

## City Council Regular Meeting Session Transcript – 11/1/2018

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[10:13:50 AM]

>> Mayor Adler: Before we start our meeting today, we have with us to lead us in invocation, Eric Gates with central Christian church. Is he with us? Ah, you are. Everyone, please rise.

>> Let us gather with a humble mindset. Holy one known by many names and beyond all names, spirit of life, spirit of love, spirit of community, spirit of justice, we ask your blessings on the people who have been called to lead the community in which we live, work and play. Help them as leaders to discern what needs to be learned, what needs to be changed, and to whom they need to listen. Remind them because we all forget from time to time, especially in the noisiness of what passes for political debate today, that they are not only leaders, but also servants and that it is their responsibility and ours to serve the common good of all. Remind them that no matter where we live, everyone gays, traight, transgender, black or white, hispanic or Asian, Muslim, Jew, hindu, is our neighbor, sibling, and throughout the ages the people have called the prophets to respect and protect the least of those among us, children, elderly, poor, those who are hungry, ill in body, mind or spirit, the strangers and immigrants in our midst, those who live on the margins, those who are alone, those who are forgotten and disenfranchised. May they and we speak out when it is time to speak out and listen patiently and receptively when it is time to listen.

[10:15:53 AM]

May they and we always be guided by the spirit of community, by the spirit of justice, and by the spirit of love. This we may in the name all that we hold sacred and holy, all that we hold good, right and true. May it be so.

>> Mayor Adler: Thank you very much. Thank you. All right. Today is Thursday, November 1, 2018. We are in the city council chambers here at city hall, 301 west second street, Austin, Texas. It is 10:16. We have a quorum. We have some changes and corrections I'm going to read into the record. On item number 2, it should say district 2, not district 3. Item number 9 is related to item number 55, so we're going to pull item 9 so that we take that up later when we take up 55. Number 12 has been withdrawn. Number 13 has been recommended by the parks and recreation board on a 6-0 vote. Item

number 20 has been pulled for speakers, and we also -- the language should say that it authorizes the award and execution of a multiterm contract with synagro. Item 25 I've been joined as a sponsor. Item number 56 will be withdrawn when we're able to consider that after 4:00. The items I show as being pulled today, item number 9, which needs to be considered with 55 later, item anybody ten pulled by Mr. Flannigan.

[10:17:58 AM]

Item number 20 has been pulled by speakers. Item number 24 has been pulled by councilmember Garza, item number 58 is being pulled first for executive session and then we have speakers signed up on that one as well. We have late backup on items 9, 10, 23, 24, 4, 47, 48, 49, 52, 53, 54, 55, 56 and 58. Colleagues, the consent agenda today are items 1 through 28 and items 57 through 61. Again, what I see being pulled so far are items 9, 10, 20, 24, and 58.

>> Garza: Mayor.

>> Mayor Adler: Councilmember Garza.

>> Garza: There's a version three of item 24 and it addresses what I had pulled it for, which is to include child care in the rfp. So I no longer need it pulled.

>> Mayor Adler: Okay. With respect to item number 24, I've been contacted by some people wanting to know if we'll be taking a look in this process at how much we could make if we sold this property or what was the best way to maximize the tax revenue that we could receive on this property. But as I understand it from reading this, that's not one of the objectives that we've given to staff on this, and I agree with that. And I just want to point out that we are not trying to maximize taxes or the sale value on this property because we've identified community benefits and uses that we have prioritized over that. is that correct?

[10:20:04 AM]

Yes. Mr. Flannigan.

>> Flannigan: I would concur since we're debating this item on consent, apparently, I would concur with that, mayor, except I think tax revenues lead to community benefits so the areas that reference maximize community benefits to me include that, not that anyone would advocate for the sale of the city profit but I think how we develop it can be differing levels of benefit and that's just for staff to pay attention to.

>> Mayor Adler: Okay. All right. Any other items to pull on the agenda? All right. We have someone here to speak on the agenda. Is Nicole Huggins here? Why don't you come on down. You're signed up to speak on item 11, it's approved on consent. Do you want to speak? Okay.

>> Thank you. Good morning, my name is Nicole Hutchins and I'm the policy analyst for Texas values, largest statewide organization focuses on the issues of faith, family and freedom. I'm also an Austin resident and I'm speaking against item 11 on the consent agenda. This lease agreement is not fair to east Austin residents. It's not fair that planned parenthood can rent this property that's owned by taxpayers for the grand total of one dollar per year. This property is worth over \$111,000, but planned parenthood is only paying one dollar to rent a year but plans to pay \$1.2 million in renovations. And one would think that the Austin city council would ensure that planned parenthood is paying their fair share, especially when residents in this community are seeing their schools closed down, they're seeing their property taxes increase so much that instead of just -- you can just look at the recent increase of residents' property taxes, just that increase is equivalent to planned parenthood's annual rent for thousands of years.

[10:22:20 AM]

My roommate and I, just the increase that we've had per month in property taxes, is the equivalent of what planned parenthood is going to be paying for the next 200 years. And it's not fair. It's not fair to these Austin residents that are seeing their schools closing down, that their taxes are going up and they're having to boil water just so it's safe to drink. There's another organization that sent a proposal to this council to pay the fair market value of this property in annual rent but that proposal isn't even being considered. What about federally qualified health care centers? Centers that do the same thing that planned parenthood does without killing unborn children. Are they getting the option to have a bid on this property? This just doesn't make sense. Let's not forget that planned parenthood isn't just any organization. It's not a federally qualified health care center. It's an organization that has covered up child sex abuse and has been caught on tape discussing the sale of baby body parts for profit. So I urge this council to not go through with this lease. Let federally qualified health care centers have a shot at investing in this property and stop putting these awful taxes on your residents but then giving favor to those that are controversial at best. Thank you.

>> Thank you.

>> Casar: Mayor, one quick question.

>> Mayor Adler: Ms. Houston and Mr. Casar.

>> Houston: Thank you, mayor. I thank you for coming and express your opinion. I of course disagree with that because I believe that planned parenthood offers our community, my community, the historically east Austin community, a lot of benefits, not just in the ones that you talked about, but in reproductive health care, a continuum of services.

[10:24:20 AM]

This is not the only city of Austin property that pays a dollar a year. We do it for pets alive, Zach Scott theatre. There are a lot of properties the city has deemed appropriate where the rent is one dollar a year or less. And so although I appreciate your opinion and speaking for the people who live in east Austin, I speak for them I think a little bit more authentically and understand that this is a very appropriate place for them to be located and the services that they offer are beneficial to my community.

>> Well, very --

>> Mayor Adler: Hang on. I'm afraid you can't.

>> To my councilwoman?

>> Mayor Adler: You've had your time to speak. Yes, Mr. Flannigan. I'm sorry, Mr. Casar was yet.

>> Casar: I have a question.

>> Mayor Adler: Come on back down.

>> Casar: Is the person you're -- the organization you're referring to that you said is willing to pay market rate life care?

>> Austin life care.

>> Casar: And are you -- is that the same organization that sued the city to overturn our ordinance that required providers to give disclosures about whether or not they provide a full range of health care services in reproductive health care services?

>> I wasn't living in the city at the time of the lawsuit but I believe they were part of that but they give many of the same services that planned parenthood does but without killing unborn children. So they were willing to say, hey, we're willing to pay the fair market value of the property and even work on renovations. To my understanding, but at the same time they're not getting even a S it, they're not even getting the option of being able to bid on this and give benefits to the community without the controversy of killing unborn children.

>> Casar: Thank you for your answer.

>> Thank you.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: I don't have a question. You can sit down.

[10:26:22 AM]

>> Mayor Adler: Thank you.

>> Flannigan: I will continue to refuse to sit on this dais and hear testimony from organizations that would seek to remove my personal civil rights or the civil rights of anybody in this community.

[ Applause ] Like Texas values does in their attempt to remove women's access to health care and all of the other initiatives they push, like the undoing of my right to get married or my right to adopt children. And I will continue to walk off this dais, and you have every right to come and speak, but I also have the right to not listen.

>> Mayor Adler: Okay. Anything else before we move on? Thank you. Did you want to speak? Okay.

>> I just wanted to say thank you for coming down here and speaking up, knowing that the council was not going to agree with your opinion. I -- it's brave and it's hard. So thanks for being here.

>> Flannigan: I can't let it go.

>> Mayor Adler: Go ahead.

>> Flannigan: There is a difference between disagreeing with the council and seeking to eliminate people's civil rights. We should not and cannot in this moment in this nation equivocate those two things. I have run out of words, and I'm shaking I'm so upset about this because this is not about groups that have different opinions on land use or taxation or other issues. These are people who see some of us on this dais as less than human. That's what that group represents. I have had the opportunity to debate those groups on TV, in my past.

[10:28:25 AM]

They do not represent the values of this city and they do not represent the values of Texas.

>> Mayor Adler: Ready to move on. I want to say I'm proud to have brought the resolution that precipitated this action today. Anything else on the agenda? Yes.

>> Troxclair: I don't know the situations to which councilmember Flannigan speaks, but I didn't hear her talk about any of those things. She was talking about abortion and killing unborn children and I think that that's a very legitimate debate that we have in the city, in the state, in the country, and so I'm going to vote against this item.

>> Mayor Adler: Okay. All right. Next speaker that we have is on item number 24. Francois lucca. Is the person hear want to speak? Again on item 1950 what's on the consent agenda is version three of item 24. It looks like someone else may have just signed up to speak on the agenda. Mr. Pena.

>> Mayor, before we start, can you tell me the number of items I'm on? I failed to copy down whatever.

>> Mayor Adler: Mr. Pena, the only one I saw that you signed up for --

>> 24? 24 and 28, that's what I told you.

>> Mayor Adler: Okay.

>> And six, right? Okay. Thank you. Okay. My name is Gustavo Pena, proud austinite, proud veteran. I'm here to speak on number 6 and number 24 but specifically we grew up also in east Austin, but we played

at little Stacy park also, so we'd like to see -- we support the improvements to the park, any park, because people right now astronomical amount of people are using the parks.

[10:30:46 AM]

Number 24 and -- and I think I support some of the comments that was made on the dais, how much will the city make, if so, just think about it, child care, rfp, funding for the child care. Make sure it is a benefit for the city of Austin taxpayers, not for -- you know, for outsiders. Outsiders are good, come on in if you want to, but who bears the brunt? City of Austin taxpayers. To you, councilmember Jimmy, I will always respect your wishes, your frame of thought. I am a Christian, and anybody that slam Dunks anybody else I will disagree strongly with them, you know? I have -- my wife and I have been married 30 years and I love her. I love my wife. So I will not allow anybody to disrespect even though I'm a catholic, disrespect people of whatever they choose to be. I will respect you on that. You know that. I've been very respectful of you sir, others also. A human being is a human being. We do not play egos or disrespect among anybody. I might disagree with the mayor. I might disagree with Renteria, I might disagree with somebody else, but I do it professionally. I don't give a darn what you think about me because as long as the lord Jesus Christ loves me and other people, Marines, Navy, army, veterans, because you chose not to join the military, as long as they love me and respect me, I'm cool with that. So, again, I respect your wishes and I don't want people to come over here and disrespect people. I respect mayor Adler also. I don't agree with a lot of his stuff. Let's do it for the best interests of the public, the kids, the children, the taxpayers. Later on I'm going to speak on citizens communication regarding veterans day and the United States marine Corps birthday. Thank you for allowing me to speak. Let's have respectful dialogue.

[10:32:47 AM]

Thank you very much.

>> Mayor Adler: Council, that brings us back up. I think those were all the speakers I had speaking on the dais. Again, consent is items 1-28, 57-61. Pulled items are nine, ten, 20, and 58. We're approving version three of item 24 on consent. Any notes or discussion? Anybody want to say anything before we take a vote? Is there a motion to approve. Mr. Casar makes a motion. Mr. Flannigan seconds it. Councilmember troxclair, did you want to say something?

>> Troxclair: Yes, I want to be shown voting no on items 2, 1 and 21. Thank you.

>> Mayor Adler: Any other notes? Mr. Casar.

>> Casar: Since I imagine that the -- because of the important conversation on the planned parenthood lease there might be some folks writing about it, and I concur with -- and appreciate councilmember Flannigan's thoughts on this. I appreciate you -- your words. I did want to just for the public and folks watching and for folks that may cover this, you know, I don't think we really had that much engagement or discussion about the lease itself. I think it's important for people it know that this has been a lease

and a partnership with planned parenthood for decades, since the 1970s. I think that just looking at the 2017 statistics way more than \$100 in value has come back to the city. That includes around 2,000 birth controls, including IUDs, almost 600 IUDs and implants, over 12,000 STD tests, including HIV tests, prep for women and men, HIV testing, really at this location, for a \$100,000 a year subsidy, we are getting so much value.

[10:34:53 AM]

We are getting -- we should be celebrating this lease because this is the kind of care that doesn't otherwise improve people's health care, it saves people's lives, and so I think this is something we should be really proud of and really -- I think that for one dollar a year lease as opposed to cashing in \$100,000, what's been suggested as the alternative is cashing in on \$1100 -- just over a hundred thousand dollars in order to shut this planned parenthood clinic down and hand it over to someone that has sued the city over not wanting to disclose the range of services they provide.

>> Mayor Adler: Okay.

>> Renteria: Mayor.

>> Mayor Adler: Yes. And then councilmember Garza.

>> Renteria: It's in my precinct, it's in my district. But, you know, they provide valuable service. My daughter, when she didn't have insurance, she was able to use that service there at planned parenthood. So I just want to let people know that, you know, they provide valuable service there. Especially for people that don't have insurance, especially the low-income people that need that kind of service to make sure that they can get the cancer screening that they have. She did go through a scare one time, but it wasn't positive. So they do provide very valuable service for my community.

>> Mayor Adler: Okay.

>> I really appreciate my male colleagues speaking up on this issue. Just because I can't let it just be the guys and I appreciate councilmember Houston speaking up as well. I'm so proud to live in a city that values progressive issues and that values helping those who need help and that's what planned parenthood does for so many in our community. I wrote an oped about this, my personal situation, they provide life-saving services.

[10:36:57 AM]

When I ran for council, I had to quit my job with the state to be able to run a successful campaign. And I didn't have health insurance and I found out I was pregnant. Planned parenthood provided much needed care for me until I was able to become a councilmember and get city of Austin health insurance. But I'm healthy and my baby -- beautiful baby girl is healthy because of services like planned

parenthood. And they do that for so many in our community. And I'm so proud to be able to vote yes on this.

>> Mayor Adler: Councilmember pool.

>> Pool: I wanted to make a comment on item 25 if we're done with this other one.

>> Mayor Adler: Okay.

>> Pool: I know 25 is not pulled but I did want to acknowledge -- this is the one that is the Travis county exposition center and the 128-acre site. I just wanted to make note because it isn't in the resolution that the hundin report could possibly help guide the city and county's work on the long and expo center redevelopment discussion. And then I noticed we also have a nice letter from commissioner Travillion, who is our Travis county commissioner out in precinct 1 in support. I just wanted to add that in.

>> Mayor Adler: Okay. Any further discussion? Those in favor of the consent agenda please raise your hand. Those opposed. It's unanimous on the dais with councilmember troxclair off the dais. And -- oops, no, now they're both back. It's unanimous on the dais. Okay. By way of calendar, I would also note that item number 55 is something that we will not take a vote on until after dinner tonight, and we'll give people who are here and present the opportunity to speak after dinner.

[10:39:02 AM]

But if we have the time and if there are people here this afternoon to speak on item 55 or item 9 that we will give them that opportunity. Mayor pro tem.

>> Tovo: Okay. Thank you. I didn't realize we had a time certain on that item.

>> Mayor Adler: It was raised at the work session.

>> Tovo: Okay. I guess I completely missed that piece of information. I see a few speakers here or few people who might be here because of the Brackenridge tract item and I wanted to reiterate something you said about that we would not take up that item until after executive session and we have executive session at lunchtime. So it won't come up likely until this afternoon.

>> Mayor Adler: That's correct. Thank you. All right. Let's then take a look at the agenda and see what we can handle. Item number 10, calendar, Mr. Flannigan, you pulled that.

>> Flannigan: Thank you, mayor. We talked about this in work session. I posted on the message board yesterday and handed out changes that I think reflect some of the conversati the the two changes really is shifting the january/february schedule so it maintains the every other week, dropping the 31st and moving the two February meetings up and adding the meeting in December, so we drop one in January, add one in December, councilmember Flannigan the -- which were the two major things I heard on Tuesday work session.

>> Pool: Mayor.



>> Mayor Adler: Councilmember pool.

>> Pool: Question, then. What would the date in December be? The 19th.

>> Flannigan: That's what's on the handout, yes.

>> Pool: I guess I'm looking at --

>> Flannigan: There should be one that's really big.

>> Pool: Oh, the big one.

>> Flannigan: Yeah.

>> Pool: So I -- so what I would just say is, I don't want to go that deep into December, as that is right in the winter holiday time frame for folks of all kinds of religions and persuasions so I would not like to have a work session on December 17 and a council meeting on December 19.

[10:41:29 AM]

>> Flannigan: And that's a perfectly legitimate concern. I think what I was hearing on Tuesday was many of us were concerned about just one meeting in November and one meeting in December. But if we're all comfortable just making the changes January, February, leaving December the way it was, I'm fine with that too.

>> Mayor Adler: I'm fine with taking that off as well, and if we get to that place and it looks like we need to call another meeting, that council can certainly -- has the ability to be able to adjust closer to that time.

>> Flannigan: That's an excellent point.

>> Mayor Adler: We could do it midweek. We could do it --

>> Flannigan: As a cleanup type of thing.

>> Mayor Adler: Yes, councilmember alter.

>> Alter: I'm fine with having the meeting on the seventh and 21st, as I mentioned in work session. February 14th was the original scheduled date and I do not think that's fair to our staff or community to have a meeting on that day. I do believe we should keep the 31st and I realize that makes it two weeks in a row, but 31st is already seven weeks since our last council meeting, and that means that new councilmembers come in and will have a gigantic agenda on the seventh if we do that, whereas we could have two slightly shorter meetings on the 31st and the seventh -- and having been the only one having to go through a run-off and have to start it would be much easier to have two meetings in a row and have it split up and not having to do everything at once. My suggestion would be we do January 31st, the seventh and 21st. I do have other things I wanted to raise as well, as I mentioned in work session we do not have any budget work sessions listed on here, and we need those. And then in August I understand that we want to go to the every two weeks. I'm concerned because this year I thought it

worked very well with our hearings to H hearings that were pretty much dedicated to budget and we weren't trying to do a council meeting at the same time as the budget hearings.

[10:43:37 AM]

It was more respectful to citizens and allowed us to focus our listening on what people were saying about the budget. And this schedule in August has us combining a budget hearing I think on the 22nd with a council meeting, and I'm concerned that we may want to change that around when we set the budget hearings. Once we don't put a council meeting on the schedule people make travel plans and whatnot. We don't know when school starts at this point. And so I'm just concerned that when we don't even have tentative dates for council meetings that then we can't have the council meetings with everyone there, and if we're doing budget kind of stuff, it's really important that as many of us are there to hear from folks as possible. I don't know if anyone else shares that concern for August or not. And then for October 31, again, that is Halloween and the schedule has us meeting on Halloween. I know it was Rainey yesterday and maybe not as important, but I think next year folks are going to really want to enjoy their Halloween and for our staff and the community, no one is going to show up to a hearing on Halloween. We're just going to have to postpone everything that has to have public comubnt after a certain point in time. And while we could agree to end early, you know, there are a lot of folks who are on staff who have Halloween parties or other things to go to. It just doesn't seem particularly family friendly. My kids are older. This doesn't really affect me. But it just does not seem like a smart decision on our part. So I would suggest having the meeting on the seventh and if we have to have it, I understand the 21st is the national league of cities, so maybe we don't want to do it then, but those are my concerns.

[10:45:39 AM]

I'm open to suggestions of how to fix them but I do think when we set the calendar we need to keep those things in mind. I'm sorry I don't have a fancy sheet like this. I have several items that are still left on the agenda today and did not have time to do that.

>> Mayor Adler: Discussion? Mayor pro tem.

>> Tovo: Yeah, I'm comfortable with moving forward with the October 31 date as it is. Again, with the understanding that we would have a hard stop and perhaps even a hard stop earlier in the afternoon, not at dinner break, but afternoon so people can get home before the kids are out of school.

>> Mayor Adler: I think it should be 3:00 P.M. And --

>> Tovo: I'm sorry. One other suggestion. That would be just to do it the week before, 22 and 24. That would avoid that issue altogether. I mean, we started off having meetings just about every week, so now and then having a meeting back to back, you know, is okay with me.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: I'm comfortable leaving the 31st with the hard stop. It sounded like there was some agreement on that on Tuesday. At least people were open to that. It makes sense to me. I think for the budget work sessions we should definitely, as councilmember alter suggested, note those days, whatever those days need to be. I don't know, city manager, if you can point us to those dates so we can circle them on our calendars and make it part of of this decision.

>> Mayor, councilmembers, one thought was really ensuring that the new term, with the council that starts in January, that we would work through a whole budget schedule with them. I know that the purpose of this is really for planning, and I know we have some ideas of when those discussions would happen, but we don't want to put that in ordinance until we had those conversations with the entire council in the new year. But that would be for both the budget work sessions. I know that there might be strategic planning discussions and so we want to have a number of conversations with the new council once that starts, and so we will be socializing that once the new term starts.

[10:47:51 AM]

>> Flannigan: So would it be fair to say that if we wanted to just block off September, which is already September 10, but also the 11 and 12, would that be the more traditional three days blocked out for budget adoption, tax rate adoption, and then we can -- I think councilmember alter was right, it's much easier to remove a date from the calendar than to add one, and budget work sessions I think are a little easier to navigate. And if the topic of that day is not something that's particularly intense, then I might be able to go to a constituent event or something, but the adoption one -- I don't know, mayor, procedurally how you want to handle this.

>> Mayor Adler: Let's do it in pieces.

>> Flannigan: Okay.

>> Mayor Adler: Does anybody object to keeping the item on October 31 but noting on the calendar that it has a 3:00 P.M. Hard stop? Without objection, we're going to go ahead and note that so people know that. The next issue is do we want to note on the calendar that we're keeping the 11th and 12th blocked tentatively for budgettivity so people don't plan trips and other kinds of things in the meantime? September 11 and 12, without objection, we'll note those as being, you know, temporarily or -- blocked so nobody plans, since it is a planning document, nobody plans to be done. With respect to the work sessions on budget and the strategic plan work sessions we're not going to note those now on the calendar but, manager, if you bring that back just as soon as you have a new council so people can put those on their calendar, plan for those, that would be great too.

>> Kitchen: I have a question on that. With the understanding that we're talking about August and not July, correct? Okay.

>> Mayor Adler: Okay. Ms. Houston.

>> Houston: Although I don't have a dog in this hunt I want to remind people that we need to make sure that one of the budget hearings for the public is on a Saturday and they're not doing -- not during a meeting.

[10:50:00 AM]

>> Mayor Adler: So with respect to what's been handed out, we're going to change the 12th and the 14th to the fifth and the seventh, and the 26th and the 28th to the 19th and the 21st of February. I'm sorry. With respect to what's been posted, we're going to note that the meetings on the 12th and the 14th are moved to -- of February are moved to February fifth and seventh and that the meetings that were on February 26th and 28th are being moved to February 19th and 21st. The meeting on October 31 is going to show a 3:00 hard stop. We're going to tentatively locate September 11th and 12th noted on the calendar as well. That gets us to the one question we have yet to resolve, which is the removing the 29th and 31st of January. Jimmy, you want to speak to that?

>> Flannigan: Sure. I think the December question is still open as well.

>> Mayor Adler: Okay.

>> Flannigan: So like I said, I would prefer to drop that meeting. Also, because of our two-week agenda posting if the meeting is on the 31st and you count back, then new councilmembers would have just from the seventh to the 16th to prepare items they wanted to see on that first meeting. Moving that one extra week I think can be valuable, especially to new councilmembers, but would have a fairly minor effect on the size of the agendas or the amount of work being proposed. So I still prefer having the January and February as I laid them out, and avoiding the back to backs, keeping the two-week agenda and not forcing new councilmembers to have to do all of their work within a week and a half for that first meeting.

>> Mayor Adler: Mayor pro tem.

[10:52:01 AM]

>> Tovo: Yeah. I think I like it as it is originally. I do think it's important to have a meeting in January. I think they do have considerable time to get up to speed and we just have to keep the business of the city moving forward and I think that allows us to do that in the most time efficient way. New councilmembers or any councilmembers for that matter don't necessarily have to have something on that last agenda. In fact probably most of us started off our time as councilmembers not necessarily bringing forward an ifc on our first council agenda so I think planning around that to me doesn't make sense. They have four weeks to begin thinking about that, that agenda, and if it's ready or if the staff have some of those items ready, perhaps they can circulate draft pieces of it so that especially our in your members can get up to speed in that last week. I think it is more efficient to have a meeting in January.

>> Mayor Adler: Councilmember alter.

>> Alter: So I just want to point out, should item 58 pass, which I hope it does, which is the negotiations on muni and Brackenridge, the deadline for that would be February 28 and we are going to need to have executive sessions because it may involve some big decisions for the city. We have seven weeks already up to January 31st where we're not meeting, and the city is going to need guidance in those negotiations and it may take considerable time in executive session on some of those days. And so as we move these things, we're going to make those decisions impossible if we don't have meetings. And so I -- that is an additional consideration for me. I believe, Mr. Flannigan, you may be out of town on the 31st and I regret that, but we -- you know, we do have to keep the city's business moving, you know, forward.

[10:54:11 AM]

>> Mayor Adler: Further discussion? Let's take a vote. Those in favor of removing January 29th and 31st, please raise your hand. Me, Flannigan, Houston. Those opposed please raise your hand. Balance of the dais. Councilmember Casar, how did you vote? I'm sorry. No. Let's keep moving. January 29th, 31st stay on. Let's talk about December. The question is do we keep the 17th and 19th on the calendar. My preference would be that we don't bring so close to the holiday with competing holidays, but certainly if the council as it gets close recognizes that it needs more time or, manager, you recognize you need more time, that's something that can be raised with the council then. Yes, councilmember kitchen.

>> Kitchen: I recognize that things can be added later, but that's very difficult to plan for, particularly in December. So if we want to add it later I would just asking X that we consider that early in the first of the year so that people can plan.

>> Mayor Adler: You're talking about the budget stuff, bringing that back to us? Thanks. Yes, councilmember alter.

>> Alter: I just want to go back to the budget hearing because there is -- I appreciate councilmember Flannigan pointing out the work session -- the working time on September 11-12. I was also talking about the budget hearing part of that, and councilmember Houston also mentioned that need to perhaps have a hearing for the budget on a Saturday. And, you know, I'm fine if we want to wait until the rest of council is in place for January, but I do think that we really do need to flag for folks that it would like -- I think it has to be the 24th if we're going to do that because I think we have to statutorily do it a certain number of days in advance of the budget work session, the budget, you know, adoption session on the tenth.

[10:56:20 AM]

And so if the 17th is the weekend before school starts we wouldn't want to do it then, and if the 24th is the week that school starts, that would be our only option, given the timing within which we have to

have the hearing if we want to do it on a Saturday. As I recall this year we had a 1:00 P.M. Hearing on one day and then we had another council meeting where we were -- we had it in the evening for that, and it was a dedicated time. And I think that worked better for us in terms of hearing people and for people feeling like they knew exactly when to come, rather than what we did the prior year, where it was, you know, at the end of the night at 10:00 P.M., people were starting to hear us. So I just -- if people want to flag that we're going to have another hearing when they're doing their calendar for August, that's fine if we're not ready to set it now, but that is a different issue than the budget adoption days.

>> Mayor Adler: I don't remember the rules. I mean, do you remember the rules well enough to remember that the 24th is the only Saturday that it can be? I mean, is -- I just don't remember the rules well enough to know. Hmm?

>> Mayor, councilmembers, city manager, leela fireside for the law department. You have to have two hearings on the tax rate, and usually you combine those with also our budget hearing so that people have the opportunity to come and speak twice. I think that what the city manager did on this calendar was not note that hearing for a day when it is a council meeting, but he was still planning on scheduling it for the 22nd. Which is noted in the -- not the large spreadsheet, but the council meeting schedule that looks like a calendar going month by month.

[10:58:20 AM]

And so I think that is the current plan on the proposed schedule. Also not noted on there is the date when you all adopt the maximum tax rate, which is also something that you will be doing, but that will be occurring, again, at a regular council meeting, which is on the eighth. That said the rule about -- or the statute relating to when you have the tax hearings is that they have to occur on a weekday, during -- in a building that's open to the public. So you can have, certainly, a day on a weekend when you hear from the public but for them to count for the official hearings, they have to occur on a weekday, when -- and in a building like this, that's open to the public where they can come and speak. So right now you have that. Certainly you can add a Saturday meeting to hear from people.

>> Mayor Adler: Thank you. I'm comfortable at this point asking you to come back at the beginning of the year with all budget and strategic planning items.

>> Alter: I'm fine do that. I would like my colleagues to maybe keep that 29th day that they are not traveling in case we need to do the hearing or another council meeting on that day as we look more carefully at the dates. That does, I think perhaps go into labor day weekend, so just to not plan to travel on the 29th until we get that reconciled so we have that option to have everyone here. Because if we can't do it on the Saturday, we're going to need another council meeting or another evening date to do that in that period and that would be the obvious date.

>> Mayor Adler: Noted.

[11:00:20 AM]

So it's -- what's in front of us except that we have moved the two meetings in February, four meetings in February up a week. We've noted that the 31st will have a 3:00 P.M. Hard stop. And we are taking off the December 17th and 19th meetings. Is there a motion to approve that calendar as changed?  
Councilmember pool.

>> Pool: We're keeping the January 31 meeting day, correct?

>> Mayor Adler: 29th and 31.

>> Pool: The work session. And then -- but we are still moving the 14th and 28th of February up to 7 and 21?

>> Mayor Adler: We're moving -- the 14th to the 7th and the 28th to the 21st.

>> Pool: Okay.

>> Mayor Adler: And, of course, the work sessions as well.

>> Pool: So then there are two meetings back to back, and that's what you are intending, right? The 31st and the -- 31st and the 7th?

>> Mayor Adler: Yes.

>> Pool: Just wanted to confirm because that's different from what staff had given to us.

>> Mayor Adler: Right, but we wanted to move off the 14th.

>> Pool: And we would have somewhat shortened agendas on the 31st possibly.

>> Mayor Adler: That would be my hope.

>> Pool: Thank you so much.

>> Mayor Adler: Is there a motion to approve? Mayor pro tem. A second? Councilmember pool. Discussion? Those in favor please raise your hand. Those opposed. It passes. Thank you. Let's do the biosolids issue. It's item number 20. Staff, do you want to lay this out for us? Then we'll take people signed up to speak.

[11:02:27 AM]

>> Good morning, mayor, councilmembers, city manager, James score borrow with purchasing office.

>> Judy Musgrove.

>> Item 20 is to authorize contract for process of city biosolids as a byproduct of the water treatment process. This item comes to you after completing an invitation for bids which we are recommending

synagro. And to which the content of a memo from Austin water and purchasing office earlier this week regarded. To that extent staff are glad to answer any questions you have in this regard.

>> Mayor Adler: Any questions before we go to the public? Let's do that then. Michael Whelan. You have time from Bob Gregory. Is Cindy Estrada here? You have seven minutes.

>> We have an order, is that okay? Everybody is here and we'll do it in order and all the people who donated are here, but Ryan Hobbs, then Adam Gregory and myself and all the people who signed up for them are here.

>> Mayor Adler: Is Kathleen Vick here? Is Nina winier here? Gary newton. Kay Gregory? We'll start with Ryan Hobbs. You have seven minutes. Adam, you have seven minutes and Michael seven minutes. Please proceed.

