning area and this is to change their future land use map to a multifamily land use designation. It was recommended to you by the planning commission. The related items, item number 63, case c14-2017-0094, the same property at 1125 shady lane, this is to zone the property to mf-4-np combining district zoning which stands for multifamily residence, high density, it was recommended to you by staff and the commission. The proposed project is north of balm road and east of airport boulevard. It's approximately 7.9 acres in size. The proposed zoning change from the sf-3 or family district zoning to the multifamily zoning is proposed project of approximately 290 apartments. To the north is a project called think east, and to the south is a park. To say west is some land that's undeveloped and proposed for multifamily use, and to the easies additional parkland. It is a property that will require future transportation improvements along shady lane. All those are being deferred to the time of site plan, should this zoning case be

approved, the neighborhood planning contact team, which you'll hear speakers this afternoon, is opposed to both the zoning change and the neighborhood plan amendment. They wish to keep it as it is, single-family 3 zoning, and also to keep it as a single-family use.

[3:06:18 PM]

They are proposing some improvements that are also associated in addition to the roadway that would be the connection of the trail system along walnut creek, along the southern portion of the property. Also, there would be pedestrian improvements in the form of sidewalks being reconstructed along shady lane. I'll pause if you have any questions, the applicant's agent is here, Mr. Dave Anderson, and he can go into more detail on the project.

>> Mayor Adler: We have folks from the public to testify to this before we go to the applicant. First, does anybody have any questions? Okay. So let's go ahead and begin with the applicant. You have five minutes, then we'll go to the other applicants signed up to speak.

>> Mr. Mayor, I believe there were two folks signed

up donating time. >> Mayor Adler: Mr. Anderson, yes. B -- Keith about you can, you have five minutes.

>> I won't take that long. Thank you for your time today. I'm Dave Anderson and I'm here representing the applicant, Barton creek capital on this project at 1125 shady lane. This is a quick snapshot of where we are in space. It's a 7.9-acre piece of property. What's immediately apparent, you'll see single-family neighborhood residential about 300 feet to the east property across del valle park.

[3:08:24 PM]

To the north-northwest you'll see a rail line. To the west as Mr. Guernsey mentioned is an existing multifamily project and it's surrounded by commercially zoned projects as well. The request before you today is sf-3-np to mf-4-np. This gives you a snapshot of affordability levels of different projects in the vicinity and that's important because this project was specifically focused and designed on meeting missing middle workforce housing. There are 200 units, plus or minus, depending how you read the ordinance and how it's ultimately developed, of 30-60% mfi as part of think east. We're proposing about 14 and a half units, 5% of the units at 60% mfi, and the balance, because of the way the project is being designed, is in the 80-100% mfi range, focusing middle workforce housing. To the west is 308 market units in the 100 to 120 -- 120-160% mfi ranging. This is a conceptual plan of what the project would look like. Again, I've hit on most of these. Something of interest here no, displacement, so the land is currently vacant. There's a minimum of 25% family-friendly units as defined in the strategic housing blueprint, and we've done a surface project to keep costs down and, therefore, rents down, and to work around the trees. And of course with parking garages comes height, and that was another thing that we tried to be consistent with what lies around us. I'd just draw your attention here to adjacent land uses

and the size of the think east pud directly to the north. We share a boundary with think east. 282 what I call deeply affordable units, this is 30-60% mfi. There's 40 live-work units, 252 S.M.A.R.T. Housing units so there seems to be an opportunity for really workforce housing, missing middle, 80-120% mfi, which is what we were designed to do.

[3:10:34 PM]

When you think about planning, you think about comprehensive plan, neighborhood centers. This is across the street from the Springdale station center. And it complements the vision of what was -- the conversations that were had when that center was located. Here's a quick snapshot of land uses. You'll see that shady lane, right where the stick pin is running northwest to southwest, is not -- it is plenty of commercial. The Orange is what we're proposing as multifamily. There's a pud to the north, and then you see single-family across the railroad tracks to the north and to the east, like I said, about 300-plus feet across govalle park. The future land use map, which is one thing that you'd be considering today, is a change from single-family to multifamily. When you look at the neighborhood plan, I've taken some snapshots of some of the goals of the neighborhood plan. These are specifically on pages 35 and 36 of the govalle Johnson neighborhood -- govalle Johnson terrace neighborhood plan, and you can see that we feel strongly that we address all of these particular goals. More specifically in the neighborhood plan, there were goals identified as far as multifamily developments, on page 41, and again -- excuse me -- you'll see that we're encouraging higher density residential developments near major intersections. We're doing that. We're providing a diverse range of housing options and we're providing different levels of affordability that complement the areas around us. This is a very interesting -- we need water -- very interesting slide. What you see in this zip code by this slide is that of all the units in the zip code, 14% are found in multifamily complexes with over ten units.

[3:12:36 PM]

Compare that to 78702, Austin as a whole, even other zip codes around, you'll see that there are fewer, significantly fewer -- thank you -- larger complexes in this area. From a height perspective, we're asking for 50 feet or four stories, and that is exactly what has been permitted in the think east pud directly adjacent to us to the north. From an affordable perspective, you'll see -- this is a crazy slide, but the think east pud is represented on the top, so it provides 30-60. It also provides some at 80, and then some at higher levels. Our project would provide 15 units at the 60%, then the rest between 60-80, to a hundred, and then the bulk of the projects that have been offered in this area and to the west over the last eight years -- sorry, since 2014, the last four years, is 2,090 units market rate, they have podium styled garages, and they're significantly more expensive. From a use -- or from a unit type perspective, in this zip code, you see 15% of the units currently for existing apartments are efficiencies and one-bedrooms. 45% are two bedrooms and 40% are three-bedrooms. We feel that our 25% family friendly two- and three-bedroom units complements the existing units quite well. And here's a snapshot of owner-occupied housing units by zip code, taken from the U.S. Census. What you'll see, 53% of the units

in this zip code are owner occupied, which means 47% are rental units. This is in -- this can be contrasted with other zip codes around you, around this site, which is shown in the graphic.

[3:14:45 PM]

Over the city as a whole renters make up of about 55% of residents, but in this subdistrict, 47% are renters. So it seems that there is room for -- in this part of town to accommodate renters in a project like this, especially one that's focused on missing middle housing. From a connectivity perspective, the neighborhood center is going to truly be a hub for connectivity. This is a timeline of things that have happened or are planned to happen along this corridor. On the top, you see the three projects that are happening on shady lane. Think east pud, which is under construction as we speak. Alta vista, which came before this body a few months ago, which is 308 units, and our flats at shady estimating completion date of 2021, which is 290 units. On the bottom you'll see several different infrastructure projects that are being planned, all the way out through 2025. That includes Jain lane street alignment, as well as the 2016 bond improvements on airport. From a traffic perspective, early on we've met with the neighborhood and we heard traffic and safety were a concern. And we've worked very hard to find a solution to that. 65 million, transportation improvements on airport between manor and 183 should be begun by 2023. That wasn't good enough for us. While Mr. Guernsey said we were deferred to a site plan for tia, we opened up the existing tia for the area and scratched our heads and said, how can we improve this? How can we get improvements on the ground that would improve existing conditions today? And we came up with an idea, and I can tell you today that we can commit to designing, permitting, and constructing a dedicated right turn lane from southbound shady on balm road to northbound --

[3:16:59 PM]

[buzzer sounding]

-- To northbound airport. This is a snapshot of what that would look like. It's been -- we've had -- I'll wrap up. We've had extensive discussions with the corridor program office and they're supportive of this. We think we've really come up with a mechanism to satisfy that concern of the neighborhoods. And I'll just leave you with this wrap-up slide.

>> Mayor Adler: Thank you.

>> Thank you very much, councilmembers for your time.

>> Mayor Adler: All right. Is Michael Floyd -- any any questions for the applicant? Is Michael Floyd here?

>> [Off mic]

>> Mayor Adler: That would be fine. Mr. Yanez, you have sometime donated. Is Ben Ramirez here? Okay. You have five minutes, Mr. Yanez.

>> Five, not six?

>> Mayor Adler: Three plus two.

>> Oh. Changed. Well, hi, council. Thank you for your service. I'm Daniel Yanez. I chair the govalle Johnson terrace team. We're opposed to this. There are two main issues. One is, in Austin's fervor to develop, develop, develop, there's no infrastructure here, to support on the only this development, but if you look at the first slide, you'll see there's already around 600 residents, all single-family homes, some renters, some owners. Think easies about to -- is in the process of constructing 600 units. You all approved another 300 units across the street there on shady. So we're talking about 1300 units on a small street that, today, backs up, every day, all the way around that curve. And that's without the 600 units that are proposed. We worked with think east -- how does this -- do I press the red for forward?

[3:19:03 PM]

Oh, you just did okay. Thank you. Well, so one of the main problems, of course, is that an incredible amount of households coming into this very, very -- this one street, you know, Jain lane, it goes over to memorial high school, there's just no way out except through this. So 900-plus units on this curve is just way too much. The other point is that all of this is rental. You know? We need home equity. We need home ownership in our -- in our neighborhoods. I point to Riverside. Once again, 1700 working class rental apartments from 4 to \$800, those are rubbed out by the Oracle. Now there's -- there's high-dollar condos and that big office building there. That's because it was all renters, and they had no political way to defend that neighborhood. So we don't want our neighborhood to become a renters' neighborhood. Now, all the statistics about govalle Johnson terrace and having a lot of room and not having enough people or having, you know, like we have a lot of area, well, that's -- that simply isn't -- that doesn't mean that we can't still have homes and housing because that's what creates stability in all the neighborhoods. Can I have the next slide, please? So here, at the planning commission, which, you know, the planning commission is illegal, I hope that you all fix that, so they recommended this, but, you know, what? The city staff person nor the developer, none of them could guarantee that they could -- they could put in any affordable housing. We on the contact team suggested they do what think east did partner up with one of the nonprofits.

[3:21:03 PM]

They didn't want to do that. It's not that they don't want to, they just don't know how. We know how. We could do it. If the will was there. Next slide, please. So -- oh, by the way, this presentation was made by Paul bosque. He's one of our neighbors. He lives right up in this area. He couldn't be here today, but he sent this. So density for density sake -- okay? -- 900 rental units are on the way. Families in the area -- oh, I already touched on this point. Go ahead. Next point. Which was that we need home ownership. You know, I hope that the city council -- think of this as a vision that we buy and sell apartments. Not condos, apartments. That's another box to create so that people can have equity. A young person rents



an apartments for four or five years and they leave. They don't have any equity. But if they could buy that apartment, they would have equity. They would be building in their families just like those of us who have been able to purchase a home. That's the American dream. 55% renters in Austin? I don't think that's something to be proud of. Because of what I told you about Riverside. That's what happens. Let's see. Developers -- oh, yes. Of course. See, we have a neighborhood plan. You know, that neighborhood plan is a guide. They knew this was single-family. Why is it that developers expect to get a zoning change? That's not an entitlement. They're not -- that's not a given. So I know there's areas in cities that don't have a neighborhood plan. We do. A hundred of my neighbors, businesses, renters, homeowners, three years we took to make that plan. We've had 37 plan amendments, 33 win-win situations. The ones that didn't win were the ones that didn't pay attention to our neighborhood plan. You're shredding it. Okay?

[Buzzer sounding] So there's no neighborhood support whatsoever.

[3:23:05 PM]

Not one person is looking for this development. So please support the neighborhood plan, support all our neighborhoods, eight neighborhood associations.

>> Mayor Adler: Thank you.

>> Thank you very much. I appreciate it. Thank you, mayor.

>> Mayor Adler: Thank you.

>> Oh, if you have any questions, I'd be happy to answer them.

>> Mayor Adler: Thank you, Mr. Yanez. Next person to speak is Michael Floyd. You have three minutes, sir.

>> Thank you.

>> Mayor Adler: And Susana Almanza is on deck.

>> Mr. Mayor, city council members, thank you for this opportunity to speak in opposition to the proposed zoning change for the flats at shady development, 1125 shady lane. I live nearby at 5505 Stewart circle. Much of the discussion in opposition to this proposal is rightly focused on traffic problems, but I would like to focus on the issue of the neighborhood plan. I assume that a neighborhood plan is an embodiment of the ideals of the neighborhood, not to be taken lightly, and one of the ideals, as Danielle just mentioned, is the increasing of home ownership in our area. It can be changed for good reason. The issue is whether there is a good reason for the proposed change. The rationale of the developers and the city staff boils down to just one substantive point, really. They argue that the adjacent think east pud has established a precedent for the kind of development proposed here, and that flats of shady would be consistent with changes already underway. Of course flats at shady and think east are superficially similar because they both involve large apartment complexes, but beyond that they are fundamental differences. First of all, with respect to density, although think east is a very

large development, the density it entails is relatively modest. Think east has approximately 600 units on a tract of about 24 acres, which comes to 25 units per acre. Flats at shady proposes about 300 units on a tract of eight acres, which comes to about 38 units per acre. In other words, flats at shady is much more dense than think east, to an extent, totally unprecedented anywhere else in the neighborhood.

[3:25:12 PM]

Second, think east has nine of its 24 acres devoted to amenities and services that will benefit the entire neighborhood, not just those who live there, green spaces, trails through govalle park, health center, et cetera. Flats of shady has nothing of the sort. Third, the vast majority of think east apartments are truly affordable, the full range of income levels, all the way down to 30% mfi. Flats at shady, as you have heard, offers 5% of its units to families of 60% mfi, which is next to nothing. Just a drop of sugar thrown in to make this bitter pill easier to swallow. Zoning changes that offer financial benefits to developers should offer compensatory benefits to the community at large as think east does. Flats at shady offers none. It is predator development, pure and simple. The owners bought the land knowing full well it was zoned sf-3, but betting they could run off the neighborhood plan. They have nearly succeeded. Please don't prove them right and honor the ideals and principles embodied in our neighborhood plan. Please refrain from yet again beating up on east Austin. Thank you.

>> Mayor Adler: Thank you. Susana Almanza? You have three minutes.

>> Somebody --

>> Mayor Adler: I'm sorry?

>> [Off mic] [Indiscernible] Signed up to donate time.

>> Mayor Adler: Okay.

>> Did you get that?

>> Mayor Adler: You have five minutes.

>> Okay. Good afternoon, mayor, city manager, and councilmembers. I'm Susana Almanza and we are a member of the govalle Johnson contact team, and I have to say that we brought those over 600 real low income and affordable houses to east Austin. We were the ones who negotiated with the owners at think east. We're the ones who spent hundreds of hours negotiating that plan through the pud that actually council man Mike Martinez made sure to put that you had to have some type of affordability when it came to development of that pud.

[3:27:23 PM]

But it was a community that brought that housing. It wasn't the city, but the community that has now created 600 affordable units, and have you heard, almost 300 at 30% Medina

-- medianfamily income, which is not heard, and that's what we're working for, not just affordable housing but low-income housing. Now, this project, as you misstated, it is single-family zoned. This property is single-family zoned. And that is the way the neighborhood plan, when it was adopted, said we wanted it. Single-family zone. And they can put single-family zoning there. You know, they will come up, well, you're going to have these real expensive houses if we do single-family zoning there, you'll be able to get more, but as you've heard, only a very small percentage is going to be what they term as affordable. And so for us, we need to make sure that our neighborhood plan is respected. We spent years, years of our time, not pay time but volunteer time, to come up with these plans. And I'll tell you, the govalle Johnson, if you go back on the history of our contact team, we fought one year with the people who were signed to our contact team because they did not want to adhere or respect to what the community wanted to say. One whole year was a fight, and then those two people were ousted from the staff and we were assigned two fresh young people in the planning. We were history. This is actually documented at the national level, the govalle Johnson plan made history in the city of Austin by rezoning over 600 properties that were non-compatible to the residential uses. I don't know if you remember, but we were the most -- had the most industrial zoning in our community than any other community.

[3:29:29 PM]

And that's one reason we made history with this particular plan. Now here we are fighting because people think -- they see, you know, an acre or two and they go, oh what can we put in there? Even though the plan says that is not what we want in the particular area. So for us, it's that -- don't try and meet your goal of so many units on the back of the neighborhood who has decided there were certain corridors where this would be allowed and there would be corridors where we didn't want UT. And I think that that's what we need to are everybody had to take on some more additional apartments, even people who were known as apartments, city had to take on more but not at this particular place. So we ask you to make sure and look at it. And I just want to mention real quickly, when you talked about the mobile homes, if you're talking about the mobile home on 74 -- 7301, 7401 east Riverside drive, you're going to have to amend the Riverside corridor master plan because it was the Riverside corridor master plan that rezoned that whole corridor to commercial mixed use. And so it was the city's doing that has put those people in jeopardy at the comfort inn. There are 16 mobile home parks here in the city of Austin. I don't know if you remember, but when we did the whole codenext analysis, we gave you the Latino research initiative report done by UT, where they analyze every mobile home park, what was the zoning and where were they located. So don't start from ground zero, because you have that information somewhere. If not, I'll remit to you because they do need to be protected. And that was one of the recommendation that's we made in the report, is that we needed to make sure and rezone those mobile home parks to match its use and to protect all those community members because it's been through them that we help fight and give compensation for those community members that were displaced through the mobile home park.

[3:31:37 PM]

And we also made history there because it was the first time ever that mobile home park residents, in the whole state of Texas, were compensated at \$10,000 or any amount of money.

[Buzzer sounding]

>> Thank you.

>> Mayor Adler: Thank you. Does the applicant want to close?

