

# City Council Regular Meeting Session Transcript – 11/29/2018

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[10:14:04 AM]

>> >>> So before we begin the meeting I'm going to recognize the manager to speak to a significant moment here today. >> Thank you, mayor and council, members of the public. I wanted to publicly acknowledge the incredible work and career of Robert good, our assistant city manager, who is spending his last city council meeting in this capacity. He has been serving in the role as acm since 2008. He has overseen the public works and other things from the actually mobility bond. He has moving to the central Texas regional mobility authority. In that capacity will continue to have strong partnerships and I look forward to the continued work that Robert and the city and ctrma will do in the future. If you could join me in acknowledging Robert and his new role at ctrma. [Applause]. >> Mayor Adler: Much of that work I looked at from afar. It happened before I came on council, but I do know that what I saw upfront that the 2016 mobility bond wouldn't have happened without Robert Robert. He helped design that and marshaled that through. Thank you. All right. It is November 29th, Thursday, 2018. We have a quorum present. We are in the city council chambers here in Austin, Texas. The time is 10:15. We're going to begin this meeting. We're going to first look at changes and corrections. Note that items 2 and 31 on

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November 19th, they were recommended by the electric utility commission on an 8-0 vote with commissioners Osbourne and ray absent. One vacancy. Item numbers 14 and 33 are being postponed to December 13th. Those postponements will be acknowledged on the consent. Item number 43 is shown incorrectly on the changes and corrections. It's actually item 43 that I've been added as a co-sponsor, not item 44. On pulled items, the mayor pro tem is pulling item number 11. We also have two items that are being pulled for speakers, items number 3 and item number 9. We have late backup in items 6, 11, 12, 38, 52, 55, 57 and 58, 59 and 60. So council, I'm showing the pulled items today being item 3, 9, 11, and item 33. And that's being postponed. So the pulled items are just 3, 9 and 11. I think that there are some -- Greg Greg Casar posted on the message board an amendment. Do you want to speak to that quickly? >> Casar: Yes, mayor, I had an amendment to item number 42 that I had described during work

session just putting into words some of the intent that I understood from the sponsor. And I hope that it's amenable so we can just keep it on consent.

[10:18:08 AM]

>> Mayor Adler: Okay. Any objections to the amendments? >> Alter: I haven't read it yet. If I could have a minute. >> Casar: Sure, I'll hand it to you. >> Pool: Mayor? If I may, just to underline what councilmember Casar has offered, he is further clarifying that we hope not to be in a position to close down any of the boarding -- room and boarding houses. >> Mayor Adler: Okay. We'll let councilmember alter read that. On item number 43, I had handed out an amendment at the hearing that I think councilmember pool has agreed to accept. I'm handing out the same thing here now on yellow sheets. The only difference is the wording. I think before it said speech activities at public properties. It now says at city libraries and palmer event center and other city owned or operated. Any objection to that being added to 43? >> Pool: Not at all. >> Mayor Adler: Hearing none, that is added to 43. Any other comments or questions? Yes, councilmember alter. >> Alter: Were there other changes to 43, councilmember pool, that were being made? >> Pool: If you are making reference to the ordinance, the ordinance will come back to us after the first of the year, probably some time in February after a conversation that I had with city manager chronic yesterday -- cronk yesterday. So what we are approve today is only the resolution. >> Alter: So not the ordinance. >> Mayor Adler: The city manar is reporting back in 2019. Okay. Any other questions or comments or statements on the consent agenda? Are you okay then with the amendment that Mr. Casar offered a moment ago? Any objection to that being added, councilmember alter? >> Alter: No. >> Mayor Adler: No objection, then the amendment posted by councilmember Casar is added

[10:20:10 AM]

as part of the consent agenda. Any other comments? Ms. Houston? >> Houston: I don't know if this needs to be pulled, but item 10 I want to be sure that it's cleaved what it is that -- clarified what it is that we're doing to who. I think the way it's worded people might be confused or at least I was. So we can pull it and have Mr. Weeks come up and just be really clear about what it is that they're trying to do with this pilot. That's item 10. >> Mayor Adler: Okay. Is Mr. Weeks here do you want do that real fast since it's one comment and we'll keep it on consent. >> Casar: Mr. Mayor, while Mr. Weeks come up, the law department has advised me to read the amendment to item 42 so I'll go ahead and do that. So the council directs the manager to explore opportunities to improve the standard of care, that's the normal text, but then I add the words, and to evaluate whether the opportunities and options explored will safeguard clients' health and safety while avoiding unintended consequences that would decrease the vital services offered by providers with the intent of maintaining and expanding the provision of services offered by providers. >> Mayor Adler: Okay. That's added to the motion. So it would be part of the consent agenda. >> Houston: Mr. Weeks, thank you for being here. Could you explain exactly what you're trying to do in item 10? >> Item 10 is we want to automate our process in getting library cards to

kids. So with this agreement it will put in place where we can -- the parents and the students can automatically accept getting into -- get a library card. Now, what we want to be able to do going forward is school district that's within Austin limits, will have an Austin address, they will be included at some point in time.

[10:22:11 AM]

That include manor, del valle, pflugerville, and those schools that are in the Austin address, but are outside of the etj, outside of city limits. >> Houston: Thank you. >> Mayor Adler: Thank you, director. With that -- I'm sorry, mayor pro tem, do you have a question? I'm sorry. >> Tovo: Dr. Weeks, I have a very, very quick question for you. So I know the students have already gotten their library cards through aid. I was just noting that this morning. So is this interlocal about continuing this program going forward or are we retroactively approving -- >> Right now we're doing paper copies. We take the application to the schools, they give them back to us. This will actually automate that process for us where we can exchange that information. That's the only difference. To date we have 20,000 students who have signed up for new library cards, which is absolutely fantastic. >> Tovo: I know my children already had them, but they were super excited to get them through the school. Thanks for your work on that. I think it's a great effort. >> Casar: Mayor, I was going to speak to this after consent passed, but I wanted to note that this is something that folks on the library commission, my appointment, have been working on for almost five years. My hope was that -- this was on my list of things that maybe we could get done my first year on council, but I'm glad it's finally gotten to this point. I believe that beyond aid any student that goes to any school district that is touching the city of Austin, that they should just be able to show up at a library and pull out a book. I think this is a really big step towards doing that so when you're signing your kids I am for school you can click to automatically get a library card. So I appreciate this big step for us, and it just improving literacy in our community and not making it -- I know many parents in

[10:24:11 AM]

my own district don't know whether they have a library card. It would be nice to have a library card when they enroll in school I think is very special. Thanks to the library department and our staff and aid for working on it. >> Mayor Adler: Okay. We have one person here to speak on the consent agenda. Is Gus Pena -- >> Alter: I would like to add a couple other. I wanted on 38 to postpone the appointment for the tcad board of directors to the next meeting. I understand from tcad that they will still be able to make quorum. This is nothing to do with the person who has been appointed, but receiving this on Tuesday I would like to do more due diligence on the appointment and the process, which we have not done as far as I know, since I've been on council. So I think it would be postponing that piece of item 38 to the next meeting. >> Mayor Adler: Any objection on postponing on item number 38, not considering today the nomination for the intergovernmental body of Travis central appraisal district? Hearing no objection, that is removed from the item. >> Alter: And then I led to make a couple of -- then I wanted to make a couple of ments, maybe one before the speakers and one after the speakers. I think one is

speaking on the item. So for item 27 this is a contract for painting services that has been divided into smaller pieces. I just wanted to commend the staff for their efforts on way to provide greater opportunities for minority and women owned businesses to participate in the contracting process. And then I'd like to speak to 36 and 37 after we have consent speakers. >> Mayor Adler: Is Mr. Pena here? >> Right before you, guy. >> Mayor Adler: You have three minutes. >> Thank you very much. Good morning. Gustavo, Gus Pena.

[10:26:12 AM]

I'm currently president of veterans for progress. We were born during the fiasco, I call it, for lack of the va giving us proper medical treatment and housing. Okay, then I'll get to the agenda, number 16. It's about the aid after school enrichment services. I used to teach at aid, also at Austin community college, Austin community schools. It's very important to have after school programs and services for the children. This is very important. That's item number 16. Number 17 is having to do with rapid rehousing. And that's Dave Evans, mental health -- mental health and mental retardation. That's no longer the title, but mental mental mental health and mental mental health and mental retardation. Housing is very essential for the people. Not just our veterans. This item on the agenda, and Dave Evans is doing a good job. The CEO of integral care. Good job, David. Number 18 is Austin voices for education for youth services and community events. This is very important to educate the kids of the different parameters for education and other services for the community and the youth. I'd like to say this before y'all, I am co-founder of veterans for progress. We were just recognized last week by the secretary of veterans affairs. We were invited to go to Washington. Unfortunately we couldn't go because of problems. So I just wanted to let all the veterans know that we're here to support you and we don't pay political gains. We do help out with housing wherever we can and other services that are some of our -- some of our veterans are trained with. But I wanted to let you know still, mayor, that [indiscernible] On Riverside, three apartment complexes are going to be torn down to build more affordable housing and I know I've deviated a little

[10:28:13 AM]

bit, but this is very important for us veterans because they are going to displace 20 veterans from those complexes. Having said that, word to the wise, it's not good. And nobody on the dais except me has been mentioning those three apartment complexes in Wickersham and Riverside drive being torn down. Not good. I just want to say this, mayor. The campaign is over with. Let's all get together in the best interest of the city of Austin and the taxpayers. Let's bring back coalition and no hidden agendas. The hidden agendas should be for the people and the poor. I want to thank Susana Almanza for all she's done for veterans who have been homeless and she has done a lot of good work for the community. I want to say this much, let's stop this confrontive issue. Because I never attacked you, mayor, I just addressed you on the issues. But the issue is the city of Austin still needs help. [Buzzer sounds] We're here to make sure they get it. Thank you very much. >> Mayor Adler: Thank you. Councilmember alter,

you wanted to give further comment on the consent agenda? >> Alter: Yes. I wanted to say that there's voting in the lobby and to take advantage of that opportunity while the lines are short. I would like to speak briefly to items 36 and 37. First of all, I would like to thank the staff and advocates who worked on this and have mobilized to address the issue of clean air in central Texas. The steps that are put forward in 36 and 37 are important steps in protecting the future of central Texas and our clean air. I want to speak briefly and take this opportunity. We didn't want to pull it and go through a whole process. And we couldn't have a press conference because they're voting, but I do want to speak briefly to the threats that poor air quality posed

[10:30:14 AM]

to our city. A lot of this information is in the backup for 36 and 37, which relate to steps we're taking to improve air quality. These items are critical because reaching non-attainment levels would impact our quality of life in not only an environmental and public health sense, but economically as well. In 2015 capcog released a report that a non-attainment designation would cost central Texas \$32 billion a year through 2046. Almost 38 billion of those losses would come directly from Austin. This estimation comes from the risk of losing out on economic development opportunities and funding for transportation projects. Non-attainment designation could prevent large speakers like Samsung and Texas Lee high from expanding within the region. Also something many people may not realize is that non-attainment designation could lead to losses in federal funding for highway projects and could delay badly needed infrastructure improvement, impacting road and rail initiatives. As we read in the capcog letter in the backup, last year we were only one percent below the maximum allowable federal standards. If we cross that thresholds we could see impacts of that single designation for over 20 years. I invite folks to look into what they can do in their daily lives to help mitigate this issue. I'm the council representative on the clean air force board and have had the privilege of working with these advocates and the businesses who have come together to help us lower our emissions and our air pollution. If you're interested in learning more and you haven't had a chance to check out the resources on the clean air force of central Texas website, I encourage you to go to [cleanairforce.org](http://cleanairforce.org) and you can each out to my office if you have any questions about how to get involved. The two items, just to clarify, for those who have not -- the 36 provides funding for capcog to take care of air quality work within our community, and

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the second one is city of Austin stating our commitments of things that we're going to be doing over the next several years as our part of achieving the clean air goals that we need to avoid a non-attainment designation and keep our clean air clean. Thank you. >> Mayor Adler: Okay, thank you. The consent agenda is items 1 through -- >> Kitchen: I would like to comment. >> Mayor Adler: Councilmember kitchen. >> Kitchen: I would like to comment on item 17, which relates to a budget item that we passed earlier this year, which was additional services for homeless individuals. And this is the portion that relates to rapid rehousing. I think this is an excellent step forward. Rapid rehousing really helps us as a

community with that step between identifying the needs of individuals and getting them into more permanent housing. I do want to provide some direction and a request to staff that when -- as they move forward with negotiating and executing this agreement they also consider the impact of this kind of funding on folks who are receiving -- who have been identified by the coordinated assessment as needing rapid rehousing throughout the city and not only at the arch. As our backup is -- as the backup is written, it implies that this funding can only be used for individuals that are receiving services at the arch. And although that is certainly a huge need for our community, we do have some individuals that have been identified for coordinated assessment in other parts of the community, and I would like these funds to also be considered where appropriate for those individuals also. So I'm not making an amendment or anything. I'm just suggesting that as direction for our staff. >> Mayor Adler: Sounds good. Consent agenda items are

[10:34:15 AM]

numbers 1 through 44. We're pulling 3, 9 and 11. Any further thoughts? >> Flannigan: I want to be shown as voting no on item 34. This is an annual allocation of fees collected through telecom and there's a part being spent in aid even though part of it is being collected from my constituents who are not in aid, but it's an annual allocation so we're still working through the regulations on how to address that. >> Mayor Adler: Got you. Councilmember pool? >> Pool: If you could show me on the consent agenda voting against item 9, please. >> Mayor Adler: Okay. That's been pulled. Councilmember Houston. >> Houston: Thank you, mayor. Please show me voting no on item number 40. Not because I don't believe this is a great asset to our community, because I don't believe that our neighbors should be stripped of their right to protest. And I think that there's a way to have events with the support of the people who are impacted if we engage, seriously engage and their concerns are heard. >> Mayor Adler: Okay. Further comments on the consent? Mayor pro tem. >> Tovo: I would like the record to reflect my no vote on item 14. >> Mayor Adler: Okay. Is there a motion to -- item number 14 has been postponed. >> Tovo: I retract my no vote. [Laughter]. >> Mayor Adler: In favor of postponing, not in objection of postponing. >> Mayor. >> Alter: I just wanted to clarify that the motion poses the T -- poses the tcad postponement for two weeks. >> Mayor Adler: It does that. Thank you. Councilmember Garza moves the passage of the consent agenda, seconded by the mayor pro tem. Those in favor of the consent agenda please raise

[10:36:15 AM]

your hand? It's unanimous on the dais with councilmember troxclair not present. That gets us then to the pulled items. We have several here. Let's first do item number 6. I'm sorry, item number 3. Which is the water forward. Six people have signed up to speak on the water forward item. I think that several of us have handed out direction pages. Let's do that, but first let's have a motion. Mayor pro tem, do you want to make a motion? >> Tovo: I would, thank you, mayor. I would like to move approval and acceptance of item 3, please. >> Mayor Adler: Okay. Is there a second to that motion? Councilmember

Flannigan seconds that motion. Moved and seconded. Before we get to the six people that have signed up to speak, I think I see here three handouts with respect to direction. Let's outline those real fast and then we'll ask for the public to speak. Mayor pro tem, do you want to go first? >> Tovo: Sure. My motion sheet is also councilmember kitchen's. We had overlapping areas of concern, and so I'll address the ones that I intend to make and that's number 1, but it captures her points on benchmarking. And I think, mayor, I believe that it's probably in line with a couple of your bullet points as well, including the first one. So this would direct the city manager to work with city staff and the water forward task force to condense to the greatest extent feasible the implementation timeline for the specific strategies, dual plumbing, landscape transformation, water budgeting and benchmarking and alternative water ordinances. I'll let councilmember kitchen address the others, but let me just be very clear that by condense I don't mean sort of -- we intend that really to mean accelerate. So I think that's very in line with your first bullet. >> Mayor Adler: Okay. Councilmember kitchen, do you want to outline 2 and 3.

[10:38:16 AM]

>> Kitchen: Yes, I want to reiterate what the mayor pro tem said with regard to item number 1. And really appreciate all the hard work of the task force and our staff. And so this is just in line with what we talked about at the work session, the importance of accelerating to the greatest extent possible the implementation timeline. And I was particularly wanting to call out the landscape transformation timeline, particularly related to the incentives and ordinances. And also the develop focus benchmarking and budgeting, which would not be for 13 years, which I understand that it's a -- it's a complex issue, but I do think that we really need to accelerate that. 13 years is a long time. So then the second item from the motion sheet for the mayor pro tem and I just states the city manager is also directed to work with staff to ensure substantive stakeholder outreach and involvement regarding the location of any future aquifer, storage and recovery facility. Aquifer storage is an important component of the water forward plan. It also is complicated and is -- it takes a long time to develop and it's just important that we have additional stakeholder outreach and involvement, particularly with regard to the location of that particular facility. So -- and then mayor pro tem, do you want me to speak to number 3 also? Okay. Then the third point of our joint motion sheet here is that the city manager is further encouraged to explore the benefit of coordinated stakeholder outreach for the development of multiple ordinances both to maximize staff time and resources as well as to expedite the timeline for implementation. And that's just a recognition that there are multiple ordinances proposed in water forward and -- which will involve stakeholder outreach and involvement.

[10:40:20 AM]

And they're interlocking issues, as well as the stakeholders who want to participate. So coordinating that would be most helpful both for the staff and the community. >> Mayor Adler: Thank you. Councilmember alter, do you want to outline the direction that you've handed out? >> Alter: Sure, I need to call up Mr. Slusher for the first part to explain it. >> Mayor Adler: I'm sorry? >> Alter: There's a

piece I need to ask Mr. Slusher to talk about before I do the first direction, if I may. >> Mayor Adler: We'll bring Mr. Slusher up again. >> Darryl Slusher, Austin water. >> Alter: So I wanted to invite you to speak briefly to some water savings and water efficiencies that Austin water has been working on with the parks department with respect to aquatics facilities that threw out the aquatic master plan and my office has been advocating for these and I wanted you to speak to them briefly because the first item is wanting to accelerate those programs and expand that that type of process to other departments. >> Okay. We have a program underway with pard where we've done about at least five pools so far. So what we do is advanced metering infrastructure that we put on there. And that gives pard a better way to determine what their usage is and to narrow it down to like this, maybe the restrooms using this much and pools using this much, the irrigations using this much. So it really -- it really allows them to examine it more closely, and they've already achieved some significant savings. I think director Mcneely sent some memos to council about that. So that's one aspect of it. And then related to that is wastewater charges where they have evaporation from the pools on some of them at the end of the season they'll irrigate the surrounding land instead of sending it to the wastewater system. There's evaporation. And where before it seemed like they were getting charged a

[10:42:21 AM]

gallon for gallon of everything that they take through the water meter was being charged for wastewater and now they're better estimating how much goes into the wastewater system and that's achieving significant savings for them. That's the core of the program right there. >> Alter: Great, thank you. >> Mayor Adler: Thank you. >> Alter: The first part of my direction speaks to how we can imitate upon that for other departments that have water usage, whether it's in their buildings or in their processes. So council directs the city manager to direct each city department and city pools to eliminate water loose due to leaks and it should -- water loss due to leaks and it should also talk about efficiencies there as well, including city pools to reduce or eliminate water loss due to leaks and improve efficiencies. The second item is an encouragement of a tool that we just used a few weeks ago and have used on occasion, but was not called out in the water forward plan itself, and that is the Texas water development board funding options, which can save us millions of dollars, and in this direction -- and I've talked about this with the water utility, would be considering whether we need to have a grant manager to monitor those so that we can take advantage of the savings while it would cost money and you would require a person to meet the requirements, it would be worth the amount that you would be saving using that which could be in the millions. Council directs the city manager to use cost saving water utility board cost options or outside sources such as grants on projects whenever possible. The last part is in the plan. The first part wasn't, but that was the language that we landed on

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the third one is current to ordinance development, consider advancing educational materials, training and facilitation of demonstration projects particularly with regard to dual plumbing. This is in line with



the other folks who are asking to accelerate implementation, but this allows for us to take care of some of the investments in education and the utility of having demonstration projects that show that these things can work, and I would like them to consider that in conjunction, obviously, with the task force. Fourth one is council directs the city manager to consider a stage in the city's permitting process to discuss with large developments how to incorporate water conservation strategies early in the design phase. I think that might overloop with one that the mayor has. And council directs the city manager to consider methods for interdepartmental collaboration to work to help ensure we have a skilled and developed workforce including but not limited to plumbing professionals ready to implement alternative water strategies for buildings and development and to identify whatever resources the city may need to bring to bear to support the necessary training. So as I mentioned in work session, in order for water forward to succeed, we need to have professionals who can build our buildings according to what's being asked of them in ordinances or by incentives and some of this work is relatively new and we have a shortage of plumbers which drives up the costs and that's something that the city could use to achieve multiple goals, the goals of water forward and the goals of our workforce development programs. >> Mayor Adler: Okay. Thank you. Colleagues, I handed out an additional proposed direction, five items on that. It's been posted on to the message board. I think a lot of these reinforce the -- many of the points that were raised by the mayor pro tem and councilmember kitchen and councilmember alter.