>> Thank you, mayor and councilmembers, Mr. City manager. I appreciate the opportunity to speak with you today. We are distributing handouts that include a price comparison. The memo Mr. Scarbrough just spoke to and a set of written comments that are more specifically to our points for the record.

[11:04:32 AM]

We'll also email them to you during the course of this meeting agenda item. As you are aware, this has been a long and tortured process. It has been frustrating for our company. In fact, in all of our years doing business, we have never seen any solicitation process so compromised. Unfortunately due to restrictions of the anti-lobby ordinance, this is our only opportunity to address the council on this item. That's not the case for the city staff, as you know, they are obviously allowed to communicate with you and your offices as they deem -- as they see fit. Indeed they have a written memo regarding this process, again Mr. Scarbrough referenced in his comments, that reports to sum up and attempts to scare you into approving a long-term contract with synagro. That contains false and misleading statements in our opinion. We will make our case that you should reject staff's request in context of response to this veryless meeting memorandum. The memo states staff is requesting authorization to execute a contract with synagro. In fact, the rca until last night or early this morning was clearly requesting authorization to negotiate and execute a contract. While the agenda item has been changed to award and execute, we still have not seen the contract. The opening paragraph also includes that staff is requesting authorization to spend up to \$19.3 million. This is a significant point as this request is fully \$4 million more than the amount needed if synagro were to compost all the projected. You'll hear more about this as well. Talk about the first solicitation. In the discussion of the first solicitation, staff has for the very first time stated that their decision to end the dillo dirt program was a result of synagro proposing to use the entire compost pad at Hornsby bend.

[11:06:43 AM]



This is is a ludicrous statement. Further there was no possible loss of the dillo dirt program as staff stated categorically the program was ending. The memo also states that synagro's initial proposal was to compost 100% of the biosolids. This is a false statement and apparent attempt to rewrite history. Synagro's proposal was for a 21-day process to produce minimally processed class a sludge. Under synagro's first rfp response literally zero percent of solids would have turned into compost. That was the fatal flaw of that proposal. You will see this in our handouts. The contract proposed by staff at the end of the first iteration of the solicitation did not campaign sufficient assurance biosolids would be adequately composed or dillo dirt would continue. We hope that staff is not trying to introduce that -- reintroduce that contract. Staff does say that the solicitation had to be canceled due to anti-lobby issues, however, even this statement is misleading. When the council voted to cancel the solicitation, staff was still urging you to approve the contract with synagro despite clear violations of the Alo by synagro. Staff urged approval of the contract because they said that any violations of Alo were their fault, fault of the staff. This is why council voted retroactively to waive the application. Alo. However, you are probably unaware that there were likely additional violations of the Alo by synagro. Reported to staff by staff the tlm did not become aware of until after council had waived the Alo. Would the council have waived it if they know the violations were more extensive than staff conceded at that time? If not, it must be asked if synagro's continued participation in had the solicitation process for the same or similar process is appropriate.

[11:08:51 AM]

I contend synagro should not even be eligible to participate in this process if the council's waiver of the Alo was passed under incomplete or false pretenses. You will see the report of violations in our handouts. I'm going to turn it over to Adam Gregory.

>> Good morning, council, mayor, city manager. Adam Gregory. I'll talk about the second solicitation. Only after the initial comment period did the second rfp finally include the requirement that only stable and mature bio solids. It is at this point real composting was required. While staff did recommend selection of synagro, they do not tell that tlm provided the lowest cost bid. They do not tell you they refused to incorporate the council working waste management policy working group recommended changes to local business presence scoring to eliminate the advantage given to nonlocal businesses under this type of contract. And they do not tell you that the tlm proposal guaranteed production and marketing 100% of the biosolids as high-quality compost and they do not tell you they refuse to consider the value of tlm's proposal to take over aol's uncostly grinding operation. Says they initiated the best and final process to resolve a proceed test, they don't tell you Pamela lander determined staff's evaluation of tlm's proposal was woefully deficient. And she recommended that an entirely new group of evaluators rescore the tlm proposal. She specifically stated that tlm's proposal was evaluated in a piecemeal fashion, that portions were completely overlooked, and that staff had scored our strengths as weaknesses.

[11:10:53 AM]

Staff does not tell you they rejected the recommendation of the independent hearing examiner. Those recommendations are in your handouts, by the way. They don't tell you that they rejected those recommendations. I don't know of any other time that staff has rejected the recommendation of an independent hearing officer. They do not tell you that they rejected's request that synagro and tlm --

[buzzer sounding]

>> Mayor Adler: Wait a second. I don't think that was seven minutes, was it?

>> I think that was Ryan's seven minutes.

>> Mayor Adler: Go ahead.

>> They don't tell you that they rejected's request that synagro and tlm be allowed -- had the staff decided to do either of these, staff's release of the tlm proposal to synagro would not have irrevocably damaged the fairness of this process. Now staff does say that they released one of the proposals to a participant of the best and final offer process. However, they don't mention that it was tlm's rfp response that they released to synagro. They don't tell you that they violated city policy by not informing that synagro was making such a request which would have provided informing to contest the release. They don't tell you when tlm requested the proposal they did provide notification to synagro and that synagro took the opportunity to successfully prevent the release of their proposal to tlm. Finally, staff says that due to their mismanagement of confidential records they had no choice but to cancel the second rfp. This is a blatantly false statement. The staff had several other options. They could have had an unbiased group of evaluators rescore tlm's proposal as recommended by the hearing officer and made a recommendation based on that scoring. They also could have allowed the top two respondents to present initial proposals to council for their evaluation, your evaluation and decision.

[11:12:59 AM]

Again, it is false to say that staff had no choice but to cancel the second rfp. I believe that staff released tlm's proposal in order to avoid having to actually evaluate the true value of the tlm proposal. Had the staff not released tlm's proposal, they would have been forced to fairly evaluate it. Apparently staff couldn't countenance such a fair evaluation. To the third and current solicitation. Staff attempts to paint the subsequent ifb as the previous because, quote, major responsibilities were supposedly changed. This is misleading. While the ifb did include staff generated plans which were previously proposed by respondents, they did not change the party responsible for implementing those plans, nor did the scope of work change. Further, as you'll see in our handout, synagro in fact characterized the ifb as for the very same contract in arguing it would be unfair and cause synagro to be disadvantaged if the staff released synagro's response to the second rfp to tlm. In fact, synagro argues vigorously such a release would be death mental to the competitive process. That they made this case so strongly belies staff's position cancellation resolved the issue of staff releasing tlm's proposal and is also the height of hypocrisy given that synagro was in possession of tlm's proposal when they made the argument. For what it's worth, synagro also certified in their ifb response that they possess no inside information such as tlm's rfp

response that would provide them an advantage in the solicitation. Which according to their own arguments is a false certification. Predictably synagro did brother their price for composting while raising it for off-site land application and landfill disposal. And predictably staff has refused to consider tlm's lowest responsible offer in a total cost concept allowed under the ifb.

[11:15:03 AM]

Tlm did protest staff's proposed culmination to this tragic comedy of errors, however, staff's rejection of our protest without an independent hearing officer is concludery and baseless of that memo. Now the proposal release. Staff states that they resolved the matter of releasing tlm's proposal to our competition. However, how could it have been resolved by issuing the ifb when synagro argue vigorously that tlm's possession of their proposal would irreparable harm their competitive position? How does it resolve the matter of staff depriving tlm of the one opportunity to get a fair evaluation under an rfp process that considers more than just price, even though we were the low bid. Make no mistake, the release of tlm's proposal was not a matter to be resolved. It was staff's solution to the problem of having to fairly evaluate tlm's proposal. Grinding services. This is very important. Staff's statement the question of a contractor providing grinding service was only raised during the third solicitation process is incorrect. Tlm has been proposing to take over the grinding of bulking agent throughout this pro sets. We've made every effort to get staff to see the sense in the composting contractor controlling the bulking agent needed for the composting.

[Buzzer sounding] To be clear, staff's cost to grind at Hornsby bend is over \$36 a bend. Tlm has proposed to provide these at \$9.07 a ton. This represents an annual savings of \$1 million. Staff has consistently refused to --

>> Mayor Adler: Thank you.

>> Prior to approving a contract.

>> Mayor Adler: Thank you.

>> I'll let Mr. Whelan conclude.

>> Mayor Adler: Thank you.

>> Thank you, Michael Whelan on behalf of Texas landfill management and tds.

[11:17:07 AM]

Mayor, mayor pro tem, councilmembers, city manager. Staff concludes their memo with the specter of imminent odor and fire risk. Unless you go ahead and approve a \$20 million, 10-year contract that known has seen, and I stand by that statement. While we aren't sure what the actual contract will look like, the invitation for bid documents contain provisions that allow synagro to transition to a much more

expensive and much more environmentally harmful land application services with the simple agreement solely of the Austin water utility staff to identify or state that a, quote, emergency condition exists. It is important to recall that off-site land application of sludge is synagro's core business. With a new and growing segment of their business being the heat treating of sludge for 15 to 20 days and calling it compost in order to avoid requirement of having state permitted land to spread the unstable materials on. What they are proposing is not stable residential compost which tdh and tlm have offered to do. Austin water utilities staff and synagro have presided over emergency situations in the past and believe they are likely to do so in the future. Perhaps that's why staff is requesting 4 million dollars more. If you composted this 100% as dillo dirt for residential use, you would save \$4 million. This can't be explained by cpi increases or incremental volume increases. You'll see in your backup we've used numbers in the contract. We believe staff is riding for emergency -- requiring land acquisition at exorbitant rates which benefit synagro. Staff's statement in the memo and Tuesday's work session they don't have enough to continue composting so they are doing land application makes no sense.

[11:19:12 AM]

Land application costs more. Further, staff has twice granted synagro rate increases despite the fact synagro's proposal that's before you is to provide the same services at lower rates. Any contract emergency has clearly been creation of staff and synagro, which, of course, is consistent with the auditor's findings recently concerning deficient and inefficient contract administration throughout the system. And it should certainly give pause when staff is requesting authorization of a ten-year, \$20 million contract when we know right now it can be done for approximately \$4 million less. Indeed if it is allowed to apply the land land solids just over the past year, take the same percentage of environmentally harmful land application they've done in the last year and you apply it during the ten-year term, this would be a \$40 million contract. What we propose is that you direct staff to cancel this third solicitation and initiate a best and final offer process with only synagro and tlm. This time with specific directive to provide offers based to following four guarantees. One, that the city should require the contractor to independently supply all bulking agent needed to responsibly compost all biosolids for residential use. Two, that you should require the vendor to actually compost everything and not allow for any emergency disposal based solely on contractor's ability to supply bulking agent. Three, the city should require the vendor to grind all city controlled bulking agent delivered to Hornsby bend, and four, the city should honor the working group recommendation and require local business presence as evaluation factor in the best and final offer. I believe that such a solicitation would be different enough from the previous solicitations to salvage this process. Synagro, remember, had our prices and used them accordingly when -- excuse me, and lowered their price according to what they knew about our prices when they submitted their bid.

[11:21:15 AM]

I hope you will not choose to authorize a contract with synagro. There is no crisis that must be addressed today. Staff has extended synagro's contract several times and could do so again. If it is your decision to move forward with synagro, I would ask you please not authorize execution of a contract no one has seen. I would urge you to direct staff to bring back a contract that provides safeguards against the risks we have been warning about. I've handed out a sheet. It has six bullet points on it. The first four I think are absolutely critical to make sure that the citizens get two really important things. One, that the -- we save the citizens a minimum of approximately \$4 million. And two, that we get a better environmental solution. We aren't just spreading this sludge all over our environment, but instead we're actually composting at 100% to dillo dirt residential standards. There is a solution here that works for the taxpayers, for the environment, for all of us. And I hope you will certainly consider making the contract publicly available ensuring that the city has the right to give six months notice to terminate if they have spread but I don't remember solids with land applic or a two-week period, that's the second bullet, and that you city council and boards are notified if an emergency condition has been declared and shorten the term to two years so that we know and can see and see a demonstration of 100% residential dillo dirt being made. If there's not sufficient bulking agent for the composting that not be considered an emergency. So thank you very much. We are -- we have lots of people here available to answer questions and if you have any, I'm sure we'll be able to answer them. Thank you.

[11:23:17 AM]

>> Mayor Adler: Is Andrew bossinger here? Phil gosh is on deck.

>> Mayor, councilmembers.

>> Mayor Adler: You have three minutes.

>> I am Andrew bossinger where synagro. I -- I've been accused of a conspiracy here. I mean, this -- what you've just heard is an allegation that synagro was involved, the staff is involved, the city manager is involved in a vast conspiracy to direct this contract. I mean, I could go through and refute all the technical points, but the level of misinformation, intentional misinformation, you may recall, some of you may recall our initial proposal on rfp number 1 here was at this body's request released publicly. So many of the things they are saying synagro was planning to do secretly are already spelled out in great detail as being untrue. You've seen those, your staff has seen those. Synagro has been a good partner to the city of Austin for the last ten years. We've managed your biosolids consistently, reliably. We've had zero environmental exceptions, zero public perception problems with your biosolids program, something that a track record many cities around the country would be jealous of. We've been a good partner and steward. You hear this tortured process that's happened. I guess I would have to ask who is doing the torturing? You know, and -- and it's a pattern of behavior that you see from certain participants in this market to torture these procurements. This is the third one. As far as us knowing their price, I mean our -- our price has been public multiple times in this.

[11:25:23 AM]

We haven't complained. We haven't protested. Because it doesn't matter. The prices are competitive. We're out there -- the basis of all three of these procurements has been different. The volumes have risen each time. Austin is a growing city. Growing amount of biosolids. From the first rfp to the second there was 15% more biosolids. From the second rfp to the ifb there was 10% additional more biosolids. It represents the growth of Austin. And these numbers are -- anybody who bids professionally like this understands these things aren't apples to apples anyway. In terms of somebody bid X on project doesn't mean they are going to bid that same thing again. There have been three procurements here now. Synagro has been by far the highest technically rated each and every time, which had the lowest cost. There's an equity issue here. You know, there's a process integrity issue here. It's time to move this forward. That this is --

[buzzer sounding] This is in the best interest of the city, the environment, the ratepayers and having a valid procurement process in Austin. Thank you, and I'll be available for any questions.

>> Mayor Adler: Thank you. Is Phil gosh here? Is data gosh here? Mr. Gosh, you have five minutes.

>> Thank you and good morning. Mayor, councilmembers. I had a couple concerns. As a citizen of Austin, I'm concerned about the tax that this is causing -- costing us. The multiple times this has gone to bed, the continual over and over and over of, as what we've heard, what does that cost us as a city?

[11:27:28 AM]

What does that cost the taxpayers? And secondly, more important, I'm kind of standing here for those that are going before us. So as a small business owner with a zero waste, what's the future like for those upcoming? What is healthy for our community? And what is just? What do we want here for the next generation to better bring forth? We've got a lot of work to do on zero waste. How are we responding when somebody has to deal with a lot of resistance just to come in and do good? So I would invite something into a new day that we work as a village. It takes a village to do recycling. Zero waste is going to take all of us. What's it going to look like if you have one company doing everything? And no competition? Because that's where we're going and that's what concerns me. I just feel it needs to stop and we need to do something that's healthy for our community. And I'm asking you to do it. This has gone on for a while, and before that things have gone on for a while. So what's going to happen when we get some young entrepreneurs -- I'm kind of old, but I'm trying to raise up other guys. We need more people to do this zero waste stuff. Is it fair that they come and have to deal with stuff like this? It's the same thing every time. Partial information, then it gets thrown out. I mean when -- I'm asking -- I'll just leave it like this. I just trust you to make a just decision for our community. Thank you.

>> Mayor Adler: Thank you. Those are all the speakers signed up.

[11:29:31 AM]

>> [Inaudible]

>> Mayor Adler: There you are. Mr. Peña, come on down. I apologize.

>> In the fairness -- in light of fairness of the issue, I will accept your apology, Mr. Mayor. Gus Peña, proud east austinite and Marine Corps veteran, and councilmember Jimmy, my wife says hello. She worked on Adler's campaign three years ago, but she says give them h-e-l-l. I won't use that word, lord. This is a contentious issue. City attorney is looking at me. She's ready to file suit on me. Watch out, I ran for judge too. Anyway, I want to say this. Watch that smile, councilmember Flannigan, you are going to dazzle it. You have an issue here in front of you that's very, to me, delicate. All we're asking for is zero waste. What is in the best interest of the taxpayers and the people. Fairness. And I'll leave it at that, and I know -- don't get shocked, I'm going to limit my speaking, but I want to thank you all, every one of you all, even you, Renteria, for the hard work you do because I know I'm tough on you because people want honesty, transparency and fairness. You do the right thing and I'll be ready for citizens communication. Thank you.

>> Mayor Adler: Okay. Manager?

>> Mayor, councilmembers, I just wanted to first of all appreciate the work staff has done to bring this contract forward. Obviously this started before I became manager, but I have had the opportunity to ask staff a number of questions, review all the information and I wouldn't be bringing this to you if I didn't feel comfortable moving forward with it.

[11:31:37 AM]

I just wanted to note that.

>> Mayor Adler: Yes, councilmember alter. Speaker, microphone.

>> Alter: I'd like to make a motion to award and execute a contract with synagro of Texas, cdr.

>> Mayor Adler: There's been a motion. Is there a second to this motion? Councilmember Garza seconds. Councilmember alter, you can debate it first. It's your motion.

>> Alter: I'm ready to vote. I have -- vote. I have been working to understand this contract for a long time. If my colleagues have particular questions, that's fine. There's one element of what was discussed that I just want to ask staff to clarify and maybe it's one of the procurement staff or Austin water. It is my understanding invitation for bid which is what we're voting on, the bid is the contracted, and ifb is based only on cost because everyone is being asked to do the same thing. We already have the contract, the contract was out when they presented this solicitation. Am I understanding that correctly?

>> Councilmember alter, that is correct. When we issue a solicitation, whether it be a request for proposal or ifb, the city includes all the terms and conditions that we contemplate going into the resulting contract. So the terms and conditions that the city contemplates are there. In an rfp, there may be approach or description of process or service that will be submitted in the proposal and there are confidentiality elements, but if a ifb, there is no proposal, it's just a price. And the price is therefore

included in the resulting contract. So the terms and conditions that will go into the resulting contract were included in the solicitation and have been publicly available since that solicitation was published.

>> Alter: Which was when?

[11:33:38 AM]

Roughly speaking.

>> It was published in --

>> Alter: It was weeks ago, right?

>> It was this summer. I can give you the exact date.

>> Alter: Sorry, I didn't mean to --

>> That's okay. August 13.

>> Alter: And synagro was the lowest bidder?

>> Yes, councilmember.

>> Alter: And they were competing on the same thing.

>> Yes, ma'am at so I'm ready to go ahead and vote and move forward. I think we need to address this. I don't want to pretend this process has been pretty. There's been lots of unusual things about this process all the way around and I would hope that we won't have to repeat that particularly for the items related to zero waste, et cetera, in the future. I'm ready to move forward. If colleagues have lots of questions on this, I will have some more questions, but I'll let other people raise those and I'll have some -- some other things to think about if we have a longer discussion.

>> Houston: Thank you, mayor. This is a very large contract, and as some have said contentious. It's been very long and difficult. Is there any way to divide the contract so that each company could have part of it?

>> Councilmember Houston, that would be more of an operational question. When we put together a solicitation and discuss requirements with the customer, we kind of look at their operational needs and what makes sense in terms of meeting their business requirements. And to the extent that we can accommodate multiple awards, we'll certainly consider doing so. So it's not a procurement issue, but it is an operational issue. I know that Austin water has considered a multiple contractor environment and they have some operational concerns and they may be able to speak more specifically to it.

[11:35:47 AM]



>> Houston: Thank you.

>> Judy Musgrove, Austin water. We did look at that just as an option because it is a large contract. But it was decided -- we actually did operate out there dillo dirt alongside of synagro working their compost. So we have seen firsthand at it's like to have two contractors working the same site, and it's very difficult. And one of the things we were concerned about also is if there was two contractors working the site, how would that work for economies of scale. We wouldn't take advantage of those. We felt our costs would be higher and it would be more oversight on our end to require and it just didn't make sense to try and do it for just, you know, for that reason. Now, if you did one on site, one off-site courter, your trucking is increased so that is an environmental concern as well as cost to -- for double trucking, trucking the solids away and trucking it again after its compost.

>> Mayor Adler: Councilmember pool.

>> Pool: Thanks. I apologize for my voice. I'm not going to make an amendment, I would like to add direction to staff and my staff has talked to water utilities staff about this and, of course, they can weigh in, but it sounded like it was feasible and approved by them. I'd like to ask direction to establish protocol for notifying council and the wastewater commission and the zero waste commission of any emergency condition that might occur related to biosolids and how the emergency condition is being handled. Because communication, as we know, is key in any emergency situation. Mr. Slusher.

>> Thank you, councilmember. Daryl Slusher, assistant director Austin water. We would be open and could work with that, but we want to make clear that's a direction to staff because that's our responsibility, not an amendment to this procurement of the contract.

[11:37:55 AM]

>> Pool: Absolutely. This is not an amendment to procurement. This is strictly and solely direction to staff.

>> Okay. Thank you. Ms. Musgrove may want to elaborate.

>> That's fine. We had planned on that anyway.

>> Pool: I think just coming off the boil water notice and everything last week or so has made this feel kind of relevant. Thank you all. I appreciate your willingness and acknowledgment.

>> Mayor Adler: My understanding is some of the things Mr. Whelan laid out are things you will do as a matter of course. This contract I'm sure like all our contracts have the same ability to get out of the contract or requires the ability to be renewed. I assume this contract will have that same kind of provision. And then to let us know if there are -- if we reach the place where we're doing the alternate means of disposal as part of the notice of the council. But you could do all those things outside of this contract just by the request and the direction from the manager.

>> Yeah, I think that's correct. Do you want to speak to that, Mr. Scarbrough?

>> Mayor Adler: Don't need to speak to that. That's fine?

>> Yes.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: I just wanted to clarify what you just said to make sure I'm understanding. The standard notice is 30 days; is that correct? So without cost. The standard notice of contract termination without cause.

>> That's correct.

>> Kitchen: And that will be included.

>> Yes, ma'am.

>> Mayor Adler: Further discussion? Let's take a vote. Those in favor please raise your hand. Those opposed. Councilmember troxclair voting no, the others voting aye. This matter passes. Thank you.

[11:40:15 AM]

What about item 29, the eminent domain matter. Is there a motion to approve this item number 29?

>> [Inaudible]

>> Mayor Adler: With respect to item 29 being a nonconsent condemnation item, is there a motion to the effect the city of Austin authorizes use of eminent domain to acquire the properties set forth in the agenda for the current meeting for the public uses described therein. Mayor pro tem makes that motion. Is there a second? Councilmember Garza seconds. Any discussion? Those in favor please raise your hand. Those opposed? Ms. Houston votes no. The others -- and troxclair votes no. Councilmember Casar votes yes. So the vote is 9-2. It passes. Thank you. Council, I'm looking at the agenda. Item number 9 we can't take up until we take up 55. We can't take that up until after dinner. We have item number 58, which we'll first discuss in executive session. We've handled item number 29. Everything else is set to be considered after 2:00 P.M. So -- let me make sure. So there's nothing we can take up at this point. We have citizens --

>> Kitchen: Mr. Mayor, is item 57? That was consent, I'm sorry.

>> Mayor Adler: That was consent. From the consent agenda we have two items, item number 9 and item number 58. Those are all the items we can take up. With that said then, we will stand in recess until noon when we will take citizen communication.

[11:42:43 AM]

[Recess]

[11:50:30 AM]

City council in recess]

[12:02:48 PM]

>> Mayor Adler: All right. It is 12:02. It is still November 1st. We're going to begin with citizen communication. Is silver white mountain here, Sylvia Mendoza? Come on down. Bianca bangor is on deck. You have three minutes.

[♪ Music playing ♪]

[12:05:21 PM]

♪♪ "Crazy" playing .

[Buzzer sounding]

>> My real mask.

>> Mayor Adler: All right. The next speaker that we have is Bianca bangor. Come on down. On deck is Angela Richter. You have three minutes.

>> I'm nowhere near as cool. So I grew up in this town and I watched it grow over the years. Some changes I can't stop, some I may want to, but I know it's just part of a growing town, population, and ever-changing world. There are some changes I have to stand against and do my part to try to stop. This is one. The city of Austin utility company is the sole provider of power and water to the people of Austin, and yet, according to their new -- their current policy, they do not offer people more than two broken payment arrangements in a lifetime. If you do not pay your bill in full after you've reached the cap on payment arrangements, you're not allowed anymore, no matter where you live, no matter where you occupy -- the residence that you occupy, until that bill is paid in full.

[12:07:25 PM]

I had to skip paying rent last month and just got it paid last week due to already hitting the cap. I paid them 1,283 that I was back due after a week and day with no water and power. I thankfully have my parents to stay with. We have two children. And we -- you know, we have somebody to help us have

power, clean water, all that. So not everybody has somebody to state with. I'm fighting this fight for them as well. We're becoming a town in which the people that has made it what it is today are being driven out. The artists, the weirdoes, the native austinites who have rich family histories here, dating back to the '60s like me, or even a hundred years or more. I moved with my parents as a preteen, and after I became a young adult, I got back to my home town and relatives as soon as possible. I want to stay here as long as I can, but I fear the time is coming when I won't be able to. My problem is not unique. I believe this is a problem with rising homelessness problem. Without power or water, people can't stay in their homes. Then where do they go? So if there's not affordable housing available because they're all filled up when you call, you can't -- you have to get on a wait list, if there's not ability to get assistance from the assistance organizations because they're all overwhelmed with people needing help to pay their bills, I've spoken to them, and these organizations are all on back list, 30 days or more, so I'm working on getting help with my rent. Other utilities all over the country -- other utility companies all over the company offer payment arrangements to a case-by-case basis to customers, no matter what, to people who need them. I'm a full-time student. My husband works two jobs and we're raising two amazing girls but we are barely scraping by. This policy change in 2016 greatly affected our ability to do so.

[12:09:27 PM]

I ask that you consider revising the policy to offer payment arrangements to customers, no matter how many times they need them, so they cannuay off their bills. We just --

[buzzer sounding]

-- People need to be able to pay their bills.

>> Mayor Adler: Thank you very much.

>> Thank you. Have a good day.

>> Houston: Mayor?

>> Mayor Adler: Yes?

>> Houston: If there's staff here, is there some -- if we've got two children in the house, is there some way that some people get some exception? I mean, to me, if you've got kids or if you're elderly, that you don't just cut off electricity and water. But I don't know what the policy is, and you can get back to me on that.

>> Mayor Adler: Okay.

>> I'm sorry. I wanted to add, I don't -- I don't know if this policy change was in something else that we weren't aware of, but I would like to learn more about that. That concerns me if that is a new policy that was changed.

>> Mayor Adler: Okay. Thank you. After Angela Richter, Gus peña is up next. You have three minutes.

>> Angela Richter with Barton creek association. Thank you for listening to me this morning. I'm here to talk about the oak well project. You all received a letter from me earlier this week about that this is a massive and overbuilt project in an environmentally sensitive area. As many of you know, txdot is well on its way to moving forward with its preferred alternative. Without many offering objections to the current plan. I'm asking you to get involved now and work with txdot to achieve a better project. Your staff is already negotiating both transportation staff, watershed staff, without leadership from this council on the policy direction that we should be taking.

[12:11:37 PM]

So the project is likely to significantly degrade the Barton springs Edwards aquifer, Williamson creek and banger.

-- And Barton springs. There's impervious cover in the recharge and contributing Zones. It also runs alongside and changes the banks of Williamson creek including taking down trees and repairing habitat. There's 1,960,000 cubic yards of excavation over to and adjacent to the balcones fault, caves, and recharge features. So, you know, there are more details in the letter, but essentially, it's critical that you as a council do provide this leadership for staff now. It's a time when txdot is actually refining some of their schematics and proposals currently, and then we hope -- hope that any agreements entered into by the city, including the use of 2016 transportation bond funding, will result in the best possible project for the environment and for the citizens of Austin. Our asks include removing the excavation from the project and a host of best management practices that would protect the ecosystem and waterways to the small stream extent possible. I sincerely hope you guys can take up this issue in upcoming council meetings. Thank you very much.

>> Mayor Adler: Thank you. Councilmember kitchen.

>> Kitchen: I just wanted to give my colleagues a head's-up. I'm looking at bringing a resolution that relates to the type of direction that was referenced. And so I'll be sharing that with my colleagues, in case anyone would like to join in that.

>> Mayor Adler: I would.

>> Thank you. I appreciate that.

>> Mayor Adler: Anything else?

>> Mayor Adler: Thank you.

[12:13:40 PM]

After Mr. Peña speaks, then Dan Redman will be on deck. Mr. Peña.

>> Good afternoon. My name is Gustavo, Gus pen yeah. I served in the 1st, 3rd -- 1st, 3rd, and 4th marine division, excuse me, air reasoning, helicopter. In 1775 is when the United States Marine Corps was born. 243 years old, we absolute our United States Marine Corps. It's going to be 243 years, as I said. I'm proud of being a united States marine veteran and send a hello to everybody. My name is Gus pen yeah. Veterans day is November 11, 2018. It is a day to remember all current active duty military personnel, as well as past veterans, non-active duty. The Pena family is well represented. Pilar, Edward, myself, united States marine veterans, Lucio III, Gilbert, Navy, Jesse, air force. Please thank all veterans, not just veterans day but every day, we give it or all. My father, Lucio, Sr., World War I, Lucio II, step brokers may he rest in pest, please showour appreciation to all veterans for the sacrifice made to defend the country's freedom, safety, democracy. Got bless America, the united States of America and our veterans. One of the things I want to make sure is people vote, whatever your affiliation is, whatever your differences are, vote. That's why the veterans fought for the freedom for everybody to be able to vote and speak their peace. Mayor, I've been pretty tough on you in the forums, but you're the one that added this one. You stated no more homeless veterans in Austin, Texas. There's a lot of veterans here still on the streets, and I can bring them over here. I chose not to bring them. I don't want a dog and pony show for veterans. You know how tough United States Marine Corps boot camp is? It's worse than the FBI academy or dps academy.

[12:15:41 PM]

It is tough. When you make it, you are a proud United States marine. That's what I am. But I don't want anybody to disrespect our veterans and say normal homeless veterans in Austin, Texas. There are a lot out there. Females also. I am one of the firmest supporters of our female veterans and homeless with children. We need more housing for them also. I'll leave it at this. God bless America. God bless the United States of America. God bless the city of Austin. God bless my United States marine Corps. Happy birthday. Thank you very much.

>> Mayor Adler: Okay. The next speaker is Dan Redman, and then Felicia foster is on deck. You have three minutes.

>> Great. Good afternoon. Thank you for hearing me today. I'm Dan Redman with mosaic sound collective, which is a creative hub in east Austin that was established in 2015. I have a lot to cover in three minutes, so I prepared a few notes and created a virtual tour video that's playing on the screen. And I am passing out some information decs on our property. Thank you, councilmember kitchen, for recommending us to create the virtual tour. I think it's a good way to present the tour to you and show what we're doing, have been doing the last three years in east Austin. We have been repurposing a 25,000-square-foot former nursing home and juvenile detention facility that -- great story, councilmember Houston gave me the tour and gave me the history of the property when we took it over. So we are repurposing this property to keep the existing property, which will speed up the process and not require two years of build-out to create a music hub or creative space. I'd love to extend an invitation to each of you that have not visited mosaic, or your staff to come see the progress we've been making. Connecting artists to the tools, skills, and relationships necessary to support a sustainable career.