>> Casar: Mayor, before the applicant closes, just since Ms. Almanza spoke to the last item, I think the staff actually had those lists of mobile home parks and incorporated that into the latest codenext draft before we received the list, which I think the staff's list may be more comprehensive than the one we have received and the item that we're moving forward does go and change those plans that were created by past city councils, as mentioned.

>> Mayor Adler: Okay. You want to conclude on item 62 and 63?

>> Thank you, Mr. Mayor. Dave Anderson, representing Barton creek capital. I'll just make a couple points here. Mr. Yanez said that this is a project of density for density sake. I would submit it's a project of housing for housing sake. Renters are no less of a class of folks than homeowners. This is housing for housing sake. As far as think east, we applaud think east and the levels of affordability they bring. We feel that we're bringing something that this council and previous councils has identified as a need in this area of the city and throughout the city. Missing middle force housing. From a community benefits perspective, we're helping solve a traffic problem that hasn't been solved over the past few years, certainly not when think east went in. So we're actually bringing measurable improvements to those two intersections because we took it on ourselves to go and figure it out. We listened to the neighborhood. We went and figured it out.

[3:33:38 PM]

We're talking about reducing wait times at airport and balm and airport and shady by up to 70% for the A.M. Peak, taking levels of service and improving them by double. So meaningful -- meaningful changes there. And with that -- the last thing I'd say is the neighborhood plan does speak to multifamily, to affordability, generally, and we feel the location of this project, we're not adjacent to single-family, it's a reasonable use for this -- for this property, and it's providing necessary housing. Thank you all for your time. I'm available for questions.

>> Mayor Adler: Thank you. Brings us up to the dais. Comments? Questions for the applicant? Mayor pro tem.

>> Tovo: Would you be able to send that presentation to us?

>> Absolutely.

>> Tovo: Thanks. And would you mind going back to the slide where you were showing the home ownership rates by zip code?

>> 2016 is the latest census data. There's a reference on the bottom of that table.

>> Tovo: Okay. Thank you.

>> About two-thirds of the the way through. Mayor pro tem, I had two bar graphs.

>> Tovo: It's not a bar graph. It was -- yes, this one, then there was another one that I think was units. Developments that had more than ten units or something of that sort.

>> That one is before this one, about four slides.

[3:35:38 PM]

>> Tovo: And maybe others have questions. I just wanted to spend more time looking at this.

>> Mayor Adler: Councilmember alter.

>> Alter: Thank you. I had a question for you, actually.

>> Sorry, councilmember.

>> Alter: That's okay. So I understand that you're going to do the right turn lane that you described. Can you provide a little more information about other plans for traffic mitigation and that's being deferred to site plan, the bulk of it. But you've committed to do this first part?

>> I would love to. Let me get the clicker. Okay. This is a -- probably a poor representation, but an attempt at a representation of the activities that are going on in this general vicinity. The Orange is intended to be pedestrian kind of sidewalks that are in place. The solid Orange. The dashed Orange are corridor improvements that are being done out of the corridor program office. There will be bike and ped improvements on airport

-- onairport boulevard, north and south. The traffic impact analysis that was developed for Alta vista, which is the triangular property right in the middle, to the west of us, identified signal lane improvements, it identified a split lane on the south of the green arrow, closing, and it also identified this turn lane improvement as future improvements that would alleviate traffic.

[3:37:47 PM]

What we're saying is, we went in and analyzed this particular movement without closing the slip lane, so we took a little bit different approach than what the tia that was done for Alta vista trailhead did, and

we came up with improvements that were -- there. This is a representation of what those improvements are, 2017 existing conditions today. What you'll see is there's -- what the neighbors will tell you and what I agree with is that there's backup at shady and bull. That backup occurs because the intersections at airport and balm and airport and shady are dysfunctional. This is a mechanism to remedy that. And with just that turn lane, you can look at the green column or the yellow column, depending how you like to look at numbers, but it's a 70% decrease in the time that you wait at those intersections, at the -- at airport and balm. It's a 45% time address that you wait at the intersection of airport and shady. So this was an appreciable improvement that wasn't identified in the Alta vista tia, and we went and sharpened our pencils because we heard what the neighborhood had to say about traffic concerns and safety. As to the full breadth of what else is in the -- that existing tia, I'll have to go back and dig out a table for you.

>> I guess I'm asking a process question, since you weren't going to do the tia until the site plan, a, this improvement is outside of what you'd be required for the tia, or does it count towards it?

[3:39:49 PM]

And will you be going through that whole process with the -- you don't trigger one --

>> We didn't trigger one -- that's a great question. We didn't trigger one at zoning because the tia for the area had already been done. What we have talked to staff about is, if we commit to doing this improvement, that that would satisfy our requirements of any tia that may be required at site plan. So this would satisfy those requirements, and we wouldn't need to do one at site plan. As a -- these numbers are going to be general, but the Alta vista tia ended up asking the developer to put in about \$40,000 for transportation improvements. This improvement alone is four times that, maybe five times that, because we see it as a need. So that's where we are today.

>> Thank you. My other question is, right next to the park, are you proposing to make any investments into the park?

>> Certainly, we're going to connect to the park. We have not discussed what investments -- any investment -- what investments could be made, if any, but certainly we would connect our users to the park, to that trail, which obviously goes all the way up to decker lake, and is on the bike system to get back into town. But I think we'd be -- I'd have to check with my client, but I think we'd be open to talking about that.

>> I just think being right next to a park is a big benefit for your development, and there would be some obvious synergies to be able to attribute to the wider community and to your residents engaging with the friends of govalle park to see what needs to be there, would be something that I would just encourage anyone who was moving next to a park to think about, because it would improve your property values as well.

[3:42:08 PM]

>> Understood.

>> Mayor Adler: Mayor pro tem, did you --

>> Councilmembers -- oh, sorry.

>> Mayor Adler: Okay. Councilmember kitchen.

>> Kitchen: So can you put the map up again where you were showing the traffic improvements? There.

>> This? Either one.

>> Kitchen: Well, whichever one -- is this the one where you're talking about -- I just want to make sure I'm clear. What you're proposing is paying for the left-hand lane -- or right-hand turn lane.

>> The right-hand turn lane.

>> Kitchen: Okay. So maybe I need to see the previous slide. Okay. So the traffic backs up along shady?

>> Uh-huh.

>> Kitchen: All the way around the corner?

>> Uh-huh.

>> Kitchen: Okay. And so what you're proposing to improve that is this green arrow with the right-hand turn lane?

>> So right now there's only two lanes -- there are two lanes on balm road at shady, and then as it approaches airport.

>> Kitchen: Okay.

>> By adding a dedicated right-hand turn lane, you're not queuing up that middle lane for those that may want to go straight across. Right? That's what's backing this system up, so if you have additional turn lane, you can get people turning more quickly. And then by optimizing the signals at those intersections, you end up with significant improvement for wait times at those intersections.

>> Kitchen: Okay. So would you be paying for optimizing the signals? And you'd be paying for the right-hand turn lane? And has there been -- I know you showed us the numbers, but has our transportation department analyzed these improvements?

>> Yes, ma'am. Yes, ma'am.

>> Kitchen: Do we have any of them -- are they here?

>> I don't know that they're here.

>> Kitchen: Okay.

>> We've met with the corridor program three times to make sure that the improvements jibe with the planned corridor improvements, and they had to review the proposal.

[3:44:15 PM]

>> Kitchen: Okay. So those signal enhancements are they on the corridor?

>> Yes.

>> Kitchen: So are they being paid for out of the corridor bond funds?

>> What we are proposing to do is pay for signal improvements. What those exactly are, we don't know if we have to move a signal light yet, but certainly timing is what's -- is what -- is what we have discussed with the corridor office.

>> Kitchen: Okay. Okay. So you've discussed it with the corridor office, but it's not part of a formal tia? I'm just trying to remember what you said.

>> The tia --

>> Kitchen: It's an older one?

>> Well, it's last year.

>> Kitchen: Yeah, but does that tia account for the impact of the -- what's it, flats at shady --

>> Flats on shady?

>> Kitchen: Yeah.

>> I don't -- I don't recall. The tia that we modified on our own --

>> Kitchen: Uh-huh.

>> -- We certainly accounted for our -- for our trip generation, and those were the results that were reviewed by corridor program and by atd.

>> Kitchen: Okay. All right. Okay. So do we have -- do we have a report that show us the atd review? I'm looking at staff. Is that in the backup?

>> No, we don't.

>> Kitchen: Okay. Okay. Then the last question on that, so what would -- what's the -- maybe this is for staff. Mr. Guernsey? So these things that are being suggested as part of the project, are they captured in the ordinance? In other words -- so what's the piece of paper that would document what's being proposed to be paid for?

>> So today we only bring this forward for first reading.

>> Kitchen: Okay. Uh-huh.

>> I'll follow up with atd staff.

>> Kitchen: Okay.



>> And we'll talk with the law department with regards to how the ordinance might be prepared, based on what Mr. Anderson is suggesting.

[3:46:18 PM]

I think what's being requested is that this improvement be brought forward earlier and that the tia requirement that would have been done at site plan, to the extent this would achieve what would have been required in that tia, would be offset. I think what Mr. Anderson is suggesting, it might be 100% on an offset. I think we need to probably talk with our transportation staff and atd staff at dsd and see how -- how much value that is, I guess. So we will get back to you before second and third reading when we come back, and then we'll have some additional information on the transportation information.

>> Kitchen: Okay. >> Mayor Adler: Mr. Flannigan?

>> Flannigan: Mr. Guernsey, does this development have to pay into the parkland fund?

>> It would, at the time of site plan. I'm not aware of any --

>> Flannigan: It's clearly not a deficient area since it's next to the big park.

>> No, but it would be subject at the time of site plan. Council changed the ordinance so there is a parkland requirement at the time of site plan.

>> Flannigan: So there would be a fee paid into the park system from this development.

>> Yes, unless there's a --

>> To councilmember alter's point, yes.

>> Flannigan: You are going to make a contribution since it's required under the parkland --

>> Thank you for answering that for me.

>> Mayor Adler: Okay. Is there a motion to approve this on first reading?

>> Kitchen: One other question. My other question relates to the housing -- the affordability of the housing. So I don't have the slide in front of me, but I think you were suggesting 80 to a hundred percent? For how long?

>> I hesitate --

>> Kitchen: You can get back to me if you need to.

[3:48:19 PM]

>> Yeah. I think that -- I think that we may. I think that what we're talking about is creating a project that is -- has median rents that achieve 80% mfi, but we don't know where -- because we're in the zoning stage, it's hard to forecast out individually where that's all going to play out. But what we're talking about is codifying the 5% at 60 and the 80 to a hundred percent being provided, you know, as the -- as the market changes. So we're not at a point, to be clear, councilmember, we're not at a point where we can codify 80-100% mfi for any number of years. We have a development that -- if it's -- if we artificially cap the majority of those units, we have to deal with inflation, we have to deal with property taxes rising, and so there's no way for us -- for the project to work from a financial perspective unless there's a subsidy. We don't have the luxury of having penthouse suites or very fancy apartments that could effectively subsidize lower levels of affordability. We have designed a project and surfaced a project, avoided parking garages, et cetera, to provide missing middle workforce housing, that we anticipate to be in the 80 to 100% mfi range.

>> Kitchen: Okay. So you're basically -- you're building it in a way that you think will be lower rent, but you're actually not guaranteeing an income affordability other than the 5% at 60% mfi.

[3:50:28 PM]

>> Correct.

>> Mayor Adler: Okay. Ms. Houston?

>> Houston: Mayor, I have a question for Michael Floyd if he could come back up.

>> Mayor Adler: Mr. Floyd, come on down.

>> Houston: Mr. Floyd, it looked like you were having some concerns about what you just here. Can you explain --

>> A couple of these points, the issue here is not about the availability of a certain level of housing in the city at large, it's about what should go on this particular parcel of land, and why. The reason it's zoned sf-3 is to keep single sf-3 anchor, in this slide of the neighborhood, as it is on most of the area to the east, so that doesn't it become a zone that's nothing but rental all the way through. That's the rationale in the plan. There's -- within this area, there's a lot of -- particularly with think east, there's a lot of other houses at other levels of income and rental and cost and everything. What's -- the part of the neighborhood plan that's crucial is to keep sf-3 anchor in this particular parcel of land. Second, although the traffic proposals here would indeed be genuine improvements, they would not at all meet the -- the needs of doing something that would help the situation in light of these additional 300 units. It would merely improve, if you want to make a right turn, if you want to make a left turn, you're in tough luck. You know, so it's kind of like half the problem. But this just -- it doesn't solve the problem, and adding three more units on top of all the ones -- 300 more units on top of all the ones that are already coming doesn't really cut it, although it's a generous -- certainly more generous offer than you get in a lot of cases, but it just doesn't really address -- it doesn't really address the problem.

[3:52:31 PM]

>> Houston: Thank you.

>> And finally, as you've heard, there's no -- there's no enforceability here for even the very modest level of affordable housing that's being involved in here.

>> Mayor Adler: On the dais, Mr. Flannigan?

>> Flannigan: I -- I appreciate the parts of this project that avoid displacement. I think that's a really important thing to sign post on this. I really take issue with how renters are being characterized in this conversation. And as I have often spoke, I'm a renter myself. I'm the only renter on the council. And I don't think that makes me less of a part of my neighborhood. And I don't think that makes me less valuable to my neighborhood. And if people think that, because that's what I'm hearing, that --

>> Mayor Adler: Shhh.

>> Flannigan: That's what I'm hearing. And to say that it is somehow better to have unaffordable single-family homes than it is to have even market rate affordability and some restricted income affordability -- it's very difficult for me to square that. Now, if we were talking about the difference between ownership units in a condo development, that sounds perfectly fine, but, you know, that's not accessible to everybody. Not everybody can be an owner. And when a majority of the city is renting, I think we need to be respectful of everyone who lives in this city and not claim that just because you're a renter, somehow you're not politically advantageous to the folks in the neighborhood, which is definitely a thing that I heard. I think we have to respect every person that lives in this city, regardless of your income, regardless of your home ownership status.

[3:54:33 PM]

And if we're going to start making decisions that preference home ownership, then I think we have to look at where this country came from when we preferred the rights of property owners to the rights of anyone else.

>> Mayor Adler: Further discussion on the dais? Mayor pro tem.

>> Tovo: I had a question for the applicant, please. And apologies if you answered this when I was off the dais. Is the 25% codified or to be codified, the 25% of the units that would be two- and three bedrooms?

>> Yes, ma'am.

>> Tovo: And what's the breakdown between those two?

>> We don't have a specific break down at this point. If that's something we need to scratch our heads on before -- before next reading, that's something that we can go back and see if we can determine.

>> Lee Simmons for the law department. This is not -- this is a voluntary vision so it doesn't fall under a density bonus program so we can't codify it in this case.

>> Codify was not the -- you're right. We can't codify it, but we're willing to enter into restrictive covenant with a third party to do so.

>> Tovo: And I assume that's how you're doing the 5% affordable housing.

>> Correct.

>> Tovo: The context of my question is really about -- I didn't realize that the units that were between 80 and a hundred -- that that was not going to be codified in a restrictive covenant until my colleague asked a question, so that's the context for my question, about the 25%.

>> I apologize if that wasn't clear, but certainly it is our intent to -- to put the 25% into the same bucket as the 5% and 60.

>> Tovo: What's -- thanks, that's good. What's the breakdown -- what's the bedroom count for the remainder of the units? The other 75? Do you have a sense of what that's like?

>> We don't have that at this point.

[3:56:37 PM]

>> Tovo: You know what you can get it to me after first reading.

>> Let me write myself a note.

>> Tovo: Along with that presentation. Thanks, Mr. Anderson.

>> Mayor Adler: Is there a motion to approve this on first reading? Mr. Flannigan makes the motion. Is there a second to approve this on first reading? Councilmember troxclair.

>> And closing the public hearing.

>> Mayor Adler: And to close the public hearing. Councilmember pool.

>> Pool: I'm looking at the notes that I have here, and it looked like 25% of -- on the bedroom mix were two to three and 75% would be efficiency and one-bedroom. Does that sound accurate, Mr. Anderson? That may answer the mayor pro tem's question. I don't know if -- a breakdown on how many of the two- to three-bedroom --

>> Mayor Adler: Can you speak up? I'm sorry, councilmember pool.

>> Pool: You just couldn't hear what I said before? Is that --

>> Tovo: It was that I wasn't sure if you knew the breakdown between efficiencies -- how much of that 75% are going to be efficiencies, how much are one-bedrooms.

>> Pool: Right. I don't have that either. It would be good to know. Thanks.

>> Mayor Adler: If you could get that to us before further reading. It's been moved and seconded to approve on first reading. Close the public hearing. Any discussion? Councilmember alter.

>> Alter: Between first and second reading, if you could provide some information on the likely contribution to the parkland dedication and how you're thinking of the connections with the parks and maybe encourage you to have some communication with that friends group to better understand the lay of the land and how you can connect up with the park in the best way possible, I would appreciate that.

>> Mayor Adler: Okay. Councilmember kitchen and then Ms. Houston.

>> Kitchen: I would also like to have the information about -- from atd and would encourage some more analysis about whether -- not more analysis, I really want to understand if those -- the extent to which the proposed improvements will handle the issues that have been raised from the neighbors with regard to the traffic.

[3:58:57 PM]

>> Mayor Adler: Okay. Ms. Houston?

>> Houston: And that's where I was going with the traffic impact. Is think east going to exit onto shady lane also? So usually the transportation department does project-by-project. I'd like a cumulative impact of traffic from both think east and this project.

>> Mayor Adler: Okay. Ready to take a vote? Those in favor of the motion approve on first reading, close the public hearing, get that information back to us before further reading, please raise your hands.