[10:46:25 AM]

It does not address the last one that councilmember alter raised just by way of parenthetical thought, we approved the regional workforce development plan which focused on three areas, tech, health care delivery, but also skilled trades. So I think that the last one of these items fits with that and similar to how we've organized the -- the work on the bond in 2016 to create apprenticeships and programs where people are being trained. I think the bond election we just passed with respect to affordable housing gives us the opportunity to do that as well, and certainly in areas like this. And I would hope we take advantage of those. The five points that I handed out on the page similar to the first one was asking the city manager to expedite the time lines, codes and ordinances recommended by water forward, where feasible to increase the city's resilience to the next drought, which I think has been said several different ways by folks. The city manager and Austin water would consider orienting impact fees and rates to promote water forward so that any changes in fees and rates is done with the lens of advancing the forward goals. The third one was just looking at the alignment of Austin water and watershed protection development to advance water forward. Certainly there's nothing in here that mandates any kind of structural changes and the like. That's a management function, not a council function. But by way of direction we are just noting that reporting structures, which can be done formally or informally I think and performance metrics that we're working out is a way to really align those because part of the discussion from the task force was the real need to align those efforts. And then the fourth one was considering ordinances related to on-site strategies, consider extending these strategies to entire master planned developments including

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puds and other special districts. What staff said was the water forward document allows for that, doesn't specifically state that. And then the last one related to asking that you consider creating a research and development unit within the water utility, really to advance a future business model innovation, leveraging new developments as an opportunity to test and deploy new technologies, operational strategies and revenue structures. We have this inherent conflict in the water department as we do in Austin energy where we make money selling something that we are also trying to stop selling as much of. And that leads us to sometimes difficulty in processing policies, and I think there have been discussions by colleagues on the council that in the future we're going to have to figure out how to align those in a world where those things change. Perhaps finding additional income streams. You know, I always like the example of pec way back when when it was obviously a power company, but began its work by being a credit entity to help people buy washing machines and appliances which helped create the market for the product they were selling. But that credit function became an income stream for pec while it was developing the other things. So taking a look at that. All right, I think those are all the direction. Councilmember kitchen. >> Kitchen: I just wanted to comment on one of the items in the direction, mayor, and just reemphasize and thank you for recognizing the relationship between the utility and watershed protection. We had some conversation about the relationship between water forward and the update of the city's flood mitigation plan. Recognizing that they are not directly related, but that it would be important as the city moves forward

[10:50:28 AM]

with updating our -- our overall citywide flood mitigation plan that we keep in mind places where there might be some synergies with water forward. >> Mayor Adler: Okay. Councilmember Flannigan. >> Flannigan: Thanks for everybody pulling thidirection and I wanted to thank councilmember kitchen for the item about combining the public engagement pieces. I think it's something that I even last night I heard from the community their engagement fatigue. Thinking about that as a broader organization about how do we -- how might we combine engagement opportunities and have the community be more focused, I'm glad to see that added here. >> Mayor Adler: All right. Let's -- mayor pro tem. >> Tovo: I just want a quick comment, mayor, about your fourth item, your fourth bullet regarding puds. It is my understanding and maybe staff can confirm, several of the planned unit developments coming forward are already integrating many of these strategies and so I appreciate you having this as a bullet. I see that as very low-hanging fruit. If that's already the expectation, I would hope that we would codify that expectation just as very soon as we can. >> Mayor Adler: Okay. So let's go down to public comment. As we go to public comment on behalf of council, reiterating what many of us said at the work session when this first came up, a lot of people did a lot of work over a long period of time. Certainly our staff, many departments all contributed to this and for that we're greatly appreciative, but this is a significant lift for members of the community on the task force that was created and we're all appreciative and recognize that work. We have six people to speak. >> Mayor, I just -- sorry. I just wanted to piggyback off of mayor pro tem's comment there because there's some similarities but they are slightly different. The direction in yours and mine. They co-exist perfectly fine, but I had recognized

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that in the pud process they've incorporated a step for conversations over those kinds of water improvements, but there are other developments that don't go through the pud process where we don't have a way early in the process for there to be those conversations about water quality and water usage and other kinds of things. And so I was trying in my direction to be able to create that opportunity in other areas as well. >> Mayor Adler: And that sounds good. I think everybody said lots of different ways we're looking at ordinances right now that are being developed, we just want to make sure as they are being developed they are being developed with broad application to very different kinds of development in the city. Let's go to the public discussion. Let's see how many things we can take care of this morning. Beginning with this, is Brian zapcheck here? What about David foster? You'll have three minutes if you want to take it all. Is Angela Richter here? >> Good morning, mayor and councilmembers. Good to be here. My name is David foster. I'm here to speak on behalf of clean water action and urge you to pass this plan today. I also support the resolutions or the directions that I'm hearing from the dais to the water utility to speed some of this up. So -- so this is a tremendous moment for Austin, I think. I think the chair of the task force said it best when she said if we pass this plan, Austin will become the only major city in the country that is -- has a plan in place to meet its water demand for the future without taking somebody else's water. So this is a very sustainable plan, it's a cost effective plan. And there are various things I want to highlight quickly about what there is to like

[10:54:31 AM]

about this plan. There's a strong emphasis on conservation, continuing and strengthening the programs we have now as well as rolling out new ones. The aquifer storage and recovery piece is very significant. This is a very simple idea. You simply take water during times when we have a lot of water in the Colorado river and store it underground and retrieve that water during times of drought. Having that storage would help us through water quality upsets like the one we just experienced where we had to issue our first ever boil water notice. And there's also a component that would involve he expanding the use of reclaimed water. This is water, of course, that is sewage, it's partially treated and pumped back into parts of the city for use to meet nonpotable needs, irrigation, toilet flushing and so forth. The part I'm most excited about is alternative water seniors. These are those streams that fall on the city itself, the buildings itself can exploit. It's air conditioning condensate, rain water harvested off the roof, storm water harvested off pavement. It's treated black water. It does involve dual plumbing of new buildings and perhaps also retrofitting exhibitioning building. This is very exciting because I think this helps make Austin a much more climate resilient city. By exploiting these water sources that we're now wasting. It's helpful to point out enduring the last job we had major storms that hit Austin but hit the reservoirs. We have the opportunity to capture and use these water sources in a way frankly that nobody el sist doing in the country now. I also encourage to you accelerate the time line. These components because we're seeing so many buildings go up so fast, hardly a week goes by and we don't see a new crane, condo, et

cetera, and every one of those buildings that is built without taking advantage of these opportunities is a missed

[10:56:31 AM]

opportunity by the city. I want to conclude by expressing my appreciation to Austin water utility, the staff has put months and weeks of effort into this. And also to the members of the task force who did this as volunteers month in, month out. And not least mayor pro tem tovo for being the lead sponsor -- [buzzer sounding] -- Back in 2014 when this got started. Thank you. >> Mayor Adler: Thank you. Is Diane Kennedy here? You have time donated by Andre. Why don't you come on down to this podium. You'll have five minutes if you want to take that much. And miss Richter, you have three minutes. >> Angela Richter, save Barton creek association. Good morning, everybody. A lot of what I'll say will kind of mimic what you heard from David, but sbca is very supportive of this plan's direction. We're really excited about diversifying our water supply in ways that are not importing someone else's water and the decentralized strategies David spoke about. It's another important aspect of this plan is the fact that we're moving towards using nonpotable water sources and decentralized nonpotable water sources for nonpotable means. I really appreciated also hearing all of the motions made today. Appreciate the attention to our comments that we got to you earlier this week. And given all the motions that I heard today, I feel very optimistic about the future of this plan, its implementation, the future of the water forward task force in helping with that implementation. Just a couple of quick points on the asr, in addition to the stakeholder process, which I think is important, I think that there's additional science that's needed to really understand whether there are better options than the

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kraizzo Wilcox. But didn't extend outside the service area and understand whether there's anything outside the service area but not as far as the carizzo Wilcox that could reduce the carbon footprint in that type of project. On another quick point, I hope in the implementation of the landscape transformation ordinance, we'll be looking at current commercial landscape policies and identifying whether there's any opportunity to save water -- for water savings there as well. And finally, I -- there was some language in the plan that suggested a possible either/or dynamic between these alternative on-site water sources and the utility's purple pipe. That is, you know, currently the case for our condensate policy where buildings don't necessarily have to use those on-site strategies if they have the purple pipe. So we would like to see that really thought out in this process as well and not -- not seen as an either/or. That's pretty much it. I do support the plan. Save Barton creek association supports the plan. We're optimistic about the outcomes of this process and want to applaud everyone for their work on this. Thank you. >> Mayor Adler: Thank you very much. Before Ms. Kennedy begins, is Roy Whaley here? I saw him a second ago. If you want to come down to the other podium. Go ahead, please. >> Hi, Diane Kennedy. I'm here on the behalf of I guess several entities. Number one I'm a life-long Austin

resident and look forward to spending the rest of my life in Austin. So water is very important to that. Growing up here, enjoyed the Lakes and I consider those an integral part of Austin.

[11:00:36 AM]

I have also served on the water task force at the pleasure of councilmember alter. I've enjoyed it immensely and feel like we tried very hard to take into account all of the necessities of a plan for this extremely long period of time. I mean, none of us can think forward for 100 years, but we -- we looked a lot towards sustainability. The environmental sensitivities, and affordability of having water for our residents for that period of time. I think when we started, at least in my case, I didn't know what I didn't know. And I think that's still the case because we have a plan that is making assumptions on technologies that are going to be changing very rapidly. And that is why we built in the five-year review of the plan. I think everybody needs to remember that this is a living document, that this is a road map, that it is not written in stone, and that there will be many changes probably to the plan. Whether it's location of the aquifer or the science of the aquifers or whatever it is. I too agree with the council wanting to expedite where we can because every time I see a new tower go up, I think oh, my gosh, a missed opportunity. So I agree that the moving forward expeditiously is

[11:02:37 AM]

important and that -- that staff is -- is in tune with doing that. I also am here to speak on behalf of the Austin board of realtors. I'm a member of the legislative management team there. I've been a realtor in Austin for 40 years, and in that -- in that job I have and am still talking to many, many, many residents of Austin. And speaking for the Austin board of realtors, we represent some 12,000 realtor members who are out there touching residents of this city every single day. So when it comes to public engagement, I ask that you use us as a resource. Help us help educate the citizens, the residents with what they -- what they need to know. And the people that are moving into our beautiful city. And I'm amazed when I hear people coming from other parts of the country and they hear what we -- what we're doing, they are impressed, they are encouraged, they are coming from areas where they've had it much, much more difficult than we have, and so it's a very good thing for our city to have this moving forward. So I just would ask you to approve on behalf of Austin board of realtors also. Thank you. >> Mayor Adler: Thank you, Ms. Kennedy. Mr. Whaley. Three minutes. >> Howdy, y'all. Roy Whaley. I am the conservation chair for the Austin regional group of the Sierra club. It's the week after Thanksgiving so I've been making, of course, last week my list of all the things I'm thankful for, and I'm

[11:04:37 AM]

very thankful to get to work with such a wonderful group of people and hitchhike along with their statements also and don't need to repeat everything that they've said. But give it a big thumbs up. Also I'm very thankful for all the work that the volunteer task force has done for all this time. And I really appreciate their dedication, their time and their insight into this. I'm a child of the '60s so I grew up on the space program. When nasa launched to go to the moon, they were only on target 6% of the time. 94% of the time they spent adjusting what they were doing. But they launched. And I believe that we need to launch water forward and then, as Diane said, since it is a living document, that we spend the time necessary to adjust to that goal. And just as we landed on the moon, we will make water forward successful. One thing that I do have a concern about is -- well, let me first express my appreciation for the water utility and all the people there and the fact that they continue to deliver good, clean water to our homes and businesses every day. Let me also express my appreciation for watershed protection and the great work that they have done and their openness to have community conversations and to talk with the activists and work together. And I do think that water utility and watershed protection need to work closely together and have better communication. I do think that they need to continue to live in separate houses. I believe that we need to

[11:06:40 AM]

keep those two separate and not -- not merge them, but to keep that separation and keep the good work that both entities are doing, but improve their communication between each other. And so that would be the ask I would have on that. And accelerate. Get it done. Let's get this thing done. And that's all I have to say at this times because I know we're going to be discussing this in the future. So we will have more to say as you will. And so let me say thank you. >> Mayor Adler: Thank you very much. Those are all the speakers. Is there any objection to any of the directions that were handed out? Hearing -- councilmember pool. >> Pool: I don't have any objection to the direction we've heard, but I wanted to add one piece to it if I may. >> Mayor Adler: Okay. >> Pool: I wanted to acknowledge what Angela Richter said about the distance to the carizzo Wilcox aquifer and ask as part of the direction and due diligence that we do the best we can to find other sources closer to Austin. >> Mayor Adler: Okay. >> Pool: To the extent that's possible. >> Mayor Adler: With that additional direction, the record should note there are no objections to the directions handed out. We have a motion and second in front of us. Any discussion before we vote? Mayor pro tem. >> Tovo: I don't have objection to any of the direction, but I think -- I think I will more formally change condense to accelerate just to be very clear about that. I talked a little about the history of this at our work session, not the one this week but previously, but not all of you were there. I want to reiterate how grateful I am to the community members to came forward to council. I think bill bunch had done public information requests that revealed there were ongoing negotiations with other water -- potential water sources and just acknowledge that the council at that time received a

[11:08:40 AM]

letter from -- in 2014 that was signed by -- by Roy Whaley on behalf of the Sierra club, David foster, bill bunch, and Paul Robbins urging that the city pause and do just exactly what we've now done, which is to develop a integrate water plan and provide that path for the future. And I just want to again commend those community members who stepped forward and said let's think about how we do this, let's envision and plan in a comprehensive way and let's have a community piece of that to help guide that work. So thank you, huge thanks to our community members who helped initiate this, those who served on the task force including Jennifer walker here and our chair Charlene lurig, you all have done fabulous, fabulous work, and again, thank you to city staff, our water utility for all of your tremendous work on this as well. This is a -- going to be really pivotal for our city. >> Mayor Adler: Mayor pro tem, thank you for your leadership. It's been moved and seconded. Those in favor please raise your hand. Those opposed? Unanimous on the dais with councilmember troxclair off. Let's pick up then item number 9. We have some speakers that are signed up to speak on this item. Susan petaro. Is Brad parson here? No? Is Francois Luca here? You have five minutes. >> Susan petara. I'm on supposed to in -- opposed to increasing the contract for the negotiations on the mls

[11:10:42 AM]

stadium. I am kind of surprised that came forward because the comments after you did a lot of work on a term sheet kind of indicated that it was so detailed that there wouldn't be that many changes. So I'm kind of surprised that we have 50% increase in those fees. I know when you are looking at a \$4 billion budget that it would be easy to think 100,000 is not that much money, but it is. Just in terms of scale, I know this isn't from the general fund, but it would take 91 median valued homes, it would take all of their M and O taxes to pay for \$100,000. That's a lot of money. So it's a significant decision. The other thing is that it seems that this whole process is in a state of flux, and so it almost seems like you need to let some of that settle out and find out what's happening in Ohio. A motion to dismiss was heard on September 4th. The judge has not ruled on that. And what it looks like just from reading the paper, you know, which may or may not be accurate, but just in reading the paper what it sounds like is that they are trying to settle so that both parties comply with the law in Ohio. That's what it looks like. So one of the things that has changed is the fact that in '19 there will not be a soccer team in Austin, Texas, because they have sold season tickets in Columbus for the Columbus crew to play there. We don't know how the rest is going to settle out. But it is certainly in a state of flux and it makes a difference. From a money viewpoint, you know, and again in the state of flux, it started out when you were talking about this, that the community benefits were \$72.8 million over 20 years. The first part of the lease. Okay, and then when you got into it and started talking about equity for women, then it was revealed that really

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the mls training academy was not a community benefit but required, so that was taken out and that was half of those benefits. And then now if there are only going to be here for 18 years and not 20, if we're not getting community benefits in these first two years, what we really have now is over 20 years those

community benefits have dropped from 72 million to 32 million. That's a 40 million-dollar drop in benefits. Very, very significant. The other brief comment I want to make, I really enjoyed hearing the conversation on water. But the truth of the matter is that piece of land is owned by Austin water, and the city's ordinance says that that cannot be leased to someone else unless it's used for water. Purposes of the Austin water utility. And your city manager was given that information by attorney bill Aleshire and it was accompanied with some numbers. And I certainly wouldn't know how to verify those. But the number was about \$18 million. And so when you hear all of the needs for Austin water, and now you see there's this \$18 million land, and I don't know if when you decide to use it for something else if you would have to repay the 18 or fair market value, I don't know the answer to that, but I am certainly not hearing a solution for that. It seems to me that's a very important issue. You had alternate resolutions come in, plans, not resolutions, I'm sorry, that would have provided money up front where you could have paid off Austin water. But that's not this one. And so I think a very significant question before we spend more money is what are you going to do about that. And I think the public needs to see that. So I thank you very much for your attention and I hope that you will not increase this contract by 50%. Thank you. >> Mayor Adler: Mr. Peña, Gus Peña, do you want to

[11:14:44 AM]

Speak? >> Good morning, again, Gus Peña, president, co-founder of veterans for progress. I think Ms. Spatero was very on target. I also spoke with former county -- Travis county commissioners court judge Aleshire, known him for many years, and what benefit will the community get? And as Ms. Spatero said, I don't want to be redundant, but whatever happened to the affordable housing component. Having been a ESL instructor for the immigration reform and control act of 1986 where millions of undocumented people from other countries became temporary citizens and then permanent citizens and productive members of south. I like soccer, I don't really like soccer, I like football. But we just want to make sure as Miss Spatero said what are the revenues, what are the positives and pluses for the city. And I'm supportive of her statements and I'll leave it on that. I don't want to ramble because it would just be redundancy at its worse. Let's have a better process for this item on the agenda, Mayor Adler. To it's a comment about you being a leader now still to make sure the city of Austin gets a better deal and the citizens get a better deal. There are certain components of this contract that we're not really we're not supportive of. We have a lot of people from different parts of the country and the world that