[12:17:44 PM]

Our sustainability model for the creative sector is focused on addressing key challenges of a city bursting at the seams, affordability crisis, loss of creative space, and one of the highest concentrations of nonprofits in the country. I would like to emphasize that mosaic is an existing resource to our creative sector, embracing all artistic disciplines and our space would not require yours for new -- for a new, as yet, shovel-ready project. We're doing great things and look forward to expanding our programs through collaboration with the city, existing businesses, and nonprofit partnerships. Unfortunately, the support structure of our creative sector is crumbling beneath its own weight, as musicians and artists are having a difficult time surviving in Austin due to the affordability crisis, lack of affordable space, loss of performance venues, and increased competition for opportunities. This is not -- this is an unhealthy way to -- in an already struggling industry. Our model is simple yet innovative, focused on collaboration and we're doing this three different ways. We have a list of a-list tenants which includes two grammy award-winning producers, two recording studios, video and photography services, record label and distribution services, back line gear and repair, education programs, a music export and exchange program and other key resources. Second part is our mosaic-owned revenue streams which includes a timely issue, which is the lack of rehearsal studios. So we have just converted one wing of our building to add 25 rehearsal studios. We have podcast studios --

[buzzer sounding]

-- And other opportunities, then we're collaborating with other nonprofits and existing businesses to support the community. Thank you.

>> Renteria: Mayor?

>> Mayor Adler: Yes, Mr. Renteria.

>> Renteria: I notice that in your manual that you passed out, that you have vacant property there for affordable housing.

[12:19:49 PM]

>> Yes. There is a property adjacent to ours, which is seven and a half acres that has already been zoned for affordable housing and we have had multiple conversations with developers with the city and are looking at any opportunity to create affordable housing for artists, musicians, and the community in need.

>> Renteria: I would like to see if you can call my office and give me some more information. I would like to help out.

>> It would be a pleasure.

>> Renteria: We just have worked out and helped out another organization --

>> Great.

>> Renteria: -- Providing affordable housing for creative people so I would like to really get involved in that one.

>> Thank you so much. Appreciate it.

>> Mayor Adler: Continues to be an exciting project. Thank you.

>> Thank you. Appreciate it.

>> Mayor Adler: Felicia foster. Austin Stowell is on deck.

>> Hello, council. I'm a native austinite. I'm a building designer with over 30 years experience in the built environment. Part of my job is to shepherd my clients through the complex process of building in the city of Austin. Who's my client? It's the young couple starting out looking for a small Adu, it's the widow that's lived in her house 50 years that's in desperate need of rental income. It's the retired couple finally building their dream home on a lot they owned since they came here to college in the early '80s. It's the family that relocated here because of work. The remodel client that wants to add on space for an aging parent or caretaker for their special needs child. Also a builder hoping to make enough on the spec project the not only fund the next project but put food on their table. Real people affected by every fee, every ordinance, every interpretation, every city policy. And the constant feeling that the city is against them. Last year for a single Adu fees paid for the city of Austin increased 331%. This year, they're up 390% over 2017. And that's for an Adu, a structure marked by many as an affordable option in our urban corps.

[12:21:54 PM]

These are fees paid to the city. The increase in cost does not include sharp increases in material, cost, or labor. When cost increases, the sales price increases and as long as someone is willing to pay top dollar, appraisals will follow. Property taxes will increase and the value of your house down the street will go up. You may look for ways to stay in your house, consider building an accessory dwelling unit. To rent? No. Can't get a short-term rental to sell, well, you have to sell it for top dollar to recoup your costs. Since the city feels that development should pay for itself, that would mean you also need to bring the current waterlines in the street up to code, another meter, get a determination to make sure it's a legal lot, even though you've lived there since 1997, pay for a new water tap at today's rate, find a builder that's willing to partner with you so there's enough margin left to realize a profit, spend months designing around the neighbor's lot, spend a year in construction, carrying costs, waiting for inspections that are weeks behind, only for it to rain three weeks, then when the sun finally comes out, have your project shut down because there's a hole in your mulch sock. You don't know what that is but it must be a big deal because they stopped your project for it. It's that thing over your driveway, keeping the dirt from washing into the street. We had to boil water for a week and if everyone had a mulch sock in proper working order, we wouldn't have to go through that torture, even though last time you checked, water



didn't roll uphill. Now you're back in business, you have to get another permit to close the road to put a new waterline, but the neighborhood turns you in for dirt in the street. Someone drove over your fence, another delay. You're still calculating the cost in your head how every day, every dollar comes out of your estimated profit. The closer you get to the final cost, the more excited you get, only to find out you have to put in a sidewalk for visibility driveway per organs, and yard. Council, it's in your hands.

[12:23:54 PM]

These are all ordinances, policies and procedures that you've put into place.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Austin Stowell. And then Heyden black walker. You're on deck. You have three minutes, Mr. Stowell.

>> Just in the nick of time. Greetings, everyone. My name's Austin Stowell. You know me as the owner of Montopolis Church of Christ, the Negro school before you a few months back when it comes to eminent domain. I've been baptized in the process of eminent domain. If my first goal was for adaptive use of structure. What was previously on the eminent domain proceedings that you voted on was an acquisition cost of \$362,000. I just want to do come and speak today because that evening I had to go home and take care of our kids, and I believe that item was voted on in the wee hours, 1:30 in the morning. The acquisition of that site is unusual, to say the least. The way the appraiser appraised that site was in something I've never seen in 20 years of real estate, valuing the left side of the lot at 3x, the right side of the lot. We've been unable to work with the appraiser to get him to fully explain how that's even possible, with the price on the agenda of \$362,000. I wanted to bring this that came out in an article of what it will actually cost. I was willing to preserve this building privately, not to say to the taxpayers. This is the cost of \$5.785 million to repair and restore a 2000-square-foot structure, which is extravagant by any measure that I've ever seen in 20 years of real estate.

[12:25:58 PM]

It's actually quite shocking, just looking at the master plan and comprehensive design, \$650,000, you could easily do it for a sixth of that. What's concerning to me is that, though the justice system will provide proper compensation for us through Texas state law, I'm not concerned about that, but what I am concerned about is that what was voted on in this forum at 1:30 in the morning was without all the facts. I think if you're going to consider buying something this expensive, you should at least know what the actual budget was. \$362,000 was all that was on the agenda for taxpayers to vote on. I believe we have unallocated, through the reallocation of the hotel tax, somewhere in the range of \$9 million, and the city could easily pillow that entire budget on the single project. I'm sure every single person in this room has a property in their district that is in need of historic preservation funding. And I just think this

is fiscally irresponsible, and I would have hoped that this information would have been part of the discussion prior to the decision to proceed with eminent domain. I just wanted to put this in front of you today. The reason I mention affordable care act on this, we're about to vote on the most historic dollar amount in terms of --

[buzzer sounding]

-- What we're going to spend, and I think we need to be fiscally responsible when using those resources, and I think this is a great example of how things can go awry, and as you proceed on how to spend that \$250 million, I hope that you guys --

>> Mayor at thank you D.

>> -- Reference back this \$5.7 million --

>> Mayor Adler: Thank you. Ms. Walker, and Curtis Rogers is on deck.

>> Good afternoon, mayor, city council members. My name is Hayden black walker, I'm part of the advisory council and vision atx. Joining me are Curtis Rogers and Jay Blazek Crossley, current the chair.

[12:28:07 PM]

In may 2017, Austin reduced injuries to zero by 205. A traffic death tragically cuts a life short and impacts an entire community. Thank you for setting policies, I mean that sincerely, thank you for setting policies to make streets safer for all austinites and thanks to your staff for all the hard work in a typical year, 79 friends, coworkers are killed in Austin. Passengers in vehicles, people riding a motorcycle, people ride a bike, and people walking. For every fatality there are eight serious life-threatening injuries. We highlight the magnitude of this public health crisis for holding a vigil for those who have been killed or injured in traffic and we're grateful to those of you who have attended that in the past. This year's vigil will again be on day of remembrance on November 18 and we invite you all to come if you can. Another W to highlight the magnitude of this public health crisis is to hear the names and ages of every austinite we've lost in traffic this year. This is something we do at every pac meeting. It puts our work in context, as well as giving us a moment to remember those who suddenly and needlessly were taken away. Those austinites are Marcus Marie morales, age 45, Zachry Ryan ball, age 26, unidentified male, Nancy latalupe, age 38, Jackson latalupe, age 14, Scott, age 41, Anderson Rodriguez, age 19, Brianna Moreno, age 20. Christopher Joseph Gorman, age 36, Miranda Ashley stark, age 27, Sean Gail, age 30, Juan Estrada, age 35.

[Indiscernible] Age 15, Edwin beenadett, age 18, dioned on Odem, age 23, Robert Lance Truett, age 62, Shane Carson Goldstein, age 33, Ashley Martinez, age 23, Eloy Herrera, age 15, Eva Marie Gonzalez, age 56, Manuel gavea, age 54, Charles cagai, age 42, Lionel Hernandez, age 58.

[12:30:43 PM]

I'm going to let Curtis read the rest of the list. Thank you for your time.

>> Mayor Adler: Thank you. Mr. Rogers, you have three minutes.

>> Thank you.

>> Mayor Adler: Jay Blazek Crossley is on desk.

>> Thank you for this time, the list continues with ALMA Rosa Hernandez, 28, mark Antonio Rodriguez, age 38, Timothy Wayne Boykin, age 45. Deven read Gerald, age 23. Josh lien James, age 20, Daniel Anthony frank oh Tovar, age 14, age 50, unidentified male, Zachry McBride, age 23, unidentified male, Juan Carlo Deluna, age 18, ash lien, age 33, Ethan which I wouldress, age 26, Dean hood, age 27.

[Inaudible] Age 31, Marisa Renee Rodriguez, age 27, Robert Copeland, age 60. Carolyn Connor, age 48. Sean Everton Bodie, age 18. Brett Treadway, age 27. Sheryl Kelly, age 56. Mark Capistran, age 50. Jonathan Garcia pinnata, age 62. Glenn Christopher Louis, age 37. [Inaudible] Age 30. Troy Dean fisher, age 58. Jakoby ray Bailey, age 28. Scott Gerald witty, age 37. Brandon Pintello, age 26.

[Inaudible] Age 50. David -- age 26. Age 62, Ernesto Gonzalez Garcia, age 40. Patrick Hillard, age 56.

[12:32:50 PM]

Thomas Edward Craig, age 62.

[Indiscernible], age 27. Felicia Daniels, age 48. Demora Benson, age 19. Jerod Wayne sours, age 33. Kendall Taylor, age 21. Brianna Nicole, age 24.

[Inaudible] Martinez, age 21. Unidentified male. Michael Anthony reed Harper, age 40. Ramon Javier pensina, age 46. Drew Sanchez, age 29. Louis angel tinoko, Jonathan Deleon, age 29. Unidentified male. Ronald Hadnot, age 52. Steven Tibbets, age 62. John herer, a age 61, and since this list was created, there have been two additional fatalities.

Thank you. >> Mayor Adler: Mr. Crossley , you have three minutes.

>> Hi. My name is Jay Blazek Crossley. Thank you all for your service to all the people of Austin and for this opportunity. I'm also executive director of a nonprofit called farm and city and one of our major projects is vision zero Texas. So we came here to honor those who have died in the last year and to invite all of you and the general public to the world day of remembrance for for the memories of traffic violence. We'll start at 5:00 P.M., have a memorial walk, and go to the capital because this is an issue that we need the city's, county's, the metro regions and the state to be prioritizing in traffic deaths. Along with San Antonio, the city of Austin has been a leader in Texas in taking a safe approach in ending traffic deaths.

[12:34:54 PM]

Much of my work is spreading the word about progress made here. We have cities like Laredo, Dallas, Houston, all considering moving forward with vision zero action plans, somewhat unexpired by -- inspired by the work you have done. A year ago there's a planning organization to take a bigger role in this, and recently I've become aware that they are now calling it a vision zero regional traffic plan that they're working on. Because this is a regional issue and we have to fix it at the region level. Just yesterday I talked to James Bass, the CEO of txdot. They've now changed the name of their traffic operations division to the traffic safety division. And they are taking some things seriously that y'all have led on, including speed. And they're looking at the 85th percentile concept and how to fix it. There's lots of good improvement, but unfortunately, there's a lot more work to do here. As you've just heard, 16 people have died this year in the city of Austin. At this time last year, 55 had died. Signed if we stay on pace, this will be the first year where more people died in Austin than the year before, since you pass your vision zero action plan, and the first year that we will now be off our target. We have been on target toward zero in 2025, and that might not happen this year. So we urge you to sort of reup your efforts in 2019 and to make this more meaningful, more serious. My understanding is that the vision zero action plan would be updated during the asmp, and that hiring a new vision zero program lead who has that higher authority to work across departments, and that is the key, is this vision zero is not a traffic signal issue. It is about everything -- all the choices you make. And I hope over the next year you can seriously incorporate health in all policies and vision zero in all policies. One example is requiring bars to have parking, is insane.

[12:36:55 PM]

So you need to think of everything you do from the lens of vision zero. Thank you very much.

[Buzzer sounding]

>> Mayor Adler: Thank you for that. It's something I've been fortunate to be able to attend the last couple of years. It's an impactful night. If I was going to be in the state on the 19th, I would be with you again this year. Please give my regards to everyone. Those are all the speakers that we have. It is 12:37. City council will now go into closed session to take up closed items pursuant to 551.071 and 551.072 of the government code. We're going to take up legal and real estate matters related to item 30 and item 58, and pursuant to section 551.071 of the government code, we're going to take up legal matters related to 32 and 34. Without objection, we will now go into executive session.

[3:36:11 PM]

>> Mayor Adler: While we were in executive session we took up real estate matters related to items 30 and 58, legal matters related to 30, 58 and 34. And 32. It is 3:36. We are now back. Let's run through consent zoning.

>> Thank you, mayor and council. Greg Guernsey, planning and zoning. Our public hearings open, possible action, item 35 a discussion item. Case 36, npa-2017-0016.03. This is a staff requested postponement. 37, this is a staff requested postponement to December 13. Item 38, this is a staff postponement request to December 13. Item number 39, c14-2018- 0074, this is staff request for postponement to December 13. Item 40, c14-2017-0066, this is a staff postponement to December 13. Item number 41, c14-2017-0100, this is a staff request to postponement to December 13. Item number 42 is case c14-2018-0004, staff requested postponement to December 13.

[3:38:11 PM]

Item 43, c14-2018- 0083, consent approval on first reading. Item number 44, we have a requested postponement by the applicant. The neighborhood, as I understand it, are in agreement with the postponement to November 15, your next meeting. Item number 45, staff would offer this for consent approval on all three readings. C14-2018-0089. Item 46, case c14h-1981- c14h-1981-0018, staff would offer this for consent approval on first reading only. Mr. Mchone is signed up to speak, but if we bring this back for second and third reading, he would decline to speak. I would offer 46 for consent approval on first reading only and bringing this case back for second and third reading on November 15. Item 47, c14h-2018-0082, staff would offer this for consent approval on all three readings. Item number 48, c14h-2018- 0105, staff would offer this for consent approval on all three readings. Item number 49, c14-2018-0097, I understand we can offer this for consent approval on all three readings. With the additional note that driveway access to south Chisholm trail shall be removed before a certificate of occupancy is issued for development. All vehicular access to the property shall be made from other adjacent public streets or through other adjacent property. With that I understand all parties are in agreeme and we could keep this item on for consent for all three readings.

[3:40:20 PM]

Item 50, c14-2018-0094, staff is requesting postponement of this case to your November 15 agenda. Item number 51, this is case npa-2018-0028.01, the applicant is requesting a postponement of this case to November 15. Item number 52, case c14-2018-0075, the applicant is requesting a postponement of this case to November 15. Item number 53, case npa-2018-0016.02, this is ready for consent approval on all three readings. Item number 54, case c14-2018-0081, this is ready for consent approval on all three readings. And item 55 will be a discussion item. That's related to item number 9.

>> Mayor Adler: I understand the consent agenda 35 to 55. 55 has been pulled. And what were the other items that were pulled?

>> Item number 35.

>> Mayor Adler: Okay. That was the only other one, right?

>> That's the only other one.

>> Mayor Adler: Okay. Is there a motion to approve the consent agenda, items 35 through 55 with the exception of item 35 and 55?

>> And noting closing of public hearings.

>> Mayor Adler: And closing the public hearings.

>> As applicable.

>> Mayor Adler: Comments before we take a motion?

>> Houston: Can you hold it just a minute? I'm trying to make sure we have all the things.

>> Mayor Adler: Take your time. We won't move until you are ready. Councilmember alter.

>> Alter: I think there was one of them that was going to keep the hearing open that was specified because someone wasn't testifying.

[3:42:23 PM]

>> Mayor Adler: Yes, we had someone that was here to speak on -- was it -- it was 46. Item number 46.

>> We can keep that hearing open and bring that back for second and third reading.

>> Mayor Adler: We're doing 46 -- wait a second.

>> As I understand it --

>> Mayor Adler: There was one that had one citizen signed up.

>> Item 46, Mr. Mchone does not need to have the ability to speak on 46 unless there is a council question. We do not need to keep the public hearing open on 46.

>> Mayor Adler: What's the action we're taking on 46?

>> O for consent approval on first reading.

>> Mayor Adler: First reading only.

>> And the applicant would come back for second and third reading on item 46 on November 15.

>> Mayor Adler: Okay. And the speaker does not need to speak. Okay. Yes, mayor pro tem.

>> Tovo: I just want to be sure I'm interpreting correctly Mr. Mchone's gestures from the audience. Did you want us to keep the public hearing open? No, okay. Mayor, I just want to say thank you to Mr. Mchone for his willingness to have this heard because later on the agenda we're going to take up an ordinance to change the city's ability to collect back taxes on properties that have historic exemptions that are now removing pieces of those historic -- I'm not articulating this well. A while back we had a case like this where we removed an historic designation. We had a willingness from the client to refund the city for the portion of the taxes that they had been exempted, for which they had been exempted

during the period of time that property was zoned historic. We determined at that time that the city could only do that for about a year, not -- I'm sorry, two years -- three years.

[3:44:27 PM]

And so I introduced a resolution, it's come back to us in ordinance form and it's going to be on the agenda to do five years which is the maximum allowable under state law. So it wouldn't have applied to this property because of the timing and so that's why we're hearing it on first reading.

>> Mayor Adler: Okay. Ms. Houston.

>> Houston: So I've got two things. I need to pull 44 just for a quick question from staff.

>> Mayor Adler: Okay.

>> And I'm going to need to ask for reconsideration on 28. We passed that on consent this morning and I should have voted no because in the backup it said manor was in a top rated school district and actually it's rated D and C by the Texas education area and because it's in the etj, I would usually vote and I missed it.

>> Mayor Adler: Item 28 with respect to zoning, items 35 through 55, we're pulling 35, 44 and 55. We're closing the public hearings. Is there a motion to adopt the consent agenda? Councilmember kitchen makes that motion. Is there a second to that motion? Councilmember Casar seconds that. Discussion on the consent agenda? Those in favor of the -- Mr. Flannigan.

>> Flannigan: I want to be shown voting against -- we are adding conditional overlays just because the neighboring property has those same conditional overlays although that property has a convenient self-storage which we have talked around and not want to go have a lot of that in the city so much, so I don't know why we would copy that same zoning when we didn't get to outcome we wanted. On 49, we're going to be making significant investments on this corridor so I can't support limiting a property to a single residential unit, and I didn't get sufficient explanation about the additional use restrictions.

[3:46:36 PM]

>> Mayor Adler: Okay. Any further discussion on the consent agenda? Then we'll take a vote. Those in favor of the consent agenda please raise your hand. Those opposed? It's unanimous on the dais. Councilmember pool off. That's the consent agenda. Let's take care of a couple things before we move forward on the zoning. First councilmember Houston wants to move to reconsider item number 28. Ms. Houston?

>> Houston: Thank you for indulging me, but -- indulging me, but mayor pro tem reminded me it was just to set a public hearing. I'll vote no when it comes up.

>> Mayor Adler: That being the case then, we don't need to reconsider item number 28. That gets us to item 58, the muni matter. We have some people signed up to speak. The first being Barry Arnold. Bob Ozier, you're on deck. Ms. Arnold, you will have three minutes.

>> Thank you, mayor Adler, members of city council, city manager cronk. It's been a long road to this point and I thank all of you very very much for continuing to seek a way in which the golf course can remain as a golf course and a public space. It's been almost 30 years since the last approval of a document, and this time the document that we had approved in 1989 you're amending, and I hope you understand that the amendment must be agreed upon by the university and presumably they have indicated that they would approve this extension.

[3:49:02 PM]

The current lease and Brackenridge development agreement provide that a letter of cancellation must be sent six months before the end of the term of the agreement or the lease. And by extending this time so that the letter doesn't have to be sent until three months ahead of the end of the lease and the Brackenridge development agreement, you're not really changing the actual meaning of what happens during that six months. In other words, hopefully you are already negotiating with the university of Texas about ways in which we can provide for this course to remain. A golf course and an historic place for more than just five, ten or 15 years in the future. I know this is a great challenge, but it means a lot to this community and hopefully the university of Texas by agreeing to this extension also understands the importance of this to the community as a whole. And I thank you very much. It's been a long road to get here since the university announced in 2006 they were going to study the whole golf course and see what the university could make in terms of the whole Brackenridge tract in terms of development and money. And so they spent money to do that. They have not approved such a development agreement. They voted to cancel the lease in 2011. They couldn't formally cancel it until this year or next year, so to speak.

[3:51:03 PM]

Anyway, now we've got to get down to the details and we appreciate --

[buzzer sounding] Your support. Thank you.

>> Mayor Adler: Ms. Arnold, thank you very much. Ms. Arnold, thank you very much for the time you spent on this over the years. And I just want to repeat that the only action being taken today is to -- if we pass it would be to change the date by which that cancellation needs to be sent and it is exactly to let the negotiations continue that are looking as long term as we can get. Meaning like forever if we can. But the university at this point has not agreed to an extension. They will be meeting sometime in mid-november, the regents. This is just concerning the action we would be taking as a city. Mr. Ozier, you have three minutes, and Mr. Peña, you are on deck.



>> Thank you, mayor, city councilmembers. I just want to amplify something that Mary said. She's been doing this a lot longer than I have. I've only been working on this issue for ten years. But we just have not had the kind of focus and organization and infrastructure that's been developed around this issue in the past 15 months during the whole time I've been working here. And I attribute that to the hard work of mayor Adler and also to Alison alter. There's been others before that have worked on this thing, but we have now I think an infrastructure in place that we can go forward. And this is a fairly complex, extremely complex matter that's involved a lot of resources, and we just appreciate what you all have done on this.

[3:53:07 PM]

There are just a couple of points I wanted to make. One is that this should throw this matter into the legislature, and the designation that we got from the national historic register was that the property was of statewide significance. Not just local significance, but statewide significance. So that since this would be going into the legislative session, that might create opportunities for them to participate in some kind of negotiation around some kind of funding for the university or some other kind of deal related to satisfying the university in this matter. And I think that that's important. The other thing is that we have -- we appreciate our Travis county delegation, but there's to a certain extent I think that they have not been because the university is located here, they have not been completely independent on this and somewhat did he ever even shall to the university and that has created problems ones. They weren't aligned with us really on the national historic register in terms of sending letters in and they certainly weren't aligned in terms of this legislation that was before the legislature last session. So there's a lot of people over there at the legislature from when we were before them last -- the last session that I think are interested in this issue and that we can cultivate in terms of hopefully enlisting on behalf of our efforts. Once again, I just appreciate everything that's been done so far especially by the mayor and Alison alter. Thank you.

>> Mayor Adler: Mr. Peña, you have three minutes as well.

[3:55:17 PM]

>> Good afternoon, Gus peña, founder of veterans for progress and president currently still, I'm trying to get rid of the president title, I want to give it to somebody else, somebody younger. I want to thank Mary Arnold. You all don't know but I do, she ran for city council also a long time ago back in the '90s because there were a lot of needs. But to the issue right now, we veterans for progress even two years ago, two and a half years ago, and I let Ms. Arnold know about that, veterans for progress sent letters of encouragement to the president, and when Dr. Fen came aboard, I made a personal trip to U.T. When it was not supposed to occur and the guards tried to keep my away from it, but being a United States Marine Corps veteran said let him go, let him speak. I want to thank Mary and -- Ms. Arnold has been working on the golf course. It's a legendary place. Not just for anglos, but for mexican-americans and

native Americans and everybody. It should remain a golf course and it should be a public space. We, again, veterans for progress and I don't know if you know Overton because he also had been working on alliance in east Austin to preserve it. So veterans for progress has always been for not only just issues about veterans, but also in the community. Also we strongly support the efforts that Ms. Mary Arnold has made and others also. I'm a rookie on this, only two and a half years. But we're proud to have spoken to Dr. Fenves and this is what the community wants and I mentioned Ms. Arnold's name. I love for that, Mary.

[3:57:20 PM]

You've done a lot, you all have done a lot more than I have, than we have, rather, and hopefully we'll bring it to fruition we keep it as a golf course. It's a public space and very beautiful for Austin. Not just for U.T. And whatever ways they want to develop it. Keep it open. Keep it open and I pray to the good lord it does come to fruition. Mary, thank you very much for the efforts you've done. And council, please do as much as you can to help out. Thank you very much.

>> Mayor Adler: Thank you. We're up to -- Richard Solis, is he here? Don't see him. Is there a motion to approve this item 56? Councilmember alter makes that motion.

>> Alter: I think it's item 58.

>> Mayor Adler: Sorry?

>> Alter: I think it's item 58.

>> Mayor Adler: Sorry, it is, it's item 58. Councilmember alter moves approval of 58. Seconded by the mayor pro tem. Any discussion before we vote? Mayor pro tem.

>> Tovo: I just wanted to add my thanks really to Mary Arnold and Mr. Ozier and others. One of the first times I was reading about Mary Arnold it chronicled her work on muni through the decades and we just owe you a great debt of thanks for continuing to work on this issue and also your support of golf generally. So thank you very much. And Mr. Overton I just mention. And the others along with you, but thank you for leading

>> Mayor adler:go ahead.

>> Alter: I, too, would like to thank those like Mary Arnold and Mr. Oser who have been involved over many decades to help us preserve lions and this open space for our community and for generations.

[3:59:23 PM]

I want to speak briefly to UT and just say that my hope is that our vote today is a sign of our commitment to a mutually beneficial resolution to the transfer of lions to the city, but it is also my hope

that it will be a way forward for us to partner on a new level with UT and the UT system to collaboratively attack challenges that we share in common related to transportation, housing, and quality of life more generally. Together, UT and the city can accomplish much more.

>> Mayor Adler: Okay. Thank you. Ready it take a vote? Those in favor of this item 58 please raise your hand. Those opposed. Unanimous on the dais, with councilmember pool off. Thank you. Ms. Houston, let's pull up the one that was postponed real quick, item number 44. You said you had a question on that?

>> Houston: Yes. I would like to ask exactly what kind of artifacts are we looking for on that property before we get here next on the 15th?

>> I think we actually have information regarding that, and we can provide it before this comes back. I don't believe that we actually found artifacts on the property by the last email that I saw on that, but we can follow up and get you information on that certainly before the next time it would come back on the 15th.

>> Houston: Okay. Thank you.

>> And so with that, the applicant has requested a postponement. The neighbors are in agreement. And that would be to postpone item 44 to November 15.

>> Mayor Adler: Say that again?

>> The applicant has requested postponement on item 44, and the neighbors had agreed, and we'll bring back whatever information we have that councilmember Houston asked --

>> Mayor Adler: Is there a motion to postpone this item to November 15?

[4:01:25 PM]

Ms. Houston makes that motion. Is there a second to that motion? I need a second. Councilmember troxclair seconds it. Any discussion? Those in favor of the postponement please raise your hand. Those opposed. Unanimous on the dais with councilmember pool off. That item is postponed. It is 4:00 now. Are we withdrawing item number 56?

>> Yes, Randy, development services. The applicant has requested to withdraw the appeal.

>> Mayor Adler: Withdraw the appeal. So there's no action for us to take.

>> No action for you to take.

>> Mayor Adler: 56 is withdrawn. Thank you. What about item number 35? Let's do that one then. We have some people, three people here to speak in favor of this. Please set it up.

>> Mayor, council, Greg Guernsey, planning and zoning again, item 35 is c14-2018-0043. This is for the property located at 9100 brown lane. It's composed of approximately 8 acres of land. It is a zoning change request from limited industrial LI district zoning to general commercial services mixed use

services or cs-mu zoning. The property is currently undeveloped and to the north is automobile repair services and industrial service park with residential, single family three zoning and LI zoning. To the south there's more additional limited industrial and mobile homes, in addition to LI zoning and mobile home zoning and cs zoning. To the west undeveloped with cs-mu-co zoning and to the east is single-family residential and limited industrial zoned LI and sf-3.

[4:03:29 PM]

The applicants request differs from what staff recommended. Staff recommended cs-mu for what would be the southern portion of the tract and cs for the northern portion of the tract. The zoning and platting commission agreed with staff in zoning the -- those portions for cs-mu and cs on a split vote of 6-3. The applicant is proposing multi-family uses on this property. However, the extension of running beard lane is proposed that would a verse the site. The right-of-way would be approximately 116 feet in width and would compromise about 1.49 acres of land. Again, this property is only about 8 acres in land and it would take a significant portion of the property by splitting it in two. Staff recommendation with the zoning and plantation recommendation would be to basically grant the mixed-use zoning for the southern piece and for the northern piece would be cs. The applicant disagrees with the recommendation brought to you by the commission and staff, and I would also note that the right-of-way that's proposed would require a rough proportionality estimate, which has not been completed this time. We need additional information regarding the proposed -- more detail on the proposed multi-family use that's proposed on the site and that staff would request that this requirement be delayed until either the sun division or the site plan stage, which is a later two steps in our development process. With that I'll pause. I do have transportation staff here if there are additional questions regarding the right-of-way dedication.

[4:05:29 PM]

>> Houston: Excuse me.

>> Mayor Adler: Also Houston.

>> Houston: Some people might not know the orientation. Can you show where north, south, east, west is on your map?

>> North is towards the top, kind of where you see the contracting supply ? Where it says LI. Then to the south kind of on the bottom, where the subject tract is where it says outdoor storage, that would be the southern portion of the property.

>> Houston: And to the west, is that the same developer's property?

>> I don't know the relationship of the property to the west, although the applicant might be able to speak to that. I think the property west is undeveloped. It was rezoned in 2015 to allow 310 residential

community according to my backup it looks like it's owned by the Austin housing authority, for the property to the west.

>> Mayor Adler: Okay. Council have anything before we ask the applicant to come up? Is the applicant here? If you'd like, you have five minutes to open us up if you'd like.

>> Good evening, ladies and gentlemen.

>> Mayor Adler: Hang on one second. I don't think we heard you. Introduce yourself, please.

>> Good evening, ladies and gentlemen. Council, mayor Adler. My name is Steven Buffum, I'm the project manager at Costello engineers. So I think that I was incorrectly registered to speak as for the proposal. I guess technically against it because we are requesting that we have the mu on both sides of the tract in the future. Rundberg right-of-way. So this project is a -- proposing 124 unit multi-family project on the two tracts -- or on the single tract.

[4:07:32 PM]

I can pull up a site plan for you. The project, as the introduction noted, the adjacent tract is owned by the Austin housing authority. My client entitles these tracts, develops them as multi-family deals, and many of them are done in partnership with hoca. That is the case on the tract just to the west that you see under construction presently. That's a 263 multi-family -- 263 unit multi-family deal, of which is a mix between 50 and 60% affordable. 50 and 60% Ami. This one would be a mix of the missing middle affordability that is apparently also necessary in Austin. So we have -- we submitted our application for zoning to get mu, to be able to do multipeople that on this and the future extension of rundberg has always been in the calculus for this tract. What you see? Front of you is a carefully thought outside plan that allows for that rundberg to come through the site and gives it a little flexibility. We understand that rundberg is at a 30% design stage with 60% not expected to be completed until as late as 2024. And that's just in design. So the right-of-way coming through the tract presents a very significant hardship. It extremely limits the amount of parking space and building space that you can put on the tract, so what we did is try to accommodate the right-of-way and not even go ultra dense. But the two buildings that you see there would be intended -- are intended to be fully functioning, independent multi-family developments, each with their own leasing office.