>> Houston: Is it right to close the public hearing if we're going to be bringing back some more information? I would rather leave it open. This will be new information that they bring back to us.

>> Mayor Adler: Okay. Let's keep the public hearing open. Those in favor, please raise your hand. Those opposed? Mr. Renteria voting no, others voting aye. Did you abstain or vote yes, councilmember pool? I didn't catch your vote.

>> Pool: I voted yes.

>> Mayor Adler: Okay. 10-0-1, approved. Thank you.

>> And, mayor, just to be clear, that was for both items 62 and 63.

>> Mayor Adler: 62 and 63. That's correct. Okay. Let's see if we can take care of item number 68.

>> Thank you, mayor and council. Item 68 is zoning case c-14-2018-0002 at 7515 delwau lane. It's 11.9-acre tract. The applicant is proposing a campground on this property. It has been recommended to you by the zoning and platting commission with several conditions that the site must be developed and must comply with neighborhood traffic analysis, nta, that it be granted mixed use on both the cs-mu-co and the cs 1 and couco tract.

[4:01:07 PM]

That cs-mu tract is the larger of the 2, about 10.4 acres. The cs 1-mu is much smaller, 1.5. The zoning and platting commission did prohibit all land uses on those properties with certain exceptions of campground to allow limited restaurant no larger than 5,000 square feet. Convenience sales, no larger than 5,000 square feet, religious assembly, telecommunication tower, local utility service, family home, group home general, group home class 1 limited and group home class 2. And then on the cs-1 tract that it would be allowed to have a cock trail lounge use as a permitted use, land use for building on this land, but it be no larger than 600 square feet. So it's pretty small. The intention aside from having the campground on the property is to have food trucks, some limited retail operations that would allow alcoholic sales on the property. The applicant is requesting the mu to possibly allow permanent residences to be located on the property. Approximately 3.9 acres of this tract is located in the floodplain along the Colorado river. And it is accessed accessed only by delwau lane. To the south is the Colorado river. To the east is Austin driveway, which is a race track and driving school. And to the west are single-family homes and an urban farm or they're known as urban roots. There have been some traffic issues raised by the neighbors because of the narrowness of the road and further to the east there's traffic that goes across a bridge that is in poor condition.

[4:03:17 PM]

Also there's some floodplain issues not on this property other than being close in proximity to the Colorado river and flooding conditions that are further down delwau lane and subject to flooding during certain rain events. At this time I'll pause if you have any questions and grinch R. Glen Coleman, the applicant's agent, is here to make a brief presentation.

>> Mayor Adler: Okay. Council, we're going to go to that presentation and then we have some public speakers that have signed up to speak on this and they've provided me an order.

>> And this is coming to you for first reading only.

>> Mayor Adler: You have five minutes.

>> Glen Coleman for the applicant. I have a lot of information so I'll put it out there and I look forward to your questions afterward. We have the applicant here and some neighbors to speak in favor of the project. Delwau comp grounds, they're only allowed in cs. Weird, but here we are. The neighbors and the applicant were very careful to put an extensive conditional overlay on this site, ratcheting down that this is the only thing that can be built there. And it's a lot of fun. It's the most fun project that I have ever brought to you. Red line represents the floodplain, first of all. I want you to think about this project, think of cosmo co from marfa and the Colorado river. That's kind of where we're at. The vision would be -- and at the edge of the waller creek -- not waller creek, walnut creek bike trail. It's currently a very

dangerous industrial site so you may have heard sf-2, but this is not the sf-2 that you have probably contemplated. It's a very unsafe area right now. We have found needles, all kinds of paraphernalia.

[4:05:18 PM]

People are setting tire fires down there. It's not a safe place to be and we look forward to really cleaning this up. We're going to keep the school stuff if we can, that's the industrial, and that will be part of the food trucks, part of the coffee shop, part of the recreation area. There's also a small campground that will be -- small play area that will be provided for outdoor use. The vision here is that we have a -- we have the -- probably around 50 to 60 of the air stream trailers. These are long state trailers so you think snow birds, a month, two months, three, four, maybe even a shorter term. This is not a koa, this is more a long-term, but it is not air streams, not mobile homes, I want to make that clear. Paired next to that would be a couple of. Food trailers, we hope, that would serve the entire community. Small convenience store. We cannot do gasoline sales, small convenience store, milk, sundries, things like that. It would be well lit, cleaned up. We do want to have a small site, a small tiny house or two. It will probably be to have a caretaker on site, but certainly depending on happens and as the code evolves we would like to do overnight stay for the neighborhoods so if the grandparents were in town they would stay down the road and what we would envision would be more like a B and B and we may do that with a couple of the airstreams. The economics are two things. The coffee house, hopefully a small bar, place where people will pour a small pitcher of beer, sit under the trees, watch the kids play, pick the spouse out of the river if they floated down. We need all the uses to work together because the site is kind of isolated. It is not a destination. It is something to serve the area regionally. There's not a lot going on in that area. The developers, local boys who went to school here. This is one of them's third project, one's first project and one is the first together.

[4:07:22 PM]

One is a project called the yard, a fantastic success. Some of the concerns that you will hear from the neighbors here tonight are the same concerns that we heard about the yard. Now the planning team meets in that facility. So the developer has a good reputation of building nice projects and keeping the promises that he makes. So here's kind of the vision. We're not talking about -- you know, zoning and platting commission did not want to -- they didn't want a hooter's. They did not want a hula hut on the Colorado river. They love the idea of getting a place to get drinks, have a pitcher of beer under the pecan trees, but they limited the structure to 600 feet and we're okay with that. We're not looking to do a giant establishment, we're not looking to do late hours. We can't have a party bar next to our sleeping campers. Let me say that again because I think it's important. We can't have a party bar next to our sleeping campers because we would go broke in a hurry. Maybe live music and guitar, pour a pitcher of beer, but we can't go crazy because the business model won't work, collapse pretty quickly. One thing I want you to know is that as part of this deal should you choose to accept it, this developer will be dedicating as a public access about a thousand feet of parking. He would be widening this road,

dedicating the parking to the city in a public easement and that should pull -- that should pull the people who are currently parking along or for urban roots and other activities off of the road and give them a nice safe well lit parking area. So we're looking forward to that and hope that's something that our neighbors will all see in this amenity. If you look at the tia, let me give you some numbers here. The main thing I want to take away here is D is delwau can be a problem. It's not a narrowness problem, but a parking problem. Right now everybody who parks on that road has to park along that road, along the side of it. It's not a safe place. We can bring a little bit better solution to that and we intend to and with this zoning case comes the dedication of that public parking easement. It's part of the package.

[Buzzer sounds]

[4:09:23 PM]

We had pretty extensive meetings with the neighbors. You will hear from those shortly. And we are -- I want to leave you with this. We had a lot of support but we've also got some opposition. I want to tell you that we have reached out to our staunchest opposition. We're looking to sit down and talk to them about strategies about their quality of life issues, but they haven't had that sit-down with us yet and I think with we need a little help from this council.

>> Mayor Adler: Thank you. Is Darcy Scott here? You have some time donated from Victor Martinez. Is he here? No? What about Jeffrey Scott. Is jiffy Scott here?

-- Jeffrey Scott here? Then you have three minutes.

>> Thank you. This is my first time speaking so I appreciate you dealing with my nerves as well. I'm her to speak, I'm Darcy Scott, a resident of noelwood, which is the neighborhood very close to the proposed campground off of delwau lane. I have been a resident there for approximately seven years and I speak on behalf of my selves and my family and about two thirds that are part of this project and excited for it. I am personally excited for it. Knollwood is a great community. It is very isolated. It is off of 183 and we have to get on a highway if we go anywhere. I have two small children and loading them in the car2go get milk to go to a park -- to go to do anything actually causes me more concern than being able to walk down to this campground, this site, to have a bit of community access. We do not have a playground in our knollwood community and I know a lot of the parents, the moms who stay at home are very much excited about being able to take their kids down to a playground, to a park to be together.

[4:11:27 PM]

I also want to speak to the developers a little bit. I am familiar with their work. I know their reputation and what they do in their projects and I think their intent here and their motivation is for community. I think that knollwood would really benefit for that. There's a need for that. It's a space to go instead of being so isolated. I have worked with Mr. Adam Zimmerman at kealing middle school. I was a school counselor there while he was a teacher. So I have seen his work with students, I've seen his demeanor,



I've seen his character. I know he's taken the students to urban roots before. I think every intent that they have is to build community. Is to work with local vendors, work with local residents. They have been very open in talking about listening to everyone's concerns. In fact, I think I was the 'one who proposed them making a playground on the site and they said okay, we'll do that for your guys. So they are open and they have been very willing at addressing any concerns that we've had, especially the concerns about the noise you, which seems to be addressed by the 10:00 P.M. Noise limit. And the traffic concern as well. But the parking I think would really, really help that. And again, I'm probably more concerned about getting up on the highway than being able to walk to a place nearby. I think it's a really unique project. Continuing it is a very Austin -- I think it is a very Austin project.

[Buzzer sounds] And I'm in full support of it. Thanks.

>> Mayor Adler: Thank you. Thank you very much. Is Jamie Moore here?

[4:13:29 PM]

Come on down. On deck is David Desilva. You have three minutes.

>> Thank you for allowing me to speak. I first want to say that when she says that two-thirds of the residents of knollwood are in favor of this development, that is actually a misrepresentation. A third of them are in favor of it with changes it's as not allow -- such as not allowing alcohol sales. I just want to say that. I am a single mom living with two teenagers one house away from the proposed development. One thing that Mr. Coleman just said is that narrowness of the road is not a problem. Narrowness of the road is a problem with or without parking. I went and measured it with a measuring tape. It's 14 feet for most of it. They are not going to be expanding that part of it. They're going to be expanding the part that is just in front of the development, which is at the end of our road. Our road also doesn't have street lights so it's very dark at night. So the very idea of people going down and drinking at this facility and then driving down this road is very, very problematic. And if he just keeps mentioning pitchers of beer, I don't understand why they need cs-1, which is commercial circumstance sales. There should not be liquor sold at the end of this road. This is a substandard road that will not be improved, going over a bridge that has flooded several times since I've been there. I've also witnessed emergency vehicles not being able to make it down the road and having their arrival delayed by that. I also disagree with the fact that we did not -- we were not allowed a valid petition because the river counted as part of the buffer zone, almost accounting for a third. I would really like to be shown how that was done, how that was decided by the city, because I don't think there's any precedent for that.

[4:15:29 PM]

And I would really like to understand how we fell just shy of the 20% because the river and the greenbelt counted against us. 100% of the residents who are most gravely impacted by this are against the cs-1, in particular for sure no alcohol should be sold on this road. Somebody will end up getting killed or injured

because also the hike and bike trail comes out at a 90-degree angle and the view is obscured by vegetation, which that could be fixed. We could definitely -- the city could come and clean that up and you could see people coming off the bike trail. But because the narrowness and the darkness of the road makes it very dangerous. I've lived there for over a decade and it is not -- I feel like what they're proposing down there is more unsafe than what is down there right now. And sf-2, which is what it is zoned at right now, would clean it up just as well, and it would be a more fitting development for this neighborhood. And I would hope that you would keep it at sf-2. Thank you for your time.

[Buzzer sounds]

>> Mayor Adler:

>> Mayor Adler: You will be up at this podium.

>> As part of the neighborhood we're very opposed to this and by nearby I mean 1,000 feet, 100%. The developers make it feel like there's neighborhood support, but the neighborhood they're talking about is about a mile down the road. And it does share the road with potential drunk drivers, but the nearby neighborhood 100% opposed, there's no question. And it's simple to understand. You don't put your quarterback in front of the linebackers. All of y'all live in homes except the renter, but do you really want a bar next to you? And if you're going to have a bar it usually goes on a very high road like I-35, airport boulevard, you know,

[4:17:34 PM]

>> Sir, I also live in a home.

>> So you don't put it in the very back of a single-family neighborhood because the drunk drivers are going to be driving back through the neighborhood. It doesn't make a lot of sense. I had the city staff give me all the changes to cs-1 in the last 10 years and I did a slide on that. So I analyzed all 149 of them. Not a single one of them starts off with any kind of single-family zoning. So the concept of changing single-family zoning to cs 1 hadn't been done in the entire city. It's unprecedented and again the reasons are easy to understand. You don't put a bar in a single-family neighborhood. Now, you particularly don't put it at the very back of the single-family neighborhood on a substandard road that's prone to flooding in the city staff have said they have no intention of fixing ever and then have cs 1 zoning which basically gives you the ability to serve unlimited amounts of alcohol until late at night with no food. Hugh la hut has cs zoning so there's no need for cs 1. That's a bad thing to introduce into a single-family neighborhood. Nobody would want that. I mean, it's just insane. So what we would propose -- what we would prefer is if you feel strongly about having a trailer park, then great, do that, but don't allow the sales of alcohol in any form because that's just leading to a potential disaster. And when someone is killed on this road, the city of Austin will be drawn into a lawsuit because you guys approved this. And then the other -- the valid petition issue, because the river is being counted, I think improperly, and we're probably -- if this doesn't start to turn around and go our way, we're going to present a lawsuit. And it's my understanding the city of Austin doesn't like lawsuits. So what happens when a state jury

finds that this was done invalidly, and not only this one, but all the ones that have gone previously where 100% of the adjacent single-family neighbors are against this.

[4:19:45 PM]

So the spirit of a valid petition is if you get more than 20% you're supposed to be able to have a super majority on the city council. By my calculations we have 26.85% if you don't count the river, which no one can tell me how to contact the river to see how they vote.

[Buzzer sounds] Anyway, if you have any questions...

>> Mayor Adler: Thank you very much.

>> I contacted the river and it was staunchly against the zoning change.

[Laughter]

>> Is John Whipple here? Come on down and you will be next. Go ahead.

>> The river was also insulted by being referred to as a street or alley. There's inadequate access. The entire area only has one road in. Do you understand that? The whole thing is a peninsula. There's one road in. It's only 17 feet wide in most places. It goes across a low water bridge that's been flooded several times since I moved in. So that means no one can get out, EMS cannot get in. This is a problem that will occur again. To allow a zoning change that allows uses that are completely incompatible with that will cause problems for the city later are. There is no right-of-way or easement for the existing road. My property -- I have a slide for this. Can you put the -- can you put the map up? My property directly fronts the railroad's property. There's no easement, no right-of-way. There's nothing for the road. So the road is -- you can see my house right there and you can see the road and you can see the dark line at the top. That's the property line. Also if -- on the pages that I handed out do you see the four color photos that I handed out? You can see where I laid pieces of wood in the middle middle of the road. That's my property line. So if I build a fence along the front of my property line which is legal to do to keep my chickens in -- I don't have chickens.

[4:21:46 PM]

Then it would obscure seven feet of the road, leaving only 10 feet left. This is a problem. And it works out because we're cool with it, but if the zoning changes to a zoning that allows something like 2,000 trips a day we won't be cool with it. Legal issues will certainly ensue and we content want -- we don't want that. We had a valid petition where every person who lives there objected to it. And I'm talking within a thousand feet who didn't object, is the person who sold the property, Paul Delwau, he's the only one who wasn't against it. And the river. Finally, it should be noted we're not necessarily as opposed to this lovely picture that was portrayed by Glen Coleman. We're opposed to the zoning change. If the property were restricted permanently and enforceably to exactly what he says he's asking

for with delineated square footages, impervious cover limits, parking, et cetera, we might not be proposed, but what we don't want is the uses that could be allowed in this zoning if we change it to that. I mean, the backyard has about a 600 square foot bar associated with a huge traffic filled area and this zoning would allow something like that. The restrictions that I looked at, sure, they have said we won't have a plasma collection center, but they've said we won't have an outdoor music venue. If they want a zoning change they need to restrict it in a forceful way on all those issues. The parking that we're talking about for urban roots, it's too far for urban roots.

[Buzzer sounds] Urban roots is opposed to it. Max has written a letter saying he's opposed to it. We're asking that the city not favor one person over another, making their land worth more while making my quality of life and the value of my land go down.

[4:23:54 PM]

That's favoritism. We should be fair. Thank you very much.

>> Mayor Adler: Thank you. Sir?

>> My name is John D Whipple and I am the closest adjoining neighbor to this proposed property. I've lived there since 2005. It is my belief that the delwau campground is basically an alcohol concession proposal wrapped up in the veneer of a campground. You can sell a lot of alcohol out of a 600 square foot facility. We've seen that in multiple venues around town. Also my major concern is that we are basically talking about placing an alcohol concession at the end of a street in a neighborhood that has one way in and one way out. It has to be emphasized that this road in places is as narrow as 13 feet, and I have seen an instance where cars parked on the road, emergency vehicles cannot pass them. The parking they're proposing to alleviate this problem is at the very end of the road. Many, many yards away from the farm that creates most of the log jams on the road. That said, a street that at some point is as narrow as 13 feet is not the place to place this bar. It was never intended to serve as a bar, but as a nighttime scene. If we can pull the video, it illustrates the issues with the walnut creek back path. Looks likes we have a bit of a format issue there. This is where walnut creek perpendicularly contacts delwau. That's how abruptly pedestrians and cyclists enter that street. That's my son, 11 years old on that bicycle. I've got extreme issues with serving alcohol on a street like this. It doesn't -- you don't have to have a lot of imagination to think about what could happen when we have inebriated drivers, cyclists and pedestrians exiting walnut creek on to delwau in a fashion where frankly right now you have to be paying attention or a cyclist or pedestrian could come right out in front of you, they have their headphones on and you have an accident.