[11:16:45 AM]

like soccer so this is not really a good deal right now. I'll leave it at Judge Aleshire's discretion. He knows what he's talking about. Look at it really closely and see if it's a benefit for the city. Thank you. >> Mayor Adler: Those are all the speakers I have. Is there a motion to approve item number 9? Councilmember Flannigan. Councilmember Garza seconds. Discussion? Those in favor please raise your hand. Those opposed. Ms. Houston, councilmember alter. Councilmember Troxclair off the dais. This item passes. That gets us to item number 11. No citizens signed up. Mayor pro tem, you pulled this. >> Tovo: I just



have a couple quick questions in relationship to potential access issues. And Mr. Gale I think is poised to answer them. Can you resolve for us whether there is an easement -- a public easement that runs from this tract to St. Elmo? When we visited the site years ago there was some possibility that there was one back there, but I can't remember how that issue was resolved. >> Yes, councilmember, Alex gale, interim officer for the office of real estate services. I have a map I was hoping to bring up as well. >> Tovo: That would be great. >> That should provide additional insight into that what you can see is St. Elmo to the south, but there is no existing easement that runs through those private landowner properties to the south, the residential to the south and also the industrial there to the east. But we do have, of course, winnebago line on the north side, there's the U.P. Railroad on the east side and a drainage easement along the west side of the property with an additional

[11:18:47 AM]

150-foot natural buffer area on the south side. >> Tovo: And so -- thank you. So that -- okay, so that easement doesn't run through. That is really unfortunate. And then what is -- and I'm going to ask Mr. Elliott to come up in a minute too, but what are the plans for that natural buffer in the back? It's kind of a nicely wooded area. Is that going to be fenced in as part of the farm or is that going to remain pretty much as it is? >> Those details haven't been ironed out as part of the lease agreement yet, but that natural buffer easement would need to stay with that natural area. Mr. Elliott may be able to provide some additional information of what they saw and what they might do on this site. I know they were talking about a possible orchard area on this site so that may be a component they would add to that buffer area. >> Tovo: Okay. Thanks. If Mr. Elliott, if you are willing to address -- and I know that we've had an opportunity to talk about this. There was a provision in the resolution that I hope can continue in spirit to kind of move forward into the negotiations, and that is to work toward, if it's feasible, and I know it would depend on the participation of the private property owners, but it seems like a great opportunity to provide access from your site to that little very small enclave of homes immediately behind it and also if safe passage can be created to the apartment complexes across saint Mel -- St. Elmo. One of the first potential uses was a dog park in an area that could use some open space, and when it came to council, the council, I good -- I think we postponed it and it never came back, but part of the concerns was access to the site because it's challenging to get to. Even if you live immediately

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behind it, to get to your site, you have to go all the way around. If there could be some kind of access created to create opportunities for that little neighborhood behind, and again, the residents of St. Elmo, just when we looked at this when it was on our agenda to sell, I spent time out there and anecdotally noticed families with kids going into those apartment complexes on St. Elmo. It seems like a natural audience if you can figure out how to get them there. To continue conversations or start conversation with neighbors to see if there is an opportunity to provide some level of access and potentially even an easement and to the extent it would make sense for the city to participate in that, if you were open to

having those dialogues as you move forward in the site plan process and your own planned community engagement process. >> Max Elliott, urban roots. I want to thank everybody here, city council, southeast combined neighborhood contact team, homeowners association, gave, city staff from all different departments, urban roots supporters, food policy board, so many people have helped us get to this point so I want to acknowledge all the hard work and leadership of councilmember Garza, city manager's office as well. And I want to say yes to answer your question shortly. For the first two years of this lease arrangement, our plan is to have a youth-led community engagement process where we'll provide paid internships for urban youth to really engage in the neighborhood to build relationships and better understand what the community needs and interests are. So that would definitely include issues around access. It would also include collaborative opportunities to amplify the food access projects that are happening already in dove springs. So we really will have a thoughtful process of how to really engage the community to really make sure that in our site plan development we get as many voices into that process.

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>> Tovo: And Mr. Elliott, you know, there were several references in our backup to fencing, which I understand you need, but too as you begin that process of planning what that fencing will look like, it would seem to me to make sense to have an opening to that back area. So I hope that will also be part of your consideration. >> In the conversations we've been having with the kensington park homeowners association, that has not been an interest that they've expressed so far. They've continued to support the program moving forward. They are really excited, I got an email that said we want to be a yes in my backyard. They are excited about us being there. That will be part of the community engagement process to see what's the best way to E our programming and access Tse site so that's a great conversation to have. But as far as fencing goes, ill be included as well as prioritizing safety and security of the urban roots participants. >> Tovo: Thanks. Again, I just want to refer back to the resolution that was a specific provision, so I hope that will opinion to be, since it is a city-owned tract, it is, I think, in the city's interest to provide access to as many people as possible. Thank you for the work you do. I'm excited about your next venture. >> Thank you. >> Mayor Adler: It's been moved. Is there a second in councilmember Renteria seconds that. Any discussion? >> Garza: I just want to quickly say, I want to thank all the city staff that have working on this. I want to thank mayor pro tem. This piece of property would have been sold had actually the entire previous council and the mayor pro tem taken a vocal role in making sure that we held onto it. It has been analyzed just so that just in case there's conversations later, it had been analyzed for potential affordable housing and this was found this was not a place that would be good for that as it's in the middle.

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While there is a neighborhood just south, the access to this property is in an entirely industrial area with no access to public transit. I think this is a great opportunity to provide programming for youth as well as

address some of the food access issues that we see in district 2. So thank you for all the city staff that have been working on this. >> Mayor Adler: It's been moved and seconded. Further discussion? Councilmember Houston. >> Houston: Thank you, and I want to take a moment to thank max Elliott for the amazing work that urban roots does. They've been part of district 1 for years now and the way they not only have identified a very diverse group of young people to talk about the importance of growing their own food and feeling what that is and getting that taste in them, and then cooking the food and serving the food, it's just been an amazing organization. And I wish more -- did more intentional about diversity as you do, but good luck on winnebago and we'll see you out there in the dual lane soon. >> Mayor Adler: Pretty yummy on lots of levels. Councilmember Renteria. >> Renteria: Thank you for doing in too for that community. You know, we have a festival beach going there when mayor Leffingwell gave us that opportunity and it's become and grown and it's always -- the people there are growing their own plants and they come and we have pot luck lunches there and with music. So it turned out to be a great investment for the city and I'm sure that this one will be a great investment for the city and dove springs. So thank you. >> Mayor Adler: It's been moved and seconded. Those in favor raise your hand. Those opposed. Unanimous on the dais with councilmember troxclair off. Thank you. I don't think there's

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anything else that we can address until noon when we have citizen communication. After citizens communication we'll go into executive session. There will only be one item on executive session and that is the item number 48, which is the evaluation of the city manager. And we'll come back out at 2:00 because there's nothing we can do until 2:00. Hopefully we'll take care of that agenda. We're going to then if it doesn't extend till 4:00, we'll take a recess because there are a couple items set for public hearing at 4:00. But it looks like we will have this done before dinner. We have some great music at 5:30. In case people's calendars allow them to be part of that. So we're going to take a recess now for 30 minutes. We'll be back at noon for citizens communication.

[12:00:09 PM]

>> Mayor Adler: All right. It's 12 noon. Back from recess. 12 noon we call citizens communication. The first speaker we have is Sergio Lozano. Why don't you come down. Gerardo Martinez is on deck. Sir. Thanks for joining us. You have three minutes. >> Thank you very much. My name is Sergio Lozano. Members of council, I'm here to talk to you about what I consider is a significant impact on small minority owned businesses pertaining to what I call the outrageous fees of the city of Austin for development services. Basically I have been a practicing engineer in the state of Texas since the year 1982. And I still am practicing with a very successful company. I have 12 employees that work with me daily. And we cannot understand why our fees have increased so much in the the past four years. As a consequence of that increase in fees, most of our customers who are small businesses cannot afford to pay our fees as consultants, pay \$20,000, \$40,000 in city fees and still construct what we have. We did a

detailed analysis and comparison with other large municipalities that outside their development department, a resource fund, and what we found before

[12:02:12 PM]

you, which is the very, very large gap between a full-time employee with the city of Dallas, with the city of San Antonio, with the city of Houston and what the city of Austin has. So we are asking council to please look into these. I do not know if when this budget passed if councilmembers were paying too close attention to that increase in fees and what was going to be the effect of those increases into the small business community. So some of my colleagues that work with me are going to be here speaking about what we consider in recommendations that we would like to offer to council in hopes that we allow small businesses, small developments, to continue in Austin and not only serve the big interests that we feel these humongous fees are going to create. After me Mr. George Oswald is going to be speaking in detail about some of these particular aspects and I know that during citizens communication you're not supposed to ask questions, but in case that you have questions, I'm here to answer them. So please let's keep the small minority community in business. Let's have a diverse public in Austin, Texas. Thank you for your time. [Applause]. >> Mayor Adler: Mapi vigil. >> She's not going to be present. >> What about George Oswald? Why don't you come down. You will be next at this podium. Go ahead, sir. You have three minutes. >> Thank you, council, thank you, mayor for giving me some time and some

[12:04:12 PM]

attention. My name is Gerardo Martinez. I've been working and living in district 3 for about three years now. Originally born and raised in Laredo, Texas where my father is an engineer and my grandfather is an engineer. And they told me there's two things that I can do to become a successful engineer. The first one is the most important, is public safety. Number two is having a mindset of service, and that's what I think we're doing here is we're here for the local austinites that are your average American heroes, trying to better themselves and live the American dream. And what I wanted to talk about today was just four cases where we saw a lot of big changes in prices compared to San Antonio and Dallas. So the first one is subdivision, when somebody is trying to subdivide their lots or trying to gain legal lot status, you can see almost 1200% in increase and 840% increase in Dallas. Number two is plat modifications, when you want to make a change to an original plat there's an easement that you want to take care of or something in that nature, we're 60% higher than the neighboring San Antonio and Dallas. Number three is our main focus here is the site plan review. You'll see we're about 2500% higher than San Antonio and 1400% higher than Dallas. A lot of these people are buying small pieces of land, they want to put a restaurant or food trucks or whatever, they have to pay the same as somebody wanting to do a five-story building. So that comparison is really hindering our clients and they're trying to better themselves and better their families and their economic status. And number four is a revision. This is when you get a site plan approved and you want to make a small change because of site plan or because of implementations on the site that weren't what you thought.

[12:06:13 PM]

This is when you do a revision and you can see we're about 4,000% higher than San Antonio. And that's what we're seeing everyday. And this jump has been in the last three years since I started working at LLC. So I'll leave you guys with three questions. One, are these fees helping? Two is, you know, in the long run what are the consequences of these fees when you're looking at local business and small business? And then three is, as our neighbors are doing in San Antonio and in Dallas, big, booming economies, just like ourselves, how can we get closer to their fees and how can we get closer to what they're doing? Thank you guys. [Applause]. >> Mayor Adler: Is Maria flores here? You will be next. Sir, you have three minutes. >> Mayor and council, my name is George Oswald and I'm a resident of d8 and I am here also to address the cost of site development fees, which are typical for small development. I must have hit the wrong button. Here we go. About five years ago the city hired a consultant called the matrix group to look at and develop appropriate fee structure so that the development services department could recover 100% of their costs. And that's a very good idea to make development pay its own way. But one of the things that happened as part of this are these high costs for site development for small businesses. Typical development would be less than two acres, maybe 200 to 300,000 dollars' worth of construction on the site. They walk in and find out that their fees are going to be in excess of \$10,000.

[12:08:14 PM]

And that's an increase from the original fees before the city started implementing this matrix study of between 200 and 700% for those fees. So that's a significant impact to small businesses. How did we get there? Well, one was the rate study, and that rate study also acknowledged that there should be special exceptions to those fees for activities that are of special interest to the community. I do believe that small businesses are of special interest here in Austin. Also, our costs here are extremely high. Just looking at the fy19 budget, the development services department has 412 full time employees, total budget of 73 million. And that's \$170,000 per full-time equivalent, which if you look at the same figures from Dallas and San Antonio, they're running about \$125,000 per full-time equivalent. Also their budgets are significantly less, about -- less than half of here. And the number of employees involved in that are significantly less, about 130 less employees. And those towns are booming. They are booming also. So my recommendation is look for a special rate class for these smaller developments and then look at how our expenses are comparing to our sister cities in the state and take appropriate action. Thank you. [Applause]. >> Mayor Adler: Is Owen Shroyer here? You will be up next. Please proceed, ma'am. >> Hello, my name is Maria

[12:10:16 PM]

flores. Thank you, councilmembers, thank you, Steve Adler, for your time. As you heard my prior colleagues they have expressed their concerns for small developments. This is impacting greatly the growth on local business and as we all know that's an asset for Austin. We would like to forward our recommendation primarily by reducing fees to what it was three years ago, 2016, for small development. This -- we don't think -- we are also recommending to create a group, a study group with citizens and city staff. We don't think this is going to really impact city revenue since I believe it's -- we're at 10%, small development is only about 10% of city revenue. I'm not sure this can actually go into the citigroup and maybe -- okay. Let me back up. Creating the citizen and city staff group we can coordinate with other Texas cities, Houston, Dallas, San Antonio, and see -- maybe determine the factors that have worked for them and how they have produced these lower fees and how they've been able to continue. Based on the study, on the study group findings, the goal is to determine an appropriate fee for small development -- I'm so sorry. For small development. I come from a family who have been here for 30-plus years and they have had a small business. So maybe they were not impacted in the beginning because fees were not this great 30 years ago, but I have worked with many hispanic families and

[12:12:17 PM]

different culture families that do not have-million-dollar projects. They can't afford to pay \$10,000, \$12,000 to build something that they're planning that's going to cost them \$200,000. So I feel that with this study group maybe we can find an in between that will work for city of Austin and that will work for our small development companies. And we look forward to working with Rodney Gonzalez or city staff. Thank you for your time. [Applause]. >> Mayor Adler: Thank you. After Mr. Shroyer speaks, is Ryan Clinton here? You will be up next. Go ahead, sir, three minutes. >> Thank you, mayor members of the city council present today. Mr. Renteria, last time I saw you were illegally campaigning outside of a polling place. That's not what I'm here to talk about today. What I'm here to talk about today is a giant pay for play scam at the very least happening in the state of Texas and Austin. This month this city council voted to once again allow planned parenthood to rent government-owned property for free or one dollar a year. This property is valued at a fair market price per year of \$110,000. This property is also about to receive renovations with the price tag of \$1.2 million. This property had a bitter Austin life care who made a fair market bid to rent the property and Austin life care offers the same services and planned parenthood minus the abortions. That bid was ignored. Now, planned parenthood has been received this advantage since 1972 and thanks to this city council that could go on for another 40 years. So it is fair to say that this planned parenthood clinic is costing taxpayers millions of dollars. This on top of the millions of taxpayer dollars planned parenthood receives a year, half a billion this calendar year, one and a half billion over the last three years,

[12:14:17 PM]

yet this clinic needs free rent? Before I ask this city council to justify this decision, which goes against millions of Texans' spiritual, religious and political beliefs, I will point out to me what I believe is criminal

pay for play activity happening between the Democrats, some of which are on this city council, mind you, you identify as Democrats, and planned parenthood. In 2018, they report the following Texas Democrats in congress received campaign contributions from planned parenthood. Alfred Colin, \$1,500. Gina jeans, 3,000. Sylvia Garcia. 1500. If this is untrue I'm wait to go here these Democrats disavow it or I think this requires I file a federal complaint. How can any entity that requires -- that receives government money be contributing to campaigns specifically to only one party? So not to mention the millions of hearts, beating hearts, stopped by planned parenthood every year. They receive billions of dollars in taxpayer funds. They contribute politically to only the democratic party and this city council decides to give them free rent. We just voted to expand government spending in Austin. We can't afford giving millions of dollars away in free rent, let alone to planned parenthood, when a similar organization offered to pay a fair price. So I ask and I'd like to get an answer today from this city council, how do you justify the decision to allow planned parenthood to rent in this city for free? And that's funny to Mr. Renteria. Do you realize that planned parenthood has admitted that they stop beating hearts? And we're going to fund that? So there's no comment from this city council? Mayor Adler, can you justify that decision for the the city of Austin? [Buzzer sounds] >> Mayor Adler: That's your time. Thank you. Next speaker that we have -- [applause] -- Mr. Clinton. And after Mr. Clinton,

[12:16:18 PM]

Mr. Leon will be next. Go ahead, simple. >> -- Go ahead, sir. >> Thank you, Mr. Mayor, city council, city manager. My name is Ryan Clinton and I've spoken many times here before and I'm speaking differently today. In 2005 the animal shelter and the city of Austin and the animal shelter killed 14,309 animals, that was 34 34 animals a day. That year some friends and I got together and made a plan to make Austin a no kill city. Two years later we changed the plan slightly to put together a non-profit to help contribute to Austin becoming a no-kill city and then a couple of years after that we helped write a plan that this city council passed to make in fact Austin a no-kill city and that worked in six months and we are the safest large city in America. We've gone from killing 34 animals a day in 2005 to killing less than one a day now. I went to law school because I'm not good at math, but that's an incredible reduction in the number of euthanasias at Austin animal center, and we are deeply, profoundly appreciative of the work that you've done and the work that Austin animal center has done for that. Austin animal center has gotten a number of recommendations and references and claims for the work that it's done. It recently was officially given a designation as a certified service enterprise organization by points of light organization, which is an organization that helps promote volunteerism in non-profits and in community activities. I think you've probably all received a letter recently by Dr. Ellen Jefferson of Austin pets alive complimenting Austin animal center on its work dealing with the outbreak of distemper D in fact Dr. Jefferson said I wanted to let you know how much we appreciate the interim

[12:18:18 PM]

director and her team, interim city manager Hensley, they truly embrace everything that our no kill resolution stands for and without them I believe that our status as the greatest no kill city in America would have been put at risk. And Maddie's fund gave -- Maddie's fund gave Austin a four-million-dollar grant to create a Maddie's fund academy here in Austin because of the work that Austin animal center and Austin pets alive have done. Basically teaching the rest of the world what we've done. Austin animal center is the single most effective and most professionally run large city animal shelter in the country, if not the world. I understand that there are complainers that come every week almost to complain about Austin center. I actually want to acknowledge them, lift them up, praise them. I think that for a long time I was probably the complainer in chief here about Austin animal center. They have every right to do so. They have the most competent, most humane, most caring and most successful animal shelter in the country. Thank you. [Buzzer sounds] [Applause]. >> Mayor Adler: You have three minutes. >> Soy Carlos Leon. November 29, 2018, to speak what's right. [Speaking foreign language]. First and foremost, gracias, adios, for letting me expose and fight evil threatening our public safety in Austin. Tuesday and Wednesday, sickening chem trails were intentionally sprayed all over Austin air space. Alien entities poisoning humanity, crisscrossing our sky. Tell the F.A.A. To permanently ground the attacking aircraft and ask governor Abbott to shoot them down otherwise to

[12:20:18 PM]

protect the air we breathe here. On the ground cap metro bus drivers continue trying to confuse and control me, to effeminate and emass cue late me, to gas light me or to violate my civil rights by falsely telling me I'm not allowed to board unless I bring all my gear at once. Or that I'm not allowed to bring my gear on at all. Or they're just not stopping to not board and not transport me to my destination stop. That's ass backwards and wrong because they, like you, are public servants per Texas penal code 1.0741 a meaning their government positions, like yours exist to serve me and all my fellow members of the public. Though these incidents are documented with cap metro, drivers who act like criminal sex offenders appear part of and protected by an evil anti-america network, illegally rejecting constitutional law in practice to push and enforce sharia law on public transportation in Austin and cap metro. Solution: Fire and deport the traitors asap and replace them with healthy human patriots who fear god and follow constitutional law and Austin transportation code 13-2-132 requiring drivers to serve us professionally and courteously, not the other way around. Good must defeat evil in this continuing civil, psychological, ideological and spiritual we are being fought daily the buses in the streets of Austin because reverse racism,

[12:22:20 PM]

reverse sexism and reverse homosexual attacks against us strong, straight, non-black, Christian men must be defeated to have no place in Austin or America at large. In Jesus' name I pray, amen. [Buzzer sounds] Thank you, lord, god bless Texas, the United States of America, constitutional law and truth, and above all, [speaking foreign language]. God's word. >> Mayor Adler: Thank you. It's 12:22. We're in



recess until 2:00. The city council will now go into closed session to take up one item, pursuant to 551074 of the government code, we will take up the manager's duties of the city manager. Without objection we'll go into recess for executive session. We'll be back out at 2:00.