[4:09:34 PM]

So that when that right-of-way comes through, they're kind of independent buildings. And so we believe that having multi-family on both sides of the tract is a contiguous use. There is -- I have another picture of the zoning in the area. If you would, please, flip to the next. I think that this kind of gives you a little better picture of the adjacent uses. There's a significant amount of single family in the area. I highlighted our tracts in blue pen. The blue highlight LI shows a portion of what we would be rezoning. That cs-mu just to the west is the multi-family tract that's under development, so you would have a large block of

contiguous multi-family uses being bounded by a single family zoning district on the north side. I understand that that is being used as a commercial use, but that is zoned single family. And then a significant amount of single family to the south. So we believe that multi-family or mixed use on both sides of the tract are contiguous.

>> Mayor Adler: Okay. Thank you. Also signed up to speak -- yes, go ahead, mayor pro tem.

>> Tovo: I had a couple questions for you. So what is your -- in looking -- you said your tracts here as outlined and I could compare it to my maps here, but it's easier for us just to explain, the ones that are your tracts are the blue, not the purple?

>> Yeah. I apologize for the two colors. I didn't have another colored pen. The area highlighted in my blue pen, I clicked on the city's development web map, and it highlighted that whole section of LI, which extends just north of the site and over to Cameron.

[4:11:35 PM]

That's not a part of our deal. It's that area encompassed by my --

>> Tovo: By your pen? So what WOU be your plans for I guess mitigating the uses just to the east? You have LI -- you have an LI zone just right next to where you would be putting in housing. And it looks to me like a cs zone just immediately below the eastern portion of of that one tract. So what are you going to design the project any differently? Are you going to use -- I don't know what kind of LI uses are on that one tract to the east, but it's pretty considerable. It borders the entire -- your entire tract there.

>> Yes. On the other side of the -- of brown lane. That is true. We could switch back to the site plan. You can see I've pointed out the future right-of-way of rundberg, which basically cuts the site in half. In order to allow that right-of-way to come through it really limits where you can place buildings on the site. So we've pushed it back away from those. That's about the most flexibility that you have on the site, so mission of adjacent -- mitigation of adjacent LI uses is something I would have a hard time describing further.

>> Tovo: I'm sorry, you'd do what?

>> I'd have a hard time saying we could do different things with that.

>> Tovo: But I assume, and I'll call up our staff, but I would assume that's part of -- you know, that may be part of the difference in recommendation, right? That having residential uses next to light industrial just isn't something we typically do from a planning perspective because having residents next to a use that's pretty high impact on their daily lives is not as --

>> I think --

>> Tovo: Hang on a second. Is not ideal. I wanted to know if you as somebody involved in the development are thinking about those and thinking about design solutions or any other ways that you would try to impact that, those -- the impact that those uses would have on future tenants on this site, future residents.

[4:13:49 PM]

>> I think that the real catalyst for change in this area was the previous zoning case that was also my client that developed the 263 units in what at that time was a sea of light industrial, and so I think it was a 2013 or 2014 zoning case that they got approved for the mu. And, you know, it looks more connected from a land use perspective from my eyes. Of course I'm a little bit biased. When I see that multi-family deal going up because I look at the neighborhoods to the west and the neighborhoods to the southeast and I see the Rundberg coming through. That's gonna pass by a church, and then this multi-- the existing -- or the under construction multi-family deal and then they pass by this one, which is two more multi-family --

>> Tovo: Okay.

>> -- Projects. So the adjacent users, they are what they are.

>> Tovo: Okay. And then my last question for you, you said this was going to be missing middle housing, you and talked about that in the context of affordability.

>> Yes.

>> Tovo: And so are some of these units going to be income-restricted? Is that your intent?

>> That is correct.

>> Tovo: And I guess since that phrase gets thrown about quite a bit, can you describe to me what you mean by "Missing middle" and what it would look like on this site?

>> So a portion of this property would be 80% Ami, and that's -- and the remainder would be fair market value. And, you know, I can tell you that this particular developer doesn't do luxury apartments. They do, like, the market rate. So the intent with this block, the adjacent development of the 263 units is 100% affordable.

[4:15:50 PM]

And that's --

>> Tovo: Because that's the Hoca property.

>> This is also going to be a Hoca deal. Sorry, I failed to mention that earlier. They have a handshake with Hoca on this one. They can't ink a deal with Hoca on this because they don't know what they're doing yet. It's contingent upon what we resolve here. But Hoca is interested in this deal, and will be a partner. So the adjacent one is 100% affordable and is either at 50% Ami or 60% Ami, and the intent here is for those tenants that don't necessarily qualify for those at that development just to the west, then they could move to this one, which would be either at 80% or just at fair market.

>> Tovo: And so when you say that there may be an arrangement with hoca, would that bring the affordability lower than 80% or there would be an arrangement --

>> You're getting me outside my wheel house.

>> Tovo: No problem.

>> -- As a civil engineer when I talk about that, but my understanding is the breakdown is I think 51% is 80% Ami and the remainder is market rate.

>> Tovo: Okay. I don't know what market rate in that area and how close it is to 80%.

>> Yeah. I think councilmember Houston has pulled all that data.

>> Tovo: All right. Thanks.

>> Mayor Adler: Further discussion? We have some other people signed up. Okay. Thank you, sir. Jason Trevino? Do you want to speak? No? Jake brown? No. No one else has signed up. That then brings us up to the dais. Ms. Houston.

>> Houston: Yes, mayor, I have some questions for transportation staff.

[4:17:54 PM]

>> Eric, Austin transportation.

>> Houston: Thank you so much for being here on this one.

>> Sure.

>> Houston: This one is an interesting one. Because we're anticipating the rundberg extension . Going straight through their property. Can you tell me where we are in the design phase and then what are we looking at for construction as far as length of time?

>> Sure. So this particular street, this extension has been envisioned since approximately 1995, when it was to do the in the Austin metropolitan area transportation plan. Starting in -- using mobility bonds in 2010, the city brought it to a preliminary engineering report stage. That was concluded in 2013. And then in 2016 the city began using mobility bonds from that initiative to bring it to 60%. It's not at 60% design phase yet, but we have enough money, we anticipate, to bring it to that stage of design. To bring it to full design and construction we would have to rely on further funding that becomes available.

>> Houston: So talk to me for just a minute about zoning the parcel now and then at some point in the future the extension goes through. Are -- waiting until after you guys get further along in that construction. Talk about the difference in the rough proportionality of the right-of-way dedication because I'm not sure -- it's probably cheaper to go ahead and do that now, but I heard Mr. Guernsey say you can't do it now, you have to wait till it's actually built. So would you explain that to me, please?



>> Right. The overall alignment of this extension has been set, and that's what's kind of speaking to how the street is going to be designed.

>> Houston: Do you all have a picture of that so people can see what you're talking about?

[4:19:58 PM]

Because it goes right through the middle of the property

>> Sure.

>> Houston: Right through the middle of the parking lot okay, I think.

>> I was actually just asked to sketch an alignment, so this is really rough, but this shows the top left part of the screen shows where rundberg currently T's into Cameron. And this is more or less the alignment that's been set. It goes through the property in question, and then meets up with Ferguson lane at the bottom right corner of this image. And so that's kind of what we're looking at. In addition to this rundberg extension being envisioned as a four-lane divide arterial, same would be for Ferguson as funds become available, would be created to match the design for rundberg. In terms of rough proportionality, I think what it comes down to is that's our legal check to determine whether the amount of -- what's being dedicated through right-of-way or infrastructure improvements, if that's -- does not exceed the demand put on the system, and so the demand is always calculated from what's being proposed. So if we would have a -- I guess a better assurance of what's being proposed through this application, we would be able to in theory run a rough proportionality determination. That's usually done at the tail end, once we have something firm in hand just to do our legal check.

>> Houston: And so it's my understanding that we don't have anything that y'all can run a check against right now?

>> That's my understanding. Unless we would make assumptions, which it's not our practice to assume what's being done for development cases.

[4:22:03 PM]

>> Houston: Thank you much.

>> Sure.

>> Mayor Adler: Okay. Further discussion on this? Councilmember Casar.

>> Casar: Mayor, I'd like to move to have the applicant's original zoning request be the base motion and I'll explain that motion afterwards.

>> Mayor Adler: It's been moved to adopt this with the mu cross the whole tract. Is there a second to that motion? Councilmember Garza seconds that motion. Councilmember Casar.

>> Casar: So I'm interested in continuing to learn more on this, but I did -- it was in I think our first or second year on the dais that we did approve this same developer to start doing mixed-use, including below 60% affordable housing here and start developing amenities for those folks. And transitioning some of this area from industrial to residential isn't an easy thing to do, and I think there's going to be -- I think there are good questions to be asked about that. I think we've struggled with that up and down Cameron road, but I think it's the right transition to make and between first reading and second and third we can see if there's -- if there's better work to be done on that front. And I do have communication from hoca stating their intent to make this majority income-restricted housing, with the idea being that if some of the residents in the housing we've previously approved next door start making above 60% income, they start making 63 or 64%, that they could have a unit next door or that there are lots of families that obviously come and are wait listed, have trouble with housing but if they make 65 or 70 marches mfi

--there would be an option for them as well. First reading doesn't lock us into that but I think it makes sense for us to start transitioning into more royalty and having mu on both sides achieves that with this builder as opposed to leaving one side cs, which just -- I think if we're going to try to make the transition, let's try to make the transition in this area but let's keep thinking about about how we best do that between here and second and third.

[4:24:24 PM]

>> Houston: Mayor, if I could speak to --

>> Mayor Adler: Yes, Ms. Houston.

>> Houston: -- The issue about the mfi. The census tract, the rent people say is about \$1,111 and the median family household income in this area is \$57,382. And the Austin metropolitan median income is 86,000. So at 80% mfi, the rent for an efficiency would be \$1,204 for one bedroom, 1,290. And for two bedrooms we start with the missing middle now, 1,548, and for three bedrooms, \$1,700 and some change. Where that might be missing middle in some parts of town, this is very high for the area that we're talking about, even as we transition from light industrial to more housing that people who live in that area can afford. I'm not sure this is that. But I'm willing to have that conversation over the next couple of weeks. The other thing that I'm concerned about is the connectivity between the properties to the west, that is the hoca property, as you all call it, and the development that's gonna be on the west side closer to brown lane. Will people be able to walk through the property to get to the transit? There is a bus stop on Cameron road but if they cannot go through the property next door to the west they have to go all the way around the property and it's a pretty big piece of property on that south end. So that's some of the things I've been talking with the developer about. I'm not sure where they were. They said that they would look at it. They didn't think -- they wouldn't make them go through the other property, but I'm not sure what that other property is until that road gets cut through.

[4:26:28 PM]

>> Mayor Adler: Mayor pro tem.

>> Tovo: Councilmember Houston, maybe you'll share those numbers with me, but I think if I understood -- I didn't catch them all in my notes, but it sounds like the numbers that you have suggest that 80% mfi is higher than what is the market rate in that area already? Thanks for doing that research. I think that, staff, if you could -- one of the things that I really need to do between this reading and the next is think a little bit more about the industrial and the adjacency. I appreciate this is an area that's going through transition, but as someone who represents areas where residents are now living in places where residents didn't, I can -- it certainly causes conflict and I think we need to always think about -- I mean, I think agent of change isn't just a philosophy we should apply to music venues and residents, but also just a more broad philosophy. So putting residents -- rezoning to residential use something in such close proximity to industrial uses does give me pause and I wondered if you could just speak to the staff recommendation on that point. And if you have a sense of whether some of those cs -- really the LI, I think, is the main one that gives me pause, is do you have a sense of whether -- how realistic it is that the LI uses on that tract immediately to the east are going to transition at any point in the near future?

>> I don't have the information specifically on the age of those industrial uses. It was a concern of staff and that's why we basically split our recommendation between cs and cs-mu. We did support the cs-mu I guess on that southern portion, but the industrial properties that were to the north were more of a concern. So when we Brang back our -- if this passes on first reading, we'll probably do a @little more detailed analysis of exactly what those industrial uses are and if there's hazardous material storage on those properties we'll also note that.

[4:28:32 PM]

>> Tovo: That would be really helpful. I'll try to take a look at it as well. The staff report referenced I think automotive uses and it's not clear for that's on the immediately adjacent or not but I think we do need to have a sense of what those uses are on the tract and how the residences living next door would be. I'm supporting this on first reading with the caveat that portion of the rezoning may not be something I'm going to support in future.

>> Mayor Adler: Okay. Mr. Flannigan.

>> Flannigan: If the property gets this -- if the property proposed redevelops under mu with residents on both sides, would the presence of the residential property, which is not there now, impact a possible redevelopment of the LI property? Would there be site plan issues that would be handled by staff? Would any redevelopment of that property have to set back a little farther? I mean, because we're asking what would this property do to mitigate the LI but if the LI redeveloped what would they have to do outside of a zoning case?

>> There may be issues. Like I said if there are hazardous materials used or if they have to seek certain permits for air emissions from the state they could be influenced by the residential uses niche. That's happened elsewhere in Austin and this council is actually seeing some I think down by Ben White where we've had industrial uses abutting residential uses and what those impacts could be. The answer is yes, it could influence the types of industrial uses if this property were developed for multi-family and those uses may be affected on what types of industrial uses they could put in, they would be limited because of the new residential introduced.

>> Flannigan: Great, thank you.

>> Mayor Adler: Motion is to approve this --

>> First reading?

>> Mayor Adler: Mu on both sides. First reading only. Close the public hearing.

[4:30:32 PM]

Mr. Casar.

>> Casar: Mayor, I will note and concur with my colleagues that I want to have further conversations to best understand exactly what is in all the uses nearby and the point is well-taken and I agree that any family income in this area is well below 80%. Then again there are many who live in much older apartments that are -- you know, some of which are certainly substandard and so having new housing stock come online that's restricted at 80% as opposed to new housing on stock online that isn't restricted in any component is a benefit so we have to thoughtfully lay all those things but certainly a median family income in my district, just on the other side of the street is just first of the mfi of the city.

>> Mayor Adler: Okay.

>> Houston: One other thing. The development that's being built now, and it's under construction now, just east of Cameron road that's adjacent to the property on the southern end that we're talking about, it's a bucky's like structure. I mean, that's the commercial services use that they have on that site, and that's where people go in that area to get through, because there's no -- nothing in walking distance for healthy foods. The amenities are Ken's sandwich shop, if y'all have never been to Ken's on Cameron road, go, it's great. But there are not many amenities in that area for people to go to, and so I just wanted to give you kind of a flavor of the area that we're talking about putting -- with the housing authority site, the next housing authority site, and the one to the north, that's almost 500 units, would you say, Mr. Guernsey? How many in this one? I don't have that off the top of my head. How many on this one?

>> What I heard I think was about 120 something units, I think were proposed and I think there were 300 next door.

>> Houston: 300 next door and a hundred on each of the two sides of the street?

[4:32:36 PM]

>> Yeah, I don't know on the other side how many units.

>> Houston: Huh?

>> I don't know the number of units on the other side but we can check.

>> Houston: Thanks. If you'll make sure we have that information.

>> Mayor Adler: Motion has been moved and seconded. Those in favor please raise your hand. Those opposed. First reading only. Passions with councilmember pool off the dais, unanimously. That takes care of item number 35. I think the two public hearings we can now call. Okay. Sir?

>> Good afternoon, Mr. Mayor, councilmember, Steve Sadowsky, historic preservation office. Item 26 is a council-sponsored resolution to raise the number of years to recoup historic tax exemptions from three to five, and staff is in support of that.

>> Mayor Adler: Okay. Item number 62, public hearing, we have no one signed up. Does anyone want to speak on item number 62? Is there a motion to close the public hearing? Mayor pro tem makes that motion. Is there a second? Councilmember Houston seconds that. Any discussion? Those in favor of closing the public hearing raise your hand?

>> Tovo: I did want to discuss.

>> Mayor Adler: Okay, go ahead.

>> Tovo: I don't know if I can do this through direction or if I need to bring back an ifc but one of the things I'd like to do with the money that we receive through this, through the what Mr. Sadowsky described and what I described earlier and I'm not going to attempt to describe again, I think that we should allocate it toward the historic preservation program and specifically toward helping communities that would otherwise be -- and individuals potentially as well with their fees to file for historic designation and to do some of the research.

[4:34:42 PM]

And so if it's the council's will, I can bring back an ifc to do that or just do it as direction for this.

>> Mayor Adler: Yes?

>> Tovo: Our city attorney shaking her head so I'll bring back an, I guess,.

>> Flannigan: I generally don't like earmarking where we take different changes in tax rolls, but I would be also nervous to tie funding for historic preservation to the reduction of historically distributed properties. So if we wanted to say -- if we removed more historic designations then it would create more funding for historic --

>> Tovo: Yeah, I certainly don't want to do that.

>> Flannigan: It might be a disincentive, actually.

>> Tovo: I appreciate that point. Let me say I hope that -- now, this is the second time that we are contemplating removing historic designation and I'm not generally in favor of it, but when it happens I certainly want to capture that value and so I'm glad, and that was why I brought forward that resolution, to make sure we're capturing as much value as we can. It seems to me that should still -- since we're losing something in terms of the overly historic preservation program, by losing those programs, the funding that we receive from it seems to me should stay within the program and support additional designations. So it seems to me there's a connection between, you know, that loss in value from losing those individually designated properties, taking that funding and supporting the creation of new ones. It sounds like we can continue this conversation afterward, but, yeah, I don't want to -- I certainly don't want to create obviously 21,000 or whatever it is that we are likely to receive from the one case that we contemplated earlier is not going to fund the historic preservation program.

>> Flannigan: I think there would be a difference between the one-time collection versus the perpetual collection. That maybe a difference.

>> Mayor Adler: I would appreciate.

>> Tovo: It's just a one-time.

>> Flannigan: You're just talking about the back taxes.

[4:36:44 PM]

>> Tovo: Yeah, yeah, absolutely.

>> Flannigan: I think that would be another lever of discussion point too.

>> Tovo: Okay, sounds good. I have to do it separately so --

>> Mayor Adler: Okay.

>> Tovo: Coming soon.

>> Mayor Adler: Sounds good. There's been a motion and second to close the public hearing and to approve this item. Is there any further discussion? Councilmember Houston.

>> Houston: I just have a question for Mr. Sadowsky. How much does it cost for just a regular person to go through the historic preservation process for their home?

>> For a landmark designation?

>> Houston: Landmark designation?

>> The fees, including the notification fees, around \$1,800.

>> Houston: And I ask you that question because we talk about the built environment and the loss of that in historic east Austin, but in reality many people can't afford the \$1,800 in fees and then do the research. I know that preservation Austin has helped some people, and you guys have helped some people. But there's so many more than getting torn down that if we don't have some way to help with that process, then many more homes are gonna be destroyed and they're not gonna be homes and businesses as well and they're not going to be any way to identify that people used to live there who loved this city as much as we do now.

>> That's correct.

>> Mayor Adler: Okay. Anything else? Those in favor of the motion to close public hearing, approve the matter, please raise your hand. Those opposed. Unanimous on the dais. Councilmember pool gone. Gets us up to item number 63.

>> Item number 63 is a staff initiative, bolstered by a resolution by the historic landmark commission to repeal section 11-1-23 of the city code which requires the owners of historic properties to file an annual affidavit. Since the time of the enactment of that code section, the Travis central appraisal district has incorporated the same language on their application, which the owners of historic properties also have to file.

[4:38:52 PM]

So this now is a duplicities process, unnecessary, causes a lot of confusion for our property owners because they have different deadlines and staff recommends approval of this proposal to repeal that section so that the property owner -- historic landmark property owners file one single application with the appraisal district.

>> Mayor Adler: Might be duplicitous but it's certainly duplicative. Is there a motion --

[ laughter ] Let's call item number 63. I show no one here to speak on it is there anyone here to speak on it? Those in favor -- is there a motion to close the public hearing and to approve item 63?

Councilmember Houston makes that motion. The mayor pro tem seconds. Any discussion? Then let's take a vote. Those in favor please raise your hand. Those opposed? Unanimous on the dais with councilmember pool gone. Thank you very much.

>> Thank you.

>> Mayor Adler: Councilmember troxclair voted no? What? Councilmember troxclair voted no. The others voted aye. Councilmember pool off the dais. So that was 9-1-1 on that vote. All right. Councilmembers, that takes us to everything except for the last item on our agenda, which are the two items number 9 and 55. The camelback issue. It's 4:40. We have 40 minutes, 50 minutes before we have to stop for music. We can discuss this item at this point. We could ask if anyone is here that wishes to speak on this item. Let me do that. Is there anyone here that wishes to speak on camelback at this point? Doesn't look that way. Yes, councilmember kitchen.

>> Kitchen: Whatever we do I'd like to take time for a little bit of a break because we are just now getting the revised version, just now meaning, I don't know, half an hour since we sat back down.

[4:40:57 PM]

So I'm trying to read through the new red-lines and it's kind of hard to read through the new red-lines and still sitting on the dais. I'm open of course to asking some questions if people want to spend some time that way about but I would like to have at least a little bit of time to read through the new changes, some of which are substantive.

>> Mayor Adler: Okay. So, council, we could recess now if we wanted to. There was no one here to speak. And we could recess subject to music at 5:30 and proclamations and then come back at a set time. Come back at 6:30, come back at 7:00.

>> Kitchen: Did we set this as a time certain?

>> Mayor Adler: No. We said instead of time certain we said we wouldn't act on it until after dinner, would give people here after dinner the chance to speak but didn't set a time certain so if people showed up to speak we could do that but there's no one here to T speak.

>> Kitchen: Okay.

>> Mayor Adler: Mayor pro tem -- they want to wait. Yeah. No one here to speak now.

>> Kitchen: Then my suggestion would be we set some time after dinner.

>> Mayor Adler: Okay. Mayor pro tem.

>> Tovo: I would request we also use this time. I see the staff handed things out, if we have questions for staff. Or if people want to share what some of their amendments might be coming up later, maybe we could use this time to do that.

>> Mayor Adler: We can certainly do is that. Is -- you said that you were reviewing something. I'm not sure I have what you were reviewing.

>> Kitchen: It was just emailed to us. I don't know if everybody else got it but we got a email of the new version of the red-line backup. That was emailed to us --

>> Mayor Adler: From?

>> Kitchen: About 4:20 or something, like, that, from Lee in legal.

[4:42:57 PM]



>> Mayor Adler: Can legal email that out to everybody? I don't know if it's been emailed out to everybody.

>> Kitchen: I may have the Ong time but it came relatively recently.

>> Lee Simmons for the law department. Kurt asked me to email the red-lined version of the ordinance that we completed last night about 40 minutes ago or so so I emailed him and I believe mayor pro tem with that.

>> Kitchen: But it wasn't emailed last night?

>> No, ma'am.

>> Mayor Adler: Can you email that out? Can you email that to everybody?

>> Certainly.

>> Mayor Adler: Thank you.

>> Alter: Is it possible to post it in backup so if --

>> It should be posted in backup. I understand there were issues with pulling it up earlier today.

>> Kitchen: It wasn't posted. We didn't see it. I'll work on backup and send an email.

>> Mayor Adler: That would be great. While we have staff here is there any discussion? Councilmember alter.

>> Alter: I don't want to discuss it right now. I want to pass out what I think are my motion sheets. We've been kind of going so I haven't had a final glance at them, but I believe these are our motion sheets.

>> Mayor Adler: Okay.

>> Alter: So people have the time over the break to review them.

>> Mayor Adler: Okay.

>> Garza: I have a process, mayor, question.

>> Mayor Adler: Yes.

>> Garza: I was curious if councilmember alter had any idea of are we talking about a three hour public hearing, do you think? What were you expecting in terms of people coming to speak on this?

>> Alter: I don't have a full counting of who is coming. I understand that the folks that are in favor of the P.U.D. Have organized themselves to try and be as concise as possible. I don't know the numbers of speakers. Again, neutral, so it won't be everyone speaking at length, but I don't have a sense of how many people are coming at this point.

[4:45:04 PM]

>> Mayor Adler: Okay. Mayor pro tem.

>> Garza: I'm sorry, I have --

>> Mayor Adler: Mayor pro tem.

>> Tovo: Councilmember alter mentioned that the speakers for have agreed to limit themselves, but it would be helpful to know what that looks like. Like, limiting themselves to time or --

>> Alter: Let me check I'm understanding this so I don't give you the wrong --

>> Mayor Adler: Okay. Councilmember kitchen. Then councilmember pool.

>> Kitchen: Just to provide a heads-up to folks, I have some amendments. I haven't had the opportunity yet to compare them to the backup to see if any of them are included. They relate to the issues that I raised at our last hearing. So I'll need to do that. I know that some of them may have been incorporated in councilmember alter's amendment so I'm not quite there yet, but I'm just giving people a heads-up that you may see some amendments from me when we come back.

>> Mayor Adler: [Off mic] We've only had one person signed up to speak, but it won't last.

>> Alter: I don't think it's going to be a hundred people.

>> Pool: I have a question for our law department.

>> Mayor Adler: Okay.

>> Pool: When we -- this is a procedural question, as far as ordinances are concerned. Between readings of an ordinance, say we make changes in the first reading and have them incorporated into a document for second reading, and then additional changes are made outside the dais that we haven't voted on but then are incorporated into a document perfect second reading, so we have some changes that we've made and some changes we have not made from the dais, is that -- is that a standard operating procedure?

>> Mitsy cotton, assistant city attorney.

[4:47:05 PM]

That's not standard and not what we did here. At first reading we didn't have an ordinance. We never have an ordinance at first reading with P.U.D.S. Remember we did first reading and the posting for that ordinance was the next day. So we posted something and then had to keep making changes as we realized and tried to incorporate everything that was in the staff recommendations. So the red-line is from what was originally put in backup because the deadline for backup was the next day to make the changes that just have to be made as you're going through in the cleanup. So it should not be -- because that was my question all along. I thought we made clear with staff as they were telling us that these

were all changes to be made to conform to first reading. Conform to the staff recommendations and the motion that was made at first reading.

>> Pool: Great, great. That's my understanding as well. My chief concern at this point is that additional changes have been made at the last minute that go beyond what the conforming to our directions from first reading have happened. I was off the dais a little bit. As you know I'm under the weather today so I'm not feeling too great but I got a little rest and I'm back and I hope I'm picking this up in the property place in the stream of discussion. But it sounds like there's concern on the dais about moving into second reading, having only gotten some -- an array of fairly complex amendments to the document that we have not had sufficient time to look at. I know my staff just told me about it, and I sure haven't had time to look at it, so I'm -- I'm not happy about that. I'm pretty troubled about that, and I don't know how to move forward on this without having sufficient time to review the fairly complex changes that have happened to this document beyond what we all agreed at the end of first reading.

[4:49:12 PM]

So I know y'all are talking right now about when are we going to take this up, how many people are going to speak. At the very most, in my opinion, that we can do here today until we can get this worked through, I don't see how we can do more than just second reading. And that's what I would propose. I really have to be able to catch up on this complex document and pushing it through at this point like this isn't going to serve our community well at all. And nor the applicant.

>> Kitchen: Mr. Mayor.

>> Mayor Adler: Yes.

>> Kitchen: You know, I understand and I appreciate how willing the applicant has been to work with all of us, and so this is not a reflection on the applicant. But I share the same concerns that councilmember pool has brought up. We have just started looking through the red-lines and have noticed a few things -- or at least one thing that appears to be a substantive change which we haven't had a chance to ask about, so I am concerned. I would feel perfectly comfortable going forward on second reading. I have some concerns about going forward on third reading at this point. I know that there's some parameters we're trying to work within and I'd like to understand better what those are, but I would feel much more comfortable if we had the opportunity to move forward on second and then give us time to review it before we did the final.

>> Mayor Adler: Okay. Councilmember alter.

>> Alter: I mean, I wanted to respond to councilmember Garza. I got clarification. So the nine neighborhood associations that are in favor of the P.U.D. Have agreed to try to limit themselves to 15 minutes. Of course there can be the stray person among that group that's not been part of the discussions to do that who may show up. There are two neighborhood associations across the river who may be neutral, opposed or for, I'm not sure, but would not be in that amount of time.

[4:51:24 PM]

I just want to state that my motion is going to be for second and third reading, and it is my understanding that the changes that are in the red-line are not very substantive but I think rather than having that discussion now, it would be better if we had a chance for everyone to look at them and we can make an assessment to that. There is a time sensitivity on this, and I understand the concern, but it's my understanding that because the ordinance wasn't written that they -- just as Ms. Cotton mentioned, that they have been editing things where things were caught that were not put in there that were part of the motion. Mayor?

>> Mayor Adler: Councilmember pool.

>> Pool: It's my recollection that there was no guidance given on mechanized access and that is a significant inclusion in this -- in the ordinance at this point. So that portion wasn't there. We didn't talk about it on the 18th. And that's just one. So there are some cut and fill possibly. I could be wrong on that. Like I said I haven't been able to go through this at the level of detail that is necessary but I'm seriously concerned over the state of this document as it reflects significant additional -- significant additions from what council voted at first reading on October 18.

>> Mayor Adler: My other concern is my reference would be able to vote on it tonight but I'm going to take now the time to take a look at what the changes were made so I can see what they were. Any discussion before we break? Then let's go ahead and break. Music at 5:30, procs after that. We'll reconvene as council say at -- I don't know, 6:30 is pushing it? 6:45? 6:45, we'll come back at 6:45.

[4:53:25 PM]

Ms. Houston.

>> Houston: Legal is sending us a red-lined copy.

>> Mayor Adler: Legal is sending out a red-lined copy. We stand adjourned. Time is 4:53 right now. Music at 5:30.

[5:01:45 PM]

[Austin city council is in recess until 5:30 P.M.]

[5:25:14 PM]

>>

[5:29:49 PM]

>> Mayor Adler: Are we ready? So you all are here at absolutely the best part of city council day. I don't know if you got to watch any of the debates that we had here a little bit early. Sometimes it gets a little testy in this room, but no matter what's going on in city council meetings, we stop city council meetings and always bring live music into this space. We do that because we're the live music capital of the world, and that's an appropriate thing for the live music capital to be doing. We also do it because we recognize that music is part of who we are. It's part of the culture of this city. It's in our DNA. We also believe that if we can press a little bit of the music into the walls of this building, that when it does get a little bit hard with the discussions that we have, it helps to have music's presence here. So it is a -- just a gift that you give to us by coming and bringing music into this place and people that have no lives but have spent the entire day watching us on city council meetings enjoy this moment, too, and when people go back and look at it later, they can also pull this back up. So, I would like to introduce the tapestry singers, founded in , the tapestry singers are welcoming non-auditioned chorus for any woman who wants to sing. The chorus members celebrate each other as they joyfully create music who inspires us all.

[5:31:53 PM]

All singers, regardless of ability or confidence, are invite to join. It supports women in music with \$1,000 college scholarships, all types of music from hallelujah to Mcbeth to show tunes, and to

-- jonimitchell. Please join me in welcoming to city hall, the tapestry singers.

[ ♪ Singing ♪ ]

[5:37:12 PM]

[Applause]

>> Mayor Adler: That was beautiful. Thank you. So anybody can join, but you only bring the good singers when you perform.

[Laughter]

>> Mayor Adler: That was beautiful. Thank you. So if somebody out here or somebody is watching this and they want to join, they would come to rehearsals on a Monday night. Where would they go? Where are rehearsals?

>> You would come to the state hospital's chapel and there's directions on our website. You can go there, it'll tell you how to get there and there's a map so just come.

>> Mayor Adler: That was my next question.

[Laughter] So if they want to find you, you have a website.

>> Tapestrysingers.org. >> Mayor Adler: Tapestrysingers.org. Other than performances at city hall, do you all perform?