[4:26:11 PM]

And that is under the best circumstances. Frankly, it's dangerous in its current state. Adding inebriated drivers to this is frankly irresponsible. People will get hurt. Thank you for your time.

>> Mayor Adler: Can you pull the microphone up closer.

>> Can you headquarter me?

>> Mayor Adler: We can.

>> Thank you. My name is Adam Zimmerman. I'm one of the developers. My brother could not come today and I want to read a letter from him. Good day, councilmembers. First I would like to apologize that due to the postponements I'm not able to be at this meeting in person. I was born and raised in Austin. I am a partner in ecological design firm and I have a master's in sustain automobile design and planning. Much of the work that my group engages in relates to sustainable property development and the preservation of ecosystem functions. We love the location of the delwau property and want to maintain its old Austin feel as well as share it with visitors. My brother and I envision a relaxed community of vintage rvs and airstreams, a family friendly space for food, drinks and a local produce market to serve the campgrounds as well as bike commuters and the nearby nature. As a nature enthat'siest I'm looking to serve fellow austinities with a public access point on the lower Colorado river. I think this property with its access to the bike path and walkability for the neighbors is well suited to proceed local commercial amenities for and underserved community. Please support our project. Thank you for your time. Noah Zimmerman. I would like to tell you a little about myself. As far as my experience in Austin, I was born and raised as well, taught at aisd's alternative learning sister for two years and took my students to urban roots.

[4:28:21 PM]

After teaching I returned to development and one of the -- and I am one of the developers of the yard on St. Elmo and congress. There was push back because of noise concerns a few years back. Reresolved those by capping amplified zone by 10:00 P.M. Since then the neighborhood holds their meetings on site. I understand that several of the neighbors are concerned about noise and we would be happy to limit all amplified sound for this project as well. My brother and I want to bring back some of the old Austin culture that we grew up with. Thank you for your service and your support.

>> Mayor Adler: Thank you. Is this before us on first reading only? First reading only? Does the applicant representative want to close? You have three minutes.

>> All right, council, thank you very much and thank you for your service. I'll try and nuance these. We can't widen the road, it's true. I mean, it's almost half a mile and it's not a problem we can solve. We can't solve flooding in the area. There is flooding in the area. There's flooding in much of Austin. Many areas of Austin have flooding and many areas of Austin have narrow roads. I certainly hope no one is going to come to our bar and drink and drive. But I also hope they're not going to leave this neighborhood, get on 183, drive to Springdale road, drink and drive there either. I think what we would all prefer to see is a local place, a watering hole where the neighbors could come down, get a glass of milk, a beer, kids play on the playscape, visit with people visiting the city for south by southwest or snow birds who have come down to the area. That is our vision. And to address Charlie's point, we have done

everything with the conditional overlay that we can possibly do to keep noxious uses away that I wouldn't want to live with either if I were next door.

[4:30:21 PM]

If we left one out, tell us. If you would like us to see amplified noise, we've offered that to the neighbors. Say yes, we'll pull the trigger, we'll have a document find for you by second reading. We're totally open. If you don't like the cs 1, throw it out. We can live with it. We want to build a viable community and we have to have enough of an economic engine to keep both the doors open for the airstreams and the doors open for the convenience store and the coffee store and the bar. So yes, it is sf 2. Hide bark bar and grill looks like a house to me. We've zoned many things sf 2 or maybe it was sf 3. District 3 has a number of houses that are in proximity to a bar. We're not looking for a big bar. If we ran a big bar we would go broke because our trailers would leave. If you want us to limit amplified sound or do anything that we -- you feel like we need to do to guarantee their quality of life we are open to the idea, we've reached out to them repeatedly. We have not had the relationship that we would like with them in terms of being able to sit down and negotiate it. They're in the fear position right now, the no way, no how position right now and I need this council's help to bring them closer so they know we will have to sit down and iron out some details. We're open to any suggestions you have to make this work, but we do want to build a community and I think you have a pretty good idea of what that vision means. I'd be happy to take any questions that you have. Thank you, council.

>> Mayor Adler: Thank you. That brings us back up to the dais. Questions? Mayor pro tem.

>> Tovo: I have a couple for you, Mr. Coleman. Have you agreed to a limitation on the number of events that would use outdoor amplification?

>> None. We don't want to be an events center. We would not be an events center. We would be open to what you mean by events. By concert, no. Outdoor venue, we're not looking to be an outdoor venue or concert venue or anything like that.

[4:32:24 PM]

We're primarily an air stream or rv park. We could have evening live guitar sing along kind of thing, but we do not cannot do amplified music and expect to remain in business. So we are unharmed by anything that you wish to suggest or the neighbors wish to suggest towards a restrict, limiting hours.

>> Tovo: There is currently, I don't believe, though, that there is no restriction on amplified sound.

>> No, there is no -- we have no content or anything that would oo -- covenant or anything that would restrict us at this time. We would be willing to sit down and have asked to sit down and have that conversation. They haven't sat down with us yet other than the initial meeting. So we're open to it.

>> Tovo: Okay, thank you.

>> Houston: And mayor, before --

>> Mayor Adler: Ms. Houston.

>> Houston: And Mr. Coleman, if I understand you correctly, in order to make your finances work you will have to have the bar, the restaurant and the convenience store? Is that with what I'm understanding?

>> We don't foresee a restaurant there, but we were going to do food trucks. Food trucks.

>> Convenience store and a liquor --

>> We could do mixed drinks, not liquor sales. We could do mixed drinks. We couldn't be a liquor store. Liquor store is prohibited. We could do mixed drinks.

>> Houston: So people could drink beer or wine or get a cocktail and leave.

>> Yes, ma'am.

>> Houston: But that's part of your financial --

>> It's an important part of it, yes. I mean, we need to be able to -- it's not just the finances. We want to build a community of people.

>> Houston: I understand that, but I'm trying to say that if you're renting out these airstream trailers and doing all of that, that's not enough to make you a viable project without having alcohol sales is what I'm trying to ask you.

>> The land was not -- the land was very expensive, councilmember. We have to pay that back.

[4:34:26 PM]

>> Mayor Adler: Okay. Yes, mayor pro tem.

>> Tovo: I forgot I had another question for you. I think our first speaker spoke in support and talked about the access to the community for the public play space. Is that a commitment that you've made?

>> Oh, absolutely.

>> Tovo: That areas of this would be open to the public?

>> Yes. That is a commitment. We'll sign whatever you want. In fact, we are dedicating -- with this act you acquire the public parking easement that comes with it as part of the zoning case in your backup. We then before second reading have to come back with all that signed and notarized and delivering to you about a thousand feet of park along the northside of that project and that would be public parking. But certainly anything else you want in terms of a -- or you could say this from the dais as part of the zoning case that the public is to have access to the river. And that's good for us, we want that. We want people to come down and put their kayaks in. We don't want to rent any kayaks, but we want people to

come down, park, put their kayak in, buy sandwiches, have coffee, float around, come back. We think that's really missing from that area.

>> Tovo: Okay, thank you.

>> Renteria: Mayor? I'm going to be supporting this. I believe that this is a great opportunity for Knollwood to be -- I have supported trails and this is a great opportunity for Norwood to connect to this. And my whole vision is one of these days that we're going to be able to connect all the way to John Trevino park so that we can get the vehicles off the road. And this would be a good opportunity also to start discussion on connecting Norwood with this so they could just ride their bicycles. It's less than a mile away, but that's on a vehicle. So I think this is one of the -- a really great project. I'm kind of -- I got excited when I saw it because I'll be able to put my kayak there underneath Montopolis bridge and be able to cruise down there.

[4:36:34 PM]

I never had that opportunity before. And it is -- travel on the opposite side is a really beautiful piece of area there that would open it up to the public. So I'm going to be supporting it.

>> Mayor Adler: Ms. Houston?

>> Houston: Mayor, I'd like to make a motion.

>> Mayor Adler: Okay.

>> Houston: My motion is to deny the rezoning.

>> Mayor Adler: Okay. Ms. Houston moves to deny.

>> Houston: And if I can get a second I'll speak to that.

>> Mayor Adler: Councilmember Pool seconds that. Ms. Houston, do you want to address it?

>> Houston: I certainly understand the vision. It sounds really cool, Austin kind of weird kind of thing. But the issue for me is primarily one of health and safety. And it's also the way we do zoning in this city. I'm quoting from Nick Barbora from the Austin Chronicle of January 30th of 2015. Treat existing zoning as what it is, the law, rather than a starting point for negotiations or as one side in an expected compromise between what the developer wants and what the law says that they can build. I remember when I first came to this council I started having conversations, it wasn't about this area, but about 51st and Springdale, about how we zone things project by project and don't look at the cumulative impacts of what a development will do within a mile. And this is one of those examples. Although I think one of the planning department staff described this as a soul did he sack with a -- cul-de-sac with a mile long road leading down to it, people have seen and talked about the dangers of this road. This bridge, Delwau bridge, is the third ranked bridge in this city that needs to be reconstructed. It's flooded two times while I've been on this council.



[4:38:39 PM]

I ask -- when I look at the traffic impact analysis and they say if I'm correct that if the pavement width is less than 30 feet you could have 1,200 trips a day. That's ludicrous on a road this size. It goes anywhere from 17 feet across to 13 to 20 feet down by the driveway Austin. I see the fire marshal here, I would like to ask him a question about access. And when he looked and reviewed this, what was he looking for when he got this packet and talked to me a little bit about access for vehicles, emergency services vehicles.

>> Yes, ma'am. So when this was brought to our engineers to review, they look at the hazardous materials in the area. This project zoned as X. If they want to move to something else is there something in the proximity to that that would be concerning. As they looked at it there is a water treatment plant and I think npx as a business that were in the proximity, but far enough away with modeling that the chemicals they have at that site wouldn't be an issue for whatever this is zoned for or for the request for the rezoning. That's all they looked at. They looked at the chemicals and the proximity to the area.

>> Houston: So if you were asked to look at access for emergency services vehicles down this lane, do you have an opinion upon what you might have said if that had been asked?

>> So the width of the street would be concerning for us if they start to increase the volume of traffic on there. Larger vehicles with a narrow road. Our vehicles are about 10-foot wide. So we would need that space plus the width of the other vehicle to be able to pass each other if folks were fleeing from a problem and we're trying to go take care of it. And there's not really anyplaces to pull over along that road as narrow as it is.

>> Houston: And do you have any statistics on how many times you've been called to that road either for driveway Austin or any other --

[4:40:49 PM]

>> Through emails when we were asked about that, the record-keeping system we have showed that since 2004 we've been on that road 68 times for a variety of issues, medical calls, the race track at the end was kind of popular for that. Hike and bike trail injuries there. There were some fires I think alluded to with the current condition of the 7715 delwau. So those were the sort of calls we made down there.

>> Houston: So we've been down there, have you been down there?

>> I drove down there just a couple of days ago.

>> Houston: So the largest part of the road is probably where the bridge is.

>> The bridge and then the very end of the cul-de-sac.

>> It varies in size.

>> Houston: Thank you so much for being here.

>> Yes, ma'am.

>> Houston: And I guess I would like to ask planning staff to talk to me a little bit about --

>> Mayor Adler: I have another question, though, for the staff. In the 68 calls that you had down there, was there any difficulty in getting to those calls and back?

>> I don't have specific information. At one of our executive team meetings I brought up the conversation about this particular zoning deal. One of the shift commanders did mention in general problems on that road, but I didn't get specific information on that as far as which calls, which problems, et cetera.

>> Mayor Adler: You don't know what the problems were.

>> Just accessibility issues.

>> Mayor Adler: Thank you. You wanted someone from -- planning staff?

>> Houston: Yes. To talk to me about the trips per day and how you calculate that -- what the current trips are today and how do you account for an increase that you have in your staff backup.

>> So the trips per day for an sf 2 if you could develop it out, I guess it's maximum potential, you're probably looking at about seven homes probably per acre on the property.

[4:43:01 PM]

>> [Inaudible].

>> I'm just speaking to the zoning that's on the property. Come back they may resubdivide it to be smaller lots than what you might see. But when we looked at the number of trips we were looking at the proposed uses as a campground so it's much different than looking at it just as a cs use that you might find a grocery store or a restaurant. So the uses that were limited got down to a place where they did not trigger a traffic impact analysis. There was a review done by our service staff and staff, but if you go back, if you did about seven units per acre, maybe get about 7700 -- excuse me, 77 homes. Theoretically on something that size you could get up to about 10 trips per day per house. So you could get up to a number that's quite high. Now back out certainly getting a floodplain, you would have to back out some land to provide probably some additional frontage because to get to any kind of number would probably be looking at some flag lots on this property because they are so limited. I have not done the review. If this was approved on first reading we could come back with a number of lots that we think you could develop based on that number.

>> Houston: So I'm asking if it's zoned campground, what are the trips a day that will be created if that's zoned as a campground and then add to that the trips per day if you had bar sale, circumstance sales in the area -- liquor sales in the area? So what would --

>> Councilmember, I would need to go back and do a little research just to look at the file and see what our staff came up with as a proposed trip generation. I can do that in a couple of minutes.

>> Houston: Especially with the bar and the restaurant added?

[4:45:02 PM]

>> Let me look at the file.

>> [Inaudible].

>> Mayor Adler: I'm sorry. We're still on the dais.

>> Houston: I'm going to stop so somebody else can say something.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: Just from my perspective, I'm probably just to the side of no on this generally, but I'm willing to support it on first reading just to have an opportunity to meet more with the applicant and understand more specifically what's being said and have a chance to talk to more folks about it. This is definitely a unique thing, and if this was the only opportunity I had, I'd vote no, but I am willing to at least support it on first reading if anyone's taking notes.

>> Mayor Adler: I'm going to vote no on the motion to deny -- to the motion to deny, but only on first reading because I have questions too. I hear councilmember Renteria talking about additional access out to the river, to the hike and bike trail, which I like. I would like to get more information about the ems calls, if there were problems, what they were. The sound and see if there are and further restrictions available to address some of the issues that were raised. Whether there's the opportunity to limit alcohol to just beer and wine. And then the incremental trip issue that we're talking about, what really are the incremental. So if the motion to deny does not pass then I would vote to approve it on first reading only to be able to study it more. Mr. Guernsey, do you have answers?

>> Yes. I'm looking at the traffic impact analysis determination worksheet under the existing sf-2 it was stated by the reviewer that there would be approximately 82 trips per day.

[4:47:14 PM]

Under the proposed attributable to the 80 rv spots, there would be about 63 trips per day. That's based on the area being 6.4 acres. For the restaurant/bar, remember it was limited to 600 square feet, but this calls out an area of 1200 square feet and it came out to be 1,360. But that was assuming that it's 12,000 square feet of building area. The zoning and platting commission I think limited to only 600 square feet.

>> You said 12,000 or 1200?

>> 12,000.

>> Casar: That's pretty different. So we could divide the 12,000 by 20?

>> Casar: Yes. It would be much smaller.

>> Mayor Adler: Councilmember kitchen?

>> Kitchen: The concern I have with this is the combination of alcohol on a road with no lighting that's very narrow. And so I'm not hearing opportunities to address those aspects. And so I'm going to vote in favor of councilmember Houston's motion.

>> Casar: Mayor?

>> Mayor Adler: Yes.

>> Casar: I'd like to move this on first reading just because I -- I know the neighborhood pretty well and have heard from some folks living there. I know that there are folks that have concerns, but some folks I think it is a neighborhood that is basically blocked out by 183 and I do think that it is -- there is some benefit and it is safer for some folks to be able to go to something nearby their neighborhood to go use a playground or go use a kayak or go pick up some produce or some food without having to go get on 183 in this neighborhood.

[4:49:15 PM]

But I hear the concerns that they've brought up and I just wonder whether those could be addressed between first and later readings.

>> Mayor Adler: Further discussion? Ms. Houston's motion is on the table. Councilmember pool, then Garza, then the mayor pro tem.

>> Pool: Could staff explain about the river and the valid petition?

>> I can do that. Under state law all the property within the area, whether it's owned by the city or the state, which that river bed is owned by the state, is counted. It's just the way the state law is. Whether it's -- so the general land office would be the state agency and we have had cases where the facilities commission has actually signed petitions in the past, so it is included for state law.

>> So then are you saying that if the neighbors wanted to do a videotape we could talk with the land office. For that.

>> Sure.

>> Pool: I don't know if they knew that, but that's interesting. Okay, thanks.

>> Mayor Adler: Thank you. Councilmember Garza.

>> Garza: I'm just not prepared to say no, period. I think the big concerns are the alcohol and the road. I know the applicant is now saying they can't get this done without the alcohol sales, but maybe if they

know that the only way it's going to get done is without alcohol sales there will be a different -- maybe they would be willing to negotiate to that if the option is nothing or the campground with no alcohol sales. So I'm willing to, I guess, give us time to explore that that. I appreciate the quote about what's zoned and compromises and whether there should be compromise, but you buy a bundle of rights when you buy a piece of property and one of those rights is to be able to ask for a different kind of zoning.

[4:51:25 PM]

And so regardless of -- and that is -- that is exactly what our job is, is to determine what kind of compromise we can get to, if we can. So I think this is clearly within what our jobs are as councilmembers and with the property owner's rights are to ask.

>> Mayor Adler: Okay. I think mayor pro tem was next.

>> Tovo: Okay. You answered the question about the petition. I had a question about access to the river and I think that's for the applicant.

>> Yes, mayor pro tem.

>> Tovo: It was my understanding that some of this tract was really quite high above the river. And I'm trying to determine where there's access where somebody could pull up a kayak.