[2:23:23 PM]

>> Mayor Adler: All right. We have a quorum. It is 2:23. We are out of closed session. In closed session we discussed personnel matters related to item number 48 and in that regard, we while we were in closed session we were doing the personnel review of our city manager. City manager cronk. Thank you very much. It was a really good conversation. I think and I'm pretty sure that I speak for my colleagues on the dais to say that it was a pretty glowing review and analysis that we collectively gave. There were lots of things that we looked at that you had done we thought a really good and appropriate job, including handling some of the cry cease that happened this -- crisis that happened this year as well as some things that were routinely handled in the past, but are now handled in a way more quickly and more efficiently and we think to better results. So it was a pretty glowing review. We've asked you to memorialize some of the conversations we've had about what we hope going list, our list not too dissimilar from your list, but if you could do that and get it out to us and post it in a way that the public can see it, that would be probably where we start next year's evaluation by taking a look at where we were with respect to the things we could identify now. So thank you very much, and we're excited and pleased that you are here and right now you're making us all look pretty wise in our manager selection. We appreciate that. >> Mayor, council, certainly is R. It's been an honor to serve the last year as city manager and I look forward to many years to come. So thank you very much. >> Mayor Adler: All right. That gets us to our agenda.

[2:25:23 PM]

Do you want to take us through the 2:00 call? >> Thank you, mayor and council. Greg Guernsey, planning and zoning department. I'll go through those items that we can offer for consent or consent postponement. Starting with item number 49, under zoning ordinances and visibilities, hearings are closed. This is c-14-2018-0061, staff would offer this for consent approval on second and third readings. Item number 50, number t4n-2018-0083, staff would offer this for consent approval on second and third readings. Items number 51 and 52 relate to the Berkman terrace property. This is case npa-2018- npa-2018-0023.01 and c-14-2018-0037. The neighborhood has requested a postponement of these two cases, item number 51 and 52, to your December 13th meeting. And the applicant is in agreement, so we would offer those for consent and postponement to the 13th. Item number 53 is case c-14-2018-0078. Staff would offer this for consent approval on all three readings. Item number 54 is case c-14-2018-01002. Staff would offer this for a postponement to your January 31st meeting. Item number 55 is case c-14-2018-0131, staff would offer this for consent approval on all three readings. Item number 56 is case c-14-2018-0091. Staff would offer this for consent approval on all three readings. Item number 57 and 58 are related items. One is a zoning change and one is a restrictive

[2:27:26 PM]

covenant. Item number 27 is c-14-2018-0056 and item 28 is c-14-85-288.43. On the zoning request, which is a request to general commercial services mixed use neighborhood plan zoning, staff would offer this for consent approval on first reading only. I'd like to make a few notations and I understand there are three speakers that have signed in that would be in favor allowing this to consent, but to clarify for this case on all bee caves road that -- first that this project is not grandfathered. That there are certain entitlements that have been extended to this property dealing with uses and site development standards that is received through a restrict. But not through necessarily grandfathering or vesting. The project going forward would be subject to these changes in the covenant, but they would end with basically this next project as it's been submitted. You wouldn't be able to resubmit under those standards 100 years from now and try to be grandfathered under that. And third, that the recommendation that's being brought to you by the commission includes the staff recommendation, but also an environmental board's recommendations. So with that I would offer 57 for consent approval on first reading only. And that 58 would be postponed and we would bring by 57 for second and third reading on December 13th. And the covenant, item number 58, would be brought back for your consideration. Item number 59 you have several speakers that have signed up so this will be a discussion item. And then finally, item number 60, this is case c-14-2018-0077.

[2:29:26 PM]

Staff would offer the amended request by the applicant for first reading only. There is a memo that was in late backup and the applicant has amended their request to Ir-mu zoning on the front 350 feet of the property. And then for the remainder of the property would be zoned sf-6 with a conditional overlay limiting the property to 45 units and that no building would contain more than three dwellings. And with that staff would offer that. It's our understanding that the neighbors and the applicant are in agreement with that. Right now I know the petition has been dropping from its 25% number. It was 22 earlier. And I was just handed another withdrawal of three additional names, so next time I would anticipate that actually a petition would have been below the 20% threshold requiring the three-quarters majority of the city council. Right now names are coming off with the acknowledgment of the owner this week of their amended request. So staff would offer consent approval on first reading only on item number 60 of the applicant's amended request. >> Mayor Adler: Okay. So I guess on these items the 57 we have three people signed up to speak. Given what's been read into the record do any of these three people wish to speak today with it moving forward? Great, thank you. Then we have 18 speakers signed up for item number 59. Those were all the speakers that we had. 59 is being pulled. The consent items are 49 through 60 with item 59 being pulled. Is there a motion to approve

[2:31:29 PM]

the consent agenda? Ms. Houston? >> Houston: Excuse me, mayor. I was in the back slow to get out. I got an email from the Berkman folks about postponing. Is that read into the record? >> Yes. >> Mayor Adler: Yes, 51 and 52 are the postponements are part of the consent agenda. >> To December 13th. >> Mayor Adler: Anything else? Is there a motion to approve the consent agenda? Councilmember pool makes the motion, councilmember kitchen seconds it. >> And that's where closing the public hearings where appropriate and noting those changes to -- noting the changes to 57 and 58 and 60 as read into the record. >> Mayor Adler: As you read them into the record. Mayor pro tem. >> Tovo: I'm sorry to do this, Mr. Guernsey, but I'm going to need you to summarize for me again what you read into the record as changes for 57 and 58. I know it applied to the word grandfathering, but I just want to be really crystal clear on that point. >> There's a reference in the staff backup that refers to grandfathering. These projects were invested by our development services department. They are entitlements that were created for this property through an old restrict that actually would entitle certain development standards that goes back all the way to 1981. The applicant's request has its being presented would actually make several changes to the covenant so it would actually reduce impervious cover, do better water quality standards, but those different things I just want to make sure that people understood that it wasn't a vesting issue, it was a restrictive covenant. And that these changes that we're talking about in the covenant as it would move forward would apply to their next project. So as they complete that next project they get their site plan and building permits approved, that those entitlements wouldn't carry forever on the property, that they would end with this next project being

[2:33:29 PM]

completed and built out. >> Tovo: The one that we are addressing. They would apply as -- as staff has presented, those entitlements would apply to this project? >> They would apply to this project, but if the project has been built, completed and someone were to come back in 50 years from now, 100 years from now, those same entitlements would be subject to current code. >> Tovo: Okay. I will have to think just a little bit. I mean, I'm okay with this passing on first reading today, but that is the substance of the issue that I'm going to need to think about between this session and the next one. And I also wanted to just point out my staff has been looking at some of the information in the staff report and the zoning review sheet actually talked about those entitlements dating to 1985 and then the rca review sheet says 1981. So I hope we can resolve that kind of discrepancy. >> It says 1981 and we'll have that cleared up before you see it again. >> Tovo: Thank you. Is it the intent that a new rc would be drafted between now and second reading? >> Second and third reading, yes. We're postponing the restrict today and then we would have -- restrictive covenant today and then we would have to perfect a new restrictive covenant. It would contain many of the things written in the old, but with the modifications outlined in the staff report. >> Tovo: So mayor, I think that the motion, close the public hearing, I'm not sure that we want to do that on this item. So I think I would make the motion that that be pulled out of the public hearing closure -- leave the public hearing open in other words. >> Mayor Adler: Any objection to that? We'll leave the public hearing open on item 59 -- >> 58. >> Mayor Adler: 58, rather. >> Again. 57 the public hearing would remain open. >> Mayor Adler: 57 and 58 the public hearings remain open. Okay, it's been moved and seconded. Mr. Flannigan? >> Flannigan: I want to be shown voting no on item 50 as I did on

first reading. On item 53 I'll remain in support, but just to note I think it's another example of a place where the co process for uses is broken.

[2:35:30 PM]

We've had cos for use restrictions, but weirdly not restricting adult oriented businesses even though it's a cs pros. I think it shows where that process is imperfect and we need to consider where things are appropriate outside of just whatever thing happens to randomly make its way through a zoning case. >> Mayor Adler: Okay. It's been moved and seconded, the consent agenda. Those in favor please raise your hand? Those opposed? It's unanimous on the dais with the notations made with councilmembers troxclair and alter off the dais. That gets us to item number 59,, which is the only item in front of us that we can consider before 4:00. >> And assistant director Jerry rusthoven will be presenting that case. >> Jerry rusthoven with the planning and zoning department. Item 59 is case c-14-2018-0079 for the property located at 11713 jollyville road. It's currently home to the asian-american cultural center. It's currently zoned lo. The property is approximately two and three quarters acres. The staff recommendation is for go-mo-co zoning with a co that would prevent access to rain forest cove. The reason for the staff recommendation is that there is a study called the jollyville road study that attempted to -- that has prevented commercial creep from 183 making its way all the way to jollyville road. So the jollyville road study identified that strip of jollyville as office and residential on the other side of the street. The residential on the other side of the street has not held up. It has in fact become a commercial corridor, an office corridor, but on this side of the street, office

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zoning has prevailed over time. So that is the reason for the staff recommendation. The zoning and platting commission recommended gh-mu-co zoning for the first 200 feet off of jollyville and they said to limit this area to the lo district development standards, limit food prep, food sales, indoor disagreement, personal improvement services, limited to all other lo permitted uses. Restricted to the restaurant and general use to no more than 3,000 square foot in size to make outdoor entertainment and outdoor sports and rec conditional uses and the remainder of the property would be lo-mu zoning and would have the co to prevent access to rain forest cove. The applicant is not in agreement with either the staff recommendation or the zoning and platting commission recommendation. And I'm available for any questions. I do know that the project, the intention of the project is to take the existing cultural center, to expand it, add senior housing and also to add an Asian restaurant. So with that I'm available for questions. >> Mayor Adler: Great. Thank you, Mr. Flannigan. >> Flannigan: For clarity, the jollyville road study you're talking about is pretty old, isn't it? >> 1978. >> Flannigan: 1978. I live pretty close to this even though it's in district 10, it's kind of on the line. 183 wasn't even a highway, the city wasn't even out there barely. >> It was not, but there was concern that commercial from 183 would push through all the way to jollyville to people in the area -- >> Flannigan: I understand the concern that people have, but I also struggle with making decisions based on 30 and 40-year-old land plans given how conditions have

so dramatically changed. >> I understand that. There is also still a desire to try not to have jollyville be the same as 183. >> Mayor Adler: Okay. Does anyone want to say anything before I ask the applicant to come up and speak? Before we start? Is the applicant here?

[2:39:32 PM]

The applicant or representative? You have five minutes to open. >> Thank you so much, mayor and councilmembers. My name is Gary Wong. I'm the -- I just want to thank you so much for your service: My name is Gary Wong. I'm the principal of Wong architects, an architecture firm and also a lecturer at the university of Texas in the school of architecture. I'm very excited to bring this before you. We've been working on this project for a number of years and I want to share a little bit about that with you here today. We all understand that Austin has a growing asian-american population and Asian population. And you can see these are our demographic charts and you can see that where we are on jollyville, the asian-american cultural center site is perfectly situated to support this demographic as it grows. And you can see that here that share of the Chinese population. And this is old data. If you look at the more recent information, you'll find that this is ever-growing. Something I didn't know before we began the project, that Austin has the highest percentage of asian-american in Texas. This is something that we should be proud of. Even more so than Houston. While we understand that Houston has a larger population of asian-americans, that Austin actually has a higher percentage. And certainly certainly the school is on the site right now for Amy. Amy's site has a preschool

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and we understand that in many neighborhoods of Austin that the Asian population in the elementary schools is rising and in some cases even greater than 30%. So this gets at the heart of this project that there's an increasing population here of asian-americans and in fact one of the main issues of this project that really challenges is that asian-americans don't yet quite know what it looks like to retire. That's not built into the culture of the Asian population and this gets a little bit personal, but certainly there's a number of reasons for this, which in China for instance, it's historically a place that where parents retire they go and live with their kids. And this is no longer the case. Whether it be that the kids don't want their parents or for me, where my dad wonders why he would ever actually want to come and live with me, that dike has changed. So -- that dynamic has changed. So what this has created is this perfect storm of kind of a displaced community here in our neighborhoods and in our city. It's just so exciting to me as an urbanist and an architect, this opportunity we have to create a place for the elderly community, for residences along jollyville and to actually have that relationship here and with the school that replaces Amy's very well worn facility now and be able to create this relationship between the young and the old where they can share a site and they can have that symbiotic relationship between one another as the old get older and the young play in the playground. So these are just some images that capture a little bit of that environment.

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And there's been a little bit of -- we've had about six meetings with the neighborhoods, and there's been some possible misinformation there as people have brought up their concerns. And we've strived to address their concerns each time as we came back for the next meeting. So I want to share where we stand on that with you a little bit here of you from the rear, as the school shares the site with that residential component in the front. So this is a diagram here, and Candice will be speaking after me here, but this is a diagram that shows and illustrates how compatibility is actually a very large determining factor in how we can achieve density on this site. And certainly that that overlay of compatibility in itself is the most restrictive of anything that we could possibly be asking for. So although we are asking for gr, that compatibility overlays this and limits our ability to make on this site. So these are diagrams that illustrate that, and you'll see in these that our limitations through compatibility vary at the front there at the site where jollyville is. You see the 50 feet -- ability to achieve 50 feet at the very front of the site. And it's limited in that way where it steps from the back -- [buzzer sounds] -- And steps forward. I'm going to wrap it up here and I just want to thank you for hearing our application. Thank you so much. >> Mayor Adler: I'll call some folks. Yes, councilmember pool. >> Pool: I wanted to ask, it seemed like there might be some additional information that might be given to us because the time was up. Can I check with the

[2:45:34 PM]

applicant to see how much more did he need to talk about the project? Mr. Whellan? >> Michael whellan on behalf of the project. I know there are other people -- I wonder if there is a way that Candice, the engineer, if she could speak in favor of the compatibility study she did, I think that might help in terms of what the max height is of the center. >> Mayor Adler: Let's do that. Is Candice Craig here? Next up is going to be Mike toppel to speak. >> Good evening, my name is Candice Craig. I am assisting Amy with this project from the engineering aspect. I just want to talk about sort of the process that we went through on determining the type of zoning that we need. What we've been hearing from the neighborhood is that there is very little conflict as far as the use and the height question is primarily the issue. And because of compatibility you can see in that diagram that Gary showed that it eats up a big part of the site. Some of the things that were mentioned about jollyville road and the study is that there are a lot of regulations that have changed. Since that time we have identified jollyville road as a core transit corridor. So it seems like it is appropriate when we want to encourage transit on a road such as this. And secondly, we are showing the higher height toward the roadway, away from the residential area. In the back you can see that there's no structure parking, driveways, anything, in that first 25 feet. And then second to that, then we have the lower

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height threshold governed by compatibility. And because of the odd way the line goes, it's really difficult to have a reasonable height in that little small pocket from the design standpoint. Another thing I want to mention is that watershed imposes an impervious cover limit. Over here we have a 65% impervious cover limit which is lower than the zoning regulation. So those are some of the things I wanted to mention for this property. It's different from others in that we are -- the compatibility is affecting the site from three different sides, north, east, west. I think it's appropriate to put density towards the street. Jollyville road is identified as a mag 4 in the major article divide the four lanes in the arterial plan. So I think those are all significant things to consider. We appreciate your support on this project. >> Mayor Adler: Is Mike toppel here? Is -- you have some donated time from Lela Benford. Is she here? Thank you. And I apologize if I mispronounced your name. Is Dana menova here? You have seven minutes, Mr. Toppel. Before you begin, is Ann budroni here? You will be up next at this podium. Sir, you have seven minutes. >> Thank you very much. Thank you, council. My name is Mike toppel and I live at 11804 Arabian trail. I live in the neighborhood of the asian-american cultural center. The asian-american cultural center has been an awesome neighbor of ours. Everyone in our neighborhood

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has loved having the asian-american cultural center there and we generally support the idea of the asian-american cultural center expanding to include more residences. What we were told a few years ago when the asian-american cultural center first approached our neighborhood was that they were looking at building a senior living facility. So what we did in our meetings is we had a chance to chat with them about what the proposal was and we did see some of the designs that you're seeing right now or that you saw on screen earlier from Mr. Wong's presentation. Those plans are not what they're currently doing right now. What we have is a request for a gr-mu-co. The neighborhood is asking for us to have an lr-mu, something that allows us to have the residences, but keep that height down to three stories or less. Nothing in our neighborhood is taller than three stories. And there's a reason for that. This is a residential neighborhood. Now, in the presentation that you just heard, we talked about just north of the cultural center there, that's a residential area and that's covered by the 1978 jollyville road study. It's also residential across the street, directly across the street of jollyville road, there are -- there's a corridor of businesses, but directly behind that are all residences. Many of those -- many of our residents are here right now to talk to you. And we'll hopefully get a chance to speak to them. But what we're having an issue with is that the gr-mu designation will allow this to go too high. It's not so much that we're concerned about having more residents living in our neighborhood, we're concerned that this will paint a big target on our neighborhood for other

[2:51:37 PM]

developers to come in here and also see that this is an area where we're going to get a gr-mu designation. We have been dealing with businesses in our area, developers coming in and attempting to circumvent zoning as well as permitting, and by doing so have gotten some of the businesses in there as -- that you now see. Some of them snuck by when we weren't watching basically. We're very concerned about the traffic on jollyville road. Because this is a busy corridor right now, adding a lot of residences in here isn't going to help it, it's going to make it worse. Right now it's difficult very to get around on jollyville road, taking a right or a left turn to cross the street is very dangerous. And because this is a residential area there's a lot of children here, there's a lot of school buses that stop along this jollyville road corridor. And we need this to stay safe and residential for them. My property itself is directly at the back of a bar called the poor house. If you can see on the map . There's a -- there's a street called Arabian trail and the large upper level where it says pink -- the pink area where it says senior living complex, that's a senior living center right now. We would love to have a senior living center in the asian-american cultural center, but we have seen nothing to show from the proposal that this is actually going to be a senior living center. It feels like to us, whenever we've met with the asian-american cultural center that a lot of the proposals sound great to us, but when we see the actual proposal, it seems like they're presenting it in bad faith. I do not believe that this is planned to be a senior living center. If there's any way to make it a senior living center, that's great.