>> We do. We are getting ready for our fall concert which is going to be on November 17th, 7:30 P.M. At northwest hills united methodist and ticket information is available on the website as well.

>> Mayor Adler: And if somebody wanted to go to get your latest record? Website? Check the website? I have a proclamation to issue here. Be it known that whereas the city of Austin, Texas, is blessed with many creative musicians whose talent extends to virtually every musical genre, and whereas our music scene thrives because Austin audiences support good music, produced by legends, local favorites, or newcomers alike, and whereas we are pleased to showcase and support our local artists, now, therefore, I, Steve Adler, mayor of the live music capital do hereby proclaim November 1st of the year 2018 as the tapestry singers day in Austin, Texas.

[5:39:17 PM]

Thank you all very much.

[Cheers and applause]

[5:42:10 PM]

>> Okay. Why don't you stand here. Yes. There you go. Hi, everybody. I am councilmember Ann Kitchen, and I have the honor of representing south Austin, and I'm very excited today to be honoring lifeworks Austin and Texas Appleseed. We have Julie Ann with lifeworks with Texas Appleseed. They and their organizations have been working very, very hard on an issue that's important to all of us, and that has to do with homeless youth in our community. I'm very pleased to be able to read this proclamation. I thank them and honor their organizations on behalf of Austin. So be it known that whereas an estimated 60,000 unaccompanied 13 to 17-year-olds and nearly 300,000 unaccompanied 18 to 25-year-olds experience homelessness in Texas over the course of a year -- that's an astonishing number -- whereas schools are on the front lines of this issue with more than 116,000 students identified by Texas schools as having experienced homelessness at some point during the 2016-2017 school year, of these more than 18,000 were unaccompanied by an adult. And whereas youth experiencing homelessness tend to hide and fly under the radar because of the stigma or the fear of being placed in foster care or returned to abusive home environments, and whereas Austin has shown tremendous leadership on the youth homelessness issue by committing to end youth homelessness as part of the city's larger plan to address

homelessness, and whereas, as November is homeless youth awareness month this creates an opportunity to bring the issue out of the shadows by engaging the public to become more aware of the issue; now, therefore, I, councilmember Ann Kitchen, on behalf of our mayor, Steve Adler and my colleagues on the council, do hereby proclaim November 2018 as homeless youth awareness month.

[5:44:47 PM]

And I would like to ask Brett and Julie Ann if they'd like to make some comments.

>> Okay.

[Applause]

>> So thank you, councilmember Kitchen and Mayor Adler, and thanks for the opportunity to speak to everyone about our work. Texas Appleseed ACE Public Interest Law Center and we're working on the issue of youth homelessness on the statewide level, as well as we're involved in local efforts, and in partnership with AIGA, which is design professional association and Lifeworks. So you might see elements of our campaign around town, when you're having your cup of coffee, eating dinner, you might notice a votive candle, maybe a billboard, all of these are part of our collective effort to raise awareness about the youth homelessness. As councilmember Kitchen highlighted, we know from our research and talking to youth that youth are afraid of the stick marks they're afraid of shelters so they often hide the homelessness. We hope this is part of our effort and complements, we know it will, raise efforts about the magnitude of the problem, and as we go into the legislative session, efforts to raise awareness will help us to work to identify solutions and ensure their adequate resources. Thank you so much for this opportunity. Oh, and councilmember, I'm going to present you with our report that we worked on that highlights the issue.

>> Hi. Good evening, everyone. My name is Julie Ann Hankle, I'm director of communications and marketing with Lifeworks. I echo Brett's sentiments in expressing our gratitude for the opportunity to address the city council, Mayor Adler, and residents of national -- and residents of Austin. Excuse me, for awareness of national homeless youth awareness month. In one year, more than 600 youth and young adults between the ages of 18 and 24 spend the night in a place not meant for habitation here in Austin.

[5:46:55 PM]

Two years ago, Lifeworks participated in a way home America's 100-day challenge to address youth homelessness. Our success in housing more than 50 literally homeless youth was then bolstered by the award of a \$5 million demonstration grant from the U.S. Department of Housing and Urban Development. Since then, Lifeworks, Echo, and dozens of community partners developed a community plan for ending youth homelessness to reach our goal of functional zero by 2020. This month we open three cornerstone programs to make Thi School a reality. Homeless diversion, rapid transitions, and rapid rehousing. This would not have been possible without the support of the Austin City Council and

our community. I want to thank you all for choosing homelessness as one of Austin's top priorities. Mayor Adler and mayor pro tem tovo, I want to thank you for your leadership in ending veterans homelessness and for your championship of echo's community planning process. Finally, I want to thank all for increasing our community's effort and investment in this issue through the 2019 budget and for the advocacy of councilmember pool and others who assisted with the local match required for the hud award. Youth homelessness does not have to be a permanent situation. It can be a temporary experience. And with your support, we will make homelessness in Austin rare, brief, and non-recurring. Thank you.

[Applause]

[5:50:01 PM]

>> Mayor Adler: All right. This next proclamation is one that I'll read and then present to Christine Escobar. She is vice president and general manager of univision Austin local media, and someone that is doing so much in our community with univision. I can't tell you how many times in the last couple months I've been in events in places with her and with univision. This is an important one here today. Proclamation. Be it known that whereas univision local media aiatin brings the first ever local one-day entrepreneurial summit called possible atx to Austin on November 3rd at the central library; and whereas possible atx is the largest central Texas Latino entrepreneur and wealth initiative, and whereas univision local media Austin embraces the growing Latino community and recognizes the need to continue empowering this powerful demographic for its continued success; and whereas the Austin public library and the city of Austin's small business program, a division of the economic development department, have commendably served as partners for this event, now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim November 3rd of the year 2018 as possible atx day in Austin, Texas, and, Christine, you want to talk about it.

>> Absolutely. I would love to.

>> Mayor Adler: Please.

>> Thank you, mayor.

>> Mayor Adler: Thank you.

>> Good evening. Thank you, mayor Adler, for having us on this occasion. We are overjoyed to have all of our partners here with us. As you mentioned, I would be remiss if I did not represent my team back at the ranch, if I did not say thank you once again to the Austin central library, director weeks and Emmie Johnson.

[5:52:14 PM]



Without you, we know this would not be possible. Award-winning Austin central library. In addition, the city of Austin small business economic development department, we're so gracious, synovia, for everything you've done, Vicky, and Cindy. Thank you for the partnership. We're grateful. This is the first entrepreneurial summit geared toward Latinos in Austin, and we are very aware of the viability of the hispanic market in Austin. We are 35% of the population, and we continue to grow. We are the fastest growing segment of the community and the population, and we are here and we strive to pursue the American dream. Our goal is to attract current business owners and those potential and new and upcoming business owners and help them learn on how they can educate, fully grow, and strive to better themselves through growing their business and becoming full-blown businesses in the great city of Austin, Texas. We've heard and read in several trade magazines and articles on how Austin is on the top of the list for economic viability, lowest unemployment rate, and one of those accolades is also that we have one of the fastest growing segments of Latino entrepreneurs in Austin. To date there are 21,000 immigrant business owners in Austin, and that continues to grow. So we are excited to continue to empower and to educate and to inform those business owners on what they need to be able to work with the city of Austin and various departments and partners, both nonprofit and for-profit, on how they can continue to thrive and provide for their families through this wealth initiative. Thank you so much, and if any of our partners would like to come up, we're very happy to have you. Thank you all very much.

>> Mayor Adler: Thank you. Let's take a picture.

[5:55:57 PM]

>> Mayor Adler: I know it's here just with November just beginning, but with the council meeting only every two weeks, the next time we meet it will be after veterans day. So this is our opportunity to recognize veterans day. I want to make sure that everybody knows that we're going to have a veterans day parade here in Austin, Texas, and I'm looking forward to being able to be part of the parade this year. It's going to be on veterans day, on Sunday, November 11. It's going to start at 9:00 A.M. On the congress avenue bridge and it's going to march up congress avenue, end up at the capitol, and there will be a ceremony following the parade at 11:00. But in anticipation of that and by way of giving also the opportunity to tell everybody about that, we have a proclamation for veterans day that I'm going to read, and as is our custom, we give this proclamation to one of our Austin vets, and it's an honor for us to have a veteran with us today. You know, we are really proud of all the veterans that we have in this city and within our force. We currently have about 2,000 veterans and reservists and national guards, members working for the city of Austin. Many pulling double duty, serving both their city and their country at the same time.

[5:57:58 PM]

To represent all of those men and women in our armed forces, we have with us today to accept the proclamation a 93-year-old World War II Navy veteran, Mr. Joe Barner.

[ Cheers and applause ] So Mr. Barger represents absolutely everything that is embodied of the phrase fit city. Last year he competed in the national senior games, and he finished first place in his age division, 90-94, for the men's 5k. As well as track and field, 1500 meters. As well as track and field, 800 meters. I just think that's so impressive.

[ Applause ] He eats healthy, he enjoys a glass of wine from time to time. he runs two or three times a week. He goes to the gym practically every day. And works out or does aerobics. Mr. Barger signed up for the Navy when he was just 17. He served on an LST ship in the pacific. What is an LST ship? A landing ship tank in the pacific, off the coast of okinawa and Iwo Jima and while on the coast of Iwo Jima on February 23, 191910 he witnessed the iconic flag raise. After World War II, Joe used the GI bill to attend college. He graduated from UT, the university of Tennessee.

[ Laughter ]

[5:59:59 PM]

Then he worked for IBM as a mechanical engineer for 31 years and retired here in Austin, Texas. Sir, it is our privilege to honor you today as a member of the greatest generation. You embody the true spirit of love of country, patriotism and selfless service. Thank you, and thank you for receiving our proclamation.

Which reads as follows: Be it known that whereas America stands today in strength and prosperity due to the protection of our patriots who cherish liberty and made great sacrifices to advance the cause of freedom, many generations of men and women have proudly served in the army, Marines, Navy, air force and coast guard to answer the call to serve our nation, on veterans day we honor these extraordinary Americans for their service and sacrifice we pay tribute to the legacy of freedom and peace they have given to our great nation. And whereas in times of war and peace, Americans have stepped forward to defend their fellow citizens and the country that they love, they carry great responsibility to the highest standards of duty and honor. And whereas veterans day is dedicated to those who protected our freedom in years past and to those who protect it today, they represent the very best of our nation and have earned the unwavering gratitude of the American people. And whereas on this important day I urge all austinites to reflect and give special thanks to the men and women who have served so proudly in the United States armed forces. Now, therefore, I, Steve Adler, mayor of the city of Austin, Texas, on behalf of my colleagues on the council, do hereby proclaim November 11, 2018, as veterans day in Austin, Texas.

[6:02:08 PM]

Sir, thank you.

[ Applause ]

>> I want to say something to everybody.

>> Come on, just say something.

>> I thank the rest of the veterans here. It's great you recognize the veterans. That's great.

>> Absolutely. Do we have any other veterans in the room?

>> Allan.

>> Allan.

[ Applause ]

>> Allan is our veterans services director here in the city of Austin, does incredible work as well. Can we take a picture with you? We also have Cindy and

[indiscernible] With us, his daughters. So let's take a picture.

>> Oh, great.

[ Applause ]

[6:04:21 PM]

>> Hey, everybody, my name is Jimmy Flannigan, city councilmember for district 6 and chair of the judicial committee for city council and I'm excited to read this proclamation both as my role as the chair of the judicial committee and as a councilmember and as a supporter of the really hard work that the folks at the municipal court do providing justice, true justice for our community. So proclamation. Be it known that whereas since more citizens come into contact with municipal courts than any other courts in the state of Texas, the public's impression of the entire judicial system is largely dependent on their experience in municipal courts, and whereas Austin municipal court and the downtown Austin community court personnel have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all and whereas we are pleased to recognize the accomplishments of our Austin municipal court and downtown Austin community court personnel, including seven judges, 14 substitute judges, and more than 157 court staff personnel and to salute their critical role in preserving public safety, protecting the quality of life for area residents and deterring future criminal activity, now, therefore, I, Jimmy Flannigan, city councilmember on behalf of the mayor and my colleagues, councilmember Casar, who is also a member of the judicial committee, do hereby proclaim November 5-9, 2018 as municipal courts week in Austin, Texas.

[ Applause ]

>> Thank you. It truly is a privilege to be a part of the municipal court team. All of our staff, including the judges and prosecutors, really do tremendous work and are second to none. We have a lot of fun

activities planned for the community next week, so please check out our website for the scheduled events. Thank you very much.

>> Thanks. Let's take a photo.

[6:06:21 PM]

>> Take a picture.

[ Recess ]

[7:15:09 PM]

>> Mayor Adler: All right. Looks like it's 6:45.

[Laughter]. Somewhere. All right. It's 7:15. We are back here. We have two items left, item number 9, item number 55. We're going to hear those concurrently. We have 22 people that have signed up to speak. And then a bunch that have indicated their position, but no speaking. Do we want to start by hearing the public testimony? Why don't you take us into the case?

>> Sure. This will be very brief, mayor. Jerry rusthoven with the planning department,. This is the camel back pud to rezone the property from interim rural residential and interim lake Austin zoning as well as pud zoning to pu Duh zoning. Item nine is a related case. It is to approve an ordinance authorizing the execution of the second amendment to a settlement agreement for the property add 6400 city park road. City is here today to offer these -- this case for second and third reading. We have prepared an ordinance that is shown as revision three in your backup. Based upon the first reading motion. Staff also has two motion sheets and I guess we can get into this when we get to point of making motions, but we have two sheets including some last-minute updates to the revision 3 ordinance that we'll be -- when we get to that stage we'll be reading those into the record.

>> Mayor Adler: Have you handed those out?

>> I do not know if we've handed those out yet. We are working on one change now that's being handwritten. I'll make sure they are handed out before we finish public testimony.

>> Mayor Adler: Are we passing number 9 after 55?

>> Yes.

>> Alter: I think we pass them together.

>> We would do number 55 and number 9 after that.

>> Mayor Adler: Or with a single motion pass 9 and 55.

[7:17:11 PM]

We're not going pass 9 without 55 and not 55 without nine.

>> Hopefully not.

>> Mayor Adler: We will do one motion to pass 55 and 9 at the same time. So let's start then with people in the public to speak.

>> Alter: Mayor? I just wanted to let my colleagues know we had a couple of tiny on my motion sheets. We're going to get a new packet to make it less confusing. We'll have it before the end. They are small changes.

>> Mayor Adler: Okay. I don't know if there's any special order associated with this so I'm just going to call the people as they signed up. What? I don't have 62 people. I only have 22 people that are speaking. But if everybody uses all the time we have we could be here for -- oh, all right. So let's start. Roy Whaley. Is Roy Whaley here? Mr. Whale L.I.? Back right. Is Linda Bailey here? Linda, why don't you come on down.

>> Sorry about that. Howdy y'all, my name is Roy Whaley. I'm the conservation chair for the Austin regional group of the Sierra club. I've spoken on this issue not just here, but multiple times. I am glad to see the effort by the different parties to find a compromise. I have to say, though, that the Sierra club position is no doc, no clubhouse -- no dock, no clubhouse and no tram. And we're standing by that. When you look at the downtown skyline, you see the capitol. You should be able to see the capitol from all different angles.

[7:19:12 PM]

That's because it's a protected view. They have protected view corridors from the state. When you look at red bluff, la Loma in east Austin, this council came together to protect that, and that view, which is just as spectacular from east Austin as mount Bonnell is from west Austin. And that was a council action. There are the '90s who was known as the the green council is revered for what they did to protect Barton springs. I'm asking you tonight to become that new green council. This is a pud. You can decide what it's going to be. If you say no, we're going to preserve that rimrock and we're going to preserve that view, we're not going to have a 24-foot wide tram set of stairs going up that. We're not going to have a huge boat dock just within view of 360 where so many of Sierra members drive and contact me and say preserve that view. And other austinites say the same. You can also say no to that clubhouse and give them everything they want up top. Give them everything that the neighbors want up top, the safety. And again, I appreciate the neighbors being so organized and coming down here and working to - on this project and making their voices heard. But you can make that decision. Each and every one of you can look at yourselves and make that decision that you are going to be knowns on the council -- forever be known as the council that preserved that rimrock view.

[7:21:14 PM]

That iconic feature of Austin that greets you at the airport. This is something that greets Austin. We use it in our marketing. The chamber of commerce uses this in their marketing.

[Buzzer sounds] This is something that should be preserved. Please, I ask, if you can't see your way clear to preserving it, squeeze everything you can out of it.

>> Mayor Adler: Thank you.

>> And do your best like you always do.

>> Mayor Adler: Thank you, sir.

[Applause]. Is Barry Alexander here? Why don't you come on down to this podium. Go ahead, Ms. Bailey.

>> Ready?

>> Mayor Adler: Go ahead.

>> The camelback pud is recommended by nine neighborhood associations and over 200 individuals. They are standing with me in support of the pud. We support the pud because of the overall benefits to our community and to the city of Austin. In addition, the neighborhood council with 83 members recommended the pud, along with lake Austin collaborative, and just recently cone, the coalition of neighborhood associations that protects the hill country roadway endorsed it as well. Next slide. There's knots a clicker here. In addition to the neighbors and organizations endorsing the pud, the city staff and commissioners recommended the pud. The park board recommended the parkland and open space. Watershed protection clearly stated the new pud is superior to the old pud.

[7:23:15 PM]

The environmental commission recommended superiority with conditions. Transportation recommended superiority. Zap recommended superiority with conditions. And in addition there's an affordable housing component, which we're pleased with. Okay. Consider the big picture. There is widespread endorsement by the neighbors for the camelback pud. Please consider that perfection is the enemy of the good. Consider the big picture and vote for the ordinance as written today and don't allow Jonathan Kunz's option to expire on the champion tract. Thank you.

>> Mayor Adler: Thank you.

[Applause]. Before Mr. Alexander speaks, is Jim rumbo here? You will be at this podium. Why don't you come on over. Mr. Alexander, you speak, Mr. Rumbo, you will be up next.

>> Actually, mine is Barry Williams, not Barry Alexander. We had a communication snafu. Alex is my first name. Good evening, mayor and councilmembers. My name is Barry Williams. I live in the woods of green shores located off the end of city park road, and I'm here to talk about change. I found it ironic that change is one of the few scants in life. It's inevitable and usually unstoppable. After few experiences in trying to block change I realized that it was akin to standing in front of a tsunami and either getting swept away or unindated. Then I learned how to better surf the way, if you will, to make the best of the situation, and the alternative is it can always get worse. We could have a developer who could live in the neighborhood, cares about the environment, works with the residents, addresses traffic issues, voluntarily adds value to the city beyond what the code may require or we could have a corporation or investment group doing just the minimum with regard to nothing but their bottom line.

[7:25:22 PM]

Imagine the iconic pennybacker view adjacent to a great big office complex or hill country resort. We could always have something worse. You're faced with making a decision on a contentious issue tonight. It's not easy and I don't envy you the task, however I believe there's an opportunity here to surf the wave. As many of the parents here can probably relate, my wife and I with two sons who are into baseball had the opportunity to become involved in little league baseball. In our case at the board level for six years. It was one of the most aggravated, rewarding and contentious activities we have done mostly because of parents looking out for their children's interest. At the end we decided the culture needed to change from focusing on the resources of the few going into post-season activities to developing the whole population, the majority of whom were five to six years old, thus creating a new league culture and outlook more in line with the little league ethoughts. It didn't sit well with the minority of parents and discussions were often long and bitter, but at the end we went with the change. I concluded from that that if 85 of the folks are content with the decision then it's probably a good one. Tonight you have a similar opportunity to approve a project with more benefits than drawbacks and the best possible outcome for the affected neighbors and city. When I first heard Jonathan speak and saw his plans I couldn't believe a developer could be this neighborhood and resident friendly and voluntarily willing to do the right thing for the city. I'm glad to say unequivocally he is the real deal. I believe his approach has raised the bar for community developer relations in Austin and who knows, it may become the norm. The choice is yours to make with tonight's vote and I urge you to make that 85% decision to vote -- to approve the camelback pud. And by the way, when my wife and I cycled off that board, the people who took over continued that approach and in 2011 that little league team went to the world series and won it.

[7:27:29 PM]

Contested change with a good outcome is always possible. It's up to you.

[Buzzer sounds] Thank you for your time.

[Applause].

>> Mayor Adler: Is Denise hogan here? Why don't you come down to this podium. Mr. Rum Baugh, you have three minutes.

>> Mayor, fellow councilmembers, I'm here as an individual tonight. I meant Jonathan Kunz a couple of years ago when I met with him face to face regarding his development plans for the camelback pud. Shortly after that meeting I suggested to him that he buy the champion tract because we were amidst a lot of controversy and his purchase of the champion tract would be creative to his development and also resolve the neighborhood contention about what was going on there. I'm pleased to say that this solution that's offered by the development plans, ordinance number 9 or item number 9 and number 55, puts that issue to bed in my mind. He has done exactly what he said he would do from the very beginning. He's worked with the neighborhoods the way any responsible developer should, and as somebody who has been party to this from the very beginning, I can tell you he has acted with total integrity. I'm pleased to stand here tonight to recommend to you to vote for Jonathan's development by authorizing item 9 and item 55. It is a decision you will not regret because he helped set the standard for development here in Austin. And he is a compassionate neighbor. He's checked with the neighborhoods, he cares about what's going on and H has expertise in the restaurant business he plans at the top of the hill.

[7:29:29 PM]

So who would you rather have running something like that? A deal make other a guy who has experience and a commitment? So thank you for the chance to speak tonight.

[Applause].

>> Mayor Adler: Thank you. After Denise hogan speaks then it will be tad Cole? Is tad Cole here? Why don't you come on down.

>> Good evening, mayor, mayor pro tem and councilmembers. My name is Denise hogan. I'm a resident and board member of the courtyard hoa. We're located east of 360 at courtyard drive. Our hoa board has voted to endorse the camelback pud, and at last council meeting on October 18th I talked to you a little bit about traffic safety, volume and flow, primarily at the courtyard and 360 intersection. Tonight I'm going to focus on traffic safety. So for us safety is priority one. The current situation at 360 and courtyard poses just huge dangers from a large number of people who visit the scenic overlook everyday. People park along 360, wedged between courtyard drive and the pennybacker bridge. They park right in front of those no parking signs. And on the weekends or really beautiful week nights the parked cars expand to the north side of the intersection where a section of the cliff just calved off about a month ago in the heavy rain. You have people, pets, children of all ages milling around in a 15-foot wide shoulder with cliffs on one side and cars zooming past at 50 miles per hour on the other side. Now, that's not all. They also park up into our neighborhood on courtyard drive east of 360 and then they run across 360 to get to the scenic overlook. Sometimes when they have a walk signal, but sometimes when



they just see a break in the traffic. So it's just beyond dangerous. Now, with the proposed changes in camelback, this whole situation has moved up into the development and out of harm's way.

[7:31:30 PM]

The place where people currently park will be an acceleration lane which is paid for by Mr. Kuhn so it will close off access to the scenic view from that scenic spot. The spectacular spot will be available to the public from the park built by Mr. Kuhn with dedicated parking spots, a trail and public restrooms. A park that he will pay to maintain. And currently no one is maintaining that scenic overlook area, which by the way is strewn with a mess of trash. And certainly that trash is making its way down into our beloved lake and you can see it piling up on 360. So improved safety at this intersection is of high value not only to nearby residents, not only to visitors at the scenic overlook but really to any austinites who are traveling on 360. To me we feel that that's a huge segment. Separation. So recapping, the three main issues at 360 and courtyard are traffic safety, volume and flow. So summaries just briefly on volume, we know that lots of traffic is a fact of life in a growing city, but we believe the net effect of the traffic impact of the total development, and this is important, the package deal of camelback and champions 3 as a senior living facility will serve to reduce the overall traffic impacts for for that entire 360 and 2222 corridor.

[Buzzer sounds] Thank you very much.

>> Mayor Adler: Thank you.

[Applause]. Before Mr. Cole speaks, is Tony eglesias here? Why don't you come down to this podium. Go ahead, sir, have you three minutes.

>> Mr. Mayor, members of council and all concerned neighbors. Good evening and thank you for once again address before you as a former Westminster Glenn homeowner's neighborhood association member.

[7:33:31 PM]

I had my last brunch at Threadgill's world headquarters this past Sunday and while waiting for our table we sat on the steps of that historic stage and I wondered aloud while three young girls were playing about and continuing sinking go tell it on the Austin what kind of Austin they would have to love over the course of the next 20 years. What kind of city would be created in the present that they too would be privileged to experience as I have been over the last 20 years of living here. Will it become a landscape of concrete confusion or will there be more than an occasional nod to what this city's reputation has continually prided itself upon that has become almost a signature for being particularly unique. Camelback offers us a redefined architectural appreciation for what can happen when we use our heads and our hearts to create rather than to disrupt. This land is going to be developed. We all get that. It is the how that begs our direction and resolve. You folks have before you an excellent

opportunity to put some pretty choice real estate into its highest and best use under the stewardship of someone who while not a developer, has reached far into the host of possibilities to exhaustively determine a most comprehensive plan that subdivides parcels into a cohesive arrangement that answers to the environment, to the inescapable needs of the greater Austin community and to the nine neighborhoods who have surprisingly come together to agree as one that this is indeed our most judicious use of one very limited and prized commodity. While no development plan is ever perfect, some stand taller than others by virtue of the manner in which they evolve. It is without question that Mr. Kuhn has expected the equation from a spherical perspective as opposed to something conceptually linear and has met with my neighbors both in public and domestic settings alike to ring this thing true as completely as possible and has revised his plans to accommodate our concerns accordingly.

[7:35:38 PM]

It's time to get this project going. We're good with it. And we all live there. This really isn't just about numbers and blueprints and code compliance. There is in fact a purely emotional component to this arithmetic. So I implore you, each and every one, to approve the development of the camelback pud and in so doing, do more than just create a responsible use of 144 acres, make for a lasting commitment to Austin as it can be. To the Austin we respect and to the Austin we love.

[Buzzer sounds]

[Applause].

>> Mayor Adler: Thank you. Is Marissa lipshire here?

>> Houston: Mayor? As he's coming up would you help the congregation -- the congregation!

[Laughter]. The audience with their clapping so that we can move it a little quicker.

>> Mayor Adler: So what we've learned is that if we can clap in an alternate way we can actually save 15, 20 minutes. So I think Ms. Houston had jazz hands -- [laughter] -- or snapping fingers. That way I call the next people down and we can move quickly for everybody to get home to their families. All right. So I have called up Marissa lipshire. Why don't you come down here. Go ahead, Mr. Cole. Or Mr. Eglasias.

>> Hello, mayor, mayor pro tem and councilmembers. My name is Tony eglasias. I'm a card carrying lake rat and have been for 22 years. These cards were issued by the city of Austin park and recreation department and represent over 60 entries to Emma long park over just the past three years. For 22 years I have used the full stretch of that lake from hula hut to low water crossing road. I know every boat ramp, every bend. And if you give me the weather and the time of day, I can tell you which one of the 21 miles of that lake will be the best stretch for wake boarding.

[7:37:41 PM]

At first reading someone presented testimony asking why would the lake rats support this development given the inclined elevator and boat dock? And it occurred to me that I haven't done an adequate job of explaining why I take the position I do. This pud amendment results in 2500 feet of bluff and shoreline untouched forever. Those are two important words. Untouched is about as scenic and environmentally friendly as it comes. Forever is enforced by a park dedication to the city and at a minimum should be defined as for as long as the city of Austin is incorporated. As you know, the current zoning allows 12 homes to be built along the top of the bluff. City staff stated at zap that each of those homes is entitled to a boat dock. While I understand that the 2018 Austin city council is generally not supportive of trams, do we want to gamble that the city council of 2030 will feel the same? What about 2050 or 2080? And even if you believe that the city's position will never change, do we believe that the state will back us up? In just the last couple of years the state overruled the plastic bag ban and removed Austin's authority to regulate Uber and Lyft. We know that the state has a strong culture supporting property owner's rights. Look no further than last year when sb 6 transferred the final word on annexation away from the city and to the property owners. Would we be surprised if the state some day mandated that a city can't prevent a property owner from accessing his own shoreline? Personally I would be surprised if they didn't. This lake rat is willing to bet his wake board that unless you take this deal that pushes all development 2500 feet from the bridge and protects it with a 26-acre park donation, some time between now and forever that iconic bluff will have 12 luxurious homes with 12 exciting roller coasters leading to 12 docks along a trenched out shoreline.

[7:39:43 PM]

Consolidation of boat docks with a single point of mcanized access is the responsible compromise. Please let city council 2018 be the council that locks down this icon of the and accepts this jewel of a park that we can enjoy forever. Thank you.

[Applause].

[Laughter]

>> Mayor Adler: Is Connor hilliard here? Why don't you come on down. You have three minutes.

>> Okay. Good evening, mayor, city councilmembers, mayor pro tem. My name is Marissa lipshire and I'm from the shepherd mountain neighborhood association. I -- many of y'all recognize me obviously. It's been three years. Throughout this process, though, I did learn something pretty valuable that I didn't know about, which is that neighborhoods do not have their own commission so we rely heavily on y'all. I wish we had a commission such as -- with as much clout as the environmental commission or the land use commission or the historical commission, but we don't. So we work closely with the developer and we ask that y'all listen to us and speak for us. And I would like to especially call out our district 10 councilmember Alison alter who she and her staff have taken an extraordinary amount of time to learn about this pud and to understand everything about it and to help us through this process. And I appreciate that and I hope that all of your decisions are carefully recognized that we do not have official clout but we hope we have powerful clout. E.

>> Thank you very much.

>> Mayor Adler: Is Hilton Puckett here? Yes? Come on down to this podium. Mr. Hilliard, go ahead, you have three minutes.

>> Thank you. Member and council, my name is Connor Hilliard and on behalf of cold water tract owners and immediate camelback neighbors Richard and Leticia Grayout, I would like to make several requests of camelback.

[7:41:54 PM]

The requests are as follows: One, that the boat docks are set back 50 feet from the cold water property line. That they remove the feature from half of the boat docks nearest the cold water tract. Three that the clubhouse be set back 25 feet from cold water property lines. Fourth and finally, cold water would like to discuss off nine with camelback a restrictive covenant for camelback to help significantly mask the visuals of clubhouse and -- of the clubhouse and elevator from the cold water property. While the Garriott family is neutral on this pud, they believe these would make for a better pud. Thank you for your time and consideration.

>> Mayor Adler: Thank you very much. Is Lloyd Bemis here? You have some donated time from mason Su and from Kevin Presbocki. Is he here? You will have seven minutes when you come up, Mr. Bemis. Go ahead, sir.

>> Evening, mayors, councilmembers. My I'm with the bunny wood neighborhood association and implies of aqua Verdi association which is basically right across the river from the subject property. We've got 51 boat dock lots there, 51 docks. Who knows, some days we may combine all those to make one big dock. There's no good reason for the clubhouse to be 5,000 square foot when he has a 17,500 square foot dock and additional 17,700 square foot upper deck common area in a critical area and falling rock zone.

[7:43:56 PM]

They're asking for 44 modifications to code and 17 are on just the dock district. And way down in that area the land is close to the cliff. Have you ever seen the size of a Boulder? The size of a Boulder right there. That's where he's building the clubhouse right there. That was taken by Mr. Garriott. A clubhouse in this area is ill advised. There's no reason for the applicant. And you can't build the clubhouse on the top of the hill. That's another rock that's fallen down from the cliff right there in that area. The rule of thumb holds that rock fall protection system that dissipates rather than resist energy are the most cost efficient and effective ways to deal with these. Basically a controlled fall in a catch net or basin. I don't think anybody wants to see a rock fall mesh and cable netting on the cliff face alongside of that cliff into the brick cable netting to catch the larger rocks. We prefer to see unspoiled wilderness there like it is right now. Let's get the people and any structure of the rimrock out of harm's way by moving the

clubhouse to the top of the hill. What really concerns me is the fire risk danger, the risk from pollution on the Lakes from a large amount of household trash, sewage, gray water, kitchen grease, toilets and food scraps. Do the math. If you have 200 residential units for an hoa meeting, that's 400 people. Okay, you've got 42 slips, four people a slip, that's 168 people. Upper deck there's another 170 to 200 people. Access by an elevator on the two proposed inclines would take about 85 trips, I would imagine. Then you have the -- the stairsteps is -- well, it's supposed to be international builder code, which I believe is seven, 11, 44-inch wide railing, and a platform every 12 feet.

