

City Council Regular Meeting Transcript – 02/12/2015

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February 12, 2015 city of Austin council meeting.

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February 12, 2015 Austin city council meeting.

>> Mayor Adler: Are we ready? Where's Greg? Ora? Good morning. I am Austin mayor Steve Adler.

[10:16:05 AM]

We're going to begin today with the -- we'll call the meeting to order here on February 12th, Thursday, 2015, city of Austin city hall. We're going to begin today with an invocation by pastor Joseph Parker from the David Chapel Missionary Baptist Church. Reverend Parker, it's good to see you here this morning.

>> Let us pray. Ever present God in our wonderful city we are experiencing days that are pleasant and days that are not. Days that are sunny and cloudy, days that are hot and warm and other days that are cool and even cold. Such are the days of our lives and the work of government, and as our new mayor and councilmembers take the reins of government with the aid of city staff and recognize that we are in a climate and a new season of governance, and we can anticipate a governing climate that is at times sunny and cloudy, pleasant and not pleasant and days that are hot, warm, cool and cold. Yet as we approach Valentine's day, a day to especially celebrate love, we recognize love is all around. And I acknowledge your love deep within. And in that love we look for love and acts of sharing and decision making, love and quiet listening, even in governance through policy and its administration. And today we pray for our city leaders and staff and ask that you, oh God, open our minds to the truth of your care, open our hearts to the general power of your love, open our lips to speak truth on perhaps of those who are

governing for the public and common good. Open our eyes to see beyond differences to discover the common bonds of compassion for all. Open our hands to create beauty to do justice and to show kindness and mercy.

[10:18:08 AM]

And may we who are members of this community open our mouths to speak truth and wisdom to our elected officials. Not only for the prosperity, but for the least of these. So we are mindful of president's day and when we recall those who have led and those who are leading our country in good times and bad times, may the best and highest effort of the leaders of our city also be given for the best and the highest purposes in good times and bad times, in times of peace and in times of conflict. And so I am aware that in a public setting such as this, there may be those who do not pray at all or those who pray in such names as yawa, Allah or buddah, but I pray in the name of Jesus. Amen.

>> Mayor Adler: Thank you, sir. A quorum is present. The time is 10:17. First I want to read the appointments and waivers to the boards and commissions, which will remain on the consent agenda. Do we have any?

>> Tovo: Mayor? I believe we have just one on the copy I have, and if I could just make a comment about it. So I am appointing somebody to the Austin integrated water resource planning taskforce, and that is Jennifer walker. And I also wanted to say we've gotten some additional recommendations of community members who would bring real expertise to that group. So we will be posting that later in the day, but I wanted to give my colleagues a head's up that we've received some additional names and recommendations for that integrated water resource planning taskforce.

[10:20:23 AM]

>> Mayor Adler: I think there are two resolutions. We have this name that's coming up and we also have the resolution appointing members to council committees and other governmental bodies. We will hand -- they're going to remain on the consent agenda unless otherwise pulled. The consent agenda, items number 1 through 51 with the following exceptions that are pulled off of that agenda. The items that we have pulled off the consent agenda are items 6, 7, 20 and 31, pulled by councilmember Zimmerman. Items 17 and -- 20 through 31, I'm sorry. Items 17 and 50 pulled by councilmember Garza. 38 pulled by councilmember Casar. 40 pulled by councilmember Houston. 86 pulled by myself, mayor Adler, as well as councilmember Garza. Are there any other items to be pulled? Then we have Numbers 2 and it 3 that are pulled for speakers that are signed up. Any other items to pull? All right. Before we -- so we have -- before we vote on the consent agenda we have two speakers -- three speakers that are being called for -- to speak on consent agenda generally. David king, Jamie Castillo and Scott Johnson. David king, if you want to come down you have three minutes.

[10:22:29 AM]

>> Thank you, mayor, mayor pro tem and councilmembers. My name is David king, I live in the zilker neighborhood. I'm speaking on item 47, the fee and expense waivers in the amount of \$63,690 for the zilker kite festival. And I support this and I appreciate this resolution coming

forward to help this event. Unlike so many events at zilker park and other city parks in the city, this festival is free, is family oriented with no loud music and no alcohol. As the festival was transitioning to a new nonprofit model, which is good, so it's sustainable over the long-term. So I think it's going to be important that it remains true to those community values I just mentioned and that it has served so well over the past 68 years. I just look at another family oriented event that transitioned to a nonprofit model a few years ago, the holiday trail of lights, and now we've seen that it has started charging fees. And they have started adding more commercial features to it such as a ferris wheel to generate revenue. I think that's concerning as we move forward as these free family oriented events that are important to our community values begin to transition away from those values, we should think about whether or not we're going to continue to sponsor them as a city and provide fee waivers and expense waivers to them. We should hold them to those community values otherwise we should not be supporting them. I am supportive of the holiday trail of lights and the zilker kite festival, and I appreciate you bringing this resolution forward. Thank you.

>> Mayor Adler: Thank you. Mr. Castillo. Good morning.

>> Good morning. I just wanted to let you know that I actually wanted to speak on item 6, so if it's okay with you, I'll save my comments until then.

>> Mayor Adler: Okay.

[10:24:30 AM]

And that was an item that was pulled. Mr. Johnson.

>> Good morning, council, staff. Regarding item 45, there are many opportunities during these 100 days that the city council is learning about issues to take a step back and look at what is the best number of folks to have on these committees. Traditionally the clean air coalition, which is a capcog body, has had one appointment, and that's been the mayor for the city. The clean air force as well has had one appointment and that's been the mayor for the city. What I'm suggesting today is that this issue is perhaps the only environmental issue where we're everyday monitoring to determine whether the air quality is acceptable or not that protects people's health. And with the E.P.A. Revision coming up later this year, it's hopeful in my opinion and likely that the standard will be strengthened to be more protective of public health. If that is the case initially we won't meet that standard and if it's set at a lower level to be more protective of public health we won't meet that standard for a period of perhaps three, four, five years. As with campo where there are four members, here I'm suggesting that the city council work with capcog, the executive committee, to place two members on. I've had a conversation or two with mayor Adler about this. One of the opportunities is for someone to be there at every meeting or for one of you all to send a staff such as the mayor send someone from the community cabinet who has knowledge about air quality, the science and the politics. Right now there's a gap from what I can see within that community cabinet, so hopefully someone could be put in place that could go to those meetings and dig in every meeting as hopefully councilmember Zimmerman will. Please look at the opportunity to wait on this item, or if you pass it on the consent agenda, to add a second member.

[10:26:36 AM]

Ideally mayor Adler or his designee. One of the opportunities is for this group to go out on a

retreat and try to energize the clean air coalition, which has some faithful members, but need more cohesion. They need to be more incident electric wally curious and they need to challenge each other about the future -- the path forward on air quality. There is some disagreement about how that should be. Should we focus on the items that are going to be the most effective? Should we branch out into more regulatory programs? Should we look at the voluntary programs we're doing now and try to reenergize those, try to make them better? I say let's do all of that. Do we have the people on there now or will we have the people on there in the near term for this to happen? And/or pass it and add a second person from the city council to go to those meetings and ask the tough questions of the staff from the council of governments, from the city of Austin, which is part of this group, and make sure that this is a high performing group. Much higher performing than it currently is. And this group is extremely important as we move forward if we're reclassified as non-attainment and noncompliance of the ground level ozone standard, there are sanctions that are ones that could come forward that are economic related to road building, related to new business development that some of you should learn about through the environmental committee or by going to this meeting. Questions?

[Buzzer sounds]

>> Mayor Adler: Thank you. Anybody have any questions for Mr. Johnson? Mr. Johnson, thank you very much.

>> Thank you.

>> Mayor Adler: Thank you. I don't have us with any other speakers on the consent agenda. I need a motion to approve the consent agenda absent items that have been pulled, 2, 3, 6, 7, 20 through 31, 17, 50, 38, 40 and 86.

[10:28:47 AM]

Moved by councilmember pool. Seconded by councilmember Gallo.

>> Zimmerman: Mr. Mayor, I will be recognized on some of the items. I would like the record to show district 6 for councilmember Zimmerman to be in favor of items 1, 2, 3, 41 and 46. And to be against item 44. And abstentions on the remaining items. Thank you.

>> Mayor Adler: With that said, all in favor of approving consent agenda si aye? Those opposed say nay. Consent agenda is approved. We're now going to begin discussion on the items that have been pulled on the agenda. We're going to begin and take these in order. A couple of housekeeping matters before we do that just for people on the dais as well as for people who might be watching this. There was something with respect to the Garza case that you anticipate, councilmember troxclair?

>> Troxclair: Yeah. The Garza case that's on our agenda today I just wanted to make a comment about that. I will be making a motion to postpone -- for a one-time postponement for another two weeks so that we can consider that item at the next council meeting. Just to update my fellow councilmembers, we had received letters of opposition from two neighborhoods in my district, and I want to thank the applicant for working with those neighborhoods because both have expressed to me their support in moving forward. However, after attending T the -- there were still just a few remaining questions and that organization and its member neighborhoods are still continuing to meet with the applicant and the potential future developers to just get some last questions answered.

[10:30:59 AM]

So although I don't hopefully anticipate any opposition moving forward, I want to make sure that everybody feels comfortable and has the information that they need. And so I would like to make a motion to postpone for two weeks.

>> Mayor Adler: We can't at this time because it gets called up later on the agenda, but I wanted people to know that because my sense is that probably everybody at this point is then looking to have this matter postponed. And I would -- it would be my sense as to that's what's going to happen later and I wanted people to know that generally. The other item that we have that's been pulled here is -- that I also want to talk about is item 86, which is the item with respect to increasing the capacity for the council in the 10-1 system. I don't know when is the best time to call that up on the agenda to ensure that the greatest number of people have the opportunity to be able to speak to that, to the council. There are two citizens that are -- have signed up to speak on this item. And I will want to have a robust discussion, will ultimately be moving to postpone this item. And I would be amenable letting these two people talk while they're here and then tabling it and then picking it up later in the day in case other people wanted to come back later in the day and also address this. So I just -- I announce that to the world to be my intent when we get there.
Ms. Tow snow.

>> Tovo: We've gotten some calls in my office this morning about when it might come up, so if we could get clarity for the members of the public who might want to come down and attend, whether they could expect it to come up say after zoning or whether we're contemplating taking it up after our dinner break, that would be helpful.

>> Mayor Adler: Part of that is -- I don't know how quickly we'll move through these items now that Garza is off.

[10:32:59 AM]

I would anticipate that there might not be a coming back after the dinner break. In which case we would then consider it at the tail end of on our -- of our agenda after zoning.

>> Tovo: Okay. So I guess the message then would be that we'll take it up at some point today, but not this morning.

>> Mayor Adler: I think so. And I would anticipate we'll pick it up after zoning, except for the two people that have signed on and are here, I'll give you the opportunity to be able to speak to that issue now. I mean, not now, but when we get to it on the consent pulled items.
Councilmember Houston.

>> Houston: Thank you, mayor. And I just want to remind people before, as we're kind of doing some housekeeping, there was some acronyms used in the last presentation that I have no clue what they meant. And so this is not only for our new people who are here. Some do know, some don't, but for people who are listening on the radio who don't have the opportunity to see the crawler where it's explained, if people could use the real words instead of the acronyms, I would appreciate it.

>> Mayor Adler: So we're going to go ahead and consider these in order. As we are going to item number 2, I want to note and appreciate that the appointments that I made to the committees was the slate on the consent item and I appreciate the vote of confidence that comes from everybody agreeing to the slate. We're going to go ahead and begin with item number 2 on the agenda. Item number 2 was pulled by -- no, one of the speakers that came. So we have two speakers to speak to this item.

[10:35:00 AM]

We'll call first Jim nias and then Katherine lodza.

>> Morning, mayor and council. I'm Jim nias. And Ms. Lodza would like to donate her time to me. Mayor and council, I represent six rent a car company, which is an international rent a car company that has been in business for more than 100 years, and they were one of the proposers for these new slots for rental car concessions at the airport. They were disappointed to come in third in the valuation by the staff under the criteria that were used, very narrow. Finished -- third place finish. Because it was so narrow they wanted to avail themselves of the opportunity that one is supposed to have under the purchasing rules to protest the initial decision, which can lead to the opportunity for a hearing over the matter to more fully discuss issues that may have not been as well understood as they could have been initially. So that's what we wanted to do. And in order to do that we requested certain public information about the proposals that were made. Such as, well, who were the proposers that made proposals and how were the scores calculated in the various criteria? And one of the most important criteria was the fee that was offered. We wanted the chance to evaluate whether the fees that were offered -- and which was one of the biggest point categories, were realistically offered or something that was pie in the sky by people who really couldn't perform under that. But after making this request for public information, we were denied that information. And the mechanism used to deny us that public information was that the law department was asked to request a thing called an open records determination from the Texas attorney general's office.

[10:37:18 AM]

Wherein it is alleged that there is some exception to the public information act which authorizes the withholding of the public information. And so a letter to that effect was given to the ag by the law department and the legal effect of doing that, whether it has any merit or not, the legal effect of doing that is that automatically, and at least on a temporary basis, the public information is continued to be authorized to be withheld. At least until the ag makes its decision. Well, that process normally takes months to go through the ag's office. Conversely, the protest process under the purchasing rules takes place in a matter of days. So by this mechanism we were withheld the public information that we needed to put our protest together meaningfully by having it withheld through this tactic. So we nevertheless put something together that was of necessity pretty general because we didn't have the real information we needed. And -- but we put it together anyway, largely complaining about not getting the public information and also just bringing to light some other facts we thought may have not been fully understood. But instead of getting the hearing we hoped to get, we got a letter from the purchasing office just sum marily denying our protest and denying us a hearing on the grounds that our protest was too unspecific. Well, of course it was because we didn't get the information that we had requested and was necessary to put together the more specific protest document. The grounds given for the withholding the information, the purported grounds, was to disclose it would have provided one of the competitors with a competitive advantage.

[10:39:26 AM]

We really didn't understand that. We could understand that during the process, for example, if somebody had submitted their proposal early and there was still time for others to submit theirs, you wouldn't want to give the early proposers information to the other folks. That of course would give them a competitive advantage. But once it's over with, once the proposals are submitted, the bids are open, so to speak, evaluated and the decision is made. How does disclosing what happened give anybody a competitive advantage? That's what the purported reason was for withholding it from us. And the disingenuous nature of that is clearly expressed by the fact that after the protest petition time was up and after we were denied some of the information that we requested was then disclosed. In fact, it's in your back June material for the whole world -- backup material for the whole world to see, but we were denied it during the protest, short of doing a protest purportedly for that reason. Not all the information has been disclosed. The fee offered is still not been disclosed to us or anybody else to my knowledge. So we wanted to bring this to your attention, mayor and council, you know, we thought this was a little a little bit unfair, not quite in keeping with the policy that we heard by I think everybody on the dais during the election. I think every platform had at least a plank or two about more transparency and open government. And this seems to be the polar opposite, using a tactic like disingenuous open records decision request to withhold public information of this nature. [Buzzer sounds] We think it's unfair.

[10:41:26 AM]

We would ask you to reconsider. We would ask you to ultimately reject all proposals and do this over in a more fair and lawful way. Mayor, I have some written remarks also that I would like to offer this to the city clerk to be put in the minutes. And we also have -- we would like to pass this out to the council too. I'm sorry I couldn't give it to you before. In purchasing matters like this I'm really -- you're not supposed to contact the councilmembers by writing or orally except in the context of a public meeting like this. So I was not able to give you this ahead of time. I would like to pass this out to you now if I may.

>> Mayor Adler: Please go ahead and do that and the clerk will pass that out for you. So Mr. Nias, you're saying in this past experience you had, the process doesn't work and you're asking us prospectively to figure out a better policy that would --

>> I think that's one thing I'm asking you to do, mayor. Prospectively I think that's what you should do, but what you could do -- what you could also do, and you may not want to do it. I don't know if there's considered to be an emergency to get these rental car concessions in place. Seems like to me the garage is Stillwell under construction, but the other thing I'm asking you to consider is to inject some fairness into this very process by rejecting all the proposals and doing this over. You may or may not want to do that. If you don't, I understand. In any event, I really appreciate your time this morning. Thank you very much.

>> Mayor Adler: Thank you. Those are all the public comments we had on this. Councilmember Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I appreciate your remarks and I hope that you will contact our office in district 6. I had a similar problem here when I was trying to investigate 10 million dollars' worth of steel utility poles. And I believe when I ran into was the anti-lobbying ordinance. So as an elected official with responsibility to vote on a 10-million-dollar project, I couldn't even find out how many utility poles I was getting for \$10 million.

[10:43:36 AM]

So I was also shut out of the project. And it's worse than that because once the project was approved, my understanding is the ordinance says I still can't figure out what's in the proposal until the contract is signed. So this looks like a page out of the play book of congress where you have to vote for it and approve it so that you can find out what you voted for. So I'm very unhappy with the way the process is working. It needs reform. It's not something we're going to be able to settle quickly, unfortunately.

>> Mayor Adler: Any other further comments on this item? 2? I think it does make sense to look at prospectively. I'm not ready to vote to stop this process, but let's address that. And if that requires us to get briefed in executive session on why this is happening, then we probably should do that, let's find out. Any further discussion or debate on item 2? Is there a motion to approve item 2? Ms. Pool? Is there a second? Ms. Tovo? All in favor say aye? Those opposed nay.

>> Zimmerman: I'd like to abstain from that vote.

>> Mayor Adler: Mr. Zimmerman is abstaining. The ayes have it. It's approved. Item number 3, is that the same issue? Okay. It was the same speakers, Mr. Nias indicates it's the same argument. Is there a motion to approve item 3. Miss pool? Second. Is there a second to item 3? Mr. Renteria? All in favor -- you want to be shown abstaining, Mr. Zimmerman?

>> Zimmerman: Yes.

>> Mayor Adler: All in favor say aye? Those opposed nay. The item is approved. It then moves us to the next item that was pulled from the consent agenda, number 6.

[10:45:52 AM]

>> Thank you, Mr. Mayor. Well, first, so there's no one registered to speak on item 6 or 7, is that correct? If there's anybody here willing to speak on that, I wanted to hear from them first. If not, I'll go ahead.

>> Mayor Adler: I'm sorry, what?

>> Zimmerman: I said -- I think there was someone here to speak. Could we hear from the constituent first?

>> Mayor Adler: We can. We have three people who are signed up to speak on item number 6. If Louis [indiscernible], Jaime Castillo and Brett Barnes.

>> Good morning, mayor and council. Thank you for representing your districts and your upcoming service to the city. I am Jaime Castillo, an artist and independent curator and the chair for the art in public places panel. Today I just wanted to express my support for the art in public places process and hopefully provide some insight. The aipp ordinance, art in public places ordinance, was brought forward and passed in 1985. As a citizen initiative. So 2015 is the 30th anniversary and happy birthday aipp. In 2002 the ordinance was increased from one percent to two percent with -- due to community support. And due to this, Austin was the first Texas city to formally recognize the value of public art within the community. And so I just wanted to point out that the aipp process is representative, it is collaborative, it is an open process that yields quality and positions that Austin as a leader in the public art field and it is also supportive of less experienced artists. The ordinance, two percent of eligible capital improvement projects are allocated to the purchase of art situated in public sites.

[10:47:57 AM]

Currently we have 150 facilities and locations all over Austin. And maintained by 22 different city departments. To date we have commissioned 175 artists, 144 of which are Texas based and 128 are Austin area based. And so that means that there's a majority of 73% of artists in our collection that are Austin area based. The process that we use, we create the eligibility criteria case by case and these depend on a variety of factors, including the budget, the time frame of the project, the site, the goals, and the end users. And those criterias are set by aipp and arts commission before any call goes out to the artists. When it is appropriate the eligibility criteria is open to a larger pool of artists. It enhances the diverse collection that we have in artwork in our art in public places collection. And our program is recognized as one of the premier programs in the U.S. Since 1998 we have received 12 until awards from the public art network of Americans for the arts and we've also been recognized locally by the Austin chronicle.

[Buzzer sounds] Thank you.

>> Mayor Adler: Thank you very much. Mr. Grouchos.

>> Mayor Adler and city council, thank you for opportunity to support the advancement of the projects at the airport. It is the first touch that most people who come to or visit both as tourists, cultural tourists and those coming here for business, as an important first impression of our city.

[10:50:09 AM]

This enhancement project, which is I think critical to not only our regional profile, but our international profile as a creative and open city is key and I really want recommend that we continue and advance and honor our commitment to proceed with these projects. My name is Louis grouchos, I'm executive director of contemporary Austin, we run a museum at 700 congress and one at Laguna Gloria. I've been in the field for 30 years and worked a many public art projects, commissioned artist to implement projects and searched on over a dozen international panels in selection panels for art in public places. The two artists -- the artists that were selected to proceed are internationally acclaimed, outstanding artists and I want to also make a clear statement that the selection process that was employed by art in public places was of the highest professional standards, meeting best practices. And I really think it would be very critical for us to advance both projects immediately. I think there's a real important shining light on Austin these days as an incredibly creative and open community. People around the world are very attracted to our city for many reasons, and one of them is for its creativity and openness. I think these projects represent us well and I think will make us very proud as we advance and grow our international airport. These projects are often costly and they're costly for a number of reasons. Fabrication to create work that will ensure longevity and safety for our public are critical and I think in all cases these projects will really enhance the experience at the airport and continue to profile us as an incredibly open, creative and positive city. I think the artists, again I've followed both artists at length over the last 20 years, and I can tell you that they are of the highest caliber and the highest standard.

[10:52:17 AM]

The process as an international process in terms of selecting artists that may not only be from Texas or Austin is an important one to maintain. It raises the quality of the work that comes into our community, it inspires our artist community and I think that's very important. And I think we

should aspire to bring the best possible projects to the city of Austin. So please adhere to the great selection process that unfolded during the process and I hope you will advance both projects. Thank you.

>> Mayor Adler: Thank you. Mr. Barnes.

>> Good morning, mayor, mayor pro tem, city council, city manager and staff. My name is Brett Barnes. I reside in district 4. I've had the honor to serve as a community volunteer for the past nine years as a member of the arts commission. For the last three of those I've served as the chair of that commission and I'm finishing out my term until you have the opportunity to appoint your new members to that commission. I'm here today to voice my support for the art in public places project before you. I had an opportunity to watch the working session on Tuesday and appreciate your desire to learn more about the process. That not only affects our public art process, but also our whole creative community. I think the Austin creative community you see today is very different than the one that it was in the 90's when I started to engage in it. It's one where there was once divisively there's now collaboration. We see artists supporting each other, to reach out across state lines to bring in artists so our citizens have exposure to really the highest quality of art out there on the stage today. We can see that the arts have demonstrated their economic value to our ever growing city. Austin brides itself on not only creative, but innovative and that's what the art in public places program does. It's innovative. It was the first in the state and has been nationally recognized numerous times with grants and awards for its efforts. You heard earlier we have have 150 different locations of public art. It's something that teaches all of your districts.

[10:54:20 AM]

It's important that every citizen have access to those and be exposed to great art. You heard again that out of the 175 commissions that we've made, 128 of those or 73% have been awarded to Austin artists. I think that is important that we do focus on how do we -- how do we support our Austin artists, but we shouldn't just make that the primary focus of this program. The process for vetting and selecting recommended artists and process involves all of our community and often times respected professionals in the field. Our staff seek out both local and nationally recognized authorities. We engage local volunteers and seek input from residents and communities where the artwork will reside. I think stopping the process for these projects that were started over a year ago will send a message to those that have invested their time and expertise that it really was not valued. By its very nature art is collaborative. Does this mean everybody will like it? No. Does it mean hopefully it will spark a discussion and lead to other creative works? Yes. Austin is blessed to have a robust creative community, however our residents deserve to be exposed to artists and art words not only from Austin artists, but all over the world. Having a mix of talent with not only make Austin a leader in creativity not only in iconic works of art and in our creative economy. Thank you very much for your service.

>> Mayor Adler: Thank you. Mr. Zimmerman, did you have any questions of Mr. Grouchos?

>> Zimmerman: I think maybe it would be better to hear from everyone because maybe my question will be answered. Maybe if we could hear from everyone first.

>> Mayor Adler: Okay. At this point we have heard from all of the speakers. We have two other people who have signed up in favor in terms of speakers sign-up. Travis Bedard and Jennifer Houlihan and also [lapse in audio]

>> Zimmerman: I really appreciate all the affirmation about what a great project we're going to

get and it's worth the three million dollars.

[10:56:24 AM]

Can I ask a simple question? What are we getting for three million dollars? I still haven't had that question answered. What are we getting? Are we getting pictures on a wall? Are we getting a statue? Are we getting a monument at the entrance to the airport? Are we getting a spiral stairway that looks like a piece of art? What are we buying for \$3 million?

>> Mayor Adler: Mr. Johns?

>> Thank you. Thank you, council. Kevin Johns, director of economic development.

>> Mayor Adler: Will you point the microphone directly to you?

>> Hello. My dad, excuse me. When my son wouldn't sleep at night and he was four years old, I would whisper to him about economic development policies and city planning rules and he would immediately go to sleep, so it wasn't my intention to put you to sleep.

>> Zimmerman: I was going to say thank you, so please don't whisper to us.

>> Thank you. I agree. I have Meghan wells with me, who is the art in public places manager to give background on the details of this monumental piece of art. So Megan, if you would describe what the art is all about and what we could look forward to seeing.

>> Meghan wells, art in public places administrator for the city of Austin. I just want to provide a little bit of context about the selection for this particular project. We released a request for qualifications to artists and that is typically how we run our opportunities so that artists have a chance to provide their background, their professional expertise, their letter of interest, images from their portfolio of past work. And references so that we can evaluate whether they are good fit to continue to investigate whether they are the artists we want to commission. In this case we did look at those qualifications from all of the applicants.

[10:58:27 AM]

We brought in five finalists and we gave them an extensive, full day orientation of Austin. They met with the project team, they saw the site. And they were able to get a better feel for what they would be proposing. In this case we asked them to propose some initial ideas. It was not a full blown proposal. But we did provide some input to them so that they could give us some ideas during the interview phase. And they did give us some thoughts, but we really want the real meat of this project and the design to evolve once their under contract so they can start working with the team collaboratively.

>> Speak to the dimensions of it, the height and width.

>> I want to expand on the fact that these artists are expected to meet the established goals of the project all along the process from beginning to end. And those goals for this particular opportunity are to contribute a signature work of art for the entrance to the airport. Because of its prominent location, it should be dynamic and visually engaging in a monumental scale and it will be harmonious into the site of the airport, elicit a sense of place from travelers and the sense of Austin. So those are the parameters they will work in to develop a design.

>> Zimmerman: Could I ask a quick follow-up before you go on? As of this morning we received 54 emails, a lot of passionate emails and all of them in favor of spending money on the arts. None of those came from district 6,, my district, but we had 54 emails. 57% listed local artists as the reason they were supporting the art. And we were surprised to find that none of

these people knew that not one dollar of that \$3 million was being spent on Austin artists. So then if we asked more questions -- that's why I asked you to come and clarify. I still have no idea what it is that you would want a local artist to bid on? It's so nebulous.

>> Let me respond to that, councilmember.

[11:00:28 AM]

I think.

>> There would be no money spent in Austin on this project. Our aspirations and in the notions, we expect that up to 80% of the money would be spent on local buzzes that actually would assemble, construct, and put the piece of art together. So 80% is our goal to have local craftsmen participate in the project. So even though it was a national competition, that -- it's really an art fee for them to conceptualize. To your original point of what do we get, I guess you've heard that it's a monumental piece, and so we'll get something that is very significant, large by all estimates. So in conclusion to make sure I'm answering your question, we would get a very monumental piece that is still evolving, but that 80% of the money, so of the 2 million or the 3 million, we have high hopes that will all be spent locally.

>> Zimmerman: I'm going to go out on a real short limb. The ordinance we've referred to -- there was a gentleman that testified about rental car business, I've talked about utility polls, this would probably be a contract I'm not allowed to look at but being asked to vote on. Is that 80% requirement for local art written into the contract I'm not allowed to look at?

>> No. Again, this is our aspirational goal. This is something that we've focused on that we're trying to occur, and I have to say that the economic development department is very fiscally conservative -- I love your body language. We are very fiscally conservative, very much aware of the return on investment and of employing local businesses.

>> Mayor Adler: Anybody else want to address this issue?

[11:02:34 AM]

>> Houston: Still getting the hang of it. Thank you so much. Two issues I need to offer up. The first one is it's my understanding that the airport fund is the second largest enterprise fund that the city operates, and I would like to put it on one of our policy intensives because everything that we've heard about these two projects come from the airport and of course the public comment earlier, and it seems to be very insular, and it doesn't have much community engagement, even though this is an asset of the community. So I'd like to have a public discussion on the airport.

>> Mayor Adler: Noted.

>> Houston: The second thing is that, again, the selection criteria, the selection panel, can you tell me, the people that we bring in to be on the selection panels, do we pay them? Do we take care of their hotel, flight, food? How often do they come in? Is this a 1-time only? Are they coming back again? Do you have any budget information on that?

>> Ms. Houston, councilmember, to answer your first question, I think that the airport -- the airport fees are -- the airport is more or less self-sufficient and is supported by airport user fees. As you know, it is a multibillion dollar impact on the economy and supports approximately 41,000 businesses -- 41,000 jobs. So I think there is a good discussion to be had on the impact of airport and how that operates within the city context. In terms of what is the selection panel cost,

I'm going to let Megan respond to that.

>> We do have provisions in our ordinance and guidelines that give us some parameters for selection panelists.

[11:04:35 AM]

We do pay them a fee, capped at \$250 per day for their service, depending on the complexity of the project. They may make one visit to Austin or they may make more than one visit to Austin, depending on how many applicants have applied, if there's an interview process, if there are proposals. In this case they were brought to Austin twice. They came to initially select the eaters from whom we would have a finalist group and came again to interview those finalists and determine who our final recommendations would be. They have professional visual art and design professionals. The ordinance says that two out of a five-member panel must be local, one out of a three-member panel must be local, they're matched to the project based on expertise that we think will be relevant to the project and bring the most through roe vetting process for those applicants.

>> Houston: Do you have a professional rotation list? Do you go to the same people over and over, or is there some diversity in that list?

>> We don't have a rotation list but we cannot use the same selection panelists more than once in a two-year period so there is a two-year period where you can only serve once and have to wait until eligible to serve again after two years manufacture we strive for as much diversity as we can on those panels.

>> Houston: Could you prod us with diversity statistics of the people on the list.

>> I can research that for you.

>> Houston: Thank you.

>> Mayor Adler: Councilmember Houston --

>> I'm sorry.

>> Councilmember Houston, the airport director is here if you have questions about the role of the airport in the economy or how --

>> Houston: Well, if I could, it's not about the relationship in the economy. It's about the I will Sul layer it of it, so these projects don't affect the city of Austin it was all internal to your department of airport so that's my concern, is the lack of community engagement, since even with our airport fees we're paying for it.

>> Thank you.

[11:06:35 AM]

>> Mayor Adler: I've noted that and sent a note to Vanessa in my office to line up that issue that way. Ms. Gallo.

>> Gallo: Thank you for the comments and to the speakers for being here. I want to say I absolutely support Austin art. I certainly support art in public places because it allows us to get art into the community, but the top of my list for support is for local artists and I think what concerns me is that we're getting ready to vote to spend \$3 million to artists that are outside of Austin and there is no impotent within it, and I'm glad that councilmember Zimmerman asked the question. There is no requirement within the proposal to require local artists be used as part of the project. We talked in the work session about beginning a conversation of how perhaps we

can change this process so it will include local artists if we need to change the scale of the project so that they're more obtainable by local artists and if we need to make sure that the proposals have a local component in it. But I do support local art, and I think that in asy where affordability is becoming more and more of an issue for our creative community, that we need to do everything we can to make sure that dollars that we have to spend can be directed to support that population. So thank you.

>> Thank you. Thank you, councilmember. We are following the directions of city council both in the rules of the creation of the art commission and the art in public places panel, and we're at your disposal and -- in effecting those changes. So we of course do support local businesses as well, but that's our priority.

>> Gallo: Thank you for those comments and I look forward to forward with communication with the local art community to figure out how we can accomplish that.

[11:08:35 AM]

>> Thank you.

>> Mayor Adler: Mr. Renteria and -- I'm sorry, that's right, Ms. Pool and Mr. Renteria and Ms. Garza.

>> Pool: Thank you, Mr. Mayor, I wanted to thank Kevin and Megan for being here to answer questions. I like the fact we are shining a bright light on the work we do in the community and specifically art in public places. A lot of times we walk around and we don't realize that there are installations around us, for instance, attached to sidewalk furniture. So it's a good thing to elevate the conversation. I would suggest that -- to councilmember Houston's point, about community engagement, that we take this issue into the council's task force on community engagement and see how this process works within the city and maybe we can make some recommendations for expanding it, enhancing and improving it. I would also make one other comment with regard to local art versus international art. I would hope that Austin -- I see Austin as a very open city and very embracing of a lot of different cultures, and we speak in different voices and use different languages. And for some people, that language is their artwork. And it takes a form in music or in sculpture or I fabric, for instance. We're not provincial in our town, we welcome outsiders and make them feel like this could be their home too. Sometimes we feel like we do that too eagerly, but the point is Austin is a very open and welcoming community. I would not like to think that in an area that I have a great passion for, which is art in all its forms, that we would begin to narrow the lens and the focus on who we value and the kind of art that they value by saying that art projects can only support people who live in Austin.

[11:10:45 AM]

We have a cultural contracts prom that I participated in when I was on the arts commission that directs significant hotel-motel tax funding to specifically local artists who do work in the community, in schools, and in neighborhoods. To we are not negligenting our local artists, nor are we negligenting our intact communities here as in our neighborhoods and schools. I applaud the work of art in public places. I have always felt that the program has done good work, and I think since I left the arts commission and haven't been as closely associated with the work that the cultural contracts group is doing, that you have done very good work, and I appreciate the fact that the communities are working collaboratively, as you pointed out, Mr. Johns, because in

the '90s there were some difficult among the different arts groups and I'm glad to know that the healing occurred and everyone moved forward. Art is a voice, and I thank you for the time.

>> Mayor Adler: Thank you. Mr. Resident.

>> Renteria: Resident.

>> Renteria: On the report you said up to 80% of local craftsmen would have kind of projects. Can you also give me a breakdown on how much do we contract with local craftsmen who do these kind of projects?

>> Your question, councilmember, is can we put together an analysis of how much local artists have received on these projects? What is their amount of involvement and how much money they're receiving?

>> Renteria: You said a lot of it goes to the local craft people that live here in Austin so . . .

>> We will do that and report back for the art in public places how much has gone to local artists.

>> Renteria: Thank you.

[11:12:45 AM]

>> Mayor Adler: Thank you. Ms. Garza and I'll come back.

>> Garza: I wanted to comment on my support for art in public places and fully disclose I'm the daughter of an artist expo often gets asked to do something for friends and she often resreplieshe's happy to do it and they'll ask how much do you want, and she says I don't know what to charge, hard to put value on something you put your heart and soul into. I want to point out not all value can be reduced to dollars and cents and doing artists to basically give what their art piece is going to be takes the art out of art. So I fully support this program. I understand the concerns about local artists being a bigger part of this process. Which I too support, but I also understand the value in artists of Austin seeing other kinds of art. I was watching the movie Frieda the other day and he was commissioned to do a project in New York City and he was bringing art to New York City. This provides an opportunity for austinites to see other parts of the world when I went to Moma in New York City when I was 30 years old and saw this amazing art for the first time. Pretty amazing thing. Thank you to all those who sent me e-mails to us asking us to support this and I fully support this program.

>> Mayor Adler: Okay. Ms. Houston.

>> Houston: Yes, least anybody in the audience thinks I'm an art hater, I'm not. I very much am a cultural arts person. I didn't given those credentialing, didn't think I needed to. If we could get that by district, the request for councilmembrenteria. That would be helpful. My question as we've been talking, where did this concept originate from?

[11:14:45 AM]

From the airport advisory commission? Did you guys say let's see where -- how did this get started in the beginning? , These two -- the one project?

>> The goals for each project are always case by case because there's a site condition to consider, there are different parameters that we need to work with to make sure the artwork will meet those as successful outcome and that conversation involves staff, involves the art in public places panel, it involves the arts commission, it involves the user department, which case was the airport. We did get input from the airport advisory commission, and we also went to citizens who

were involved in the initial sort of conceptual master plan for the airport that focused on retaining that unique nature and character for the airport that really drove that initial design and has been carried through even until now.

>> Houston: I'm sorry, perhaps I wasn't clear. I just wanted to know for this large monumental piece, where did that -- is that part of the original master plan or did some group decide we need to change the entrance to the airport with this monumental piece?

>> All of those groups weighed in on that discussion. It wasn't one person or group. They all said this would be a great opportunity for us to have artwork at an initial sort of factor or welcome or flavor of Austin to Austin within this site of the airport. Kind of a balancing act between the operational and business needs at the airport and the available site we have to work with. We want to make sure the airport staff is on board with whatever is proposed.

>> Houston: Thank you.

>> Mayor Adler: Mr. Zimmerman and Ms. Kitchen.

>> Zimmerman: Mr. Mayor, I'd like to be recognized for a motion to move these to committee. I want to continue the discussion but when the discussion is over to make a motion if I could.

>> Mayor Adler: I'll recognize you for that.

[11:16:48 AM]

Ms. Kitchen.

>> Kitchen: I want to add my voice to the support for the art in public places program, and I also come from a family of artists, and second and third what councilmember Garza said. I'd also like to remind everybody we have a wonderful event coming up in the not too distant future about the opening for the public to come view art that we have here at city hall and I also wanted to let people know I've been reaching out to local artists in my district, district 5, to see if we can display some local art in my office. And I hope to open up my office that night also with local art from district 5, and invite the public to see it. So . . .

>> Mayor Adler: Okay. Ms. Tovo.

>> Tovo: Yeah, I appreciate all the conversation we had at the work session on Tuesday and Thursday and additional information you've provided. I know in our conversation on Tuesday, assistant city manager sue Edwards talked about providing us with a memo, highlighting some of the areas that you've covered in your discussion. I would just ask that you -- if you could include some information about how currently the community process, I believe, councilmember Houston more or less asked for this as well on Tuesday. If we could make sure that's a part of the memo. And I ask that because I think it's important to know what our current practices are. We have several arts commissioners here today, Mr. Bond and others, talking about how they do work with the community and I'll say, you know, my only concrete experience with this is really anecdotal when the library was being built, I remember there being a lot of discussion about the art happening in that library as part of the art in public places process. In addition to talking about it in our general planning meetings at the twin oaks -- about the twin oaks library and the construction, I remember our neighborhood association had an opportunity to appoint a representative to the art in public places project team.

[11:18:49 AM]

That person would e-mail out to the whole neighborhood list serve and ask for feedback about

the project, artist and then in the end they were also looking for items contributed from our neighborhood to that art in public places process. So, you know, my guess is that there are probably -- for -- especially for the community based art in public places projects, there are -- there is quite a lot of feedback from and input from the community, but it would be very helpful to just get some concrete details about how and when that takes place and among which bodies. Certainly the arts commission does that, and I imagine there are --

>> We will do that councilmember.

>> Tovo: Thank you. That's very helpful.

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: Since we're all feeling the need to chime in on this issue, I wanted to add my quick comments. I just want to say about the discussion in general I think it's healthy for us to have this discussion and to feel comfortable asking questions about city programs, how they've been run in the past, about the history of them, about where behope they will be in the future, about their funding. If we're meeting our goals that we've set for ourselves. I think that when our constituents voted to enact a 10-1 system they did it because they wanted a new set of eyes to look at our city. So I just hope that we maintain an environment where all councilmembers feel free to ask basic questions about programs that are supported by the city without feeling like we're going to be cornered into being pro-something or against something. I think the conversation is healthy, so I hope we can continue -- I don't think that this is necessarily being singled out. We've had discussions, lengthy discussions about a lot of different city programs, as we all learn and try to create a better city for our future. So thank you for being a part of this important discussion.

>> Thank you very much.

[11:20:49 AM]

That is our intention as well.

>> Mayor Adler: Any other future debate before we have don's motion? Don you want to make a motion.

>> Zimmerman: Thank you, Mr. Mayor. I'd like to move items 6 and 7, that the council move items 6 and 7 to the appropriate committee as determined by the mayor. So the motion would be that the council ask the mayor to recommend items 6 and 7 do the appropriate committee for deliberation.

>> Mayor Adler: There's been a motion to move this matter to committee. Is there a second? Seeing none, we'll continue in debate. Is there any further debate or should we vote on the question.

>> Zimmerman: I'd like to call the question, Mr. Mayor.

>> Mayor Adler: Any further debate?

>> Do you need a motion.

>> Mayor Adler: I don't if no one wants to debate if if there's no further debate on the dais, we'll go to vote. Seeing no further debate we'll vote on the item. The item is number six.

>> We do need a motion.

>> Mayor Adler: Sorry. Second for the motion to number six. All right, Ms. Pool. Sorry. Lots of seconds on the dais. All in favor of motion 6 please say aye, those opposed nay --

>> Nay.

>> Mayor Adler: One nay, passes. Gets us to item number 7, which was pulled. Ms. Pool?

There's a motion to approve number 7. Is there a second? Mr. Garza. Any discussion on number seven? Then we'll move to a vote. All in favor aye, those opposed nay? Okay. It passes. Housekeeping matter, when we voted a second ago to approve all the items on the consent agenda there were two items flagged to us and are -- in our change in correction sheet which were not noted in the items that I had pulled.

[11:22:53 AM]

Item number 15 was -- had been withdrawn, and number 36, there was a request to postpone it to March 5. I need a motion to either reconsider or to recognize, we left those out. Let's do it this way. Is there a motion to LE consider the earlier vote to approve the consent agenda? Ms. Houston makes that motion, Ms. Tovo seconds it. All in favor of the motion to reconsider please say aye.

>> Aye.

>> Mayor Adler: Opposed, nay. We're now going to move to approve the consent agenda as we had before. With the items that had been pulled. Which were 2, 3, 6, 7, attention 20 to 31, 50, 28 5 38, 40, 86, 15 being withdrawn and item 36 being postponed to March 5. Any discussion? All in favor say aye -- sorry, also recognizing T the Mr. Zimmerman's prior statements for the record.

>> Zimmerman: Thank you.

>> Mayor Adler: Those he approved and those he didn't. Incorporate that as well. All in favor aye, those opposed nay. It passes. We're now going to continue on where we are -- sorry, Ms. Troxclair.