[2:53:38 PM]

I welcome new neighbors in our neighborhood, I really do. However, I'm opposed to a zoning designation that will allow buildings higher than three stories. It's just going to ruin our neighborhood. With an Ir-mu, we would allow the apartments to be built. It would even allow a restaurant, but changing the designation to G.O. Would be an irreversible precedent change to our neighborhood that we would have to deal with for years to come. What I do is I walk my dog in this neighborhood twice a day. There's children in our neighborhood and I'm extremely concerned about this building being expanded to a level where traffic would become a serious problem. I have not seen a traffic study for this proposal at all, none has been ordered. And that's very important. We haven't seen a flood study. Volume is notorious for a flooding zone. Many of our own properties on this -- in this very neighborhood, including on bell avenue, are flooded frequently by some of the rains that we get around here, and there's been no flooding study. The issue of how many people are going to be parking at this facility has not been addressed. We're told that it will be just a few families living here with children visiting their grandparents. I don't believe that's true. If this is going to be a tall building that's allowed by the gr designation, there's going to be a lot of people living there and that means they're going to need parking, they're going to need access to the streets, they're going to need to address flooding and other issues like that. None of that has been addressed. We're very concerned about this sort of thing, not because we have a problem with new residences, we don't have a problem with having new neighbors, we have a problem with when we've been contacted about this we've been contacted in bad faith. Most of the information that we've gotten has not been

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truthful to us. Each time that we've asked for information, we get a shifting narrative about it. The drawings that you saw that were presented earlier by Mr. Wong, are not up to date. And one other thing I want to point out. On this property, the purple area that you see there, there are several very large heritage trees, the kind of trees that you can't get your arms around kind of thing. The design that I saw on screen would eliminate those trees. The design showed a couple of trees directly along jollyville road that were remaining, but the building structure that they would have to build within that tract 1 gr zone would eliminate all of the trees that are heritage trees. I've gone on this property and I've tried to put my arms around those trees. [Buzzer sounds] So I have some other people who will be talking to you a little bit about this. Thank you very much. Thank you, council. >> Mayor Adler: Thank you. Ms. Buroni? Amy mock? You have someone donating you time. Ani Wong. So you will have five minutes. You will be up next after Ms. Buroni speaks. You have three minutes. >> Three minutes? Okay. Thank you, everyone for being here today. My name is Ann budroni. I am a direct -- am I too short? Happens a lot. I am a direct neighbor, one street away from the proposed asian-american cultural expansion. While I have no problem, we don't have a problem with limited expansion, and we welcome the cultural center, we have no traffic plan, we have no flood plan, and there's a hotel that's going in barely 500 feet already from the asian-american cultural center. I'm very concerned about the 183 north corridor construction that's going to

[2:57:40 PM]

begin in 2019. Right now we have a lot of off-loaded traffic on to jollyville road on commuter time. I can't get out of my street most of the time during a commute. So we're looking at Amy has suggested up to 150 students students, 40 dwellings. Now, this all requires a lot of traffic to get 150 kids to school. The residents will have one or two cars and these will all dump out on to jollyville road road, which is already very crowded. And I am very concerned about this because I see children getting on and off buses in rather dangerous circumstances. I see no plan with the asian-american cultural center to cloud any parking or dropoff site for children or anything. I don't know what their plan is to pick up and drop off children. We haven't been advised. And in addition, you know, we don't have a compatibility study done by an independent source. We only have a compatibility study done by Amy's team. We would like a traffic study and we really would like an independent study on compatibility because our neighborhood is being sandwiched in as it is and we can't even get on jollyville road. And then they've requested a restaurant with alcohol. So, you know, all of these plans they've beeny'ver shifting. Last week we found out about the restaurant. We found out that the senior center couldn't be a senior center because that would be discriminatory. So we're basically looking at multi-family homes. And that's multiple cars. We would welcome a change to Ir-mu, which would zone the buildings at three stories high. Right now if you look down jollyville road on both sides it's completely lined with trees and the buildings that are there now, the commercial buildings, are back from the road, far back from the road and they're one and two story. So trying to put a five-story putting a five-story building on jollyville road

[2:59:40 PM]

is going to be a storm of disaster. We would like you to consider three stories and we're open to that. And I feel that everything is kind of going Amy's way. She got more than she asked for and no one has given our neighborhood the consideration she would like to have about this big project. This is not a small undertaking. This is a huge project. When all the traffic comes off 183 on to jollyville road, it's going to be a nightmare. [Buzzer sounding] >> Mayor Adler: Ms. Mok, you have five minutes. Then after you speaking would be Laura Kennedy. Is Laura Kennedy here? You'll be at this podium. Ms. Mox. >> Mayor Adler, city councilmembers. I'm Amy Mok, president of the Asian cultural center. My husband and I moved down to Austin in 1983 when Austin has maybe a little bit over 600,000 people, and now we have the metropolitan area has close to 2 million people. So as our city grow, as our workforce grow, so are the growth of our asian-american cultural center and our elders who move with the adult children so that the adult children can join the workforce which Austin demand. When I was looking at the study from the asian-american quality of life commission, they addressed the mental health needs of our seniors, and I have been involved -- or invited to participate in so many focus group, imagine Austin, and I know the character of the city is to look after the vulnerables. So I'm asking myself what can I do to address the mental health needs of our elders in our community. So I only have a piece of

[3:01:41 PM]

land which is under used so I am making a very bold project for myself just like the lady before me, this is a big project. If it is not because the needs of our community, I would not dare to take on this bold and big and very necessary project. Before I go further, I wanted to thank my professional team. It has been a journey for three years and they have been so gracious to guide me through the process because I'm not a developer. I just have my heart to serve my community. And I especially want to thank Michael Whellan and he did it pro Bono because he had the connection with the jewish community center where we talk over after they moved to [indiscernible]. And for this project, we can provide a community for our seniors to address their mental health issue, to take them out of isolation and alienation and to continue our school to help support global citizens. We have a capacity at this moment of 99 kids. Because of our quality, we only have very low ratio of 75 children. And we will continue our quality of child care service to our community. And -- and this is a journey and this is not a -- I have met with the neighborhood six times, and I listened to their concern. And I'm so grateful to know my neighbors a little bit more. The lady, Jennifer and Paul, who has 250 feet connected

[3:03:43 PM]

to our property, and we agreed to plant our vertical garden together. And the neighbor that right next to us, Ms. Mary, an elderly woman, she wanted to open up her fence so she can walk to the cultural center to, you know, enjoy our service. So this is -- I truly believe this is a project that will serve the

needs of the seniors, serve the enrichment of our children, and also the most important thing is this is about the character of Austin. I participate in so many focus group, in so many committee, commission and all that. This city, to me, is a city who will look after the vulnerables. So on behalf of our seniors, of our children and the character of our city, I humbly ask that you support this project with full support without any reservation. I want you to send a message to our city that this is the character of our city to take care of the vulnerables. And with that, if you have any question, I'll be happy to answer. >> Mayor Adler: Thank you very much. Thank you. >> Kitchen: Can I ask a question? >> Mayor Adler: Councilmember kitchen. >> Kitchen: Ms. Mok, we heard from previous speakers there is concern about what's planned for this site. I think you said this, but can you tell us again, this is for -- what you are talking about is for senior living? >> The reason why we cannot -- according to the staff, the city staff, that we cannot designate this site for seniors only

[3:05:45 PM]

because it can only happen at a residential site. >> Kitchen: Okay. >> So because this is a commercial site, so the mu allow residential. But it is not designated, you know, but our heart and our mission is for our seniors. >> Kitchen: Oh, I see. So what you're saying is that the zoning designation doesn't allow you to specifically state that it's senior, but that is your intent, right? >> Exactly. >> Kitchen: Okay. Thank you. >> Mayor Adler: Thank you. Ms. Kennedy, you have three minutes. Before you begin -- I'm sorry? Hang on one second. >> Tovo: I'm so sorry, Ms. Mox. I didn't capture the mayor's attention in time. Can you help us understand how many -- it's been a long time since your team met with my office on the project and I'm not remeering the intent in terms of the number of units and whether you intend to reserve some of those -- whether any of those will be income restricted. >> Well, when I first met with your office, I have my wishful thinking because I didn't know that there's something called the compatibility study. So I was hoping to have a taller building in the front near jollyville road so it will allow me to have more open space because we enjoy a meditation garden and all kinds of gardens. But because as I learned further down the road there is a compatibility study that will not allow me to build an 80-foot building. So we are restricted with the height. Because of the height restriction, because of the F.A.R. And all of that, I intended to have 100 units so that I can have 20% of those units for affordable housing. But as it is, we will be lucky -- even if you give us

[3:07:48 PM]

all grmu, if we are lucky we will have almost 80 units. But I'm still committed, I'm still committed to have some percentage of affordable housing because this is -- has always been our commitment for inclusion. >> Tovo: Thank you very much. And so since you are limited by zoning from restricting it for seniors, I assume that you will try -- that you will try to recruit through your outreach that's the way that you'll be trying to let seniors know about that opportunity. >> This project's intention is to serve the needs -- the mental health needs of our seniors. And as it is already have 75 on the waiting list of our seniors. I don't think I will have any more room for any other family. >> Tovo: Thank you. Thank you very much. And

thanks for the work you've done through the years. >> Thank you. >> Mayor Adler: Okay. Continuing on, the -- after Ms. Kennedy speaks, you can come on up, I have timo Xavier. You have time donated from truck Wynn and Susan graham. Is Susan graham here? Okay. You will have seven minutes when you come up. Ms. Kennedy, you have three minutes. >> Thank you and good afternoon. I'm a resident of oak forest, which is a neighborhood at jollyville road and oak knoll drive, which is a little off the map shown earlier. However, I'm here because I live one block down from the asian-american cultural center on jollyville road and my interest is primarily on the impact of this center on jollyville road. It takes my neighbors and myself four to five traffic light cycles to get out of our neighborhood in the morning when we're trying to go to work and get our kids to school on time. Jollyville road, as Candice

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said earlier, has been a transit corridor and conditions have dramatically changed since that scroll Joel road study was done back in the '70s. For that reason I've been exceptionally disappointed that a traffic impact study has not been done on that project and I would request that be done before any decision to move forward on this. Also I think that rezoning as requested which set a precedent for rezoning applications in our neighborhood, which is already under pressure to welcome new businesses, and, of course, we're a thriving corridor of small businesses and residents who use those businesses every day. It's a slippery slope and in my neighborhood in particular, it is residential. We have mixed uses, we have a lot of businesses there, but it's residential. And keeping that integrity of the neighborhood I think is exceptionally important. The potential for conditional overlays somewhat bother me because I see that as a shift of responsibility from the decision-makers to the neighbors for continued uncertainty as to what the usage of these properties are instead of having them sorted out ahead of time. As a business owner myself, I rely on predictability going forward as do neighbors who are making decisions for personal lives, schools, houses, I think relying on conditional overlays is unacceptable and I would urge the council to reject the proposed rezoning and allow for Ir-mu. I wanted to say, I think Ms. Mok and the community that needs this cultural center to be expanded are to be commended for looking out for a segment of our community who are really -- it's a vital part of jollyville road and northwest Austin community. However, she asked you to send a message that you care

[3:11:50 PM]

about the city with your vote on this. I would ask you that you send a message to neighbors and residential areas that are getting pinched by these kinds of developments that you care about the neighbors and the integrity of the neighborhoods. Thank you. >> Mayor Adler: Thank you. Is Weston Binford here? You will be up next. You have seven minutes, sir. >> Good afternoon, council and mayor. Thank you for hearing us this afternoon. I guess I'm going to skip around a little bit and, of course, say what I wanted to say and address a few things that have come up this afternoon. My name is Tim xavior and I live at 11804 Arabian trail. I am one of the co-presdents of the neighborhood and I feel I represent a large portion of the neighborhood who would like to see the zoning remain at Ir-mu. And I will talk

about that a little bit. Two years ago our neighborhood was -- attended one of the first cultural center meetings where most of the discussions, although sympathetic to the idea of improvements to the expansion, expressed resistance to a multi-story building or buildings taller than three stories in our neighborhood. Last month the neighbors were asked to submit a protest form or the form that we would submit to the Z.A.P. Committee for zoning. In reviewing the results on our end, what we found that the neighborhood opposes

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this zoning change to having anything in our neighborhood more than three stories. We oppose this by more than four to one in our neighborhood. The two or three examples that were just brought up by Ms. Mok, there are only 14 people in our neighborhood or the 78759 zip code that are for having a building over the three stories. There are 62 people who sent in forms saying please do not build higher than three stories. Of that, 59 people actually live in the rain tree estates neighborhood. I am comfortable, our neighborhood is comfortable with senior living. However, the Z.A.P. Committee also corrected Ms. Mok's team saying technically you cannot call this center living and this is how this is being broadcast to the neighborhood. This is senior living, and the Z.A.P. Committee said this is multi-living residents where seniors can live, young adults can live, families can live. We were told just in October on the October 10th meeting none of the apartments would have full kitchens. There would be a dining room and there would be no public restaurant, no public dining of any kind in October. There would also be no affordable housing at that time, they had mentioned. Just two weeks later the restaurant appeared on the plans. We have not been told what is actually going on. The story does change every meeting. I personally recorded every meeting. We have documented that the things that we are being told are not true. At the Z.A.P. Meeting, the council said you do not have

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restaurant on your application. This is the first time we're seeing this. So they got up and they talked about the restaurant. The Z.A.P. Committee said okay, you can have a restaurant up to 3,000 square feet. That was news to us. That 3,000 square foot restaurant is taking up valuable real estate for senior living, for multi-family living. A committee member asked will there be three-bedroom apartments? No, no, nothing that large. Now it looks like there is no dining room for any of the residents. It's truly multi-family living where anyone can live. And now there is a 3,000 -- which I'm sure will turn into a larger requested for a restaurant, including take-out, which is also going to affect our traffic in the neighborhood. The dentist right next to Ms. Mok also filled out a protest form. He shares a property line, and he is also against this. This property is as Miss Candice had said, this is a different piece of land. This property is different from all other property. This property is completely surrounded on both sides by residential. Across the street we have more than 200 homes. They also sent in protest forms against the expansion of having anything above three stories in our neighborhood. Our neighborhood welcomes new neighbors, but we want to limit anything that comes into our neighborhood to three stories or less.

And I would say to Ms. 2:00 you have a focus -- Ms. Mok you have a focus group that filled out protest forms in your neighborhood, but yet we are not being listened to. By four to one we are saying please don't go higher than

[3:17:54 PM]

three stories. I don't know if we can show the map, perhaps, that we had submitted. We've been told there's only going to be one entrance into and out of this facility. Our fear, if you look at bell avenue by the B, there's an empty lot, and if you go down, there are two duplex lots right there. Our fear, one of those duplex just came up for sale. If everyone can see below the B there's an empty lot and then there are two -- I don't know the color, but there are two duplex lots. The one nearest the corner of jollyville road and bell just came up for sale. Part of our fear is also because of bell avenue not only can be used as a cut-throw road between 183 and the frontage road and jollyville road, that street completely floods. Part of our fear is those two duplexes will also be swallowed up by this vision and be used as an entrance and exit in order to help support what is going to be crammed into that small piece of land. I just want to see if there is anything else I would like to cover. So -- oh, and or the jollyville road study, we can't discount that. Yes, that was done -- [buzzer sounding] -- A long time ago, but it's still in act, it's still in place. If we don't like it, we should redo it, but we should go according to the law. >> Mayor Adler: Thank you. >> Thank you. >> Alter: I have a question. Thank you for being here. It's my understanding that the rain tree estates association has not voted or taken a formal position on

[3:19:54 PM]

this case as an association. Is that accurate? >> We are not an official association. We've never incorporated in any way. We are people who have just come together who call -- who have called themselves rain tree estates, but we have no voting power -- we have bylaws for the neighborhood but not for our organization. As far as taking an official vote, the closest we did try to do was by getting them and sending them to the Z.A.P. Committee. >> Alter: And I've reviewed those. I just wanted to clarify that. Thank you. >> Tovo: Several people have testified they have concerns about the building being more than three stories. At least one of the proposed amendments, one of the amendment sheets from one of my colleagues, councilmember alter, suggests a limit of -- a height limit -- I have to get my glasses on -- of 55 feet on a building or a structure and 50 feet on the not eastern-most property line. I wanted to get a better sense from you and perhaps others is the concern about the maximum height or is the concern about the number of stories? >> The number of -- the height of the building. Because right now with it being L.O., I believe that's considered three stories or up to 40 feet. And so thank you. So 40 feet is actually the max that we would like to have anything on jollyville road go up to. >> Tovo: Okay. Thank you. It's not specific to the number of stories, it's more the total height. >> Yes. >> Alter: Mayor, if I could clarify so there's not further confusion. The second pt of that was the 50 feet part is within 50 feet of the northeastern-most property line from reinforced cove to

[3:21:55 PM]

the eastern property line. My motion has limiting that to 29.5 feet for that area, not 50 feet. So I just wanted to clarify so there was not further confusion. >> And, of course, our concern is anything facing jollyville road or up to jollyville road, housing, restaurants and -- thank you. >> Mayor Adler: Thank you. Mr. Binford. As you are coming up, is Peter anseloni here? Is Mike Hutchinson here? You will have five minutes. You will be up next. Mr. Binford. >> Weston Binford, native austinite and proud graduate of the university of Texas. I've lived in Sierra oaks for 17 years. I've taken off work this afternoon to speak in opposition to this rezoning change. I'm a strong supporter of private property rights and nervous about restricting other people's rights. However, I also believe in zoning. I have no problem with expanding the asian-american cultural center under existing zoning laws. My concern is how it will affect traffic and character of the neighborhood. I first attended a community meeting in 2016 on this subject. At the time the proposal was for a seven to eight-story I would abouting. Now I understand the proposal is for a six-story building although today I've heard perhaps four or five stories. The story keeps changing. Along with the restaurant. This is a location that only has access to jollyville road. Also there are no other buildings taller than three stories along this stretch of jollyville. In 2006 there was a proposal for a 12-story building on pavilion road. That location had better access to 183 for traffic purposes. The city rejected that building. My neighborhood connects to jollyville via la psychiatrist take, a couple

[3:23:56 PM]

blocks from the property in question. In the morning we have trouble turning out on to jollyville. I understand the city determined the original rezoning request did not require a traffic study. I attended the zoning and platting meeting where I learned the restaurant was not in the original request as others have pointed out. Does that affect the need for traffic study? If you allow this property to be rezoned gr, it will set a dangerous precedent. It will be the first gr zoned property in the area other than two properties grandfathered in before the city annexed the area, and it would be the falls building within a mile either direction. Also there are taller -- yes, there are taller buildings near breaker and jollyville intersection, but that's a mile and a half away in the an area that does not have the safe residential neighbors. Thanks forgiving me the opportunity for this discussion. >> Mayor Adler: Thank you. Before Mr. Anseloni speaks, Michael whellan. You have five minutes. >> Thank you for hearing me today. My name is Peter anseloni. I live in the oak forest neighborhood just like some of my neighbors behind me. I'll try to amd my comments because I -- amend my comments because I think you've heard excellent feedback on a myriad of issues. So I'm going to try to call down what I had to speak to you about today. I cannot speak for everybody. I can only speak for myself. I love the concept of the asian-american cultural center. I also love very much the idea of embracing our senior citizens. I'm working on that myself here soon, and I think that's just a fantastic thing. I'm not so sure that we're getting this property and that need married together properly. And I hope to explain why. I'm all for the progress of the area, but I want that

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done not at the -- at the expense of the integrity of the area. Myself I moved back to Austin, I was fortunate to go to school here in 1980. Fortunate to talk my bride into moving here and have been here since 1996. We bought our property with the understanding of what the area was going to look like. How we were going to be allowed to build. How our neighbors were going to be allowed to build. I found myself having to make more and more repeated attempts to defend those rights and to defend what everybody can do. I've had to come down here, as the former gentleman just spoke, to say I don't want a 12-story center in my backyard. And as he indicated, that would flow that traffic directly on to 183. I'm forced into the uncomfortable situation of asking whose responsibility is this to keep these zoning limitations in place. At the same time, I desperately want to help Ms. Mok and desperately want this project to go forward. I don't want it to go forward at the height requested. I think the traffic, the load on the area is going to be too great. I have office on jollyville road and I've had problems just getting to my neighborhood without this additional traffic. This would only make it worse. During some of those past defenses of that 12-story project, we were told this cannot happen, it cannot work unless we get that kind of density. I'm all for smart density and smart density. But that project exists today and exists today with two -- I believe it's only two stories at max, three stories, and it is operating profitably. I would ask that Ms. Mok and her team operate properly and profitably within the limits of this property. If this property doesn't do,