[7:46:12 PM]

I don't think I've ever seen that on there. I'd be interested to see what's the site plan on that.

[Buzzer sounds]

>> Mayor Adler: You can finish your thought.

>> Thank you.

>> Mayor Adler: Okay. Is Tom burns here? Tom burns? Come on down. You have time donated from Carol wingly. Is Carol winkly here? And is Laura burns here? You will have seven minutes, Mr. Burns, when you speak. Mr. Bemis, you have seven minutes.

>> Mayor, councilmembers, I'm Lloyd Bemis and a couple of things struck me about what two of the prior kers said. One of them said there always could be something worse and how important it was that the thing had not changed from the beginning. And those two things are -- I have the same problem with and I think are equally as important. In the very beginning this is what we were presented with from the applicant, and down below what Mr. Burns will talk to is the boat docks and up above is the condominium area, which is the second photo that's blown up. When it was originally presented all we saw was this longview. We had never been presented with what is this thing really going to look like? And that bothers me. Because what it does is it makes us concern is are they hiding something? They spent a lot of money on all these different things and designing them, yet they really haven't come up with a specific plan. And the original concept had 24 docs 24 docks. It had nothing on the -- no clubhouse or anything on the bottom and no massive two trams on the property.

[7:48:21 PM]

So what I did is I made an attempt here -- I don't know how to work this. But this is what it looks like now. And this is a view taken from the 360 bridge. And what we did here, which is here, is we looked at measuring on the shore the distance the width of this dock. This dock is 570 some-odd feet. It is bigger than -- I don't know if we can hold it back where it was. There we go. It is basically two football fields long. There's no other dock on lake Austin as long as that. There are some docks with equal number of slips, but they're tucked in coves or been there since I was a little kid on the lake in the '60s. But nothing

like that. And nothing with any community docks with double decks so that in addition to a five thousand foot -- square foot common area he wants another 17,000 square foot of space above these docks with this iconic view? It's unprecedented development. And then again it's worse in this area. And we've got a tram that's going up there, this tram. It's not just one tram, it's two. One will go up, one will go down. Why do we have two trams? So it's more convenient for the residents so they don't have to wait as long. So we've got a tram I think in the ordinance that's 25 feet wide. It has to be wide because it's also got a stairway. The stairs can't go up or it would be a ladder. So what we have basically is the Dakota tower going up there. That's what it's going to be. And it's not just going to be hugged against the hillside because it needs to be moved away because of all those falling Boulders. So it's going to stick out. I think we've got it sticking out here 50 feet from the cliff.

[7:50:23 PM]

That's what the ordinance says. That's how far this is going to stick out. And in this photo that I put together here, it just represents some of the stuff that's gone on there. It doesn't show all of the -- it shows the condos, the restaurant and the hotel. It doesn't show the clubhouse down there that again is, what, 50 by 100 feet. It doesn't show the office building that's in there or like I said the patios and decks. And it just seems to us that we could do a lot better than that. When the applicant first proposed this, what, six months ago, it was 24 docks with no upper level. With no clubhouse. That's what he was willing to take before. But now he wants more and more. I don't think this application is dependent upon a two football field long dock with two layers for a two -- two trams going up and down and a giant clubhouse. He was willing to accept much less before and I think that's what he should be held to. This has gotten out of hand. And again, it just bothers me with ought things they've done, they've got drone videos. You've probably seen all the stuff, but nothing to sho us what is this really going to look like other than the original proposal when they were trying to sell it all to us when it was all nice and small, it was -- the view was taken away, but you start zooming in, you have massive condominiums up there. And now we'll have the massive dock that wasn't in existence before. And then we're compressing this time schedule. I know he needs to get -- supposedly he has to get his deal approved in the next few days, but should that dictate the rest of my life and yours that that's what -- and that's what the rest of the city is going to look at?

[7:52:34 PM]

I think we need to take a little longer look at this. Make sure what this is really going to be like. Explain why you need 5,000 square foot down there. Is this for giant corporate events? This is not for the residents. Do they need 5,000 feet on top of the boat dock? What are they using that for? I think it's going to be big corporate events with a lot of people down there making a lot of noise. And it's not for residents. They don't need that. Nobody else on this lake seems to need that. So anyhow, I just think that the council needs to take a little longer look at this to see if we can narrow it down. I think Mr. Kuhn is making a fortune on this. He can give up a few things. It made sense before at 24 docks with no upper

deck and no clubhouse. It made that economic sense before. I think it makes it today. Thank you very much.

>> Mayor Adler: Thank you. Is Juan peneras here? Why don't you come on down. Mr. Burns, you have seven minutes.

>> Thank you. Good evening, council. I want to talk a little bit today just about how this development evolved from our perspective. We like to think of it -- I call it, it's balloon entitlements. You squeeze the project in one area and entitlements pop out in the other area. So let me give you examples. On 2222 the property was downsized as part of the championship tract. That's good. But what happened? Multi-family just popped up on camelback, now the views looking out over pennybacker bridge. So we've just moved around. Second thing you take a look at the park that was up on top, that's a great thing, but there again, what's happened is there's been entitlements created on the bottom of lake Austin so you save one thing, you damage something else.

[7:54:36 PM]

, It's like this has been a constant trade-off. And if you'll look at the way this started from our standpoint, if you could put up that picture now. This is the first picture we saw of the dock district. And I want you to look at it very carefully because it's very innocuous. It has 24 docks like we were talking about. It's got a swim area. It's got a little cabana over there on the right-hand side and it's got a single elevator. But what happens? Over the summertime it morphed into 40 docks. So what happens? The swimming area is cut out. You add in eight boat docks there. The cabana area is cut out, you cut four boat docks there and add four more for good measure. That cabana area, that was a little dock area, that now gets moved on to the land and it's now a 7,000-foot clubhouse. But the applicant said I'll compromise, I'll make it 5,000 feet, but that's not what this started out to be. And one elevator became two inclinator, it's been up sized. You need two from a safety standpoint or is it just from a convenience standpoint? So -- then the final piece of this is you look at that, that's a one-story boat dock and now we're approximate being told this is going to be -- the applicant is entitled to under code a 17,000 square foot deck. That could be hundreds of people gathering there. This is how it started. This was the promotional period. This is how it was sold to our neighborhood. What we've ended up with is something entirely different. And as I've said to every commission that we've come before, it's gotten progressively worse from a lake Austin dock district standpoint.

[7:56:37 PM]

So when you go back now, when you look at the -- how it's changed, during this promotional period it was 24 slips, one story, one elevator, a 2500-foot dock cabana and a swim area. What it's become is 42 slips slips, two inclinator, with stairs 25 feet wide, a 5,000-foot clubhouse and now 17,700 feet of deck. So what's hapned is this thing has just grown a little bit at a time, but what we were told, what was used to sell us, to sell the council, to sell the other neighborhoods, was this. And what we ended up with is

just something fundamentally very different. And while everyone else may talk about integrity of Mr. Kuhn, I submit to you that this is the problem when you don't have a site plan upfront and you're being asked to vote on entitlements that can't be tied down because they just change. And from our standpoint they've changed and gotten worse and worse and worse. So for us the public process has been it just went downhill. For everyone else, for the city, for the north river neighborhood, things got better. And I'm all happy for that and I realize that this is a compromise, that's what puds are about, but I just felt it was very important for you all to see this from our perspective, from the perspective of lake Austin environmentally, and look at where the Sierra club ended up on this. They're neutral, but the elements that we objected to they object to also. So thank you.

>> Mayor Adler: Thank you, sir. All right. Before Mr. Peneas speaks, is Sophie Caro here?

[7:58:39 PM]

Why don't you come on down, Mr. Peneas.

>> My name is Juan peneas, I own a house across from Mr. Kuhn in the bunny run area. I have to tell you this process has been very frustrating the. I have built a house so I know how strict the rules can be. So watching the rules be torqued in front of my eyes has not been easy to digest. Nor has it been easy to see every board and commission steam ahead ignoring our requests and in some cases even ethical considerations. I want to commend the neighbors around the champions area the north of the lake. They have after a solution to a problem of unacceptable density in a traffic jammed neighborhood in Austin. I understand they need a solution. I get it. But the logic by which their solution comes at the expense of the lake is flawed. It is a false dilemma. It doesn't have to be one way or the other. It can be everything. They can have their solution and we can all at the same time do good on the lake. Cities have a long history of dumping problems on the rivers. Ask Cleveland. Just don't do that in Austin. There are a few things that we want to consider. I do agree with the Sierra club view here, no dock, no access, but let's face it, we're going to have to compromise tonight. So il speak to only one of these items here today and that is the access to the docks. By the way, we did try to have a the applicant hear us out on this, but he walked on us unfortunately. In any case, I am asking you to consider this idea. These two ideas actually. The lake proposal, a moving target, by now has morphed into a multiinclined tram system that's 25-foot wide. How is the city environmental condition of being off the cliff harder, I just don't know how that happens. I want to propose today that the city ordinance request the applicant to explore and exhaust the hidden access to the lake, in other words, a vertical shaft where an elevator can be placed.

[8:00:47 PM]

Examples abound. In fact, you don't need to go any further than the next property to find a tunnel going down inside the cliff. Let's explore let's explore that secondly, we have trams suspended where the face of the cliff came loose. This has happened. It would be unacceptable to face the possibility of an



argument later on, such as now that I have a dog, I need access no matter -- no matter what. If reasonable access proves impossible, there should not be a dog, so let's do the access first inside the cliff, preferably, and then consider the dock. That's all I have. Thank you for your hard work and good luck on the upcoming election. Thank you.

>> Mayor Adler: Thank you. Is Lara Bemis here? Lara Bemis, come on down.

>> Hello, Mr. Mayor and council. So as you already -- probably already notice, I'm not a native Texan, so I hope you will understand my speech. And so my husband and myself moved to Austin ten years ago. We are newcomers like you, Mr. Kuhn, and like you and your wife, we totally fell in love with Austin when we arrived in Austin, and especially with lake Austin. That's why I attended the first meeting that you organized and by the way, it was five months ago, not nine months ago for the committees. That is also why I decided to attend the city council last week, and definitely because I love so much the lake, that I was so upset during the last meeting last week, I could see so much aggressiveness and so divided. I'm sure that we all love Austin and we all want the best for Austin, but I think that the camelback people don't realize all the consequences this project will have to the lake and its surrounding, if it's built this way.

[8:03:04 PM]

So actually, when I went to the meeting last week and signed up, I was asked by a group if I was for or against, and my answer was neither, actually. I'm just really concerned about the safety and the environmental issues of this big project on the lake. And I would have loved to discuss more and understand better their point. They told me they didn't want to speak with me. Okay. So what I want to say today to Mr. Kuhn and to the people is that I'm not against the project as a whole. As presented us as the enemies -- when I say "Us," I mean the people who care about the lake and its safety, people presented us in their speech last week as the bad guys. We, who just want to oppose for the sake of opposing, the slew of the -- the view of the lake. I am in favor, but I'm concerned also about the traffic on 360 and 22 bridge. I would love if Mr. Kuhn helps to solve these traffic issues. Regarding my view of the lake, actually, I don't see the camelback tract from my house, but what I will definitely hear are the firefighters' alarm of the rescuer coming to help what will crash, will crash into each other, because after building these huge docks, the lake will be so narrow that the traffic will be affected.

[Buzzer sounding] By the way, just let me finish. Did you have a look on the lake during the weekend? I mean that's just insane. On -- okay. Sorry.

>> Mayor Adler: Is Wayne redwansky here? Why don't you come on down.

[8:05:05 PM]

Ms. Bemis, you have three minutes.

>> Good evening, and it's a pleasure to talk to you and see you all this evening. First of all, I'm the president of rna and I want to make a general statement. Our association does not object to this project in its entirety. We really like that it is going to help the people who support the -- who want the champions tract development and want the parkland. We love the parkland. But I'm afraid I would like to dispel that myth or perception of us. Also, that we feel that we represent more than just the people across the lake. We feel we represent the people of Austin at large and as a whole who enjoy recreationally the lake and the beauty of the lake. Okay. So now I get to my topic. Access. We feel that the mechanized access is driven by the number of people who are going to be down at the book. You have more people down there, then you have to consider how fast to get them out, the size of the stairs, et cetera. And I'm sure that Mr. Kuhn would like to get people up and down really fast. That would be very convenient for him. But if we're going to reduce the impact on the scenic view and safety and environmental features, why not reduce the number of people, thus reducing the capacity load needed, thus reducing the size of the in in inclineator with two stairs. We can do this by moving the clubhouse or reduce the square footage dramatically. No second floor dock decks or very small. Consider giving the applicant the option of the tunnel elevator access.

[8:07:11 PM]

This would be incredible if he had the opportunity to explore this. It's been done next-door. There would be no light and noise pollution. You wouldn't have to deal with a variance fort 100-year floodplain. It would preserve the iconic view and protect the cliffs. Most of all, it would protect people from that. That just happened at 360. And, sir, would you bring the other -- I'm sorry. And this. This is the cabin on the left, on the proposed area. This rock, that gentleman was just -- is there another one there with the gentleman standing on front of it? Okay. Maybe not. This rock was the other photograph we had. This bolder was over 12-foot high. And this cabin's use was abandoned because of the dangers of these particular rocks. I don't see any kind of fencing that would stop a bolder the size of an SUV as this is.

[Buzzer sounding] There was an ad on TV, let's say the heart and soul of Austin. This is part of the soul of Austin.

>> Mayor Adler: Thank you.

>> Let's do our best to reduce the footprint. Thank you so much.

>> Mayor Adler: Thank you. Hang on a second. Is Jill van Voorhes here? Come on down. You have three minutes.

>> The name is red radwansky. Through for the opportunity to visit with you again. Are the of bunny run 35 years. All four of my kids have been raised on that beautiful street in this beautiful city we live in. I have two concerns. It seems like that if you count the people in here, it's nine neighborhoods against one. And I hope that's not the case because we represent the city of Austin, not just one neighborhood.

[8:09:17 PM]

And we're environmentalists. We're very concerned about what's being put on our lake. And particularly two things. One is the tram, which you've heard about. The other one that concerns me is the precedent of the tram. You know, you said in -- I believe it was in 2016, the mayor pro tem said in 2016 there was to be no more trams on lake Austin, and all of a sudden we're changing our mind. So that's -- that precedence, I don't know if there's going to be lawsuits on that, who want to sue you because they want to put a tram up now, and you said, no, you can't do that because we have an ordinance, now you've given one away to Mr. Kuhn. That's concerning to me and probably should be concerning to our city, and as taxpayers. Secondly, another precedence of allowing a boat dock out 72 feet from the shore. Right now we're all looking at 30 feet at the most, and all of a sudden we're going out 70 feet. And that's a real concern, too, because that hasn't been granted before, either so now we're giving a tram and we're putting a boat dock out into the lake, which is an environmentally unsound and certainly unsafe. So I want to hope that our city is still considered one of the most environmentally

--environmentally friendly cities in this country. I'm afraid what we're putting out here on this cliff is not meeting that kind of past city councils that we've had, you know, let them build what they want to down the, but stay off our shores if we can.

[8:11:21 PM]

Thank you.

>> Mayor Adler: Thank you. Is Mary Anna Moran here? Come on down. You have three minutes.

>> Hi. I live in the bunny run neighborhood. I don't have a view of the lake but I am in it as often as possible. I really appreciate everyone's time tonight. The last time I signed in, I signed in as a neutral party, neither for nor against this development because I had the hope we could all arrive in a position of compromise in our concerns. Like my fellow neighbors, I accept the fact the development has come to Austin and we're going to have to deal with it. What I don't readily accept is the idea that one developer should be allowed to be above the law as it relates to development of protected, iconic areas in our wonderful city, particularly along lake Austin. Clearly this neighborhood is not the well oiled clean that lake Austin collective is. In fact, we have no machine at all. We don't even have an hoa. We're just a bunch to use the term, bike rats who appreciate how special this location is and we're concerned about the harm the development will bring to it. I speak also as one of 24 families who share membership at the community dock up the lake from where this marina will be built. We have three day docks with no lifts and share one glorious porta pot. We were excited when we got that put in. We're not asking to be built to code, we didn't demand he build an unenclosed facility like ours is, but we don't want to see a giant two-story marina where we went from 24 to 42 docks, a 5,000-square-foot clubhouse. It's unfathomable to me that this is okay. And the scenic plaintiff

-- scenicbluff everyone goes up to take a picture of is not part of the parkland and this will no way meet the need, I'm up and down the road all the time and the number of cars there is staggering as the city's population continues to grow. People will still be parking along 360.

[8:13:23 PM]

And I don't blame lake Austin collective for being so strongly in support of what Mr. Kuhn is building. They fought a long and valiant fight against the champions tract, and I understand the perspective. I only wish they understood ours. It makes me sad that we're still the other side. But between this issue, as well as the one that endangers the lakeside development poses, it's a narrowly dangerous ramp for boats, I would advise serious liability insurance. We have a giant bolder that's cabbled off the rim rock. I helped a week helping a more look for her son who had been in a fishing boat accident where the marina is going to be built. Two boats collided into each other. They were moving slowly and had lights on. It was right in front of the marina. A week later they found his body and the friend with him had to have a leg and arm amputated from this accident and that was before the marina was bill. I hope there's time to do what's right while allowing Mr. Kuhn to successfully develop his project. I don't believe that we can do this without any sort of a compromise not being reached, but I have hope.

[Buzzer sounding] Thank you for your time.

>> Mayor Adler: Thank you. Is Jeff Finley here? Mr. Finley, come on down. You have three minutes. Go ahead.

>> I am Mary Anna, and I'd like to thank you for letting me speak. I did write up a letter and send it to -- and copied all of you on it last week, and so I'm not going to review all of those items again. But I'm going to let you know that I am feeling a little frustrated right now. There have been no concessions made by Kuhns or by y'all for the lakeside of this project. And I understand perfectly why everybody else is so happy.

[8:15:24 PM]

And I understand why y'all want too push it. Champions, whoever voted on champions being an apartment, that was -- didn't sit well with anybody, so now you're trying to get yourselves back in good terms by going with something else. And that's fine. I think that's great. I understand wanting that. I think everybody -- everybody does. And the thing that I don't agree with is the fact that every time something has come out, there's been more given and more given and more given. Started off at 24 slips. One story. Now it's 42, two-story. I think it used to be 4,000 square feet. The latest thing that I got that was just finished last night was 25,000 square feet for this clubhouse. It seems like everything seems to be increasing and getting bigger and bigger and bigger. And instead of it being that you're listening to anybody else that doesn't have a pocketful of money. And the elevator, 25 feet wide, that is larger than at most people's bedrooms. 25 feet. Just think about that. That's going to be on the cliff. You know, when you hear 25 feet, you think, oh, it's no big deal. But start thinking about it. Okay, whether my house looks like 25 feet. And you're going to be seeing that. Everybody that sees it, not just us that live by the lake, but everybody that goes north on 360. And there are a lot of people that do that. The

other thing is, under the part 2 for code modifications, there are 8 pages of code modifications. 8 pages. That means that y'all have given in and given up 8 pages' worth of concessions to Kuhns.

[8:17:34 PM]

What have you given to help the lake? Of that, I counted 25 items that were either the dock or the clubhouse. The 42 slips, if it started off --

[buzzer sounding]

-- Okay, the 42 slips, by increasing from 24 to 42 slips, because each boat dock can be sold around 200,000, that makes his profit over 3 million just by doing that.

>> Mayor Adler: Thank you. Thank you very much. Mr. Finley. Those are -- after Mr. Finley speaks, those are all the signed-up speakers that I have. Mr. Finley, go ahead.

>> Hi. My name is Jeff Finley. Agree up in town here. I oftentimes feel like part of a dying breed. And I don't envy your position because this is the postcard. Right? This is what people think of when they think of Austin. Right? This is the spot. And I grew up in town here so I care about it a lot. I have friends who live north of the lake, and that thing that is proposed with champions being switched around is great. I hope it happens because an apartment complex versus an old person's home, it's much better as an old person's home. So I hope that does happen. The one thought is, the devil is in the details. Okay? The details have changed, so that's what I really hope y'all take a hard, hard look at, and think about, and just about having the clubhouse on the water level, you know, I mean presumably it's possible to pump the sewage up the side of a cliff. I mean, hopefully it never goes wrong. If it does, it would be really bad. Right? And so, you know, how about how far away it is from the cliff side you know? I mean, et cetera. All these details matter because once it's gone, it's gone. That's it. It's over. And so that's the thing that I really wanted y'all to think about. I don't think Kuhns is a bad guy, I don't think our neighborhood is bad guys. I have close friends and I do want to see something happen, but we have to think about if it has changed over time, how has it changed. Right? I know some people certainly feel like there has been a little bit of bait and switch here, but again, I would like to see something happen in terms of -- you know, so champions can happen and without votes, I don't think financially it could happen.

[8:19:46 PM]

So that's just my big point for you. And you know, and also in terms of the precedent for the future and the reasons why people normally don't get a lot of concessions. So that's really all I have.

>> Mayor Adler: Thank you. I'm going to give the applicant a chance to address the council.

>> Thank you, mayor. Excuse me. Good evening, councilmembers. My name is Jeff Howard. I'm here for the applicant. Thank you very much for your time tonight and thank you for considering this important

case. We appreciate everyone's hard work and everyone's good faith. Staff has worked really hard. All the council offices worked really hard, especially councilmember alter. The applicant has worked extremely hard. Very, very hard to make this, I think, a very unique and special project. Many of the arguments that you heard tonight opposed to this project, you heard last time when you approved this on first reading. They're the same arguments the zoning and platting commission heard when they approved it or recommended it for approval. They're the same arguments the environmental commission heard when they recommended to approve it. Let me address just a few of the points. The iconic view that Mr. Whaley spoke of, exactly. That's why we're doing this. With this proposal, we protect 2500 square -- or 2500 linear feet of that iconic view with a dedicated parkland, that will be there for generations and generations of austinites and it's a gift to the city of Austin. That's exactly why you should vote for this. The cold water representative -- sorry I didn't catch the gentleman's name, he talked about Mr. Garriet's concerns. We've been working with him and offered to do a private covenant that reduces the distance of the dock to 50 feet from his property line.

[8:21:51 PM]

We've agreed to restrictions on the clubhouse size, and to do some vegetative screening in that private restrictive covenant. We've also said if the bunny run neighborhood association would sign off on that restrictive covenant, we would reduce the height on half the boat dock. We hope they'll take us up on that. You were shown a rendering not at all representational. The heights are not allowed by the pud. It doesn't meet the screening requirements of this proposal. And it's just not realistic at all. Mr. Burns talked about how much this has changed. It hasn't changed. It's been 20% of the shoreline from the very beginning. The rendering that was shown his neighbors was shown, I think, back in April. We didn't show that rendering again, not to any commission, and in fact, over time we were asked to eliminate swimming areas, we were asked to get rid of the pavilion on the lake. We were asked to eliminate the office site, or one of the office sites. And -- which pushes us to have more residential. And so all those changes, bunny run would have known about, had they been engaged in a dialogue with us. They weren't. They chose to show up and oppose this project instead of work with us, and they would have been brought along all along. What hasn't changed is the size of that dock. 20% of the shore line, current code. Mr. Adowsky talked about the precedent. All I want to say, this is exactly the type of precedent you want to set. If an applicant is willing to give the largest parkland as dedication to the city, in 35 years or more, and such an iconic location, and improve it and maintain it and do all the other things in this project, that's the type of precedent you want to set. Finally, I just want to say we're ready to finish this case tonight. The funds to acquire the champions tract are sitting in escrow. The deed for Mr. Kuhn to acquire that is sitting in escrow.

[8:23:53 PM]

We have reached a neighborhood restrictive covenant and signed it with the neighbors, sitting in escrow. All that has to happen is for a positive vote on items 9 and 55 tonight, and we can do that. We

can make this a reality. So we certainly hope that you'll vote for this tonight on second and third reading, and we'll be happy to answer any questions you may have about any specifics, any technical information. We've got a team of experts here and we're happy to answer any questions you may have. Thank you.

>> Kitchen: Mr. Mayor, and I have question.

>> Mayor Adler: Okay. Councilmember kitchen.

>> Kitchen: 4:00 very much.

-- Thank you very much. I have two questions to see if I heard you correctly. You mentioned something about reducing the height on the boat dock, something about agreements that you had reached or were offering to the rna, did I hear that right?

>> Well, we can't discuss it at mediation, but we have discussed with Mr. Garriett today, entering into a private restrictive covenant with him to address three issues, and potentially a fourth issue if the bunny run neighborhood association would sign onto that covenant. The first was moving the dock 50 feet from Mr. Garriett's property line.

>> Kitchen: Reducing to what?

>> 3500 square feet. And that would be a private restrictive covenant that we would do with Mr. Garriett. Then we also agreed at a very high dollar amount to provide vegetative screening of the clubhouse and access from his home.

>> Kitchen: So the 3500 square feet is the size of the entire area; right?

>> The interior space of the clubhouse.

>> Kitchen: Okay. And the 50 feet from the -- explain that again?

[8:25:56 PM]

>> So we share a boundary with Mr. Garriett to the west, along the lake, and where that boundary line would intersect the lake, we would set the dock back 50 feet to the east.

>> Kitchen: Okay. You also mentioned something about reducing the boat dock size.

>> Yes, ma'am. So the height of the dock under current code, you're allowed to have 30 feet in height. That allows for a second deck, that's a current code item. I think if you look at the bunny run and aqua Verde docks, there's about 1200 linear feet of those docks. They almost all have second docks, almost all of them. They're grandfather docks and all higher than 20 feet. We would be willing to reduce the height in a private restrictive covenant with Mr. Garriett, if the bunny run folks would sign off we'd be happy to restrict to 20th feet for -- to 20 feet for the western half.

>> Kitchen: So you'd Ruth to 20 feet.

>> In a private restrictive covenant we'd do that if the bunny run folks signed off on it.

>> Kitchen: I'm not sure why you'd do something in a restrictive covenant you wouldn't do if the council asked you.

>> Because, councilmember, we would want the bunny run folks to be bound by the agreement and agree not to oppose this project -- this project any further. That would be the motivation for making that concession.

>> Kitchen: I see. My comment still stands it seems to me if this is something the council asked you for, that you might consider it also.

>> Mayor Adler: We're still on the dais. Any other comments or questions for the applicant? Thank you. You can sit down.

>> Thank you.

>> Mayor Adler: Discussion on the dais? You want to tell us what's in front of us with the staff motion?

>> Sure, mayor and council.

[8:27:57 PM]

What we have is version 3 of the ordinance, which is the current version we're asking for you to approve on second and third readings. I have documents entitled staff motion sheet two, these are changes since we did version 3 of the ordinance that have been made recently. I do have one change, instead of handing out a new version of this, I'd like to point out one more thing. Under number 3, on the first page where it says part 11, 15b, on the next page there's supposed to be a strike-through of "Or 17,270 feet. That is not on that page but that is something that was stricken, not in addition.

>> Mayor Adler: Say that again?

>> Under the part -- on the first page of that, go down to the bottom, it says number 3 --

>> Mayor Adler: Yes.

>> Amend part B 15, on the next page it should have an additional strike-through that says "Or 17,270 feet, that is being stricken, not added.

>> Mayor Adler: So is this in subpart B on the top of this page?

>> Yes.

>> Mayor Adler: And so after it says pud, comma, as provided in part 6, capital D --

>> It should also say after that, strike-through, or 17,270 feet.

>> Mayor Adler: Or 17,270 square feet.

>> That's stricken through.



>> Mayor Adler: On B, page 2, where you've added the words, as provided in part 6d, there should also then be the following four words, stricken through or deleted, or 17,270 square feet.

>> That's correct. And then also a document entitled staff motion sheet regarding open space and parkland, is our additional changes the staff is recommending to the last version of the ordinance.

[8:30:10 PM]

>> Mayor Adler: Okay.

>> There is also a document titled city parkland improvement and operations agreement. And I have also provided this, at least on white paper, a copy of some changes that were made to the notes on the pud land plan. So in front of you is ordinance version number 3, plus these four documents.

>> Kitchen: May I ask a question?

>> Mayor Adler: Yes.

>> Kitchen: The striking of the 17,270 feet --

>> Yes.

>> Kitchen: I'm sorry, I'm trying to relate that back to the original document. Just tell me the effect of that.

>> It would say that the dock could be 30 feet by 20% of the shoreline. It also takes out the square footage requirement. So the size of the dock, the footprint of the dock is allowed to be 30 feet wide by 20% of the shoreline, or 17,270 feet. We took out the 17,270 feet.

>> Kitchen: Okay.

>> Now it's just a mathematical equation rather than having a sum.

>> Mayor Adler: Okay. As being more exact. Councilmember alter, do you want to make a motion?

>> Just really quick, I just have a point of specific information.

>> Mayor Adler: Okay.

>> Can you do that math for us? Because we don't know what 20% of the shoreline -- what that number would be. So we can't actually do the math to know if that's more or less than the 17,000 square feet, which is an issue that's in contention.

>> Okay. I think Mr. Handy can address that.

>> That would be great.

>> Chris, environmental officer. Without a survey we cannot create accurately determine what the shoreline would be such that the applicant can comply with current code.

[8:32:10 PM]

This is effectively complying with current code except for the allowance of calculating the shoreline link for the entire pud. So what would happen, at the time of site plan, the applicant would provide a survey from which the shoreline length would be measured, which we estimate is probably pretty close to what the applicant has previously estimated, but we don't know for certain.

>> What's that number?

>> It was previously 576 feet.

>> So 20% of that?

>> No, ma'am, that would be the result -- 20% of the length of the shoreline of the entire pud is probably on the order of 576 feet.

>> Okay.

>> Which 576 times the 30 was, I think, where the 17,270 feet came in.

>> And this was 20%,ot 30.

>> 20% of the shoreline, yes, ma'am, times 30 feet width of the dock.

>> Okay.

>> Do you mind doing that math for us?

>> I can pull out a calculator.

>> Well, because we're being asked to approve this change, so I think it would be helpful to know actually what it is that we're agreeing to.

>> I think that the number was approximately 576 feet before 576 times 30 is 17,280.

>> Uh-huh.

>> So effectively what this is doing is instead of saying the lesser of 17,270 square feet, or 20% of the shoreline length of the --

>> So basically it's generally the same --

>> It would be the same except determined at the time of site plan.

>> So it's giving a form of calculation?

>> Yes, ma'am, which is following current code except for the allotment does that help?

>> Alter: Except why wouldn't we still go for the lesser of the two?

>> I can't answer that question. This would be following current code except for the modification of the allowing the entire shoreline length to be used in calculating the allowable width -- or length of the dock.

>> Alter: I understand and I'm comfortable with allowing the entire shoreline, but since we don't know what this calculation is, I would like it to be the lesser of those two numbers.

[8:34:12 PM]

So maybe someone can tell us what that language would be since this was not something that we reviewed. It should be the lesser of the two.

>> So if you look at the language there that was previous, without the strike-through, that would achieve that. It would be the lesser of, the estimated square footage, versus what would actually be calculated.

>> Alter: Okay. I'm more comfortable with the original.

>> Mayor Adler: I hear that I'm not sure I understand that since the goal, I thought was to do 20% of the shoreline, to do code, whatever current code was.

>> Alter: But we have talked with the neighbors and all through all of the other boards and commissions with a number that was provided, and I don't think we should go above that number.

>> Mayor Adler: Wasn't that number always supposed to be 20% of whatever the shoreline was?