>> Troxclair: Is there a reason for the postponement of 36 in I'm curious what the reasoning is behind it. Is this the river boat issue.

>> Mayor Adler: This was something staff indicated was postponed. The river boat, yes.

>> Chief financial officer, at the work session the parks department indicated they needed to take this before the environmental board to review the capital projects, and so that is why it's being pulled by staff.

>> Troxclair: Thank you.

>> Mm-hmm.

>> Mayor Adler: Okay. Ready to continue? That gets us to item number 17.

[11:24:59 AM]

So that we do this in order and I don't mess up on that issue again, number 17 has been pulled. Ms. Houston and I moved item number 17. I move for that. Empties Houston seconds that. We can now discuss that. That item was pulled by misgarza. Do you want to open the discussion?

>> Garza: Sure. I voiced my concerns about this before so I won't go on too long here. I believe that the sponsor and cosponsor of this agenda item have the best intentions, which is just to have more flexibility in their office budgets, but I still have concerns about the precedent that this can set for future councils down the road, ten, 20, 30 years from now, and for those councilmembers who aren't in the position to maybe forgo their salary, how they could possibly be at a disadvantage when it comes to having the ability to hire additional staff. Does that create a situation where their voice isn't as strong on this dais because they don't have the same number

of staff that other council offices could have so I believe it could create some inequity in some of the council offices, and so those are -- I'm also concerned about the possibility that it could discourage possibly those who can't forgo their salary, can't take a lower salary because they have a family to support, councilmembers who come from lower-income districts it would discourage possibly some great candidates from stepping up to sit on this dais or attempting to sit on this dais because of the pressure that could be involved in having to forgo your salary. And, again, I know this wasn't the intent of this item, but I do believe that it goes against kind of the vision of 10-1, in that every austinite would have an equal voice on this dais and we create these inequities, possible inequities, in staffing that could change the voice that you have on this dais.

[11:27:20 AM]

That could change the constituent services you're able to provide to your constituents because you're only able to -- you need to -- your salary and you've only able to have three staff members whereas other councilmembers may have four or five constituent services. I think we would all agree we could use more staff and I think that that is a discussion that needs to be had during budget discussions. So, again, I know the best intentions -- there's the best intentions for this, but I'm unable to support it because of the -- I believe there are unintended consequences.

>> Mayor Adler: Ms. Houston.

>> Houston: Yes. And mayor and councilmember Garza, I appreciate your concerns and your statements. As I've said over and over again, this is about choice. No one has to do anything with their salary other than take it and deposit it, regardless of what their situations are. But what is important to me is that I be able to communicate with my constituents in district 1, which is 46 square miles, in a way that I promised to engage my community so that they would have information. What -- if this resolution does not pass, then you hinder my ability to be able to have those conversations with the people I promised to be out in the community. I cannot have an office in the community. That's financially not possible. But I can have town hall meetings. I can have monthly meetings all across the district in various parts. But there's a sense of generosity that must be provided to the people who show up to those, and so without having that ability, then that means that I would have to pay for that out of my pocket, and it seems more reasonable and more effective to have it go back into my budget so that I can then pay for those kinds of events out of the city council's budget because I'm on city business.

[11:29:27 AM]

So I would ask that people support the resolution.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Ty, Mr. Mayor, I'd like to be recognized to make motion to prove item 17 and then to speak in favor.

>> Mayor Adler: I think I took care of making the motion.

>> Zimmerman: Thank you. Didn't hear that. I'm sorry.

>> Mayor Adler: That's okay.

>> Zimmerman: I would like to publicly commend mayor Adler for donating his salary towards the employment of additional staff. The fact is we are all very, very busy in our districts, and we're only covering 1/10 of the city as district members and the workload on us and the constituent that call in and the busy agenda items I have, I have a lot of empathy for our mayor

trying to deal with the whole city, and I want to publicly commend him for forgoing his salary to hire more people. Thank you, Mr. Mayor. I'm in support of the item.

>> Mayor Adler: Ms. Garza.

>> Garza: I just want to comment on councilmember Houston's comments. There's nothing in the current system that does not allow a councilmember to use their money to buy anything, to buy snacks for a town hall. In fact I had a town hall this Saturday and purchased the food and the water for that town hall. So there's nothing in the current system that prevents a councilmember from using their office budget right now or their own salary to provide additional resources for constituent outreach of any sort.

>> Mayor Adler: Any further discussion? Ms. Houston.

>> Houston: Yes, I'm sorry, somebody Garza. If you would show me where that's allowable. I know I can -- within my budget I have the opportunity to move things around, but the allowance for food and water is, like, \$1,400 and if I'm out every week, every month, having large town hall meetings I'll eat that up in a very short period of time.

[11:31:31 AM]

So I was not aware of and perhaps that's something we need to talk about in executive discussion, that I could put my salary back into my budget without going through this process. I didn't think so.

>> Mayor Adler: You can't and that's why we have this resolution. You can use items that are deny in answer to your question you can't use your salary for that purpose.

>> Garza: I'm saying I went and purchased these items, went to the store and bought them with my own money and provided them for my town hall. That's how I'm saying I did that.

>> Mayor Adler: If there's no further debate we'll vote on item 17. All in favor of 17 say aye. Opposed nay. It passes. I'm sorry? Misgarza voted no. The ayes have it. We'll now move to the next item. We have a series of the affordable housing items coming up. We'll call first item number 20. Is there a motion to approve item number 20?

>> Renteria: I move to approve.

>> Houston: Mr. Resident moves, Ms. Pool seconds that motion. We'll now go into discussion on number 20. We have three citizens that would like to speak. Sharon Blythe, Stewart Hirs ch and Gus P.

>> Zimmerman: Mr. Mayor as a point of information would it be agreeable to the council, I think there's other speakers, maybe we can hear from them all at once because I think the issues are related.

>> Mayor Adler: We have 13 speakers signed up on item 21. Do we want to separate these by tract? I think there's some concern that they might be different.

[11:33:32 AM]

Okay. So we'll continue. Ms. Blythe, thank you.

>> Good morning, chain Blythe, I'm representing myself today. I just wanted to ask that the mayor is okay, he looks a little if a teaked. Are you okay today.

>> Mayor Adler: Fine thank you. Too much pieces of paper up here today.

>> I'm glad to hear that.

>> Mayor Adler: Thank you.

>> But I want to tell you a little bit about myself, okay? I fight for what endures and for those who cannot fight for themselves. It is in my character to be here, to fight for those. I fight for what's right, even if it's hard. I end the day knowing I tried my best every day. I stand out by standing strong and tall and have integrity and honest and courage to see hope when others do not see any hope. I am a widow who raised two children alone through high school and college, without any assistance from the city. I know what tough times are. When I read the agenda item for found days in community, I didn't understand really what they did so I tried to call them yesterday and the receptionist says no one is in the office to answer your question so I left my contact information. No one called me back. So on their end, they were lax in communicating back with the public. But my concerns are that if their mission is to improve their clients that live in those clients, what kind of performance measures does foundations community establish to measure that improvement, and if they don't improve are they in the housing abundance forever and continue to live on the taxpayer dollar?

[11:35:40 AM]

If they don't have any performance measures, then it's just -- they just stay there forever, and I think that should be incorporated into the program. You can never -- I can never understand because I've never walked in their shoes, and they probably could never understand me because I've never walked in -- they've never walked in my shoes. But I want you to try to find it in your heart to walk in different demographic shoes, including the middle class, who has been left out of this discussion of public assistance. You either deal with the extremely wealthy or you deal with the extremely poor. The middle class gets left out of the complete discussion at city hall. So I'd look for y'all to understand that the middle class is struggling too. To meet their utility bills. I looked at the water bill the other day and the fees have all gone up juts as of last month. I'd appreciate it if you would vote no for this process and just to delay it. Thank you.

>> Mayor Adler: Thank you. Mr. H irs ch. You have three minutes.

>> Thank you, mayor, members of the council, my name is Stewart harry H irs ch, like most in Austin I rent.I haven't been on a city panel since I retired as a 30-year city employee in 2008 because I am a dissenting voice. Many of us who appear before you are guided by our values. And some of us by our faith. The invocation at the beginning of each of your meetings should not be the sole moment when this is the context of your decisions. A minister by the name of martin Luther king, Jr. Invoked the words of the profit Amos during his 1963 speech as part of the March on Washington.

[11:37:43 AM]

I am here to suggest these words guide your decision not only here on item 20 but every public policy decision you make today and for the rest of your career. And those words are, and they are placed behind Dr. King's church in Montgomery, Alabama, if you haven't been there, "Let justice well up its batters and righteousness as a mighty stream and a priest persuaded me that the words of the prophet Jeremiah should govern our decisions on why we're about housing the poorest among us. Build ye houses and dwell in them and seek the peace of the city whether I have caused you to be carried away and pray onto the lord for it. I am asking you today on item 20 -- and I didn't sign up for all the other items because my comments would be no different -- to allow all the applicants to compete for the resources to house the poorest among us, for it is the

righteous thing to do. Some of us have no problem buying homes or renting in the marketplace. Our income is sufficient. But some of our brothers and sisters do not, and I am here today to implore you to enable the organizations who compete for the dollars to assist the poorest amongst, that they be allowed to do so by approving item 20 and all the subsequent items on your agenda. Thank you very much.

[Applause]

>> Mayor Adler: Thank you, sir. Excuse me, many Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Hersch, I'm so happen that you brought up Dr. King who was ordained as a souther Baptist minister in 1948 and thank you for bringing up that bible verse. As a side note, I would be thrilled if we could get the bible back in our public schools because it worked well for Dr. King.

[11:39:44 AM]

But what you brought up here, I want to -- I need to remind you -- I'm happy that you brought up the bible. I need to remind you of the words of Jesus of nazareth and he condemned the pharisees for standing up in public and saying look at me, I'm donating 10% of my wealth to the poor, and he called them hypocrites because the only truly benevolent and is generous person is god. He called these public hypocrites for standing up in public giving away their own money. What would he say about people standing up in public giving away other people's money.

>> Mayor Adler: Did you mean that rhetorically?

>> I would prefer to have a private conversation about religion rather than public one.

>> Zimmerman: That would work for me too.

>> He was a northern methodist because he graduated from Boston university than I graduated from.

>> Zimmerman: You know, the internet, you can't trust everything you read.

>> Thank you.

>> Mayor Adler: Thank you. Mr. Pena, thank you.

>> Mayor, councilmembers, gust Pena, proud native east Austin, united marine core veteran.

You want to talk about the bible, go for it. I will tell you this much, I am president of veterans for progress. We help you out a whole lot mayor and I make phone calls from the hospital. Proud to have done that. But we're in a society -- I don't want to hear about the middle class, no more middle class. It's the haves and have knots. I will debate you on that, sir. You have been homeless, councilmember Garza knows about that, councilmember ora Houston knows about it and the mayor. It's not a nice situation manufacture we have a lot of veterans that have hud vouchers, comes from hud to VA to haca who is not doing a good job of helping veterans and other people.

[11:41:57 AM]

The vouchers are not being accepted in a lot of apartment complexes. We'll get to the point of item 20. I support it. I support Walter Monroe, I've been doing a lot of support for him. But he's building a lot more sro single room occupancy than multifamily for families. We have single female veterans with children, single female with children that are being not allowed to stay at the salvation Army, there's not enough space. How are we going to be deal with this snob a lot of them are on the streets. It makes me cry, mayor. It is not a good situation. We're doing a lot more

sros and I told Walter we need to build multiple family. I support this initiative but if it's going to come from the city of Austin we need to do a better job of consideration. Now, it says here, conditioned upon the award of taxpayers to -- I've been at the capital, been there 50 years, dad was there also, he was an attorney. We need to do a better job at helping the poor, needy, have nots, let fortunate, not just double speak. Each and every one of y'all has a statutory responsibility responsibility to everyone here in Austin, not just the wealthy, okay? I fight for the poor. I fight for the have nots. I fight for the homeless. I am a united marine core veteran. I'm not going to tell you what I did because it was not good. But it was good for our country, and for Vietnam. But I will tell you this much, the veterans need more help for housing. It is an expensive town, expensive city, and y'all have the responsibility to bring this back so that everybody can live here. Everybody can live here. The poor, the needy, the have nots, single women and children. I am a strong supporter of women's rights since the 1550s. My sister, back then it was women's lib, I said, yes, ma'am, I'm going to do it, even to my sister I say, yes, ma'am.

[11:44:00 AM]

I am a strong supporters of women's rights and children to many homeless people. Thank you very much, remember, more multiple family. Thank you.

>> Mayor Adler: Thank you, sir. Peter [indiscernible] Is also present and wanted to be acknowledged as being in favor, but did not wish to speak. That's all we have for public comment. Is there -- we have a motion in a second on this administrator, I think, so we're now in debate. Anyone want to debate this? Mr. Zimmerman.

>> Zimmerman: Yes. Item number 20, I believe, is in district 7; is that correct? And seeing that we've moved to a new 10-1 council, I've got a couple of arguments to make on this, but since we're going to have to consider these separately, but the principle applies to all of them. I've got two things to say about this that I want my city council colleagues to consider. One of them is a objection that I brought up in the work session, principled objection. It starts at the top with the fact that the housing tax credits are not very well understood, as far as I can tell. And in fact they are tax loopholes, they are corporate tax loopholes for the extremely wealthy corporations and individuals. I'm going to go out on a short limb and say there's not a single person sitting in this room that would be eligible to participate in the housing tax credits, that is, you get the income tax write-offs, the income tax credits because we're not wealthy enough to afford those. So I've made an argument and we don't have time to go in detail in it but these housing tax credits benefit the extremely wealthy and the corporations. Not only do they get tax write-offs but they accrue rental income to themselves, depreciation and they have a lot of advantages and in some cases the corporations end up owning the property that our people are renting in.

[11:46:04 AM]

Okay? That's the first problem. On the other end, for the people that enjoy the benefits of these, there are thousands of applicants and only a few hundred people that get picked for the benefits. And that leaves hundreds of thousands of Austin taxpayers subsidizing the very wealthy with their corporate tax loophole and the ones who are granted vouchers, a view hundred out of thousands of people that are struggling. So I argue from a Progressive point of view, that these things make no sense because they make the rich richer and they make the poor even more

dependent on government subsidies and that's why I'm opposed to all of these projects. But even if you don't accept that argument, I want to ask, in respect for the new 10-1, and the fact that we are elected in our local districts to represent our local people, I'm willing to respect the will of each of the councilmembers, so if there's a project in councilmember pool's district that her constituents have demanded that she support, I would vote for that out of respect for my colleague and the people that she represents. By the same token, I ask for the same respect for my constituents in district 6, that have asked me to Sloat against the projects in my district. So, again, I'll try to wrap this up with what I have to say. I on the to all of these on principal principle and I told you why but if you reject those arguments, councilmembers, I ask you to respect the will of each individual councilmember and I'll pledge to support you and your constituents.

>> Mayor Adler: I feel the need to enter the debate. Just given the last point. I think that there are policy issues that cross district lines in the city.

[11:48:07 AM]

I think that housing is one of those. And I would hope that the policies that we as a council adopt and that guide our actions would be the same policies regardless of the district that we have. I think this issue came up a little bit earlier for us, even just a couple weeks ago, and probably will continue to come back. But each of us have responsibilities not only to the districts, but to the city as a whole. Everyone on here is chairing, being a vice chair, serving on a couple other committees that are going to be dealing with issues that address city-wide constituencies. So I would urge my fellow councilmembers to decide what their positions are and their values, but then to apply them across the city. And I hope we do not get to the same place that other bodies have gotten to, that have district or precinct representation where there is a deferral that way and perhaps even different policies in different districts, depending on where you live. I hope we don't go that way. Further debate on the issue, Mr. Resident and then Ms. Troxclair. Sir.

>> Renteria: Mayor, I just want to say that, you know, I've known foundation community for many years, and this nonprofit corporation is not one of those big, fat corporations that are making all this funding and getting rich off of that, these projects. These people have provided a lot of affordable housing, not only single family sro, single occupancy residents, but also transition housing. I have been to some of their campuses where they have done excellent work, where they're working with families, helping these mothers that are -- with their kids, providing day care, providing -- teaching them how to become homeowners.

[11:50:18 AM]

Actually, you know, helping them save money. Part of their wages so that they can have a down payment. So these are the kind of corporations that these non-profits that are asking for these type of tax credits and I just don't see them as big corporate, rich, making money off of poor people.

>> Mayor Adler: Ms. Troxclair, then Ms. Pool.

>> Troxclair: Thanks for the opportunity for us to have this discussion. I want to take a minute and underscore some of the comments I made at our work session on Tuesday, as well as the comments that were made at our policy forum on this issue the week before. Of course affordability is a huge issue in our city, and the need for more affordable housing is incredibly apparent, as well as for that housing to be close to jobs and schools and to provide a good life for

everyone, regardless of their socioeconomic standing. I -- I have given all of these projects a lot of thought, as I'm sure the rest of the councilmembers have. And these developments are asking for not only our verbal support but also our financial support in order to remain competitive in a state program it administers funds for tax credits. I know through being involved at the state level that recent changes in the tdhca scoring process, Texas department of housing and community affairs, and of which the state laws govern most of the scoring process, but the recent changes intentionally built in a mechanism that allowed the city to have a say in determining which developments that are applying for those funds are going to be the right -- the best fit for the city. There has been an effort to make sure that the input from local city councils is taken into account in an incredibly competitive state program.

[11:52:24 AM]

So moving forward, I really think it's incumbent on us as a body to use the discretion given to us by tdhca through the state legislature. I think that's expected of us from our constituents to review things like neighborhood plans, review things like our come hence riff plan for our city, speak with stakeholders, to ensure the right infrastructure, as far as roads are in place, and to govern our growth in a smart and sustainable way. So moving forward, I do hope that we can continue our conversation in this process, and have -- and think about selecting and supporting projects not as a blanket statement, but as -- in the context of which projects are truly the best fit for our city. I know the past history of these projects is for the council to approve all of these projects. But because this is a new system and because this is an opportunity for us to do things in a new way, in my opinion, I think approving all of thigs projects, we are in some ways abdid I indicating our responsibility to our constituents and allowing the state to make decisions for us -- so the last thing I want to say is I think there is huge value in the members of this dais understanding their districts and the needs of their districts and I'm going to of course value their opinion in these matters going forward, but in regards to what the mayor said about us making sure that we're treating projects in different parts of the city in the same way, I feel like at this time M my vote must reflect my belief to come to a better place for the future of our city and understanding that at times we may need to look at the balance and the movement across Austin.

[11:54:28 AM]

So today I'm going to choose to abstain from voting for any of the affordable housing projects that are before us, with the hope that moving forward I will be able to wholeheartedly support the projects that will best contribute not only to the availability of affordable housing in our city, but also best fit within our infrastructure and our long-term plans for Austin.

>> Mayor Adler: Thank you. Ms. Pool.

>> Pool: This project is in district 7. It's north end of burnet road. I fully support foundation communities and their effort to get this project funded in district 7. Thank you.

>> Mayor Adler: Mr. Garza.

>> Mayor Adler: Mr. Casar.

>> Cesar: I'd like to tank councilmember troxclair for voicing her concern, and hopefully we can get to a place where the full council can bring as much dollars to the city of Austin as we can and as a member of the housing community development committee, I would be open to thinking about ways that we can support the best projects that this council believes are the best projects in

the and I and hope we can earn your support on those future projects. Speaking to the issue of different districts, there is a larger number of affordable housing units in some districts rather than others, and I did receive communication from folks in my district that would like to have opportunities to live in district 7 or in district 6, closer to the places where they work. So it truly does impact all districts, whether or not the housing development is in a particular district or not. But I can't think of better arguments than what Stewart Hersch may have said or actually what one particular member of -- a constituent in district 6 actually contacted us, many in district 6 that have contacted us that were opposed but many that were in favor and I think this is not just about giving the poor or moderate income people a leg up but it's about strengthening people that are middle class or wealthy, the constituent in district 6 who contacted me -- and I can't think about of a better argument, who said although I am a middle class in this district I think our community will be stronger and proved through this diversity.

[11:57:07 AM]

So it's not just about helping the poor but those who have, so I fully support this, as Ms. Blythe says, to support our middle class, I think we need to make sure we have diverse communities as well. So I'll be supporting all of the items.

>> Mayor Adler: Ms. Gallo and Ms. Houston.

>> Gallo: Technical difficulties here. I apologize. I will be supporting these projects for several reasons, and I'm going to make some kind of blanket comments right now. More specific comments when we talk about the next project, which is not in district 10, but right next to district 10. The first thing is this is really an economically fiscally conservative way to build more housing, affordable housing in Austin. It's a great way to leverage our Austin funds to provide that housing. And the second thing these projects do is, as we talk about our gridlocked traffic, we talk about promoting the idea of living and working in close proximity so that you don't have to add more cars to the road. And all of these projects will do that. A lot of them, if not most of them, are geared to working families, who are working in areas and providing great support services to business and restaurants in their communities, other organizations in their communities, other businesses, but they have to live far from where they work in certain areas of town. And that, once again, puts them on the road. It helps promote more traffic. It also causes more expense to them. So I think it's impairive that we continue to look at ways that our working class families can live closely to their work and save them money and help with our traffic issues. And the third thing is that I think there's a misconception that's out in the community that these families will not be good community residents in these developments and where they're being built, and what I have heard from the different owners of these properties and that will be managing these properties, is there are very district guidelines for rental approval for the families and the individuals that will be living.

[11:59:21 AM]

So there is a qualifying standard and guideline that these residents will have to go through to be able to to become residents. Once again, that's kind of my blanket comments on all of these projects, and I'll have a few more specific ones when we talk about the next one. Thank you.

>> Mayor Adler: Any further debate on number 20? Ms. Houston.

>> Houston: Yes. And, mayor, thank you

>> Houston: Yes, mayor and thank you. I want to support what everyone has said, but what I want to do is say that we talk about imagine Austin when it's for the reasons that support our vision of what Austin needs to look like, but when we're talking about low to moderate, working people who have to travel very far distances, we don't use imagine Austin as that parameter, that thing that says this is what's the best interest of the whole city of Austin. And these particular projects, all of them, are in high opportunity areas. They're in opportunities where there are -- not only where they work and where there are jobs, but quality education. So I think the spirit of imagine Austin was to try to assist people who do the work that keeps this city moving to provide them the opportunity to live close to where they work in homes and apartments, that they can afford to rent on the wages that they make, the wages in the city have been fairly stagnant. So we're in a crisis as far as finding that kind of housing stock for people at that -- and we're talking about people who work in this hall that you're sitting in. We're talking about bus drivers. We're talking about all kinds of people who can not afford to live in this city, yet keep us running and operating smoothly. So I will be supporting all of these because they do in fact meet the criteria of imagine Austin and that will put the kinds of housing close to where people live, work, play and that's all I have to say.

[12:01:29 PM]

>> Mayor Adler: Thank you. Mr. Zimmerman?

>> Zimmerman: So again on principle -- on the principle of this, there were 120,000 voters who voted against the money that's about to be appropriated here back in 2012. 120,000 voters voted no. A year later foundation communities as the leading corporate donor who contributed over \$100,000 on the campaign in the fall of 2013, they managed to get fewer than 40,000 voters to vote yes. So 120,000 people voted no. Fewer than 40,000 voted yes thanks to, in total, more than \$200,000 of corporate money from the same corporations that are now lining up to benefit from this. I want to plead with my colleagues. This is what is squeezing the middle class out of this city. We all say we want to help the middle class. We want to help everybody, but now we're being forced to subsidize apple computer, we're forced to subsidize a forum one race track where billionaires fly in corporate jets, and now the middle class is being forced to subsidize. And now we're being forced again to subsidize new people that are being dependent on the government. What message does that send to the majority of our Austin people still struggling to pay their own way and try to figure out a way to afford to live in Austin? I think it's a terrible, terrible message and I urge a vote against these unsustainable and unaffordable housing projects.

>> Mayor Adler: Any further debate on number 20? Seeing none, let's go to a vote. All in favor of number 20 say aye? Those opposed say nay.

>> Zimmerman: I'm abstaining from this vote.

>> Mayor Adler: And those abstaining?

[12:03:32 PM]

The dais votes aye with the two abstentions, troxclair and Zimmerman. We are now past noon. Before we go to item 21 we'll go to citizens communication, which was called. The first speaker on citizens communication is Paul Robbins.

>> Council -- are we up? Are we up? Can we start the time for this presentation now? Council, here is an aerial photo of an 8100 square foot manage mansion on lake Austin worth four million

dollars. It has its own indoor movie and elevator. Here is a picture of a 6200 square foot mansion in river place mud worth about 1.2 million. It has a swimming pool and spa. And here is a 7800 square foot Westlake mansion on two acres worth \$3.3 million, again with its own pool and spa. What do they all have in common? They are all receiving money from Austin's customer assistance program meant for low income bill assistance. Due to the poor design of auto payment, these bills are receiving a 10% electric bill subsidy and a water bill reduction as well. And while I found over 1100 customers with homes over \$300,000 receiving customer assistance program money, these three customers are privileged to live outside of Austin. The 2013 electric rate case settlement made Austin the only electric utility in Texas that gave customers living outside the city limits a rate break of almost six percent.

[12:05:43 PM]

And so this shows that with the 10% customer assistance program and the discount outside the city, they're getting almost 16 percent discount. Now, here is a comparatively modest home in west Austin, also on customer assistance. The structure is valued at \$93,000 and the house and land together are worth \$380,000. However, the customer owns or co-owns \$10.7 million in land assets. I'm asking you to take action in the near future, perhaps at the next meeting, to fix this broken system. First, allow Austin energy the discretion to deny eligibility to customers owning expensive homes or more than one property or ask these customers to apply under income guidelines. Second, make sure that participants are eligible for only one bill discount per customer. I know of customers receiving more than one. And third, set up a cost effective way to income verify the customer assistance program participants. There are probably several hundred thousand dollars annually being misspent that need to be given to people that the program was intended to help. Thank you.

>> Mayor Adler: Thank you, Mr. Robbins.

>> Tovo: Mayor?

>> Mayor Adler: Yes.

>> Tovo: Mr. Robbins, you and I have had an opportunity to visit about this and as I conveyed to you, I appreciate all the work you're doing in looking at our customer assistance program and the data you've provided to all the council. I have the assurance of Austin energy that some of the programs that -- some of the problems with the billing system that were noted in the newspaper have been fixed, including people being added a subsequent month after they've been removed from the customer assistance program. And I have added this or requested to the chair of Austin energy council committee, who is councilmember Gallo, I do post a note on the council message board that we have this as an item of discussion on our first Austin energy council committee.

[12:07:59 PM]

So I want to assure you, if my previous assurance wasn't strong enough, that I think you've certainly -- you certainly have my office's attention on this issue and I appreciate the work you're doing.

>> I appreciate that.

>> I'll be brief. I also wanted to thank you for bringing this to our attention. We all believe it's important to allow for this kind of discount to the people of Austin who need it and as councilmember tovo said, we are looking into this matter and I appreciate the fact that this will --

this has been asked to be placed on the agenda. So thank you for your time.

>> I will do my best to be at the next Austin energy committee meeting.

>> Mayor Adler: Great. Thank you. All right. The next speaker is Richard viktorin.

>> Mayor Adler, city council, Richard viktorin, audits in the public interest. A bit of old business for Austin's new city council, formula one incentive. One week control, governor Abbott and the comptroller called for increase oversight of the major events trust funds. We believe their attention may be on the ex-speaks of the follow la one incentive. Austin delegated its authority as the lead city. The celac is a Texas nonprofit. , It has been the past through entity now for \$100 million in public funds which may eventually reach three million dollars in public funds, one-third of a billion dollars. I bring this topic to the council's -- the topic I bring to the council's attention is the celac's governance. Two board members, Stephanie richardmond and Ann small, resigned in the summer of 2012 before the first race was held. There was an apparent whistle blower action to the attorney general of the state of Texas. Apparently no application was paid to formula one, no one restriction for the race.

[12:10:02 PM]

The track officials and board members deemed an oral application sufficient. We should take of Ms. Small and Ms. Richmond's integrity of their actions. On July 16, 2011, immediately after formation, the celac had a board meeting to elect board officers. Five directors went into that meeting, only to have all except one remain directors. The only officer elected was board secretary Wayne holings worth, also the track's attorney. This may be a signal of problems, at least perceived risk from the onset. Again, one year later Ms. Richmond and Ms. Small would resign. The celac now exists of four people, Rodney Gonzalez representing the city of Austin, but not voting, the attorney, Wayne holings worth and Sam Bryant and Ford Smith. Only Mr. Bryant and Mr. Smith are voting and independent. We are concerned the remaining two independent board members, directors to this day, three and one half years after formation will not elect officers, will not elect themselves to nonprofit corporate office. We ask Mr. Smith and Mr. Bryant to do so without a board president and without a treasurer, the track's attorney, Wayne holings worth, the only celac officer, current board authority as to important duties such as agenda and therefore the celac's business generally appears to be the conduct of the attorney for the circuit of the Americas, Wayne holings worth. These governance issues cause the track and celac to merge. We believe the public's interest is best served if they are apart. This is better practice when overseeing public funds and certainly when hundreds of millions of dollars are at stake. We're attempting to get their attention about this issue as well as our continuing concerns about Dr. Hoyt's economic and financial estimates. Dr. Hoyt produces a number which is the basis for the request for funds, the drafting authority upon the met established for Austin and celac for the conduct of the formula one race, currently approaching \$100 million in public tax collections. Yes, they are conducting a race --
[buzzer sounds] Their conduct with public funds is important too.

[12:12:02 PM]

Thank you.

>> Mayor Adler: Thank you, sir. Ms. Houston?

>> Houston: Sir? Is celac an acronym and if so what does it stand for.

>> It stands for the circuit events local organizing committee and it's the financial intermediary that the city delegated its authority to when we agreed to allow the circuit of the Americas to accept funds out of the major events trust fund.

>> Houston: The other thing you said, met? Can you tell me what that is?

>> We're an acronym world, the major events trust fund. That's the state program that all these public funds issue from.

>> Houston: And who is the accountable party to ensure that the circuit -- circuit -- whatever celac is.

>> We believe the celac is that intermediary that should be standing there policing the pass through of the funds. And we don't believe they're doing that. And we believe they're not doing it because they don't have board officers. And we would like board officers to be appointed over there.

>> Houston: Thank you.

>> Casar: And you shady Mr. Gonzalez of our economic development department is the city's designee that would participate in those discussions?

>> Yeah. He's been in every one of these meetings since creation in 2011. So probably attended 20 meetings. And we would like his notice as well that he probably should have suggested that these offices be filled.

>> Casar: Thank you.

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

>> Thank you.

>> Mayor Adler: John lemon? John? Next speaker is Walt Olenick.

[12:14:15 PM]

>> Okay. Good afternoon. I'm here to urge you to give serious consideration to the issue of water fluoridation. Although my position is that it should be discontinued on multiple grounds, all I ask at this moment is your attention. I appreciate that you comprise an almost entirely new council and a new kind of council as well, one with district loyalties. I also recognize that fluoridation is not the most pressing issue confronting you, as a freshman governing body with a steep learning curve, and many issues to consider. However, though, fluoridation may not be the most urgent problem facing the Austin city council, it is among the most easily solved. The simple act of turning off a tap can save the city hundreds of thousands of dollars a year without compromising children's dental health in the least. Fluoridation is also an issue that cuts across district lines. I ask you to take to heart the message of the flyer before you. The message is just this: The question of adding fluoride to community drinking water, yes or no, is far from a infringement in Austin. It is mainstream. A 2012 KEYE TV survey showed austinites almost evenly divided on whether or not fluoridation is a waste of money. Half of our city's residents is a very large number to be questioning the value of fluoride. If their concerns are valid, the city's new leadership has a duty to address them. And the have laddty can only be determined through a fair and unbiased public airing of the subject. That is the one thought I would like you to take away with you today. In closing an announcement. Starting on Tuesday, the 11th, -- the 17th, rather, the Dr. Oz show will run a psa will fluoride under written by the academy of den advertisety and medicine.

[12:16:19 PM]

Dr. Oz airs at 4:00. Hear from a message of interest and importance. Thank you all.

>> Mayor Adler: Thank you, sir.

>> Mayor Adler: Sylvia Servin?

>> Hi, everyone. I'm here today to thank the public, especially those who did not vote for Mike Martinez. Instead voted for Steve Adler. Congratulations, mayor Steve Adler.

>> Mayor Adler: Thank you very much.

>> Now I'm going to talk about the governor's ball and barbecue since I can talk about whatever I want. The barbecue was great, but there were these miniature chocolate pecan pies with just the right amount of sugar. It was perfection. More about food. There were food stations throughout the convention center, gourmet appetizers, desserts, chocolate mousse, chocolate cream. You could eat to our heart's content it was like the academy eye wards, only better. Then the governor came out and gave a short speech. He didn't speak about politics. He was a perfect gentleman. Confetti rained on him. It was beautiful. Lady antebellum played. I was the only one that got an autograph while they were on stage. Little old me. Stay with us me, big old me since I just turned 60. My hope is for you to remain focused and level headed, unlike some of the other city council. I still have more time? Okay. I'll say something to the previous speaker. I need a little bit more water with my fluoride. Thank you.

>> Mayor Adler: Thank you. Andrew Dobbs.

>> It's a hard one to follow.

[12:18:21 PM]

Andrew Dobbs, Texas campaign for the environment and the Austin zero waste alliance.

Grateful to be here today. I want to talk about zero waste real quick. There's a document that I gave y'all back on track with zero waste. You will be hearing more about this in the coming weeks and months. I wanted to kind of take this opportunity to set it up for y'all. First things first, I do want to note that we do have a beginning concern here that with the city council committee structure, recycling seems to have been divided between two different committees. The environment and sustainability committee and the public utility committee. So I think -- it's something that we would prefer as a movement to see one way or the other. The problem right now is that zero waste -- we have set a goal as you know to reach zero waste for about 95% diversion of our discards by the year 2040. We had a benchmark in 2015 of 50% diversion. We will miss that benchmark. Our residential diversion rate is about 40% and it's been stagnant there for awhile. If you were to add in all the commercial and other sources of waste you're talking maybe a quarter. So we're probably going to miss it by half. It's significant. And something needs to give. We believe that there are four policies that if you enact them and you could enact them this year could get us back on track and even beyond. I don't have a lot of time to go over all of them and I'm happy to meet with each of you individually. But briefly, the construction materials management ordinance is coming -- will be coming down. The last council approved an intent document. It's a strong document. It actually probably may be the strongest policy of its sort anywhere in the country. Hope that as that moves forward you will continue the last council support for that policy. Number two is the universal recycling ordinance or uro, which covers our commercial recycling, which is the -- which is where most of our discards come from in the city. It has had some significant challenges with enforcement and compliance.

[12:20:24 PM]

It's been -- it's betting better, but we need to get the -- fixed administrative rules on that. There was a resolution passed by the zero waste advisory commission last night. We hope that as that moves forward y'all will stay on top of that and we'll have some ideas, some specific ideas as that moves forward. The citywide organics program is going to be a big lift. The current timeline that's proposed -- there was some stuff that came out of the zero waste advisory commission last night on that, but there's going to be -- we want to see it faster than the department is suggesting. And it will take money and it will take some political commitment. We hope you will have the political will to do what it takes to make sure that we're not throwing away valuable materials, you know, causing damage to our climate and, you know, wasting water and other valuable resources, paying some money to bury them in the ground. And finally on this, we need to change the way that we educate our citizens about zero waste.

[Buzzer sounds] I've got a lot to say on that, but frankly, switching from a pr model to a more community based model, this is suggested by some grad students from Yale that interned here last year. We hope that you will consider that. I'm free for any questions.

>> Mayor Adler: Mr. Similar Mr. Zimmerman?

>> I appreciate your notes. Under the math, what I would love to see is how much money this program is costing the people of Austin. Hundreds of thousands, millions of dollars. As we go, if the goal is going towards zero waste, it's quite likely that it would add millions of dollars of cost to our businesses and residents here.

>> No, sir. It's actually -- if we were to do that we would have to compare it to the cost of burying the stuff in the ground and continuing to extract new things and pay for those costs as well. Zero waste is also going to be a job creator for our community. You know, the eco industrial complex, the remanufacturing hub. Up to 1200 industrial jobs in southeast Austin. So - - and we have a lot of other opportunities created here also.

[12:22:26 PM]

Zero waste has been adopted by a bunch of fortune 500 companies. Every single one of them has saved money. It's good policy. It saves us money.

>> Mayor Adler: Anything else? Thank you very much.

>> Appreciate it.

>> Mayor Adler: John monbelly. John monbelly? John Woodley? John Woodley?

>> Hello, council, mayor. I'm John Woodley. I'm an advocate for disability access. And the first question I'd like to ask y'all is -- and raise your hand if you're in support of. Is this council interested in opening discussions and addressing discrimination issues in the city of Austin? Raise your hand? Okay. Thank you. The last city council did not raise their hand. There's not enough time in three minutes to even scratch the surface, much less the entire day to discuss all the issues in the city of Austin. And I've already discussed with some of y'all about transportation, paratransit services. Is there anything on the list that I believe got brought before you that you would like to discuss in particular?

[12:24:31 PM]

One of my things that I'd like -- need to discuss would be my accommodation request and denial

for accommodation at public meeting and that would take away from my three minute time. I need to discuss that, ifky get additional time we can discuss the other issues that I would like to discuss.

>> Mayor Adler: My sense is it would probably be unfair to give you more time, but I think you should pick the issue that you think would be most important for us to hair. Hear.

>> Well, they're all important. First, I have to request accommodations just to go to a public meeting. And a lot of -- I keep getting denied by the A.D.A. Coordinator and the process for complaints are very cumbersome and they all refer back to the A.D.A. Coordinator. And even city attorneys are refusing to communicate with me on how this decision is coming about. And when I request that people show me policy and where it's written that they do not have to provide accommodations and they don't give me that information. Some of the -- one of the biggest issues is I'm not getting my notes for the public meetings. City council meetings y'all have the transcript available 24 to 48 hours after the meeting. C.a.r.t. Is computer assisted realtime transcription services, which I have to have on the computer.

[Buzzer sounds] And where it's closed captioned, it does not -- is only two lines long, goes too quickly and if I need to take notes in realtime, I don't have -- I look down to take my notes, it's already off the screen so I have to have it on these screens.

[12:26:46 PM]

>> Mayor Adler: Mr. Woodley, your time is up, but I would like to ask a follow-up question. At meetings like this, the city council meetings, you're getting the accommodation that works for you, is that correct?

>> I'm getting the accommodation on this, even though sometimes there are technical errors when the audio cuts off.

>> Mayor Adler: And what you're talking about are other meetings.

>> Other city council, boards and commissions, advisory councils where I'm encountering a lot of problems. And I'm trying to be a full participant and I cannot be a full participant if I don't receive my notes. And a lot of the other meetings they're not formal with everybody with a mic. It may be a whole room full of people and the people on the other end that have to type the transcript cannot hear what is being said in that room. And I keep asking for an in-person in that case. The A.D.A. Coordinator refuses to pay for an in-person. They say that other people have scheduled a month in advance to do so. And when I bring it to the attention to a month in advance that I intend to be at a hearing, they're saying you need to tell us a few days, a week before rather than a month before where they've been denying me access even then with a month in advance notice.

>> Mayor Adler: I think public engagement and accessibility is very important to this entire council. And we have formed a committee to focus and look at engagement going forward. And councilmember pool, who -- councilmember pool is going to be taking the lead on that committee.

[12:28:54 PM]

So -- I'm sure this is something she's going to want to take a look at. So make sure that you touch base with her and make sure that it's part of what that committee considers. Mr. Woodley, thank you very much.

>> Okay.

>> Mayor Adler: The next speaker is Erin foster. Thank you.

>> Good afternoon.

>> Mayor Adler: Good afternoon.

>> There's a lot of you, that's true. And I know there's been a lot of changes and sometimes change is hard. I'm here to talk to you about something carried over or needs to be carried over from the previous council. And that is -- first let me say my name is Erin foster and I've been involved with the travis-austin recovery group referred to as tag for the past several months, advocating and assisting the Halloween 2013 flood survivors in their long-term recovery. I want to remind you this was a federally declared disaster. The flooding was horrendous along onion creek. There's a map behind you that I will refer to in a moment. This area has been flooding since it was built in the late '70's. They had major floods in '98, 2001 and 2006 the army corps of engineers did a study and determined the flood waters could not be held back by flood walls or levees, they simply had to purchase these people's homes and moved them out of harm's way. That program has been going on with the city of Austin since 2006. 525 houses or properties have been acquired since that time. It's a very successful program. These people are now out of harm's way. Unfortunately -- let me give you an idea of how that's worked.

[12:30:55 PM]

In June 26, last year, the Austin city council authorized the funds for another 140 homes. Great news. Those are the darker blue homes on your map. The ones I'm here talk about today are the lighter blue, 240 homes still remaining to be bought out. The funds were put in place September 8th. These people are desperate to get out of this area. They are terrified every time it rains. What the council has done since 2006, continued the successful program, move people out of harm's way. We don't need to change any processes or policies, procedures, just keep doing what we've been doing since 2006. Out of the 140 people 100 of those have already accepted offers. Three people declined offers. As you can see, the vast majority of those people want to move. But the last 240, which is the light blue on your map, and the creek, by the way, you can see down at the bottom, these are the people that actually back up to onion creek. They are waiting for the city council, and now it will be this city council, to approve action and allow the city manager and the city staff to go forward with purchasing these last 240 homes, just exactly the same way using the same procedures as you did since 2006.

[Buzzer sounds] Thank you very much.

>> Mayor Adler: Thank you. The last speaker is Jere Locke.

>> Mayor, can I comment?

>> Garza: Thank you for coming here and speaking on this issue. It's an issue that I have made a priority in my office. This is in district 2.

[12:32:56 PM]

And it was addressed this weekend at the town hall. And the purpose was to make sure that I let everybody in district 2 and especially in that area know that this is my top priority to get this policy pushed forward. My office has been in communication with management on a weekly basis asking when that policy is going to come out. So I just wanted to reiterate that to you that --

>> I forgot to mention, this is the number one area at highest risk of flooding in Austin. Bar

none.

>> Garza: Thank you.

>> Mayor Adler: Thank you. And now Jere Locke? Is Jere Locke here? All right. Then we can close citizen communication. A moment ago we passed item number 20. Item number 20 that we passed, as with item 21 through 26 are items that we pass subject to approval of this body acting as the housing corporation. And we left that wording off of the resolution that we adopted on 20. We can either wait to vote until after lunch or we have to include that language. I'm going to ask for a motion to reconsider our vote on 20 so as to add the language that our vote is subject to the approval of this same funding request.