>> So that would have to be -- so there is one low corner that is the corner on the most eastern part, not far from boggy creek, that is low enough where someone could pull up a kayak. We can't do structures and we can't go digging around, but we can mow it, make it smooth and allow it to be a natural riparian where people could have access. But there's a little bit of a bank there.

>> Tovo: And the rest of it is higher --

>> It slopes up higher, yes, ma'am. So that the campers themselves are almost two stories up out of the floodplain.

>> 35, 40 feet bluff.

>> Tovo: I guess I was also trying to assess, since some of what I was hearing was providing access for people who are kayaking up and down the river I'm trying to evaluate to what extent that's going to be a viable option.

>> So there's about a two an acre beach, wet land area down low that is part of the river because it's part of the floodplain that's exposed a majority of the year.

[4:53:26 PM]

And then about an acre and a half that's in the floodplain down low and then a sloping trail to build in that area for folks to leave the kayak, come up. And when we pull the kayak and they could park a vehicle and take it back wherever they wanted or continue on down the river.

>> Tovo: Thank you. And I think this question is for the staff. There was a reference one of the speakers made to a letter that we had received from urban roots. I'm not actually seeing it in my packets and I'm just wondering if I'm overlooking it somewhere.

>> I think we're aware of the letter but I have not seen it myself personally. If this is successful on first reading we can certainly provide it to you before second. Or if it's postponed.

>> Tovo: Thank you.

>> Mayor Adler: Okay.

>> Houston: And I did talk with max Elliott. I did talk with max Elliott with urban roots and they did say they were sending a letter. I haven't seen it, that they were not in support because of the alcohol sales. And I just want to remind people that knollwood is a separate subdivision. They have a owner's association and if they don't have -- I understand through looking, I drove through there the other day, that there is a trail that goes down to something. But that park, their need for park facilities should not be on this small, narrow one-lane road, especially if we're going to have alcohol sales. But I don't know the banks that big, so if I could ask Ms. Moore if you could come up and talk about the banks -- about the landing and access to the kayaks and paddle boards and boats.

>> Um, having hiked down there quite a bit, there is a buildable situation down there, but what I really would like to point out to all the councilmembers is that the knollwood community has access to the river. I have a canoe down at their access to the river.

[4:55:26 PM]

There's a little trail down there and you can -- and boats are stored down there.

>> Houston: So there is access to the river from their property.

>> Yes, from their neighborhood, absolutely.

>> Houston: Okay, thank you. You know, if the -- I would -- did you have something?

>> Mayor Adler: We'll get to her in a second. You can finish.

>> Houston: I was just going to say if this was a commercial kind of street and not at the end of a cul-de-sac, I might be more in favor of having not only the campground, but some other kinds of amenities for a community, but that is not what this lane is. It is not a collector, it is not a road, it's a lane, in the true sense, old sense of the word. And if you haven't been down there, maybe you can go take a ride down there and see how narrow it is. Two cars can't pass at the same time. Urban roots has a really good reputation. They do wonderful work with junior high school, high school students. And so just the introduction of alcohol at that level, at that -- in order to make the finances work, is strange to me, at

the end of that road where there's nothing down there but driveway Austin, which has flooded the last two times we've had major floods, driveway Austin has flooded. So we're putting people in peril, in my opinion.

>> Mayor Adler: Hang on a second. Councilmember Casar and then the other councilmember.

>> Casar: Is this publicly accessible or do you have to be a resident to use your river access? Anyone, really? And if you could use the microphone, sorry, it's for the record, thank you.

>> I am not 100% sure. I do believe it has access.

[4:57:28 PM]

In my head I believe it's not our land. And we do have some neighbors that have expressed concern with people outside of our neighborhood coming to that. So having the campground would draw that traffic away from our neighborhood, which I'm sure they would greatly appreciate.

>> Casar: But currently -- but currently at knollwood --

>> [Inaudible - no mic].

>> Mayor Adler: Hang on a second. We can't hear without the microphone. Do you want to come on down too?

>> When they first developed it, they advertised it as public access to the river, but I can't say that for sure that it's in their restrict or not.

-- In their restrictive covenant or not.

>> Casar: Thanks for letting us know. Thanks for trying.

>> Mayor Adler: Councilmember alter and then councilmember troxclair, who hasn't spoken yet.

>> Alter: Ms. Houston, you mentioned the email from Mr. Elliott and we all received it on Tuesday, August 21st, in the late afternoon. And the part that max Elliott represents urban roots, it says that we believe that delwau lane and the bridge that goes over boggy creek does not have adequate infrastructure to safely manage the projected traffic for this zoning change. We are also concerned about proposed uses and activity for the site. Ultimately we worry that this proposed zoning change will create an you unsafe environment for the youth and community members we serve on our farm.

>> Houston: Thank you for

>> Houston: Thank you for finding that.

>> Mayor Adler: Councilmember troxclair.

>> Troxclair: It looks like this is going to be a close vote so I wanted to put my thoughts out there as well. I generally trust councilmember Houston's judgment of her area and the district and the neighborhood.

It sounds like a really cool place, but I am concerned, based on just the size of the road and the remoteness and lack of lighting and all those things, about alcohol at the site.

[4:59:32 PM]

I don't know where that leaves us, but I'm going to support councilmember Houston in her motion as it stands right now.

>> Mayor Adler: Further discussion on the dais before we vote?

>> Renteria: I just want to say there's a motor sport racing tract at the end of that road, so I just wanted -- so people will know that there's some traffic, they race their vehicles down there, it's a big racetrack that they have, and they do have racing down there.

>> Mayor Adler: Okay. Any further discussion before we vote?

>> Houston: That's driveway Austin that we mentioned.

>> Mayor Adler: Okay. Let's take a vote. Those in favor of denying the application, please raise your hand. Pool, Houston, the mayor pro tem, kitchen, alter, and troxclair. Those against, please raise your hand. It's the other five. The zoning request is denied on a 6-5 vote. Yes, mayor pro tem.

>> Tovo: You know, I just wanted to add, you know, I think it is a cool idea, and I have the same concerns you do about alcohol sales and especially about the potential for amplified sound out there, traveling along there. The idea of the campground is an interesting one. I think if that -- if that possibility could be explored outside of some of the other elements, that would be of interest.

>> Mayor Adler: I have a question of staff. By denying this request, do they have the opportunity to come back and be able to make that proposal or do they have to wait a year to be able to do that?

>> They have to wait 18 months.

>> Mayor Adler: 18 months to get to be able to do that. If we hadn't done that could they come back between first and second reading and make that proposal?

>> Yes. If it had been approved on first reading they could come back and make a request to be something less intense.

[5:01:37 PM]

>> Mayor Adler: Okay. There were six people that voted in favor of that. If there were someone that wanted to reconsider to give them the opportunity to do that I would join in that motion to reconsider.



>> Houston: My heard -- I'd like Mr. Coleman to come up, because when you offered that as an option, mayor, I heard them say they could not make the finances work. So I'd like the applicant or the developer to come up and speak to that if that's an option, I'd be willing to make a motion.

>> Thank you, councilwoman Houston. The beer and wine sales that we proposed was to support this project. We wanted to keep the rents as low as possible for these rvs and airstreams. If we need to restrict the alcohol or get rid of the cs-1, we're open to do so.

>> Houston: Mr. Coleman, did you have anything -- you were here. You're thinking.

>> You can hear me thinking.

[Laughter]

>> Mayor Adler: Do you want to go on to something else and come back to this?

>> We'd love to -- if we can just get cs --

>> So I think what my client is saying is that we're certainly willing to give up the cs-1, as I indicated which is mixed drinks, liquor, bourbon, whatever. I think he needs some sort of beer and wine to build the community that he's going to need to make the convenience store work and to make the trailers work.

[5:03:45 PM]

>> Houston: So, mayor, just if I could say --

>> Mayor Adler: Ms. Houston.

>> Houston: We just cut the ribbon -- the mayor tried to cut the ribbon yesterday on the sobering center. I don't know that you build community with wine and beer. That's not my understanding of how one builds community so I have a problem with using alcohol to build community.

>> Okay.

>> If there's 200 houses there are around there, they have to drive to get a beverage anywhere in town, and then they have to drive back. So if they can walk or bike to this area and have a glass of wine or a cold beer in orchard or garden next to the river, in a very quiet place, with a taco or sandwich or a local market that's hopefully urban roots produce, then that was the dream.

>> Pool: Mayor? I think we already voted this.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: We did. Ms. Houston just called him up. I expressed if someone wanted to bring that, I would join them.

>> Houston: Another thing, if this were another location on a corridor or something where you had access in a commercial -- I wouldn't have a problem with this kind of niche thing, but this is not on that kind of -- on this kind of roadway.

>> Mayor Adler: I understand. I just said if someone wanted to reconsider to give them time to be able to do that you asked questions. You've asked your questions. You all can sit down now. Thank you.

>> Council, we thank you for your time and we're at peace with your decision.

>> Mayor Adler: Let's go on to the next item on our agenda. Let's have the -- let's see here. It is 5:10. We have one more item that has people that are signed up to speak. It's item number 82, which is the bylaw change. My understanding is that the attorneys from the state have indicated to our staff that they want more time to consider the proposal.

[5:05:55 PM]

We had talked about the possibility of postponing that item, and I would make the motion to postpone that item to the 30th.

>> Pool: I think it might be item 80.

>> Mayor Adler: I'm sorry, item 80, the CDC. Can we postpone that and let people go? Anybody have objection to postponing 80 till next week? Hearing none, 80 is postponed till next week. Okay? 82 is the one that has -- that's the shoal creek plan. Do we have time to try to take this one before 5:30? We have some other things, but no speakers are attached to any of them, so if we wanted to kind of push through, we might be able to get done and not come after dinner. But let's start with this one and see how long this takes.

>> Mayor --

>> Mayor Adler: Yes. Let's try --

>> Mayor and council, Greg Guernsey, planning and zoning department. This is bringing forward the north shoal creek neighborhood plan for your consideration. First numbered plan that we've had in a while that's been brought to you. I've got Mr. Jeff Lungstrom here and some citizens that would like to address on you this item. Jeff?

>> Thank you, mayor and council. I'm jeffangstrom with planning and zoning department. I'll try to go through this presentation quickly so we can get to our speakers. The north shoal creek neighborhood plan, we had -- just a quick overview, we had really wide stakeholder outreach. We did fliering of apartments and condos, lots of mailings. Lots of people signed up on email lists coming to our meetings. The plan, it's about community character, preserving what people like about the neighborhood, small businesses, quiet tree-lined streets, while making room to grow, for Austin's growth along the corridors.

[5:08:08 PM]

The plan identifies over 80 actions to foster a complete community through capital improvements and such. The plan's as operational and policy focused, there's no rezonings to be adopted along with the plan adoption. The plan aligns with city council policies such as imagine Austin and strategic housing blueprint. Also, the plan was voted for approval by the joint committee and planning commission. A quick overview of the area, it's about one square mile, up at the corner of U.S. 183 and mopac. The area is really surrounded or centered on pillow school and pillow park. There's about -- just under 4,000 residents there, 2,155 dwelling units. Out of those, 804 are single-family homes. Over the last couple of censuses, the demographics of the area have really started shifting to be a little older with smaller household sizes. I wanted to mention the school, pillow elementary, we hold our meetings there. It really is the center of the community. It's pretty well-attended, although a lot of students come in from outside of the attendance zone. The process, we have great participation, six big meetings, three big surveys. At the end we did a very open and collaborative draft process, and then had our final open house and survey. We got some good buy-in from all the stakeholders who participated. The plan is really divided into two major sections, community character, the future land use map, visions and such.

[5:10:17 PM]

The second half really dives into those complete community actions and policies and that addresses a myriad of topics, including mobility and connectivity, housing, environment, quality of life. Throughout the process, we identified seven character areas that kind of were unique types of places in the neighborhood, and these were identified by the residents and participants. Each of these areas has their own vision and policies. Future land use map, as you know, it guides land use decisions. We're in the post-imagine Austin world so now our future land use map is more about character than limiting to different uses. It has more -- it's more district approach basic -- basically. The future land use map, the Flum, taking a look, the core of the neighborhood is single-family homes around pillow elementary. The Orange areas are kind of neighborhood transitions, which buffer the core from the activity corridors along burnet road and Anderson lane. On the north and west sides, we have commerce and industry districts, office parks, an asphalt plant, so the character of those areas is not really residential. I guess the other thing I'll mention is the corner of Steck avenue and shoal creek boulevard was identified as a neighborhood node. It would be something with walkable, retail, and mixed use. I guess the other thing -- I'm sorry -- also, bull avenue on the east side, it's an older street, really developed before Austin, it kind of stands out, it's different from the rest of the neighborhood, a lot of commercial services and storage yards.

[5:12:29 PM]

Throughout the process, the stakeholders identified this area as transitioning to more mixed use, live-work units, and spaces to preserve some of those commercial services.

[Buzzer sounding]

>> Sorry. So with the mixed use character districts, we have really an opportunity to put in a lot more housing. So the mixed use activity corridor, the neighborhood node, and the buhell live-work area would add 150 acres of neighborhood which could be used for housing. And here's a map showing where existing housing is, multifamily units are shown in the hatch marks here. With the adoption of the Flum, these additional outlined areas would be added for potential mixed use and housing. Also, I want to say there's a section in the plan dedicated to housing opportunity. We identified some goals in terms of maintaining the high level of affordability for apartments and condos within the neighborhood, as well as adding new affordable units when these corridor parcels redevelop. The rest of the plan, there's a section on transit access, transit oriented development. This map shows the 803 rapid metro stops and their pedestrian walk sheds within a half mile of the blue, so you can see really the corridors have good access to transit. Once you get off of -- deep into the neighborhood, you're walking pretty far to those stops.

[5:14:35 PM]

Through the process, we identified some opportunities for connectivity and mobility. There are -- on this map, we show the top-ranked sidewalks that are missing that need to be installed in yellow, and in the green we have potential trail connections that were identified throughout the process. The other major thing that came up with trees and open space. There's some pretty good tree coverage in the internal residential core. Not so good on the outside commercial areas. But there's a concern for trees dying off, such as the Arizona ash, so we're hoping the plan has an action to get back into there with tree planting to replenish the tree canopy. Implementation for the plan, mostly through the future land use map, as redevelopment opportunities arise and people come in, if they follow the Flum, they won't have an extra step. If they don't want to follow the Flum, they'll have to get additional approval from the neighborhood and city council. Also, capital projects are the other major way our plans are implemented, so those list sidewalks and trail connections, watershed improvements, things like that are all identified in the plan. When we went to planning commission, they identified three topics where they would like to see amendments. Those topics are emphasizing the importance of connectivity, making sure the residential core is able to punch through and access the commercial corridors. The planning commission called for allowing accessory dwelling units throughout the entire residential core.

[5:16:38 PM]

In our draft text, the language, that was vetted by -- our constituents said really just to focus on corner lots or areas where there's not going to be a privacy concern. And the third topic brought by the planning commission identifying Steck avenue as appropriate for missing housing. Staff and planning commission did not change the Flum on Steck. The lots are shallow and have side yards facing Steck, and we don't see those as redeveloping as multifamily or even townhomes anytime soon. The neighborhood

association, I'll let them speak to their recommendation. They're here. I'd like to thank everyone who participated in the plan. We had a lot of residents and property owners and business owners and shoal creek conservancy, different groups, come out and devoted their time. We really appreciate it, and I'd be happy to answer questions for you.

>> Mayor Adler: Thank you. I've asked some people to speak on this. The -- we've called this now. We're supposed to break here in 13 minutes. We can have the -- then we'll call up the neighborhood here to speak. These are people speaking in favor of the plan. I'll just say to the purposes of the dais that I've looked at the amendments that have been urged by my colleague, councilmember Flannigan, and I'm going to vote against those amendments. I think they raise good topics for us to discuss, but I don't think this is the time or place to be able to do that. I think we've asked the manager to take a look at a broader process for us and to evaluate how that looks, and I think we should be having those broader policy conversations in that context.

[5:18:43 PM]

So I'll be voting to approve the neighborhood plan as it is presented. I say that just in case people want to speak or adjust time accordingly. Mr. Flannigan.

>> Flannigan: I was willing to hear the neighborhood first, but you brought it up, mayor. I think it's important to honor what the manager has been directed to do when it comes to comprehensive planning, but I don't think it's fair to the neighborhood to say that we're going to approve a future land use map that is -- it is unclear how it will be treated, and I don't think we should ignore what's in front of us. And to be very clear, I have two amendments, one of which is more cleanup because there's language in the front part of the plan that doesn't match the back part of the plan so it's cleaning that up, and then one sentence in the plan, and the rest of this plan is pretty great, and I think there's been a lot of great work on it, and it shows some really interesting opportunities and perspectives on how we move forward. And so I will continue to urge my colleagues to consider amendments, both the one that is the cleanup language amendment and the one that talks about residential --

>> Mayor Adler: Let's go ahead and see if we can get members of the public to speak, then we'll take the break and they can either stay or not stay at their option. So let's begin. Is the -- I guess Kevin weir here? Is Pamela Ferguson here? No? Is -- I'm sorry. Oh, I see. I see. Thank you. Is Tomas Rodriguez here? Thank you. Mr. Weir, you have seven minutes.

[5:20:44 PM]

>> Alter: Excuse me, mayor, while he's getting ready, may I ask a question? It looks like we have music and no proclamations? Just for you to think about while they're speaking, would it be possible for us to break for music and then finish up and not wait until 7:00?

>> Mayor Adler: We can certainly do that. We don't have that much. We do have two briefings on public hearing, we have two other briefings, so a lot of it is just briefings to us and we might be able to move quickly through, 72 and 73, which we postponed, has one person signed up to speak on 71 and 72. That was pulled by Mr. Casar. One person speaking. But let's move ahead and get this public testimony done. Sir. You have seven minutes.