>> Alter: Yes. But I would be more comfortable with the lesser. This was not --

>> Mayor Adler: Okay.

>> Alter: -- Reviewed by anybody, it was not presented. I'm -- you know.

>> Mayor Adler: Okay. You want to put a motion out?

>> Alter: Yes.

>> Mayor Adler: Do you want to move the base motion with the four sheets?

>> Alter: I want to move the base motion with the sheets presented by staff with one exception that I just mentioned, that I don't want that strike-through so that it would be the lesser of the two. And then in addition, I would like to -- and I think, mayor, if I might, I think I will focus on 55 first and then the things on 9 that I have were worked out with legal and I'll have legal explain it, but I don't want to get us too confused by doing Toi settlement agreement and the pud. So if I can make the motion on 55 first and then at the appropriate time, I will do for 9? Sir, I'm going to pass out my motion sheets. These are updated. They have --

>> Mayor Adler: So do we want to put the base motion and get a second to that?

[8:36:16 PM]

>> Alter: Yes. I'm just telling you that -- no, I want to make this -- well, I can do that's amendments to the base motion if you want it as a packet, if it's easier. But I wanted the make the motion --

>> Mayor Adler: With your amendments. I'm fine doing that.

>> Alter: What I thought I would do is make my motion and --

>> Mayor Adler: With these -- your motion -- let's go ahead and make these amendments part of your base motion.

>> Alter: Yes. So my base motion is the ordinance version 3 plus the four items that staff gave, with the one exception, with not having that strike-through, as well as my motion sheet packet. I believe the neighbors have copies of it for a number of them.

>> Mayor Adler: Okay. Let's get a second to your base motion, then you can speak to it. Is there a second? Councilmember kitchen seconds your base motion. Councilmember alter, you want to walk us through your motion sheet 1?

>> Alter: Sure. So motion sheet 1 is just adding another item that needs to be part of the restrictive covenant we want the champions tract, which limits impervious cover on slopes as listed here. So it's just an additional part of the restrictions that ought to be part of the restrictive covenant that is being signed in order for them to get the impervious cover limitation -- additions on the camelback pud. The next one, motion sheet 2, the first one provides a cap on the residential dwelling units of 35 feet. There's a height limit that's above that for the milked use area, and this says that single-family residences cannot be more than 35 feet there. That's part B. And then for part C, this reduces the enclosed portions of the clubhouse to 3500 square feet and no more than 2,000 for kitchen, bathroom, mechanical storage, hallways, non-common assembly areas.

[8:38:31 PM]

The clubhouse shall be limited to single story and indoor seating less than 50 persons. Shall not be considered an occupancy limit for purposes of complying with international building code. And then there's another little bit there, which you can read. And then the third part of motion sheet 2, this has to do with the order in which things can be instructed, and it says that no certificate of occupancy for the cluster dock shall be issued unless and until construction of the mechanized access is completed. Completion of the cluster dock shall not be the basis for hardship variance for shoreline access other than mechanized access. And then E in that is if a hotel is located on the property, guests of the hotel shall not be provided with access to the mechanized access clubhouse or cluster dock located in the dock district. The mechanized access clubhouse and cluster dock are exclusively for the use of owners of the residential units located on the property and their families and guests. And then J has to do with construction activities and sound. We had the pleasure last week of having construction at the grove Sunday, and councilmember pool and I had our ear full all day on Sunday. So construction activities that

produce sound over 60 decibels as measured shall be prohibited on the property on Sundays except with respect to any construction, installation, or repair work being performed in connection with an emergency, including but limited to utility repair work, erosion control, flood mitigation, fire prevention and similar work. On Sunday, construction activities shall not apply to surveying, inspection, planning, testing, or other developmental activities that do not involve construction materials or construction equipment.

[8:40:35 PM]

>> Casar: And I have quick question. Is that supposed to say including, but not limited to, or limited to?

>> Alter: Which --

>> Casar: Sorry, on the construction noise, emergency including but limited to or -- is written here, but --

>> Alter: It should be not limited to I believe.

>> Casar: Okay, not limited to. I imagine. Otherwise, it would be unnecessary words.

>> Alter: Yeah. Limited -- I guess it's just limited.

>> Casar: Limited to. Okay so you can strike the words.

>> Mayor Adler: Including but.

>> Alter: So we can strike that.

>> Casar: It was just because it was a typo. That's all I wanted -- I didn't mean to --

>> Alter: Okay. Motion sheet -- did you have concerns as I'm going through that --

>> Councilmember alter, my understanding is that would be including, but not limited to. In other words, it could be emergency that I haven't listed or you haven't listed, and so we would need to have that be including, but not limited to.

>> Alter: So it would be other emergencies but it would still be understood as emergencies? Okay. That's fine.

>> Mayor Adler: Including, but not limited to.

>> Alter: Yeah.

>> Mayor Adler: Okay.

>> Alter: Thank you for the clarification, councilmember Casar.

>> Kitchen: Do you want us to ask questions or wait?

>> Mayor Adler: Lay them all out, then we'll go back.

>> Alter: Sheet 3, we passed this last time. It's just the language they came back in the ordinance, did not seem to allow the preserved park to increase without the cliff park increasing, and so this just simply allows it that the park -- if they change boundaries -- park boundaries can only change if they're increasing the parks and not decreasing the cliff face on it.

[8:42:42 PM]

>> Mayor Adler: Okay.

>> Alter: But it was essentially what we did last time. Okay. Motion sheet 4 -- I think that's what I'm on now. Motion sheet 4, this prohibits a sewage, sanitation facility on the dock for use by boats, so boat pumpout facility, sanitation facility shall be prohibited on the dock and in the dock district. And then for part N, for number 3, this says for the purposes of impervious cover calculations, solar panels count as 50% impervious cover and all structural counts 100% impervious cover or as required by city code at the time of permit application. And I know that Mr. Flanagan just passed out an amendment and our goal was to try to figure out how to do this through code, and it could be updated because it seems like something we want incentivized across the city and we could do that before they were doing this, so that's how we had tried to resolve that issue. Add a new section O to require a buffer. Staff has requested that we remove the words "Vegetative," as I have written on this particular sheet, in case it's not vegetative. The camelback pud requires a screening buffer on the western edge of the improvements, adjacent to lots 1 and 2 of cold water pud section 1 as recorded in that document. So it would be some kind of buffer or screening that would be required. And then motion sheet 5, the owner has graciously agreed to increase the square footage cost or contribution to the housing trust fund for affordable housing stuff to \$3, which increases it about \$600,000, by estimates in the contribution.

[8:44:51 PM]

So if you recall last time we were here, I had proposed \$2 a square foot, and we have now moved that up to three. Motion sheet 6, this one's a little bit more complicated. We have tried to reduce the amount of construction on slopes. And as I interpret what we are doing, we are making it so that not less than three and a half acres of impervious cover will be used with slopes for construction on slopes of zero and 15%, and on slopes between 15 and 25%, not more than 6.42 acres of impervious cover is allowed, and on slopes between 25 and 35%, not more than 7.95 acres of impervious cover is allowed. On slopes greater than 35, not more than .109 acres of impervious cover is allowed. This is just making it so they're constructing more on the flat areas so there is less construction on slopes, and this is what the applicant is willing to do. Every one of my motions, the applicant is willing to do and was very high priority for me to try to reduce construction. I know it was also a high prior of some other councilmembers, councilmember kitchen, pool, and tovo. This is what the applicant had agreed to, is this setup, which gets three and a half acres more on the flat section, and that needs to be written in

two different parts. That's why they're the two places there. So those are my motions with respect to item 55.

>> Mayor Adler: Okay. It's been moved and seconded. We're on the dais. Councilmember kitchen.

>> Kitchen: I don't know what order you want to take this in. And I have number of amendments also. But one of my amendments is -- would be an amendment to councilmember alter's. It would be an amendment to her motion number 6.

[8:46:52 PM]

So if you'd like me to take that now, I can pass that out or I can wait.

>> Mayor Adler: That sounds good.

>> Kitchen: Okay. So I'm passing this out for everyone. You should take -- there's two sheets here, a yellow sheet and a white sheet behind it. Oops. Sorry. I need a couple for this way. Let's see. Okay. And I'll explain. What this is, is, this is an amendment to councilmember alter's motion number 6. I appreciate her moving forward with the first amendment she did, which is the slopes between 0 and 15%, which is part of what I was asking for. But it doesn't reach the entire request that I had. So, basically, I don't know, people may remember that I had asked at our last -- when we took this up last time for our staff to look at what would be a reasonable way to reduce the construction on the slopes in a way that still allowed for the existing neighbor view corridors to be protected. So my amendment tracks to what the staff provided to us, and it's close to what councilmember alter has, but the difference is for B and C and D, in other words, what I'm attempting to do is track more closely to the information we received from the staff, which essentially keeps -- has a -- has less construction on the higher slopes. And the reason why that's important is the environmental sensitivity is on the higher slopes. So this reduces the amount of acreage that can be built on the slopes greater than 35%.

[8:48:57 PM]

It reduces that down to .6. And on the slopes between 25 and 35%, it reduces it 2001 -- reduces it to 4.21, and then 10.55.

>> Mayor Adler: Does the applicant have a copy of that?

>> Kitchen: Yes. I've given a copy of this to the applicant. This is consistent with what the applicant is agreeing to with regard to the amount on the flat land. And so this would distribute it differently than the applicant has said, but from my perspective, I think I want to bring this forward, I want to request a vote on it because it does track to what we -- what could be feasibly done. And it's a greater protection environmentally in terms of building less on the higher slopes. Do you have a question about

it? >> Mayor Adler: Mr. Flanniga N?

>> Flannigan: I would request my colleagues, I could not tell the rest of us what applicants have already agreed to, I would prefer to have the applicant say what they have or haven't agreed to and not put them in the position of having to say that they've been misrepresented.

>> Kitchen: Well, councilmember alter is the one that said what they --

>> Mayor Adler: That's okay.

>> Flannigan: I want the applicant to say --

>> Kitchen: That's fine with me. That's fine with me.

>> Flannigan: Yeah. I'm also curious, just generally, about what the neighborhoods agreed to. They all stood up and gave a very passionate argument supporting the thing that came in front of us, and very frequently I'm told when a neighborhood and applicant agrees on something, I shouldn't touch it or change it or mess with it. So I'm just trying to understand what the neighborhoods agreed to, because in the past and in nearly every single meeting, I'm told if the neighborhood agreed to it, I can't change it.

>> Mayor Adler: Well, with that said, let's stay on the substance here. And I think it's okay for someone on here to say I think the applicants are going to approve this, and I'm fine with that.

[8:50:58 PM]

But I think the applicant needs to come up here and tell us that.

>> Kitchen: Yes.

>> Mayor Adler: And let's stay on the substance of this thing.

>> Kitchen: Yes. And I was simply trying to track -- all I'm doing --

>> Mayor Adler: I understand.

>> Kitchen: -- Is tracking back to information I requested from our staff.

>> Mayor Adler: I'm trying to figure out if there's an issue here or not.

>> Kitchen: Okay.

>> My name is Jeff Howard. The proposed --

>> Mayor Adler: First I want to ask the question. The amendments and things that came from councilmember alter, are you okay with those?

>> We do. There was two minor changes I want to mention. One is on a motion sheet number 1, the 120,000-square-foot gross floor area limitation has been recently revised to 130,000. That's in the -- I think it's in the staff ordinance, as 130,000. We talked about that, if it's not, it should have been. But that's in the recent agreement with the neighborhood, and the folks from the neighborhood can speak to that. When we contacted some potential users of that site, the square footage of the facility came in



a little higher than 120,000. And so we asked if we could do 130,000, and the neighborhood agreed to that. So I think those folks can confirm that. That's one minor change. Then there was just a minor change to the motion sheet that dealt with the construction on slopes. And that is just a math error. The 16.15 in the bottom needs to be 15.46. But otherwise, those motions are acceptable.

>> Mayor Adler: Okay. So you're talking about on motion sheet 6 D, it's been turned into E, 16.15 should be what?

>> 15.46, mayor.

>> Mayor Adler

>> Yes, sir.

>> Mayor Adler: Okay. So I can keep track of what I have here, at this point in the base motion, is there objection to changing the 120 to 130? Are we going to handle those separately?

[8:52:59 PM]

>> Alter: I just want to find out if the neighbors concur before -- okay.

>> Mayor Adler: Any problem with that?

>> Alter: The neighbors who signed the covenant agree. Yeah.

>> Mayor Adler: Neighbors support that. Any objection to making that part of the base motion? Hearing none, that is. The next one, 15.46, which limits the transfer, is there objection to going from 16.15 to 15.46 in the basing motion? Hearing none, those two changes are made to the base motion. Would you come back up, please, and speak now to councilmember kitchen's motion sheet on the change on slopes?

>> Kitchen: And I'd like to ask a specific question.

>> Mayor Adler: Go ahead.

>> Kitchen: So I'd like to understand what the -- basically, for my colleagues what I'm simply suggesting is that less of the acreage go on the steeper slopes. It's not -- I'm not suggesting any reduction in the acreage that's allowed. So that my colleagues can understand, I'm simply suggesting that the -- that there be a reduction across the slopes, you know, under each of those. So could you -- I'm not understanding why that doesn't work.

>> Yes. Thank you, councilmember. While we definitely agree with the 3.5 acres in the flatter slopes, we can't agree, unfortunately, to your suggested distribution to the other slopes. And that's simply because we don't yet have a site plan, and I don't know what work staff may have done. They certainly would not have done a site plan. The trouble we have, councilmember, is that once we eliminate the office site to the north, move the road to the south, give up the frontage on the lake to a public park, we're just left

with a hillside in order to develop on. And that hillside, although it has an average slope of about 17%, there are pockets where there are steeper slopes.

[8:55:00 PM]

We're going to have to cross those slopes to get up that hill. We just cannot commit to those types of restrictions without having done a site plan. What I will say is that councilmember alter's motion allows - obviously, it makes more sense. It's more prudent, it's more practical for us to not have to cut or fill into the hillside or to build on steep slopes, so we've got every incentive to build on flatter areas, and we have the ability to transfer impervious cover from the steeper slopes to the less steep slopes, but not otherwise. So it's possible that we come closer to what you've proposed when we do the actual site planning, we just don't know that today and we can't commit to it today.

>> Kitchen: So what you're saying is that you will reduce on the higher slopes, you just don't know what the number is?

>> We may reduce on the higher slopes. And that would certainly be possible, maybe even probable, but I can't say how much.

>> Kitchen: But --

>> I can't say for sure.

>> Kitchen: If I may, but my question is, the policy approach that I'm trying to bring forward is, is a reduction on the higher slopes, to the extent that there's a choice to do so, but what I'm hearing you say is you want the choice, whether or not to put it on the higher slopes. In other words, that was my purpose in asking for this information from our staff last time, to get closer to what was possible. Because we're not talking about reducing your total acreage. We're just talking about what is possible to distribute them. So -- but I'm hearing -- I might be hearing you say a little differently. I'm not hearing you say that you will reduce as much -- as much as possible the acreage on the higher slopes, am I hearing you correctly that you're saying you want the choice of whether you put more on higher slopes or not?

[8:57:03 PM]

Am I making sense on the distinction?

>> I think so. I mean, I think we want the ability to plan the side in the best possible way we can that works within the confines of the ordinance. We need the flexibility to design that with the ability to cross steep slopes. We don't know -- it's not a question of choosing to do more, it's just simply having the flexibility to do more if we have to. We're prepared to live with the categories councilmember alter has laid out and if during the site planning process we're able to transfer downward to flatter areas, we have that ability to do so, and we have every economic reason to do so.

>> Kitchen: So, in other words, you could agree that you would transfer downward if you had to.

>> Yeah. If our site plan calls for that. If our site plan calls for --

>> Kitchen: Well, I guess I'm not articulating very well. I'm sorry. It's a little late. But I guess what I'm trying to say, as a policy matter, I would like the policy to be that you will build on the lower slopes, unless you can't.

>> I don't know what we can or can't do. There's -- we will develop a plan and a plan that works economically and feasibly and engineeringwise, and that plan we will submit. Somebody might be able to do a lower plan that we come up. We need the flexibility to do the plan we need to do within the confines of this ordinance. I can't say we can commit to if we can do more on flatter slopes we will. We need to be able to do the project we can do.

>> Kitchen: Okay. All right. That's fair enough. So we are talking about a difference in policy. The policy that I'm asking -- I'm trying to put forward is a policy that says that for this development, that the -- the building will occur on the lower slopes unless it can't be done on the lower slopes.

[8:59:15 PM]

But what I'm hearing you say is you want to be able to choose where you put the development.

>> We would like -- yes, ma'am, we'd like to have the flexibility.

>> Kitchen: Okay. Then I'm going to continue with my motion. I'd be open to some additional direction or language if my colleagues would like to be -- suggest other language, but the policy I'm trying to get at and the policy that I think is appropriate, given the environmental concerns, is that this development will occur on the lower slopes to the extent that it's feasible.

>> Mayor Adler: Yes, mayor pro tem.

>> Tovo: Yeah. And I agree with that because we've already adopted, as a council, a policy that we're going to minimize the building on slopes, especially in areas that are environmentally sensitive, such as this one. So I think I'd like to ask our watershed staff, if somebody from watershed could explain to us again -- councilmember kitchen I think laid out well the frameworks under which the staff provided us with these recommendations but to be clear I know the immediate neighbors to camelback have an interest in not having the buildings be too high, and the developer has worked very hard to protect those view corridors in light of the adjacent neighbors' requests. But it's my understanding that you and watershed crafted these recommendations within those confines, that there would be the same amount of square footage, it would protect the view corridors, but that these -- the building -- direct being the building -- more the building to lower slopes, achieve those. Was achievable.

>> Councilmember, take that in a few pieces if you wouldn't mind. Effectively, you're correct. Current code does contain restrictions for construction on slopes. To be protective of the environment. We do not have -- the trade-off here is really between allowing construction on slopes to preserve the view corridors.

[9:01:20 PM]

So the flattest parts, in particular of the mixed residential district, are the highest parts. So putting buildings on the flattest parts to minimize construction on slopes within the mixed residential district has the potential to adversely impact neighbors' views, particularly to the northwest of camelback. If we move down off the flat parts on to the slopes to minimize those impacts to view corridors, which is what the applicant is attempting to achieve, then we have to allow more construction on slopes. We don't have building footprints we can lay against view corridors on the topography of this site to be able to know with certainty that we can preserve view corridors. What we attempted to do in response to the question from council Philips and our team looked at what would be reasonable amounts of impervious cover within the Mr district in particular. That's the one most sensitive for this question. Slid all that acreage of impervious cover down on to the sloped areas within that district. So what we can -- which resulted in the analysis that hopefully you received this afternoon. But basically is an allotment of impervious cover on these sloped categories for something that might be reasonable that would minimize those impacts to the view corridors.

>> Tovo: Okay. And just to underscore the last part of what you said, that would minimize the impact of the view corridors. That was an operating constraint that your staff were use.

>> Correct. So can we prognosticate what a reasonable amount of impervious cover would be, can we put that impervious cover on to the most sloped areas of the mixed residential district so we can get them as low as possible and, again, counting for the real topography estimate what the resultant allotments of impervious cover by these sloped categories may be.

>> Tovo: Okay. Thank you. I plan to support the question. Thanks.

>> Mayor Adler: My question so I can understand better, this question is both for you and the applicant or its engineers as well, how -- how close to eventual site plan acreage with you going to get for these slopes when you do a exercise like this.

[9:03:39 PM]

>> This is staff attempt to being make a guess at what the actual design would be for the applicant. This is us doing the best we can with the information available to us because we do not have the building footprints from the applicant.

>> Mayor Adler: Right. So here's my question, because I think that everybody -- there's gonna be be two competing things that happen here.

>> Yes.

>> Mayor Adler: And the two competing things are we want to minimize construction on the slopes as much as we can. Which is something the applicant is going to want to do by the very nature of construction because it's going to be cheaper construction.

>> Correct.

>> Mayor Adler: To the degree they can, right? So the property owner -- I mean, the applicant, when he's building is going to want to minimize construction on slopes.

>> For economical purposes.

>> Mayor Adler: As much as he can. The neighbors in that area are saying if he minimizes it too much then he's going to be impacting our views.

>> Yes.

>> Mayor Adler: And we would rather him -- not only impacting our views but also increasing perhaps the amount of visibility from pennybacker bridge because it's going to be flatter and higher and standing out as opposed to being tucked into trees.

>> Correct.

>> Mayor Adler: All right. So the neighbors are saying, please don't build on the flattest slopes. Do some cut-in fill so that you protect our views and from a city perspective we want them to do that so there's a trade-off between those two. And the property owner has said or the applicant has said these are the acreage that -- we don't know what that's going to be. This is a range that we can live within. And we have then those numbers. You've come in and you've done kind of an amassing exercise, which is a pretty -- it's not a scalpel kind of thing, it's a pretty blunt instrument, and you've given us your best guess as to where the applicant is going to come out perhaps when he's trying to weigh those two things. And my only concern with trying to come up with a number that sets the constraint with a very blunt tool that you're trying to -- that was the only tool that you had in the absence of actually having the plans, is that by doing this, we're going to be forcing construction that has more impact on the view corridors than anybody is going to want and more visual impact from the pennybacker bridge than anybody is going to want, but we won't know that until they actually start doing the work.

[9:06:11 PM]

Is that --

>> I believe that's an accurate characterization.

>> Mayor Adler: Okay.

>> The applicant made substantial concessions in terms of removing the second office site to limit construction on slopes. We've considered -- even though they're inferior elements of the P.U.D., the allowable construction on slopes and the cut and fill, the allowable cut and fill in excess of current code was an attempt to achieve this balancing.

>> Mayor Adler: With a very blunt instrument. So I'm going to -- I'm going to oppose this just because I don't want to have done something here that accidentally impacts the view corridors and increases the visual impact from the pennybacker bridge beyond what anybody is going to want at that time.  
Councilmember kitchen.

>> Kitchen: The policy that I'm trying to bring forward and, you know, if this -- if my motion fails, then I'll suggest language that reflects the policy as opposed to the numbers, but as I said, the policy I'm trying to bring forward is the same question I ask, and that is that the applicant be required to reduce the allowable construction on slopes proposed for the P.U.D. To a reasonable amount in such a manner that existing neighbor view corridors would be protected. So that captures the policy, but it -- but it establishes it as a requirement that this policy be followed.

>> Mayor Adler: And I agree with that policy, as you just stated it. The one you asked earlier was would you agree to a policy where you build on the lowest slopes as possible.

>> Kitchen: Well --

>> Mayor Adler: And it will be possible to build on less slopes. It's just not the desired solution. But the way you just said it, which was to say we want you to build on the least sloped area to the greatest extent possible, still preserving the view corridors and the aesthetics of pennybacker bridge, I think everybody is aligned with that and I would support that policy.

[9:08:14 PM]

>> Kitchen: Okay. And that policy is in the -- that is different than the applicant just deciding where they want to build. It is reasonable amount in such a manner that, you know, preserves the existing corridors, as I said, but that is a decision that needs -- you know, that the applicant makes -- applies for that and our staff approves it. So it's direction to the applicant and staff about how that policy applies. So I think it captures the policy.

>> Mayor Adler: Yes. Councilmember alter.

>> Alter: I'm not sure that there's disagreement about the goal of that policy. I'm concerned About enforcability of that and what that would mean. I'm wondering if there might be a way to fashion an additional step at site plan where there are a little bit deeper conversations with staff about the construction on slopes and a little bit more back and forth than perhaps might be traditional at site plan given that they have the rights to construction on slope to see if there are alternative ways. I don't know what that would look like, but with the applicant ultimately in that case having final decision but that staff would -- we'd have a check point where staff would be able to say this is an alternative we want you to consider that applicant would commit to considering it, but the decision would have to ultimately lie, I think, with the applicant because I don't have a mechanism -- I don't have a mechanism to enforce it otherwise. But I think having that check-in, they did demonstrate an ability and willingness to do that. They got rid of an office building. They moved the road. You know, obviously we can't only bet on that, but I think that might be -- Mr. Coone, did you want to speak to that.

[9:10:18 PM]

>> Mayor Adler: This is sort of an optimization problem. There isn't a perfect solution. I got to credit Leon from the parks department for saying that to me when we were meeting on the parks stuff. You know, when we looked at this, I think it's important to understand all of the elements because sometimes it feels like we look at sort of, you know, one part of the elephant and we don't think about sort of the whole, you know -- there were 12 lots on the clip that we're giving away and turning into a park and that means that we sort of gave away the western half of our lakefront to share with the city and to be a public park. And as a result that pushed development half a mile away from the pennybacker bridge. I think you could kind of sum the whole project up as that's really the biggest decision that was made, instead of having big homes on the clip with no setbacks under the '87 code, 150 feet under current code, there's no setback, you know, making that decision seems overall to be the right balance. But when you push things away from the west -- and we agreed with environmental staff to push things away from the north by giving up the steepest slopes on the property, there was going to be a second office there in a very steep location that was going to require 40 feet of cut and fill, we've gone to 24 feet as a minimum cut and fit, and we gave up what could have been 22 home sites. We lost 14 acres to the north. We made concessions to our neighbors to the northwest that are 4,000 feet away to take an entire floor off the top of what could be built at the top of the hill and then we agreed to setbacks to the south from the lake and, again, the '87 plan had no requirement for setbacks so we've sort of been pinched into this hillside and, you know, we have to build on a hillside. That's all that's left. So we don't -- we've given as much flexibility by supporting a requirement that at least three and a half acres be in the flat area but this is an optimization problem.

[9:12:20 PM]

I respect there are interests about one specific part of it but we've really tried hard to balance all the different interests and if we push on one part of it something has to move somewhere else, like move down from the hillside and reduce the size of the park and build on the cliff where the lots originally were. I mean, it starts to -- it has to flex somewhere else.

>> Kitchen: May I speak.

>> Mayor Adler: Yes.

>> Kitchen: That's not what I'm asking for. What we have asked for is, as we've said before, that to reduce the allowable construction on the slopes to a reasonable amount in such a manner that the neighbor view corridors would be protected -- that's what we're asking for. The staff has taken a shot at estimating what that might be, understanding that they don't have all the information right now. So that's doable. I'm simply asking that that policy -- that -- that's the policy that I think that we need to set up to protect the -- as environmental protection. So . . .

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: Just a question of the numbers that are in your motion.

>> Kitchen: Mm-hmm.

>> Kitchen: Where do those come from?

>> Kitchen: Those are the staff's best estimate about what that would look like, given the fact that we don't have a site plan in front of them.

>> Flannigan: That wasn't to you.

>> Kitchen: No, no. It was passed out to us earlier by staff.

>> Flannigan: This thing?

>> Kitchen: Yes, mm-hmm.

>> Flannigan: It's indecipherable to me what this is. I don't understand how these numbers are different than the ones that are in alter's motion.

>> Kitchen: The difference is if you --

>> Flannigan: In terms of accuracy or predictability.

>> Kitchen: Well, I can't answer that aspect.

>> Flannigan: Okay.

>> Kitchen: What I can tell you is this is the staff's best estimate of what could be built on these level of slopes.

[9:14:22 PM]

>> Mayor Adler: Okay. Mayor pro tem.

>> Tovo: Yeah, I'm not sure I'm understanding the comment that was made earlier that we could build in another check for staff to sit and work with the applicant but we have no mechanism for enforcing it. I mean, we review -- the staff are reviewing a site plan and reviewing it for all kinds of elements. So why -- why wouldn't that be an opportunity for them to have that conversation and make some requirements? For pushing it to the lower?

>> So I was saying that we could build that in precisely at site plan, but I didn't think that the policy was specific enough that it was enforceable for them to say what was reasonable or not reasonable.

>> Tovo: Okay.

>> Alter: And so the numbers -- so what I was trying to say is we can have that conversation at site plan. It could be a little bit more rigorous than perhaps it normally is, that they have to have a conversation,



they have to respond to it, but ultimately it's the applicant's decision within the -- within the rights that they're granted with the P.U.D., but that they have that conversation to move in that direction. I don't think it's enforceable for the staff to decipher what reasonable means. I mean --

>> Mayor Adler: So I don't think it's an enforceability question. It's a standards question. What's the standard.

>> Tovo: Can I finish just asking my questions on this topic?

>> Mayor Adler: Yes.

>> Tovo: Can we ask the staff to help us out here in terms of -- I mean, if the numbers that staff have provided that are apparently -- I mean, the staff have provided them in good faith and they appear to be good estimates but there's some concern about whether or not they would be flexible enough in case they're not allowing for the protection of the view corridors.

[9:16:23 PM]

Is there language that you could suggest to build that in to go with -- to go with the amendment that councilmember kitchen has provided but build in some flexibility that if these do not that, if these do interfere with the view corridor, that the protection of the view corridors would rule the day?

>> So conceptually we could add an additional code modification that would create an administrative process that does not currently exist, modifying the code to create that process. We could -- with some time maybe we could construct something that -- oops.

>> Tovo: I didn't want to modify the code for every development project. I was trying to determine whether there was language that you can suggest that would build in that level of flexibility on site plan review that the staff would perform.

>> I think then the challenge would be determining how would we make those decisions? How do we balance those interests in a quantitative or objective way? I think it would be a challenge for staff and the applicant. They'll have an opinion. Staff will have an opinion. I think it would be -- while I certainly do appreciate the intent of the policy and any reduction on construction on slopes is addressing one of the elements of the P.U.D. That is not superior. I'm struggling to do that now. How to think what those criteria may actually be. Those criteria exist for administrative variances, minimum did he have vacation, there's certain things there, but you cannot get an administrative variance for a construction on slopes in this area.

>> Kitchen: Can I.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: So what I'm hearing folks say is that direction that has numbers in it is more definitive rather than direction that simply says reasonable, and so I'm just going to stick with my original motion. I think that the original motion more closely captures the policy of -- the environmental policy we're trying to

pursue, and, you know, there's a huge -- there is a clear distinction between what I'm trying to do and what the applicant is telling me that his interest is.

[9:18:44 PM]

What I'm saying is that I am trying to move forward with a standard that we, as a council and as a community, need to make, in my view, which is the best environmental protection in terms of construction on those slopes in light of our desire to protect the view corridors. But what I'm hearing the applicant tell me is that he does not want to be bound by that policy. He wants the flexibility to choose. So that's the difference.

>> Mayor Adler: I understand. I'm going to vote against it because I'm concerned about trying to use a standard that is a best guess with a blunt instrument, anticipating what might happen in the future that I think if we accept the best guess with a blunt instrument we're going to potentially do something that's counter productive to preserving the aesthetics from pennybacker bridge and from the neighborhood up -- I understand the intent of what you're doing and I like the intent. But I think that any developers that property is going to have the incentive to do that as much as they possibly can because that's going to be the least expensive, except where they're going to do something more expensive, and I don't know how to capture all those things in a standard.

>> Kitchen: The amendment in front of you from councilmember alter has numbers in it too. So you're choosing those numbers, which actually allow greater flexibility, in light of the applicant telling us that it is not his intention to -- you know, to reduce the amount on the slopes in line with the policy that I just stated.

>> Mayor Adler: I don't think I heard that. I think --

>> Kitchen: Well, I didn't get agreement. I didn't get agreement to include that requirement.

>> Mayor Adler: But I think because you asked the question, there are 20 different variables that get taken into account and the one that you asked for was would you do if it is possible.

[9:20:49 PM]

>> Kitchen: No. I said reasonable. I said reasonable within the protection of the neighborhood views.

>> Mayor Adler: Right. But it's not just the neighborhood views. There are lots of other things that need to be taken into account when designing a property like that. Neighborhood views are one. Aesthetics from the bridge are another. Costs associated with building a road, you know, is another. There are multiple variables and I just -- and I appreciate what you're trying to do. I just don't know how to capture all of those things. So it's not an enforcability issue for me. It's a standard issue.