>> I'll make that motion.

>> Mayor Adler: Made by Mr. Zimmerman, made by -- second by Ms. Pool. And no objections?

>> Tovo: Mayor, I just want to ask a point of order. My Robert's rules are not strong enough on this point. Can a councilmember who abstained from a vote, vote to reconsider it? I thought you had to be among the term active votes.

[12:35:00 PM]

-- Affirmative votes.

>> Mayor Adler: She's right. A second with the affirmative vote. Is there another that would make the motion to reconsider? Ms. Houston. Is there a second to that? Ms. Pool? Is there any debate. What we're doing now, the question is we are voting to reconsider the vote we took on 20 because we didn't include the right language. All in favor say aye? Opposed say nay. It's unanimous on the dais to reconsider. Now there's a motion to approve 20 subject to the required primary action or first vote by the housing corporation. Is there a second to that motion? Mr. Casar makes that motion, second by Ms. Pool. All those in favor say aye. Those opposed, nay. And we have two abstentions on that. So everyone votes aye excepts for the two abstentions, troxclair and Zimmerman. We have these next items that are going to come up and we have some speakers that have been identified to speak.

>> May I ask a question? I know that these applications are under a deadline for submission. Are we doing second and third readings on these? This is all kind of new.

>> Mayor Adler: It's not an ordinance to be required to be passed in giving support. We have item 21, which has 14 people that have spoken. I think Ms. Pool makes a motion to consider, as Mr. Zimmerman had originally moved, I think, to consider the discussion of items 21 through 26 collectively, even though there will be a separate vote on each one. If you're all okay with that process, then we'll go ahead and do that.

[12:37:01 PM]

We'll call up all the debate. All right. I'm going to do that. And the question is do we take this break now and go into executive session? It's 12:30. With the people that are here? Or do we continue to do this for the next 45 minutes before we come back? Ms. Gallo?

>> I think we have people that have been patiently sitting here to address us and my preference to be to hear it and then take our break.

>> Zimmerman: I'd like to second that. They've been waiting a long time.

>> Mayor Adler: I'm going to hear a motion to approve item 21. Mr. Renteria makes that motion. Is there a second to 21. Ms. Gallo? We're going to open debate, we're going to listen to the

people who have signed up to speak publicly and then we'll stop, have our executive session and then come back and continue our conversation. I'm going to call the citizens on item 21 and we will also call the people that have signed up for 22 through 30 to the degree that you're all here. The first speaker is Sharon Blythe. Hang on a second.

>> My name is Sharon Blythe and I wasn't going to speak on any other items, but I think I should because the last four weeks I've been going to physical therapy appointment out at four points on Tuesdays and Thursday mornings. I go really early. I leave about 6:30 and try to get there about 7:00 and the traffic is unbelievable. It's worse than downtown, worse than mopac and worse than I-35. If they build that -- if they build that housing --

[12:39:04 PM]

[lapse in audio] I bet none of the other of you will have driven out there and seen that traffic during rush time. It is going to compound it astro no, ma'amicly. And maybe it should be considered, but maybe in a different place. I'm asking you all to please maybe you have another week to think about this one, but let's think about what they -- what the plans are for that traffic. Thank you very much.

>> Mayor Adler: Thank you. Next speaker, Walter morrow.

>> Mayor and council, thank you for the opportunity to speak. We're very excited about the cardinal point apartments. We've always believed in our 25 year track record that affordable housing should be in all parts of town and that really benefits the whole community. I'm proud of our track record. We have 15 communities. We've never sold one of our properties. They're beautiful. They're well maintained. We want them to be homes where our residents are really proud of where they live. We've won national awards for our green building. We really invite neighbors to come visit our properties and check us out. I think it changes a lot of the perceptions that people have of what affordable housing can look like. And our mission really is not just housing, but housing where families succeed. I'll just emphasize our learning centers. We'll build a learning center for cardinal point for the centers that are there. We have 10 centers. 13 years ago we built southwest trails in councilmember troxclair's district and the learning center there is a good example. Great relationship with oak hill elementary, the principal and teachers. Our 50 kids there had a a 3.5 gpa last semester. We're very proud of them. We have great volunteer tutors from the rotary club that come and help teach the kids.

[12:41:06 PM]

That's the kind of community that we build. The majority of our residents at southwest trails actually work within five miles of the property. I think we have five residents that work at H.E.B. And that's why we're excited about cardinal point. There's hundreds of jobs within walking distance to the H.E.B., to the target, to the walgreen's, to the other employers in that area. Public transit is not ideal, but there's a stop across the street at 3 M and at H.E.B. And cap metro is working on a plan for a metro ride in that area. The rents are \$641 at cardinal point. It's really affordable for families in there working, but in that 20 two 50,000-dollar income range. The average rents in the four points area are \$1,087. Pretty expensive and really out of reach for a lot of working class folks. The land is already zoned. Another developer could buy this land and build even more apartments. Probably with more cars that would be less likely to work so close. So we think that our proposal actually has -- will have less of a traffic impact than a

conventional development there. We need your support today in order to compete and leverage the federal credits available through the state. We really are grateful for your support and we hope that you will act today without delay. Happy to answer any questions.

>> Mayor Adler: Any questions? Thank you, Mr. Morrow.

>> Zimmerman: I do have one question. I have a couple of constituents. Obviously I'm not going to identify them. They have looked at your properties. And their remark to me is, you know, I wish I could afford to live in a property that good, but I don't want to be a burden to my neighbor. So I'm going to live in substandard housing that's not as nice as the subsidized housing because I don't want to be a burden to my neighbor and to those people I say god bless them.

[12:43:10 PM]

Those people did the best they could do and would not take advantage of their neighbors by asking for subsidies. God bless them.

>> Mayor Adler: Any questions for Mr. Morrow. Ms. Gallo?

>> Gallo: Thank you. I received many emails on this particular project. As I mentioned before, it was in district 6, which is right next to my district 10 and I would say 75% of the emails were for the project and 25% against. And the important thing about the emails that came to me not supporting the project is it helps me understand where the concerns are. And I think there is some misinformation perhaps that has been passed to the community. And one of the real concerns is the type of resident that would be living there. I mentioned a little bit earlier that it's my understanding and in questions about this to you, is that there is a qualifying process that the potential applicants would go through and perhaps you could share that with us and that that would help maybe address some of the concerns of the surrounding neighbors about the type of people that would be allowed to be living there.

>> We are actually one of the toughest landlords in Austin. We do -- we do rental history, credit, criminal background check. Our criminal criteria is available. We really want to know who is living in the apartments. Everybody is on a lease. We strictly enforce that lease. We want our community to be a place where people are proud of where they live and are successful and so if we do have a bad actor, we don't renew the lease. Our residents are the folks that will work in the four points area. The H.E.B., at the day care, at target, serving food at restaurants. So they really are folks that are already in the area. It's just now have an opportunity to live there too.

>> Just a follow-up. For people who don't know what doing a criminal history check for a resident means, could you explain that a little bit more in detail?

>> We use a service to check criminal background and then we have a very detailed criteria.

[12:45:17 PM]

Most serious offenses are not allowed. Minor offenses, we can sometimes work with. Sometimes cardinal point is going to serve families with kids, we're really -- we take that very, very seriously. And everybody has to go through that process.

>> Thank you.

>> Mayor Adler: Any other questions? Ms. Tovo?

>> Tovo: I apologize if I was out of the room when you addressed this point. There was a question about what kind of performance measures do you use. I wonder if you could just provide us -- provide us with some ideas about where we might find that information. I know

from being out and visiting a lot of your sites that that's always a part of the luncheons that you do out there and the tours that you do. There's always a heavy emphasis on performance measures and how each property is meeting that. I remember, for example, being down at one of your properties near St. Elmo elementary and hearing about, for example, how the -- how the school had changed in the time that foundation communities developed its two properties in that area. And for the better and the kind of -- the academic achievement that those students living in your developments were experiencing. And so for those in the community who would like to get a closer look at some of your performance measures and some of those outcomes, where would we look?

>> Our website has got great information. We do measure a lot on the education front. So not only the gpa, but the individual classes. St. Elmo elementary 10 years ago was low performing and now is -- it's not exemplary rated in the new system. That whole school is very low income, but one of the highest performing in town. We also track moveouts, so we -- how many people move out to buy a house. That's one of the major reasons that people move out. So we have a lot of residents that may live with us for two years or three years or five years and save up their money and be able to use that as a down payment.

[12:47:21 PM]

All of our funders from Michael and Susan Dell foundation, St. David's foundation, have lots and lots of outcome measures. So we take that really seriously. It's our mission. It's not just a place that's a cheap apartment and that's it. We really want it to be a foundation for families to be successful. And we've proven that over 25 years and if people don't believe it, please come visit, come on a tour, look at our website.

>> Tovo: Thank you. Thanks for that additional information. And I really would encourage any members of the public or my colleagues to go on one of those tours and hear from the residents who were always involved in the presentations and really just experience that. I really think that - I just commend you for the work you're doing. I think it's a terrific model for Austin and really for the nation and the success of your -- you're adding enormous value to the Austin community and I'm particularly glad to see you -- to foundation communities moving into different parts of our city where we desperately need housing. So thank you.

>> Thank you.

>> Mayor Adler: Thank you. Mr. Pena? Gus Pena. Next speaker is mark chase.

>> Good afternoon, mayor, councilmembers. My name is mark chase. I've been 15 years in the residence of four points. I would first like to congratulate and welcome each of you to this new forum. Second I would like to thank you for giving us a second chance in allowing us the citizens of this great city that I've lived in now for 42 years, a new true voice. I'm sure each of you can appreciate this new forum, which has given you a seat and a defined district in which you represent. I know each and every neighborhood in Austin now is watching to see if we the people can be heard and our concerns be addressed.

[12:49:24 PM]

So I ask you this afternoon who, who should get to decide cardinal point for four points? The foundation communities and Walter morrow who don't live in and around our neighborhood get to decide? Should four points community have more than two weeks to consider and decide the

pros and cons of this development? Why don't we know more about foundation communities and what truly is in these affordable housing complexes? How do we find out about the juveniles? Is it true or not true that there's 10% homeless there? Why can't we get information before y'all rush to judge and pass this recommendation today? I ask you why. Why transform our neighborhood without making us feel comfortable? Why rush this recommendation to help foundation communities rather than inform and listen to our four points community? Do our concerns not matter that the city of Austin gets to recommend today the property for affordable housing without notifying the community in a reasonable time? And allowing time for the community to digest and consider all the above? Are y'all aware of the increase in trespassers in the bcp land and what the impact of that environment will be backed up to affordable housing? We can't cut a secondary road into our middle school or high school, van did he give for safety concerns, but we can have a community in the area with one bus stop per day, zero walks, maxed classrooms, one of the most dangerous intersections in Austin and minimal demand for minimum wage jobs. How do we verify that the people living here will be truly working it in our neighborhood? Where do we find that information that they have jobs and are working in our community? Is anyone listening to us and are y'all simply going to follow Walter morrow who insists that affordable housing fits all neighborhoods in Austin except his in Westlake? This is your choice to prove that neighborhoods count, districts matter, and respect and consideration for each councilmember's district will be given a chance and a voice of reason before y'all rush to judgment.

[12:51:32 PM]

I beg y'all to postpone this recommends and address our concerns in four points. Please vote to move this project to housing and community development committee. We have lots of unanswered questions so that's why I'm here today. I have over 2500 signatures that oppose this project last year over concerns for the bcp, which is balcones canyon land preserve, lack of mass transit, lack of safety,.

[Buzzer sounds] Zero sidewalks, traffic congestion, loss of exemplary school and apartment complexes that already exist in our neighborhood. And by the way, Sharon, you rock. Any questions?

>> Mayor Adler: Thank you very much.

>> Yes. Ms. Tovo.

>> Zimmerman: I have a quick question if it's okay. There was an Ingrid Edwards who I believe is a cpa that lives in river place. And she came and spoke to one of our policy forums. I don't know if she's here today, but she had told us that she was really surprised at some of the rates because she found low cost apartments in that area that were already in the price range that had been recommended by foundation communities. So her point was that the rents that were proposed to be subsidized were already available on the open market. And a point that she was making was basically you could afford to live there at the rates that foundation communities is proposing to be subsidized. So I don't know if she's here today. I wanted to bring that up.

>> I had the opportunity last year to work with foundation communities and to get to know more and more about them myself personally. I can assure you the rules are being bent. It specifically talks about mass transit. There's no mass transit. There's one bus per day that sits in traffic all morning and all afternoon. And I'm wondering -- I'm not against affordable housing, but when do y'all come out and validate and look at each community and go is this truly the right fit for

Austin?

[12:53:33 PM]

I've been in Austin my whole life. I grew up poor. My father died when I was 13. I paid my way through school. I started my own business. I'm not against helping out others. But for someone like Walter to go around -- and this is from experience. And not give you the whole information, how do we know that crime is not going to go up to this neighborhood? Prove it or show us this fact. He didn't mention about 10% have to be homeless. Is this true or not true? Can somebody address that today? No? Can Walter address it? We cannot get answers in our neighborhood, which is totally unfair. We're not saying we're against it. We're saying give us more information. Don't rush judgment today. And we have an elected official in our district that I thought was the whole idea of spreading leadership around Austin. And now it looks like today I'm noticing it's pretty much the same as it was last year and the year before. No one wants to respect each other's district and their people and let us be heard.

>> Mayor Adler: Thank you.

>> I do hope it changes. Thank you. I can't get an answer on the 10%, can I? You know everything today. I've been listening how wonderful they are and I'm asking questions and you can't answer any question.

>> Tovo: Sir, I'm happy to ask that question of our executive director of foundation communities, but first I have for one for you. You mentioned a petition that 2500 people had signed that among the concerns was the loss of the exemplary school. And I would like you to just provide us with a little bit more information about that.

>> Sure. I'll answer the question as soon as you can answer mine with the 10% homeless.

>> Tovo: Sir, I indicated I would be happy to call up -- [overlapping speakers].

>> Mayor Adler: The way these things work we don't go back and forth. You have to answer the question and you should answer it if you can.

>> I can answer it. We're talking about overplace elementary has lost exemplary status, not because of affordable housing, but because we have 13 apartment complexes in our area and more coming.

[12:55:36 PM]

It's not affordable housing. We have no more room for traffic in our neighborhood to and from the schools. I'm not trying to pick on apartments, but I've been there 15 years when it had three apartments, and our school was flourishing. And it's dropping. And you're welcome to come and verify for yourself. When I was discussing the issues about foundation communities, we had homes off of Zimmerman lane off 620, just a coincidence, Mr. Zimmerman. And no one in the department cared about all the information we gave them about the environment, the bcp, no traffic light, no sidewalks, no bus stop. And they refused to listen after I invested close to \$100,000 to get information, they finally kindly walk away. So don't sit here today and tell me how wonderful their because I have personal experience and hard earned money out of my back pocket to fight some of these issues. So I'm just looking for some answers. I'm sorry, about the 2500?

>> Tovo: I appreciate your comments. If we could get back to the issue. I think I understand there's a concern that with new students in the school it would lose its exemplary status?

>> No, I mentioned that the schools are already maxed, the classrooms in -- I only know for sure about the elementary school at river place, which is where the kids would go. That's where all the apartments are zoned. It's a highly sought after area, so sure, of course a developer is going to build more and more apartments and bring more and more people in. When I mentioned the 2500 signatures last year, I started a cause called four points against more traffic. It wasn't four points against affordable housing. It was four points against more traffic. And after 2500 signatures I brought down to the city, foundation communities walked away from our area. But they're back, which is fine, because they couldn't get the zoning changed on the last property. This one is already zoned. So you're probably right, there's no stopping it, but I don't like sitting here hearing one side of how wonderful and I can't get answers myself and I can't seem to get answers for -- I feel like for our constituents, our neighborhood who is not really panicking, just looking for answers.

[12:57:42 PM]

And today you will make a decision for us.

>> Tovo: I think you've answer the the question about the elementary. It's one of capacity.

>> Mayor Adler: Would you repeat the question you have about the 10%?

>> I had a question if these properties require at least 10% of homeless individuals?

>> Mayor Adler: Okay. Mr. Morrow, would you answer that question?

>> We're setting aside 10% of the apartments for our children's home initiative, which prioritizes for families and kids that are homeless or extremely low income or not in a stable situation. It's a program where we have the most demand. We have about 100 apartments now. Generally get 15 calls a week and applications from families. We partner a lot with safe place, the passages program. It's a very intensive support program, so families meet weekly with their case manager, who is on site and meets in their apartments and in the learning city. We have an 80% success rate after 18 months for those families to graduate successfully. We're really, really proud of that program. I don't want that to be scary to the neighborhood. Mr. Chase, you never contacted us or asked us any questions about the proposal during the last two months, but we are very transparent and willing to meet and I'm working with some residents now that we're going to set up a couple of neighborhood meetings.

>> Mayor Adler: It would be great if maybe the two of you off the dais would continue to talk. We're going to go ahead to the next speaker we have. Ms. Gallo?

>> Gallo: So you say 10%. And of this community 10% would relate to how many units?

>> Our site plan right now is about 120 apartments, so it would be 12 apartments.

>> Gallo: Thank you.

>> Could I ask a question about the juveniles? How do we validate that there will be not be an increase in crime when you cannot check juveniles' records?

>> Mayor Adler: I think it's a good question, a rhetorical question. I'll let you talk to Mr. Morrow about that.

>> Thank you very much for the time.

>> Mayor Adler: We're going to go to the next speaker, Connie Calvin.

[12:59:50 PM]

>> Good afternoon. I'm very pleased to be here today. I'm here because I support foundation

communities' move into the four points area. In 2006 I retired from the air force and my family and I moved into steiner ranch. In the time we've lived there I worked at canyon ridge middle school as an administrative assistant in I've also worked and worshiped and served at one of the churches that is prominent there in the four points area. In 2011 I began volunteering with foundation communities. My only regret is I didn't know about them sooner because I hold them to be an outstanding organization. They really are a benchmark organization addressing an issue that needs to be addressed. In the time I've been volunteering with them I've been a tax preparer, a financial coach, a debt counselor. I've led a team of people to fund raise for one of their new developments that came on board just a couple of years ago. And this last holiday season my family and I supported -- we sponsored one of the foundation communities residents. So I'm very well aware of the population that makes up foundation communities residents. They are hard working people who love their families and want to do well. What makes an fc community different from an apartment complex is because they've got the support systems in place for after school, summer camp programs, education for dolts, teaching them how to manage their budgets, teaching them how to save. Teaching them what options are available for getting a college education for their children. Teaching them how to become their own small business entrepreneurs. I fully support what foundation communities is doing in the city of Austin.

[1:01:52 PM]

And I fully support them moving into the four points area. Thank you and I'd be happy to take any questions

>> Thank you, next speaker is -- is Edward Douglas. Good afternoon, Mr. Douglas.

>> Good afternoon. Can you hear me okay? I go by my middle name, which is kept, by I had to sign up as Edward. I live on big view drive in river place, across 222 from the potential site -- across 2222 from cardinal points. All of you are aware this is a contentious issue. Mr. Morrow was challenged by the speaker before him about the possible impact that cardinal points would have on traffic and in his extensive time up here, he never dealt with that. My home is about two miles from the entrance of river place. Which is -- intersects with Rm 2222, every morning during the school here, eight school buses wind their way up and down big view drive. Along with the school buses, there are always about 200 commuters passing my home. Many of these commuters are from outside river place. You might reasonably ask why is there so much commuter traffic deep inside the bowels of a small development like river place. The answer is there's a short distance from my home, a cutover road that leads from river place into west minster glen. What we have here is 200 commuters that come into river place, travel down big view drive, contend with the eight school buses, presumably obey the 30 miles an hour speed limits on a residential road with no shoulders, take the cutover road to go into west minster glen, spend another mile on the main drag of west minster glen, also very narrow, no shoulders, school buses, 30-mile an hour speed limit, then they connect with city park road, everybody's favorite place to go off the hill.

[1:04:24 PM]

A very dangerous road, also with no shoulders or -- no shoulders, very dangerous in bad weather, they take that down to the bottom of 2222. Rational people do this because the traffic on 2222 is so terrible they would go through all of that trouble to save a few minutes and beat that traffic

down the hill. My reason for sharing this picture with you is to give you some appreciation for how bad the traffic is in the four points area. Guess what? It's going to get worse. With or without cardinal points. The regional text dot engineer told us a couple of weeks ago, that the -- that the intersection of river place boulevard and 2222 has the most congested traffic in the state of Texas. The head guy at campo visited us the other night. Made a presentation about their role and their influence over these problems that many of the residents out there are upset about. [Buzzer sounding]. There are no projects currently budgeted to treat this issue. Any significant improvement will take 15 years at least to deal with. There are other housing developments in the area over which you and no one else have any control that will contribute to the congestion and buses do not represent a feasible solution, in his opinion.

>> Mayor Adler: Thank you, sir.

>> I guess that's my buzzer.

>> Mayor Adler: It is.

>> One final thought that I would like to elaborate on, but I will just share it with you real quickly. Two years ago at steinner ranch there was a fire. It's part of the forest that cardinal points and other areas out there are all in the middle of. If we ever had an emergency evacuation anywhere in the four points area, if you think that getting 30% of the residents out on to a state highway causes gridlock, conjure up in your mind what it would be like trying to get 100% of the residents out, especially ones who didn't have any cars of their own to do it with.

[1:06:26 PM]

>> Mayor Adler: Thank you very much.

>> Thank you for your time.

>> Mayor Adler: Scott Crosby.

>> Mayor, councilmembers, my name is Scott Crosby. I'm the president of the river place hoa. And I'm representing them here today and we're in opposition to the cardinal point housing project. While there are many homeowners within river place that are either in favor or in opposition to affordable housing, there is a general agreement that our community's infrastructure, roads, schools, police, cannot support additional economic growth, including the proposed cardinal point housing program. Our closest police substation is at Braker and mopac, over seven miles away. As clearly demonstrated by the education center that is part of the cardinal point housing development program, our schools need additional programs, personnel, training, and funding. As we just heard, traffic is another issue. The intersection that these residents would use to exit eastbound towards downtown as indicated -- has the longest traffic light cycle in the state, according to the city of Austin traffic light department. While campo has announced certain improvements to both 2222 and 620, they admit these improvements are going to be 10 to 15 years from now. Additionally, I somewhat question if there's an issue with their proposals that increase the road capacity by one-third, the population is expected to grow by 100%. We can't stop the economic growth, but I'm going to challenge the city council to -- to take into consideration the infrastructure, the police, the roads, the schools on any issues that they approve.

[1:08:42 PM]

When -- if you're going to approve cardinal point, then you need to provide funding and you

need to take campo and say roads can't take 10 to 15 years from now. They need to take two to three, five years from now. We need to get these infrastructure changes in place now.

>> Thank you.

>> Mayor Adler: Thank you, sir. Jay Wylie.

>> Thank you mayor and council. I appreciate the opportunity to be before you today. The main reason I'm before you today is I want to present to you a petition that I started a few weeks ago. We just found out about this foundation communities development plan about three weeks ago and I started a petition to stop cardinal point and we have -- in just a few weeks -- 866 signatures on this. Mark talked to you last year. He's got over 2,000 signatures on his petition that he started last year when cardinal point was first proposed. I think what's really striking about the names that you will see on this petition is that there's such diversity, there's -- there's liberals, there's conservatives, there's everyone in between on this petition because this really at its core is not an ideological issue. It's really about traffic and public safety. I've been to foundation communities before, I've toured, had extensive conversations with Walter and the staff at foundation communities. Let me say I think they do great work. I think reasonable people would agree their mission is a worthy one. I think they're good people. But we feel like this site, this plan, and where -- where we're proposing to put this is just ill conceived. Because we don't have any public transportation in four points to speak of.

[1:10:46 PM]

We don't have any road improvements on tap. Any significant road improvements on 7 to. We don't even have -- on tap. We don't even have sidewalks as you've heard. This is a very suburban area. I think there's a lot of unanswered questions about what the impact is going to be on the existing residents of four points. What we would rather the city do, what we think is a reasonable approach, would be for the city to take this moment where you just restructured the city council, so that we have committees to really vet this thing in -- in a more appropriate way, because three weeks is -- I would argue, just not enough time to understand the impact, the environmental impact, the impact on public safety, fire, police, E.M.S., as we've heard about, they are really significant concerns in four points about how this development is going to impact us. So we would just ask you to -- to really think about this. Really think hard and come out to four points to see the traffic, because at rush hour, we really are at a breaking point in four points. And squeezing more people in really kind of shoe horning more people into this area rather than serving -- maybe using this property to serve existing residents of four points, we really think is a bad idea. So -- so the 800 some odd people that have signed this petition, that's really what we're focused on is traffic and public safety. That's at the forefront of our change.org petition is about traffic and public safety. I would be glad to answer any questions that you might have for me about that.

[Buzzer sounding]

>> Mayor Adler: Thank you very much, Mr. Wylie, thank you.

>> Thank you.

>> Mayor Adler: Brent Mueller.

>> Hello, thank you for the opportunity to speak today.

[1:12:47 PM]

As you said, my name is Brent Mueller, I'm here in support of foundation communities proposal to build affordable housing in the four points area, I would like to share my story with you. I'm married with a two-year-old son. I'm a pharmacy tech with Walgreens and my family used to live in an apartment in the four points area. I have probably taken care of some of the people here if you've ever visited the Walgreens at the corner of 620 and 2222 and I would guess that some of you have. Recently I was notified our rent was going from 850 a month which we could afford to around 1100 a month. The worse part this new rent would be effective in just a few weeks. I of course was concerned. I knew I wasn't going to be able to pay that rents with my current income. We just can't afford it. So we had to start searching for a new home, we ended up moving all the way to the south side of a town to a property owned by foundation communities. I didn't know what to expect in an affordable housing complex, but the community is better than we could have hoped for. It was affordable housing, but it was beautiful with trees and landscaping, a playground and a community garden, all well maintained. We could barely believe it. The represent was only 813 for an apartment that was bigger than the one we moved from in four points. It gave us a space for our growing family. At this point I was now facing an almost 40-mile round trip commute daily, I was concerned about the cost of gas, the time spent in traffic and also the wear and tear on my car. Thankfully I was able to transfer to a Walgreens closer to my home, but other employees at that Walgreens in four points were facing similar problems. My manager there told me he was also concerned about losing employees and struggling to find replacement. It can be difficult to find workers who are willing to travel a long way because they can't afford to live nearby and that has become the situation in four points. It seems to me if the residents at four points want to have a Walgreens, H.E.B. Or a target or any restaurant or gas station located near where they live, it makes sense to also have housing that's affordable so that the employees of those businesses can live nearby.

[1:14:49 PM]

If there's a fear of who might live in affordable housing, just look at me. I'm a full-time worker, auto I am a student at A.C.C., I have a wife and small son. I'm not that scary. There are a lot of other people who are just like me. We're your cashiers, your clerks, your waiters and your pharmacy techs. For those of us working in four points we cannot afford to live anywhere near our jobs. Coming here today isn't easy for me, I'm not a fan of public speaking. This is too important to be silent about. Please allow this measure to allow affordable housing in the four points area, thank you.

>> Mayor Adler: Thank you, Mr. Gallo.

>> Gallo: I have a question. Sorry to keep you in the public speaking convenient view. We have told it is possible to find rentals in your area at the same price range, you are a perfect question to ask you that question of because it appears that you didn't.

>> What happened in case, I was paying like I said around 800 a month, 850 a month for my apartment complex, two a two bed, one bath, fairly small but worked for my family within walking distance of work and I took advantage of that regularly. But they were hesitant to renew my lease because they were wanting to renovate the property to a more upscale apartment. And the 60 daytime period was right there and -- then and there and we had to go in and say are you going to renew for us or not. We can't give you a straight answer. What we can do, we haven't gotten information back from our corporate headquarters if we're going to renew or what. What we can do is put you in a newly renovated apartment that would be comparable, around \$1,100 a

month. Which of course we couldn't afford. You know, it was already -- I was already kind of at my limits the way it was. So at that point I was scrambling to find housing quickly.

[1:16:52 PM]

So there may have been something there comparable, but at that time there was not. And I did not have a lot of time to -- to look and I found the good folks down at the foundation communities and was able to get an apartment there.

>> All right. Thank you.

>> Mayor Adler: Thank you very much. Next speaker is Carol Torgenson.

>> Good after mayor and city council, my name is Carol, I live in Long Canyon, district 10, very near the border with district 6. The next neighborhood over the line from district 6. We're about two miles, two and a half miles from the location, the proposed location. And it's -- it's where we go to shop for our services, so we're very familiar with it. I'm here today speaking as an individual, but I'm also involved with a number of neighborhood organizations which have caused me to have a lot of interaction with the city and TxDOT about the four points area, I have a lot of knowledge about the particular location, the site proposed. This is the four points PUD, planned unit development for those listening and not watching, it has been approved since 1996. When it was approved in 1996, it was a mixed use development, retail, office, research facilities, and multi-family accommodations and a boat load of traffic was assigned to be allowed at that location. Peak traffic because it was known then how our area was growing, of course the worst traffic there is over commute hours. Over time, as the markets have changed, the decision has been made on several of these lots there to make a multi-family housing instead of the office uses that were originally intended there, that's the case with this particular lot.

[1:19:11 PM]

Right now the development of the P.U.D. is about probably 8/10ths complete, something like that, they have only used up half of their allowable traffic. So the bottom line is there are three properties that have not been developed of which one is the one that foundation communities has proposed to build on. They are currently showing signs for 250,000 square feet of office, 150,000 square feet of office and 75,000 square feet of office. The particular one that foundation communities is looking at has a sign on it advertising 150,000 square feet of office. It would create at least three times the amount of traffic as the proposed multi-family buildings that foundation communities is proposing. There is no way to stop development of these three lots because their entitlements were locked down in 1996. They don't have to get any approvals from the city council or the land use commissions to build on those three lots. So the bottom line is if this is not going to generate a huge amount of traffic to put this apartment complex where they are proposing to put, in fact is a much lower impact use than all of the other uses approved for this lot can you go retail, which is the highest traffic producer of all. There's no way that 120 to 125 units is going to have a major impact on a development that already has 1100 living units, either already in existence or under construction, across the street from this lot is a development of 150 units. Last year, they opened an apartment complex of 350 units, which is immediately next door to this lot and nobody complained about the traffic impact of those developments. There's 125 apartments being developed as we speak on 620 up by Boulder and every year in Steiner Ranch, there are probably 500 to a thousand more units being built.

[1:21:19 PM]

This is a drop in the bucket and will not have any significant impact on the traffic of this area. The traffic is awful. No one is pretending that it's not. But picking on this particular project and saying they are creating a traffic issue is simply not true and to say that -- not true. To say that by not funding it you can stop it, that property is going to be developed, it's going to be developed soon and this is the least impact from a traffic point of view of any another use of this property. I hope that you will take that into consideration when you make your decision. I hope you will approve it. I think it's a good use for the property as a land use and also it's consistent with the intent of the planned unit development and consistent with the neighboring property which is retail, commercial and multi-family. Thank you very much.

>> Mayor Adler: Thank you very much.

>> [Indiscernible].

>> Mayor Adler: Sorry?

>> Very quick question. Just thank you. Are you connected with the 2222 cone?

>> Yes, I am.

>> We investigated this a little bit and it looked like the river place homeowners association, Mr. Crosby is the president of that. He already testified. But my question is did the 2222 cone, which includes river place, did they debate the issue and come up with a position?

>> What they debated was whether or not it was appropriate for them to take a stand on this project because the project is already approved for its land uses and traffic. Because there are no city permissions to be gotten in the future on this project, we decided as an organization since what we do is track development and zoning and site plan cases, that it was then appropriate for us to get involved as an organization because this is a funding issue now, it not a land use issue. So that's -- so 2222 cone did not take a position on it. I'm here today speaking strictly as an individual.

>> Zimmerman: Thank you, I really appreciate that clarification. If I could get one more clarification from Mr.

[1:23:22 PM]

Crosby, I didn't get a chance to ask him this. It's about I believe the Texas department of housing and community affairs allows for organizations like hoas to write letters in support or opposition regarding these projects. And I think -- did your hoa register to be heard on the issue?

>> Yes, we did.

>> Zimmerman: You did, okay. Are you familiar with how the scoring works on that? In other words, if you were to write a letter in favor, you would be given + 2 points, but if you wrote a letter in opposition you would only get minus one point?

>> That's my understanding, yes.

>> Zimmerman: If you had a group of say 10 homeowners associations like yours, they all wrote letters in opposition, there would be no allowance for negative points they would all add up to zero, I believe that's what the document. There's a gap plan they issued.

>> I can't speak to that particular issue. But it certainly seems unfair that a negative vote gets one vote and a positive vote gets two.

>> Zimmerman: Thank you.

>> Mayor Adler: Next speaker is Cynthia Schwartz. While Cynthia comes down, we have seven more speakers, then we have outside counsel waiting for us to get to the executive session.

>> Can you hear me?

>> Mayor Adler: We can, thank you.

>> My name is Cynthia Schwartz. I have lived in river place for over two years and I have two boys who attend vander griff and I'm here to support the development of cardinal point. While I do agree with my neighbors that traffic in the four points area is horrible, I know if cardinal point is not developed something else, possibly larger will go in its place. I own several sandwich shops around Austin and one is located near a neighborhood similar to river place and we cannot keep employees because there is no affordable housing nearby and the commute is too long. I know the shops and restaurants in the four points area must have the same issue.

[1:25:24 PM]

I think my neighbors are opposing this project strictly because it is affordable housing. I'm not sure they understand that affordable housing means the general income is 20,000 to 50,000 per year. If I were a single worker mother, I would qualify as would our teachers and many other hard working folks in the four points area. My neighbors did not protest when much larger development was recently built in steinner ranch or the target on 2222 very close to where cardinal point will be. They heard low income housing and then the protests began. I moved to Austin from a small east Texas town because Austin embraced everything my small town did not. Accepting of all people, a melting pot of many cultures, my neighbors should be spending their time protesting the 475,000 square feet of office developed in the same area. It will cause significantly more traffic than this small development. Foundation communities does quality work and we will be lucky to have one of their developments near our neighborhood. Every child deserves a good education, just not -- not just the perspective kids in our neighborhood. I hope you will all do the right thing and keep Austin the diverse community it has always been, not just in specific areas, but in all of Austin. Thank you for your time.

>> Mayor Adler: Thank you very much. Beth Stuart.

[Applause]. Beth Stuart? Wes [indiscernible].

>> Hello, mayor, council. First I would like to welcome the new members, congratulations to all councilmembers on reelection or to your new election. I am a -- my name is Wes Babb, I am a resident of river place, I have been in either river place or west minster glen for I guess since 2002 or so.

[1:27:26 PM]

So I've seen the area change quite a bit. I think on the surface no one here today, I would guess, is against affordable housing. It's a major problem in our city. But I would argue that as councilmembers, when you see something maybe coming across your desk or screen and you see community foundations has a project out near 2222 and 620, oh, great, you know, affordable housing, we need that, check the box. I think Sharon or someone else mentioned earlier come out and spend some time. Over the 12 years that I've been in the area, close to 13, the traffic has increased considerably. And that's an understatement. When you think of Austin and the traffic patterns and you think about what I will call the horseshoe from loop 360 surrounding north and south of the Colorado river, as we know it lake Austin for those who have been here a long time,

all traffic that is trying to get out to bee cave, via 2244, trying to get to lakeway, trying to get to steiner ranch, is traveling 2222 and 2244. If they are trying to get into the core of Austin, those are the only two roadways that get you to the core of Austin the quickest. Granted, some are traveling north on 620 to 183, and south to 620 to 71. The tremendous number of folks up and down 2222 and 2244. There are 12,000 residents in steiner ranch alone. Thousands more, over 10,000, probably close to 20 out in the lakeway da -- bee cave area.

[1:29:28 PM]

So picture earlier what people talked about earlier don investigation traveling those roadways. We've had a couple of deaths there recently. One of which was a river place resident, a triathlete which was hit by a car. That could happen anywhere, granted but it happened there. We have schools, all new schools, the school district bought 100 acres there just east of 3 M for Vandergriff, four points school and the stadium. The steiner ranch high school students that live are traveling these roadways, wow, okay, I'm way out of time. So I'm opposed to this project. Traffic is a significant issue and I would just ask that you postpone this so that we can have more dialogue on this, reasonable dialogue due to traffic and other issues. There's no reason to rush this through. Thank you very much.

>> Thank you.

>> Mayor, I want to ask him a quick question. You say that the traffic but isn't four points like the shortcut between 360 and 2222? Isn't that -- it seems like -- I'm looking at the map here, it runs right into river --

>> There's nothing around this project. There's no development here. It's just a lot of construction -- so -- so how -- how would that affect traffic on 2222?

>> That's a great question, councilman. What you also have in the area is probably arguably one of the largest concentrations of preserve land, balcones land. A lot of the green space that you see would be developed if it were not for the preserve land.

[1:31:28 PM]

So, again, you have tremendous number of people that are probably -- that are over 20,000 cars a day that are traveling 2222. In fact, I've got the figure, I can go into that in more detail. And over 10,000 cars a day that are traveling four points drive. That little drive that you are talking about is a cut through. It doesn't alleviate, itties up with river place, so you have all of the steiner trench traffic also traveling 2222 back and for. People from 620 trying to get to 2222, it's a quagmire, a disaster from a traffic standpoint. Long traffic lights. The problem is -- unlike the possibilities for location -- I'm not in favor of any new multi-family in the area because of the congestion that we have.

>> It's just a cut off, though, that's a cut through.

>> It's a cut through that is -- has over 10,000 cars per day.

>> But it's a cut through.

>> It's a cut through for -- for the people of that --

>> Yes.

>> Of that intersection --

>> Because they don't want to go down 360 and 2222.

>> Let me clarify it. The cut through that you are speaking of would be from people who live

call it north of 2222. If you're -- if you're close to concordia, everyone is probably familiar where concordia is now located, if you are in that area trying to reach 2222 you are more apt to cut through there. What I was trying to paint a picture of all of the residents south of 2222 along 620, steiner ranch, lakeway, bee cave. If you envision the horseshoe, all of that traffic has to come through 2222 on the north side of the Colorado river or 2244. So your cut through that you are describing is really for the traffic that's coming from the north cutting through.

[1:33:33 PM]

They still cycle through that intersection. It's a super busy intersection and now with the schools I mean I know I'm dealing with this every day when I'm taking my son to river place elementary school or my daughter to four points middle school. I can't -- all I can, here's what I'm asking. I'm asking for those individuals who in their Normal traffic patterns are not necessarily coming out west of 360, just come out there. Spend the morning, spend an afternoon and early, you know, four or 5:00, close to 7, you will be shocked at the amount of traffic.

>> Not really. Not really. It's the same way all over Austin, you know. I wouldn't be shocked. Because I drive -- I drove, you know, for a living through all of that area.

>> How long ago was that.

>> That was 2008 and I still drive around that area --

[multiple voices]

>> Our biggest challenge we just don't have other place. It's not a grid. Not a grid system out there. We don't have other means of taking this road, taking that road in order to try to reduce time and because of the lake his and preserves, it's really straight up 2222 and back out on the same with 2244.

>> Thank you very much.

>> Mr. Mayor, Mr. Mayor?

>> I would just simply acknowledge that -- that I'm very pleased that we appointed our committees today and we do have a transportation committee and I want you to know that I'm, as chair of that committee I'm hearing what you are saying and I that I know that my fellow committee members as well as the rest of the councilmembers are looking forward to digging into these transportation issues that we have all over the city. So I thank you for bringing this to our attention.

>> Thank you.

>> Thank you.

>> Thank you.

>> Yes, any other questions?

>> Mr. Zimmerman?

>> Zimmerman: One note. It took me 20 minutes to get through that corner of 2222 and 620 this morning.

[1:35:37 PM]

It took 20 minutes.

>> I hope that I answered council -- [multiple voices] -- Answer I know -- it was a long way around it.

>> If not you can follow up later. Our next speaker -- thank you, next speaker is David king.

>> Thank you, mayor, mayor pro tem, councilmembers. My name is David King, I live in the Zilker neighborhood. I have the privilege to work with the foundation communities on the project on affordable housing on South Lamar, I would suspect that it's, you know, at least as busy as the area we're discussing here. So I think -- so I think on that project, 120 unit project there, they worked with us in good faith and team up with a project that would work. Unfortunately the funding went to a different project, but our neighborhood was behind that. Residents that live in the neighborhood behind that because we do want affordable housing in the neighborhood. And in terms of -- of affordable housing in this location, we understand the concerns about the infrastructure. I think it sounds like there could be a way to that to get worked out. I want to promote the mayor's point that we need to have a consistent policy on these kinds of issues across the city. That -- so that we have a diversity of locations where affordable housing can exist and thrive. That is one of the key ways that low income families can be lifted out of the low income situation. To have a diversity and to live in neighborhoods -- different types of neighborhoods. It's good for neighborhoods themselves, too, to have that diversity. That's what we like in our Zilker neighborhood. So I think that that's important that we remember that. And it seems like there's always an uphill battle for affordable housing.

[1:37:38 PM]

It's not easy to make it happen. It's competing for other projects. These high-end condos, apartments, they get approval, they get on the fast track, get their projects done. They get variances and waivers and -- and exceptions so that they can get done. Affordable housing has a harder road to hoe. So I think it's okay if you send a letter of support you get two points. If you send a letter in opposition, you get one point. We need to help affordable housing through this city. So I'm glad that this item is before you and I hope that you will all support I thank you very much.

>> Thank you very much.

>> Mayor Adler: I think that concludes our public comments. I think we're now going to go into closed session to consider the three items when we come out of closed session we will move into the Austin housing finance corporation meeting. Which is set for 3:00, we can call it up after that. City council will go into closed session to take up three items pursuant to section 551.071 of the government code. The city council will consult with legal counsel regarding three items, item 52, legal issues related to 2015 collective bargaining negotiations with the bargaining representatives for the employees of the Austin fire department.

[Indiscernible]

>> Mayor Adler: I was recessing in the middle of it. I'll entertain a motion to table -- we're in the middle of considering number 21. We're in the middle of that conversation. Is there a motion to table that item until after we conclude the Austin housing finance corporation meeting. Made by Ms. Garza, seconded by Ms. Pool. Any objection to tabling it?

>> Tovo: Mayor, I think it would -- I would be supportive of going ahead and voting on it, since we do have members of the public who likely want to see that outcome. But I guess if we are going to have significant additional discussion, then I would certainly support tabling it.