>> Thank you very much. Thank you, mayor, mayor pro tem, and city council, for your service to our fine city. Really appreciate that. I know it takes a lot of effort and a lot of time. Thank you. I want to say quickly, thank you to councilmember pool and her staff. They've been a tremendous support to us and I think the vision of 10-1 -- I think you've completed embodied that and we couldn't -- wouldn't be here without your support and your staff's support so thank you very much. Really appreciate that. I know y'all are hungry and want to get moving so I'll make this short. Quickly, just kind of set the stage a little bit. So we've been working to get here for ten years, and we're thrilled to be here. And we've been through three city council votes to actually get this plan moving forward. And we think we have a good plan. We've had a few bumps in the road along the way, but in the end, city staff and the neighbors -- the stakeholders came together and we're locked at the hip supporting this plan, and I'm here to ask you to please support the plan as y'all passed it on first reading. We're kind of viewing this as a three-legged stool.

[5:22:46 PM]

We've got city staff, we've got the community stakeholders, and we've got city council. Two of us are on board, so jump on the bandwagon with us, and let's cross the finish line together. Okay, that's my cheerleading for the evening. So really quickly, just a quick reminder that this plan is a part of imagine Austin, and it sets the vision for quality of life. A few -- a line out of imagine Austin's -- of course -- oh, here it is. I was going to say I can't find it now, of course. Improving walkability, access to recreational spaces, increasing safety of pedestrians and bicyclists, access to healthy food, enhancing and increasing open space and greenery, support for local businesses. So these are some other goals of imagine Austin, along with the compact, connected, and maintaining the household affordability throughout Austin. So the plan overall I think does that well. We've got an endorsement from the nature conservancy. We're proud they gave us the good neighbor award for this plan, and now the plan incorporates their vision for trail along north shoal creek. We've had a lot of participation in this from our association members, which we have young and old, and we have somewhat of a mix of our demographic here tonight. Some of our younger folks are here. Some of our younger folks are traveling out of state and -- or with kids and couldn't be here, but have been in past meetings. We have -- we're represented by renters and owners and landowners that don't live in the neighborhood all participated in this. We are outreached to help support the city's outreach on this. We put signs all around the neighborhood to notify everyone of our meetings and of all of these meetings, in addition to the outreach the city staff did we put notices on our website, we put notices on social media, on next door, in our newsletter that gets hand-delivered to every door in the neighborhood and all the apartment complexes and duplexes, single-family.

[5:24:55 PM]

They choose how they're going to distribute, whether door-to-door or leave it in the office or leave the in it mailboxes, but we are open to everyone, whether you rent or own. We don't ask whether you renter or own, to join our association, so we're open to all. So we feel like we did a lot to support the outreach for this, and we're proud of the participation that we have. The city staff just said we had a lot of participation. If you will, I've got a slide to show you real quick. Talking about the holistic plan, it's important to a lot of you and us, too, making sure we've got enough housing for the austinities of the future. So our plan, we've said our plan is a carefully crafted compromise between trying to preserve what we love about our neighborhood and making room for new austinities. So we feel like in the end, we've come to a pretty good compromise, and we think the plan, as it is, strikes that balance well, and I've mentioned in the letter we sent to you guys that we do have a few concerns. You just saw the slide about the transportation district overlay, and depending on how that's implemented, that could have a strong impact on this carefully crafted balance, strategic housing blueprint, depending how that's implemented, could as well. But overall, we think we've got a good balance and we support the plan. So to point out -- I put together this slide real quick, and I'm almost finished talking, so hang with me. So supports imagine Austin. We've talked about plans being in context, context sensitive, whether it's the strategic housing blueprint, neighborhood plans, context sensitivity. Our neighborhood is one square mile so it's pretty small and in the 2000 census, our neighborhood was twice as dense as the average of Austin.

[5:26:56 PM]

In the 2010 census, we're still 35% as dense as the average of Austin. We have been recognized by city staff before, if y'all remember, the Adu -- I'm sorry -- the vm osmole, the vm -- the vmosmole, we're not saying no. We opened up most of Anderson lane except two intersections we thought were vulnerable to failing and could be hard to get out of the neighborhood. We think our plan and approach to this plan exemplifies that. To that point, adding housing to our neighborhood, the plan adds an additional 3,800, almost 4,000 housing units. We currently have a little over 2,000. That's 176% increase in housing units that this plan would allow for. We've been voted by the housing authority to have a positive impact on affordability. This plan represents a 71% increase of land in our neighborhood, developable land that's developable for residential housing component, and that's 151 acres in total that are now opened up for housing that weren't open before. So let's be a team player. Let's be great. Austin is a great city. Let's show them that we can cooperate. We've talked about trust in the past, sort of trying to start over with planning. This is a great opportunity to show that city staff, city council and neighborhoods can work together. I ask for your vote to please support it, pass it on second and third reading. Thank you.

>> Mayor Adler: Thank you. One other person -- sorry -- one other person to speak. Go ahead. Introduce yourself and start. >>

[5:29:01 PM]

You're Sharon justice?

>> Yes.

>> Mayor Adler: Is Kenneth Webb here? You have donated time so you have five minutes.

>> I should have some additional time. Sharon Williams and --

>> Mayor Adler: Who else is donating time?

>> Sharon Williams and Barbara Gaston.

>> Mayor Adler: Okay. One other person can, so you have seven minutes.

>> Seven minutes. Thank you. I am here to talk about -- to support our plan and also to explain how it came to be. I think we all recognize there's a deep divide in our community. And on one side, you have those who call for more density as the key to affordability, and on the other side, you have those who fear losing the neighborhoods they've lived in and loved for years. To create our plan, we needed a way to reach across that divide. And, Mr. Mayor, in your 2017 state of the city address, you gave us a way to do that. You called it the Austin bargain, and you described it as asks as consisting of two goals, protect the neighborhood and increase the housing supply we need to make Austin more affordable. If I may paraphrase you, you went on to say, let's agree not to force density in the middle of neighborhoods where we'd never get enough additional housing supply anyway. In exchange, let's also agree that we will adopt a code rewrite that will give us the housing supply we need by focusing along our major corridors and our major activity centers. That's what this plan does. The Austin bargain is the basis for our plan. It keeps the single family interior intact, while providing additional density along the perimeter. That perimeter includes the burnet road corridor and the Anderson lane corridor and shoal creek boulevard, plus a special live-work district. You can get a lot of new housing into that. To be specific, 151 new acre -- 151 acres are now open under this plan to new housing.

[5:31:07 PM]

That's a potential 71% increase in the residential land area in north shoal creek. That means a potential additional supply of 3,802 additional units. This approach, concentrating new housing along corridors, not only fits with the Austin bargain, it fits with our neighborhoods' existing layout and it puts most of our expected population growth within walking distance of mass transit. An amendment has been proposed that calls for replacing single-family as the single dominant building form in our residential, with residential house scale. And to shorten my argument here, Mr. Mayor, I'll simply say that we agree with you, we feel that this amendment should be addressed and debated on a citywide basis and handled as -- and not handled as an amendment to the single neighborhood plan. This is the kind of issue that should be addressed as part of the land development code rewrite. I want now to turn to the changes recommended by the planning commission. Our association views the recommendation that



accessory dwelling units be allowed throughout the residential core similarly to our view of the residential house scale amendment. From our perspective, this recommendation changes our current mix of 65% sf-2 and 35% sf-3 zoning to 100% sf-3. This like the residential house scale question, should be addressed and handled as part of the land development code rewrite. The planning commission also recommends adding

[5:33:07 PM]

[indiscernible] To staff avenue. Staff is a busy street and difficult for staff to pull out of their driveways. We believe increasing density along that street will decrease safety, and on that basis, we ask you not to approve that change. City staff did not support this recommendation, either. Lastly, the planning commission recommends improving connectivity between corridors and our neighborhood. Councilmembers, this recommendation grew from a discussion on increasing roadway access. Our association takes what we feel is a better and more cost-efficient way of improving connectivity. We focus on improving connectivity for pedestrians and bicyclists. Our plan embraces several ways of doing this, a new pathway between ashdale and Anderson, a ribbon betweenistic and Anderson lane, more bike lanes, we support the shoal creek trail and the mopac express lane shared use path to provide access to areas in our north. We view this recommendation as unnecessary. We think our plan has better and more cost-effective solutions, and for this reason, we ask you not to support it. We went through a demanding and difficult process to create this neighborhood plan. It has been agreed to by both stakeholders and city staff. It provides enough additional housing units in the corridors that you don't need to densify the residential core. The plan's affordability statement says it will have a positive effect on affordable housing. I can understand that from some points of view, it contains deficiencies. However, those deficiencies are there for a reason. They're what it took to get buy-in from both the neighborhood and the city planning and zoning department.

[5:35:08 PM]

Please don't mess with that plan. Please vote to support it as submitted about it stakeholders and by city staff and without any changes that would affect the compromise it is built on. Thank you. If you have questions, I'll be glad to try to answer them.

>> Mayor Adler: Thank you very much. All right. Those were all the public speakers we have. We will then be back onto the dais, but let's first take a break, get a little music, and a proclamation. And then I think we can probably be back here by -- by probably 6 o'clock if people wanted to dive right back in. You want to try to do that? Okay. Let's try to do that. So it is 5:35 and we'll take a recess.

[City council in recess.]

[5:49:30 PM]

>> Mayor Adler: All right. We are now at my favorite part of city council meetings because no matter how stressful it gets, and it gets a little stressful sometimes on the council, as the city council of the live music capital of the world, I think we are the only city council that recesses at all of our city council meetings to actually bring a little live music into this, and to remind us what it is that's special about this place. And it is just an absolute treat when we get these kinds of artists to give us their time and to bring music into this building and to impress it in these walls. Joining us today is the executive steel band. This band --

[applause]

>> Mayor Adler: Yes. This band was started by United States Navy veteran Roland Long and has been in existence -- that's okay, too. We can keep clapping. And it's been in existence for six years, playing Caribbean music all over Texas. They reggae and rock and originals. Their goal is to bring Caribbean music to Austin

-- music to Austin at this time in the world when we need love and peace and happiness to change all the negatives that exist. Please join me in welcoming the executive steel band. Thank you.

[Applause]

>> [Indiscernible]. We'll do this song, an original entitled

[indiscernible].

[5:51:45 PM]

[♪ Music playing ♪]

[5:57:35 PM]

>> Executive steel, y'all.

[Cheers and applause]

>> All right.

>> Thank you.

>> Mayor Adler: So, that was great. If somebody is in here tonight or watching us on TV or seeing a replay of this -- a lot of people do -- and they want to hear you guys play, do you have any gigs coming up in the area that they can see you?

>> We do a lot of stuff over Texas. A lot of times we're not in Austin, but --

>> Mayor Adler: Right.

>> -- I'm trying to go to Austin and play in Austin. It's happening in Austin. We're going to be in port aransas.

>> Mayor Adler: Uh-huh. When?

>> It's going to be in September, with the recreation department. We're doing the sunset concert series.

>> Mayor Adler: Cool.

>> So we're doing that. We do a few things here in the city. We have a couple -- you know.

>> Mayor Adler: Do you have like a website or a Facebook page or --

>> Executive steel band, Facebook.

>> Mayor Adler: Okay.

>> Go give us a like. Every like you send, we send it out and tell you where we're playing. We'd love to see you come.

>> Mayor Adler: Okay. Then if somebody wants to get some of your music, is there -- can they get like a CD or release or something?

>> Get on Facebook and we'll know, we'll know you're interested and we'll let you know.

>> Mayor Adler: Well, cool. And I have proclamation here I want to issue on behalf of the city be it known that whereas the city of Austin, Texas is blessed with many musicians whose talents extends to every musical genre. And whereas our music scene thrives because Austin audiences support good music produced by legends, our local favorites and newcomers alike.

[5:59:40 PM]

And whereas we are pleased to showcase and support our local artists. Now therefore I, Steve Adler, mayor of the live music capitol, do hereby proclaim August 23rd of the year 2018 as executive steel band day in Austin, Texas. Congratulations, guys, thank you.

[Applause].

>> Thank you. I have one thing I want to add to that. On that day, mayor, I know you will be in here fighting for the cause of Austin, but we demanding that everybody wear tropical on our day. It's going to be one of the happiest days. You walk around with your tropical on and it will create this atmosphere of feeling good and family and that's what we're based on, family, our foundation, foundation, family, love, peace and happiness. And that day I really wish we could have something where we just emphasize the fact that everybody wear tropical that day.

>> Mayor Adler: Sounds good to me.

>> You the boss. Come on with it.

[Applause].

>> I appreciate it. We've been waiting for something like this. We need it. Y'all have a good night. Thank you.

[Applause].

[6:09:32 PM]

>> Mayor Adler: Thank you. So this is one that is real special for us to be able to recognize because this is an extraordinary achievement by one of our own, and when somebody achieves at this level, it's really important that there be a very public and a very official acknowledgment of this kind of achievement. So is Naomi -- why don't you come up here? Ladies and gentlemen, this is Naomi lands.

[Applause]. So I'm issuing today a city of Austin certificate of recognition, not that this is as special as what we are recognizing, but this is a certificate of recognition to very publicly and very loudly recognize on the occasion of her earning the honor of valedictorian of her graduating class of Reagan high school. Naomi lands is deserving of public acclaim and achievement and this certificate is issued in acknowledgment of this significant achievement which was on the 9th day of August in the year 2018, signed by the city council of Austin, Texas, Steve Adler, mayor. Naomi, congratulations. You did a heck of a job. Hard work.

[Applause]. This is for you. Do you want to say anything? Nothing?

[6:11:33 PM]

All right. Let's take a picture.

[6:21:37 PM]

>> Mayor Adler: All right. So we're back here at 6:21. We have a quorum. We are in item number 82, which is the north shoal creek plan. We're now back on the dais. Any discussion or is there a motion? Councilmember pool?

>> Pool: I'll make a motion and then I'd like to speak to it. And I think our staff are going to help us with the motion. So my motion is to adopt the north shoal creek neighborhood plan as recommended by staff as an amendment to the imagine Austin comprehensive plan with the following changes made by the planning commission. And then what I'd like to do, if you can refer to the document that Jerry

rusthoven passed out earlier today, you'll see at the top it says north shoal creek neighborhood plan motion sheet. I have more copies if I need to hand them out again.

>> Mayor Adler: I'd like a copy.

>> Pool: Sure. Send it around. And you'll see that there are three options for motions and we are going -- I've moved number three. And then if the mayor will indulge, I'd like to divide the question and we can have the staff walk us through the five different amendments. Then I have just a real short opening statement while everybody is getting organized.

>> Mayor Adler: Councilmember pool moves adoption of the north shoal creek neighborhood plan as recommended by staff and then we'll make planning commission amendments here in just a moment. Is that okay to do it that way? So the base motion is to approve the plan. Is there a second to that motion? Ms. Houston seconds that. Do you want the staff to walk us through the amendments?

>> Pool: I'll just make a really quick little opening statement because I wanted to acknowledge the staff and the residents who worked so hard to bring this to fruition. So I want to thank everybody, our neighborhood planning staff, the north shoal creek neighborhood association and all the residents.

[6:23:40 PM]

Our north shoal creek business community and the shoal creek conservancy for the dedication and perseverance over two years to get this accomplished. It's been a long, but a fruitful road. The plan you have worked hard to conceive is a bright future, a bright vision for a bright future of the beautiful north shoal creek neighborhood and you all have so much to be proud of. So as is customary for proposed neighborhood plans, although this is the first one that this dais will have taken up, our staff had prepared a description of the various potential motions. I have offered motion 3, and the various amendments to the texts that were suggested by the planning commission are listed. So I'd like to have a vote on each of these amendments individually and the mayor has agreed to divide the question on the PC recommendations essentially. So thank you.

>> Mayor Adler: Is it appropriate for us -- I'm not sure -- we're going to vote on each amendment and decide whether or not to take that amendment or not. We'll take them up in turn.

>> Pool: That's correct.

>> Mayor Adler: Okay.

>> All right. So this first amendment proposed by a planning commission deals with missing middle housing along Steck avenue. As I mentioned before, the planning commission didn't really call for a change in the future land use map. So this would be more descriptive text. That would be referenced when development comes through, but it's not an actual future land use map changed to more intense district. So staff doesn't really strongly object, but we don't strongly support the amendment.

>> Pool: And mayor, I can speak to that one. The staff have pointed out that they did review the possibility of missing middle along Steck, but as our residents have pointed out, there are issues around

traffic safety related to the multiple driveways on what is a minor arterial road through the neighborhood that also has commercial on it.

[6:26:00 PM]

So maybe I could ask the staff to just go through the review process that you had with this particular issue?

>> Sure. If we could pull up, I had a slide that has the map. Basically the issue is the lots along Steck are all -- there's some bunched on the ends and the middle, the majority of Steck has lots that don't phase on to Steck, but have their side yards on Steck. If you can go back --

>> Mayor Adler: So that I understand, I want to make sure. We're going to go through each of these. Is someone going to move the amendment a? Does anyone want to move amendment a?

>> Pool: I would be voting against it.

>> Mayor Adler: I don't know that anyone is moving it.

>> Pool: Okay, great. All right.

>> Mayor Adler: Does anyone want to move amendment B? Does anyone want to move amendment -- councilmember Garza wants to move amendment B. Is there a second to amendment B? Councilmember Casar moves to amend -- seconds that amendment. So let's talk about amendment B.