[3:27:58 PM]

my goodness, there are other ones that can be done. If we pass this zoning, it is going to cascade. We're going to see the development that we see at breaker and jollyville just quickly expand over here. There's a hotel a stone's throw from this that is yet to be behind Chuy's. If I see what this center is getting as far as variation to the zoning, I would want that for my hotel project. I would want to serve alcohol at that hotel project. I would want to tell you there are no cars associated with that hotel project. These things may or may not be true. I think that Ms. Mok is very in sear, as I am -- sincere, as I am. I don't know that she's experienced enough to know this. We were told there would be no cars with this project. This was going to be seniors who don't drive. We can't limit that. Our intentions do not limit what people do. Our zoning laws do that. And I would humbly ask that you maintain the zoning projects and zoning limitations to keep this project in check. I would be the first to provide myself as an assistant to Ms. Mok and anybody else to help her get this project done in a place that can support this sort of intensity and traffic. Thanks. Be glad to answer any questions that you all might have. >> Mayor Adler: Thank you very much. >> Thank you for your time. >> Mayor Adler: Mr. Whellan. Thank you. You have three minutes. After you we have -- is it Lisa or Sam Williamson? >> [Inaudible] >> Mayor Adler: Do you want to come up together in your three minutes? >> [Inaudible] >> Mayor Adler: And you have time donated from Donald Williamson. Is Mr. Williamson here? You have five minutes. You'll be up next. >> Michael whellan on behalf of the asian-american cultural center. This is the photo that



[3:29:58 PM]

motivated me to get involved. It's the former executive director of the Jewish Federation in an article about the community center, and really this piece of land started as a Baptist church, then the Jewish community had the Federation there, day care there, senior lunches there. It's been a multi-cultural community space for so many years. And so I wanted to just address some of the items that have been discussed. The first, the item, the things they want to do there are the day care and community center. Senior housing is and has always been the discussion in all the meetings I've been at and we've always had this compatibility chart or we've always had -- not this particular chart, we've always had compatibility studies as a severe limiting factor at the site. That's all. And so I just wanted to talk about the other restrictions at the site that I think allow you to put in context why the gr-mu is so important. The watershed because it's mixed use, the watershed is 65% impervious cover. The parking limitations are also going to be a restriction. And if there is any flood plain, we've already told them that we would, of course, comply with any flood plain regulations. We have agreed to restrict the uses in a way that it is tailor made for a community center. The -- we've agreed to all G.O. Uses with the exception of six gr uses that would allow for the types of things that are included in a community center or that we have talked about

[3:31:59 PM]

repeatedly -- I don't remember an episode yet where -- or a meeting where Mrs. Mok has mentioned wanting to serve sake at a restaurant. For these units to be called dwelling units does include some form of a kitchen. So I think there is probably been a disconnect. I think one last point that I think is critical, by saying Ir-mu, you cut in half the number of residential units allowed because of site repair restrictions. Under subchapter E, mixed uses, Ir-mu requires 2,000 square feet of net site area for one bedroom and grmu it's 1,000. You would be cutting in half the number of units you could have at that site and the site is only 2.74 acres. Those are the high level. [Buzzer sounding] I hope that you'll consider the gr-mu with the conditional lotter lay that has been discussed. I know and has been circulated among the guy I can't say. >> Mayor Adler: Thank you. -- Dais. Mason Williamson, come on down. After you speak, William Haley is going to speak. Is Mr. Haley here? He's not here. What about the -- I'm sorry? >> [Inaudible] >> Mayor Adler: Donating time. You'll have seven minutes. Okay. Mr. Haley is donating his time as well. You have seven minutes. So the next speaker will be Ivy Lee. Is Ivy Lee here? >> Here. >> Mayor Adler: You'll be up next. Go ahead, please. Seven minutes. >> My name is loose I Williamson. I have lived on [indiscernible]. This is my son. >> Sam Williamson.

[3:33:59 PM]

These are my mother's words. I'm speaking them on her behalf. Thank you for this opportunity. I'm going to present an overview so everyone present will be able to see what the neighborhood members have been referring to in comments. This zoning plan that has been applied for 33 years to date and is intended to provide transition from the commercial use along 183 to the residential areas west of Jollyville. The entirety of the road north of Braker Lane has been developed in accordance. Most buildings are set back from the road. There are trees on both sides of the road. There are no stand-alone restaurants facing Jollyville except the grandfathered one. But when you get to Duvall Road, that changes. Rain Tree Estates is on the east side of Jollyville. Arabian Trail was here first. Having been plotted in the late 1950s. The grandfathered property across from Arabian Trail was the country store built in 1935. It is now becoming a two-story metal frame structure for unknown use. The grandfathered property adjacent to our neighborhood was the liquor store before you got to Dry Williamson County. It is now a restaurant with a huge outdoor area that is popular with the neighborhood. Everything else is pretty low impact use. Through the years the roads and highways have widened and lot fields filled with building. Our neighborhood grew with a new street -- grew with a new street each decade or so. We've worked hard to keep it swallowed by development and we've succeeded. Houses on my street are selling for seven times as much as we paid for our first house in 1989 and taxes have gone up accordingly. The west side of the neighborhood has grown from older streets to an area that's seen a great deal of in-fill residential development. People want to live here, but the traffic is becoming horrible. To get out of the neighborhoods at rush hours is a nightmare. But that's offset by the fact after 6:00 P.M. it gets very calm. All the offices are closed by then. We fear that this type of zone -- if this type of zone change is approved against the wishes of the neighborhoods, it will change all this by setting a precedent that has the

[3:36:00 PM]

potential to severely harm our neighborhood's charm and property values. Where is the parking for all this? Is Bell Avenue going to be sacrificed for this? We haven't seen compromise, just more and more demands coming from someone we considered our friend and neighbor for 18 years. For many of us our homes are our biggest and only asset and she's showing little concern for us. This is very incompatible with the neighborhood and the entirety of Jollyville. And we're pushing it so the applicant can fulfill her dream? What about all of ours? This feels wrong so so many levels. I cannot state my objection strongly enough. >> And that this proposal comes from someone that was considered our friend and neighbor for 18 years. We've trusted her with our children and she is showing no concern for us. There has been no compromise. None. Just more and more demands. And this is insanely incompatible not just with our neighborhoods, but with the whole of Jollyville. There are no buildings over three stories. Not one. There's a five-story building on -- mile and a half up the road, but it is on research. The thing about our neighborhood, since it's on the east side, we have no buses. [Indiscernible] But that's it. So if we have this development on Jollyville side and 183 on the other side, that doesn't work. That's not fair to us. I've lived there for 30

[3:38:01 PM]

years. Thank you for your time. >> Mayor Adler: Thank you. >> Is that possible? >> Mayor Adler: No. Ye chin. Why don't you come on down. You'll be next. Three minutes. >> Okay. I'm a Vietnamese American austinite, a parent at pre-school and been involved with issues -- at the Dell medical school and also with some temple based initiatives in Dallas for aging adults. I also lived on jollyville until very recently and I would love to move back one day when I can afford to. I see three major reasons for the zoning change. The arboretum area is growing up and beyond this address on jollyville. The entire area is ready -- is much more diverse than the group here would make you think and the buyer area is ready for updated zoning and senior living options. There's over 1000 apartments for adults over 60 years old 1.5 miles down the road. Secondly, I absolutely understand the traffic concerns, but a walkable center with food and open green space full of young and old people who aren't able to drive, you know, a lot, is I think a misguided target for this concern. And I really hope that everybody here who's organized around this traffic issue gets involved with codenext. But I think this is of all things, right, like this is not the reason for the traffic problem on jollyville. America is bad at aging and, you know, Texas and Austin is no exception. We do not have culturally appropriate options for any

[3:40:01 PM]

adults. Proper zoning would help make sure that this facility succeeds with enough units. We'll set an example for the entire city as citizens 55 and over make up 30% of our population and that proportion is growing. All of us including the people opposed to this are going to need these options and I think when the time comes we'll appreciate that some of those options are operated by small socially conscious local -- locals like miss Amy and not all people like the developers through building overture. When I lived on jollyville, 1.2 miles away from the center, I considered myself a part of this neighborhood. I love this neighborhood. But I was never invited to join any neighborhood associations. I lived in an apartment complex, tons of apartment complexes there, so I suspect the opposition to something like this is -- I feel it is very overstated. I think that by the success of a place like the Mueller development area, that I think the vast majority of austinites would love to see not only this project but many more projects like it, you know, at the size it needs to be to succeed throughout the city. Thank you. >> Mayor Adler: Thank you. >> Questions? >> Casar: Miss Lee, you can move back to jollyville, but we would be happy to keep you in district 4. >> Thank you. >> Mayor Adler: Thank you very much. The last speaker is [indiscernible]. >> Thank you. So I -- I live on bell avenue about five minute walk to the location of asian-american cultural center. So first I supported the project for two reasons. First provides new amenities to the neighborhood. Right now we don't have a community center or even a coffee shop for neighbors to gather. So I think -- I like the idea that we will have a tea room so we can walk to have food and reduce actually the

[3:42:02 PM]

traffic. Second thing is -- second reason is support Asian community. As Amy has mentioned. So I like to provide some context as well, so as for the story of the restaurant, I remember the [indiscernible] Was proposed years ago. So on the meeting, neighborhood meeting raised on October 10, Amy mentioned that it won't be open to public, and some neighbors explicitly asked Amy to open them to public so we can enjoy that. And on October 24, the second town hall meeting, Amy said those things. So -- and I personally attended two neighborhood meetings arranged by sec. The first meeting, totally disaster. I was shocked by the hostility by some neighbors. One person accused us of not in -- not getting assimilated. The other person said the project is funded by China. So I -- I'm asking the councilmember to discount those sentiments from a decision. Thank you. >> Mayor Adler: Thank you very much. Colleagues, those are all the speakers we have signed up for this. Councilmember alter. >> Alter: I'd like to make a motion. The intent is request the following amendments when the item returns on second and third readings. Rezone the entire property from limited office to community commercial mixed use conditional overlay, gr-mu-co with following conditions. One, the maximum square footage of a restaurant, limited use and general use 7,000 square feet. The maximum height as defined in city code as building or structure shall not exceed 55 feet.

[3:44:04 PM]

Maximum height of a building or structure within 50 feet of the northeastern most property line from rain forest cove shall be 29.5 feet. The following gr district uses permitted. Food preparation, indoor entertainment, restaurant, general, food sales, personal improvement services, cultural services. All our development of the property is limited to G.O. Permitted uses and the following uses conditional, outdoor entertainment, outdoor sports and recreation, vehicular access to rain forest cove prohibited, all access shall be from other adjacent streets or adjacent property. And if I have a second, I'd like to ask -- >> Mayor Adler: Is there a second? Councilmember Flannigan seconds. >> Alter: Thanks you. I would like Mr. Whellan, if you can come up and confirm that you have agreed to this. >> That's correct, your office has worked and we committed we would agree to this since it reflects compatibility for the most part. And thank you to your office for -- and to councilmember Flannigan's office for having some discussions about it. So thank you. >> Mayor Adler: Your motion is to approve what's been proposed with the amendments presented on first reading only. For it to come back for second and third reading, closing the public hearing. Is that correct? >> Alter: Yes. And I would like to add one other thing for the neighbors to please reach out to my office so we can address some of the turning issues and some of the flooding issues that you are experiencing that are going on right now, totally regardless of this development. We have staff that can work with us. We've had some flooding issues not far from there that were caused by the city and we may be able to address some of those, but we need to hear from you to know about those to help facilitate those [inaudible]. >> Mayor Adler: Mr. Flannigan.

[3:46:04 PM]

>> Flannigan: Thank you, councilmember alter, for your motion. I'm happy to second it. One change I would like to make, I'll explain this. I handed out the map that the applicant had put up on the screen that shows the compatibility. And the two elements in the main motion that relate to height are essentially the same as compatibility. So the first one, the 29.5 feet with compatibility, it's 30 feet. So we're talking about six inches. And then in the 55 feet, if you can see in the lightest color area there's barely any space on the site once you apply compatibility that can go over 55 feet. So my -- my request as I'm explaining it and then mayor, with your permission, I will make this as an amendment, is that we should trust the compatibility process. And I think, manager, this is something to consider as we think about a land code rewrite. Some of the other C.O.S that I have in the past opposed I'm willing to work with because I think it reflects how the current code is broken and we have to apply work-arounds and only have them apply when there's a zoning case leaves gaps in the community's trust with what's being allowed. The restaurant size for me is something we talked about in a previous zoning case last week or two meetings ago about when you have mu designation, what's the ratio of housing to retail and you are not giving out mus and the whole thing turns into retail or restaurant. Better ways to handle those situations. The vehicular access is something more appropriately handled at the zoning stage. Some of the things I heard from the community are that conflict. Zoning isn't always the place you solve the problems. Zoning is a high-level thing and we should be have predictable policy to deal with traffic mitigation and

[3:48:05 PM]

other factors. And it can all be related to things nearby. That being said, I think in this case I'm willing -- and supportive of the C.O.S that I think are working around a broken code, but the height restrictions given the fact we should trust the compatibility rules or considering not have compatibility in the next rewrite. I would like to make that amendment. >> Mayor Adler: Let me see if somebody else wants to speak. Then I'll come back to you. Anybody else want to address this matter on the dais? >> Car: Just to clarify, the amendment being proposed is to allow the buildings to go -- not restrict buildings by six inches and then just to let that on compatibility and one small corner allow it to be maybe up to 57 feet in one corner. To not add the extra layers for not much difference. >> Mayor Adler: Make that amendment, Mr. Flannigan. >> Flannigan: Strike those two restrictions being the 29.5 feet and the 55 feet because under compatibility, it's only a six-inch difference or couple of feet on the other side. >> Mayor Adler: There's been a motion to amend. Is there a second? Mr. Casar seconds that. If I understand correctly, councilmember alter handed out a motion sheet. You are proposing to leave bullet points, the second and third. >> Flannigan: That's right. >> Mayor Adler: Amendment has been moved and seconded. Discussion of the amendment? Councilmember alter. >> Alter: I would like to point out that our staff have not actually studied the compatibility, as far as I understand it, and so this codifies the intention that was agreed upon between conversations between the applicant and my constituents over many

[3:50:05 PM]

months and from public meetings about what the concerns are. This is a case we are having a C.O. Anyway. I would be much more apt to agree with your reasoning if we were not going to have a C.O. In the first place. I am going to support my original motion because I think it reflects the conversations and -- that we've had which have at times been difficult and emotional. People's homes are their key investment as we see in zoning case after zoning case zoning is complicated. And we have worked with the applicant, with the neighbors to help folks to understand the process, and I believe that what we've put forward is a compromise that allows us to move forward with a worthy project and address some of the concerns of the neighbors. There is a diversity of opinion. Not everyone is able to make it this afternoon. And there are a number of people who, you know, with these provisos on the height and making sure that those stay over time are supportive of the project even though they are not necessarily here today. So I think that this approach is appropriate. It also broadly speaking to my motion I think it recognizes the fact that our staff and Z.A.P. Thought that gr alone was not appropriate for this site and I agree with that. And for future reference in any -- I want to make very clear that this motion does not make gr appropriate everywhere else nearby. That is why there is the C.O. >> Mayor Adler: Further discussion on the dais?

[3:52:05 PM]

Councilmember Garza. >> Garza: I'm just trying to understand the effect of this, of your amendment, Jimmy. >> Flannigan: Sure. If I might. >> Mayor Adler: Okay. >> Flannigan: So I do appreciate councilmember alter what you said. I think what I'm trying to do is make it less complicated because there is compatibility and that's the system. So the -- the substantive difference, the 50 feet adjacent to the single-family homes on the back, under compatibility you can build to 30 feet. Under the -- alter's original it would be 29.5. On the very front corner where you've got that compatibility that goes one foot up for every ten feet out, it gets up to 57 at the last couple of rings. And there's not really a substantive construction difference because you are not going to pop up two feet necessarily on the corner. This is about compatibility is the system. And I think if -- if what we're saying is that compatibility as a system doesn't work, then we need to not have it when we rewrite the land use code next year. Or we can say compatibility is the system and we should use it. >> Mayor Adler: Okay. Mayor pro tem. >> Tovo: I just wants to ask a clarifying question. Councilmember alter, your original motion, but it -- I think you said and I think Mr. Whellan affirmed that you reviewed this with the applicant and they are comfortable with these measures. Is that correct? >> Alter: Yes. >> Tovo: Thank you. I'm going to support the original amendment. I think it's a reasonable acknowledgment of the neighbor's concerns and allows the project to move forward and be successful so I'm going to support the original amendment. >> Mayor Adler: I want to

[3:54:07 PM]

appreciate the council offices that have been involved in this. This has been here a long time. To the degree there was every contemplated this would be 10 or 12 stories, clearly not appropriate. Sounds like it's been moved back over time. I agree with councilmember alter's comment about presidential value. I don't think this stands as presidential value for gr uses. I don't think -- and would also say that this doesn't -- for me doesn't stand as presidential values for gr. Substantively they seem to be the same with the six-inch difference in part of the property and virtually no difference on the balance. Really the question here is do we have to set height limitations by compatibility standards or are we going to set them by C.O. And what's more proper is set by compatibility standards. Those rules apply that way so I'm going to support the amendment. Councilmember kitchen. >> Kitchen: I agree that the policy question that's raised by councilmember Flannigan's amendment to councilmember alter's C.O. is related to how we use compatibility, but I don't think it's appropriate to make that -- to have that policy conversation one by one. And certainly not for case -- not for this particular case. I expect to have a full conversation about compatibility when we get to the land development code, and I think -- I am -- I think that councilmember Flannigan continues to bring up good issues for us to

[3:56:07 PM]

really think through when we get -- when we talk about land development code changes, and I agree with a lot of the concerns that he raises. But I don't want to have that conversation one by one. And what we've done in the past is really tried to work through particular cases, and we have an agreement in front of us. So I will -- I will be supporting councilmember alter's motion sheet because it reflects that agreement. And again, I appreciate councilmember Flannigan continuing to keep this in front of us and I look forward to us having the conversation hopefully in the not too distant future about what we're actually going to do with compatibility and how we can set up a system such that we are not having to continue to do one by one negotiations. Because I appreciate that point. I just don't think this is the time to do that when we haven't had that conversation, we haven't had that conversation with the community and with all of us. So I'm going to support councilmember alter's motion. >> Mayor Adler: The amendment has been moved and seconded. Further debate on the amendment? Councilmember pool. >> Pool: I just want to 'em committee what councilmember kitchen said and councilmember tovo in supporting councilmember alter's original motion. >> Mayor Adler: It been moved and seconded, the amendment. Let's vote on the amendment. Those in favor please raise your hands. Casar, Flannigan, Garza, Renteria and myself. Those opposed? The other five people on the dais. Troxclair is not present. The amendment does not pass on a 5-5 vote. That gets us back to the alter motion. It's been moved and seconded. Is there any further discussion? Let's take a vote. Those in favor please raise your hand. Those opposed? It's unanimous on the dais with councilmember troxclair off.