[1:39:42 PM]

>> Mayor Adler: There's been a motion to move the question on the debate on this item 21.

>> I will second.
>> Mayor Adler: Second motion to close debate. All in favor ending debate say aye.
>> Aye.
>> Mayor Adler: Opposed nay? Unanimous on the dais. We will just go to a vote of number 21. All in favor of number 21? Please indicate by saying aye.
>> Aye.
>> Mayor Adler: Those opposed nay?
>> Nay.
>> Mayor Adler: Zimmerman and troxclair abstaining. We have now approved that subject to the housing housing finance corporation action on this same item. Ms. Kitchen -- sorry, Ms. Tovo.
>> Tovo: I just wanted to ask who made the motion to that item.
>> Mayor Adler: We had that motion before we began the public hearing. I don't remember who --
>> Tovo: That's fine, thank you.
>> I think it was Greg or Sherri.
>> Kitchen: I just have a question. We heard all of these related items. We heard the testimony on all of these related items. And analysis we're anticipating a lot of further discussion on the remaining items, I would suggest that we go ahead and very quickly go through them all and take a vote.
>> Mayor Adler: Okay. You want to try that? All right. Item no. 22? Someone want to move for 22.
>> So moved.
>> Mayor Adler: Mr. Casar, Renteria seconds that motion. If there's no debate, we will go to a vote. All in favor of item no. 22 say aye is that aye.
>> Mayor Adler: Opposed nay.
>> Nay.
>> Mayor Adler: Zimmerman votes no, troxclair, that is subject total Austin housing finance corporation. That gets us to item no. 23.
>> So move.
>> Ms. Pool moved that.

[1:41:43 PM]

Ms. Kitchen seconded that. Is there any debate? All right, we'll now vote on item 23, subject to the action by the Austin housing finance corporation meeting. All those in favor say aye.

>> Aye.
>> Mayor Adler: Opposed nay.
>> Abstention.
>> Mayor Adler: You are abstaining or voting no?
>> Mayor Adler: All right. Two abstentions on that vote. The rest voting aye. That gets us then to item 24. Mr. Tovo moves approval, Ms. Pool seconds. Any debate? Seeing none, we'll take a vote. All in favor of item 24 say aye.
>> Aye.
>> Mayor Adler: Those opposed no.
>> Nay.

>> Mayor Adler: No Zimmerman abstaining.
>> Voting no.
>> Mayor Adler: No, no. No for Zimmerman, those abstaining? Troxclair abstains, the rest on the dais voting aye. That is also subject to the Austin housing finance corporation meeting vote. Item no. 25. Is there a motion for approval? Dars?
-- Garza, second, pool. Any debate? In favor say aye? Opposed nay. Abstaining?
>> Abstaining.
>> Mayor Adler: Two abstention, Zimmerman and troxclair.
>> Zimmerman: Can I move that we consider the rest of the items in the same fashion together? I think the vote is going to be the same.
>> Do we need separate --
>> Mayor Adler: Can very vote on 26 through 31 collectively? Okay. We would -- we would do it in essence on consent. So we're at 26, to items number 31. Someone move passage of 26 to 31? Okay. Any discussion?
>> I can just interject. I hope this doesn't jeopardize the vote?

[1:43:45 PM]

>> Mayor Adler: Legal counsel advised us it does not. Again, subject to the Austin housing finance corporation meeting, all those in favor of 26 through 31 say aye.
>> Aye.
>> Mayor Adler: Those opposed no. Those abstaining?
>> Abstain.
>> I'm sorry.
>> Mayor Adler: We can show you however you would like to be voting.
>> Zimmerman: 27, 29 and 30 voting no, abstaining on the others.
>> Mayor Adler: Troxclair abstaining and the balance of the dais is voting aye on 26 through 31, all stuck to the Austin housing finance corporation meeting. Got it? All right. Having handled those, we're on now going to go into executive session. I think that I had read through item 52 that we were going to go see. We're also talking about item 53, legal issues related to the open government matters pursuant to section 551.074 of the government code, city council will discuss the following item, item 54 personnel matters related to the appointment of the city auditor and municipal court clerk. Any objection to going into executive sessions on the items announced?
>> Point of clarification if I could. With [indiscernible] Bob nicks I believe is in the room, would it be possible to include Mr. Nicks on part of the executive session as a possibility? Point of --
>> Mayor Adler: Ms. Morgan?
>> No, that's not possible.
>> Mayor Adler: Would you explain why that's not possible?
>> The executive session is for the council members and it's to give attorney-client privileged information.
>> Mayor Adler: If when we're in executive session we wanted to invite someone from the outside to come in, would the council be able to do that.
>> No.
>> You can't invite members of the outside in.
>> No you cannot.

>> Zimmerman: You cannot bring any experts or --

[1:45:48 PM]

>> We can talk about it in executive session. But the executive session is to have an attorney-client conversation, it's privileged conversation. There's some rules that guide that. And we can talk about that further.

>> Mayor Adler: Let's talk about that when we're in executive session. So with no objections to moving to executive session, we're going to go ahead and do that and when we come out, we'll pick up the Austin housing finance corporation meeting. Thank you. If If

[3:19:59 PM]

[executive session] Test test test test

[3:31:02 PM]

test test.

(Executive session).

>> (Executive session) Test test test test test.

[3:33:47 PM]

>> Test test test.

>> Test test test test test.

>> Test test test.

>> Test test test.

>> (Executive session)

(February 12, 2012)y

[4:09:38 PM]

22 . >> Mayor Adler: All right.

[4:14:30 PM]

We have a quorum. We're going to reconvene. We have people that are here to speak on zoning cases that are not going to be heard, I don't think, because they're going to be postponed or they're going to be, you know, potentially approved on consent. So before we go to housing, how about if we start with zoning so we can get -- let people go. Greg, why don't we vote on the things T we need to postpone and do the zoning consent first.

>> Okay. Thank you, mayor and council, Greg Guernsey, planning and development review department. I'll go through our items that staff believes could be offered for postponement that were not -- we're not aware that there's opposition and that you could take voting action.

>> Mayor Adler: Postponement or consent?

>> For consent and consent postponements. So we'd offer both of those.

>> Mayor Adler: Okay.

>> So the first item I'd offer is item no. 55. This is under your 2:00 agenda items, these are where the public hearings have been closed. We would offer item no. 55, this is for consent approval on second and third readings. This is to approve a second and third readings for zoning at 2910 west William Canon drive to zone the property to multi-family residence, low density, conditional overlay or mf-2-co combining district zoning with conditions, and staff would offer that for second and third reading approval on consent. Item no. 56 will be discussion, I believe, because of some issues we talked about at the work session. Item no. 57 is case c14-2014-0154. This is for the property located at 13561 pond springs road to zone the property to community commercial, conditional overlay, or Co combined district zoning.

[4:16:43 PM]

And we would offer this for consent approval on second and third readings. Item no. 58 is case c14-2014-0158, for the property located at 5601 durango pass. This is to zone the property to single-family residence, standard lot conditional overlay or sf-2 Co combining district zoning, and this is also ready for consent approval on second and third readings. And, mayor, if I may, I can go right into the remainder of the 2:00 items.

>> Mayor Adler: Please do.

>> Items under 2:00 P.M. Zoning and neighborhood plan amendments, these are where public hearings are open, possible action. Item 59 has been withdrawn. There's no action required by the city council on item no. 59. Item no. 60 is case c14 c14-75-042 rca1 for the property at 5601 durango pass. This is to approve the zoning and planning commission's recommendation to grant the restrictive covenant amendment, and that was just offered for consent. Item no. 61 is case c14 c14-75-042 rca3, for the property at 5601 durango pass. Excuse me. The zoning and planning commission's recommendation was to grant the restrictive covenant amendment and this is ready for consent approval.

>> Mayor Adler: Did you say 60 is consent approval as well?

>> Yes, 60 is consent approval, 61 is also consent approval. Item no. 62 is case c14 c14-76-083 rca, this is for the property located at 5601 durango pass. The planning commission's -- zoning and planning commission's recommendation was to grant the restrictive covenant agreement and this is ready for consent approval. Item no. 63 is case c14 c14-84-346 rca1.

[4:18:46 PM]

This is the property located at 5601 durango pass. The zoning and planning commission's recommendation was to grant the restrictive covenant amendment and this is ready for consent approval. Item no. 64 is case c14 c14-84-346 rca2, for the property located at 5601 durango pass. And the zoning and planning commission's recommendation was to grant the restrictive covenant amendment, and this is ready for consent/approval. Excuse me. Item no. 65 is case npa-2014-0009.01. This is for a property located in the central east Austin neighborhood planning area at 908 east 15th street and 807 east 16th street, and 1506 waller street. The staff is requesting a postponement of this case to your April 16 agenda. Again, that's April 16 agenda for postponement on item no. 65. Item no. 66 is case npa-2014-0029.01. This is for a property located in the St. John's Coronado hills combined neighborhood planning area for the property at 7400, 7424, 7450 east U.S. Highway 290 and 2509 east Anderson lane. The applicant has

requested a postponement of this case to your April 2 agenda. Item no. 67 is the related zoning case, case no. C14-2014-0135 for the property located at 7400, 7424, 7450 east U.S. Highway 290, and 2509 east Anderson lane. The applicant is requesting postponement of this item as well to your April 2 agenda.

[4:20:47 PM]

Excuse me.

>> Mayor Adler: And when was the date for the no. 66 postponement?

>> 66 was April 2.

>> Mayor Adler: Okay.

>> And 67 was also April 2. Item no. 68 and 69, based on what I heard this morning, after changes and corrections, and I understand there's --

>> Mayor Adler: We're going to postpone that for two weeks?

>> That's correct. Item no. 6 is case c14-2014-001 1-a for the property located at 3800 Ben Garza lane. So there's a postponement by council to your February 26 agenda. The other related Garza ranch item is no--

>> Mayor Adler: There are several people here to speak to that. We had announced earlier in the day that we thought that this would be postponed and now we're going ahead and doing that. This is the Garza case, the two Garza cases, for two weeks. Please continue.

>> Item no. 69 is case c14-2014-0011b, again, this is for the Garza ranch at 3510 and 4003 Ben Garza lane, and there's a postponement by council to February 26. Item no. 70, this is case c14-2014-0041, for the property located at 10300 Anderson mill road to zone the property to neighborhood commercial or Ir district zoning. Zoning and platting commission's recommendation was to grant neighborhood commercial conditional overlay or Ir-co combined district zoning with conditions. Applicant agrees and this is ready for consent approval only on first reading. So now no. 70 is consent approval only on first reading. Item no. 71 is case c14-2014-0096, this is for the wildhorse commercial tract property located at 9701 east palmer lane. Staff is requesting a postponement of this item to your March 12 agenda.

[4:22:51 PM]

Again, staff is requesting a postponement, to March -- on item 71 to March 12. Item no. 72, case c14- c14-2014-0114 for property located at north Lamar boulevard. This will be a discussion item. It's item no. 72. Also item no. 73 is also a discussion item, that's case c14-2014-0157 -- excuse me, located on burnet road. Item no. --

>> Mayor Adler: When you say discussion no discussion, no action on this.

>> No action on this consent agenda and it will be need to be brought up and open hearing later in the meeting. Item no. 74 is case c14-2014-0164, for the property located at 1208 west slaughter lane. This is to zone the property to general office mixed use or go-mu, combining district zoning. The zoning and platting commission's recommendation was to grant limited office, mixed use, conditional overlay or lo-mu-co combining district zoning with conditions. Applicant agrees with that. This is ready for consent approval on all three readings. That's item no. 74. Item no. 75 is case c14-2014-0170, for the property located at 3411 blue jay lane, and 13918 east hummingbird lane, and this is to zone the property to single-family residence, large lot sf-1 district zoning from tract 1, and lake Austin residence or L.A. District zoning for tract 2.

The zoning and platting commission's recommendation was to grant the single-family residence large lot or sf-1 district zoning for tract 1, and lake Austin residence or la district zoning for tract 2.

[4:24:52 PM]

This is ready for consent approval on all three readings. Item no. 76 is case c14-2014-0174, for the property located at 502 Thompson lane, to zone the property to general commercial services or cs district zoning. The zoning and platting commission's recommendation was to grant general commercial services, conditional overlay, or cs-co combining district zoning, with conditions. This is ready for consent approval on all three readings. Item no. 77, case c14-2014-0175a if the property located at 70 -- excuse me, 2426 cardinal loop, and adjacent property owner has requested a postponement, and the applicant has agreed to a postponement to two weeks to your February 26 agenda, and it's item no. 77. Item no. 78 is case c14-2014-0175b, for the property located at 2411 and 2419 cardinal loop and 2525 east state highway 71 westbound. Again, we have adjacent property owner requesting postponement. The applicant agrees to your February 26 agenda.

>> Mayor Adler: I'm sorry, hold on just one moment.

>> I'm sorry, item 77 and 78, the Scott airport parking, did you say that both parties had agreed to the postponement?

>> Guernsey: That's correct.

>> Pool: All right.

>> Mayor Adler: We'll have him go through the consent. We'll ask if anybody wants to be -- to speak to any of them before we take a vote on consent or show themselves voting in any particular way.

>> Pool: Okay.

[4:26:52 PM]

Thanks.

>> Mayor Adler: Okay. Please continue.

>> Guernsey: Item 78, case c14-2014-0178. This will be a discussion item, so we'll come back to that later. Item no. 80 is case c14-2014-0179 for the property located at 1312 1/2 east Parmer lane to zone the property to multi-family residence, low density or mf-2 district zoning. The zoning and platting commission's recommendation was to grant the multi-family residence low density or mf-2 district zoning, and this is ready for consent, approval on all three readings. Item no. 81 is case c14-2014--0189. This is for the property located at 2015 Trang quillo trail, on etranquilo trail to zone to public or P district zoning fng the zoning and platting commission's recommendation was to grant the P district zoning and this is ready for consent, approval on all three readings. Item no. 82 is case c14-2014-0190, for the property located at 8700 west gate boulevard, to zone the property to multi-family residence, moderate high density, conditional overlay or mf-4-co combining district zoning. The zoning and platting commission's recommendation was to grant the multi-family residence, moderate high density, conditional overlay or mf-4-co combining district zoning, and this is ready for consent/approval on all three readings.

>> Mayor Adler: That was 81 as well?

>> Guernsey: That's correct, mayor, 81 was consent approval for all three readings as well as 82.
>> Mayor Adler: Okay.
>> Guernsey: And finally 83 is case c14-2014-0192, and this is for the property located at 8611 north mopac expressway, this is to zone the property to community commercial or gr district zoning.

[4:28:59 PM]

The planning commission recommendation to us to grant community commercial qnl overlay or gr-co combining district zoning and this is offered for consent approval. I'll note that the applicant has agreed with the neighborhood to add the original, I guess there's about 68 prohibited uses, from the original ordinance and carrying over to this ordinance, and with that I could offer this for consent approval. Just note that the previous ordinance I'm referencing is in your backup and references ordinance no no. 2014-1211-149 and that's the ordinance number. That's a backup that lists all those uses that are prohibited that the applicant and neighborhood have agreed, and then staff could offer that for consent approval on first reading.

>> Mayor Adler: Okay. Is there a motion to approve the platting items by consent as offered by Mr. Guernsey?

>> Guernsey: Mayor, may I interrupt? I have a late postponement request that the applicant has had from the neighborhood -- oh, the applicant. Item no. 72, which was one of our discussion items, item no. 6772 case c14-2014-2014 0114 to the property at 11712 north l'amour boulevard. The applicant has a last-minute postponement request to your February 12 -- excuse me, February 26 agenda for two weeks.

>> Mayor Adler: Is there a motion to approval the consent agenda, was offered, Ms. Kitchen. Is there a second? Ms. Gallo? Is there any discussion on that before we vote? No discussion. All

[4:31:01 PM]

>> Mayor Adler: All in favor of the items as offered by Mr. Guernsey, say aye. No, nay? Thank you.

>> Congratulations on approving your first set of zoning.

>> Mayor Adler: If it's okay, before we get to these items, we'll go into the housing portion of the agenda. Without objection, we're going to recess the meeting of the Austin city council and call to order a meeting of the Austin housing and finance corporation and take up the consent agenda. There are nine items. Betsy Spencer will read the items for approval.

>> Good afternoon, board of directors. I'm Betsy Spencer, treasurer of the housing finance corporation. We have nine items for you today. First item is approving resolution appointing officers to the board. Second is a resolution adopting amended and restated bylaws to account for the eleven members on the board now. Third is approval of minutes at the last two meetings. Last six items are all in relation to the developments that we discussed earlier this morning. And I offer them on consent and am available for questions.

>> Mayor Adler: It's been moved, the consent agenda is pulled. Is there a second to approve on consent? Ms. Tovo. Is there any discussion? Ms. Houston.

>> Houston: Since I wasn't at those meetings, I'm going to -- what am I going to do? Abstain on the minutes.

>> I need to abstain too. I wasn't here and I didn't study.

>> Mayor Adler: Okay. With those both those being shown as abstaining on the question of the minutes, any other discussion of the items?

>> On the at some times, my question is, we talked about this at the meeting. How do the votes for and against and abstentions, thousand does this relate to the housing understand a finance?

>> Mayor Adler: These are the same items.

[4:33:01 PM]

It's a different body that needs approval. We can have the clerk show the same no votes and same abstentions with respect to these items as were conveyed during the council meeting this morning. Is that sufficient for you? Jeanette? Okay?

>> That's fine. Thank you.

>> Mayor Adler: With those no's shown and abstentions shown, all in favor of approving the consent agenda, say aye. Those opposed, no? Can we have those -- it passes, subject to the -- this means now that the actions taken earlier by the council subject to the action are now final.

>> Thank you.

>> Mayor Adler: Okay. Thank you. Without objection, the meeting of the Austin housing and finance corporation is adjourned. We're out of recess and returned to the Austin city council meeting. That gets us to our zoning items. We're now going to deal with the ones that have been pulled that were not part of the consent agenda. So, Greg, make sure that I'm doing this, hitting the right Numbers. My record reflects that the first one of these items that we are to consider is item. Is that correct?

>> That's correct. Mayor and council, item number 56 is a zoning request for the property located at 10301-10317 east salmon drive. It's case number C 14-2014-0153. As you may recall from the work session, this particular case, the property owner has requested zoning change to single family residence or standard lot, sf-2 district zoning.

[4:35:10 PM]

The city council at first ordinance reading approved sf-2 district zoning with conditions. The conditions, one of which included a custody owner siren covenant that would provide for vehicular connection to an adjacent 12-acre tract which abuts this property at the north side. The owner has given you a letter that does not -- he declines the offer. I guess you could say to sign the covenant, you have several options. I think we discussed at the work session, you could approve certainly this on second and third reading without the covenant, you could approve it just on second reading to, I think, reaffirm what was done at first reading and ask the owner consider the covenant again. Then we'd have to come back another day. Or you could take an action to approve the rezoning of the property to make it permanent zoning, changing the interim rr to permanent rr, which is rural residence zoning, and changing from classification of permanent. You have many options before you. As I said, the public hearing is closed. I'm not sure if the applicant -- the applicant is here in the audience, if you would like to hear them -- hear them personally. There is a letter certainly stating the position and backup, and I'll pause if you have any questions.

>> Mayor Adler: Why is this item pulled for discussion?

>> I was not clear on the council's intent to take action on this item, given your discussion at a work session, so -- because we kind of offered you some possibilities, and there seemed to be

discussion by you all to do different things. We could certainly just take what was done on first reading, but we do not have the covenant that was requested by council at first reading, so if that is your desire, then I would recommend you look at second reading because I don't have all the conditions from first reading which included that covenant.

[4:37:25 PM]

>> Mayor Adler: Okay.

>> So do we have someone signed up to speak, or --

>> It's closed.

>> Mayor Adler: It was closed.

>> Okay. But he's here if we had questions or wanted him to speak.

>> Mayor Adler: Right. This is the time -- so first we need a motion on this action. So the motion would be to pass this on second reading since the conditions haven't been met, which was, I guess, would be the recommendation of staff, or do you want to move something else? Is there a motion to pass this on second reading without the conditions being met?

>> Yes.

>> Ms. Troxclair makes that resolution. Is there a second? Okay. Ms. Kitchen. Is there any discussion on that? You have questions?

>> I mean, if he's here, we can hear from him.

>> Mayor Adler: Okay.

>> But I guess if this isn't the appropriate time to do that, because that appropriate time has been closed.

>> Mayor Adler: Well, the public hearing has been closed but if you have any questions of the applicant, the applicant is here and you can certainly ask questions if that's something that you wanted to do.

>> I was going to say could I make a motion that we have three minutes for the property owner that's here to speak, three minutes?

>> Mayor Adler: That would be fine. Is the applicant here?

>> My name is mark Cunningham. Thank you for the chance to talk to you. I've applied for sf-2 zoning, as was mentioned. A similar property, actual the identical property to mine that I don't own adjacent to mine, was approved last year, a year ago. I applied for the same zoning and at the last minute, the zoning and planning commission threw in a little requirement that we extend a road through our property to the north property line where this other 12-acre property was. That's not a problem in theory, but in practice, the adjacent owner is not required to extend any road to our property, and may not, and in fact, we already have -- this property already has approved lots on it.

[4:39:36 PM]

The way that the -- the way that the covenant is written to try to fulfill the intent of the planning and zoning commission, unfortunately, puts us in violation of it the minute that it's signed and recorded. So in theory, we don't have a problem with a restrictive covenant if it's properly written. And we have written one that we think meets the intent of the planning and zoning commission and that doesn't put us in violation of it the minute that it's signed. And we've offered that to be approved in place of what had originally been drafted as an attempt to fulfill

that requirement. But we've also suggested to you that there's no reason to of a restrictive covenant. The adjacent property owner was not required to have a restrictive covenant, in exactly the same conditions. And, in fact, if you don't require a restrictive covenant, all of these same issues are going to come up again in platting, which is the time in which they should come up, com which we can address them specifically and decide what access should be required and with what specificity. So I'm first asking you to remove the restrictive covenant condition because it essentially accomplishes nothing, and was not required of the identical adjacent property. But if you must have a restrictive covenant, I'm asking that it be written in a way that fulfills the intent of the planning and zoning commission and which doesn't place us in violation of it as soon as it's recorded. That's -- so that's why I've presented one to you to consider.

>> Thank you.

>> Mayor Adler: Ms. Tovo -- Ms. Tovo first.

>> Sir, I'm sorry, I'm not really following your discussion of the restrictive covenant.

>> Okay.

>> Tovo: Can you explain to me why this restrictive -- I understand you have concerns about the requirement to provide access, but I'm not following your argument about the -- about the kind of restrictive covenant.

>> I'd have to read it to you, but it's extremely simple. The restrictive covenant that was proposed to try and fulfill the intent of the zoning commission says vehicular access is required through the property to the north property line.

[4:41:46 PM]

The problem is that it's -- it doesn't say when or how or under what conditions or with what specifications, and in that -- in that vagueness, it will put us in violation of it the minute we sign it. There's no way there's going to be a road and access that would require construction of that road, so the way that it's written, as it sits now, it can't be fulfilled until we get to platting. So between now and the time of platting, we will be in violation of it the entire time. And so there will be a cloud on the title that's not necessary to accomplish --

>> Tovo: Okay. I see your point now. Thanks. I'm going to ask staff about that at the appropriate time. My colleagues may have additional questions to you.

>> Mayor Adler: Additional questions?

>> That answered my question.

>> Thank you.

>> Mayor Adler: Hold on. Ms. Troxclair.

>> So I have received a lot of communication from the surrounding neighbors. Have you had communication with them?

>> Yes. Now, what's interesting, at the zoning commission meeting, some of the neighborhood association was in favor of this kind of road connection, and some were against it. So at some point the commission had to, I guess, choose, and in this case I guess chose to create the condition, or at least the possibility of a connection between the properties. A there's actually mixed feelings in the neighborhood -- depends on which road you live on, you know, which of the two situations you would prefer. And it's probably equally split in that way.

>> So in your communications with them, there was an understanding that even for the people who supported you -- requiring you to have that road built, that it would not, in fact, connect?

>> Can you ask me that again? I'm sorry.

[4:43:47 PM]

>> Troxclair: So for the people that are supporting the restrictive covenant, do you feel like there was an understanding that even if your portion was built, that there was still another parcel of land that restricted the ability of that road to be connected?

>> Honestly, I'm not sure that they do. This was something that -- this whole restrictive covenant came up just seconds before the vote. It got thrown in, it never got discussed, so I'm not sure if they do, honestly. And the adjacent property, which is almost identical to ours, in the same -- the same issues, basically, none of this was required. In fact, the association fully supported without conditions the adjacent property being zoned sf-2. The whole area is sf-2. There's really not any argument about what the zoning should be, which is the issue at hand. The only discussion is how ultimately the road and vehicular traffic should flow.

>> Mr. Mayor I do have one question.

>> Mayor Adler: Yes.

>> Why would you be required to put the road in and the other developments were not? Why did you get the --

>> Well, I shouldn't. But, you know, that's the problem, is if -- I may be here required to do it, and it may be a road to nowhere because the other property owner may come up and have a plat that doesn't involve any road extensions or require any road extensions, in which case we've done something for nothing. So it is a problem. That is an issue. Like I said, my argument is, all this -- right now we're dealing with all these IFS, ands, and maybes, whereas at platting, we won't have any of those. We'll know what the conditions are and what we want to do. So this covenant is too vague and it's unnecessary and clouds the title unnecessarily.

>> Mayor Adler: Thank you. Any further questions for the applicant? Mr. Zimmerman, did you have more he is request of the applicant?

>> No. I have a question [inaudible]

>> Mayor Adler: Okay. Thank you very much. Mr. Guernsey, can you comment on what we just heard?

[4:45:48 PM]

Is this more appropriately obtained at the subdivision stage?

>> The extension of the roadway would come up at the subdivision stage. This tract is already subdivided, has lots that could receive a building permit, and with a building permit there would be extension that would come up as an issue. The other tract that's to the north, the 12-acre tract, as you can probably see on the exhibit, there's a street called sawmill, they would be required to extend that street as well at the time they come and subdivide. It's a larger tract of land. This tract has already been subdivided. I think the intention of this owner, based on the information my staff has received, was basically to extend and have lots, multiple lots on both sides of the road as it would come in. In your backup, I think there was actually a conceptual drawing provided by the owner that crossed into that neighboring property to the north. I don't believe there's any agreement to do so at this time. So --

>> [Inaudible]

>> I'm just explaining what's in the backup.

>> You said something that was not true. This conceptual drawing you're describing, I had

nothing to do with it. I had never seen it before. I don't know where it came from, so I did not present that. I didn't have anything to do with it.

>> Mayor Adler: All right. Thank you. Ms. Tovo, do you have further questions?

>> Tovo: I do. I have a couple of questions for Mr. Guernsey. As I recall, it was the neighbors -- there were some -- there was neighborhood support for having -- for the zoning if there was access. Is that -- is my understanding correct?

>> Mayor pro tem, there was -- in your backup as well, there's petitions that had reasons of protest, actually, against a zoning change to something other than sf-1, which is a more restrictive single family zoning category, or sf-2, with the conditional overlay, requiring the maximum six slots with conditional conditions.

[4:47:54 PM]

But under the reasons of protest, number one stated that the only access to and from the proposed development on sawmill drive is a residential street. That was one of the reasons for the protest against the zoning.

>> Tovo: So the zoning and platting commission's intent in making this a condition was to address that concern that was heard among those --

>> I can't speak for the commissioners, but I know that they have that, probably, information before them.

>> Tovo: So I think -- because there was a discussion before about the restrictive covenant and whether the neighbors were supportive of the restrictive covenant. Again, I'm not -- I'm not sure that anyone specified a means of achieving that, but I believe the information suggests that it was important to the neighbors who were concerned about the project to see that kind of access, through whatever means the city had of achieving -- of requiring that from the owner.

>> I don't believe that the neighbors probably talked about the tool that would be used to achieve that, but I think they were concerned about traffic.

>> Tovo: Right. Thanks. I was just trying to make that point. You did it more articulately than I did. Could you address the point that the applicant made about the minute he signs the restrictive covenant, he would be in violation until that road is built? Is that accurate, from your perspective?

>> Well, the applicant would be required then to provide that access. At such time in the future, I guess, if the property is developed, then that would come up as a condition of that approval. That come up at the time of subdivision, if they come back and ask for a subdivision, if they start constructing the houses that are on the lots that are already platted, it could come up as an issue as well at that time.

>> Tovo: His concern was that it was very general and needed to be more specific. Can you address that concern, please?

>> I think that is probably a concern that I would probably agree with and talk to our legal department so everyone could be clear and when and if that trigger would be applied.

[4:50:03 PM]

So he's not put in jeopardy by simply signing it and saying, ooh, I have it in immediately. Normally we would apply a covenant at such time when there was a request of the city, whether it's a subdivision application or building permit application.

>> Tovo: The intent would be consider this on second reading and between second and third, he would have the opportunity -- you would have the opportunity of working with legal on restrictive covenant, and then --

>> We could certainly work with the property owner and get with our law department to take care of that, the particular concern, so at the time of the signature, he's not placed in that position where he believes that his jeopardy of no, sir being in compliance as soon as he signs.

>> Tovo: Thank you.

>> Mayor Adler: Mr. Zimmerman, then Ms. Kitchen.

>> Zimmerman: A point of inquiry. On item 56, I'm reading it and there are two words here, "With conditions." So in the context of this agenda item, if we were to strike "With conditions," would that effectively eliminate the restrictive covenant that's been disputed here?

>> Yes. The council, as I said, could poof the zoning without the restrictive covenant requirement.

>> But does that mean if we strike from this language, if we strike with conditions, would that get rid of the restrictive covenant the applicant is concerned about?

>> That's usually what we're referring to. There are other conditions not found in the joining ordinance that would be in this case restrictive. So if you struck the "With conditions" from what you're approve, then you're only approving the zoning. The question is what zoning are you approving.

>> Zimmerman: Okay. Then how could we eliminate the jeopardy that he referred to by editing this language of this item? How could we do that?

>> We could work with the law department to change the language, I believe, in the ordinance -- I might engage -- is the attorney here? We could probably put in the development condition that at such time as a building permit is issued or at such time a subdivision is approved, then the applicant would have a certain period of time then to perform the extension of some sort of street to connect that.

[4:52:20 PM]

>> Mayor Adler: And the vehicle to do that would be to approve this on second reading, potentially, then have it worked out before it came back to us on third reading.

>> That's right. And the applicant would have the ability to see that before we would bring this back to you.

>> Mayor Adler: Come back on third reading. Ms. Kitchen.

>> Kitchen: I just have a question. So if we approve this on this reading, we're approving it with the covenant in it unless we strike the words "With conditions." Is that correct?

>> If you are approving it, you can approve it today on all three readings without the covenant.

>> Kitchen: No, I'm talking about if we approve it on the second reading and then provide the time that we're talking about, but if we approve it on the second reading, do we have to strike the word "With conditions" in order for it to move forward without the covenant?

>> Pickup it without the covenant, then you can approve it on second reading without conditions.

>> Mayor Adler: We could approve it either with the word conditions or without the word conditions on second reading.

>> That's correct.

>> Mayor Adler: And we could give instruction on how we want this to look to us when it comes back to us on third reading.

>> Kitchen: Okay.

>> Mayor Adler: We could approve it either way. The operative deal is the indication given to the applicant that when it does come back on third reading, we want those development conditions put in. And so that I can understand, these kinds of things are handled at the subdivision or platting stage most usually. Is that correct?

>> That's correct.

>> Mayor Adler: In this case, if we don't include it in zoning, the property doesn't have to be rezoned in order to be able to -- replatted in order to be constructed on. Is that correct?

>> That's correct. The property is already platted.

>> Mayor Adler: So the reason to include it here is so as to cover the condition where this applicant, a subsequent purchaser or someone else, would want to develop it without going through the platting process, wouldn't be subject then to the condition -- to the requirement to put the road through if they weren't going to go to the platting or subdivision stage.

[4:54:24 PM]

>> That's correct.

>> Mayor Adler: So if we want to put this condition on the property, make sure it's there however it gets developed, whether it goes to or whether it gets further subdivided or not, the way we would do that would be to approve this with that condition.

>> If that's your desire, that's correct.

>> Mayor Adler: Okay. So --

>> So can I make that motion? To approve it on second reading with the condition of working with the staff recommendations with expectation that we can work together before third reading to address the applicant's concerns.

>> Mayor Adler: In fact, I think that's the motion that's pending on the floor that I think was made and seconded. Is there any further debate? Hearing none, let's take a vote. All in favor, say aye. Those opposed, nay? It's 11-0 on the aye vote. Okay. We'll move to the next item, which is, as I see it, number -- we're just zipping through this agenda.

>> 73?

>> Mayor Adler: 73?

>> Mayor Adler: Mr. Guernsey.

>> Thank you mayor and council, 73 is C 14-20140157. This is 8528 to 8600 burnet road and 8647 Rockwood lane. This is a zoning change request of approximately two point acres of land to a multifamily residence highest dense city for Ms 6 district zoning. The applicant has amended their request to add a conditional overlay through time on this property, which you'll see is a Co attached, back in October of 2014, they did agree to limit the height of the property to 60 feet.

[4:56:27 PM]

Normally the mf 6 district heights are allowed up to 90 feet. In either case, they could be reduced through compatibility standards because of adjacent single family zoning or single family uses. To state that 15% of the multifamily drillings on this property would be reserved for smart housing, which stands for safe mixed income accessible reasonably priced and transit oriented housing, and that there be a limit number of 300 in the number of dwelling units. In January of this year, the applicants also stated that 15% of these dwelling units would be reserved to the

smart housing for a minimum period of ten years, and that the overall [lapse in audio] Would limit to 250,000 square feet. The planning commission's recommendation did approve the staff recommendation, which included these additional conditions that the applicant is offering, stating that the 50% dwelling is to be reserved for smart housing, with a minimum ten-year period, and that the far or floor to area ratio on the site limited to 250,000 square feet. The planning commission's recommendation was approved on a vote of 6 to 2, with 2 dissenting votes. Part of the discussion, at least by one of the commissioners, was that there was concern of the intensity of the multifamily zoning. The property itself is currently developed and has some retail uses, auto sales -- automotive -- excuse me -- auto repair, I should say, and construction sales to the north of this property is a restaurant, ice house, other retail uses including restaurants.

[4:58:34 PM]

To the south, driveway, indoor entertainment, there is slick Willie's pool hall. And to the easies gas pipe and a restaurant. That would actually be across from it. To the west, immediately abutting the property along the back portion of this property is existing mf 4 property known as the Lockwood apartments. It's a three-story apartment building. So between the existing single family homes assist existing multifamily property. It does front deficit road. There is an existing bus stop in front of this property for capital metro. It's approximately a quarter of a mile south of the rapid bus station in this area. And there is some support and there's opposition to this rezoning request. And I believe that you have received a letter from the allandale neighborhood association executive committee voting unanimously to support the motion, closed by the north shoal creek association, which was to oppose. So those are attained in your backup yellow copies of that. It came in rather late on that point. There is an additional impact statement known as an Eis. That's included if you look in your backup material on exhibit 3, I believe that you'll actually see the Eis. Aisd did make findings that the middle school burnet and Anderson high school were able to comment to population of proposed development. There was addressed a middle school is at a hundred percent of its capacity.

[5:00:37 PM]

The school community and can administration would need to discuss intervention strategies to address overcrowding. This should not be a soul factor in your decision regarding whether to approve zoning, we take a look at imagine Austin, adjacent zoning, network in the area, that's one of the many things you would consider with a zoning request to make your decision. All pause at this time and allow the applicant to come forward and make their initial presentation, and then you can hear those in favor and those against in rebuttal regarding this case. S okay. Thank you. Is there a motion with respect to item 73?

>> Mr. Mayor?

>> Mayor Adler: Yes.

>> This is in district 7, and I should -- I know that the neighborhoods are here and want to present their side of the case and it's possible that the applicant is here as well. I just wanted to lay a little bit of groundwork on this I've been working with both parties for some time on this project, and I want to say that the neighborhood is not opposed to having density at this area. The concern is that the M first of all 6, which, without the overlay, which we appreciate the fact there

is a conditional overlay on this which would limit it to 60 feet, if that weren't there, it would be unlimited density in this area of burnet road as it stands today would not be able to being a date the traffic. An elementary school is off of Rockwood. We have safety concerns along that road. What I wanted to do today was to let folks know that the neighborhood had hoped to get an mf 4 zoning limitation on this site, and I talked about the changes on this -- excuse me if I'm not doing this very well.

[5:02:46 PM]

It's my first time -- with the developer and his agent, and they said that they were not interested in mf 4 at all and were willing to have this case denied at this point, rather than enter into additional negotiations. So -- and I have talked with both sides about that and vetted this statement fully with all let parties, and so knowing that, I would at this point request that council deny this request on first reading, as opposed to an indefinite suspension which the developer did not wish to pursue. Thank you.

>> Mayor Adler: There's a motion to deny on first reading. If something gets denied on first reading --

>> It's just denied.

>> It dies.

>> Mayor Adler: It dies.

>> And I was very clear in my understanding of that, and specifically vetted that with the neighborhoods and with the developer and his agent, and they were willing to walk away.

>> Mayor Adler: Okay. It's been moved. Is there a second to deny?

>> Second.

>> Mayor Adler: Okay. Ms. Kitchen. Let's now open it for the public hearing. So the applicant?

>> It's an honor to present before you. Council, this is actually a down zoning to allow for the redevelopment of a cs zone site for a high quality multifamily project. From a planning perspective, this site is ideal for high density multifamily. It's located on burnet road, which is a major arterial, and also a elect -- transit corridor, and the site is near highway 183.

[5:04:48 PM]

It's not near a neighborhood or nor in any event to any single family housing at all but instead is surrounded by cs zoning and multifamily zoning. As Greg mentioned, there's a capital metro bus stop directly in front of the site and the site is on front of the new bus route which extends in order ward to the domain, southward to Northcross mall, UT, Austin, all the way down to Westgate mall. The site is convenient and walkable to pillow elementary and other middle school, there's an abundant of restaurants adjacent to the site. You don't necessarily have a car to live here. Additionally, many of Austin's major employers are within a five-mile radius of the site, including IBM, national instruments, apple, Cisco, time Warner Cable and rackspace. C. J. Zachman, who's the developer, mayor, will speak next for a couple minutes about the project and his vision. I'll just close for now, noting that the request is the maximum height being 60 feet, not the 90 feet mf 6 normally allows. And this is consistent with the zoning that's already on the site and the zoning that's already adjacent to the site. The applicant is voluntarily reserving 15% of the units for smart housing under the city's smart housing program, at a 300 unit max, that's potentially 45 smart housing units at this location. And the applicant agrees that the development

will not generate more than 2000 trips here day. This is about five times less than the traffic that could be generated if this site were developed commercially. And finally, the applicant agrees to limit the square footage on the property to 250,000 square feet total, and that is consistent with the square footage that's allowed under the site's current zoning.

[5:06:49 PM]

And with that, we'd ask that you favorably approve this case, as recommended to you by your professional planning staff, and also as recommended and modified by the planning commission recommendation. And with that, C. J. Zachman, the developer, will speak for a minute, then there are some other speakers in support. Thank you.

>> City council, mayor, thanks so much for taking the time. I just wanted to clarify a few points. Obviously, when the mf 6 zoning is presented, it is presented as the highest density for multifamily. The conditional overlay that we have included limiting to 60 feet and also limiting to 250,000 square feet of developable, I will actually agree to cut that down to the 244,000, which I'd just like to mention under current zoning at that two to one far, which that 244,000 square feet of developable would be, you know, that can be developed today under the current zoning. The 60 feet, that can be developed today under the current zoning. So really, the reason for the rezoning isn't for more density, it's not for more height, it's actually for a change in use to the multifamily. In this neighborhood, we see the abundance of commercial services. What that has done to the walkability of the area, the traffic in the area, Henry mentioned that if this site was developed commercial services, it would generate five times as much traffic. So I am, you know, asking for a recommendation to allow for the multifamily use. It will be one-fifth of the traffic and also including this affordable housing element. We chose this site because we see the demand for new multiple family product.

[5:08:52 PM]

The other multifamily product in this north shoal creek neighborhood has all been built before 1985. We understand the concerns of the neighborhood, but to provide the level of product that we intend to with the amenities we intend to, over 20,000 square feet of open space for a pool in an area that desperately needs additional green space, to provide the finishes, the balcony space, the product that we're intending, there is a density that is required. It is the current density allowable, just under a different use. But I feel that with the 803, which is another important part of why we chose this location, we're fully aligned with the excitement around the 803 and putting density around stops to create more ridership for this, to cut down eventually on traffic, we feel that this use is not a big ask in terms of density. We're not asking for any more density or height. And we think it would be great for the neighborhood. As Ms. Pool mentioned, you know, the mf 4 and mf 3 has been presented to me along the way. The F. A. R. Under those zoning is one to one, which would cut the developable square footage in half, which for this product would not make the development feasible, and this is the reason why I'm sticking with the mf 6s with conditional overlay. Thank you.

>> Mayor Adler: Thank you. We have some speakers for and against this in the public hearing. I probably shouldn't have taken that motion until we have concluded the public hearing. I'll do better next time. But let's begin with the speakers against.

[5:10:54 PM]

Kevin weir. Kevin weir has three other speakers. Is Kenneth Webb here? Is Quinton lance here? Is Neil Ferguson here? So we have three times three, nine minutes. Thank you.

>> Thank you, mayor, and council. Thank you for your service to the city. It's going to be a great year with you guys up here. Thank you very much. I'm Kevin weir. I'm a member of north shoal creek neighborhood association. I'm here to represent north shoal creek neighborhood association. I wanted to let you know that our membership took a vote on the zoning case, and we voted against that, and we also passed a resolution asking you to vote against this zoning change, and also some other things which I'll get to momentarily. Also, with this resolution that we passed, which I sent to all of you so you should have it, we have support from our neighboring neighborhood associations up and down burnet road that would also -- the burnt corridor that would also be impacted by this development. That is Wooten neighborhood executive committee, which is right across burned from us, allandale, crestview, and brentwood, they've signed on in support of our resolution. We have support of our resolution from sustainable neighborhoods of north Austin, which is sort of a coalition group that we work with that represents the area, and also last night Austin -- Austin neighborhoods council executive committee voted to support our resolution, and that will be going to all of Austin neighborhoods council this month. We first of all wanted to tell you a little bit briefly about our neighborhood so you can understand who we are. We're not living in the past. We're not holding onto Austin, you know, being acquaint and small.