>> Kitchen: We can go ahead and vote. We can -- I see it as -- we'll go ahead and vote but what I just want my final thing you're making a decision -- everyone will be making a decision on numbers and I think we should do better than this to protect the environment. The construction on the slopes is a huge environmental impact.

>> Mayor Adler: Okay. Let's take a vote on the amendment. Those in favor of the kitchen amendment please raise your hand. Those opposed please raise your hand. Kitchen and the mayor pro tem voting yes. Others voting no. Pool off the dais. It does not pass. We're back to the base motion.

>> Houston: Mayor.

>> Mayor Adler: Ms. Houston.

>> Houston: I don't have an amendment. When is an opportunity to just ask a simple question about --

>> Mayor Adler: You can ask a simple question now.

>> Houston: Could staff come up? Because I'm still concerned about the sanitation and the trams. And I saw that councilmember alter had something about that, but can you explain to me -- and then the developer also submitted some information about that, about the redundancies and what happens if it breaks halfway up the slope. And has this ever been done before, to your knowledge glue councilmember, the first part of the question in councilmember alter's motion, there's the prohibition on a pump-out facility on the dock in the dock district.

[9:22:55 PM]

>> Houston: I saw that.

>> You would not be able to pump sewage from a boat into a receptacle on the shore so eliminating the amount of wastewater. We consulted with environmental staff. We do not believe a pump-out facility would be appropriate for this location. We're fully supportive of that. To the second part of your question we did have a conversation with the applicant about the systems they were planning to design. Those -- the protections that they're intending to put in have been codified in version three of the ordinance. It is specifically on page 7 of 17, so under part eight eight -- 8d2 includes redundant systems and 48 hours of additional capacity. They could have a problem and be able to hold wastewater for two days. Obviously if they have the problem they'll know immediately because they have the alarm system. We believe that is sufficiently protective to address the concerns that you were previously raising.

>> Mayor Adler: Thank you.

>> Houston: Has this been done anywhere else to your knowledge?

>> Certainly there are stations to elevate wastewater throughout town so the applicant is substantially exceeding the state criteria for what they're proposing to do. So we believe it would be protective. This is an -- obviously okay, this is an unusual situation.

>> Houston: Okay. Thanks.

>> Mayor Adler: Colleagues, councilmember pool is not feeling well so she's gone for the rest of the night. We're down to ten people, ten votes.

>> Houston: And I'm going to be leaving in a little while. I have a flight to catch in the morning.

>> Mayor Adler: Let's keep going. Anybody have any other --

>> Alter: I need to make a small adjustment. When Mr. Howard came up to change for motion sheet six the 16.46, I just want to clarify that that is both in section 6e I guess is what it is now, and in -- on the next page under 12e, that that 16.15 should be the 15.46.

[9:24:59 PM]

>> Mayor Adler: Yes.

>> Alter: Just for clarity sake, for the B on that same page, it should be that not for man 6.42 acres, it should be on all our copies but her company didn't have it so I wanted to have that for the record on that.

>> Mayor Adler: Okay. Without objection it's in both places. I think that was understood but if not it's in both places. Any other amendments to the main motion? Mr. Flannigan.

>> Flannigan: I handed out my motion sheet number 1. I'm not going to do the number 2 motion. This is related to adding the line to the restriction on the trust fund, housing trust fund, allowing council to -- if a project, suitable project is identified by staff, they can bring to council to vote, to spend the funds outside of district 10. The point of this really is that the district boundaries were not drawn in ways to determine appropriate housing allotment. I think the staff understands the intent and they wouldn't bring something in east Austin to spend funds on. Obviously this is intended to put affordable housing in this area and I think specifically the line between district 6 and 10 that kind-goes right by the high school in an area of town solar in need of workforce housing for a lot of the retail and restaurant uses out there I think would be really valuable and right on the border of ten and I wouldn't want staff to feel like they couldn't bring that to us as an option.

>> Mayor Adler: Okay.

>> Alter: Mayor, I would accept the underline as a friendly amendment to my amendment that has the three dollars in it. So --

>> Mayor Adler: Okay. So my question is --

>> Alter: I have an issue with -- we were talking about this and didn't remember to do it, but the boundaries could change as well.

>> Mayor Adler: Does anybody have objection to adding the underlying words Mr. Flannigan added? Hearing none, those words are added. Okay. Further amendments?

[9:27:01 PM]

Mayor pro tem.

>> Tovo: So long ago I had a question actually about some of councilmember alter's amendments, and we were waiting until the end of the layout to ask questions,.

>> Mayor Adler: That's fine.

>> Tovo: I'm going to have to backtrack. I am uncertain about the language, councilmember alter, that can talks about back on motion sheet two, section 2, item C, the clubhouse shall be limited to a single story and shall provide indoor seating for less than fewer than 50 persons. The forgoing -- this is the sentence that I don't -- I'm not sure I'm understanding or on board with, the forgoing seating limitation shall not be considered an occupancy limit for the purposes of complying with the international building code. It was my understanding, and I may be wrong and I'll call up Mr. Coon to answer that, it was my understanding that the developer was comfortable with an occupancy limit of fewer than 50 and that that was in some ways trying to meet some of the concerns that the bunny run neighbors had expressed, in terms of the size of the clubhouse.

>> Mayor pro tem, Jonathan coon. So we addressed both the size of the clubhouse and the interior dimensions. There was this 5,000 number throughout, actually used to be 75,000, reduced to 5,000. We agreed to limit the interior dimensions to 3500 square feet and seating capacity to less than 50 but it's sort of, again, sort of a site plan issue. We really don't want to -- somebody to reverse that and say, oh, based on this use that's how big the size is so they take the 49 seats and say you can only have a space this big because that's all 40 seats needs. And we aren't willing to do that. We are willing to reduce it to 3500 square feet of interior space but we don't want to have somebody do a calculation that then changes the deal.

>> Tovo: So it's -- and I guess -- okay. So you are not willing to limit the occupancy to 49?

[9:29:03 PM]

>> We're willing to limit the seating to no more than 50 seats.

>> Tovo: So the occupancy, though, triggers not just -- I mean, it does trigger some other things, and one is toilet facilities in that clubhouse and the other is the size of the tram, Mr. Rusthoven, can you address that, please?

>> I'd just like to address generally speaking the occupancy, what we call the load card sometimes, the number you see on the wall when you go to a place, is something determined by the fire department at the time of building permit review and is subject to international building code as well as the fire code. A P.U.D. Can amend the code but I'd prefer we not trying to get into amend the building code with the P.U.D.

>> Tovo: So then would your recommendation be -- what would your recommendation be in terms of the language that I just read, the forgoing seating limitation shall not be considered an occupancy limit for the purposes of complying with the international building code?

>> Right. What that's saying to me is the fire department is still going to review the building permit and determine occupancy at the time of that review, that this is not amending that. It does say the indoor seating, the clubhouse shall be limited to single inferior provide indoor seating for less than 50 persons. I don't have a problem with that per se. I don't want to get into the actual occupancy limit because we don't do that.

>> Tovo: Okay. But in terms of the triggering for the size of the tram and the number of restroom facilities, does the seating -- is it the seating --

>> I think it would be the occupancy determined at the time of the -- the time the fire department determines the occupancy limit of the building, that would determine the number of toilets that are required. Which is not reviewed by the fire department but they're tied together because the occupancy and the restroom facilities go hand in hand.

>> Tovo: Which gets determined first?

>> I mentioned you'd first have to determine what the occupancy is and then you'd check to seat number of restroom facilities.

>> Tovo: The size of the restroom facilities --

[9:31:05 PM]

>> I'm sorry.

>> Tovo: I would assume the size of the restroom facilities have an impact on how many people can occupy a space.

>> Of course. If you have a very large restroom you can reduce the amount of occupancy you can have within the space. Yes.

>> Tovo: Okay. All right. Thanks.

>> Kitchen: I have a related question.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: Did you finish, mayor pro tem?

>> Tovo: On that point, yes. I do have some direction and at least one amendme.

>> Kitchen: Okay. Well, then I just need to clarify something you asked because I'm not sure I heard the answer. And that was the impact that -- so this talks about the number of persons, which I understand to be the intent for the use. So does that impact the size of the tram? That's allowed?

>> I'm honestly not familiar --

>> Kitchen: Did you ask that question? I didn't hear answer.

>> Tovo: I did. Frankly when I think of the size of the building, 3500 square feet, my guess is the occupancy will be set higher than 50 people.

>> He's agreeing to not provide seating for more than 50 people within the building.

>> Tovo: Clear wasn't exactly what some of the residents of this area asked us to attend to in terms of the size.

>> Kitchen: So I'm understanding that that's seating for 50 but the occupancy could be higher. Am I understanding correctly?

>> Usually the occupancy is --

>> Kitchen: So the occupancy could be higher.

>> Yes.

>> Kitchen: The occupancy will be set by the 3500 square feet.

>> Set by the fire department at the time of building permit review.

>> Kitchen: So I have questions for the applicant then. At the appropriate time.

>> Mayor Adler: [Off mic]

>> Kitchen: Okay. Mr. Coon, my understanding was from previous conversations that we've had was that the intention for the use of the clubhouse was for a space that folks that were using the boats could gather and that the estimate that was -- that's where the 50 number comes from, right?

[9:33:17 PM]

>> Correct.

>> Kitchen: I'm not understanding why we wouldn't -- why we wouldn't peg the occupancy limit to 50 and the size of the tram to accommodate 50.

>> So we're comfortable with 3500 square feet. We've reduced it as much as we're willing to reduce it.

>> Kitchen: But that's not the question I asked.

[ Laughter ] The question I asked had to do with -- I'm really asking about the size of the tram because this language right here that the mayor pro tem pointed to, the sentence, is the one that is causing me some concern because, you know, I think that the perfectly reasonable to have 50 people there for the use that was explained to me and to all of us. So why wouldn't that determine the size of the tram I guess is my question?

>> There's a lot of -- are you asking me or someone else?

>> Kitchen: Well, I don't understand why you -- if you're insisting on 3500 square feet, is that because you think that's what is needed for 50 people?

>> We would like --

>> Kitchen: Or is it because you want more than 50 people in the space?

>> No. It's that we would like to have an oversized space for 50 people and we would like to have more restrooms perhaps than somebody might normally have for 50 people.

>> Kitchen: Okay.

>> There's a lot of things that go into sort of the -- I think the customer experience. I know there was some question about the number of restrooms last time we met. I'm happy to address that if that's the concern. But, you know, we also want to have a kitchen space and there's storage and a hallway.

>> Kitchen: Yeah, mm-hmm.

>> There's, you know -- when I look at it, I understand that there's sensitivity around it, but the average size a new home being built in Texas is, you know, almost 3,000 square feet. The size of the home of one of the occupants who spoke earlier is building a 10,000 square foot home on the lake. This isn't a home. This is a facility to be shared by 64 families and 3500 square feet doesn't seem large relative to other clubhouses in Austin for 64, you know, families to share.

[9:35:27 PM]

>> Kitchen: Yes. But I'm actually talking more about the number of people that is anticipated. Because my understanding from our conversations is that the intent -- this is located on the water. And the intent is to be used by people that are pulling their boats up. And, you know, you've got -- so the estimate is about 50 people at any one time, and that the intent is not to -- it's not for a party. It's not for people coming from the top to come down. So I'm just wanting to confirm that the relevant number that you're talking about is 50. And so if that's the case I'm not sure why we -- I'm not sure why we're not saying that's the occupancy.

>> I guess I'm trying to understand is your concern the number of people that would be in the space or the size of the space? It would be helpful if I could understand where you're going with that.

>> Kitchen: Well, I'm -- what I said before is that it seems that the tram for example should be sized for the numbers that we need, which would be the 50.

>> Well, people could certainly get on a boat and leave, right? They don't have to stay in the clubhouse. You know? That's not the only use.



>> Councilmember, if I can interject. My understanding of the requirements is not that occupancy doesn't affect the size of the elevator or the cabins, it's the width of the stairs. So I don't think it impacts the cabins, and so I want to make that clear.

>> Mayor Adler: Any further issue? Mayor pro tem.

>> Tovo: One thing -- it's not entirely clear to me how exactly mechanized access got put into the ordinance that came today in just the way it did. However, I mean, we were working outside this, you know, between reading one and today on amendments, and so part of this was an amendment I prepared, but it's not really exactly like it, but it was incorporated into the ordinance.

[9:37:35 PM]

So nevertheless, I am concerned about the two cabins. We have heard -- this is a divergence as has been said multiple times, allowing mechanized access is now a variance. It's prohibited and it's now a variance. So allowing this kind of mechanized access is a bit of a divergence and I would like to better understand why it is mechanized tracks for two cabins perhaps from the staff since you all added it in there, rather than just one.

>> There's an attempt to define the -- and put some constraints on -- or just a clear definition on what the mechanized access actually entailed so that's why that definition was added. I think the need for the two cabins is a question best addressed to the applicant though.

>> Tovo: But there's no reason from the city's standpoint that that tram need to have two? It's not a safety? It's not a redundancy? Because it's traveling down?

>> To the best of any knowledge that would be a question best addressed to the fire department in terms of emergency egress.

>> Tovo: But they didn't -- it's not the fire department that suggested two.

>> To the best of my knowledge it's not a request from the fire department.

>> Tovo: Okay. Thank you. So who -- how did we land at two?

>> Mayor Adler: Mr. Howard --

>> Tovo: I would say that was not my understanding after first reading but maybe others had the understanding that it was.

>> Mayor Adler: Mr. Howard, do you want to speak to why there's two cab intestines.

>> The question is about the cabins? And.

>> Tovo: Yes.

>> There's a lot of factors that went into it. I think it's, again, important to remember how we got here. There's an '87 plan that would have 12 separate lots, potentially 12 separate access points. If you're talking about 20, 25 feet, that's roughly 2 feet per access point that could have been there.

[9:39:38 PM]

Other than a ladder I'm not sure what would have taken up less space. It's been consolidated into a single location. Instead of 12 trams or 12 sets of stairs or whatever else could potentially have been there, we understand the sensitivity about trams generally, that's why we designed an incline elevator that doesn't have the disadvantages of a tram. Once we were asked for all these constraints to clear spanning the bluff it's a fairly expensive structure to clear span the bluff, we could either have one very large cabin because, again, this is for a neighborhood, not an individual home. I watched one of these cases and I think they said their path was going to be about 20 feet of disturbance for a single homeowner. This is being shared by 64 people. It's important to remember that and I suppose there could have been one very large cabin to do the neighborhood. We thought the right answer was to have two smaller cabins to help stay below the canopy of the trees and reduce the visibility. I think most of the visibility from this is going to be from the sides, both from the bridge and from down the lake. And it does accomplish. It is the size that fits a gurney, 84x24 inches. It's enough that an emergency responder could get in, use the cabin. There are advantages of having redundancy so we've got the stairs there if a cabin were to fail you could get on the stairs, if a cabin were to fail you could take somebody elderly or disabled and put them in the next cab and then evacuate them from there. You could maintain one. Again, it's for a neighborhood, not a single person's house. So it's designed for a neighborhood.

>> Tovo: Right. How many individuals could be transported in each cabin?

>> It's probably -- depending on the size of the individual, you know, six to eight people. It's got to have - realize when you go at an incline it's not like a normal elevator. You can fit for in an elevator because you're standing vertically. Most will want to sit so there's room on each side with room for a wheelchair and a gurney.

[9:41:44 PM]

Probably six to eight people depending on the size of the people.

>> Tovo: Thanks.

>> Mayor Adler: Back to the base motion. Any other amendments to consider? Yes, councilmember alter? Any further amendments on 55? Mayor pro tem.

>> Tovo: Okay. So this is more or less in the form of direction, but it's my understanding and the applicant can confirm that the applicant has agreed to allow -- this may be to nine to some extent. I

think it is. Though I want to get confirmation before we vote on this. But it's my understanding that the applicant has agreed to allow the balconies canyon land to hold a conservation easement for the 30 acres that had been allocated for that on the champion tract in addition to two that were going to -- let's see, the impervious cover is not being transferred. It's being credited to the -- to this P.U.D. And so if a representative for the developer can come confirm that.

>> We have been working with bcp to create what's going to be called the Carol Lee preserve. It's 30 acres. I'm not sure about the two issues. If there's a -- I'm not sure about the 2 acres. If there's a way to do it, we'll do it.

>> Tovo: Thank you. I do need to confirm one other thing with the applicant. So much of this P.U.D. Discussion has been tied into the discussion of the champion tract and I want to just better understand if you are committing at this point to not starting construction on the champion under the site plan, under the current site plan, and that you intend to revise or submit a new site plan reflecting the changes per the proposed restrictive covenant.

[9:43:51 PM]

>> Yes, ma'am, if this case is we will close tomorrow and Mr. Coon will own that property and he won't develop pursuant to the --

>> Tovo: I will submit a new site plan [overlapping speakers]

>> We will have to submit a new site plan or substantially revised. I'm not sure exactly how it would be done. We'd have to submit a new site plan.

>> Mayor Adler: Any other amendments? Councilmember kitchen.

>> Kitchen: I passed out one that I think might be acceptable to the author and that's the one about the -- it's titled cluster doc amendment and it says -- adds to the end of part HD, this has to do with the design of the dock facilities. So it adds a sentence that says that the group -- and this is the group that's involved in the Charette, the design chatte, the group shall include representation from neighboring properties as well as from across the river.

>> Mayor Adler: You okay with that?

>> Yes, ma'am -- or, yes, sir.

>> Mayor Adler: Thank you. Is anybody objecting to this being added? Hearing none, this one is being added. Any other amendments to 55 before we go to nine?

>> Kitchen: I had one.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: Okay. I passed out one. This one relates to the -- again, the mechanized access. And this amendment says amend the ordinance to reflect the developer must select the least environmentally

and visually impactful mechanized access that is acceptable to fire and safety as well as watershed and environmental staff. This is directed at the recommendation to review the potential for an elevator and stairs. And so it recognizes that much more work needs to be done in order to determine if that is the least environmentally and visually impactful mechanized access. So it's simply direction to select that approach if it's acceptable and feasible.

[9:46:01 PM]

And acknowledges that the inclinater is what will be used if this approach is not appropriate.

>> Councilmember, that one is -- unfortunately we can't accept that one. We will address the issue perhaps in the Charette that happens, but as I said, we've got funds and a deed in escrow waiting to close and we need the certainty that we can have the mechanized access. So the mechanized access that's been in the ordinance, we have that certainty. We don't think that the tunnel with the access is feasible and we don't want to be bound if someone thinks some way somehow it could be. And so we can't agree to that amendment.

>> Kitchen: I think you have the language in front of you, and the language is designed not to be open-ended. We provided that language to you. Maybe Mr. Thrower has it. It's not open-ended. Someone can't just say they think it's the best. It's designed to -- it's designed to be something that our staff, fire and safety and watershed and environmental staff, would have to work with you on to determine if it was the best approach. And of course it recognizes that if it's not, the inclinater would be what you would use.

>> I think, councilmember, the concern here is it does say that we must select the access as determined by staff and if staff approved the access path shall be subterranean elevator and I don't think that's -- so that requires us to do something that we've estimated is over 200% more or about 150% more expensive, and we just don't -- we have an engineer here that can tell you all about it.

[9:48:17 PM]

We don't think it's feasible, environmentally beneficial, a good idea, and we cannot be bound by this amendment that says must and shall. And so we just simply respectfully would have to decline to agree to this.

>> Kitchen: Okay. My question is -- I certainly understand. Is your concern about cost? In other words is that what the parameter would need to be?

>> I mean, I think it's more than just cost. When we've looked at this, heritage trees will have to be removed at the bottom of the bluff. It will very much more impact on the bluff. There's operational concerns. It requires a 600-foot tunnel, narrow, tight. We don't think that's necessarily conducive either to the type of project we're going to have. So I just, again-- I think it's more than just cost. But I think it's

all of those factors. This is too restrictive. When we go through the Charette process, I think this is something that could be looked at further.

>> Kitchen: Okay. Well, the purpose behind it is to select the least environmentally and visually impactful. So perhaps we could -- so it's a statement of a policy approach. So perhaps we could ask staff to come up for a moment. I don't know if you all have had the opportunity to think through this, but do you have any comment?

>> This is a challenging one. We've been provided with the engineering report for the applicant on this, comparing the three access options on the table. So the incline elevator, the exterior elevator and the elevator inside the cliff. Again, staff are operating from a position consistent with council policy okay, as exists in code that mechanized access is not recommended.

[9:50:18 PM]

So we're trying to pick the lesser of the evils. There's pros and cons associated with each one. Obviously, aesthetic impacts would be minimized with placing access inside the cliff versus the tram going down the side of it. The construction phase impacts would likely be substantial, but could be mitigated. We've had experience with that through watershed plant four. The short answer, though, is we haven't had a chance to have any interaction with the applicant, have the substantial design information for what that tunnel exit might look like. It's really just difficult for us to sort of speculate as to which one would be environmentally preferable. Trees could be removed as a result of put -- this latest option. Perhaps there's a way to design around it. We just don't know.

>> Kitchen: Is it possible, given time, to consider whether this approach could be the least environment and visually impactful? Within, you know -- I'm certainly not trying to secretary that this should be -- that we should proceed with this no matter the cost. I'm not suggesting that. But I'm suggesting that the first criteria would be is it the better option? Is it possible to learn that over time?

>> Certainly with more time and more design information for the different alternatives, we could have a more robust conversation with the applicant and then come back with that information. I don't know that we're going to develop that information any time soon.

>> Kitchen: Well no, there's no way to know that right now so there's obviously no way to know that right now. So then my question for the applicant, would that be acceptable as long as it was not -- as long as the cost was within the range that you were anticipating?

>> We really tried to take this request seriously of doing a tunnel. Our engineers here from Arab, it's a global engineering firm with 14,000 people, ked on this around the clock over the last 36 hours when we heard about the idea.

[9:52:20 PM]

It looks like the cost would be about \$2,010,000,000. We can't afford to do that. I don't think referring to it's looking like water treatment plant four is a very good pitch.

>> Kitchen: I didn't suggest th >> I know you didn't but it was referred to as, well, it would be like water treatment plant four by the environmental staff, which doesn't make it appealing. There are large majestic trees at the bottom of the cliff that would have to be torn out and this is not just an environmental issue. It's not just an issue for environmental staff. Those trees are on our property. We don't want to tear them out. This tunnel opening we estimate would require about 150-foot area to be disturbed at the base of the cliff and then a tunnel would be dug in at the base of the cliff. We went to environmental commission and they said don't touch the bluff. So we went to great lengths to engineer a solution that lands in a clearing. It's in an open area where there aren't trees. We're avoiding trees, avoiding the bluff. This destroys trees. It destroys the bluff. So it's just -- all that said, it's important to keep in mind we also looked at a vertical elevator and we moved to address the feedback. So if this is something that people are still interested in, even though we, you know -- we believe we've got the right solution to balance visual and environmental impact by avoiding trees, by avoiding the bluff and sort of following the slope of the hill, you know, we're -- during the design Charette if somebody is persuasive, we could consider another alternative but we really have to have certainty on this because we've given the city certainty on the park and certainty on bridge point and associate on tropical three and everything we've done is a she will, there's no subjectivity to it so we just need this to be certain.

>> Kitchen: Okay. So --

>> Mayor Adler: So we need to -- we need to give some other people some turns.

>> Kitchen: I'm still -- so what I'm understanding you to say is that you feel like you have evaluated this and you don't think it's feast inequitable.

[9:54:21 PM]

>> -- feasible.

>> \$20 million is not affordable for us. I know a lot of folks think this is a big money making project. I've talked to developers. No one else wants to invest in this project. There's so much that's been given away. No one thinks this is a money making project. We just want to live here. We want it to be a great project. But \$20 million for a tunnel and withstanding everything else it's kind of scary to be at the bottom of a 360-foot mine shaft.

>> Mayor Adler: Mr. Flannigan and then Ms. Houston.

>> Flannigan: I would expect our environmental staff always chooses the least environmentally impactful option on any project that they're given on review, and I'm kind of surprised to hear that the -- this subterranean option was so recently put up as an option. I don't support -- I don't know if you're still going to move it as an amendment. I wouldn't support it.

>> Mayor Adler: Ms. Houston.

>> Houston: Mayor, I'd like to call the question.

>> Mayor Adler: Okay. Do you want to --

>> Kitchen: No, I'm not going to bring this one.

>> Mayor Adler: Okay. So then let's move off 55 and go to number 9. Councilmember alter.

>> Alter: Thank you. So as you may all remember, we dealt with the champion settlement agreement, and that has to be modified for the other part of what we're addressing today. What you have before you is a motion sheet for item 9 that I'd like to move. It is essentially just making a few further modifications that were recommended by legal to accomplish what was given in the direction last time with respect to the settlement agreement. I'm going to -- can legal -- do you want to go through it? Is that the best way? As I understand it, it addresses what they can do on slopes and makes it so that they can do congregate living and not multi-family.

[9:56:23 PM]

>> Mayor Adler: Is that what this does? Addresses the slopes and allows for congregate housing?

>> Yes.

>> Mayor Adler: Okay. Any objection to this being made part of the base motion?

>> Mayor, I just had one correction. On that motion sheet, I think it's the second slope category, 25 to 25. It should say 25 to 35.

>> Mayor Adler: Yes.

>> Then also in the amendment document itself, it's got the same -- it needs to be changed from 25 to 25 to 25 to 35. With that correction it's acceptable to the applicant.

>> Mayor Adler: Okay. And there's been no objection on the dais. This is included into the base motion, those two changes. The base motion is in front of us now. Anything else before we take a vote? Yes, councilmember kitchen.

>> Kitchen: I think this relates to item number 9. So I had visited with the -- I had asked questions about the congregate living and access for low-income folks. And my understanding was that there was the potential to put language in this agreement that would allow for that. So I did not -- I don't know where it goes so I wanted to follow up on that.

>> We won't be the developer of the champion tract project. It would be another developer. Did I press them to do something to do the for medicaid beds as we had spoken about.

>> Kitchen: Yes. I appreciate that.

>> What they agreed to do is after 18 months -- for two beds after 18 months if someone -- they call it a paydown or something. I'm not an expert on senior living. They could convert to medicaid. Frankly, I

wish they'd leaned in and done a little more than that, but I'm glad they at least agreed to do something.

>> Kitchen: My question -- and maybe this is for legal. I don't know where that goes in these documents.

[9:58:27 PM]

>> Councilmember, maybe I can help. We will have

>> Councilmember, maybe I can help. We will have a zoning case coming before you. We have filed a zoning case this week to change that zoning on the champion tract from mf 4 to go. We'll have conditional overlays and we'll be happy to address it when the zoning case comes forward. Maybe that's the best way to do that.

>> Mayor Adler: Sounds good. Are we ready to take a vote on this? Anything else before we take a vote?

>> Tovo: Yeah, sorry, I need to get back to the bccp land again. So it's my understanding that the applicant is getting two acres of impervious cover credit from champion that's going to be used on camelback. Is that correct, Mr. Rusthoven?

>> What the pud says, if they don't do the deal on champion, they lose two acres on camelback.

>> Tovo: Would you mind saying that a little louder?

>> Sure. If they don't do the deal on champion, they lose two acres. Doesn't it transfer it. It's a penalty.

>> Tovo: I see. And so the applicant will have to confirm for me. It was my understanding -- and that's how I was getting to 32 acres for the bccp conservation easement from the 30 that had been originally discussed.

>> So -- excuse me -- we have -- the two acres of impervious cover, we've got a restrictive covenant, both the neighborhood and this settlement agreement will also reduce the acres of impervious cover. I don't think we necessarily have a problem figuring out how to do that two acres and adding it to the conservation easement. What I would request, councilmember, is that we confirm that that's not going to be a problem from our designers and from our engineers. That certainly would be our intention. And again, when we come back on the zoning case, we'd be happy to address that issue with the zoning case.

>> Tovo: Okay. So 30 as a certainty.

>> Yes, ma'am.

>> Tovo: There's an interest in doing 32 if you can make it work.

>> Yes, ma'am.

>> Tovo: Okay. We received very helpful letter from Nico Howard about considerations for the bccp, for E establishment of such a preserve, and it has some recommendations with regard to fencing.



[10:00:38 PM]

And so I'd like to provide direction to our city manager that the fencing from the memo dated October 30th, 2018, be prosecuted as part of the conservation easement for these tracts. And I'd be happy to read it but generally the recommendation was to have fencing to help reduce wildfire risk, prevent degradation, illegal I'm sorry -- to avoid preserve degradation, illegal hunting, I'm summarizing, unauthorized clearing of vegetation, and also other clearing that can generate -- that can generate, I guess, passage for coyotes, feral hog and others to get out, so I propose that.

>> The applicant is fine with that. We'll work with Mr. Howard to incorporate that in the conservation easement and make sure we get that done before zoning comes back.

>> Tovo: Great. He had some very clear specifications that I would ask you to attend to.

>> Mayor Adler: Let's take a vote on approving 55 and 9 as amended. I'm taking this vote amended after 10:00.

>> Kitchen: Question?

>> Mayor Adler: Okay.

>> Kitchen: Are we taking these separately, I assume?

>> Mayor Adler: No. It's going to be one vote.

>> Kitchen: I would ask for a separate vote.

>> Mayor Adler: Which one comes first? 55? 55 comes first. Let's take a vote on 55. Those in favor of 55, please raise your hand. Those opposed? Kitchen voting no, others voting aye. 55 passes. Take a vote on 9. Those in favor of 9, please raise your hand. Those opposed? It's unanimous on the dais, pool off the dais. With the time being 9:59 --

>> Alter: Can I just say one --

>> Mayor Adler: Yes. I want to, first of all, thank my colleagues for staying late and pushing through this.

[10:02:41 PM]

I'd like to thank the staff who did a lot of work to get this through in time so we would meet our deadline and who really did push so that we could get the best possible environmental transportation, park, et cetera, project possible. I would like to thank the community, all of the neighbors for being engaged and involved. I hope we were able to move it in a better direction for those of you who were unhappy, and I appreciate the enthusiasm and willingness to work with the developer of all those who were involved, and I want to thank Mr. Kuhn and his team for setting a new standard of how we can

work through development when we try to get value for the whole city, and so I just want to say thank you. I want to thank my staff, Curt in particular, for working really, really hard on this. So good night, and I can't believe we're done.

>> Mayor Adler: Ms. Kitchen?

[Applause]

>> Mayor Adler: Hang on. Hang on one second.

>> Kitchen: I'll be very brief. I would like to explain my vote against. I very much appreciate all the efforts of all the neighbors. I very, very much appreciate the efforts of Mr. Kuhn and everyone that's involved. I appreciate that. And I think that we have a better product for it. But just -- I remain disturbed about the environmental impact, and we were not able to get as close to -- we were not able to get what I considered to be a superior product for an environmental purposes. So that's why I voted no.

[Applause]

>> Mayor Adler: Okay. Mr. Casar.

>> Casar: And, mayor, I do -- I didn't speak up much --

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

>> Casar: I didn't get much of a chance to speak on this one, but I did want to thank everybody on the dais and councilmember Alter and the neighbors and applicant in particular, and councilmember Alter's staff because I know it's been a lot of work, and I know we're hustling to get out of here, but I did want personally to make that acknowledgment, and I think this park will also be a citywide asset so even coming from a part of town a little bit further away from this, I think it's really important.

[10:04:55 PM]

So thanks on that. Then also, another procedural thing that probably interests nobody over here, I am concerned with our -- our splitting the question methods here. I think Robert's rules really does merit that if somebody objects, we not split the question, open things like this that are tied together. I just want to note it for future meetings, I think we've got to really think about and set a better procedure for split the question issue.

>> Mayor Adler: And if anybody does not want to split the question, we can just put that to a vote.

>> Casar: I hear that. I just want to raise it.

>> Mayor Adler: I understand.

>> Casar: Sorry for --

>> Mayor Adler: We don't have to divide. Okay. That, with these final comments, we've gone a little past 10:00, but this meeting is adjourned.