[3:58:09 PM]

We're going okay. That matter passes on first reading only. We have to wait here about three minutes and then we can take up the last two items that are on our agenda. We'll be taking up items number 61

and 62 that are both set for public hearings at 4:00. Mayor pro tem. >> Tovo: Might I suggest that we just use these couple of minutes as an opportunity to promote Tuesday's discussion about project connect? >> Mayor Adler: Good idea. Do you want to start and we'll jump in? >> Tovo: Tuesday at council chambers from 6:00 to 8:00 there will be a discussion about capital metro's project connect and there will be an opportunity both for individuals across the city, but also with a focus on district 9 -- on the district 9 quadrant to come and learn more about it, but also to learn their ideas and their feedback. >> Mayor Adler: That's absolutely true. So this meeting on Tuesday night from 6:00 to 8:00 is both the citywide meeting and the district 9 meeting one on top of the other. You know, people in this city have talked for a long time about the need for us to really do something about mobility. This is a conversation about looking at a citywide high capacity transit system. Now would be the time for people to weigh in. So I look forward to doing that with you. Mayor pro tem. >> Pool: Mayor, I just wanted to -- since you guys were talking about the cap metro town hall community conversation that will be happening in this chamber on Tuesday, I just wanted to give a prompt and promote to the cap metro town hall that will be having at St. John's Episcopal church for districts 4 and 7 and that is Monday, the day before, December 3rd. And it is from 6:00 P.M. to 8:00 P.M. And I believe that the -- I believe that the -- I don't have the number of the bus line, but there's a bus line

[4:00:09 PM]

that runs near or to St. John's Episcopal church and maybe councilmember Casar could help me with the number of the bus line. That's all right. I won't put you on the spot. So there's an opportunity on Monday as well. >> Mayor Adler: Sounds good. Mayor pro tem? >> Tovo: I was going to say I think [capmetro.org/project connect](http://capmetro.org/project-connect) probably has information about the bus routes to those different town halls. So it would be a good site for others to look at. >> Mayor Adler: Ms. Houston. >> Houston: Since we're promoting project connect and our town hall meetings, the one for district 1 will be on the 10th of the month, December, at the millennium youth entertainment center on Hargrave and Rosewood avenue, and there are buses, several buses that go that way. Route 2 is that way. So we invite everyone, especially bus riders, to come out to that event and talk with us about project connect. Millennium youth entertainment center, December the 10th. >> Mayor Adler: Great, thank you. It's now 4:00. I'm going to call up items 61 and 62. First item number 61. This is to approve a four percent tax credit deal on nrp group Loyola apartments. >> Yes, Mandy de Mayo, community housing and development. This is to conduct a public hearing and to consider a resolution which involves multiple parts to authorize the submission of an application to tdhca by [indiscernible] Group. I want you to know that we do have representatives, Michelle Hausman, representative of the applicant, and the applicant nrp Jason Richoca are here. And I believe they plan on a presentation. >> Mayor Adler: We have a couple of signed up to speak on the public hearing. Does the applicant want to address this?

[4:02:12 PM]



You have five minutes if you need that long. >> Good afternoon, mayor, mayor pro tem, councilmembers. I'm Michelle Hausman, representing the applicant, the nrp group. Today is a request for the resolution of no objection for the housing tax credits. The nrp group is a national multi-family developer. They develop -- they have extensive experience in development and construction and management and workforce housing, senior housing, market rate apartments, student housing and single-family urban housing. Their first project in Austin, affordable housing, the terrace at walnut creek opened in may of 2013. It won the state's multi-family development of the year by the Texas association of local finance agencies. And this is an example of the interiors of the terrace of walnut creek. This is in councilmember Houston's district, district 1. It's located at Loyola and Johnny Morris right across the the street to the the east is the Barbara Jordan elementary school. To the west is an apartment complex and right down the street off of cold Brooke drive is the lbj neighborhood association. This is an up close view of the site. So it is a vacant site. There will not be any demolition of existing residential units. This is also nearby the colony park neighborhood association and the project that at that timelous will be the master developer on with the city. The development will include 2,000 feet of commercial, 203 multi-family units, three and four-story urban style project which is unique to the area and includes a mix of market 80, 80%, 60% and 40% of mfi units and it is a tax credit project. We met with neighborhood associations with the area, including the colony park neighborhood group,

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Ms. Barbara Scott, as well as Aaron Knox with agave and Mr. Nottingham with the lbj neighborhood. And one thing that this project is is a combination of market rate 80%, 60% and 40%, so it truly is a workforce housing project. The unit types, 16 one bedrooms, 67 two bedrooms, 94 three bedrooms and 16 four bedrooms, so there are 110 units that are available for families at three and four bedroom. The type of units, 36 will be the market rate. Six -- six are market rate. 36 are the 80% mfi. 125 at 60. And 36 at 40% mfi. And the 2019 income qualifications are listed in the right hand right-hand column. This is a conceptual site plan that shows the urban style project. It does have a critical water quality zone through the tract and the commercial will be at the front at the intersection in the corner. That was one thing that was important to the three neighborhood neighborhood associations was the incorporation of some commercial development into the project. So again, we met with these organizations I at the councilmember Houston as well as martin Guerra and [indiscernible] With the city's development department and they have the colony park team so we all met as a group and discussed this project. So we have the three support letters from the neighborhood groups. There are transit stops in the immediate location. The 233 route, the star is where the property is, has a stop over at the H.E.B. Location. The 237, again, the star is the project, and then the pink star at the bottom, there is a health clinic in that location. There are a lot of off site amenities and parks as well as recreation centers within the close proximity, as well

[4:06:17 PM]

as the city constructed a walnut creek trail within walking distance. And there are school locations also in close proximity. So in support, this does add 203 units to the city's affordable housing blueprint, the 60,000 number goal. It's in the desired development zone. It's also a continued growth area. 203 units at four-story, elevator served, which is unique to this area. They are family friendly units. This project includes a mix of incomes at market rate 80, 60, 40. There will be on-site amenities, after school programs and summer programs for the kids, as well as close to the parks and trails and schools. And we have support from the neighborhood groups. There is no request for city or county funding. It is non-competitive four percent. The census tract is designated as susceptible to gentrification by the recently issued UT study uprooted displacement in Austin's gentrifying neighborhood as and what can be done about it as well as the city recently selected catellus as the developer. So it is an area that is up and coming. [Buzzer sounds] We respectfully request your approval of the no objection resolution. We're available for questions. >> Mayor Adler: Thank you. Ms. Houston? >> Houston: I move acceptance of the no objection because this is one of the few that I support full hearted. It's in the best place. There's transit, there's education from elementary school up to middle school to high school with great opportunities for my kids. So I appreciate all the work you've done on it and it's right mix and it has the market rate, which is what I talk about when we don't just put poverty altogether in a place. So I appreciate all the work you all have done on this. >> Thank you very much. >> Mayor Adler: Ms. Houston makes the motion. It's been seconded by Mr. Renteria. Mr. Pena, do you want to speak to this as well?

[4:08:28 PM]

>> Good afternoon. Gus Pena, co-president of veterans for progress. This area we have 10 military veterans living in this area, and a lot of their family members do support this. It's supported by the veterans for progress and all I wanted to say is this, is that I know the councilmember in that area, Ora, and everybody supports it out there, it's a good initiative. And we, veterans for progress, have some members in there that want to be -- want to see affordable housing. This is a good one right now. That's all I are have to say. There are no problems with that. They're supportive. Thank you. >> Mayor Adler: Okay. It's been moved and seconded. Is there any discussion? Ready to take a vote in do you need to talk to us before we vote? >> Not at all. >> Mayor Adler: Those in favor of this please raise your hand? Those opposed? It's unanimous on the dais with councilmembers troxclair, alter and Garza off. It passes. I'm sorry. There you are. I'm sorry. >> Thank you. >> Mayor Adler: With troxclair and alter off the dais. It passes, otherwise unanimously. Thank you. That gets us up now to item number 62. It's to have a public hearing, consider a resolution, an ordinance, consider an ordinance and a complaint from an interested person. Staff want to lay this us for us? >> Good afternoon, mayor and councilmembers. I'm Della Hawkins, telecommunications and officer. This public hearing is to consider approval of the Texas gas service, their proposed changes to the conservation adjustment clause and accompanying rate tariffs. The conservation adjustment rate funds, the conservation program which provides rebates to commercial and

[4:10:28 PM]

residential customers to purchase energy efficient natural gas appliances and improve home insulation to conserve natural gas and it also funds low income customer programs. The the tariff revisions change the program budget and corresponding rate adjustment cycle from a fixed adjustment to a three year. And they go from a volume met tick to a fixed monthly charge and adds commercial transport customers to the conservation program. The resource management commission recommended approval of the revised tariffs and staff recommends that council approve the ordinance finding that the 2019 Texas gas service rate is proper and reasonable. And additionally the city did receive a complaint from Mr. Paul Robbins regarding the 2019 conservation adjustment rate applied to residential customers, and this hearing is also to consider the complaint by Mr. Paul Robbins regarding the program rates. And that concludes my comments. >> Mayor Adler: Thank you very much. I will call Paul Robbins to come up. >> How much time do I have? >> Mayor Adler: I'll give you five minutes. >> Thank you. I am at a loss because of the cefully prepared speech that I crafted has disappeared. So we will be ad libbing. Council, there are five issues that I will try and address. The first one is about the regressive nature of the rate. Someone asked a couple of days ago if it is indeed true that low income people use less energy. This is a given in the utility industry. Income and consumption are inextricably linked. This is a repeat survey by the energy information

[4:12:28 PM]

administration showing that people in the bottom tier of income use . Less than half of people in the higher tier of income. And if the council will give me 30 minutes I will show you 12 more studies with a similar tone. Texas gas services rate, after 32 years, they want to change it to something that is regressive that will charge the top tier in this slide four times more than the bottom tier per unit. Now, have you to remember this isn't just an isolated incident, it is layered on to a much more aggressive -- regressive -- aggressively regressive fee, their base rate. And this shows that people in the bottom tier pay twice as much as people in the top tier, that is people that are low consumers use twice -- pay twice as much as people on the bottom end who are high consumers. And this is no accident, this is because your office with telecommunications and regulatory affairs, is not acting as a regulatory body. They are letting these increases in the base rates continue. They have more than doubled in the last nine years. Contrast this to Austin energy's Progressive electric rates where the more you use the more you pay, or Austin water's Progressive rates where the more you use the more you pay. So this is my first request. I ask you to change this to

[4:14:31 PM]

keep it as it is so that it is a Progressive rate or volumetric rate. And this can be easily done. The gas company is worried about cash flow after 32 years. Well, they have this handy weather normalization charge on my last gas bill, so why can't they just do that? And they will have their cash flow and poor

people will be better protected. The second issue that I'll try to bring up is about the third-party consultant. As of 2:30 this afternoon, the item posted on the backup material for council says, and I quote, second page, item 7, the overall budget shall be cost effective based on the evaluation of a third-party consultant. Now, how can an expert witness for the gas company be considered a third-party consultant? Of course, that's a rhetorical question. They can't. And this is beyond the pale, whether this is in the tariff or not, that staff would defer to the gas party's expert witness. Three of you on this dais are attorneys. Would you let your opposing counsel hire your expert witness? Because that's what's happened. And this just really can't be allowed to stand. Regarding other issues, a councilmember asked about cost effectiveness. Here's an example of my concerns. This is the tank the water heater and their 750-dollar estimated cost, but it has an estimated savings of only \$50 so that's a pay back of 50 years for a 20-year life. But do consider that that

[4:16:32 PM]

\$750 came from the gas company. And when I asked them politely, where did you get this? They would not tell me. So I asked them, well, you all have receipts that must be -- [buzzer sounds] -- Let me finish my thought. >> Mayor Adler? I haven't had a chance to sign up, but I wanted to donate my three minutes to Mr. Paul Robbins. >> So as I was saying, the \$750 for the estimated cost, they wouldn't tell me so I asked for the receipts because you have to submit those when you get the rebate. And I asked the -- I told the gas company, I will let you redact information that's private, I'll sign a nondisclosure agreement, I'll let you redact information that you think is competitive. I just want to see the numbers. And they would not give it to me. So they're basically hiding information. I don't trust these numbers because they won't back them up. Finally, you've got a three-year rate, one when for 32 years we've had a one-year rate. Is there any city department that gets a three-year pass? If you can name one, then maybe I'll quit complaining, but I don't think you can. Council, I appreciate your your -- appreciate your attention. I'm here for questions. Thank you. >> Mayor Adler: Mr. Pena? Doesn't have to speak. Those were all the people that we have signed up to speak. That gets us to the dais. We're back up to the dais now. Those are all the speakers.

[4:18:32 PM]

Does staff want to respond to the issues that were raised by Mr. Robinson? Or the representative of the gas company? >> Good afternoon, Larry graham with Texas gas service, and with me is Haley Cunningham, the manager of or energy efficiency program. Thank you for your time today. I had a couple of things to say and then I guess I can address some of Paul's -- a few of the things that he mentioned. You know, our energy efficiency program is an effort by Texas gas service to help our customers in Austin and our central Texas service area to save energy and save money. We were one of the first gas companies in the country to offer rebates for gas appliances. And we did that because the city of Austin asked us to do this back in the 1980s. Austin has always been committed to energy conservation and our rebates and programs, we've always worked to get them in alignment with the

policy needs of the city. Since the beginning of the program we've offered rebates to tens of thousands of austinites for water heaters, tankless water heaters, gas dryers, furnaces. Again, these rebates allow customers to save money and energy over the long-term. We are proud of our program. In designing programs, we get feedback from the city, from our customers, from hvac contractors, our partners with the city, and the Austin housing authority. As the mayor mentioned Tuesday at the work session, we have listened to the community and we have responded. You know, honestly I'm not sure how to respond to what Paul just said. I just think that his facts are wrong. It's important to note that we have worked with him,

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we've answered his questions repeatedly since last winter. I think we've answered 30 of his questions. Just to follow up, we want to make sure you understand that we do not make any money operating the rebate programs. 100% of the dollars collected go to rebates, staff and the administration of the program. We came to -- to the office of telecommunications and regulatory affairs last April with a proposal to change the tariff. And the idea to change the tariff came from input from the resource management commission and actually Mr. Robbins. We want to add a new class of customers, commercial transport customers. And ironically in order to do that we have to amend the tariff. We went to the resource management commission four different meetings, worked with them, answered questions from them and Mr. Robbins. These discussions led to the tariff that's before you today. And it's important to note that they approved -- they recommended approving the tariff in the budget unanimously in October. And the staff approved the budget a few weeks ago. So what we are asking to you do today is to approve the new tariffs, the rules for program. And I guess to address Mr. Robbins' questions, the regressiveness of the rate, you know, we disagree with his assumption that low income customers use less gas. And I know there's a discussion about that the other day. Our experience is a lot of -- not all, but a lot of low income customers have old equipment, inefficient equipment, poorly insulated houses, okay? And these are the it things that lead up to higher consumption. The weather norm I think we addressed. Councilmember kitchen, I don't know if you got the information we gave you late yesterday. We have looked into doing

[4:22:33 PM]

this. It's impractical for us to layer on another normal weather normalization process into the billing process. It just can't be done. If it was easy to do, we would have done it a long time ago. The third-party consultant, the person that we hired, we hired them in conjunction with the office of telecommunications and regulatory affairs. We discussed hiring him. He's a third-party. He lives in DC. He's done a little bit of work for the gas company. He's represented -- he's done work for like 13 different gas and electric utilities. He's also worked for public utility commissions. I think there's no question that he is a third-party. And by the way, the city has the right at any time to hire a third-party but we need to remember that the customers in the program are going to pay for the consultant, right?

So we wind up paying for consultant. Cost effectiveness, you know, we're in compliance with the current tariff, all of the rebates except two are cost effective. The tariff says the current tariff and the proposed tariff says the overall portfolio needs to be cost effective. And one last point, is that we collected this data for a couple of years and a year ago, last fall, based on the data, the cost effectiveness data that the third-party conducted, based on that conversation with the resource management commission and staff, we eliminated 13 different rebates, okay? So we took the information. We were not obligated to do this. And we stopped 13 of the rebate programs because they were not cost effective, okay? So the new program year went into effect January 1st, 2018. So we're proposing to go to a three-year budget. Having a fixed charge would allow us to budget and we'll know what the revenues are. I think we've discussed a lot about when we capture

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this rate the revenue volumetrically, we're at the whim of whether we overcollect and we undercollect. We've had many years where we undercollect in a row. The last 20 years there's been a lot more warm years than there have been cold years. And so even though it's a three-year period, you know, our experience is that two of the three years are going to be warm. And I know councilmember Flannigan had a question about that. So with that, we are happy to answer any questions that you have today about -- we will gladly talk about this all day if you would like. [Laughter]. But I don't think you want to do that. >> Mayor Adler: Thank you. Colleagues, we're O the dais. Councilmember Kitchen. >> Kitchen: Thank you very much. I appreciate the -- everyone being responsive to the questions that I asked. I have two remaining questions. The first one does relate to the volumetric. And I really appreciate the information that you all pulled together very quickly on that. >> Sure. >> Kitchen: What it shows me is that it is true to say that with changing away from the volumetric, what does happen, regardless of whether we think that they're lower income or not, if I'm reading the charts correctly, it looks like those folks that are on the lower end of the usage are the ones that will end up paying more. >> Yes, that's correct. Right now it's a volumetric rate, so based on if someone uses very low volumes throughout the year, they're not paying very much into the fund. >> Kitchen: Yeah. So with the change the increasing cost is felt by those using the least amount. >> Correct. That would make up about 34% of our customers and 14% of those would see an impact of less than a quarter. >> Kitchen: So it looks like the increase is as much

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as \$14.28. >> That would be someone who uses no gas, but still pays a bill for one way or the other. It's just that \$1.19 proposed rate multiplied by 12 months. >> Kitchen: Okay. >> And we assume that's an anomaly. Like you mentioned, we put together this data very quickly so I didn't have time to dig into why someone might have zero usage, but 12 bills. On average someone who has one appliance is going to use far more than 10 ccf a year or whatever the first bracket in that chart is. >> Kitchen: Well, in looking at the data, I agree that if you're just looking at the dollar amounts it's not a huge amount. But it

is -- I'm concerned about the policy, you know, about setting rates in such a way that if you use less you're really going to pay more. So. That remains a concern of mine. That was the only question I had about it. >> Mayor Adler: Okay. Further conversation or a motion? Mr. Flannigan? >> Flannigan: I share councilmember kitchen's concern. I'm a little confused about what action options are before us. So -- >> Mayor Adler: It's to either approve or not approve the tariff. >> Flannigan: So there's no option to change what's in front of us. We either accept it or deny it. Is that -- this is a staff question. I don't know if -- they're conferring in the back. >> I do need to point out one thing. We have a service area with 16 cities, and the tariff is -- when you approve it, if you approve it, will go into effect Friday, right, the 30th? So the other cities have either taken action or let it go into effect. And what would present a problem for us is if you were to amend this and then we have 15 other cities with a different tariff. That could cause -- we would really prefer that everybody on the same page.