[5:12:57 PM]

We know Austin is growing and we're okay with that. We're just asking to have a voice in how our area grows and develops. To show you that we're not just obstructionists, when we were going through vmu a few years ago, we signed on for vmu planning along Anderson lane and the city planning staff said that they would like to hold up our agreement with the city on vmu as an example of how to play ball with the city and to compromise. So we, you know, held true to the things that were important to us, and then we were flexible on other things. Also, we've participated in the imagine Austin process from start to finish and are participating in code next now as well. We're surrounded by major roads, mopac, 183, burnet, and Anderson lane. So we have a lot of development pressure on us. We also have a lot of mixture in development. Our neighborhood is single family in the middle, but we're surrounded by commercial and a variety of housing types. We have apartments, condos, we have apartments converted to condos. We have some brand new flats. We have duplexes. We have a whole lot of housing types already, and for any of you all studying imagine Austin and code next, and those discussions, you may see that we already look a lot like what the city is trying to get to with imagine Austin. We have the variety of mixture of commercial and different residential types, and we also already have density according to the U.S. Census from 2000, we have doubled the density of the average of the city of Austin. So we already are dense in our area as well. We're not opposed to more density. We're okay with that. We just want a voice. To that point of asking for a voice, we've been asking for a neighborhood plan since 2006. It's been approved five times, most recently last year by city council vote.

[5:14:58 PM]

It still hasn't begun. There's this thing called burnet road corridor plan that has supposedly started that we haven't been allowed to be an active participant in that yet, but we've been asking to. And we're, you know, participating in imagine Austin and code next too. So like I said, we would like a voice in how things develop. We're not opposed to development or density. We think this proposal, mf 6, it's not in keeping with the character of our area. In this particular location for something this dense, this isn't the right location. There's a mention of bus stops and traffic. The rapid transit bus stop is all the way down at the end of burnet and 183 where all those shopping centers are. I also would like to point out that the argument about it being down zoning is really a strong man argument because it's zoned commercial services, and there's no market for 60 feet of commercial building. So this is really an up zoning, not a down zoning. Our neighborhood is quartered -- if you took a pie and cut it in pie and cut it in half again, our neighborhood is cut in half one day by stake avenue, and the other way by Rockwood lane. It runs up -- would be on the corner of this development. We already have a problem with cut-through traffic, people trying to avoid lights on burnet road by cutting through Rockwood lane. It goes by the school, the crown jewel of our neighborhood. We've been asking for years and working with the city. We have some traffic mitigation underway on Rockwood lane that Gonzales demonstrates the seriousness of the cut through traffic we have there. With this development on this location, the planning would force an outlet to be on Rockwood lane, and all the southbound traffic to go downtown or to go to mopac would be going down Rockwood lane past the elementary while the kids are trying to get to school.

[5:16:58 PM]

Also for our neighbors, that's the only green space, open space we have in our neighborhood so our neighborhood uses the playground as our park and our exercise area. So you can see we're a small neighborhood, we've got a lot of development pressure. It's kind of a fragile area. I had erred a funny term this week, saddle bag areas, where these areas next to major roads, where I guess it's being proposed those get converted to go from single family zoning to various housing type zoning or even commercial. If that were to take place, because of the way our pie is quartered, we would probably lose maybe up to half of our single family residential, if those sort of things happened. So we're under a lot of pressure. We would be okay with mf 3, mf 4 zoning, that would be in keeping with what we've got there now, with what we've got with the apartments around, and if anyone has driven -- final point, if anyone has driven around the area lately, you've seen how all the roads around, whether it's Anderson lane, burnet, the feeder on 183, the feeder on mopac, they're all lined up at rush hour, lunch hour, sometimes even in between, just end to end cars where it's just hard for anything to move. The point is, we want a voice in proactively planning our area. That's one thing the illusion calls for. We're asking you, one, vote no on the zoning request, but to ask you to ask city staff to get our neighborhood plan going, to allow us and the other neighborhoods in the area as to participate in the burnet road corridor planning, and also that our neighborhood plan be respected like the other neighborhoods that allow city council, when the message go got approved, that the neighborhood plans would be respected and not trumped by new plans that come along.

[5:19:02 PM]

We're asking that our neighborhood plan be granted that same respect and authority. So mf 6 in our area is unprecedented and unnecessary zoning, without comprehensive planning, is detrimental to the quality of life for citizens, violates city of Austin planning principles, zonings variances have been recognized as a major problem in both imagine Austin and code next are intended to solve. Zoning requests in the area could have a substantial impact, negative impact on the quality of life in our area, as well as our property of areas. And so I'm asking to please let's give planning in the north Austin area back on track. Please support our ordinance, and please, finally, let's start with getting our planning back on track by saying no to this zoning request. Thank you for your consideration. Appreciate it.

>> Mayor Adler: Thank you. Yes, Mr. --

>> I just want -- what's on those -- what's on that lot right now?

>> There's an active business, Gordon automotive, and then there's a closed crump plumbing. There was a plumbing supply house.

>> Renteria: Okay. Thank you.

>> Mayor Adler: Thank you. Next speaker is --

>> Mayor, I have one other question for Mr. Weir.

>> Mayor Adler: Hang on a second, Mr. Weir. Mr. Casar.

>> Casar: Sorry, sometimes it takes a while to hit the button. You mentioned it's not your understanding that there's a market for large commercial services there, but there's been a conversation about how much traffic commercial services could bring to that area at the current zoning, versus the amount of traffic that would be brought by a multifamily housing development. So could you explain to me you and your organization's thinking around sort of the balance between those two?

>> Well, again, with the larger picture, what we're looking at is trying to get planning on track for our area.

[5:21:04 PM]

We would like to sit down with all stakeholders and methodically plan the development of our area so we can work out all these things and, you know, compromise with all the various stakeholders. But we know that this is not in keeping with what's fair and what will be, so for us this is a no-go mf 6, but whatever comes next, we want to sit down and plan it with all the stakeholders, to come to an agreement and decide together.

>> Mayor?

>> Mayor Adler: Yes.

>> I have a question for Mr. Weir also. Mr. Weir, did your group and the others who have been weighing in on this, did you consider any other options that would be -- for example, did you contemplate adding an mu to this? Did you talk with the applicant about whether he would be open to adding an mu, or vmu to the cs, which would allow the flexibility of doing this --

>> We did not. We did talk to them about the mf 3 or mf 4, but not these other options.

>> Tovo: Thanks. I'll pose the same question to the applicant. It may be that based on what he said earlier, that wouldn't provide as much density as they were looking for. That may have been the reason they didn't proceed along that path. Thank you.

>> Mayor Adler: Any further questions?

>> I'm sorry. I have a question but it's for staff.

[Inaudible].

>> Mayor Adler: That would be the way it would normally. I think if you had a question that you thought would better inform that, we could stop or keep going with the public comment.

>> I'm just -- what it's zoned now, yeah, the zoning now, if they decided to -- a commercial building decided to develop that to its full, I guess -- to where they could fully develop it, the way it's zoned now, they wouldn't have to make any changes, they wouldn't have to come to council and they wouldn't have to sit down with the neighborhood.

[5:23:10 PM]

Correct?

>> That's correct, council member. Cs is a general commercial services district, is one of the more intensive zoning districts in the city. Building heights is mentioned up to 60 feet automatically, so they could build, you know, four or five story building very easily under the existing zoning that is there right now. It allows for a great range of uses. Just about every retail use that you can think of sort of cocktail lounges is pretty much permitted in this zoning category. So high turnover restaurants, that would be permitted. Auto dealerships, things like that, those are all types of permitted uses in the cs category assist if I may, to that point, because it was clear that additional or new development, using the assisting zoning is absolutely possible there, that was a question I posed to the neighborhoods. If this is denied you take a chance the next person who comes in to make an offer on this land may build something entirely within the zoning in place and not -- you wouldn't have anything to say about that and the neighborhood was willing to take that -- take that chance. And I see that Kevin weir is nodding his head in agreement. That is a conversation we had, and that was the neighborhood's preference. So it's a fully informed preference.

>> Mayor? Can I get him while he's still standing? I heard some concerns about walkability in the area. What, if any, pedestrian improvements could or have you acquired that would come with the change in zoning to mf?

>> Well, the applicant would be required to address sidewalks and the streets that are adjacent to this property, not necessarily required to make improvements beyond. I'm not sure if the applicant has made any offer to do any other walk improvements.

[5:25:12 PM]

They would have to be accessible, on the property, and have access to the sidewalk.

>> So what I hear you say is that it would be required at least on the sidewalks adjacent to the --

>> That's actually required as part of our site code processing.

>> Okay.

>> Mayor Adler: All right. Next speaker is Sharon justice. Is Ernie Garcia here? Is Sharon clanagen here? Thank you. You have nine minutes.

>> Good afternoon, council. I'm a board member of the north shoal creek neighborhood association and I'm here to speak against rezoning 8528 burnet to mf 6. I want to explain why our association is against mf 6 zoning at this site, and I want to do it from the standpoint of traffic. I'm basing my case on a report done by the city's transportation department titled the final report of the Austin mobility north Lamar burnet corridor program. I think it's probably the transportation's equivalent to the planning department's burnet corridor program. According to this report, burnet's traffic is expected to grow 38% over the next 20 years. It recommends

setting a 20% growth in traffic volume as the goal for the development along the corridor. I hope the people in charge of development policy along burnet know about the 18% gap between what's probably going to happen to burnet's traffic and what the transportation department wants to see happen to bur burnt burnet's traffic. This report recommends sperm \$76 million to improvements on burnet road. Very usefully to my purposes purposes, it compares sections of burnet road to projected levels of service rating for the sections in 2031.

[5:27:18 PM]

After the \$76 million in improvements are completed. I want to focus on the level of service ratings for north shoal creek segment of burnet road starting at our northern boundary, which is the burnet 183 intersection. The report doesn't paint a pretty picture, either now or in 2031. Existing peak hours -- existing peak-hour levels of service for the eastbound frontage road at burnet and 183 that's existing currently are F in the morning and F in the evening. In 2031, they'll still be F and F. F is defined as severely congested, and I'm quoting here, traffic exceeds roadway capacity. The westbound project road is a little bit better off. It's currently a D in the morning and an F in the afternoon. D is the lower limit of acceptable operating conditions in urban areas. In 2031, the D will have worsened to an E and the F, of course, will have stayed an F. The tech-burnet intersection, currently B and C, declines to D and D. Anderson at burnet, which is north shoal creek's southern boundary, goes from D and D to E and F. That puts it in 2031 in the failing/failed category. I want to emphasize that these declines occur in spite of improvements. As a taxpayer, I find that somewhat disturbing. My tax dollars are going to fund improvements, not to make things better, but to keep them from getting a lot worse instead of just somewhat worse.

[5:29:22 PM]

The report also gives daily traffic volumes at various points along the corridor. It shows that daily traffic volley varies from a low of 19,800 vehicles per day at burnet's far north end to a high of 37,100 vehicles per day on the segment just south of 183. That's north shoal creek's segment on burnet. And it's and it's where this high density apartment complex, expected to generate 1,195 additional vehicle trips a day will be built if you approve it. Now in addition to the congested intersections, the high traffic volume and poor prognosis for traffic in 2031 there's another traffic factor related to this location and it's one that Kevin already spoke about. One of the complexes exits would be on Rockwood and as Kevin said Rockwood already gets a lot of speeders using it to bypass burnet's clogged intersections, particularly the 183 one. The speed mitigation from the local area traffic management program, getting funded by this program is a bit like being accepted by an ivy league college. There's a lot of competition and the odds are against you, but our Rockwood made it. To summarize, voting yes on this rezoning request will put a 300 unit apartment complex with a density of 107.5 units per acre, generating 1,995 additional vehicle trips a day on a road, burnet road, with a limited capacity to carry additional traffic on the segment of burnet that currently has the highest daily traffic volume and which lies between a failed major intersection to the north and a failing intersection to the south.

[5:31:44 PM]

Both of which are projected to deteriorate over the next 16 years in spite of improvements. Lastly, it has an exit on to a street with an existing speeding problem that also runs by a school. The north shoal creek neighborhood association thinks this is a bad idea. Our board has voted twice to object to mf-6 zoning at this site and in January our membership voted to object to it. We understand that central Austin needs more housing and greater density, but what Austin is going about this is having huge unintended consequences, terrible traffic and loss of affordability top the list. From my perspective, we're not ready planning development. Instead, in the name of density we're letting developers go wherever a development -- development go wherever a developer can put together enough land for a large, upscale rental development that will then be marketed to a single demographic, young singles and couples with disposable income. We already have two of those on Burnet road, Ali at 5350 Burnet, and Burnet Flats at 5433 Burnet. There's a third going up 12 blocks north at 6701 Burnet. That's Burnet Marketplace. There's a better way to densify Burnet. We don't need to look far for the answer. It's the long delayed and not yet started Burnet corridor planning process. Please vote no on this rezoning request. Please support developing Burnet road in a way that doesn't negatively impact the quality of life of the neighborhoods along Burnet. Thank you.

[5:33:45 PM]

I'll be glad to answer questions.

[Applause].

>> Mayor Adler: Thank you very much. Thank you very much. It's now 5:30 and it's time for proclamations and music, so we'll take a break right now and move to those and then we'll reconvene the public hearing on this issue.

>> Kitchen: What time would we --

>> Mayor Adler: Let's take about happen an hour.

>> Kitchen: And my question is --

>> Mayor Adler: Do we want to break for dinner and then come back? What time would you recommend?

>> Kitchen: What do we have remaining?

>> Mayor Adler: We have this item 73, which is the big item that we have. We have then beyond that -- just a moment. We have 79, which has 14 speakers. And then we have 86, the staff be issue. Ms. Tovo.

>> Tovo: Mayor, I believe we still have some items from the morning agenda that were on consent agenda that were pulled.

>> Mayor Adler: We do have a few of those, including parking at Mueller.

>> We have 50 also.

>> Mayor Adler: That's about what we have. Do we want to reconvene at 7:00? Do you want to do it more quickly? 6:30? All right. So we'll reconvene at 4:30. We'll do proclamations and music.

[5:47:38 PM]

>> Are you set? All right. Joining us today is son de rey, united by their love for Latin music and similar up bringings in Mexican-American households, son de rey creates music that reflects personal hardships and emotions, blending sounds of their Latin heritage with mainstream

American music. Son de rey has received praise from the likes of the Austin chronicle, univision, Telemundo. They are currently producing their first full-length album -- [lapse in audio]. Son de rey!

[Applause].

[♪Music playing♪]

[5:50:37 PM]

[Music playing]

>> Gracias. Thank y'all so much.

[Applause]. Thank you for having us.

>> Mayor Adler: Thank you. That was wonderful. So tell us, how do we access your website.

>> Check us out on [www.son de rey.com](http://www.sonderey.com). You can check us out on Facebook, Twitter, Instagram, all that.

>> Mayor Adler: And where do we purchase your music?

>> You can purchase it on iTunes or precord one of our debut albums on our website.

>> Mayor Adler: What is that going to come out?

>> We are planning for March the 16th.

>> Mayor Adler: That's exciting. First one, very exciting. And where are you appearing next?

>> Next we'll be at el megnon in pflugerville, the first Friday in March. You can find us there. And April we'll be in Poteet for the strawberry festival and then bastrop.

[5:52:38 PM]

So we're getting ready for a busy time.

>> Mayor Adler: Great. Good luck. It sounded wonderful. Let me read you a proclamation. This proclamation, be it known that whereas the city of Austin, Texas is blessed with many creative musicians whose talent extends to virtually every musical genre and whereas our music scene thrives because Austin audiences support good music, produced by our legends, our local favorites and newcomers alike. And whereas we are pleased to showcase and support our local artists. Now therefore I, Steve Adler, mayor of the live music capitol, do here by proclaim February 12th, 2015 as son de rey day in Austin, Texas.

[Applause].

[Applause].

>> Mayor Adler: How you doing?

>> Great. Good to meet you.

[5:54:39 PM]

>> Mayor Adler: We have a proclamation, be it known that whereas Austin industries based on engineering and technology feed our local economy and retain a highly educated workers in our area. And because engineers play such a vital role in our society, it is important to ensure that children discover careers in science and technology and engineering and mathematics and related fields. And whereas volunteers from local companies, organizations and institutions are making classroom visits during engineers' week, February 22nd to the 28th and will continue through the rest of the school year providing hands on activities and discussions about the importance of

engineers in society and career opportunities that are available. And whereas we applaud engineers and scientists who volunteer for classroom visits and other outreach activities and we support their efforts to inspire students, to pursue careers designing our future and improving our world. Now therefore I, Steve Adler, mayor of the city of Austin, Texas, do here by proclaim spring of 2015 as engineers week and discovery engineering 2015. Congratulations.

[Applause].

>> Thank you, mayor. And thanks to all of our volunteers and especially our steering committee who has kept this effort going for almost 20 years now. As the mayor mentioned, e-week starts in a little bit more than a week. I'd like to mention the two book end events. First the American society of civil engineers is going to be holding engineers day at the thinkery on the 21st and at the other end the Cockrell school of engineering is going to be having girl day at U.T.

[5:56:47 PM]

But we do visit classrooms throughout the year, especially in the end of spring. And we're always looking for volunteers and educators to invite us into the classroom. I'm not going to go through any statistics. I will send you to our central Texas discover engineering website, which is engineerintheclass.org, and you can take a look at it there. I have a couple of things for the mayor. First of all his own central Texas discover engineering t-shirt. Hopefully I picked the right size.

>> Mayor Adler: This looks like it will work. Thank you.

>> And you're more than welcome to join us in a classroom visit. You don't have to be an engineer or scientist. And come on out with us. The other thing is a kit of one of the activities we do. This one is called puff mobile provided by KLRU. In here you will find a sheet of paper, two paperclips, three straws and four life savers that are not meant to be eaten. And you have to design and build a vehicle that will go as far as possible on one puff of air. Now, it's missing the tape and the scissors, but I figured city staff could find those. And Ms. Chavez has enough for each one of the councilmembers should they decide to do this during the rest of the council meeting.

>> Mayor Adler: That sounds great.

>> Thank you.

[Applause].

[5:58:58 PM]

>> Mayor Adler: We have a proclamation. Be it known that whereas science festival 2015 will showcase the talent of almost 4,000 elementary through high school students from public, home, charter and private schools throughout greater Austin. And whereas fairs, science fairs like the Austin energy regional science festival 2015, with the theme uniting the world through science, helps spark an interest in children to pursue science, math, technology and engineering careers. And whereas we congratulate the participants, especially those whose winning projects will go on to the state and international competitions. And we thank Austin energy, our community owned electric utility, for sponsoring and organizing this event for the 16th year in a row. And whereas we also appreciate the newly formed Austin science education foundation for its role in securing sponsorships to fund the event. And now therefore I, Steve Adler, mayor of the city of Austin, do here by proclaim February 18th to the 21st, 2015 as Austin energy regional science

festival days. Congratulations.

[Applause]. We also have certificates and sponsors to hand those out.

[6:01:37 PM]

>> Thank you, mayor. We are honored to receive this proclamation and to be the host of this important event in our community. The science festival is the Austin community's largest sponsored event because it is essential to Austin energy to make sure that we remain competitive by helping to develop the next generation of engineers, scientists, technicians and other professions that make up our strong and growing economy. It's this strength of economy that allows Austin energy to support the community through its financial returns to our citizen owners and to help create the quality of life that continues to attract employers, jobs and residents to our area. Hosting this large event every year is not possible without the support of hundreds of volunteers and funding from sponsors. I want to thank the newly formed Austin science education foundation for helping to recruit volunteers and also raise funds. I also want to thank the five sponsors today of this year's science festival for their generous support. The sponsors this year are arm, Intel, synopsis, Bae systems and recurrent energy. Their support of the science festival demonstrates their commitment to our community and to the education of our children. It makes possible accomplishments such as those bilingually sue who is here today -- by lily sue. She is from the liberal Saturdays and science academy and won best of fair in last year's science fair.

[Applause]. Lily went on to compete at the prestigious international competition, the Intel international science and engineering fair. At the international competition, lily placed third at an international level, which is a tremendous accomplishment.

[Applause]. We wish lily the very best in her education and hope that she continues to live in Austin and support our growing community.

[6:03:38 PM]

Thank you, mayor, for acknowledging all of these efforts with this proclamation and these certificates. Now, if we may have the honor of taking pictures with each of the sponsors, thank you.

[6:07:59 PM]

>> Mayor Adler: The whole team is good. It is my great honor to recognize one of the premier small business programs in the country as it celebrates 15 years of supporting Austin's small businesses. The city's small business program, which is part of the economic development department, has won numerous awards for its programs and its services. It serves thousands of Austin area entrepreneurs every year and we are pleased to be a leader in addressing small business needs in a Progressive and enterprising way. We have a proclamation. Be it known that whereas this month the city's small business program of our economic development department proudly celebrates 15 years of helping small businesses launch and grow, contributing to Austin's economic success. And whereas this award winning program continues to expand its programs with particular focus on business trends and needs, including the aid and local services, the local Austin eye org website and mobile app loan program. Technology resource center,

training classes and more. And whereas, like an aspiring business owner, the city has a dream of assisting small business -- assisting small businesses, develop, execute its business plan and in 15 year's time has become Austin's premier provider of small business services. And whereas we congratulate the small business program team for their tireless efforts, creativity and passion for their work that has led Austin to be ranked one of the best places in the United States for small businesses.

[6:10:06 PM]

Now therefore I approximate, Steve Adler, mayor of the city of Austin, Texas, do here by proclaim February 2015 as the small business program day. Congratulations.

[Applause].

>> Thank you, mayor. Hi, my name is Vicky Valdez and I manage the small business program division of economic development. And tonight's proclamation is one of the most special we've received because it marks an important milestone for the economic development department's small business program. This month, as mayor mentioned, marks our 15th year of serving small businesses in our community. We offer a full range of assistance from information and referral to business education classes and loans for small businesses. Our reach is considerable. We have served over 30,000 Austin area entrepreneurs these past 15 years and I'm just going to -- if you let me I'll share a couple more statistics about our program. This program has earned 25 awards, including many national and international awards, some from very prestigious organizations like the Harvard institute and the international economic development council, but we are also just as proud of local recognitions we have earned such as from liveable cities. 1,030 new jobs have been created by entrepreneurs utilizing our services and this pace is rapidly accelerating since the creation of the family business loan program, which has made five loans totaling \$1.6 million. We've provided over 47,000 -- 47,000 hours of no cost or low cost training. And last year we partnered with the office of the governor to host our signature event, getting connected, nearly 700 entrepreneurs came to the palmer events center in one afternoon to gain access to small business resources and capital.

[6:12:11 PM]

So in closing I would like to thank the city of Austin staff right behind me and also upper management. And tonight we have with us the assistant director at the economic development department. I report to her. And mayor and council, for its past and continued support of the economic development department's small business program and its commitment to small businesses in Austin. Thank you, mayor.

[Applause].

>> Mayor Adler: We have a proclamation. Be it known that whereas domestic violence is a serious crime that affects people of all races and ages, genders and socioeconomic levels.

[6:14:12 PM]

It is the leading cause of injury to women, more than car accidents, muggings and rapes combined. And whereas everyday two people report being raped or sexually assaulted in Austin and 90% of Travis county's sexual assault survivors knew the person who assaulted them. And

whereas v-day calls on women and men in communities everywhere to rise in defiance and in celebration, showing the world strength of global solidarity and the power of art to educate, to transform and transpire. And whereas we urge austinites to show their support for survivors of domestic violence and sexual assault by participating in the activities planned by v-day Austin. And v-day Austin espanol. Specifically the one billion rising for revolution event and any one of us, voices from prison performances. Now therefore I, Steve Adler, mayor of the city of Austin, Texas, do here by proclaim February 14th of 2015 as v-day. Congratulations.

[Applause].

>> Thank you very much. My name is Laramie Gore and one of the organizers for V day and one of the producers of any one of us voices from women in prison. I want to say a special thank you to the city council, to mayor Adler and for the chief of police, Art Acevedo, for sponsoring this proclamation. We are here today because as you know, violence is an epidemic. And v-day is a global movement to end violence against women and girls worldwide.

[6:16:14 PM]

V-day is a catalyst that promotes creative events to increase awareness, raise maintenance and revitalize the spirits of existing organizations that are doing the work every single day. To this day v-day has raised over \$100 million to end violence against women. Once again, \$100 million to end violence against women.

[Applause]. And there's new local and community and university productions of the vagina monologues and other plays. Part of one billion raising is to let people know that one in three women across the planet will be beaten or raped in her lifetime. That is one billion women and girls around the world. Every February we rise in hundreds of countries across the world and local communities to show the world what one billion people look like. We rise through dance to express joy and community. To celebrate the fact that we have not been defeated by this violence. We rise to create a new kind of consciousness, to be braver, bolder and more creative. We can facilitate this change. You can help us. We are rising for revolution on February 14th, 2015, right here at city hall, Austin, Texas. We'll be here rising for revolution. Will you join us? Thank you.

[Applause].

[6:18:44 PM]

>> Garza: Good evening, I'm happy to be here today with representatives of the Austin-Travis county family violence taskforce to recognize teen dating violence awareness and prevention month. One in three young people will experience some form of abuse in their dating relationships, and the repercussions of teen dating violence are impossible to ignore. They hurt not just the young people, but also their families, their friends and schools and communities. And understanding the warning signs is the key to ending this cycle of abuse. So throughout February organizations and individuals nationwide and here are coming together to highlight the need to educate young people about dating violence. And to teach healthy relationship skills and prevent this devastating cycle of abuse. So I'm going to read the proclamation. Be it known whereas respectful, supportive and non-violent relationships are key to safety, health and academic success for young people and whereas teen dating violence is a significant health issue with 10 to 20% of youth reporting physical or sexual violence from a dating partner. And whereas

victimization increases teen's risk of injury, substance abuse, eating disorders, unwanted pregnancy and sue I'd, young people exposed to violence are also at greater risk for becoming victims and perpetrators in adult relationships. And whereas we urge citizens to join the austin-travis county family violence taskforce in promoting healthy teen relationships and in participating in activities and conversations about respectful and non-violent relationships in their homes, schools and communities. Now therefore I, Delia, Garza, Steve Adler,
[laughter]

[6:20:50 PM]

Preclaim this teen violence and awareness month in Austin.

[Applause]. And I want to recognize some members of the taskforce to come and say a few words.

>> Thank you, councilmember Garza. Good afternoon, mayor Adler, councilmembers and guests. My name is berry rosenbluetooth, I represent safe place and the austin-travis county violence taskforce and we are joined tonight with representatives of A.P.D., chief Acevedo, Travis county sheriff's office, the constable's office, constable Lopez, and a special person, Elizabeth, a mom who lost her daughter Jennifer nine years ago to teen dating violence. As a community we have made great strides in confronting adult domestic violence. Unfortunately there are many young people next in line to become victims and perpetrators. Teen dating violence can range from name calling and put-downs to sexual assault and homicide. And like adults, teens are at greatest risk during and after a breakup. We have lost several young women right here in Austin. National survey data shows that 10% of high school students report physical and sexual violence from a dating partner. That's high school students. And this results in serious and long-term consequences, including physical and mental health issues and substance abuse, dropping out of school. Suicide. And unwanted pregnancy. The austin-travis county family violence taskforce and its partners work year-round in schools and with youth in community settings to prevent teen dating violence and to promote healthy teen relationships. Tonight we thank you for recognizing February as national teen dating violence awareness and prevention month with a proclamation.

[6:22:52 PM]

And we believe that our combined efforts can reduce and prevent dating violence, protect vulnerable teens and create a safer and healthier community for all. Thank you.

[Applause].

>> I am delighted to introduce to you a boy scout troop that took on as their project the cleanup of all the wonderfully decorated holiday trees that are on 360 each year. We love the trees. They get us in a festive mood really quickly. A lot of the people that put the decorations on the trees do manage to take decorations down, but as these gentlemen and young men know, there's a lot of trees that stay decorated.

[6:25:01 PM]

So their project was to make sure they were all cleaned up so that they didn't infect our environment and the property around in a negative way. So we invited them here to thank them

very much for this project. And I would like to read a proclamation and then our chief, police chief, is also here who would like to say a few words because he was a scout. I want to make sure I gave him the right scout title. So city of Austin community service award, we are pleased to recognize boy scouts of America troop 511 for their effort to help clean up the holiday tree decorating that has become an annual tradition on loop 360. Their work along with the efforts of other nonprofits, together and dispose -- to gather and dispose of tree decorations before they become debris along our roads and streams help to keep Austin add beautiful and safe place to live. This certificate is issued in appreciation thereof this 12th day of February in the year 2015. And it is signed by mayor Steve Adler and all of the councilmembers.

[Applause].

>> Thank you, councilmember Gallo for taking the time to recognize the excellence of these young men back here. Everybody knows the key to a successful community is its young people. And so to the scouts, congratulations. You all know how involved we are in the police department. We have the Waterloo district that I helped launch that has about 1500 young boys in east Austin that are making a difference. And you all made a difference. The mayor and councilmember Gallo and the whole council, thanks for recognizing collective excellence. Good job, boys.

[Applause].

>> Hi. My name is Dawson and I'm the senior patrol leader of troop 511.

[6:27:03 PM]

And I can't tell you how great of an honor it is to be up here and to be invited to accept this certificate, not just for troop 511, but for scouting as a whole. Really what we are is just a small part of a big thing, which is -- [lapse in audio] Thank you for having us.

[Applause].

[6:50:31 PM]

>> Mayor Adler: Are we ready to gear back up? We're going to reconvene the meeting. We are now out of recess. We're going to continue with item number 73. We are in the public comment, public hearing part of this item. We are with Alicia Haggerton. Is Alicia here? Steven yarek? David king? And I -- and I left off Kelly -- Kathleen Kelly. We'll get to her next. Go ahead.

>> Thank you, mayor, mayor pro tem, councilmembers. This case is an important case because if it's approved, it could result in overdevelopment that will increase flooding, erosion, traffic and parking issues in the neighborhoods. And we've seen this story play out in other neighborhoods. And one neighborhood that comes to mind is the south Lamar neighborhood. And because of overdevelopment there, the previous council had to implement the south Lamar neighborhood mitigation plan. To mitigate the problems with flooding, erosion, traffic and parking that was created from overdevelopment in that area. So I hope that we don't repeat that same mistake here and that we take that lesson learned and apply it to future requests for zoning changes like this in other central Austin neighborhoods.

[6:52:31 PM]

And we talk about one of the problems with the current process is that the traffic impact analysis

is -- for proposed projects is insufficient because it doesn't consider the aggregate impact of multiple development projects that each generate less than 2,000 trips per day. Right now it's 2,000 trips per day is the threshold. If you don't generate more than that, you don't have to do a traffic impact analysis. And if you have four or five of those projects going on in close together, then the aggregate impact is much greater than 2000. So we need to be changing the way we do traffic impact analysis to take into consideration the aggregate impact of multiple small projects. That's why we've run into these problems of overdevelopment and we have greater and more intense traffic congestion. So I think if we're going to have a new way forward that we need to consider establishing a new policy to require that a thorough infrastructure capacity analysis be done to determine the transportation and water drainage capacity as well as the water, wastewater, electric utility capacity of a neighborhood before approving a project that will increase demand on the infrastructure. And I ask that you please also require a policy to require that a water availability assessment be completed for all residential and commercial projects to identify the long-term water -- source of water that will be needed to serve nut residents and businesses. Given the current drought we may not have enough water to serve current residences and businesses so we must act now to make sure new development is sustainable and affordable over the long-term. Thank you.

>> Mayor Adler: Thank you, David.

[Applause]. Kathleen Kelly?

>> Houston: Mayor, may I make a comment? Mr. King, thank you so much. You went through that whole presentation without a single acronym. Thank you.

[Laughter].

[6:54:35 PM]

>> Mayor Adler: Sharon justice. No, Kathleen, yes. I'm sorry, I didn't see you. Thank you.

>> This side?

>> Mayor Adler: Yes.

>> Hi. Thank you for allowing me to speak today. I appreciate the opportunity. I've been a homeowner in the neighborhood under -- with this zoning issue for 20 years now. And I hope that you will oppose this zoning change from cs to mf-6. I think it will create too much traffic. There will be too great a density. I disagree with the developer's definition of density and walkability. I think you will have many more vehicles in the neighborhood. As it is now our neighborhood has become a shortcut from 183 or from mopac to cut through to burnet road. Adding an additional 300 units will decrease walkability of the neighborhood and increase traffic, which is already a major issue. And kids can't play in their front yards because you've got people speeding down the street. There have been several instances in our neighborhood where you can't get out of your driveway for six cars going by. I've had that problem repeatedly trying to go to work in the morning. And I go to work at 8:30 in the morning. It's something to consider. I like the neighborhood association being for something that's lower density and like an mf-3 or 4, something with the pocket neighborhood type mentality where there's common space and not multiple additional cars going through the neighborhoods. Thank you for your time.

[6:56:35 PM]

And I hope that you will oppose this zoning change.

>> Mayor Adler: Thank you, Ms. Kelly.

[Applause]. Mike Gordon.

> You can come together. Between you you have six minutes.

>> Council, mayor, we just want to say that we're -- we're having to sell out, we're kind of forced to sell out, and I feel like that what they're proposing is probably going to be the best product for this neighborhood. The -- if we have to go commercial, I have talked to some people in the car business, but anyway, I really wasn't for sale, but they came to me with this and I have to sell anyway. So anyway, it's just something that -- I'm kind of nervous. I have never done this before.

>> Mayor Adler: You're doing really well. It's new for us too. It's new for us too.

>> We're extremely nervous and we don't know the formality and we don't have the eloquent words that everyone else has. We're a family-owned business. Mike has had foreign automotive for almost 50 years. That's a long time. We're very community oriented. We have a great crew. We have guys that have been with us 20, 25 years in the automotive business for automotive repair.

[6:58:38 PM]

Now, how many shops do you know that have that kind of statistics? Because usually the turnover is real quick. Because we're good to our people, we're a good company. We care. The developer also is a family-owned business. It's a son, a family and a grandfather. They care. They care what they do, they care -- they're just like us. I mean, we haven't been in business for 50 years because we're shoddy, and they're good at what they do and they know what they're doing. And what they have proposed, it's not a detriment to the neighborhood. You're not going to get a bunch of riff-raff in there. You will get first class residents. The city of Austin has built burnet road as a high density road. It has a bike lane. It has your mass transit for Austin. You even have a lighted crosswalk. I mean, this is not planned because it was meant to be. I mean, it's -- there's more people moving in to that area and they're making it conducive for more people to live there. I mean, you've got a crosswalk that's a lighted crosswalk in between two intersections. Now, the city of Austin is not going to do that unless there's more people going to be there. You're talking about 300 people that are going to come in and live in this area. And for the life of me I can't figure out how that would be a detriment to neighborhoods that aren't even close by. I mean, some of these neighborhoods that have talked aren't there, they're further out.

[7:00:46 PM]

And the other issue that -- that I have, and -- there's two. I had a career and I've only been helping for ten years. When I first started ten years ago, Gordon automotive's taxes were 20,000 a year. In a matter of four years, in one year it went from 20 to 30,000. Last year our taxes were 30,000 a year. This year, our taxes were 43. Okay.

>> That's why we have to sell.

>> Who's going to pay 43,000 a year in taxes? That's almost a thousand a week. I mean, and that doesn't have anything to do with our expenses. You know, we have utilities and lights and we have our employees. We're good to our employees, and I'm so nervous.

>> Mayor Adler: You're doing well.

>> So, when what I ask all the neighborhood people is, if you don't want anything there, do you want to buy us out? Do you want to pull your money together and buy us out? And if you don't

want to do that, what is it that you want in that space? I mean, what would make everybody happy? It's not feasible to have an apartment complex for a hundred people in that space. And the other issue I have is Ms. Pool stating her opinion before you heard from us. And we're the people who have the property. And no one's ever contacted us and asked us. And you made your statement from the very beginning that you were totally opposed to it. How do you think that made us feel when we're here fighting for our retirement? We've worked over 50 years, and we're ready to retire. And so what are you doing to us?

[7:02:48 PM]

And we've helped you guys for 50 years.

>> Mayor Adler: Thank you, Mr. And Mrs. Gordon. I also want you to know that I put council member pool on the spot. I shouldn't have asked for the motion from her until after the public hearing, and please chalk it up to my inexperience. I went to her too early and probably put her on the spot. We're going to come back to her, and I think she's going to change her motion, as we have our conversation.

>> Okay.

>> Mayor Adler: But that was -- that was my mistake.

>> Okay.

>> Mayor Adler: But thank you for your comments.

>> Do you have anything else to say?

>> Mayor Adler: No, that's --

>> I think we're done.

>> Mayor Adler: All right. Thank you.

[Applause] I have Steven zintner. As you're coming down, Mr. Zintner, is Pamela Ferguson here? Is catta carbon here? Is Peggy emacio here? Is Thomas Rodriguez here? That gives you 15 minutes.

>> Lucky you. Hi. I'm Steven zintner. I'm president of sustainable neighborhoods for eight years. Our organization has championed a vision for burnet road that is transit oriented and age had of inclusive. And that means as infill occurs along burnet road, we want to ensure that we retain a place for all ages and incomes like we have in our existing communities today and in particular a place for children. Before I start my presentation here, I want to speak to one of the points that was a question that was raised prior to the break about the amenities that might be provided along the corridor from this development. The city -- the city's requirements for amenities along burnet on this particular part are fairly lacks.

[7:04:54 PM]

They don't require trees. The sidewalks I believe are like five feet. It's not a core transit corridor so there are less. They're more relaxed about the amenities. That said, having talked to the developer, I expect he probably would provide quality Maine quality amenities given the nature of this project. He only has about 15 feet of exposure onto burnet, so it would look nice where it was, but it wasn't fundamentally change the nature of the experience on burnet. I have two concerns with mf-6 at this site. One of them is demographic. The demographic impact of this type of high-end apartments along burnet. And it's not any particular one that we're seeing. I think there are some places along burnet where it's appropriate to have this level of development.

I think in particular near the rapid transit, and I'm going to speak to that later. We've talked about village centers along the corridor. The problem is, that's all we're getting right now. Every development that's coming in along Burnet is the same style high-end, four-story apartment blocks, and they're composed of 60 to 85% single occupancy units. That means that most of the housing we're seeing coming in along Burnet is locking out, in effect, families with children. We're getting very narrow demographic along the corridor, high end, mainly singles. And over time, cumulatively, that's shaping a different culture that's kind of out of sync with the existing culture in north central Austin. The other challenge with these taller buildings is that each floor that you add to a development is adding about 20% to the cost of the square footage of the apartments. The more affordable development is two-story or missing metal housing, and that's something my organization has championed along Burnet.

[7:06:59 PM]

We need that to achieve affordability in our part of the city. These four stories are expensive to build and they're not attracting the people who need affordable housing. The other concern I have is transportation related. It's about the implication of the site relative to where the best quality transit is, the rapid transit, or I just call it rapid transit, the 803 rapid transit service at crossroads near 183. That's about a six-minute walk, a six-minute walk may not seem like that far. I mean, it's doable, but it's going to affect how many people actually make that walk to reach the rapid transit. It's going to cut down on the number of people, especially because most of these people who are living in this place are going to have cars; they're just not very likely to make that walk. The same concern for the regular bus service, the number 3, which is right adjacent to the property, but what we see is the people who have cars don't use that this far out from downtown. It's about seven miles from downtown. The challenge of getting people out of their cars in suburban areas of the city is a huge one. And it's not just in Austin. This map that you see here is Portland, Oregon. It's a well-known comparable city for planners because they've spent decades working on transit development in their city. The numbers that you see on this map are five apartment complexes around Portland. Eats the number of times per day per apartment that people drive in their cars. So what you see is that even in Portland, a city that's way ahead of us in transit oriented development, people in suburban Portland are still driving about six car trips per day per apartment. That's a typical suburban level of car use.

[7:09:00 PM]

You have to kind of start to break down how you get people out of cars, as you develop farther into the suburbs. And I think part of the solution is looking at what we have in downtown, we have way more transit corridors, they're close together, they're compact, they reinforce each other. The circles that you see on this map are the transit service areas for the rapid transit. They also overlap. They're reinforced. And probably the most important factor in getting people out of cars is proximity to walkable destinations. For a five-minute walking distance in downtown, you can reach about 250 potential destinations. That's what's really getting people out of their cars in downtown. This is the same scale map for north central Austin, the early suburbs. This was laid out for cars in the 1950s and '60s. Things are just more spread out out here. We have one corridor supporting the entire rather, rather than 12. The transit service areas are more spread out. There are numerous gaps in service, including at this site. It's just going to be very challenging.

And at this particular site, because of the linear geometry of the corridor, you only have the capacity for maybe 50 destinations. That's about 20% of what we saw for the downtown example. So what we're proposing is to apply a number of things in concert at the right locations along the corridor. You add the highest density at those locations, but the more you have the best quality transit, in our case, the rapid bus stations, put them where you have the most push for mixed use, for walkable destinations, like at Anderson or 183, and that's where you invest your limited resources because, believe me, this city has limited resources to work with here, to add the pedestrian amenities like plazas, parks, trails, the things that are actually going to get people out of their cars.

[7:11:10 PM]

We made these arguments to planning commission. We pointed out that code next, the consultants that they brought in to guide them on these types of decisions, fully support this approach. They endorse all of these concepts. They still didn't agree with this in their recommendation, and so we thought we really kind of had to take our argues to the next level, if we can't bring policy makers to burnet road, maybe we need to bring burnet road to the policy makers. So the next part of my presentation is going to be Kevin weir, who you heard from earlier, on burnet road, making my remaining points from the context of burnet road so you can see the challenges we face on the ground. Yes.

>> [Off Mike]

>> Hopefully.

>> If I could just ask, are you a planner? I guess I'm trying to figure --

>> No, I've just been doing this for eight years as a volunteer.

>> So you're like a volunteer planner because you're giving us some data did about getting people out of their cars.

>> Yeah. I like to think about trade-offs, and that's how I come at it.

>> [Off [video playing.]

[7:13:27 PM]

>> Probably a little different than the conditions you experienced downtown out in the suburbs, probably [inaudible] A little nicer experience, maybe a stroll around lady bird lake or closer to second street, a little bit different experience.

[Inaudible] Residents would actually take the bus.

[Inaudible] Closer to downtown to see how they ride the bus. As you can see, [inaudible] Not one resident [inaudible]. During this same period of time, nine cars came in and out of the parking garage.