>> Flannigan: Mayor? I think B and D have to go together because one is the policy and one is the explanation. So it wouldn't make sense to do one without the other.

>> Pool: And what I would say about D, it is an informational box.

>> Flannigan: It's the same, yeah.

>> Mayor Adler: So do B and D go together?

>> They cover the same topic, but B would be more substantive being a policy. So I can speak to them together. Basically as the plan came together and through our open house and our drafts of these policies with all the various stakeholders, the language that stakeholders settled on regarding ads really dealt with just looking at them on the corner.

[6:28:16 PM]

There's a lot of concerns for privacy. If they were allowed throughout the entire neighborhood, staff and the stakeholders really felt the strongest language would be just to support them only in lots -- corner lots and larger lots where there's not privacy issues, instead of all of the lots throughout the neighborhood.

>> Pool: If I could ask Mr. Angstrom a question. Do we have a policy --

>> Mayor Adler: Hang on a second. Councilmember Garza made the motion for B.

>> Pool: I was wanting to ask the policies on ads.

>> Mayor Adler: Just a second.

>> Garza: I have one. What is our policy on ads?

>> Maybe Greg could speak to that more generally. I know they're allowed now on sf 3 lots and the neighborhood only has about a third of it, 30% is sf 3.

>> When we did this neighborhood plan there was -- as the neighbors articulated, there was a lot of push back in doing anything along the corridors above maybe two or three stories and there was a discussion about placing housing both within the middle of the neighborhood, along transition areas, which this plan does have, and then along Anderson and burnet road. As that discussion passed I think about a third of the neighborhood already has sf 3 zoning and the remainder sf-2 zoning. I don't know about all the particulars, and Jeff may know more, but there were issues brought up about deed restrictions I think on part of this. And then there was also a concern about having sufficient amount of housing. And as the plan progressed towards the end and we did get a positive affordability impact statement from acd, we determined about a third of the area would have availability of more housing.

[6:30:31 PM]

There would be ads that would be available whether it's already sf 3 zoning so we did not press the zoning on sf-2 areas to have ads in the future because of the balance of having some portion of our sf 3 and then having the corridors and having the transition areas having more opportunities. So that's where the policy kind of moved forward under this particular plan.

>> Garza: So sf 3s in this 19 could not have ads? E no, sf 3's could and the areas of the sf-2 there was not the suggestion that we would introduce ads in the future on those areas because of the exchange of having additional housing in the other areas in the transition and along the corridors.

>> Garza: So are you saying that there was like a compromise struck, we're okay with them in sf 3, just don't put them in sf-2?

>> In those areas where they weren't allowed today we didn't push those in the plan to have more adus in those areas. So in sf 2 no new ones. Sf 3, yes, they would still be there. And then we broaden the areas along the corridors and the transitions that have housing opportunities that do not exist today. So there was a compromise.

>> Garza: Okay. I'll just speak to my amendment. You know, we had the situation with the gentleman whose house was zoned sf-2 on a large lot. Granted I don't know exactly the size of the lots, but you know we have to come before council to build a house for his son, I believe. And I understand the concerns with accessory dwelling units, but unfortunately I think that there's support to pass this amendment, but I had to at least try. When I hear of families struggling to pay their property taxes and

maybe building an Adu to house an aging parent or a growing son or daughter who wants their own space, it just concerns me when we limit families' ability to stay in place and grow where they are.

[6:32:47 PM]

So that's why I'm making this amendment.

>> Mayor Adler: Amendment B, is there any further discussion on this? Councilmember pool?

>> Pool: I'll just say that because our policy currently is not to allow them under sf-2s, with haven't changed that policy yet, but I think we may be bringing that forward in the near future. I will respect the vote that the council took on ads not being able in the single dwelling zoning districts of sf-2. So I'll vote no and I will note that we have done a lot of work, the neighborhood has done a lot of work to increase the amount of housing that's available elsewhere. It's gone from like 2000 some-odd units to over 3,000 some-odd units throughout the one square mile neighborhood.

>> Mayor Adler: My view on this is it's important for us at some point to have a discussion on adus, but I don't think now is the time or place for that. My hope is that we will have that conversation in the context of the larger review and we have the perspective and can evaluate things. So that's the last I'll say on ads tonight other than voting no for this amendment because I don't think it's the time or place. Councilmember kitchen.

>> Kitchen: I would agree and I would just for clarity for folks because sometimes it's confusing, just to remind the public that this council made a policy decision awhile back to require ads for sf 3's. So all we're talking about is sf-2's in these areas and that's a policy decision that the council has not yet taken up.

>> Mayor Adler: Any further discussion on this before we vote? Mayor pro tem?

>> Tovo: I had a quick question for the staff. We saw a slide earlier with -- from one of the neighbors -- one of the neighborhood planning team members about how much the housing had increased and I'm not remembering those numbers, but do you concur with those numbers?

[6:34:48 PM]

I think they said they had increased the number of units by 176%.

>> So in the plan we've kind of shown that the capacity is going to be increased on those 150 acres. We haven't done any models for how many units that would be. That's -- I think that's a proportional calculation that the neighborhood did just proportionally.

>> Tovo: Thank you.

>> Mayor Adler: Any further discussion before we vote? Yes, councilmember alter.



>> Alter: I just wanted to clarify from staff. So with the neighborhood plan we're not actually changing any zoning, and so even if you put this in, what you would be saying is if someone came in with an sf-2 and they requested an sf 3 and they happen to also want to do an Adu, that it would be in line with the neighborhood plan so they wouldn't have to take that extra step with it. Is that correct?

>> Yes. Essentially it would comply, when we do a compliance review for rezonings.

>> Alter: Okay.

>> Mayor Adler: It would still have to come here for rezoning?

>> Correct.

>> Mayor Adler: Any further discussion on this? Councilmember Renteria.

>> Renteria: I would like to see an sf 1 instead of 2. 2 just gives me a bad feeling in the way it's been defined in the past. It's only for your -- you could build it for your servant, but nobody else. That kind of rubs me wrong a little bit. It's just something about it.

>> Mayor Adler: Councilmember Garza.

>> Garza: I think that was a language in sf-2's as well. You could build an Adu if the person in the Adu works for the person in the primary house. It's that same really bad language in sf-2 as well. And lastly, I appreciate the sentiment that they're overall allowing more units, but my point was a family couldn't do it in their own backyard.

[6:36:56 PM]

They would have to go buy another piece of property that allows more units, but they couldn't do it in their own backyard?

>> Mayor Adler: Are you moving both B and D as your amendment? Okay. It's been moved and seconded. Those in favor of adding both B and D please raise your hand? This is councilmember Garza, Renteria, Flannigan, alter, troxclair and Casar. Those opposed adding it please raise your hand? It is pool, and Houston. I'm voting that way as well. Those people abstaining? The mayor pro tem abstains. This gets added. Next item, does anyone want to move item number C? Does anyone want to move item number E? Okay. We're now to the main motion again. It's been moved and seconded. Any further discussion, any further amendments? Mr. Flannigan?

>> Flannigan: So I have two amendments that I laid out on the message board. Amendment 1 and amendment 2. Amendment 1 is I think more straightforward. It cleans up language that I found was inconsistent. The policies are listed website in the neighborhood plan, listed in the narrative section in front and then they're repeated again in an appendix. And at places it was referred to as residential interior and some places residential core which are two different things in the plan. And in some laces it was referring to building height step backs and in some places referring to lower building heights. When I spoke to staff and to the neighborhood leader that I was able to meet with we all acknowledged and agreed that we were all talking about the same thing. We were talking about compatibility in the core

and we were talking about step backs as it currently exists under compatibility. So this is really more of a language cleanup that makes things consistent across this policy that's as you can see on page 2 in multiple places.

[6:39:03 PM]

>> Mayor Adler: Does anyone see that as a substantive change? Does anybody have objection? Councilmember pool?

>> Pool: I think the step backs works well. The residential interior being changed out for residential core, though, does have some broader implications. The residential interior is a broader definition. The core is narrower. And can I ask staff to speak to that with relating to current code?

>> Sure. If you could pull up the slides again. In these terms they could have been differentiated a little more in the document. It's a lesson learned in the future. The residential interior includes basically all the single-family homes, duplexes, tri plexes and all the apartments. And that's really it came up early in the process, residents identified these areas as the interior, as having a similar character. And it's shown here on yellow. The residential core is the Flum designation, future land use map designation, that is mainly applied to -- only applied to single-family homes and duplexes. So I think the distinction where that came up, there's some areas along Anderson and along burnet where they back up the -- the activity corridors in blue back up to the corridors in yellow and there's some areas where they touch the transition in Orange. So that's the distinction between those two.

>> Mayor Adler: Councilmember Flannigan. We'll come right back.

>> Flannigan: As I understand, the distinction is the parts in interior, which are neighborhood transition - interior includes both core and transition.

[6:41:03 PM]

>> Correct, sir.

>> Flannigan: And transition are basically apartment complexes that under the code do not trigger compatibility.

>> Correct.

>> Flannigan: So really compatibility is only triggered by the areas defined as the core and these policies are saying keep capability, ie, building height step back. So it's more correct to say core because that is the thing that triggers compatibility.

>> Is that true, accurate?

>> That is accurate.

>> Mayor Adler: Does anybody have any objection to changing interior to core? Hearing none, that change is made. How about building height step backs. Any objection to that being made.

>> No.

>> Mayor Adler: Any objection? So those changes are made. That was incorporated into the base motion. I think that was all you had on those two pages?

>> Flannigan: Yes.

>> Mayor Adler: Mr. Flannigan, anything else?

>> Flannigan: So my amendment number two changes the phrase single-family houses to residential house scale and makes it clear that we're talking about the area defined as the residential core. And then adds a section that defines residential house scale saying that house scale means buildings that are similar in size and appearance to the existing single-family homes. So what I'm trying to do here is note that the neighborhood plan does a very good job I think explaining how they define character. And a lot of it, most of it is about the building size. And when I hear folks talk about density, they're talking about the density of the buildings. So I think the focus here is really to the extent that there are already some duplexes in the residential core that the areas in the residential core that are zoned sf 3 already permit duplexes. That it's more accurate to say that residential house scale is the dominant because that would apply to essentially every single building in the core as opposed to calling out single-family specifically.

>> Mayor Adler: Okay. Mr. Flannigan makes an amendment. Is there a second to that amendment? Councilmember Casar seconds that. Discussion? Councilmember pool.

[6:43:03 PM]

>> Pool: I would just say that this change was not recommended by staff. It was not recommended by the planning commission. It was not a part of the community discussion. And I don't want us to just kind of randomly experimenting with our neighborhoods. The term residential house scale comes from codenext, which we haven't adopted. It has no meaning in our current code and it may not have any meaning in the code rewrite that we eventually adopt. So I think it's unwise at this point to insert a term that's unclear and gives no guidance to the stakeholders, contact team or staff. So I oppose this amendment.

>> Flannigan: Mayor?

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: So I take issue with a couple of the things that were said. I don't believe that doing our job as the council is randomly experimenting. We have an obligation as a council to review every plan that comes before us and have it reflect the types of policies that we want to -- we want to implement for the future. This is in fact a future land use plan. Granted, it's not zoning and it doesn't change zoning. It doesn't change any of that stuff. But as we saw earlier today, the thing we adopt today is going to be pointed to later to oppose zoning changes. So it is important. And I also take exception to the notion

that staff did not recommend this. Staff has not said this is good or bad. I am not going to ask staff to say whether or not this is good or bad because that's not staff's job when we're talking about council wanting to implement the plans that we want to implement. It wasn't part of the planning commission because I am not on the planning commission. I am on the city council. And so this is the opportunity we have as councilmembers to impact and approve policy. So I think this is entirely consistent. It is why we added -- why I added in my amendment a section that defines residential house scale. And if we want to cite codenext as some boogie man in every attempt to zone and plan this city, then we are going to find ourselves unable to zone and plan this city and I am sure that is no one's intent.

[6:45:12 PM]

But what I am trying to accomplish with this amendment as I said, the residential core area in this neighborhood plan already contains residential house scale development, buildings similar in size of single-family homes that are in fact duplexes and those types of developments are already permitted in the areas zoned sf 3. This is consistent with the neighborhood's current character.

>> Mayor Adler: Just for the record, I'm going to vote no on this for the same reason as before. I think this is an important discussion for us to have. I just don't think this is the appropriate time and place. I think that conversation will come. Further discussion on this item before we move on? Before we take a vote in.

>> Yes, mayor.

>> Mayor Adler: Yes, councilmember Casar.

>> Casar: While I understand your point it may not be the appropriate time to have the discussion for the city as a whole, I concur with councilmember Flannigan that it's important for us to give our input and make our mark on what is presented to us as the council by the staff and the stakeholders that worked on this. And as we saw with our action on the mobile home rezoning case, there were cases where neighborhood plans, not this one, but others in future land use maps were presented to councils and those councils accepted those in a way that in some of these zoning cases we moved on excepting single-family home only dominance actually is incentivizing some communities to turn into single-family homes and to be more expensive than they currently are. And so I think having sentences in our neighborhood plans that say that that is the -- that the housing type that for the future that we want everywhere may not be the reality of what we want our future planning to be? And I think I appreciate councilmember Flannigan working that into something that still says we can still absorb growth and deal with and plan for our future growth without necessarily getting too far outside of house scale development in parts of our neighborhoods.

[6:47:13 PM]

So it's not saying that the single-family homes like I said at work session, are going to disappear overnight. Not in the least. We know that that is the predominant housing type that was built post-war and that that's going to continue as a use for the long-term, but in the cases where there is redevelopment, I think we should be forward thinking in the neighborhood plans that we pass and let people know that if there's the opportunity for us to have multiple units in a house scale that is, or mobile home units or units that are house scale, that that may be a more affordable option without changing too much of the feel of the neighborhood. So I don't think it's a far departure on any neighborhood plan that we see now. We really should be considering how it is that we single that that's the direction that we are going.

>> Mayor Adler: Okay. Ready to take a vote? Those in favor of Flannigan amendment number 2 threes raise your hand. Casar, Flannigan, Garza. Please raise your hand. Those abstaining, Mr. Renteria abstains. The others voting no. The amendment number 2 does not pass. That gets us to the the main motion. Are we ready to take a vote in please in favor please raise your hand? Those opposed? It's unanimous on the dais, 82 passes as amended. Okay, councilmembers, we have --

>> Pool: Mayor? I did want to just say a couple of things at the end if I might, just to wrap up this, what's been a fairly intense volume of work for the neighbors, if I may.

>> Mayor Adler: Go ahead.

>> Pool: Thank you. I just want to thank everybody again who worked on the north shoal creek neighborhood plan and everybody who came to speak today and those who came out earlier, but when we postponed and then came back today. So thank you again for your wonderful work. The plan took nearly two years to get to this point. It had lots of outreach by our staff and the neighborhood association to encourage participation and gather input.

[6:49:18 PM]

And with multiple community meetings where lots of great and intense discussion helped craft this plan, this is Austin's value. What concerns me is that this neighborhood's residents, the business owners and the shoal creek owners despite their dedication and good faith faced head winds with our planning commission. It was clear to me that this neighborhood plan served as a kind of proxy battlefield for codenext. The stakeholders who showed up to advocate for their plan didn't deserve that at the planning commission and they don't deserve it from us. If our neighborhoods work hard on self-determination, volunteering months of their free time, giving up time with family and friends to invest in the future of their neighborhood, they should be given the respect and admiration that that enormous effort deserves. This plan expresses their aspirations for their future and I think that message came through from all of you who came here today. And I think this dais received that message. The work you did brought our community closer together and it can serve as the bond that you share with other neighborhoods and our vision. So this plan was well worth the time and dedication that north shoal creek and our city staff put forward. I would hope that the thorough process of collaboration, extensive outreach and community participation will send a signal to the other neighborhoods across the city that

we support community planning and the expression of their vision and hopes for the future. So my deep appreciation, and thank you to all of you.

>> Flannigan: Mayor?

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: I want to thank the neighborhood too and I want to thank my colleagues for passing this on first reading. At the last meeting it gave me to meet with staff and at least one of the neighborhood leaders. I think it's really -- that the neighborhood did all this work, brought a neighborhood plan to the council and we ended up debating a single sentence.

[6:51:23 PM]

The entire debate ultimately was about a single sentence in the neighborhood plan. That's pretty amazing. And if we want to say that this is about codenext, could we really say codenext was debating a single sentence? I don't know that it was. I think this shows how close we are as a city. We are so close to being on the same page with land use and development and growth that we're debating one or two sentences in a plan. It's really very exciting. And I hope at some point in the future district 6 has an opportunity to get neighborhood plans because we have none. We are on no list to get any. We have never had any. And it doesn't seem like we ever will get any. On the neighborhood planning process is not available to everyone. And I think that's something to remember as well. But I definitely want to thank the neighborhood for all of your hard work and acknowledge -- and let's not forget, we agreed on everything but one sentence. We agree way more than we disagree, and I think that's a good sign for the city.

>> Mayor Adler: Just for the record, that was a unanimous vote so my understanding is, and I think the intent of the motion, was to pass it on all three readings, not just first reading. So it's all three readings. It's not going to come back to us. It's over on second and third readings. Thank you. So council, that gets us to -- let's see if we can -- 58 and 81 are just going to be two briefings on puds. We're going to do those last. 73 is a public hearing on a rate change in the whisper valley pid. No one has signed up to speak. Is there a motion to approve the assessment as set out in the materials for council? Mr. Flannigan makes that motion. Is there a second to that motion? Is there a second to the motion? Mayor pro tem makes a second. Is there information you think we should have?