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>> Flannigan: And I appreciate that. That has never been a reason this city has done or not done something in the the past on any other matter. [Laughter] I appreciate that concern. So can staff answer any question? Is the answer in front of us either yes or no? Is that really what we have? >> That is the option. If you would deny then it is subject to appeal by the gas company to the railroad commission. >> Flannigan: If we deny them they would appeal. >> Kitchen: So there's not an option to take part of it or change part of it. >> I will bring Andy perny from the law department to answer the question. >> I think council as the regulatory body could make amendments to this, but anything the council does would be subject to approval by the railroad commission. You can approve, deny or you can modify. But denial or modification would be subject to an appeal. >> Kitchen: Okay. >> Flannigan: Another question for staff. One of the slides that Mr. Robbins put up showed base rates increasing year over year, but that's different than the tariff in front of us, right? >> The explanation for the base rates increasing year after year is -- if you recall we come to y'all before approval of the gas reliability infrastructure program. It's the annual adjustment for capital for them to recover their capital investments. And the statute allows the company to apply that to the fixed customer charge. So that is the cause for the increase year after year. We have no control over that. >> Flannigan: I see. >> I do not believe that it's correct. For the last two years the -- >> Flannigan: Mr. Robbins, I appreciate it. And we've been working with you closely, but I think we're going to wrap this up. So given that, but for I'm sure Mr. Robbins will make me ask you this question in private in the future, so be ready for that. I'm comfortable moving forward on this. I think in part because the dollar figures are so small that the difference between the volumetric and the base is pretty negligible. It seems much bigger when

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you throw in all the other base rates, but that's not really the question before us. I do want to spend time not today, but thinking through what these efficiency programs are and what they look like and how they're implemented. It's just not something that I've had the time to really dig into, but I'm

comfortable moving forward today with the kind of direction to staff that I would like to dig more into what those programs look like and how they're applied. And it's my understanding that even approving this as a three-year doesn't preclude us from having that change or modify even in the interim time. Is that a fair read? >> And let me -- >> Mayor Adler: Hang on. Let's get some other people a chance to speak. Mayor pro tem and then Pio and then Ms. Houston. >> Tovo: So I think the point that's been raised is an important one about the impact being the greatest on the lowest users. And so it would be my interest in just providing direction, I guess, to Texas gas service that that's an issue we would like you to look at more carefully when it comes time to do the next full rate case. And you know, we had that issue with our water when we looked at water rates and at after council direction for the water utility and more work on the water utility. There was some smoothing out of that impact on the lowest users and I think the same might be possible high. So I would just add that as direction to Texas gas service if that's an issue -- that that's an issue we would like to you do when it comes time next rate case. And I thank Mr. Robbins for all his work on the issue and you all too from the staff and the gas service. >> Mayor Adler: Do we have a motion? Mr. Renteria? >> Renteria: I have concerns. I've been -- I have participated in this program before, and it's very hard to get a rebate from

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[indiscernible]. I've been through it. I never did get my rebate at all. I know it's a very hard process to qualify for this program. But just looking at my energy, because I've done so much to insulate my home that my usage of gas has gone down. And I do pay a smaller rate, you know, now than what I would be charged with the new rate. So I don't know how it affects some other people that haven't gone through that process of insulating their homes. I don't have that data, but I just look at my bills that I get and I can see that I do -- lately I have been paying a very few amount, but I'm also concerned that because they do have shortfalls every other year that we might not be able to be -- they might not be able to finance all these improvements that low income families are entitled to. So that's the only reason I would support the new rate increase. But it's a very difficult choice. >> Mayor Adler: Ms. Houston. >> Houston: This will be the only utility where the rates are increased for the lowest ratepayers. And that concerns me. Because even if people use the lowest amount of gas there in the tariff they will be paying more than somebody that uses a lot of gas. And to me that seems to be reversed unless I'm not understanding what you're

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saying. >> I go want to point out a couple of things. One, as it's currently calculated, the average customer is paying 1.58 something. What we're doing is we're going to make it a flat 1.19. I know we've talked about some people, but we're actually lowering the rate. But this is three to five percent of the bill. The average monthly bill in Austin is 38 bucks. And I guess to your point, I would disagree because people pay for the gas, for the commodity that they use. Tohe reward, that's 40% of the bill. So if you use less gas, you're paying for less gas, less of the commodity. So I think I disagree with you. This is three



to five percent of the overall bill, but the incentive, no matter what the rate structure is, is for people to use less gas because their bills are lower. There's a correlation with how much gas you use and your total bill. Does that make sense? So I don't think that the rates do what you're saying because I think they are structured so that if people, any customer, overall, their total bill, uses less gas, they pay less, when you look at the entire bill. >> Houston: And how often do you change the tariff structure? How often do you look at it? >> Well, so the energy efficiency tariff that you guys are looking at today, the last time we changed it was two years ago in the rate case, okay? But that we had -- before that we had one in effect for nine years. But we do change the rate from time to time. I'm not sure I'm answering your question. >> Houston: I guess, mr.graham, all I'm asking for is that if you see over time, over the next two years, that this has an inverse effect below income people, then you come back

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and say that to us, to the council? >> Sure. Our goal with this is to be able to predict what the revenues and the program are going to be. That's why we went to this because we can predict and say do you know what? We have 220,000 residential customers times 12, you know, times 1.19. We know what the revenue is going to be for the program. And if we can find another way to get there, we're happy to do it. I will say this, though, the railroad commission has asked us over and over to pull things out and line item them so customers know what they're paying for, to be more transparent. And this allows us -- people are going to see oh, it's 1.19. Right now they don't see that in the bill. So there's also a transparency argument here. >> Mayor Adler: Councilmember pool, do you want to make a motion? >> Pool: I make a motion to approve the tariff for the Texas gas service. >> Mayor Adler: Is there a second to the motion? I need a second to the motion? I'll second the motion. Further discussion on the dais? Councilmember Garza. >> Garza: So the statement you said if a person uses less gas pays less, which makes sense. I want to make sure I understand. Even if you're using less gas, you would always -- saming you would always pay less, but if your rate for that gas is higher -- is it regressive? Can you address the regressive part? >> Let's talk about the overall rates, right? And I have the sheet to get the exact amounts. Everybody pays, every residential customer pays \$17 and some cents. That's a fixed amount. And then there's two volumetric rates. One is 12 cents, which we get. Then this rate, the energy efficiency program, is five. So the volumetric rate is 17 cents for every unit of gas. The third piece is the commodity itself. So if you use 50 units of

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gas, 50 times, you know, 40 cents a unit, right, whatever the math is, 20 bucks. So those are the three kind of components of the bill. That's how you calculate it. Plus the city's franchise tax and the other taxes. So again, we're only talking about three to five percent of the total bill that funds the energy efficiency program. Now, we may have a rate case the next couple of years, and what we'll do based on your input is I will get with you guys before we file the case and see if we can, you know, I don't know, have a work session, do something to explain to you how it works and get input from you all on how you

want to redesign the rates. Because that only happens during a full rate case. Like it's not an option today. But that's when you look at that customer charge, you look at the volumetric, you look at how you structure the rates. So if you -- the council, that's their will, we would be happy to do that before -- get with you guys, rondella before we do the next one, so you guys can have input into how that's structured. >> Garza: Okay, thank you. >> Mayor Adler: My sense is you need to anticipate a pretty significant review when the rate comes back to us. And I think that Mr. Robbins raises two really important points. The first one goes back to the relationship between a flat rate and a Progressive rate as addressed to the amount of gas that's used. We saw -- we asked that question, had our utility company go into detail for the electric rate, and for our system there was not a relationship between low usage and low income. But you've been asked that question and I think going forward when you come back I think if there's a way for you to have better data on that, I think that's going to be important. >> Sure. >> Mayor Adler: In this particular case, because I think the point that Mr. Robbins raises is something that everybody coming before us in the situation has to know it's something that we're going to discuss.

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In this particular case I'm going to support moving forward with the tariff in part because of the size of the nus and with the admonition that as you come back for the rates we need to really understand that and see that information. The average consumption I think in the answer to the Q and a for an Austin customer was 376 ccf. Customers with an annual usage of 274 ccf or less or 274 less are going to pay more under the fixed rate than with a flat rate. That means that just under 70% of customers are going to see a monthly bill decrease. Other people that are seeing an increase, about half of them are going to see an increase of less than 25 cents a month. And the total charge in the flat rate is \$1.19. So in this case I'm going to vote for it just because the numbers are low but that doesn't erase the policy point that Mr. Robbins is raising. So I would want you to come back with better information on that as we go forward in the future. On the issue with respect to the choice of the programs and their cost effectiveness, that was also a debate that we had when we did the electric rate. And I'm encouraged to see that the gas company has taken a look at that and taken 12 programs off. I recall that when our energy company was looking at it they said that the only criteria to use was not cost effectiveness, but also they were -- there were also policy reasons or other reasons why you would also factor in issues, but that the overall program had to demonstrate a cost effectiveness, and I understand this one does, but I think that as we go forward staff, I think that's probably something worth revisiting because not everybody on the dais now

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was on the dais then. So I think we should probably go back because it's going to be a recurring deal too. So anyway, I'm going to support this for the reasons going forward. Mr. Casar? >> Casar: I had a quick questions for Ms. Hawkins or whoever is appropriate on city staff. When this comes forward to us D this

come forward to us automatically because it's requested by the company or does it come forward as staff recommended? >> It comes -- if it's a rate change, it comes before council for approval automatically per city charter. >> Casar: Regardless of whether staff recommends this change or not. And do you make recommendations on these or not? And your recommendation is in the affirmative? >> For approval. >> Casar: And whether we should or shouldn't approve the changes is which? >> We really deferred -- we worked with the resource management commission. Their recommendation for approval was weighted heavily. And we looked at the overall cost effectiveness of the programs and we looked at the comparison of the fixed budget over the longer term because nothing -- in prove years when they've over and under collected that causes the rate to be adjusted. There is such a big influx in swing so there's a spike during the winter months when the gas consumption was the highest to the gas consumers would see, so that leveling out was -- >> Casar: And our authority under state law to say yes or no is based entirely just on our discretion or are there sort of some rules about why we couldn't say yes and why we contain say no? >> I think there's a basis on whether the rate is proper, unreasonable. I mean, there's -- >> Casar: The reason for -- I'm trying to understand if whether or not we have full discretion to say yes or no or whether or not -- it looks a like I made Mr. Purdy jump up. >> I think rondella said it pretty well. The standard under state law is whether the rates is just

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and reasonable. This council has some discretion as the regulatory body to make the findings, but ultimately that is the legal stand on your guiding. I don't know how helpful it is, but it is just and reasonable. >> Casar: And Mr. Mayor, under this we would see a small increase for 30% of customers and a small decrease for 70% of customers, is that right? >> That's correct. >> Casar: So it's overall -- >> Mayor Adler: Both of them are small because the numbers we're talking about are small. >> Casar: Because the numbers are small. So I think at this point, I think it's meaningful that we're seeing a rate decrease for the majority of people. It's hard to tell exactly based on the information that we have who falls within that 30%. And I'd be interested in knowing more before we're talking about something that's more significant than something that's, am, a few Nichols this way or a few Nichols that way. >> Anything else before we take a vote on the dais? >> Renteria: If they've been able to identify the 30%, I hope that they go out and reach out to those customers and saying, you have an opportunity to reduce your gas costs by taking advantage of these programs because I have --. And I have reduced my usage of gas even though I am going to pay just a little bit more on the rebate service, rebate costs, it's going to cost me more -- about 25 cents more a month, but I'll be -- I'm willing to go ahead and invest that into so that we can provide better service to the 30% that are using too much energy. >> Mayor Adler: Will you reach out to folks and make sure they're aware of those

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programs. Ms. Kitchen? >> Kitchen: I want to make sure I understand. In terms of reviewing the cost effectiveness of the programs, we can do that at any time, right? We're not tied to -- let me ask our staff

that. So -- and then -- so if we wanted to have a further detailed conversation about the results of the previous analysis and whether or not we felt like additional analysis needed to be done, we could do that at any time? >> Yes, we can do it at any time. Currently it's an annual review. >> Kitchen: Okay. I do have some concern. I recognize the concern that was brought up about the Independence of the person who did the analysis. Without attributing any ill intent or anything. If we wanted to move forward with a different analysis in the future we could do so, right? >> Yes, we can. >> Kitchen: Okay. And then the -- in terms of the volumetric rate or the shift to volumetric, when would be our next opportunity to review that if we decided in the future that it wasn't working the way that we wanted it to. >> So this is three years. However, I don't know if the gas company has anticipated a rate case before then, which -- do you have any sense of full rate case filing? >> Real quickly, we are going to continue to have somebody, a third-party, do the evaluation which we share with rondella, happy to share with you, and we will share with the resource management commission. If we see an issue, we -- you know, regardless of the three-year window, we will be -- work with you and address it. We're not going to hide behind some three-year budget that we're not -- you know, we're not going to come back for three years.

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And rondella, as she said, if we do come with a full rate case before the three-year window and it's possible, I don't know, the it's all open and we can look at everything. Get under the hood a look at everything. >> Kitchen: Okay. Thank you. >> Mayor Adler: Okay. There's been a motion and a second. Any further discussion in those in favor of passage, please raise your hand? Those opposed? It's unanimous on the dais with councilmember troxclair gone. Thank you very. Please take to mind all the issues that were raised. Mr. Robbins, thank you for raising those issues. Those are all the items that we have on our agenda. It is 4:49. Yet another council meeting ending before dinner. Thank you, manager. And with that we stand adjourned. You know, by the way, just by noting, because we have media here, and occasionally we have media reports about how late we can. I just want to make sure, didn't know if you guys were -- >> We noticed. >> Mayor Adler: If you guys were aware that all of -- all of September, October -- all of September, October and November, except for that one camelback that we set purposefully to be after dinner, we have ended before dinner. Worthy of a newspaper or a media story, I think. [Laughter]. This meeting is adjourned.

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[Austin city council is in recess]

[5:33:45 PM]

>> Mayor Adler: All right. We've reached that time of day here at city council meetings where we always, regardless of what we're doing, not only on meetings like today where we actually get out before dinner, which has happened, by the way, every one of our council meetings in September, October, and November, just because everybody thinks we always go till 3 o'clock in the morning. Sometimes we do. And quite frankly on any day, regardless, we always stop at 5:30 to bring live music into this place because we are the live music capital of the world. And there's just something that is affirming and reaffirming and assuring about pressing into the walls of this place a little live music so that when we're beating each other up at 1:30, 2:30 in the morning, if you just really scrunch down, you can hear a little of that music come back, and it keeps everybody in here kind of sane and working. But I think that weather only city council in the world that regularly stops its meetings to bring in a little live music, and I think that says something about who we are in Austin. It is a treat for us and a gift to the city and the community when we have folks that are willing to come in and share their talents with us so that we can enjoy it. And today we have the gypsy drifters with us. This is Elgin's own. They play a mix of home-grown originals and classic country and americana and the blues. Brian McKinney and local

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singer/songwriter/bassist is part of this, city of Austin employee, Gary Leukey. The two of them formed this band in March of 2017. Vern singer songwriter Quinn Walton joined earlier this year when he moved from Austin to Elgin. Again, guys, thank you so much. This is just a real gift. And please join me in welcoming to city hall the gypsy drifters. >> Thank you very much. [Applause] >> We're going to play one of our own songs tonight. It's called honky tonk king. [♪ Music playing ♪]

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>> Thank you! [Applause] >> Mayor Adler: All right. You've heard them here, early in their rise to stardom. So if somebody was watching you guys here on TV or sees this later, they're sitting out here, do you have like a website? >> Gypsy drifters.com. We've got a bunch of songs up there. >> Mayor Adler: Cool. And they can go onto that site and get some of your music? >> Actually, I don't know if you can download it or not. We'll make it so you can. And also, Quinn has just released his on EP which hasn't merged into the gypsy drifters yet, but to find Quinn Walton, just ask Siri or Alexa to make Quinn Walton. Make sure you enunciate Quinn. She'll tell you she doesn't have queen Walton. >> Mayor Adler: Do you have a separate website? >> Quinn, T, as in Tom, Quinn T. Walton.com. >> Mayor Adler: If anybody wants to come see you play do you have any gigs coming up where people can come watch you? >> Are we playing tomorrow night? >> We're playing tomorrow night at the owl another about 6:30 in Elgin, Texas. That's normally our home territory. We're the house band there. But if you go to the website, we'll post the gigs we do there. >> Mayor Adler: Okay. Cool. We have a proclamation. Be anoint that whereas the city of Austin, Texas is blessed with many creative musicians whose talents extend to virtually every musical genre, and whereas our music scene thrives because Austin audiences support good music produced by legends or local favorites and newcomers

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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 29th of the year 2018 as gypsy drifters day in Austin, Texas. >> Thank you. >> Mayor Adler: Congratulations. >> Thank you very much. [Applause]

[5:45:16 PM]

>> All right. Good evening, everybody. I'm Jimmy Flannigan, city council member for district 6. Thank you, mayor for allowing me to read this proclamation. This one is important to me and certainly to the community that I am so fortunate to represent. So I will read the proclamation. Be it known that whereas world AIDS day again 30 years ago on December 1st, 1988 when world health ministers called for a spirit of social tolerance and greater awareness of HIV internationally, the date continues to be an important way to celebrate the extraordinary advances we have made in the battle against HIV and to remind Austin residents and people everywhere that HIV has not gone away and that much more has yet to be done; and whereas the city of Austin has a vital interest in preventing new HIV transmission and improving the lives of those living with and affected by HIV, in the Austin area, there were 288 new HIV cases in 2017, and of the 7676 people living with HIV in the Austin area, it is estimated that over 1400 are unaware their status. And whereas to help steer the response to the HIV crisis and ensure the best care for the community, the HIV planning council supports the efforts of the community in, but not limited to, the fast track city initiative, and it wishes to complement local efforts with the 2017 to 221 integrated HIV prevention and care plan for the Austin area. And whereas the HIV planning council, the city of Austin, and Travis county are committed to ending the AIDS epidemic by 2030, now, therefore, I, Jimmy Flannigan, councilmember with mayor Steve Adler and the entire council do hereby proclaim December 1st, 2018, add AIDS day in Austin, Texas. [Cheers and applause] >> Mayor Adler: So Justin Smith, Justin -- is the chair of HIV

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planning council. Why don't you say something. >> I think the only thing to add to that is just focus on the fact that this day, particularly, started 30 years ago in order to recognize the importance of increasing awareness of those living with HIV and the effort to increased tolerance and fight stigma, and why we've made significant biomedical advances and we should celebrate those, stigma still plays and important role in preventing care to the community and this is a day to really recognize that impact. [Applause] >> Bring everybody up. Come on. >> Yeah, on behalf of the fast track city's initiative for

Austin, we wanted to present, mayor, with a copy, signed copy of the Paris declaration, and thank you for your commitment to ending the HIV epidemic.

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[Applause] >> There's a reception on the second floor for -- yeah, world AIDS day. On the mayor's balcony. >> Mayor Adler: All right. We have -- we have another real important proclamation, realtimely on lots of levels when you watch what's happened to our city here recently, you look at

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all the fires in California, you just look at so many things that are happening, this proclamation, be it known that whereas this year, Austin experienced the third hottest summer in recorded history, and in the future, more sizzling temperatures, extended droughts, increased wildfire risks, and intense rain and flooding are projected by climate scientists; and whereas the city of Austin continues its commitments to achieve net zero greenhouse gas emissions, community wide by 2050, and the citizens and residents of Austin want to step up to be part of the solution, and whereas simple personal choices to drive less, use less energy, and recycle more add up to significant and collective impacts, and whereas during an eight-day carbon reduction challenge, Austin residents avoided 83,000 pounds of greenhouse gas emissions, saved 170,000 gallons of water, and diverted 6,000 pounds of waste from landfills, now, therefore, I Steve Adler, mayor of the city of Austin, Texas, do hereby proclaim November 29th of the year 2018 as community climate leadership day in Austin, Texas. >> Woo-hoo! >> Mayor Adler: That's right. Why don't you describe -- people will be watching this on TV later. Why don't you describe the program and something about the winners of this program, some of whom couldn't be here today, but will get a signed copy of the proclamation. Why don't you tell us about it. >> Thank you, mayor. I'm the chief sustainability officer, and our challenge set a goal to reduce 50,000 pounds of

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carbon, and that's about the amount, if you want to visualize it, that would fill Barton springs pool so we almost doubled that in terms of what we were able to achieve. We had six winners and some of them couldn't be here this evening, but the winner we do have is going to accept on behalf of our other winners and we're going to repeat this challenge in the coming year at some point. We don't really know when yet. Mayor, I know you had downloaded the app and it was kind of in the middle or before the time we ended up with the boiled water notice so hopefully next time we'll get you more involved because you won't be so distracted by other things, important things that you had to be doing. But I really got into the challenge myself, personally, and we are excited to see how citizens take action and come up with their own things that they buzz as a part of the challenge, and we use an app called

rethink Austin, which anybody can download for free. Even though the challenge is finished for now, that's something that's available anytime for people to use and get lots of information about things they can do to reduce their personal carbon footprint. Do you want to say a few things now? >> Sure. So this issue is such a huge issue, and it can be overwhelming, but I think that every individual person can take steps to reduce their carbon emissions. And it doesn't have to be so many things overnight. You can just do little steps to help the environment. So one major thing I think is to reduce your meat intake. Animal agriculture is a huge contributor to greenhouse emissions, as well as just thinking about how you get from place to place. I was able to get rid of my car and now I just take the bike, bus, walk around to get to places, so there's always something you can do. Any little step helps so. >> Mayor Adler: What do you do to be one of the winners? >> I got fourth place so

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basically any action that you took, you get points, and so every little thing, I mean, if you ate a plant-based meal, you got points. If you recycled, you got points. I started composting. Yeah. >> Mayor Adler: Cool. Very cool. Well, great. Can we take a picture? >> Yeah. >> Mayor Adler: All right.