[Inaudible] New residential along burnet road that would be one thing, but there's already 200 acres of residential

[inaudible] Along burnet. That's an increase of about 60,000 car trips. By the way, the developer told the planning commissioners that the bus [inaudible].

>> This site is not convenient to the 803 rapid transit line, I would just disagree. It's about 1200 feet from the rapid transit stop at the crossroads. What he didn't point out was, and what this commissioner pointed out was, the northbound stop for the 803 is directly across the street at the intersection of polaris and burnet.

[7:15:43 PM]

[Video playing.]

>> It is appropriate, the zoning is appropriate in this spot, and I really do think that people will start using our transit, our rapid transit more frequently, especially if it's right in front or right across the street.

[Lapse in audio]

[Video playing.]

>> It's about an hour trip. How do you define transit friendly? Is having a stop seven miles from downtown right out front transit friendly? Do we really think the current residents aren't even using the bus, that high end clientele with this new development, do you really think that clientele is actually going to take the bus? What are the intangibles about transit, the quality of the experience, walking and waiting. There are some things we can do to improve the experience [inaudible]. Realigning the sidewalk and getting farther away from the street. The city said that's years away because they don't have the budget. The noise and the smell of burnet road sure isn't going away. That's [inaudible] Village center makes sense. You can pull back from the road a little bit. You can be protected from the wind, the noise, the smells. You can get a cup of coffee and have a better experience.

[7:17:46 PM]

You can't do that everywhere along the corridor, unfortunately, this segment I'm walking now is always going to be less fun. So here we are at the bus station, [inaudible] Another six minute to wait for the bus. Thank you very much. You're listening to [inaudible].

>> Thank you.

>> Mayor Adler: Thank you. Any questions? Van Iman? Gill gabeler?

>> Mayor, council members, thank you for this opportunity. I'm the civil engineering consultant for the developer, so I'd like to speak, not just in favor of the project, but provide a little more balance to some of the boring engineering elements that might be helpful as you consider your decision. I am a registered P.E. in the state of Texas, and I have a master's degree in community and regional planning. The number of issues that have come up, for instance, the drainage, the water runoff the site currently has approximately 80 percent impervious cover, so this development, as it would come and include all the various water quality elements, would actually provide an improvement to the drainage and water quality over what currently exists on the site. With respect to balancing the needs of the neighborhood and the needs of the city at large, in all those multiple thousand users of arterials like burnet road, you have challenges.

[7:19:49 PM]

There's the question of balancing how soon the infrastructure in the service provision comes along, versus the demand for it, namely, as you've developed an 803 route and you have regular stops that can get you to those rapid stops, you have an opportunity to walk that six minutes or take the bus. The fact is, the crossroad stop was located in an already highly developed retail area. There's not really any room to push a residential trip generator much closer than this location. This location then becomes optimal. As the map showed the various overlapping

locations for the 803 on in to Austin, this location would be right in between the two current stops, and could merit ultimately having a stop at this location and lip alternating that walk based on simply bringing those users in. The timing of the infrastructure is always a challenge. With respect to water and wastewater, we have just received information on our service extension request, and there is only a small improvement midway between us and the treatment plant on wastewater. The water and infrastructure is already in place, and the wastewater infrastructure is already in place, and this is investment that the city has made and isn't getting its full return on. With respect to getting the return for the citizens of the area, the enhanced value of this high density development is going to provide additional revenues for the city to use to invest in transportation improvements and for the school district to use to invest in additional school improvements. The last point I'd like to make has to do with everybody's -- has little romance with Portland and the downtown nature of it.

[7:21:51 PM]

The way most cities are growing these days, they have elements called edge cities, the gateway, the domain. These are major employment centers, major activity centers, and I would like to suggest that the number of trips actually coming into the downtown area and adding to the congestion here will be less than the number of electric I hope so of trips that gonorthward. Thank you.

>> Mayor and council members, thank you for your time. I'm a long-time friend of Mr. Crump and he is not able to be here tonight, so I wanted to speak on the project. I've been helping him with this for a while now. The group that has come before you to develop this is a high-end, high quality, multifamily developer. You can see in the package you have in front of you that they have a rendition of what they plan to put out there. This is not a low income kind of deal, but they do allow for the low income component that the city has required. So what these guys want to do, they want to come in and vest in the neighborhood. They want to bring tax dollars, increase -- increase the value of the area and bring more improvements to help improve the neighborhood around there. So on Mr. Crump's behalf, it's the intent that, like the gordons, it's his intent to retire. And this is part of -- you know, this is what he needs. He's been running a plumbing supply business, and it's time for him to move on and do other things. And this is what he's going to need to help him get there. So if this doesn't -- if this doesn't work, the mf-4, the developers obviously said there's not enough density to make Numbers work so it's not a viable transaction with that kind of zoning.

[7:23:56 PM]

So then it goes back to the cs. Well, the cs, you know, is going to create a lot more trips here day, or has the opportunity to create a lot more trips per day than the 2000 that this developer wants to put in there. So you end up with -- who knows what you end up with? You end up with a six-story office building. You end up with car dealerships. Can you imagine car dealerships in and out of there and cars turning left and right, and test drives going all through the neighborhood? So there are lots of things that cs could bring that would be a whole lot worse for the neighborhood than mf-6, with these restrictions that they've agreed to, that it would bring for this neighborhood. So the idea is, look at what these guys -- the developers do, the type of projects they have. Their integrity they have. They want to bring investment to the area. Let them do it.

Let them help -- let them help the area grow. Austin is going to grow. We know that. We want it to grow smart. This looks like a smart way to grow it. Thank you, council.

>> Mayor Adler: Thank you, sir.

[Applause] Those are all the public speakers we have. We have another two people that are signed up against this project but are not speaking, and we have 12 people who are signed up for the project but are not speaking. So that -- I'm sorry? The applicant now gets a chance to rebut. > you have three minutes.

>> I want to thank all the neighborhood that showed up and voiced their concerns. There's obviously a lot of vision for where we're going in the neighborhood. And I'd just like to discuss the true impact of this because we're not starting even from a zero base.

[7:26:02 PM]

You know, when we look at this site and the impact to the neighborhood, we're not creating 2000 trips per day by changing the use. I'm looking to create a more efficient [inaudible], which multifamily will provide, 8,000 less trips per day than if we built it out as an office or a car dealership so that's 8,000 less people on Rockwood lane and 8,000 less going down burnet road. We're trying to do it right. Ideally would be closer to the 803, we, potentially, but there are realities. We're as close as we can get to that stop. The six-minute walk, you know, with some of the transportation issues we're dealing with as a city, we're going to have to, I think, learn a little bit that a six-minute walk -- I know I'm from New York and we walk six minutes to get somewhere. And some mentality is going to have to change with these new options to get people out of their cars. I think providing the infrastructure and density around these transportation options is how we start that trend and how we optimize on all the money that's been invested for these rapid bus transit lines. We are looking -- you know, the demographic, I think, has been a little misrepresented. The unit MIX that we're proposing is not 85% single dwelling. We have 25% two bedrooms, 10% three bedrooms, and the trend of empty nesters that no longer can take care of a yard or have too much space, that they are unable to really satisfy, they're moving into apartments. And we are providing the necessary square footage and unit MIX for a number of different demographics. That's all I've got. Thank you.

>> Mayor Adler: Any questions? Ms. Garza?

>> Garza: Can you explain the smart housing program?

[7:28:02 PM]

>> In terms of the affordability or --

>> Yes.

>> So it's taken from the 80% median family income, with 20% of that being able to -- being charged to rent, monthly rent. The savings with that program, it's tough to see with what market rates will be when this development comes to refusing, if it does. , And what the median family income is. I ran some Numbers. The trend seems to be going up to around two dollars a square foot for rent product. We've calculated savings starting at \$900 a year for a two had of person, and that's in a studio, so that's the lowest, which can go up to \$35,000 for two people at the 80% mf-I living in a three-bedroom. The savings are real. We voluntarily incorporated it and, you know, it was also mentioned that there are -- it doesn't represent the product type that is there. That's the point. We're looking to offer another option besides multifamily that was built prior to

1985.

>> Mayor Adler: Ms. Houston.

>> Houston: So can you tell me what the price point [inaudible]?

>> The price point is going to be market rate.

>> Houston: And what is that, have ir?

>> Well, today for product after 2005 in central and north Austin, it's about 1.70 a foot.

>> Houston: I'm asking you for --

>> So calculated with the 1.67, if it was today and this was finished, we'd be starting at around a thousand dollars a month for a studio, and just under 3,000 or around,000 for the three-bedroom. And that's an 1800-square-foot three-bedroom and a 600-square-foot studio.

[7:30:03 PM]

>> Houston: And one other question regarding the smart mixed income, accessible and reliable transit oriented development, and this is probably not something that you can answer and housing people could probably answer it, but what about accessible -- how many accessible units will you have in your development?

>> 10%, and it's my understanding -- you probably would have to check with the smart housing for confirmation, but 10% of the units have to be accessible, and that's defined with easy access, certain building code requirements that we're going to have to abide by.

>> In your unit, I'm not sure how many units you're projecting, but how many units is that?

>> Truthfully, with the concessions made, I know the number was 300, as 244,000 square feet, we're probably around 230 to -- well, 225 units, I would say. So 22, 23.

>> Houston: Thank you.

>> And just to add, smart housing defines transit oriented as within a half mile of transit. You know, we're .2 miles and then just another .2 miles to -- in between two of the 803 rapid bus stops. The three, which that was -- Mr. Gilmore misspoke. The 3 is right outside. If you don't want to walk the six minutes, jump on the 3, get on the 803 and keep going.

>> Mayor Adler: Okay.

>> I have a couple of questions. C. J. Can you give us a breakdown of the number of substitute I don't, one bedroom, two-bedroom, three-bedroom, and tell us how many of that MIX would be in the affordable package, the 10%, how many three-bedrooms and how many two?

>> Currently we have it configured as 10% studio, 55% one bedrooms, 25% two-bedrooms, and 10% three-bedrooms.

[7:32:11 PM]

In terms of the MIX of units that are going to be put under the smart housing, that is yet to be configured. Truthfully, we've gotten a lot of indications of, you know, we need the mf-6, we need a certain amount of density. It's been difficult to foresee as we've been making all these concessions, the market is going to be a little bit different, so currently I don't have the unit breakdown that would be put under that program, but that can be facilitated if that's information the council needs.

>> Thanks.

>> Mayor Adler: Any further questions?

>> If there are no further questions, Mr. Mayor --

>> Mayor Adler: Let me check and make sure. Any further questions? Ms. Pool?

>> I was -- well, I had a couple things I wanted to say, and then I wanted to see if the body would entertain a new motion from me. And thank you, C. J. Yo don't have to hang at the podium anymore if you don't want to.

>> I want to say one more thing. The fact that we are asking for the same density, and just looking for residential use, the mf-4, the mf-3 further restricting density because of residential use indicates it's preferred more commercial area in the area because it's allowed more density if we build commercial. Truthfully in this neighborhood, with more commercial, I don't think that's the route we need to go.

>> Mayor Adler: What is the density? What's the difference if it was mf-4?

>> It is .75 to 1, so we would go from 244,000 square feet of buildable to less than 90,000. And that's the reason that mf-6, we've tailored it to take away from the increased height, you know, the increased density. We're asking for no more than we have, but all the other mf zoning there's too much drop to make this happen.

[7:34:14 PM]

>> Mayor Adler: With the conventional overlay you're bound to the 60 feet and 225 units. Are you also bound to the smart housing?

>> Yes. We have a certificate to smart housing. We've already dedicated future units to the smart housing program.

>> Mayor Adler: So that's enforceable as against --

>> I don't know how it is enforced, but I believe it's enforced or we've dedicated.

>> Mayor Adler: Okay. Is that true? To we know that, Mr. Guernsey?

>> In the smart housing program they can take advantage of some lower costs of filing. They also get some benefits that would actually be retracted and have to pay back the city for the loss of those units that were not affordable. So there are penalties if they don't follow the program. They are obligated when they go into that smart housing program, to keep those units for the term of whatever that is. In this case, I think it's ten years. I think it was modified because it wasn't stated originally how long that period would be, and that's why they came back and they gave us that time period.

>> It was initially five years, and we offered to extend it. It was all voluntary coming in that we were going to dedicate these smart housing units.

>> Mayor Adler: But at this point it's no longer voluntary, at this point you're in that program, it will either happen or there will be the penalty.

>> That's correct.

>> Mayor Adler: Thank you. Ms. Tovo, then Mr. Zimmerman, then Mr. Casar.

>> Tovo: I have a few questions. Mr. Guernsey, I think this one is for you. On this last point, if the developer or if another developer is developing a site and decides not to -- not to dedicate those units as affordable, they would have the option of paying back those benefits.

>> Yes.

>> Tovo: They are not locked in to creating affordable units on that site. They would have an option of paying the differential back to the city.

[7:36:16 PM]

>> Yes.

>> Tovo: Okay. So it's not a --

>> They're obligated to go under this program if this developer comes out, then the city is owed for those differences and those fees and things that would have to be paid back.

>> Tovo: But an individual developer, as he or she began the project, could also change the change his or her mind and say, you know, we're not going to be able to develop this as smart housing, we're not going to participate any longer, we would like to pay back differential --

>> I think I -- if the zoning goes forward, I think I'd want to go back and talk to Betsy Spencer. That does not happen that often, for me to have enough knowledge to give you a good answer right now. Regardless of the outcome of this case, I'll get with director Spencer and we'll get back an answer to you, but I don't -- I don't know that many cases where we have not completed smart housing project once they've entered the program.

>> Tovo: I think that would be useful to know going forward. Thanks. And this is a pretty short -- I appreciate that it was five and you extended it to ten, but compared to some of our other affordability -- housing affordability programs, it's a pretty short term. Usually it's 40 years for a rental. Can you explain why this one is -- why smart housing is such a shorter time period?

>> I would have to actually probably turn to the developer and ask why they selected that period.

>> Tovo: Is it developer discretion?

>> Well, there is a time period on smart housing, and certainly coming in, I think five years sounds low to me. I'd have to go back myself and probably look at that, and I can go back and check my notes real quick and get back to you.

>> Tovo: Yes. It seems to me, compared to our other programs, it's a shorter term. Mr. Gilmer.

>> The minimum term is five years under the smart housing program. We were asked whether they would consider increasing that at the planning commission to ten years, and we agreed to it.

[7:38:16 PM]

The other thing I wanted to point out is that the Normal allocation of smart housing is 10%, and we voluntarily agreed to make I -- make I 15%. So there is some -- there are some benefits that were volunteered on this that are beyond program minimums.

>> Tovo: Thanks for that clarification. I would also -- I know that you were asked this question and you answered it, but I'm not really clear on the answer. Council member pool asked a good question about how those -- what the affordable housing -- what the affordable units would ask consist of in terms of bedroom count. And I think I heard that the percentages you cited, were those overall percentages, 10% studio, 55% one bedroom, 25% two-bedroom, 10% three-bedroom?

>> We are not calculated the MIX and have not been required by smart housing for which unit MIX is falling under that.

>> Tovo: Okay. But the percentages that you cited earlier, those were for the overall unit.

>> Correct.

>> Tovo: The overall bedroom count in the units.

>> Correct.

>> Tovo: But part of your smart application does not ask you to identify whether the 15% of the units would be studios or whether they would be two-bedrooms.

>> That's correct.

>> Mayor Adler: Mayor pro tem, it is five years --
>> Five years is the minimum for regional place of single or multifamily.
>> Mayor Adler: Okay. Mr. Zimmerman, Mr. -- I'm sorry, Kathie, were you done?
>> Tovo: For the moment, yes.
>> Mayor Adler: Mr. Zimmerman.
>> Zimmerman: Thank you. If you can help me out a little bit, this has been really eye-opening. This is my first major zoning debate here, and I was inclined coming in, and I think I'll always be inclined to look at these debates from a property owner's point of view; right?

[7:40:24 PM]

If someone wants to develop property, they have property rights, but the existing property owners who have an expectation for their neighborhood staying a certain way because the zoning rules are in place, kind of seems like a default contract; if somebody came in and the neighborhood was a certain way, the zoning restrictions are that way, they have an expectation it would stay. But I haven't heard that much. I've been incredulous to have people walk up and be objecting to your project because they want to get people out of cars. And I'm scratching my head thinking, what's that got to do with somebody's property rights and the value of their property, if you have an agenda to get people out of cars? It's been really confusing. But the question I want to ask you is, how much money do you think has been invested so, to produce these kind of drawings and plans and you got a civil engineer involved; how much money town you've invested in trying to get this project going, and how long have you been working on it?
>> I mean, I don't have a number for you. I know that we've pursued this every avenue. We've obviously consulted on all the concessions we've made. We've, you know, met with the neighborhood. We look at this -- you know, we're long hold developers, just how our vision is. We're going, you know, three miles north of burnet flats, which is the most recent development to come online. We're 2.3 miles south. We've taken a risk to be here because we do believe in the 803, and we believe in all the access points that are going to be generated from this location for people to access workplace where there's higher rents. You know, we look at this as a more citywide view of affordability as well, and we've invested a lot of time and money to research that.
>> Zimmerman: That's what I was trying to figure out, and I think the point I'm trying to make is, I don't think people appreciate how much all of this contributes to the cost of housing in this city.

[7:42:24 PM]

You know, the -- I lived in Houston for about 13 years. Everybody ridicules Houston. They like zoning. But, you know, you can get more affordable homes in Houston without all of this, all the contention, all the planning, all the conflicting rules, all the conflicts between people, and I came in here being inclined to vote with council member pool, but based on all I heard, I'm inclined to vote for your project.
>> Thank you.
>> Mayor Adler: Okay. Further questions? Mr. Casar.
>> Casar: Yes. I have one question for the applicant and then one question that may be best for Mr. Guernsey. My question for you is, if we were to move forward with mf-4, I have heard that

you sound like you would -- you've stated that you would walk away from the project, but can you project at all what the price point per unit would be if you had to build on that lot with the economics of that lot, to build units there at that -- in that zoning category?

>> Right. I mean, with the mf-4, you're now at less than half of the developable square footage. I think the product would be a little bit different, and truthfully, the density is driving us creating more options for people in the neighborhood because the options aren't there right now. There's been a lot of talk of polite of families and different things, and we're not -- the product isn't there to attract these younger demographics of people starting families in the area because they don't want to live in an apartment building that was built in '83. You know, the options aren't there for them. If you were going to do mf-4 to get the same economics, you'd obviously have to multiply by two and add a little bit because, you know, you're getting cut down on your developable square footage. But the product type would be different. It wouldn't be as much money invested to provide the amenities. You know, we have 25,000 square feet of outdoor space, for residents to use with trees and landscape with the pool.

[7:44:35 PM]

We have bike storage, with all these amenities comes cost, and the density which we're asking for, which we're allowed under the current zoning, is just to allow us to create this in the neighborhood.

>> Then, Mr. Guernsey, is there -- is there lands nearby in that area of 083 that is zoned for multifamily and for large additional residential capacity?

>> Council member, I couldn't answer that off the top of my head.

>> Okay. I'm sorry, I went a little overboard with that question.

>> I might be able to provide you a little bit more information. If it were zoned -- being zoned mf-4 and you were to -- at least under zoning regulations -- try to build a maximum number of units under mf-4, you can only get about 54 units per acre, and that's if you built all efficiencies, and most people don't build all efficiencies. If it was a 50% MIX of one-bedroom, two-bedrooms, under mf-4, you get close to 40 units per acre. And I think right now it's proposed about 107, I think because of the number -- that I heard. So just to give you some perspective of what the difference would be in the number of units, I just wanted to offer that for your attention.

>> I guess my question was trying to get to the point of the fact that it sounds like there's a plan for this to be a commercially zoned area, but it seems it makes sense for there to be additional people that get to live and enjoy that part of town. So I don't know if anybody from the neighborhoods with greater knowledge might know if there is still the opportunity for additional housing to be anywhere near that area, if the zoning change is required to create that opportunity or not.

>> I plan to offer a new motion along those lines.

>> Mayor Adler: Any additional question? First Kathie and then Ms. Gallo.

[7:46:37 PM]

>> Tovo: Thanks. Greg, I think you were just answering the question that I had wanted to ask, but I'm not sure I fully understand the answer. Did you say that the -- under mf-6 there would be 107 units per acre?

>> I think that's what's actually proposed with this particular project per acre, is about 107. That

was the initial. We capped it at 300 units. I'll tell you truthfully, 244,000 square feet of developable, we -- yeah, we're around 230, I would estimate.

>> Tovo: So that's what I was trying to get a handle on and it's related to the information Greg was just giving us. But you had said before you think you're looking at about 225 units. If it were mf-4, what do you think you're looking at?

>> With -- I think with the units per acre -- if I have a calculator --

>> Tovo: It sounds like there's more information to be gathered about that, but you seem very solidly interested in getting mf-6 because the Numbers didn't work so I guess I would really like to better understand how carefully that option has been analyzed.

>> We've analyzed all the a options. The driving variable to all this is the floor to area ratio, which is drastically increased from what we're proposing in terms of our restricted two to one at mf-6. It's cut by half to mf-5, then .75 to one for the remaining. And then Mr. Guernsey was mentioning we then evaluated the amount of units per acre, which is an additional requirement under these other mf-zonings. Not only does it reduce unit count but to make everything work, it would have to be all efficiencies and small units.

>> Tovo: Before, when you were talking about -- when you were answering council member Casar's question, I thought I heard you suggesting that that seems to be the market in that area, for studios and --

[7:48:45 PM]

>> For studios? We have 10% studios.

>> Tovo: 55% one bedroom was a large number of one-bedrooms. Sounds like what you're moving toward is predominantly one bedroom units.

>> Yes, which is the trend, as was seen about 85% single dwelling units. We are trying to make and provide the opportunity for, you know, 25% two, and 10% three, which are larger Numbers than typical comparables, but we have to make it -- we need the demand of the market as well.

>> Tovo: I understand that. I appreciate that you're trying to bump those Numbers up, as Mr. Zintner said. I mean, it is a really important goal for this city to make sure that the housing that's coming online is isn't all efficiency and one bedrooms or we're not going to have places for people to live who have children or parents or others living with them. So it's -- it is something we always need to be concerned about. As we're considering zoning, which is always discretionary, we need to, you know, ask those kinds of questions, so thank you for being willing to provide that information. Mr. Guernsey.

>> I was going to say at 225 units you're looking at about 80 units per acre, based on the revised number we were given.

>> Tovo: So just to summarize, it sounds like you're saying the applicant is requesting or proposing a project that's about 80 units an acre. The zoning under mf-4 would look more like 54 units per acre.

>> If you did all efficiencies, if you did 50/50, I've got about 40 units Mary acre.

>> Tovo: But I would assume that's about the same; right? You were calculating the 225? No, he was not. Okay. Thank you.

>> Mayor Adler: Ms. Gallo.

>> Thank you for being here and answering all these questions to everyone.

[7:50:45 PM]

I'm really struggling with trying to understand the neighborhood's opposition to this. And this comes from a real estate background. I see a property that is currently zoned cs and can have all sorts of potential uses that would probably increase density and also increase traffic. And housing is such an issue, multifamily, I'm looking at the other uses for the surrounding properties to this, and I see cs zoning on all of them except it looks like to the west is an mf-4. The mf-4 property is adjacent to it, but it looks like a single family. So it's a reasonable buffer. But this property would be abutting commercial and burnet road, so it just seems like in our plans that more intensive uses work out from the residential areas, and having single family to multifamily 4 to this being a multifamily 6, to commercial, to burnet road, just seems to make sense. And I'm just really struggling with the neighborhood's desire to make this commercial versus residential. And I just -- I'm trying to wrap my thought process around that. So I really need some help with that. The other issue is that I do think that we need a variety of housing types in neighborhoods. You know, I have two children that are -- grown children that are 28 and 31. This is a wonderful neighborhood. I have a stepdaughter that lives in a house that she rents in the neighborhood. It's an older house and it rents for \$2,000 a month and she loves it. But most kids would prefer new properties with newer amenities and newer styles of floor plans and we're lacking that in that area of you know to.

[7:52:48 PM]

And there's lots of young professionals that are moving to that area. They like the ability to walk to restaurants, and that area of burnet road is certainly expanding and growing in that direction. So this has been a real challenge. I'm really struggling with this because I want to be sensitive, and I've always said this to the neighborhood concerns, but I'm just not understanding the neighborhood thought process for not embracing multifamily in a quality development over what I see as could be really difficult, dense, high traffic commercial uses for this property. So ...

>> Mayor some.

>> Mayor Adler: Mr. Renteria.

>> Renteria: I'm a supporter of density, especially at 60 feet. We have a lot of these units here in east Austin where I live at, and not only have these units made our local business more profitable, I mean, we're getting -- they're getting -- I'm actually seeing people walking their dogs, their families. You shouldn't be afraid of, you know, the kind of density that this project is proposing because it really makes people come out and walk. And when you have people out in the street walking and enjoying the community, you're also reducing the crime that goes on in the community because there's more eyes in the street. Your businesses will profit off of it, especially the restaurants and the local stores that are around there, retail. So, you know, I've worked out there at IBM for like -- over 34 years, and I've seen that, you know, we need to slow that traffic down, and the only way you're going to slow that kind of traffic down -- and let me tell you, a lot of people get scared about having traffic slowing down, but your businesses all the way around there will benefit with slower traffic. Once you bring in people, they're going to be demanding more lights in that area which will benefit that area, too.

[7:54:57 PM]

So I'm really kind of torn because I'm a neighborhood advocate, but, you know, I also know that,

you know, we need to build more density. And that's what Austin is going to become, in the inner city, because° no more room to build single family housing, and it's very expensive when you're building single family housing. I can tell you our Normal lots in our area are going for 400 and \$500,000 now, which, you know -- and I really feel bad about the couple there that own the property because they have worked there all their life and now they have an opportunity to go out and sell the property and enjoy the rest of their, you know, life that they have. So I'm going to support this -- this project.

>> Mayor Adler: Ms. Pool.

>> Is it all right if I make my alternative motion?

>> Mayor Adler: Why don't you do that and see if anyone has any objections of substituting it. >

>> Pool: All right. So I wanted to withdraw the motion I made earlier and move that this case be approved on first reading and move to second and third reading at a later date for an mf-4 zoning, taking into consideration the very real traffic safety issues that are in the area, the very real requests of the adjacent surrounding neighborhoods, all of which, every single one, has weighed in on this in support of the north shoal creek neighborhood association have requested this be zoned mf-4; taking into consideration some traffic planning that I'd like to talk with our traffic folks about, directing traffic along Rockwood, so that we can slow the traffic down and especially around pillow.

[7:57:02 PM]

I would like to look at increasing the component of affordable housing in here. There are no real certainties under smart housing. I don't know if it's a percentage of the floor or if it's a percentage of the units that would be considered affordable. So I'd like to get that worked out. So that's the substance of my motion. And really, C. J., you don't have to stand there anymore. You're fine. You can -- really, you can sit down. I wanted to just make a -- take a moment and make a couple comments about the Gordons and the Crumps. Because I have been their customers, too, and my mom used to take her car over to Gordon Automotive, and she was really pretty proud, the widow that she was, to be in charge of taking care of her car. So she went over to Gordon Automotive, and they did treat her right. And I thank you all for that. I appreciate the fact that you are looking to sell your property and go into a new phase of your life, and I support that, and I don't think any of us here want to get in the way of that. I think that, based on your concern and your neighbor values that you have brought to this little corner of our community, that you also want to be sure that the neighbors aren't diminished by what may come in the future to the lot when you do sell and move on, because North Shoal Creek neighbors are going to still be there, as will Wooten and Allandale and Crestview, Brentwood, Rose Dale and North Burnet Road as well. So my goal in trying to lay a predicate tonight for the amount of density that North Shoal Creek neighborhood association has indicated their support for is to draw -- to begin to have some kind of idea for developers who are looking for predictability, and I agree, we all want to have some predictability.

[7:59:25 PM]

We haven't done the corridor study yet. We know that there are traffic -- I'm sorry -- density nodes. Steven Zintner has done amazing work in analyzing this corridor that he has lived on for so many years, working with the neighborhoods to come together with a consensus of their

understanding of how this corridor should look ten, twenty years from now when, frankly, many of us won't be sitting here in this room. We want to make sure that what we put here in place is a plan that both respects the established neighborhoods absent people who have lived in that area for a long time or even just a few months, that is also flexible enough so that the millennials coming along behind us and are already here, can live and enjoy the neighborhood, and we don't put in any codes or restrictions that are so inflexible that they can't later make changes in them. All that having been all that having been said I would like to reit at a time that this is a very appropriate area for mf-4 density. I think the city needs to work on traffic corridors. I don't like seeing the neighborhoods held hostage to the fact that we haven't had either the funding or the time to get in place the kind of vehicle infrastructure and transit, including the sidewalks and walkable smooth sidewalks for people who may not be walking, but may be in a wheelchair, so that they can get from place to place. I think that we need to focus really strongly on our mobility corridors so that when we come to these really, really difficult decisions, we're not pitting the neighborhoods who are living there and they will be there long after the gordons and kronks sell their property and after that is built, they will still be there and they will have to deal with the results of this.

[8:01:31 PM]

In order to try to make a better plan, I would propose that we try to limit it at this area to the mf-4 and then please, I ask staff and council to work hard on forwarding our plans for mobility so that we can have the infrastructure prepared for the kind of density that we need to see along the traffic corridors. One last thing I would say at this point, the burnet road traffic corridor is entirely in district 7 and I recognize that from the day I threw my hat into the ring to run for office. And it was a lot of learning that I had to acquire in a very short period of time. And I thank a number of the people in this room for help meg to even begin to lift the corner and the edge of that large amount of knowledge to understand what it is that we're working on here. But these are large issues and they will ring down the years ahead of us. So I want us to make the right decision and the plan for this corridor is absolutely imperative. I don't want to set down a high end density at this particular spot, at this particular time because it's going to set additional precedence for the rest of the corridor that that corridor cannot handle given its constraints even with our mobility planning, which we still need to do. So I'm sorry for taking so long, but I really needed to get a lot of that out there. And I do thank the gordons and the crumps for their good service to our community and our neighborhoods in the past. I thank cj and Henry for helping me understand your projects and I really thank the neighborhoods as well for come along with me as this first bay due zoning -- debut zoning case of mine. I'm sure we'll have many more in the future. Thank you.

>> Mayor Adler: There's been a motion. Councilmember pool has asked if there's any objection to her withdrawing her earlier motion and change it to one recommending approval on first reading for mf-4 and for closing the public hearing.

[8:03:40 PM]

Is there any objection to her changing out her motion?

>> Zimmerman: Well, I may have an objection. I guess what I heard earlier is that the developer, the one that's pulling this project together and doing all the planning and getting the financing

and all that tremendous amount of work, he's told us that if the mf-6 is not approved that the project is dead.

>> Mayor Adler: Are you okay with her changing her motion and then amending it to be what you want it to be and then voting it down.

>> Zimmerman: I'm confused where that would leave us.

>> Mayor Adler: It just gives us something on the floor that is different than what she has.

>> Zimmerman: Okay.

>> Mayor Adler: Okay. No objection, we'll do that. Do we have a second to the new motion?

>> I'll second.

>> Mayor Adler: Now we have discussion on that motion with the opportunity to amend it or change it.

>> Could I?

>> Mayor Adler: But first, councilmember kitchen and then councilmember Zimmerman.

>> Kitchen: As I understand this motion, it's a motion to approve on mf-4 on the first reading only, to provide additional time for this neighborhood and the developer to work on a number of the items that councilmember pool has laid out. So I'll be supporting it because I would like to give the developer and the neighborhoods in this district the opportunity to do that. And I think we can move it forward this way by supporting it on first reading only and then we can make a decision when it comes back on second and third reading. And perhaps there will be an opportunity between now and then for some of these questions to be addressed.

>> Mayor Adler: Mr. Zimmerman?

>> Zimmerman: I don't know where this leaves me. Maybe I'm speaking against. Again, it was my understanding that in order to make the economics work, in order to meet the market and in order to make the deal financially viable, I think we were told several times that he had to have that density of the mf-6.

[8:05:44 PM]

And if it's down to mf-4, there's no longer a viable plan on the table. That is what I heard D I miss something there? Maybe he can come back and tell me one more time.

>> Mayor Adler: I think that's what he said. I think that's what he said, is the economics. Further debate or discussion on the dais?

>> Renteria: Yes. Mayor, if we are going to do that and then he can't continue with the mf-4, we might as well just vote it down.

>> Mayor Adler: I'm sorry?

>> Renteria: We might not as well not let him continue coming every week. We might as well just vote it down and not -- and deny the zoning request because we're not going to allow him to get any more than mf-4 and he said he can't do it with mf-4. So we might as well just say that -- save his time.

>> Mayor Adler: I understand. Ms. Garza?

>> Garza: A point of clarification on this process. So if we were to vote on a first reading passage at mf-4, that could get voted down and then the original would come back at mf-6.

>> Mayor Adler: We could also have someone that would amend it now to approve the recommendation as made by the planning commission. Which was mf-6 with the conditions and incorporating the limits to the 225 units. Which was I think post-condition addition. Someone could make that amendment.

>> I think there's a question first. Mayor pro tem have a question?

>> Mayor Adler: Mayor pro tem?

>> Tovo: I wanted to say I think it's also an option to pass this on first reading today with the motion we have before us. It allows the developer and the neighbors some additional time to talk. And we still have an option at our second reading to make an adjustment to that really in a multitude of directions.

[8:07:48 PM]

So I think this is a starting place for that discussion. You know, I appreciate what's been said about the financial elements of it, but it's really our -- I mean, it's -- it's one of the considerations a person has to make when they're choosing a lot to consider developing. And it's not -- it's not an entitlement that currently exists with this tract to build to mf-6 density. That's why the applicant is here and that's why we're determining whether it's in the best interest of the city from a planning perspective to grant that zoning. The financial considerations are -- probably each of us considers those relevant to some degree or another, but at the end of the day we have to make the best decision from a planning perspective. And I am supportive of this motion certainly on first reading. I think again it sets a good -- acknowledges some of the concerns we had raised and also acknowledges the developer's interest in creating a high density residential project on that corridor.

>> Mayor Adler: Further discussion?

>> Renteria: What was the motion?

>> Mayor Adler: The motion right now is to pass on -- to pass on first reading mf-4. What would happen then if it would then come back up on second reading, if it was in posture and it could be changed or someone could move right now to amend to pass it on to first reading.

>> Renteria: I would like to make a first motion to pass it on first reading with mf-6.

>> Zimmerman: I'd second that.

>> Mayor Adler: A second to that motion. Is there any discussion? I guess it's the same discussion we've been having. Does anyone else want to discuss on this issue?

>> Renteria: The reason I'm saying mf-6 is that at least he knows that he has a chance to go out and negotiate. And then we could say no when it comes back, but if you say mf-4, then why is he bothering to negotiate with the neighbors if he knows he's not going to get his density that he wants.

[8:09:59 PM]

>> Mayor Adler: Okay. My sense is that -- my sense is that the will of this council is going to be to pass this on first reading. Which means nothing is going to get decided tonight. And which gives everyone more time to be able to talk to one another and visit with one another. And I think that's probably appropriate with the first zoning case that we have. You know, I'm concerned about how we approach these because there's going to be a lot of these cases we get and a lot of them seem to have continuing elements to them. I'm concerned that we have a plan that's coming up on a piece of property that should be covered by the area study and the area study is not done, so I join in that because if we could get to a place where we're planning not on an ad hoc basis, but rather we're planning for a community and for a city that's going to be so much better for us. [Applause]. The problem we have and the challenge we have is we can't stop the city from

moving forward while we're doing that. And it seems to me that we have a responsibility as a government to push those plans and to get us out of this gap moment as quickly as we can. Traffic is the same way for me. You know, I look at the objections to new development that people are making and I think it's very legitimate for people to say, oh my god, don't let anything else be built anywhere near me because traffic is already too bad. The problem is in this city that it's gotten to the place where it's too bad in many places. And if we're going to stop development where traffic is too bad, then we're going to get close to a moratorium on development there as well. So I would hope that with the new charge that we have as a council to deal with big issues and to deal quickly and to deal proactively that our committees that are dealing with mobility and our committees that are dealing with planning put your heads around the issue that I'm not sure we got real good answers to when we had the policy meeting the other day, which is what do you do in a situation where additional development is by definition going to be coming in areas where there's already too much traffic?

[8:12:32 PM]

What do we do from a planning perspective? What is the smart and wise thing for a city to do? On this particular plan I'm happy we're going to pass it I hope to a second reading because I think that gives us, everybody, a chance to sit down and talk with one another. I'm encouraged and I think that it's good that the developer in this case has offered to -- has agreed to a lot of restrictions and to decreasing the height from 60 feet and going to 225 units, to do the smart housing project associated with this. But in this intervening time I sure would like to find out if there's a way that we could enter into that and not move out of it, which is what my understanding is is that it would be available to a subsequent buyer if the property were flipped. I like the voluntary increase from the 10 to 15% in the MIX. And if there was a way to go past the 10 years, that would certainly be a nice thing to be able to see. That all said, since we're going to go from first reading to second reading, I'm not sure I care whether we're passing it on first reading on mf-4 or mf-6 because I think we're going to be confronted with the same policy issues the next time that we're together as a group on this. But I would just add those general comments to where I am sitting where I am. Further debate?

>> Zimmerman: Mr. ,I call the question.

>> Mayor Adler: There's been a motion to cut off debate. There are a couple of people that haven't had a chance yet to speak. He's withdrawn that. Why don't you go ahead and you get a chance to speak on this issue.

>> Casar: Mayor, for now I understand that there is not -- it doesn't seem like there's such a difference between passing on mf-4 or mf-6 on the first reading, but my inclination would be that since we do have this gap about what we're going to do, in the intervening months or years if we could put together a bigger plan about where we're going to butt all these people that -- put all these people is the best move is to maximize the community benefits that we have and new construction does not generally lean towards more affordability.

[8:14:53 PM]

And under the mf-6 that is being proposed there is a component of affordability and that's something I'll be looking towards as we look at other readings is affordability and walk around and burnet road so if we are making changes to plans that have been made, even if they've been

made awhile back, that we try to maximize the benefit that we can get for the community.

>> Mayor Adler: Does anyone else want to speak on this issue?

>> Renteria: Mayor, I also would like to propose that we close the public hearing also.

>> Mayor Adler: The motion is to pass on first reading at mf-6 and to close the public hearing.

>> Casar: Point of clarification for councilmember Renteria, do you mean mf-6 as the staff recommended the smart housing and the limits to 60 feet?

>> Mayor Adler: In addition with the limitation to the 225 units. I think was the subsequent concession.

>> Zimmerman: Now can I call the question.

>> Mayor Adler: The question has been called. There's no further debate on this issue. So the motion and the question we have is to approve a recommendation on first reading only mf-6 with the additional condition to limit to the 225 units, whatever the -- it was like 200,000 square feet, I think was the actual standard. Is that what it was, Mr. Guernsey? It wasn't elimination, it was --

>> It would be the same as a two to one F.A.R. That already exists in the property. I think around 244,000. But two to one F.A.R. Is the same thing you could do under the counties zoning and -- under the cs zoning and so we could calculate that out.

>> Mayor Adler: I thought it was 300 units down to something that was like --

>> It was 225 units. I think on some of the square footage he was talking about.

>> Yeah. I was -- I reduced it to the 244. I was at 250 prior to this hearing. We reduced to the 244, which is the two to one F.A.R.

[8:16:56 PM]

That is under cs. I guesstimated how many units that would be, but I'm fine committing to the two to one F.A.R., 244,000.

>> That's what I consider the additional concession to be. So I understand the motion is as recommended on first reading only, adding the condition to go to the two to one F.A.R. And to close the public hearing. And no further discussion? All in favor raise your hand, please? Did you get that, Janette, that was one, two, three, four, five, six, did you raise your hand? Seven. Those opposed? To four. It passed on first reading. Thank you. We're now going to go to item number 79.

>> Thank you, mayor and council. Greg Guernsey, planning development and review. Item number 79 is case c-14-20140178. This is the project known as the overlook at spicewood springs, located at 4920 spicewood springs road.

[Lapse in audio] The property itself along spicewood springs road is approximately 4.28 acres in size. Your zoning and platting commission recommended the staff recommendation but added some additional conditions. One, that administrative business office, medical office exceeding 5,000 square feet and medical offices not exceeding 5,000 square feet. And professional offices would be a conditional use. And being a conditional use would require the zoning and platting commission to review a site plan and approve it as a commission and not administratively.

[8:19:03 PM]

Also to limit the height of the buildings to 35 feet or two stories. And then to limit the intensity development to less than 500 vehicle trips per day. And as we said earlier, 2,000 was the Normal limit and they've dropped that to 500.

>> Mayor Adler: Mr. Guernsey, could I get you to pause for one second? Because we have a whole group of people here that I think are waiting for the consent item on transportation that Mr. Casar pulled. Hold on one second. And I think your desire to pull that consent item was to just get a clarification on what parking was encumbered?

>> Casar: Yes. And I believe Ms. Tovo has a more clear update than I do.

>> Tovo: I think we do have some of our transportation staff and actually a representative from catellus. Thank you, I know you were here all day and left and came back, so I appreciate it. So if the council is ameanable, perhaps we could --

>> Mayor Adler: My question is because we have a lot of people waiting for the planning commission too. If it's a question of clarifying what spaces are taken or not and that would enable us to move to a really quick vote to we can get back to this quickly, I would be okay with that.

>> Tovo: Sure. It's my understanding from the question I posed in the Q and a, that the parking lot at L lake creek park will not be metered. I think we talked about that. Councilmember Casar had very good questions about that in our work session on Tuesday. We talked about that being metered. It's my understanding from the Q and a that it will not be metered and that it would require a subsequent vote of council to make that metered. Is that accurate, Mr. Spillar?

>> Yes, ma'am. Robert spillar, transportation department. I think earlier we said that it had been part of the discussions, which in fact it had been with the neighborhood. What I mistakenly forget to tell you is that it is owned by the poa and so that does require a secondary deliberation by council in terms of an intergovernmental agreement with the poa.

[8:21:04 PM]

Thank you very much. Homeowners association.

>> Property owners association.

>> Thank you, property owners association.

>> And [indiscernible] From catellus is here. I wonder if she could confirm for us that there is not an immediate plan to make that a parking area?

>> That is true. We had -- in the plans for the parking and transportation management district, it's a comprehensive view of the whole property, but we have known that that as not being a part of public right-of-way that in order to implement meters there it would require a second agreement that would need to come before council.