[6:53:24 PM]

>> The only information is that we need to close the public hearing and conduct the vote.

>> Mayor Adler: Okay. Is anyone here to speak? Hearing none, we'll add to that motion, closing the public hearing. It's been moved to close the public hearing and pass the assessment. Those in favor please raise your hand? Those opposed? It's unanimous on the dais with councilmembers Houston and

pool off. Thank you very much. That gets us to 71 and 72. These were items you pulled, I think, Mr. Casar. I think one person is signed up to speak. Let's hear from the speaker. Is Lisa Heinely here? You don't need to speak? Okay. Does anyone want to make a motion to approve 71 and 72 Mr. Da car makes that motion. Mr. Renteria seconds that motion. Mr. Casar?

>> Casar: You know, I cannot enjoyed this zoning case. It's not a great one. I don't think there's a real win anywhere. This is a motel that really is last resort housing for a lot of people. And I think that we need this kind of -- we need places for people to land in this city, but the current zoning does have it set up so that it could become a car sales place or a storage spot. And I'm sure it would happen any minute. And so I'm supportive of the zoning case because many people have worked together with the developer to help some of the folks who don't just stay there as a motel, but who stay there a little bit more long-term to make it -- have a bit after softer landing and the right of return when it becomes apartment units. So I think this site is likely to be redeveloped one way or the other and so with the restrictive covenants in place we're going to be able to make sure that every single person here gets a stipend, has the opportunity to return.

[6:55:35 PM]

It has not been -- it has not been easy, but there are restrictive covenants with various organizations to try to make sure that people have time who aren't just temporary -- people who just take temporary stays at the motel. So my hope is that -- another thing that I think we should take a look at is in our tenant relocation ordinance to see if there are ways to protect people who are longer term tenants of motels as well as they redevelop because if we don't move forward on converting this into housing it could become a storage unit and people could be kicked out instantly. So we're guaranteeing people some time, some money and a plan of transition and a plan to return if they so wish to do so.

>> Mayor Adler: Thank you. It's been moved and seconded passing 71 and 72. Those in favor please raise your hand? Those opposed? It's unanimous on the dais. 71 and 72 pass, and we've closed the public hearing on that matter as well. And it's final and it's over. All outstanding things finished.

[Laughter] Is the motion. I think that gets us to the last two things, which are two briefings on pods. Mayor pro tem, if you would take the helm, I'm going to go to the vigil for bishop McCarthy.

>> Good evening, mayor and council. I'm Jerry rusthoven with the planning and zoning department. The next two items are briefings on planning and developments. Prior to submitting an actual application for a planning and development an applicant is required to submit a development assessment, which is a dry run. The staff reviews that, makes comments to the applicant that they're not required to respond to and then we brief the council on head's up of future major zoning case downed road. Item 58 is for the circuit of the Americas planning and development or Cota pud, surprisingly located at 9201 circuit of the America's boulevard.

[6:57:38 PM]

This is a 1,200 mixed use development. It's the Cota race track located southeast of the airport. It is currently zoned interim rural residential because the tract was completed in 2011 when it was still in the county. The city annexed it and zoned for rural residential which does not allow for a race track. The applicant has finally come in for a zoning case and choosing to do a pud because it is a very unique set of circumstances out there both from a use standpoint mainly as well as from a site development standpoint. So they're proposing a pud to give them flexibility. Of course to do a pud, in order to get that flexibility, have you to prove that you are doing a superior project. So I can tell you that in this case the applicant is proposing for superiority they will comply with all tier 1 requirements, which is required of all puds. And they are proposing for tier 2 superiority some items I'm going to highlight. This is not all inclusive list. It's a few of them. One is to exceed the open space requirement by 100% by leaving about a quarter of the property undeveloped. To provide trails connecting to planned regional trails, to provide community soccer fields as a part of the new usl team moving out there, the Austin bold. So increase their treatment of water so that 30% of it would be used green water infrastructure, water quality ponds, to provide public art and to provide money for affordable housing as a part of tier 3 because one of the things that they're asking for is up to 200 feet of height in some areas and 220 feet in others. There is already an existing observation tower out there, I'm sure you are familiar with, that is over 200 feet today. What they're asking for flexibility in are modifications to the code to allow for a variety of uses, including outdoor entertainment, which would cover the race track and existing concert facility that is out there. They are also technically classified as a cocktail lounge because you're allowed to walk around the track with a beer in your hand.

[6:59:43 PM]

So we've modified the use regulations, the site development regulations, it would modify some of the transportation sections to allow flexibility and things such as parking requirements. And some modifications to the environmental requirements because many portions of the site are located in the floodplain and given this area is southeast, there are large amounts of floodplains and critical water quality

Zones: So with that I'm available for any questions. I also have to add that because the zoning today is Irr, they're proposing cs as the case base zoning for the purposes of the determining the tier 3 affordability requirement.

>> Tovo: That's, Mr. Rusthoven. Does anyone have any questions for him? Are we going to hear from the applicant as well?

>> They are here for questions but I don't think they plan on speaking.

>> Tovo: Council member Garza.

>> Garza: What are the other options? Can you explain the connection with the --



>> Sure. The connection is that usually in the next case what we're going to use for the base zoning requirement, the existing zoning. But in this case because we don't have a permanent zoning, this is similar to what happened to us on the growth a couple of years ago. The zoning is interim residential, which really is not intended for any kind of development. It's a placeholder category. We have to make an assumption about what would zoning be because the tier three affordability requirements states that you are required to

[indiscernible] The difference between what the base zoning is and what you're proposing. And so in this case instead of going to Irr because it really is not intended to be zoning, we would go from cs, which is 60 feet. And they would have to pay the fee in lieu of for everything above or provide affordable housing for everything above 60 feet up to whatever they are proposing. In this case is up to 200 feet, or 2020.

>> Garza: But if you have a lower base zoning you would be required more.

[7:01:47 PM]

Is that right?

>> Correct.

>> Garza: Is it the applicant's ask?

>> It's the applicant's ask.

>> Garza: Does the staff have a recommendation.

>> Frankly the way it's berth was. The idea was to tax them, if you will, on the difference between what they have today and what they are getting out of the pud. In that case we had a college campus zoned single-family, going back to the -- I don't know, early 1900s. In 2007 when the council rewrote the pud ordinance they felt it was unfair to hold somebody to an artificially low zoning. And in order to prevent people from coming in and getting a higher zoning prior to getting the pud, so they wouldn't have to pay that big difference, there was a provision allowing for a presumed baseline where the existing baseline did not exist or should be something different. The council does have the ability to tell us something different. But I think cs in this case is a reasonable assumption about where the baseline zoning would be.

>> Garza: Because a lower base could result in more higher fee in lieu?

>> It would result in a higher fee in lieu but when you look at the uses I think the real question is what would be a normal zoning if they weren't doing a pud. They would pursue. And I think in this case they would pursue cs or cs-1. The other alternative is to keep what they have is to do 1,037 acres at cs-1. Y'all had trouble doing a cs-1 case earlier that was much longer than that.

>> Garza: Okay. Thank you.

>> Tovo: I have a few questions.

>> Sure.

>> Tovo: Can you describe the critical -- so as I understand, there's a critical water zone on the property and some of what the proposal includes -- the proposal includes crossing it.

[7:03:57 PM]

Can you describe a little bit more about that? And does that require us to grant a waiver?

>> A lot of the environmental

[indiscernible].

>> Tovo: You can get back to me on it. Let me just note as a point where I would like to get some information.

>> Right. When they actually submit the application we'll be reviewing it and the watershed protection as well as us and the dsd are reviewing it. They are proposing some modifications and that would be a modification to the code as part of pud.

>> Tovo: Which sounds like a variance.

>> Technically is modification because it's a pud. We don't call it a variance, but in the pud you write in these are the code sections I'm modifying and these are the superior things I'm doing.

>> Tovo: So there's an interesting point that didn't capture my attention until this one. That the tier one requirements actually -- one of the baseline requirements is that they are in compliance with all --

>> Correct.

>> Tovo: Without variances. And so --

>> Tier one is just a list of things that they are required to do in order to do a pud. They have to do all the tier one requirements.

>> Tovo: Right. And one is that they are in compliance without variances -- at least on this point it would require a variance so they wouldn't be in compliance.

>> By definition a pud proposes modifications to the code. We don't use the word variance but I have never seen a pud that didn't ask for code modifications. Otherwise they wouldn't be here.

>> Tovo: There is that provision in the tier one that says they are in compliance without variances.

>> The wording could be easier.

>> Mayor pro tem, if I may.

>> Tovo: Ms. Lynch.

>> The particular crossings we are looking at [indiscernible] If we did not have that access to the rest of the property. And it will go through the environmental commission, just as a variance would as well as zoning and platting commission.

[7:06:00 PM]

>> Tovo: Thank you. Actually, Ms. Lynch while you're here, I notice you have some light industrial requests. There are going to be some light industrial uses on the site as well as residential. As I understand those are fairly widely separated, but can you tell me what your plan is? I understand you're early in the process but we have had some differing conversations here about putting residential uses next to industrial, and so that would just be an issue I would want to know more about as well.

>> Yes, absolutely. And we intend to get into that to a greater degree when we're talking to staff. We're looking at things that are ancillary to what is out there in the uses, car related, auto related, synergistic. There are a lot of interest from people. It's other parties that want to come in and benefit from that. So someone might have a warehouse that they have vehicles located in but they also may have a unit in it as well. So part of what my job is now is to look at -- and work more closely with the staff on maybe limited warehouse isn't the right definition. Maybe I don't need any industrial uses. I can, as Mr. Rusthoven mentioned, modify the code to craft a use that makes more sense. I know you have done puds that way as well. I might not have any true industrial uses at the end of it.

>> Tovo: And if you had any I guess I would -- I hope that they will be --

>> Correct.

>> Tovo: A good distance from the residential uses.

>> I don't believe they will have any industrial uses.

>> Tovo: Okay. And I guess, Ms. Lynch, if you could give us what do you see as your top elements that makes planned unit development superior -- that makes this development superior to what could be developed under conventional zoning.

>> Should this development not move forward with the planned unit development it would look for standard zoning and cs would be the best category, or cs-1, probably with an mu for mixed use. When I started looking at that category the differences were pretty stark to me.

[7:08:03 PM]

While I'm asking for a couple of things, a little bit of additional height along with a couple of modifications from the code and maybe some modifications to uses you get more in the bucket of community benefits than you would with the standard zoning. It became clear to us that to allow a more

master planned community of 1,000 acres and uses that make sense out here that may ask for a few things that we're giving a lot more in community benefits than we would get with standard zoning.

>> Tovo: Could you name a few of those for us?

>> Sure. You would not get affordable housing. As you know, we would not get green builder. You would not get any exceptional landscaping, detention and water quality. There are some things that the code requires that are standard that the pud makes you increase and be more superior on and there's other things in the code that just aren't required, such as the affordable housing and green builder.

>> Tovo: Any other questions? Council member alter.

>> Alter: Can you speak a little bit to the residential? I thought in our conversation you were talking mostly it had to be residential, because that was a category of vacationers. It wasn't people that were going to live there and now you're talking about affordable housing. I'm a little confused and I would welcome some clarification.

>> Great. Another one of the uses I'm talking about working with staff is how do I craft that? It's more like what they are proposing out there is more akin to a vacation home, not someone where they're going to live and raise a family. But the pud, one of the community benefits we just talked about doesn't differentiate between the use type. It talks about the extra height that you're asking for. So any development that we do out there that is of a significant height would require that particular developer to pay an affordable housing fee. So it doesn't -- it's not tied to that particular type of use.

>> Alter: So it could be the fee not putting the affordable housing there?

[7:10:04 PM]

>> Yes, ma'am.

>> Tovo: Okay. Thank you. I think that's it.

>> We look forward to seeing you, most of you, next year.

>> The next item is 81. CDC 20180003 for the 218 south Lamar plan development which is located at 218 south Lamar. That is a rather boring name so we are going to call this the schlotsky's pud. This is for a -- it's a 1.266-acre property. A little bit smaller than the last one. Located next to the theater, just outside the window here. It is located within the butler shores subdistrict of the water front overlay. The current zoning is cs-v. Cs with a vmu overlay. The applicant is requesting a pud in order to modify the 96 feet. To modify the water front overlay to allow administrative offices on the first floor. To modify the water front overlay to allow for a amenity of a flat rooftop deck on top of the building. To also allow a modification to allow different types of materials on the outside of the building. To allow more of the rooftop deck to be counted toward open space, and to permit a little bit higher for the elevator and mechanical structures that are needed on top of the roof. The applicant is proposing for superiority that they would provide, even though the proposed use is an office project and not a residential project. They would be providing fee in lieu of for the amount of additional height that they are going from 60 to

96. They agreed to fund a capital metro bus stop up to \$20,000. They are going to be required to do a lot, providing 100% underground parking which they plan to make available in the evening, because there are a lot of events that occur in this area.

[7:12:09 PM]

They are proposing to do three star green building, to provide a greater than normal water quality controls, and to provide public art. This is not an all inclusive height and they are proposing to do a slew of superiority items. Staff will be reviewing this request when they submit. It's a baseline. I don't think it's a question here. It's just the existing zoning.

>> I just have a couple of quick questions, and since it's the last item you can get me the information. So my question is I understand that the overlay limits the height, and so one of the things that in asking from going from 60 feet to 96 feet they would be getting a variance from the water front overlay, right?

>> This would be a modification. It's from the water front overlay is from the base zoning, but 60 feet either way.

>> My question really that the water front overlay envisioned a lower height, right?

>> I would have to take a look at it but I would have to take a look at the water front overlay specifically for that district.

>> Okay. That's a question then. And then the second thing is --

>> I haven't moved that fast in heels in a way. This subdistrict had a 96-foot.

>> Would you introduce yourself?

>> Amanda swar. The butler shores subdistrict has a 96 height limitation in it. So the code says the base district or 96 feet. And the reason for the pud is because there's no other mechanism to get to the 96 feet in height. So I can show you the code section if it's helpful.

>> We can talk about it later. You are saying the water front overlay does not limit the height?

>> It limits it to a maximum height of 96 feet.

>> Okay. Well, we can talk about that offline. Because that was not my understanding.

>> I'm happy to talk with you about that.

>> Then the second question I have has to do with the vmu designation.

[7:14:12 PM]

The vmu designation, if I'm understanding correctly, Mr. Rusthoven, is -- was this area was designated for residential, is that right? Is that what the vmu designation is?

>> The V allows for residential. If you're going to use the vmu to get benefits such as the density, it requires you to do affordable housing.

>> I'm not going to ask all my questions tonight. I'll be happy to sit down and talk with you more about it. The neighbors have raised concerns about the height as well as the fact that it's being used for office building as opposed for residential. So we can talk more about that. And I'm hoping that you all are talking to -- there's three neighborhood groups around there. And all of them are raising similar questions.

>> Tovo: Anyone else? I have a few questions. Mr. Rusthoven, back to the issue of the height. It was my understanding that the height was the lesser of 96 feet or the base zoning.

>> This would be a similar situation to what we had when we did the pud across the street at the old taco cabana restaurant. The water front overlay does allow 96 feet. However, I would have to go back and look at the conditions of getting to that height limit were. Yes, it does say lower of the two. It says the structure is located south of Barton springs road -- sorry, north. So that's 60 feet. So we have always presumed that 60 feet is the base but the affordable housing would be for the difference between 60 and 96.

>> Tovo: I have a couple other questions. I guess you know -- or let me just flag them as concerns. The water front overlay has gone through various iterations from the Romo plan to what we have now.

[7:16:18 PM]

Long, long ago. But it's always been pretty consistent about pedestrian-level activities within the water front. And I'm really struggling with the concept that an office use is a pedestrian activity. And so that one's -- I know that's central to your concept of a planned unit development. That is really a sticking point for me. Ms. Swar.

>> That is definitely one of the things we will be working with staff on. The intent isn't that it is a full office building. The ground floor would be pedestrian-oriented uses. It would allow co-working space on the ground floor. So that's something that we'll be working with staff as it goes through the pud. I do want to make it clear we are proposing pedestrian uses on the ground floor.

>> Tovo: Even if it is a we work concept it's very different from the intent of the water front overlay with defining pedestrian scale uses, which is somebody walking along the park can go in and it's a retail shop or coffee shop. You can go into we work but you have to have a relationship with that company. I mean, it's just not going to be walk-in traffic.

>> That's the we work space, if it was permitted, would be limited to a certain square footage. It wouldn't be anticipated that would be the entire ground floor. We would anticipate there would be restaurants and retail space in that area, just like you said, so you can walk down Lamar and pedestrians can go in and out.

>> That's something we have already discussed with the applicant. On the front end at Lamar side, we're not going to budge on pedestrian use. We'll think about it on the back end.

>> Tovo: The back end is sort of adjacent to our park. There are people coming from that area, probably just as often as they are coming from Lamar, I would think. My other question, I guess, is for Mr. Rusthoven and that is for the parkland dedication.

[7:18:20 PM]

Or actually it's the open space. The request that the open space be on the rooftop?

>> Yeah, they are requiring to modify to allow more than 30% of the required open space to be located on the roof. So today I guess you can count to 30% of your open space requirement if you have a rooftop deck. They want to go above that amount.

>> We'll be removing that request.

>> Tovo: Okay.

>> When we turn it in for the full pud.

>> Tovo: I had a concern about that. Anybody else want to raise issues for the applicant to think about or questions for our staff? Okay.

>> Thank you.

>> Thanks, everyone.

>> Tovo: So I think that was our last item. Seeing no other business before us, we are adjourned at 7:18.