>> Tovo: Okay. I really appreciate you being here for so much of the day. I know that was a concern to certainly some of --

>> Casar: And one last question for Mr. Spillar. Is it contemplated as part of the plan to eventually move forward to meter it? Are you contemplating bringing that agreement to us?

>> Yes, sir, but of course that is a decision that council would have to enter into.

>> Casar: And how difficult would it be logistically or operationally if that agreement was brought forward for us to remove some of the existing -- some of the meters that are being put in or to not meter the whole parking lot such that in some free spaces would ultimately be preserved for the playscape?

>> We would be happy to look at a variety of scenarios. Our concern is that particular parking lot right now is often full due to activities not related to the playscape. So I will tell you we're scratching our heads in terms of how to make more of those spaces available for folks headed to the playscape. But we will certainly work to bring back and bring you ideas.

>> Casar: Thank you. I appreciate your head scratching. And I know it's not an easy issue, but it is just -- I'd like to recognize catellus and the property owners association, everybody working there that you have one of the most diverse playscapes I've seen in Austin and that's a valuable thing and I would like to keep it that way if we can.

[8:23:09 PM]

>> Mayor Adler: Where we are, councilmembers, is we are on item 38. My understanding is we've now clarified number 38 to indicate that there will not be the metered spaces on the parking lot that's close to the playscape.

>> Tovo: Mayor, I would like to move approval.

>> Mayor Adler: There's been a motion to approve 38. Casar seconds. Is there any debate? All those in favor say aye? Those opposed anyway? Nay? It's unanimous on the dais. We will now go back to where we were. Thank you.

>> Thank you, mayor and council. I'll continue. There is a valid petition that has been filed against this zoning request. It currently stands at 40.92, which means at third reading if you were to consider this case, it would make a super majority vote or nine affirmative votes to override the petition as it's submitted. There is quite a bit of opposition that has been filed and that's in your backup from various groups. Also, we are in receipt of a proposed conditional overlay that I understand has been proposed by the neighborhood that's in yellow that I believe you have up on the dais. There are some environmental conditions that exist on this property. And there's some rim rocks and some seeps and wetland areas. Our environmental officer, chuck lizniak from the water protection department is here should you have some questions about that. The property itself is currently undeveloped to the north and south and west are existing offices. To the east is some single-family zoning. It's undeveloped. And I think I'll pause if you have any questions because I think there will be lots of discussion and questions along the way and I believe we have close to 45 minutes' worth of speakers.

[8:25:18 PM]

>> Mayor Adler: Does anybody have any questions before we go to the applicant? Is the applicant here, please?

>> Yes.

>> Thank you, mayor and councilmembers. I'll make this quick. I'm Scott Taylor, the project manager on this. I've been working with the neighborhood group since about June. What I'd like to do is just highlight the fact that we've go com to agreement on all points on this. We've agreed to a building height limit of 35 feet, a front height limit of 25 feet. A back height limit of 38 feet. We've agreed to two stories. We've agreed to 32% impervious cover. We've agreed to 500 traffic count. We've agreed to a list of prohibited uses. And right now the only point that we've not come to an agreement on is the size of the building. We're proposing an 18,500 square foot building. As of last night they sent across requesting a 12,000 square foot building. That is really the sole point that is of issue. I've met with all the councilmembers or their staff over the last couple of weeks and I appreciate your -- your time. This is a 24-acre track that we're carving out four acre directly adjacent to spicewood springs road to build an office buildings. There's office buildings surrounding is it. The tract is sf 2. The family has owned this for about 40 years. They're last in line along spicewood springs road and they're asking for an lo zoning right now.

It's 4.2 acres out of the 20 acres that's directly adjacent to it. The proposed impervious cover, again we're agreeing to a 32% limit. It's allowed 40% by the watershed.

[8:27:18 PM]

As you can see the other portion of the property will be undeveloped and undisturbed. My screen went blank.

>> Mayor Adler: All the screens have gone blank.

>> Okay. So scoping in you can see that we've got office buildings on either side. Again, that's 31% impervious cover. Right now there's a subdivision in process with the city of Austin dividing the 24 acres into a four acre and then a 20-acre single lot where one house can be built on 20 acres. It's an 18,500 square foot building. All of the parking, there is no surface parking. It's all concealed below the parking. What we've done is spread the building over the parking. And we've moved it back 25 feet. We've moved our water quality off to the side to be sensitive to some canyon rim rock and all of our water quality will flow away from the canyon rim rock. The building again, it's two stories with two levels of parking directly underneath it. For commercial design standards we've got about # thousand square feet of office at the ground level. The remainder of the space, about 15,000 square feet, is stacked up above it. We're agreeing to the 28 feet at the front, 38 feet on the back. 10-foot cut to get equipment around the back, otherwise the tree line will be undisturbed, and we'll be essentially screening the garage from the valley residents in the back. This tract of spicewood springs road by the commercial design standards was specifically noted. Spicewood springs road from Mesa to 360, that this is an urban roadway so we're asking for an office building on a designated urban roadway per the commercial design standards.

[8:29:20 PM]

It's the only one on this list that has a section that is two-lane. The rest of it is all four-lane. There's about a thousand foot section that remains two lanes. Part of the 2025 metropolitan plan is that from mopac to Mesa is a major arterial divided six lane. From Mesa to 360 is a divided four lane. So both transportation plans acknowledge that is an urban roadway, that is a core transit. It's the only east-west thoroughfare between 2222 and 183. It's a screech that would give us east-west relief that this area of Austin badly needs. Again, these critical environmental features, once we went in, and I've met with the hydro geologist, essentially the whole valley section of the mayberman's property is critical environmental features. On top there are two lines of rock that we're working around environmentally. And in fact we'll improve water quality on the site by taking the unfiltered water from spicewood springs road, rapturing it, filtering it and discharging it. Whereas right now it's going unfiltered into bull creek.

[Buzzer sounds] I had three minutes that was given to me. I don't know if that was played into the fact or not.

>> Mayor Adler: It was not. You can keep going.

>> Okay. We're 750 feet away from the closest house in the rear. Again, proportionately this is showing the two stories with the buildings around it. The building directly adjacent to us is a 13,000 square foot building with a parking lot skid it that no longer meets commercial design standards. Looking down you can see the amount of impervious cover that is cleared out on the properties around it to allow for surface parking. All of our parking is concealed down below the

building. This is the major thing that I would like to pick up on that our site, if you look at this ratio of being building to area, we're at 9.92%.

[8:31:29 PM]

The average is 17.5%. We're 44% less than the average. If you look at the residential tract that's driving some of this petition, they're at 10.75% on four acres. They've got 20,000 square feet of building on 4.2 acres. We're asking for 18,500. Directly adjacent to us a 13,200 square foot building on a half size lot. Across the street is a 13,500 square foot building on a point 6-acre lot. Still houses two properties away. They've got a 20,000, a 27,000, a 16,000 and a 16,000 square foot building. So this scale buildings -- there are scale buildings all around us. All we're asking for is 16,500. They're coming in at 12,000. What we'll offer up is we'll agree to a 16,000 square foot compromise in the spirit of negotiation. I think it's fair. We're coming off of what is below anything else around it. We'll come down again at 16,000. I think it's very reasonable.

>> Mayor Adler: Any questions? Thank you very much. What is the difference in traffic generated?

>> This project when they did the calculation it comes up at a trip count at 18,500 of 363 trip counts. We've got 68 parking spaces. That would mean you would have a parking space on the almost almost six times in a day. We're not allowing medical on this site so you won't have a high traffic generator. It's just professional office so we're just -- I have a line of people that want to be in this building. We want density. It's on an urban corridor. It's office space. There's people in northwest hills that one minute away can drive to their office, go back to they're house, not ex-sass per rate the traffic that we have. It's everything the city of Austin wants. It's urban, it's density.

>> Mayor Adler: What is the difference in traffic generated between a 16,000 square foot building and a 12,000 square foot building?

>> I don't have that calculation.

[8:33:32 PM]

This came to me last night they proposed 12,000.

>> Mayor Adler: Do you know what the total number of trips are for San Antonio thousand square foot building? How many trips are generated by the 16,000 square foot building?

>> By 18,500 it's 363. I have not calculated it at 16.

>> Mayor Adler: Okay. Thank you. Any further questions? The next speaker -- thank you. The next speaker, Russell zears. S I have six minutes.

>> Thank you, Mr. Mayor, mayor pro tem, council. I really appreciate the support that --

>> Mayor Adler: Can you grab that microphone and pull it closer.

>> I really appreciate the way in which the councilmembers and in particular councilmember Gallo has tried to work with the community to build some sort of agreement and consensus outside of this room. I'm sorry we have to bring this to you, but we do. I'm not going to present the main body of the case for this -- against this proposal. My friend who lives closer to the facility will do that. If I have any time left over I'd like to donate Nate that to him. I would like to focus my discussion on the policy issue, which you were discussing in camera a little bit earlier. And that has to do with at what point do we call for a moratorium if we have not done the planning? In particular I would like to distinguish this particular property based upon traffic and

the nature of the roadway that is in front of the building. It is designated a major urban arterial. It is in fact a two-lane, 30 miles per hour zone. It is at the top of this crest, which is a tremendously steep and bad visibility area, and at the bottom of the hill is also got cross road that is unlighted and is simple stop sign which creates a lot of traffic issues at that point.

[8:35:46 PM]

This is -- this is right in front of the property that we're planning to develop. It is probably the narrowest roadway in all of northwest hills. It has one of the highest traffic volumes because as the -- as the applicant said, it is the only east-west corridor between 183 and 2222. Therefore it is the only access that E.M.S., fire and Anderson high school has down to the 360 roadway. It is already overloaded. Anyone that travels this road knows that. It is already a dangerous roadway. I myself am pro development. I am not calling for a ban or a moratorium on this particular development. I believe this development should go forward, but I believe it should go forward in a responsible way. We do not need another building of a size that is out sized regarding the buildings that are right next to it and in the neighborhood. We do not need any traffic that we put on the roadway at this point will exacerbate the choke point for the entire neighborhood. I ask you again at what point are we going to start a planning before we start building? I have talked to the traffic engineer. There is no plan for development of this section of road in the five-year plan. There is no plan for development of this section of road in the 10-year plan. So if we approve this building we are going to wait at least 10 years before we do anything about this roadway. That sounds to me like we're getting awfully close to leading before we do planning. And I think that there are so many problems in Austin, but I understand you've got serious policy issues to decide, but in this case I think you should take a very close look at whether this is a poster child for that type of issue.

[8:37:51 PM]

[Buzzer sounds] We need to do the planning.

>> Mayor Adler: Thank you, sir. David king.

>> Thank you, mayor, mayor pro tem and councilmembers. My name is David king. We live in the zilker area and we have some environmental areas in my neck of the woods so I'm here to make sure that we do our due diligence on this project that is also over a sensitive watersheds and that we do a good analysis of the impact of building this building so close to environmentally sensitive areas there, I think endangered species that are there. And we've had to -- with all due respect to the staff, we've had to argue with them on their determination on some of the environmental decisions they've made in our neighborhood. So I hope that we will really look closely at the decisions that they've made on this, the determinations they've made on this, and be sure that they're consistent with the policies that you want to have going forward that respect our environment and don't -- please don't grant any variances that would, you know, encroach on that environment. We have only what we have now and there's not going to be any more of that. So every decision we make in these sensitive areas I think really needs to be looked at closely. I thank you for your service.

>> Mayor Adler: Thank you. Karen zaroni.

>> Mayor Adler and councilmembers, I want to thank you for hearing us today. Apologize for my voice. I'm going to read it and it's going to be short. Last week you received information

regarding the overlook, including the environmental aspect and the transportation issues that come with this proposed development. Along with that was why northwest hills is a desirable location that it is today.

[8:39:55 PM]

We planned it that way in the 1980's. This tract has not changed in thousands of years. It is not my, nor your challenge to ensure any development of profit at the expense of the environment and the neighborhood in which it lies. We have already seen the disregard for both in tiara's last development, the Austin board of realtor building. You get to decide if the plan developed for this area should stand or be pushed aside for profit. I'm asking that no variances be granted and no loading of future traffic on this two-lane road be allowed. And if a structure is built it be in kind with the neighboring office buildings in size and scope. No Numbers played with, no hidden tactics to look otherwise. Thank you.

>> Mayor Adler: Thank you. Next speaker is Richard Brimer. Is Richard here? Jay sands?

>> Good evening, mayor Adler, council. My name is jay sands. I'm representing the balcones civic association. This property falls within the boundaries of our organization. I just want to clarify a couple of things that were said earlier. It was pointed out that the building next door is 13,000 square feet. The building is not that size. The farther one away is 13,000 square feet. The building right next door is under 10,000 square feet. The building across the road is under 6,000. Your analysis that showed when you look at the square footage to lot size, this building is in line with the other buildings around. This lot is 4.2 acres. 3.1 of those acres are on the side of the canyon. That's totally unbuildable area.

[8:41:56 PM]

If you look at the usable lot size here you have 1.1 acres. You look at the square footage that he's proposing to the usable lot size, this building is significantly larger than the other surrounding buildings. Most of those buildings don't have the same -- well, they don't have remotely the same percentage of unusable land as part of their lots. It's not a valid comparison between this building and the other buildings on a full lot basis. I want to clarify as well it seemed to be implied that we came up with this square footage limit last night out of nowhere. This recommendation for zoning change came up last year at the council. We had a valid petition at that point. We had a Co on that valid petition. We had a square footage limit on that petition. We were told subsequently by zoning staff that you couldn't put a square footage limit in that petition so we took it out this time around. We just found out two days ago that in fact that information was wrong. That's when we put this back in. And the number, the 12,000 number, is actually higher than the number that we proposed last year. So I just want to clarify a few of these issues. For the traffic issue that was discussed earlier, this is absolutely the worst location on spicewood syringes that you could put an 18,000 square foot building or a 16,000 square foot building. If you come into this building up from 360 you have to make a left turn across the one lane of incoming traffic. If cars get backed up trying to make that left turn, which is likely to happen in rush hour, you can't see those cars coming up the hill. This is a terrible location for a large building. We think what we're proposing with a 12,000 square foot building is very fair. Thank you.

>> Mayor Adler: Thank you. Bob Otto?

>> Good evening, thanks for the time. I represent the spicewood vista homeowners association.

[8:43:58 PM]

We are 24 homeowners close to the intersection of adirondack trail of spicewood springs road. We are probably the 24 homeowners that are going to be most affected by whatever is built on this particular lot. We actually touch the larger tract over a period of about two miles that we share with the larger tract in question. Now, our homeowners have -- are a very diverse group and I can say after having lived there for nine years, we have never agreed on anything. But last year after the abor building came into being, we all agreed that we had to do something to protect our neighborhood and our interests. And that's when we joined the valid petitioners last year to try to get the go zoning request stopped. And we were successful. And as I would say to you, I think we only have one person that was on the council last year that did this or that voted on this then. But we had an overwhelming support for our valid petition at that time. There were two councilmembers at that time they were supporting Mr. Taylor. And even they were trying to get him to make some compromises on where he was putting this particular building and how large it was going to be. And at that time he was unable to do so. The main point I would like to leave with you is everyone last year thought that the building that he was proposing was too large for this particular piece of property. I would simply submit to you that that was true then and it's true now. The only changes that have been made since last year are the makeup of the council. Mr. Taylor said that he'd been working with the neighborhood association since last June. I'll give you an example of how he worked with us. He came back to us after he lost last year and said, well, I'm going to go to lo zoning now and here's my new building.

[8:45:59 PM]

It turns out it was exactly the same building that he had proposed building before. Only this time around he moved it farther away from spicewood springs, closer to the environmentally sensitive areas, and closer to our backyards. When we look out, we see the abor building. That's in our backyard. When we look out and see what's going to be built on this lot, we're going to see his building as well. We've worked with member Gallo to try to am coupe with reasonable restrictions on the size of this building and the location of this building.

[Lapse in audio]

>> Mayor Adler: Yes.

>> Renteria: I have a question.

>> Mayor Adler: Mr. Otto.

>> Renteria: You keep mentioning abor.

>> Austin board of realtors building.

>> Renteria: And how many square feet?

>> Hundreds of thousands. I don't know. It's a very large building. It was a building built without any notice to the neighborhood associations. Many trees were cut down. It's much bigger and more obtrusive than the surrounding buildings. It seems like it came almost overnight. We looked up where there had been beautiful trees and now we see the back of a parking lot. Others could probably tell you more about how that particular building was built. But what it has done is galvanized us against more of these buildings being built. And Mr. Taylor was the developer for that lot and for the proposed lot. That's why we're so adamant about our objection.

>> Renteria: Thank you.

>> Mayor Adler: Anything else? Dennis Watts.

[8:47:59 PM]

Is Cecelia [indiscernible] Here, is Tomas Reagan here? You have 12 minutes.

>> I'm going to take it. I'm Dennis Watts. I really appreciate the opportunity to be here. It's my second round. We were here last year for the application. I've lived on spicewood springs. For 21 years. We have a group of eight houses that are on the canyon wall on the opposite side. Everything is on the canyon wall. I got a third of an acre that's narrow. I can't use the back half of mine unless I want to be on a grapevine hanging from a tree. So when you have acreage you have net acreage as well. Because it's so rocky behind the houses and all the beings buildings. So that's something you need to be aware of when it comes to preparing the sizes of the lots. So let's see if I can figure this one out. I'm fixing to run through this quick. I'll skip over some of this. This is a picture of the shaded area of his lot. It's 4.1 acres. 4.2 or something. But only a small portion of this is actually usable. So when he compares 4.1 acres, and you can only build an X size building on it compared to the neighbors, most of this is unbuildable. This is a good picture that I got from the hydro geologist from the city. If you will look at the purple area there, he's planning on building a building right in front of that strip of rim rock that's in yellow.

[8:50:03 PM]

There's another strip of rim rock that's in yellow and on the far end of that there's another piece that's probably been designated as rim rock. He has five areas in the canyon behind him. I didn't know. I asked what rim rock is. I thought it was just rock. But apparently the definition of rim rock is a solid piece of rock that has a vertical height of four feet and goes uninterrupted for at least 50 feet. And I asked again what is the significance of that? The significance of that is if you get close to it, even with sediment ponds, or if you break it or construction interrupts that, it allows silting to go down into the canyon and cover up the springs as well as the creeks. There is a cave down there and it would probably cover up that entrance Evan actually. These are precious areas to all of us who live in the the area. We hike in the canyons. It's why we live there. We have a high regard for it. Here's another picture. Those are trees in the circle. This is a good topo map. That shaded area is the area that's surrounding the rim rock. As can you see that's rr 1 on the other picture. If you notice, that's an oblong picture. It's supposed to be circular. The city has required that you have 150-foot circle of buffered area around rim rock. It doesn't show the other rim rock down below that. And he's already altered that so that it's 50 feet on either side of the rim rock. You might notice the size of the other building to the right of that -- left of that. Here is his building. Already on his site plan before we even got the go designation changed when he had a 15-foot set back, he was within 25 feet of the rimrock.

[8:52:11 PM]

He wasn't even in the 50's that he had drawn on the plan. So what you're looking at is he's got a push back of 25 feet and he's essentially taking the same size building, which means he will be on top of the rimrock if he can get it done. So he's got a real problem with size. And I -- you know, I understand that. I think you want to make as much money as you can. But the other thing

I want you had to see here is we outlined the usable land, and this was done by a guy in the the building industry, and his property is at the top there. His neighbor, I happened to be the hoa president when we got a Co placed on this property. They were very amenable working with us. That land is pretty flat. He has a heck of a lot of acreage to build on. Look at the topo lines. So here is the property information I wanted to give you. Everybody looks at f.a.a.'s designation. What we -- owe f.a.r.'s designated ignition. What we did was look at the usable site area to develop F.A.R. Because that's a good way of comparing buildable size and the impact that your building is going to have on that. As you notice the F.A.R. On his neighbor is .151. And then if he were to get the 18,450 feet building it would be all the way up to .39. We actually calculated it out and said if it's .15 he should build it like his neighbor and build a 7,000 square foot building. We thought we were very benevolent going up to 12,000. He's already up to .26 up to that point. But that was better than his neighbor at .15. We ran the neighbors on what he described as the 13,200 square foot building and the only usable property, we did an F.A.R.

[8:54:19 PM]

On that and it's .29. Across the street there's another 13,300 square foot building on a higher usable lot and it's at .20. If you averaged all that, the F.A.R. Would be .21. And he's getting at 12,000 still a property that is at .26. So he's very -- he's above average on the size of the building compared to his neighbors at his 12,000. I'm going to show you some pictures. I know you guys are probably bored with Numbers. I am. We've been working on this for over a year and a half. Just to give you an idea of what the buildings look like around it, that's the building that -- that's the accountant across the street. Everybody signed this petition are neighbors. They're all businessmen. Two of them are developerrers. They signed the petition to keep the size of this property within reason. They understand the business. This is actually another one across the street. They're not big buildings. They're not object truce active. They respect the environment. They look good. They keep the traffic flow down. That's all we want. We want him to develop this property. We want it to be low cloud deck. We want -- to be lo. We want him to make money, but we want him to be reasonable. That's our goal. Here's another piece of property and this is the one next to him that I described at .15 lo at 4900. We developed the conditional overlay on this. They were very good about work with us. And I actually met with the owner of that today and he said what do you mean the guy can't make money at 12,000 square feet? I'm making a fortune.

[8:56:25 PM]

He has a garage underneath it. It's not obtrusive. You have to have surface parking or people aren't going to rent from you. He's a neighbor from the other side. He wraps around the back of the property. This guy has condominium offices and he signed the petition as well. We didn't have anybody who didn't sign the petition. It's very lovely. We're on a canyon wall on the opposite side. So this is just a review here. I'm just going to get down here. This is his proposed use. He's been pushed back another 10 feet with the zoning change. He will have to get a huge amount of variances. He will have advances that are significant with a 12,000 square foot building. This is pretty much what Mr. Scott said and to reiterate, this is two narrow lanes. We call it spicewood farm to mark road. That's what we call it in the neighborhood because that's what it feels like trying to it get out. You have to turn right to go left most of the time. This is a

picture. This is low density. This is the middle of the day density. This is going up the hill toward the property just after you get to the top of the hill, going in from the right is his property. Maybe 50 feet. So you've got congestion problems that are just unbelievable. As we mentioned, there are three cef's located on his property. There's three there.

[8:58:26 PM]

And there's five down below the property. All this is going to be impacted by this property. I might add that the nearest cef to his neighbor -- one of his neighbors is 160 feet and that's rimrock. His rimrock that's the cef. And the one that's behind bob sitting back here next to his property is about 60 feet. And this is interrupted. Right now on -- when he put in his -- he will have to do a site plan over his to produce the square footage. Right now on this current site the plan is what he was seeking. You can use this as a bedtime sleeping aid later tonight after you leave here. Probably will work quite well. The issue for us is the bulk of his immediate neighbors in hoa's and associations, northwest hills association, are willing to compromise and allow change to lo for some restrictions rather than to oppose and leave the zoning as single-family. And there's maybe one or two that say no, hell no, I don't want any change. There are only one or two guys out there like that. But the bulk of the people who live in the neighborhood want to change. Or don't want -- they don't want to not allow an lo. They want the developer to go ahead but they want restrictions on it. And the traffic impact, I'm not going to review all this. You've heard me. If you have any questions of me, I'll be happy to answer them.

>> Mayor Adler: Any further questions?

>> Mayor Adler: I think with that -- thank you very much. I think with that, those were all the public comments that we had.

[9:00:28 PM]

Is there a motion to close the public hearing? I'm sorry, what?

>> [Off mic]

>> Mayor Adler: That's right, applicant gets rebuttal. I apologize for that.

>> For one, I don't have the time to address all the misinformation that was just given to you, but what I will say is that we did go for go with the last council. Specifically on the recommendation of environmental, with he agreed to all conditions with go. The sole reason we went for go was it was a 15-foot set back. It pulled us away from the treeline, pulled us away from the ridge line, that's the sole reason we went with go. Now we're at lo, pushed the building back to a 25-foot set back. As far as size of the building, again, as we're talking about density, it's easy to say rather than 18,000, that's 12,000. To the citizens of Austin, to our city, that's 6500 square feet that is easy to reduce. That reduces our tax base by \$38,000 a year. So over ten years that simple adjustment is going to cost our city \$380,000 in lost property tax revenue. It's where we need density. It's office space, there's a line of people that want to be in it. He's using -- the best way to look at my Numbers is they're using 31% of the net site area. That's a fact the 1.1, I don't know where they're coming up with all these other Numbers as far as what's flat or not, but that's the test. We're agreeing to 2%. That's 20% less than we're allowed. Let's use real Numbers and not just throw arbitrary Numbers around, if we're going to use that as a criteria for size. We started at 18,500. They're at 12. We're agreeing to 16,000 in the spirit of compromise. We've agreed to everything else they've asked, a laundry list of stuff they've asked.

[9:02:33 PM]

The Haberman family, that's the value they're going to get out of their 24 acres. The city of Austin has an appraisal that was done, when they did the condemnation, are we started that that was our template to design this building. I could have gone to 24,000, 21,000 is what the city appraisal said. We said let's ramp it down to 18,000 five and show that we're in good faith, even being less than what a city appraisal is showing. So let's deal with facts. That's all I ask. I've shown an abundance of data torch here, and that's -- is there any questions for me? Yes, ma'am.

>> So were you the developer or --

>> I'm a project manager. I'm in the a developer. I'm not profiting from this. People hire me to manage projects. The Austin board of realtors hired me to do their project. I didn't design it. All I did is process it. I'm a person that works these through the city process so --

>> Thank you, you answered my question.

>> There's no profit interests in any of this. I'm a fee-based project manager.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Just one quick question. What would you estimate was your cost increase because of the challenge of trying to get your property on this relatively small lot? Looks like you have some architectural and civil engineering challenges.

>> Well -- right now we've invested about \$150,000 at this point in plans. That's how much is out of pocket at this point. And to stack the parking underneath it is more expensive, but for the city of Austin, it's going to now -- you're not going to have surface lots. It's going to have a lot less impact visually because you're not seeing a line of cars in the parking lot. Absolutely it cost me significantly more to bench down into the hill to do this. The ce up in the back that they're talking about is canyon rim rock. The sole concern with canyon rim rock is not discharge your water quality over that because of downstream erosion.

[9:04:36 PM]

We moved the pond all the way across, away from it. We're not impacting, we're improving water quality by now capturing unfiltered water from spicewood springs road that's flowing into bull park, we're detaining it and spreading it out and not causing erosion. So we're absolutely being sensitive and actually improving the current condition.

>> Mayor Adler: Any further questions? We'll go now to discussion.

>> Do we need to make a motion first before discussion? I mean, I'm not sure.

>> Mayor Adler: Mayor pro tem will you take the chair, please? Thank you.

>> Tovo: I'm sorry, I lost track of where we were, but -- are we entertaining motions?

>> Mayor Adler: Entertain a motion.

>> Tovo: Yes. Council member Gallo.

>> Gallo: I'd like to make a motion that, of course this is one of our first cases which has been incredibly kind of complicated, so before I make the motion, I'd like to kind of share the summary of what's our involvement in what's happened here. So there is, as staff mentioned -- well, before I do that I want to thank everyone for staying here so late. First things first. You know, the good thing is, it's not the middle of the night, but, you know, it is late, so we do appreciate it. And I have to say a special thank you to Mr. Taylor's daughter, who has been here all day on her day off of school. Tell your teacher you deserve an a plus for this. But thank you

you all for being here, and your patience with us as we work through our day. So there is a valid petition on the zoning case, a valid petition occurs when 20% of the surrounding neighbors are opposed.

[9:06:39 PM]

And I think as the calculations were presented earlier, we're actually up to almost 41%. With the petition that the neighborhood -- the neighbors signed, there were a list of additional conditions over and above what zoning and platting had recommended, and the developer -- the project manager and the owners were willing to work with the neighborhoods, and they came to agreement on all of those conditions, with the exception of the square footage. So we quite a few hit a brick wall with the square footage. But I do want to say a thank you to both the neighborhood and Mr. Taylor for working together to get to that point because there were a lot of additional conditions that were agreed to. Then, the neighborhood association, balconyies civic association, the spicewood vista homeowners association, the members, the people that were on the petition, determined that when they found out that this they actually could place a square footage maximum with the zoning, chose to add that to the list. So what I have is, I have a motion that I'm going to read. I assume everyone should have a copy of this. I assume I need to read it, or -- no?

>> Tovo: I think it would be very helpful if you do, because -- especially because the public doesn't have access to it. In fact, perhaps we could put it up on the screen?

>> Gallo: That would be great. As she's doing that I will mention, and it was mentioned that the current zoning on the property is sf-2. The maid has agreed to an lo zoning with some conditional overlays on top of that. There was some discussion about environmental features, and I do want to mention that the discussion of environmental features is not part of the zoning case. Those will be discussed as part of the site plan approval, which is a different process.

[9:08:44 PM]

And I just wanted to make sure that everyone was clear on that process, too. Okay. I'm going to start reading. So this is a combination both of the zoning and platting commission's recommendation and the addition from the neighborhood. We should have it.

>> On your podium that was stuck with all the zoning backup. If you need an additional copy, I can make one.

>> Gallo: The top of it says motion sheet for item number 79.

>> Tovo: It was in a little packet that had item 73 at the top and it was all in one paper clip.

>> Gallo: Maybe we are going to be here till the middle of the night. Did everyone find theirs?

Okay. So I will read this. I move to approve the zoning and platting commission recommendation on first reading with the following amendments. And this, so it's the zoning and platting recommendation that's in your backup material. Those items, in addition to these. So it's a combination of the two. So this is zoning and platting recommendation with the addition of these items. And the first thing I'm going to read is city legal's description. Basically, all the parties agreed on the height, but this is after legal got a hold of it and decided we needed to be a little bit more specific. The front facade of the building -- excuse me -- allergies are getting to me -- or structure facing spicewood springs road shall be limited to 28.5 feet above natural grade.

[9:10:58 PM]

The rear of the proprietor shall be limited to 38.5 feet above natural grade, notwithstanding the above height limitation, the height as defined by city code of a building or structure on the property is limited to 35 feet. The next is the total gross square footage of all buildings or structures not including a vehicular parking facility on the property is limited to 12,000 square feet.

The third one is: Development of the property shall not exceed an impervious coverage of 32%. And then the fourth is the following uses are prohibited uses of the property. And there's a total of 21 uses. Those are communication services, club or lodge, college or university facilities, communication service facilities, community events, congregated living, convalescent services, medical offices greater than 5,000 cosecants medical offices less than 5,000 square feet, off site parking accessory parking, day care services limited, day care services general, day care services commercial, hospital services limited, prior primary educational facilities, private secondary educational facilities, public primary educational facilities, public secondary educational facilities, residential treatment, telecommunications services, or tower, or urban farm. So I made the motion.

>> I'll second.

>> Tovo: That was council member Houston who seconded?

>> Mayor Adler: Mayor pro tem? I was looking at this case earlier with the name of the primary applicant on my papers, but in seeing that it was Mr. Haberman, I think this is a condemnation case I worked on 10 or 15 years ago.

[9:13:07 PM]

I think it still might be pending, although there's been no action taken in this case in that period of time, and no funds received by me in the last 12 months. Nonetheless, if that case is still alive, it's a case that my firm is currently handling, so I'm going to recuse myself from participation and debated debate on this matter and on the vote and I'll complete an affidavit, I don't think I'm legally required to do that, just to state that interest.

>> Tovo: Thank you, mayor. Is there additional discussion on the motion on the table? Council member Zimmerman.

>> Zimmerman: Thank you, mayor pro tem. Just to clarify, are you saying that the motion that you've read in here on the yellow page -- was it agreeable to both sides, or -- I didn't understand that.

>> Tovo: It was -- it's been agreeable up to the square footage issue, so there is still discrepancy and differing of opinion of the square footage. The 12,000 that is in the motion is what the neighborhood agreed to. And the motion, once again, for clarification, is the combination of the yellow sheet of paper, plus zoning and platting's recommendation plus, but with, when there's duplications, it's the language on the yellow that takes precedent.

>> Okay. Mayor -- not mayor pro tem, council member Gallo, I presume you're in favor of this as written or what's your position? Because you probably worked on this more than anybody. Could you talk a little more about this?

>> Gallo: Once again, I applaud the efforts of both the neighborhood and the project manager to come to terms on all of the conditions, the only exception being the square footage, and the neighborhood's concern, and once again, they do have a valid petition that requires nine

members, but the neighborhood's concern was the scale and size of the building, and they wish to support it, but only if the building is limited to 12,000 square feet, as is written on the yellow piece of paper.

[9:15:29 PM]

>> Tovo: Are there additional questions for the maker or the second? Council member Gallo, the motion was to approve this on first reading. Is that correct? Right now on your motion sheet, it does say first reading and that would allow the applicant and the neighborhood to continue do you want to weigh in on this?

>> It's first reading only. We'll prepare [inaudible].

>> Tovo: Terrific. Thank you. All right. Well, if there are no other questions or no further discussion, I'll in favor, signal by raising your hand. It looks like -- any opposed? So the vote on that would be 10 in favor, zero opposed, and mayor Adler recused.

>> Mayor Adler: Thank you. We now move to item 86. No, I'm sorry. We're now going go back to -- we've we've not handled all the zoning cases so we're going to go back in order to the beginning. The next item -- we've handled 38 already. That gets us to item 40. Any more cases, Greg? That gets us to then item number 40.

>> I wanted to make a quick comment. I'm hopeful we can work with the city manager and staff as we go forward to implement the recommendation that we had talked about in terms of how we handle our council agendas so that we can go forward with separating out the zoning cases. So I just wanted to say that whatever we need to do, if it's possible, we can -- I'd like to implement that sooner rather than later.

[9:17:30 PM]

>> Mayor Adler: We've had that conversation. Several of us, many of us on the dais have reaffirmed that. The city manager indicates that almost any day now we should be getting a calendar to begin to look at that would show us a prototype for a month. It'll have a committee hearing set on it, and we should move to it. Am I hope will be within the next week, we'll be on that track. Okay. We're now at the items that were pulled from the agenda, consent agenda. Ms. Houston pulled item number 40. Do you want the address this?

>> Houston: Yes. Thank you, sir. And thank you all for staying here so late. I'm asking for some history on how this came to be and what are the implications. There are a lot of unknowns. I guess who thought this was a good idea?

>> Council member Robert spelling, director of transportation. I'll try to give you a synopsis. This dates back quite some time to a serious of policy decisions to move forward with a bicycle program within the city of Austin, bicycle network. We've had two system wide plans adopted that set forth policy to develop a bicycle transportation network alongside or pedestrian program and our other transportation systems, roadway and bus. And so dating back to both of the last adopted bicycle plans, the latest one adopted last year, it called for improved signalization for bicycles in terms of both detection and signals, as well as bike signals that would, for the cycles, give a better viewing of the traffic signal down at their level.

[9:19:47 PM]

In 2012, we came to council with a proposal to pursue funding through a txdot, department of transportation funding. We received direction from council to proceed with that application. That application was subsequently approved at the capital area metropolitan organization. We were awarded funding, obviously, pending the acceptance and the addition to our budget of the funds.

>> Houston: So thank you for that. So tell me exactly what this is going to do. I understand the signaling. In Amsterdam they have signals for pedestrians, signals for all kinds of motorized vehicles. So what exactly are you -- is this going to do? Because I'm not hearing what I think I read.

>> Right. So it does two things. Number one, it improves that a number of signals throughout our community, approximately, what, 32 signals, it will do this in all 32 locations, approve the ability for the current signal system to detect bicycles waiting at intersections. So one of the things we do at all of our traffic signals, or most of our traffic signals, is, we try to detect when vehicles are waiting present for -- cars, if you will, for a signal. We also look for a signal from pedestrians at many of our traffic signals outside of downtown. As you can imagine, they walk up and push a button and that gives a signal to the system that there's a pedestrian waiting. The challenges with bicycles is that they are hard to detect at the intersection, number one, because the vehicle detectors don't detect them very well because they don't have enough metal on their body or in the bicycle to be detected by the signal, the signals right now we either detect via camera, so again a car is easier to detect than a bicycle, or by the amount of metal in the car, sets up an induction in a copper loop that's in the pavement.

[9:21:55 PM]

And bicycles don't have enough of that. So by improving or adding technologies that improve detection of those bicycles as they're moving through the system, we know if people are waiting at signals whether they're in a car or at a bicycle. If they're not being detected and they get frustrated, that that lures them into bad behavior running the signal, if you will, and, you know, we can see vehicles at signals that aren't being detected will be tempted to run the signal just like bicycles. When that happens, not only is that person putting themselves at risk, they're putting other traffic at risk. So, again, whether they're a bicycle or a car, when that person chooses to run a red light, they're risking not only their health but the accident may involve other people in other vehicles that may go through there.

>> Houston: So Mr. Spiller, what I'm asking, what is the technology? You've given me a lot of stuff.

>> Sure.

>> Houston: I'm asking what the technology is that we're going to be buying.

>> So the technology here is actually a camera, I believe, that better detects where that bicyclist is, much like the cameras we use for vehicles, or it is actually an additional signal head, so it would have a red, yellow, green symbol, but it would be down at the bicyclist's level. It would not be necessarily an additional head to the signal. There are two signals and those are the ones along -- one -- actually both of them I believe are along airport, where it actually returned access that had been removed for other reasons from the pedestrian and bicycle crossing at airport boulevard.

>> Houston: So there is no application for bicyclists to have to be able to do what the buses do now, to --

>> No.

>> Houston: -- Engage the lights so the lights turn green and they keep going.

[9:23:57 PM]

>> No, ma'am. In fact, the buses, you're talking about prioritization of the buses through the signals, and again, what that does is simply allows the bus to tell the signal system, hey, I'm here, and then the signal goes with that bus to help it through that signal or low it up. With the bicycles, that is not what we are doing. We're not prior tying the bicycles through the system, we're not preempting. That is misinformation. In fact, all we're doing is the same thing that a pedestrian does when they push a pedestrian button. It simply says, hey, I'm here. That is the same detection we do with vehicles. And then if there's no traffic, if it is time for the light to turn, then the light turns and allows that person to go through.

>> Houston: Thank you. One other question. On the backup.

>> Yes, ma'am.

>> Houston: The last sentence, matching funds as well as costs for designs, how much does that add to the project?

>> Absolutely. The grant that we are getting, the money that is coming from the txdot funds are \$200,000. We are matching that with \$50,000, and so when you read the grant, the way they say this is that the grant is actually 250,000. What they don't always say is that 50,000 of that is our own money. There is another \$49,000 in design fees that are not allowed to be counted as part of the grant. That's part of our regular program dollars. Those are coming out of our 2012 bond funds that we went to the voters for. So in total, we're spending \$95,000 of city funds for \$200,000 of statewide funds that are being applied here for 32 signal --

>> Houston: Then the 2012 bond fund, this was identified as an issue?

>> It was identified in a set of funds for bicycle improvements, yes.

[9:26:01 PM]

>> Houston: Okay. One more question. What data did you use to determine the locations?

>> Thank you. Well, we routinely keep track of information or requests or complaints coming in through our 3-1-1 system. That's the citywide citizen communication system. We also talk to a range of bicycle organizations to tap their memberships to find out where they were experiencing difficulties with signals being detected as bicycle riders. We also conducted an online survey and encouraged people to come through. So we had an online survey, we had phone calls through the 3-1-1 system, and then we had actual outreach where we were talking to bicycle clubs that represent members who ride in the community. And so we had a number of engagements where we were talking directly to people.

>> Houston: Thank you. And my last question, is it against the law for a bicyclist to ride on the sidewalk here in Austin?

>> Actually, it is not. There are several streets in downtown, specifically sixth street and congress avenue, where there is a traffic regulation to discourage bicycle -- or actually make it a ticketable offense. It is discouraged in downtown. On the other streets, although it is allowable, remember that the pedestrian always has the right of way because they're the more vulnerable passenger there. As you move out of downtown, it is legal for bicycles to ride on the sidewalk, but again, the bicycle needs to yield to the pedestrian.

>> Houston: And the only reason I ask that is because in some parts of my district I have bicycle

lanes and no sidewalks. And if the bicyclist can ride on the sidewalks, perhaps we can do some kind of joint project and so we have wider sidewalks so all kinds of people who don't drive in cars can be able to ambulate or move along.

[9:28:06 PM]

So --

>> Yes, ma'am. And we've heard your concern about the pedestrian facilities, and we're working on -- we would like to meet with you and constituents there to think about a new start and how we might better serve your district in terms of pedestrian and bicycles.

>> Houston: I hear that all over the city. It's not just my district. It's all over the city. We've got to come to a better way to accommodate both of them. Thank you so much.

>> Yes, ma'am.

>> Mayor Adler: Yes, Ms. Troxclair.

>> Troxclair: So you just said that on some street or on some -- bikes ride on some sidewalks as you get further away from downtown, but in the downtown area, they have a lot of times dedicated bike lanes. So in an area that they are riding on the sidewalks, if the light is red and they're stopping at that red light on the sidewalk, what is stopping them from work the button, just like a pedestrian would?

>> Well, nothing. Many bicyclists will tell you it's hard to lean over and push the button, especially if their feet are tied into their pedals. So, again, we are trying to encourage, which, more experienced bicycles, sometimes they will tie their feet into their bubbling buckles. We don't encourage people to ride on the sidewalks but certainly younger folks and less expert riders will ride on the sidewalk. And so they are classified as a vehicle by the state of Texas so they can ride in the street. And so again, trying to make sure that our signals are operating ultimately or at the most efficient for all users is the goal here. There is a separate effort, and I may have confused some of the council members with this at work session. There is a separate project that we have to build a bicycle application for smartphones that would be seamless throughout the system and communicate to our signal system, but it would not prioritize bicycles to the system.

[9:30:20 PM]

Again, it would just send a signal to the traffic signal, hey, I'm here and waiting. And, again, what we're trying to do -- these are all new technologies and we're trying to try multiple technologies out to see what's best. It may be that some technologies work better in more dense areas, where we have lots of bicyclists, and others work better in others locations. So this really is a first effort pilot to see what works best.

>> So then my last question is just about how well this technology has been tested. Is it -- because I would think that it could cause a safety concern. Are there any instances where a bike would be waiting at a light and the technology wouldn't detect an oncoming car or truck and would indicate for the bike to move into the road?

>> I'm pretty confident I can say no because, again, it's not a separate signal for the bicyclist. The signals are tied to the traffic signal and so what we do is we have conflict monitors within the electronics to make sure that that situation doesn't happen. And so the cross traffic would have a red light. When the bicyclist, as well as the cars going the same direction as the bicycles would have the green, if that makes sense.

>> Troxclair: Okay. So what other --

>> These are not separate signals to the bicycles.

>> Troxclair: Okay. What other kinds of projects are kind of earmarked for that bond money to be used on bicycle improvements?

>> If you would allow me, I would like to get a list to you. I don't have that. But there were -- off the top of my head, there were a variety of individual bike projects. I believe the bridge over Barton creek adjacent to mopac was one of those projects. That project actually opens up vehicle capacity because it takes bicycles off of the road bridge.

[9:32:23 PM]

And I think it's our general bicycle program that funds capital improvements. But I don't have that list off the top of my head.

>> Mayor Adler: Mr. Zimmerman, then Ms. Gallo.

>> Zimmerman: Thank you. Yes, thank you, Mr. Spiller. A quick question again about the technology. Did I hear you again that this was, you know, optical recognition from a camera?

>> I believe that there are a variety of different technologies that we're use. I believe this is a camera type technology. Here in Austin, with any kind of detection, we use one of two different types, either a camera recognition or a copper loop that is typically buried in the pavement. What we found is the copper loops are targets for lightning, and that's the technology that doesn't measure well with the bicyclist because there's not enough metal in the vehicle. So we typically - - and I believe that's correct, that this is a camera detection technology that sees a bicyclist in a specific location.

>> Zimmerman: Okay. So cameras don't see. What they have is vision algorithms that try to take an image and do a mathematical algorithm and figure out what they're looking at. Is it a bicycle? Is it a small motor scooter? Is it a deer with some antlers out? So I guess I'm a little skeptical about it. But let me just say -- you mentioned something about a survey that was done.

>> Uh-huh.

>> Zimmerman: And all of us here recently have big surveys. We went out and knocked on thousands of doors. So let me give you my survey, having knocked on the doors of thousands of people in northwest Austin. They are infuriated with the traffic. And they're infuriated with the bicycle lanes, by and large. Their streets that were already crowded, someone came in and painted bicycle lanes into their congested streets and took away lanes. So they're already kind of at the boiling point. And then they keep getting told when they're parked in traffic, there's no money, there's no money for road improvement, there's no money, there's no money, there's no money.

[9:34:29 PM]

But there's money for bicycle signaling. It drives people crazy. That's the survey and feedback I'm giving to you. So, I mean, the symbolism of this is actually a lot worse than just the money that's being spent. I mean, this is chump change compared to what it cost to do real road congestion relief. I got that. But the message that it sends to constituents, there's two of these out here in my northwest Austin district 6. You know, I'm going to vote against this, but my regret is I can't ten times against it on behalf of the frustration of my constituents.

>> Mayor Adler: Ms. Gallo.

>> Gallo: Obviously, these are being placed in locations with heavy traffic. I mean, that's the purpose. Was there a traffic analysis done that shows how much that might have the potential to slow vehicle traffic down on these pretty highly traveled, pretty congested roads?

>> So again, I hope to reiterate, my understanding is that these are not special signals for bikes, so they're not going to change the traffic characteristics for the other drivers. What this will do, it's an environment where we need to know, especially on the lower volume cross street, that there is a vehicle waiting or in this case a bicycle waiting, so that we can queue it momentarily to allow that traffic to cross. So I actually believe that this will improve the operating characteristics of the signals that we apply it too. The specific signal heads that are contemplated as part of this will bring that visual signal down to the bicyclists level so hopefully we'll get better compliance out of the bicycle community, especially along the lance Armstrong bike facility where a lot of that technology is going in. So I actually think it will improve the efficiency and safety for all users. And so I do not have that, you know, specific answer to your question, but I would say this is -- really the intent is to try these out, understand how they operate, and then make a decision on do we expand this process further.

[9:36:41 PM]

So it's a pilot in a sense.

>> Gallo: And I appreciate your answer, but it really didn't answer my question, which is, if the issue is that traffic lights aren't turning on the less traveled streets, which the bicycles are probably on, as we increase the ability for those traffic lights to turn, it's going to stop the traffic more frequently, I would think -- and I'm just -- that's my guess. I'm just wondering if you guys have studied that and analyzed that, and if that's -- you know, we do things, but I want us to always make sure we're doing them with full knowledge of the negative impact. I was just curious --

>> I appreciate that. I guess the simple answer is, no, I don't know we've done that analysis signal by signal. I will tell you, though, that given that we have bicycle demand at these intersections, those bicycles crossing those streets illegally are likely causing similar, if not more, delay and safety issues.

>> Gallo: Okay.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I just want to -- I want to thank you for sticking around with us this late. Obviously, we all have a lot of questions about bicycle usage.

>> Sure.

>> Kitchen: And we've probably all experienced the kinds of concerns that council member Zimmerman is talking about in his district. So I just want to offer to the council that as we get started with the transportation committee, we can really use that committee to delve into the issues related to bicycles. I mean, there will be a lot of issues. So I'm hoping we can use that setting to have a very complete discussion of the kinds of issues that people are raising tonight. Just for myself, I'm going to vote yes on this. I think that this is a project that's been in the making, plus we're using grant funds, primarily, so I'd like to vote yes and move it forward. And so could I move -- could I move closure of discussion and let's move forward?

[9:38:44 PM]

>> Mayor Adler: Actually that's not proper because you debated first. But is there any further debate on this issue? Hearing none, let's then go to a vote. You can't talk and then close -- >

>> Gallo: Okay.

>> Mayor Adler: But there's no further debate so we'll go to a vote. All in favor, raise your hands. Six. Those opposed? Three. Abstaining? Did I get that right? Those in favor, please raise your hands. One, two, three, four, five, six, seven, eight. Thank you. Those opposed? Have you got that, Jeanette? Huffed, troxclair, and Zimmerman. The rest were ayes. That gets us to the next item, item 50 on the agenda. I think this is your item, Ms. Troxclair.

>> Troxclair: It is -- so this is the resolution to ask for information about complimenting homestead exemption or budget impact on homeowners in the city based on a one-year, two-year, and four-year implementation. I did have a resolution that I think has been distributed, or an updated resolution based on our conversation at work session, that incorporated a few other wording changes to better recognize the number of renters that we have in the city, as well as making sure that the most needed services are protected and a few other wording changes that I posted on the message board yesterday.

[9:40:44 PM]

>> Mayor Adler: Does everyone have a copy of the substitute resolution? Does anyone have an objection to Ms. Troxclair making a motion with the substituted resolution? Seeing none, is there a second to the homestead exemption?

>> I'll second.

>> Mayor Adler: Ms. Kitchen has been, it's been moved and seconded. You can then start debate on your motion as substituted.

>> Okay. Great. So past that I know council member Garza had some questions about incorporating renters and providing us information on the impact to renters. So I -- well, I guess I'll let you -- council member kitchen is a co-sponsor on this resolution and I'll let her take the discussion.

>> Kitchen: I think I have a friendly amendment to council member troxclair's amendment that is more specific in the be it resolved section that specifies homeowners and renters, so I could pass that down.

>> Mayor Adler: Why don't you go ahead and do that.

>> Kitchen: Okay.

>> Mayor Adler: Do you have an extra copy to put on the screen in case someone's watching at home?

>> I have a procedural question while that's being passed out. I have been told in the past the posting language, the whereas clauses can be edited before final passage, after posting and before final passage, but that the posting language cannot. And the discussion that I think we're about to have has to deal with changing the posting language.

>> This is Lela fireside with the law department and we reviewed the revisions that had been proposed by council member Garza, and we feel that you're still within your posting language.

>> Troxclair: Okay. Thank you for answering that.

>> Mayor Adler: Thank you.

>> Okay.

[9:42:44 PM]

So the amendment -- the amendment to council member troxclair's amendment adds language in the be it resolved. I'll just read it because it's short. To reflect the renters and the analysis by district and states the city manager is directed to analyze the impact on homeowners, renters, and the city budget of complimenting a 20% homestead tax exemption over one year, two years, and four years, in aggregate and by district, and to present this information to the city council no later than the may 12th, 2015, work session, or as soon as possible.

>> So I would accept that amendment. I think it takes into account the discussion that we had about the impact on renters and making sure that we are considering them in any decisions that we may make moving forward, and also which council member Garza and a few others had specifically requested, and also addresses the issue of having information presented by district so that we can each understand how this would impact our own districts.

>> By point of order, that sounds like [inaudible]

>> Yeah.

>> Mayor Adler: She accepted it as a friendly amendment. And I haven't additional amendment I'd like to make that I hope would be a friendly amendment as well. The -- as we're getting instruction to take a look at, I think is more holistic than this. I think you were directing that all of the impacts of this be considered so it was in front of us. There are a couple different ways to fund this. One of them could be using surplus, one of them could be using cuts and services or reprioritization. We could also adjust the tax rate to keep it revenue neutral, so that we're considering all of the associated impacts, I would say that the city manager is directed to analyze, and I would insert the three words "Tax incidents and comply?"

[9:44:51 PM]

Front of impact, so it would be the tax incidents and impact.

>> I'm sorry, tax --

>> Mayor Adler: Incidents, I-n-c-I-d-e-n-c-e, which is the relative -- it measures who's actually ultimately paying for this because if you have a -- a homestead exemption, obviously the people that benefit from having the homestead exemption the most would be people that have the most expensive homes, even if the greater number of people are people that own homes less than \$200,000. And if you pay for this in the eleven neutral -- revenue neutral way, the people paying for it are people that basically own the most expensive commercial and industrial property. So I want to make sure we look at both sides of the equation, not only who gets the money but who's paying the money that they get if in fact we were to do it in a revenue neutral way. So it would include more than just homeowners and be renters. It would go on to say the tax incidence and, impact on homeowners, renters, commercial and industrial property owners. Because those would be the other people in the universe that we would want to know what the impact on those people were. So adding those five words, commercial and industrial property owners. Are those amendments okay with you?

>> Yeah. I mean, I think the more information the better at this point. I just -- the purpose of this amendment is to collect information so we as council members and as a council can make a decision if, when and how a homestead exemption is implemented. So I think your suggestions all fall within a basic request for information.

>> Mayor Adler: Just looking for information in not trying to argue one way or another or suggest what the answer should be, just trying to make sure the information is complete.

[9:46:54 PM]

>> I just want to preserve our own flexibility to then address how we're going to implement, which I think your amendment does.

>> Mayor Adler: All right. So that's accepted as a friendly amendment. We're now debating the motion 50 as it stands. Any further debate? Mr. Casar.

>> Casar: Mayor, I appreciate your explanation of why you consider the homestead exemption to be a [inaudible] Idea during the last work session, in particular on how it could benefit those lower and moderate incomes. While I understand that it might be helpful to see by district its benefits, my -- I'm willing to leave that in, my preference is also to see how it affects folks by income. I'm not sure how difficult it would be for staff to ascertain that, but of course my expectation would be there's a larger number of low income renters, although there's some higher income renters, that would see no immediate tax relief, so for me, my preference, whether it happens in this study or not, is, I will be looking to see how it affects people by their income level before I can know how to move forward on such proposal. My preference would be for it to be in this initial study. At the same time, I don't know how difficult that would be for staff to ascertain that, do that sort of analysis in time for the dates contemplated here.

>> Mayor Adler: For what it's worth, I was intending by saying tax incidence to include that. And in our work session we had suggested that the staff look at people that can do that modeling, including the comptroller's office that looks at income levels by quinta in these kinds of tax issues. I would hope that would be included in what incidence means.

>> We certainly can look into that I think the conversation I recall at the work session was our ability to look at renters and impacts and to what extent would the savings to homeowners be shifted to renters if we're to try to recover the revenues through a higher tax rate.

[9:49:07 PM]

I think there's some ways we could look at that. I honestly don't know if we are going to have data in regards to income levels of different renters. I mean, without the data it's going to be very difficult to do any kind of analysis. But we are certainly game to try to work with the comptroller's office and to gather data, work with our city demographer to get the data to provide this analysis. I just can tell you right now, we do not have a data set that I think would accomplish what council member qua Casar is asking for, but we could certainly pursue that.

>> Mayor Adler: That would be helpful. Because the argument as it's framed concerns homeowners and renters but I think it goes beyond that. And to have a complete conversation, if you were to make it revenue neutral, you wouldn't be looking just at renters, you'd be looking at who it is that pick it up. Renters may, if it was passed through, but primarily it would be owners of commercial property and industrial property. So that we have that. And I think if you find the modeling for that, probably wherever you find that modeling they may be able to do that, too. We recognize you don't have that, so it would take looking to see where that database or that expertise would exist.

>> Even if it's best estimates, my hope would be to say people in a particular income range, how many rents, for example, and that could help us get an idea of how many of them would see no tax relief, as opposed to folks of another income quintile. I think it would be the best estimate in that regard, since one of the primary reasons for looking into this from the mayor is that this

would help those of moderate means, and I would like to do our best to do an income analysis on that.

>> Can I --

>> Mayor Adler: Okay.

[9:51:07 PM]

Is there further debate on item number --

>> Just one more point of information. This resolution has a date of may 12th. I know my original resolution had March 24th, and we had a discussion at the work session about those -- you know, the new Numbers not being available, how difficult -- we talked about you providing Numbers based on original resolution by March 24th, or sooner if you have it. And then providing us updated information in may. I know we've added a lot of other information to this resolution now, but it would be my preference that we -- if we can get Numbers sooner rather than later, even if they're based on last year, and then have those updated in may, it would help us to at least start having conversations because I know the discussions about the budget are going to be happening pretty shortly after that, so for me, knowing that the Numbers are going to be, you know, changed slightly, it would be helpful to have information sooner, sooner than may 12th.

>> I can offer to you -- I think we have a lot of information we could provide you that -- analysis and work we've done for our previous council using last year's tax roll, the 2014 tax data and our current tax rate, so we have a lot of analysis that was conducted, memorandums, presentations, that were provided to city council in regards to a general homestead exemption, different options for that, the over 65 exemption, disabled exemption. So what I'd like to do is compile all that and provide it to this council very, very soon so they'll have the same information that was compiled for our previous council, and then when we get new data mid-april we should get new data from tcad and Williamson cad for property values, appraisals, we could update those Numbers and at the same time be doing this analysis.

[9:53:10 PM]

Some of these analyses are going to be complicated. They're going to require us to work with the appraisal districts to get special runs of data in order to do the analysis by district and things of that nature. So doing the more complicated work here, I don't know that we could get it done by March 24th. I think the one aspect you asked for that hadn't been done in our previous work for council was what would this look like if you did it over two years or four years, as opposed to all at once. I certainly think we could accommodate that. But these other issues about tax incidence and how things may or may not be shifted to commercial properties or industrial properties, it's a complex question with a lot of data crunching and having to collect data from the appraisal district so I would not want to commit to getting that done by March 24th.

>> So could we get the information that you have now just for the two years and four-year, the information that you had from the last council and put that information in the form of phasing it in over two years or four years, and then everything else that we've kind of piled on, that can wait till may?

>> We'll get the data for you as soon as we can, yes.

>> Do I need to put it in the resolution or is this a good enough understanding?

>> This is good enough for me.

>> Okay.

>> Mayor Adler: That's good. We have some public speakers as well, too. Want to hear from them first and come back or do you want to speak first?

>> I guess I just have amendments, too. I don't know when the proper time --

>> Mayor Adler: Let's hear the public comment, then come back in case that has any bearing. We have only two speakers. Is David still here, David king?

>> Thank you. No, I'm not speaking on every item on the agenda today, although it may seem like it. But there's, as you know, many important items, and so thank you, mayor, mayor pro tem, and council members. I'm glad that you're adding the component about the impact on renters, and on the budgets for important services, I would like to make sure that those services include parks, libraries, libraries and health services, in that list of important services, how they would be impacted by this budget cut.

[9:55:27 PM]

And I would also like to suggest that we include alternatives to make up that loss of funding by looking at implementing a transportation impact fee. How much would that add to the budget if we were to do that? Because we're right now using money that could be used for these other services to make up for the lack of a transportation impact fee. We're doing that right now. How much could we raise by increasing the parkland dedication fees? How much could we raise by increasing the development fees for storm water, water quality, and sidewalks? And for the use of our parkland? So I think we should include how can we make up this funding loss from this property tax reduction in other ways, primarily, looking at making development pay for itself. Thank you.

>> Mayor Adler: Thank you. Ross Smith. Mr. Smith.

>> Thank you, mayor and council, it's a pleasure to be here. I'm a zilker homeowner but I want to speak about the budget impact and the way you analyze it. Mr. Zimmerman a couple of days ago raised the idea of excess spending. Excess spending is a -- is shorthand for a policy judgment that the city should or should not be spending money on this, that, or the other thing. I would suggest to you, if you would find it much more helpful to look at the idea of excess revenue. Excess revenue is the pot of money that you have available to you after all of the contractual obligations of the city have been met. That's debt service, pension funding, long-term purchasing contracts, whatever it might be. Anything left over after you meet that in any given year is excess revenue. And it's from that excess revenue that you have to pay for things like filling potholes and keeping libraries open and buying new equipment for cop cars.

[9:57:32 PM]

And salaries. So I think you would find it very helpful if you asked staff to present their results on the budget impact to you in this form because that will guide you in how -- in your decision of how much revenue needs to be made up, if any, based on the -- on the way that the 20% exemption kicks in. I don't want to demean Mr. Zimmerman's idea because if he would throw me a question, I do have -- I know I'm running out of time, but if he would throw me a yes, I do have an idea that is on target to his comment.

>> Welltion I would like -- it's only 10 o'clock, so go ahead.

>> Actually, I have been waiting all this time because I wanted to see who drew the short straw for making the motion to go past 10 o'clock. And I believe you were about there. >

>> Mayor Adler: We're just about there. Do you want to finish your comments?

>> One of the ways staff will likely present this budget impact to you is in terms of maintenance of current services, which is, if nothing else changes and we keep doing all the things that we have been doing, this is how much money we will need to do it. Usually, the way things work is, there's never enough revenue to maintain the current services. Things change, inflation kicks in, prices go up, all of that sort of thing. And so what you -- what the discussion often turns into is, okay, how do we make up the revenue to maintain current services? That turns into a trap because it gives a handy way to avoid having policy decisions about are the ways we're currently doing things appropriate, are they efficient, are they what we ought to be spending money on?

[9:59:38 PM]

And so that's the point that Mr. Zimmerman was getting to with his comment about spending.

>> Mayor Adler: Thank you very much.

>> Thank you.

>> Mayor Adler: It is 10 o'clock. If someone wants to move to go past 10 10:00? Past 10:00?

>> I'll make that motion. >

>> Mayor Adler: Ms. Tovo makes that motion. Mr. Zimmerman seconds. Any objections?

Hearing no objections on the dais, we're going to extend. And I know that's way too ambiguous for the immediate yum. We're just going to do it that way because we can. We're continuing the debate on this resolution. Any further debates? Ms. Garza?

>> Garza: I want to offer my amendments, which I believe everybody has a copy of, and it sounds like the concerns of my colleagues, possibly some of the language being one sided or pejorative. I'm okay taking out of some of the whereas clauses because my understanding is, those are -- those don't really call for action. But I would -- I would say that my be it resolved really doesn't encompass everything that we've -- that everybody has already added to this. I could -- and is everybody on that page? I can read that? Okay. So I have the be it resolved the city manager is directed to analyze the impact on homeowners and the city budget of is implementing 20 homestead exemption over the terms of one year, two years, four years. The analysis shall include a district level analysis. The potential financial impact for renters and I'm going to say options from the city manager, so replace recommendations with options from the city manager regarding how any potential funding gap would be addressed through an increase in property taxes, reductions in specific services, or a combination of both.

[10:01:42 PM]

And I can add there, or other options, and that the city manager shall present this information to the city council no later than may 12th, 2015 work session. With regards to people's concerns about recommendations or options, I'd like to point out that staff makes recommendations to us all all the time. They make recommendation to us with zoning, they make recommendations to us with -- and we've already not followed some of those recommendations, so just because these recommendations are made, just because we're asking for these options doesn't mean that affects in any way our ability to change that, those recommendations and to provide our own policy direction. I just -- I think it's really important to look at every effect that this could -- that this

could have on -- on complimenting this -- on complimenting this. I want to make sure we're taking a real thorough analysis of this because I heard on Tuesday that the intent was just to start the conversation on this, and it quickly changed to how quickly can we get this information back to get this implemented. So if we're shooting for that quick turnaround time, if we're shooting for that quick analysis so we can possibly implement this during the next budget talks, I want to make sure that we're looking at every single effect that implementing this could have.

>> Mayor Adler: Ms. Garza makes an amendment. Is there a second to that amendment? Mayor pro tem seconds the amendment.

>> Do you have a copy of this one?

>> Mayor Adler: What's covered by your amendment that's not in the -- what's -- what do you cover that's not covered in the resolution pending before us?

[10:03:50 PM]

>> The resolution with all the added --

>> Mayor Adler: Uh-huh.

>> I guess I don't know what that final product is right now.

>> Mayor Adler: I mean the three words that were added and the five words that were added?

>> Garza: It's this.

>> It seems about the same. I guess your tax incidence, is that the same as requesting the options from the city manager regarding how the funding gap would be addressed? That the purpose of the incidence language?

>> Mayor Adler: Yeah. My understanding from Ms. Troxclair, it just says that the city manager directed to analyze what the impact would be of implementing it. It doesn't direct which ones, which I think you have?

>> I guess it's -- I would say that mine is a little bit more specific in exactly what we're asking.

>> Mayor Adler: Does it get that if we add to her language, by district, considering revenue uses, tax rate changes, and what was the third one?

>> Reduction in services.

>> Mayor Adler: Reduction in services? Revenue uses, tax rate changes, and reduction in services?

>> Asking for those options from the city manager?

>> Mayor Adler: Yeah. The city manager is directed to analyze the tax incidence and impact on homeowners, renters, commercial industrial property owners, and the city budget of implementing a 20 homestead tax exemption, one, two, four years, in aggregate, and by district. We could say and by income.

[10:06:00 PM]

Considering revenue uses, tax rate changes, and reductions in services.

>> I would say that --

>> Mayor Adler: And to present this information to the city council.

>> I think that is everything.

>> Mayor Adler: Does that work?

>> Yes.

>> Mayor Adler: Okay. I'll read this one more time. I'm now back to Ms. Troxclair -- Ms.

Kitchen's amendment to Ms. Troxclair's -- city manager is directed to analyze the tax incidence and impact on homeowners, renters, commercial and residential property owners, of the city budget, implementing a 20% homestead tax exemption over one, two, and four years, in aggregate and by district, and by income, considering revenue uses, tax rate changes, and reductions in services, and to present this information to the city council no later than may 12th, 2015, work session, or as soon as possible.

>> I'd like to second that.

>> Mayor Adler: Okay. It's been seconded by Mr. Zimmerman.

>> But isn't it -- I'm sorry, I don't know Robert's rules. Isn't it a friendly amendment to this friendly amendment to that one? Instead of a separate motion? Instead of a separate motion, isn't she making a friendly amendment?

>> Mayor Adler: That would be a good way to consider it. Ms. Troxclair, do you accept this friendly amendment from Ms. Garza?

>> Troxclair: I think so.

>> It would make it a substitution, right?

>> Mayor Adler: It's added language from Ms. Garza that's accepted. Is there any further debate on this item number 50?

>> Can I call a question? I can't?

>> Mayor Adler: Mr. Casar.

>> Casar: I would like to suggest that we include in here that we desire that staff make their best effort to do an analysis across incomes.

>> Mayor Adler: I added that, by implementing in aggregate and by district and by income. I added those words. That's part of -- that was part of Ms. Garza's --

[10:08:05 PM]

>> Casar: Sorry.

>> Mayor Adler: Any further debate? Hearing none, all in favor, raise your hand. Those opposed? It's unanimous on the dais. Okay? Thank you very much. That gets us to item 85. Item 85, kc 20140111 is amendment to title 25 of the stowed regarding uses and regulations allowing is a result of resolution passed by council last may. Situation was brought to the council's attention of a gentleman who owned a property downtown, a house downtown. He had what you commonly call a garage apartment, a second unit that was originally built as a residential building but for a very long period of time had been used as an office use. The office had moved out of the property and he wished to reuse the department, if you will, as a residential property. It was then discovered that that is not allowed under the city code because the zoning on the property is dmu, downtown mixed use zoning. That's family residential and that was not permitted in the CPD. Obviously it is the goal of the city to increase the residential component of our downtown, so, therefore, the council initiated a resolution and the staff supports, as well as the planning commission supports, a portion of this amendment that would permit two family residential small lot single family residential, single family residential, housing, both the cbd and dmu zoning districts. In addition, we discovered during the same situation that the property was subject to what's called subchapter F of 25-2, and it was agreed upon by the staff, as well as the previous council in the resolution, as well as the planning commission, that this did not make sense in these districts because they allow -- for example, cbd buildings, dmu buildings of 120 feet high, so it made no sense to apply the

[10:10:21 PM]

[inaudible] Resolutions which limit the size of a size on a lot where you can build a 120-foot building. So, therefore, the staff recommends and approval of this amendment.

>> Mr. Mayor?

>> Mayor Adler: Yes.

>> I'd like to move approval of the staff recommendation of item 85.

>> Mayor Adler: Is there a second? Mr. Casar seconds. Any discussion? Seeing no discussion, all in favor, say aye. Those opposed, nay? It is unanimous on the dais with the mayor pro tem and council member Garza absent, off the dais.

>> Thank you.

>> Mayor Adler: Thank you. That brings us to item 86, pulled by both me and council member Garza. So I'll begin -- first, I would lay out a suggestion that we seek to get the resources that we need in order to be able to make ten one a committee system work in this city. At the end of this discussion I'm going to recommend that we postpone this for two weeks so that it can sit out for people to talk about. I'll talk about getting us these resources both the way it's proposed, as well as alternate ways, and what I talk about, so that we can have this open conversation. Is there a second? Ms. Pool --

>> I'm sorry, may I have a point of order?

>> Mayor Adler: Yes.

>> There were three people listed here. Maybe they're not here any others maryengle, David king --

>> Mayor Adler: There are at least some here. So there's a second discussion? Mr. King, do you want to start us off, public hearing? Or do you want me to go first and you want to talk after I first? All right. Let me lay it out.

[10:12:22 PM]

We've just gone through a long campaign for a year. And over the course of that campaign, there were a lot of things that we all discussed. I had the opportunity campaigning citywide to be able to spend time in each of the districts and heard most of the people [inaudible] Campaigning over the course of the year. And I think that, generally speaking, in almost all occasions, we were saying very similar things. And that is that the challenges we face at the city are significant. I believe that Austin is a tipping point. I'm even more convinced of that as we've gone through the last three weeks than I was when we went through the campaign. We have pretty serious issues that we haven't been able to get in front of, to the extent that on virtually any zoning case or land use case we have, there can be objections because there's too much traffic already. We have not been able to get out in front of that issue. We were the 24th most congested city in the country just eight years ago, and we're the fourth most congested city in the country now. There are wonderful things that are happening in this city, but we have challenges. We have bringing in more jobs than anywhere else, but 60% of those jobs don't pay a living wage. We have a gentrification issue in this city. We have an affordability issue in this city that's causing us to lose people and entire communities. We're facing, as we heard the other day, a potential water crisis in this city that might involve us looking at how we do business models with our utilities. We need to get out in front of that. We can't continue nibbling at the edges of our most significant

problems. And I think that we have been elected to this body to do things in a different way, and to actually get out in front of those. I think that the new 10-one system is a new thing.

[10:14:23 PM]

The fact that we have now moved to extended committees and extended committee functions and expectations is also new. You know, if you don't -- if you want a different outcome, then you have to change the systems that lead to that outcome. And I think we're in the process, in the middle of doing that, and I'm very proud of what it is that we're -- that we're doing. Now that I've been in this office for three or four weeks, I can actually quantify a problem that I thought existed, but it's very real, and I think it's something we all share. The number of constituent inquiries and calls that come to our office are just mind boggling. And it's important for us to be able to deal with those and handle those because constituents need help negotiating the system and negotiating the city and receiving help and support that we're able to give. There would be no time to do anything else if we did that function alone as well as we could do it. But we can't. Because there are a lot of items that are put on our plate and on our agenda, and a lot of these items are not items that we put there. A lot of items that are on our agenda today that were not our issues, but are the issues in the community because people have been working on different projects, and every week they're going to be 30 new agenda issues that come onto our plate. And we could spend our entire time doing that function, if nothing else. And that's an important thing for us to do. But we've been expected to come here and do even more than that. We've come here with a charge to engage in long-term policy and planning conversations and to actually move forward in those areas, to be proactive, and not reactive, to do more than -- than spending so much of our percentage of our time on crisis resolution and dispute arbitration.

[10:16:27 PM]

We need to do more than that. And I think that we've come here as a group hoping and expecting of ourselves that we're going to do that. This is not a suggestion that we're trying to change the form of government in this city, because in our city, we have a city manager and staff whose responsibility it is to deal with the management and operation. And as far as I know, there's no one on this dais, by the work we've done, that is challenging that or suggesting any other system. But I think that what we are saying is, we want to do what is -- what we're supposed to do better than it's been done in the past. In order for us to do that, I believe we need additional capacity. I think that the citizens and residents and voters in this community are expecting us to do things in a new way. That's how I campaigned for the last ten months, and I think that's how many of us, if not all of us on this dais campaigned as well. We need additional staff. Now, I've gone out and been contacted by and talked to a whole group of mid-career and late career people from our community that are willing to stop their lives to help us do that. About half of them are volunteers that are willing to just do this for free because they're in a position to be able to do that, and I think that is an incredible gift they're offering this city. And then the other half of the eight that I would like to think we should have are people that are just as important voices, they're not able to do it as volunteers. And I think what they're offering this city is also an equally valuable and important gift. And we need to take advantage of that. Now, I am coming to this body and suggesting that we bring those folks in. You know, they could -- the volunteers could come into my office just as interns.

[10:18:30 PM]

As I look at the dais right now, there are probably volunteers working in other people's offices right now that haven't come before this council for vetting or for otherwise. But I wanted us to have that, and I thought it was incumbent upon me to propose a way to be able to do this without the taxpayers having to pay to get this done, the affordability climate that we're in right now. To that end, we have proposed a way to do that. We have taken a foundation that was created 15 years ago, the mayor's better Austin foundation, created by senator Watson, I think when he was mayor, to supplement and to add capacity to our city system. It's been used over the past 15 years for things like the council on aging, some veterans activities, so it's a body which existed. Its mission and its purpose allowed itself to be a vehicle that could raise money as a charitable 501cp to be able to provide this service. As mayor, I inherited this foundation, and I suggested that if we were going to use this foundation this way, that we needed to take steps to make it much more open, much more transparent, and put in ethical restrictions and requirements that went beyond anything that I'm aware of any city, doing something for any city in the entire country. And we did that. We made it so that no one could contribute to this foundation that fell in five different classes, including lobbyists, people that were doing business with the city, people who had land cases pending in front of the city, five different cases. We provided that all of the contributions that came into the foundation would be published, publicly, so that they were available for review.

[10:20:41 PM]

We provided that anybody that this -- that volunteered for this organization, whose services were then donated or gifted to the city, or anybody that was receiving compensation to be able to cover their family, and then their services were donated to the city, even though they came in as volunteers, would have to sign the same financial disclosure statements that are required of senior level policy people within the city, that they had to make themselves subject to the conflict of interest provisions in the city, that they had to make themselves responsible for the recusal policies of the city. Again, I think that is absolutely unprecedented in any of these organizations. There are other entities like this supporting governments in other cities. New York is an example. Los Angeles is an example. When they fund programs, they're actually officed in the mayor's office. We are proposing something here which had greater transparency, greater openness, greater controls than anything I've ever seen before, anything that I'm aware of. But situated, I but as I sit here today, if it is the will of this body not to do it this way, if we rather charge the taxpayers, the cost through October with this group of people is about 260 grand. My understanding is that the city manager could find that money in the budget for us to be able to do this. And if that would be the will of the council to just do it that way and make the taxpayers charge, pay for it, then I'm fine with that, too, because I don't care which one of those two options ultimately is the will of this council. I am only concerned with making sure that we have the resources in order to be able to do the job that that I think we're asked to do.

[10:22:41 PM]

This is a great system, this 10-one system because the 10-one system with the 10 means that

there are going to be voices for new communities that maybe never had a voice in front of the city council before. New communities sitting at the table for the very first time, and I think that's great. And then the other part of 10-one is the one. That's the only person that's elected citywide, and that's me. I have run telling the voters and the residents that in my mind, that meant that I was responsible for helping to make sure that the 10-one system worked. I talked about making the committees that we have made, and I talked about that for a year. And I said if the council makes those committees, then I'm going to say it's my responsibility to help make sure that those committees work well. And I've said that I see my role as mayor in trying to help make sure that every one one of the council offices are successful in doing whatever those council people want to do to whatever degree those council offices wish or desire or want to make use of any support that I can offer. Because we're in this together, and I think that ultimately, if we're going to be able to move forward, it means that we have to stay together and we have to pool our resources and we have to help one another, and I think this is something that I'm in a position to be able to do, and want to help bring the resources for our council to be able to use them. These are not people that are policy experts. We're not holding them out that way. We have a lot of policy expertise on our staff. We have a lot of policy expertise and stakeholders in the community. But this is a group of people, and I could go through the names. You've all seen them. This is a group of people, I think, that have demonstrated an ability in this community to get things done.

[10:24:42 PM]

These are people that will be available as resources to the committees, to the council offices, these are people that will help convene the community. These are people that will help convene stake holders, these are people that will help in whatever way they need to help to make sure that when we're sitting at that dais, identifying the issues that we've identified even over the first meeting that we've had here today, that we actually have the ability to move forward on them so that at the end of the year, or at the end of two years, we can look back and say we moved things in a big way. So I look at the controversy associated with this, and I recognize that there's some, and seems to me that most of it in terms of the e-mails that I'm getting, most of the controversy centers around how this is paid. People suggesting it shouldn't be done by third parties, no matter how controlled. And I understand that. And I'm ready to have the debate or the discussion about what's the best way to pay for this. And, again, I'll tell you, I don't care. I don't care. But what I do care is that we have the ability to be able to move forward and to actually get things done in a new way. Because the old way was insufficient for what we're trying to accomplish. Mr. King, you want to talk?

>> Thank you. Thank you, mayor, mayor pro tem, council members. Mayor, you know, I support your purpose here and the goals that you've laid out here, and.

>> Mayor Adler: Thank you.

>> I do see this as a new way forward, and I'm proud of what you're doing here.

>> Mayor Adler: Thank you.

>> My only concern is about the, so of the funding. That's it.

[10:26:43 PM]

So, I appreciate you postponing action so more public input could be gathered and considered. But I think that we should look for other public sources of funding before we broaden the use of

private funding to develop and influence public policy. We could make more money available without raising taxes by reducing the amount of taxpayer money we give to opportunity Austin and the chamber of commerce, by eliminating [inaudible] To large corporations, by not waiving fees and expenses for for-profit events, and use that money, instead, the way you would like -- the way you're proposing.

>> Mayor Adler: Thank you.

>> And I do appreciate all the hard work that you and the council has done already to increase transparency and to encourage public input and facilitate public input. And I applaud you for continuing down that pathway. Mary Engle, president of the council had to leave and asked me to share these comments with you. These are her comments. Using funding from the private sector makes many of us uncomfortable. The city of Austin should be funding these positions if they are needed. They might be needed to help our mayor do an excellent job for our community, but in a brings up the question, why just the mayor's office? What about extra help for the other council offices? Our problems are great. The whole of Austin could benefit from the speeder tease and wisdom of virus in each district. 2: Besides avoiding the appearance of impropriety the argument for public funding is essential. By using private foundation money, we have clearly danced around the nepotism rules. This does not sit well with the public. 3: The council needs staff resources to do its job for enacting public policy. We need you to come forward with a proposal about these staff resources and the budget for such staff. Maybe at the next council meeting, so that we can focus on a balanced proposal that will benefit the entire council and will be managed through the committee system. Thank you very much.

[10:28:43 PM]

>> Mayor Adler: Thank you, sir. Ross Smith.

> Those were all the people that had identified wishing to speak. Before we make a motion to postpone, is there further debate? Ms. Garza?

>> Garza: I want to thank the mayor for postponing this because I don't think that this is a policy decision that we need to rush in any kind of way. I do want to voice my concerns, and they echo probably the criticism that the mayor said he's getting about the private funds. And also, it kind of speaks to my earlier comments about the salary item and the possible inequities something like this and unintended sequences this could create because it's my understanding that there are other could you know members considering doing similar -- similar private funds to aid their -- their office. And, again, I would say that -- I mean, we come from, like I said earlier, 10-one was about everybody having equal voices on this dais, and I'm concerned about, with other office -- if other council members have the -- have the ability to go outside and raise all this extra money, and then there's going to be council members who don't have those connections or the ability to do that, and they will, in essence, possibly have less staff than other -- other council members, and so I do firmly believe that this is a conversation that needs to happen during budget discussions, and we need to keep these positions public positions. This might not be the best comparison, but when we think of the effects of citizens united and how private money is affecting our legislatures on the federal level, and how they have essentially -- are spending most of they are time having to raise money and not being able to legislate, and so those are my biggest concern.

[10:31:06 PM]

I agree that we all could absolutely use more staff. I think we should have these conversations during the budget. We all have V advisories in our own way we reach out to when we have questions and I'm thankful for those who have constantly offered, please use me as a resource. If you have a question about this issue, please use me as a resource. We still have access to that, regardless if we're able to pay them. It doesn't mean advising with them really influences, it's just to ask questions of people that are more knowledgeable about certain issues. And I'm also concerned about -- I guess I don't understand if these -- if these employees work for the mayor, and if they do work for the mayor, how can they help the council members' offices and that not be considered like, you know, the walking quorum thing? If I talked to three other council members and I talk to somebody in this cabinet, is that essentially me talking to the mayor? I just have a lot of questions about the transparency of all this. So I don't -- I just can't see enough safeguards with private -- basically privatizing policy making and I can't see myself supporting this. But I understand it's being postponed.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: First, Mr. Mayor, I want to commend you for the incredibly hard work you've done, and I completely agree that you deserve and need some more staff people. I absolutely agree with that. With no offense meant at all to our city manager, what amazes me is we have about 12,000 full-time city government employees, and maybe 3,000 others that are temporary, and I can't figure out how -- it wouldn't be possible to have eight people, out of the existing, simply have eight people dedicated to what you need to get done.

[10:33:10 PM]

How could we not find eight people out of 12,000 that could be dedicated to your service under the existing head count? That's my big -- big concern.

>> Mayor Adler: Any further discussion? Debate?

>> Mayor?

>> Mayor Adler: Ms. Tovo.

>> Tovo: Yeah, I'd like to make just a few comments. First, I too want to start by really thanking -- by thanking, first of all, the mayor and the sponsors for their willingness to postpone this item. I think it's responsive to the community and the interest that we've seen among community members to participate in this discussion, so I appreciate that. And I really want to start by saying I really appreciate the creative approach mayor Adler and sponsors on this item, that you've taken to thinking about -- about how a new -- how a foundation might assist in some of the challenges that we're facing here in Austin. I think we've had a very productive month, and it's due, enlarges part, to the creative leadership that, Maryland, you have exhibited. And so you know, I want to just emphasize and underscore that the comments that I feel I need to share are not in any way personal or intended to be such. I have a lot of confidence and respect both for our mayor and for my colleagues who brought this forward. I also have relationships and enormous respect for several, at least several of the people who have been identified as either staff or policy advisories on the foundation. It makes what I'm about to say more difficult, but probably like some of you, I have received a lot of e-mail and phone calls over the last several days that do fall into -- they run the gamut from specific concerns about how policy visors staff would or would not be subject to the Texas open meetings act and public information act.

[10:35:16 PM]

We received a little information in the Q and a but not thorough information. But anyway, the concerns I'm receiving run the gamut from very specific issues to really two bodies of concern, some have already been addressed here, the prospect of outside influence if staff positions are paid by individuals and corporations and other donors. We do have a foundation. It has been used in the past. It seems to be mostly project based, smaller scale projects from, you know, \$1,000 love your neighborhood events to \$60,000 of money from St. David's to fund the task force on aging. This is a different model. It's different from what I can tell. We had several very concerned citizens sending information about L.A. And New York City, suggesting that those foundations are more project based as well. And I hope that we'll have an opportunity to talk about that. Both of those cities have strong -- I believe have strong mayor forms of government, and I think this lands in the second body of concerns that I'm hearing from my constituents. And they're similar to what council member Garza said, which is, I'm hearing a lot -- the concerns I'm receiving are not just about how staff would be paid, but the fact that the mayor's staff would be expanding rather dramatically and concerns about how that might shift what has been established in our charter, where the mayor is one vote among eleven, and has -- the practice has been that the mayor has an expanded staff, but this is a dramatic expansion of staff to go from five to an increase of at least eleven additional individuals who as employees or policy advisors of the foundation would report to the mayor. So this is really potentially moving us in a new direction of -- in terms of our system of governance, I think it's wise for us to be cautious and give this the time and attention it deserves, in terms of the larger implications.

[10:37:32 PM]

Again, that is something I know probably we all are receiving e-mails and feedback about. But I appreciate -- again, I appreciate the creativity of the approach and the intent in really making sure that as a council, we -- and as a mayor, that we get the best advice possible and the best expertise. I look forward to the continued discussion, but again, I feel I need to share the concerns -- some of the concerns I ever and the concerns I'm hearing among my constituents.

>> Mayor --

>> Mayor Adler: Am Renteria, then Ms. Gallo.

>> Renteria: You know, we have committed these committees because of transparency, you know, there's a lot of confusion and misinformation circulating out there. I really support, you know, what you're trying to do and put together, but I really think that [inaudible] Added before you sign that contract, it should go through a committee structure so that we can get the citizens' input that they want, that we need, so that, you know, we can explain to them and your staff can explain to them exactly how it's going to work. There's a lot of concern that's going on, you know, you know, how -- are they going to be -- the staff going to be open to -- you know, are they going to be subject to the open meeting law? You know, there's a lot of questions about, you know, are they going to be assigned an e-mail address? Are they going to be able to talk to the public? There's a lot of questions that need to be answered, and I think that we should do it in a transparent way. I also suggest that, you know, when -- in the resolution there, in the "Therefore let it be resolved by the city council of the city of Austin," the city manager is directed to negotiate and to enter a contract with the mayor [inaudible] Foundation.

[10:39:46 PM]

I think we should add a second line that says the city manager is directed to bring the negotiation contract before the city council for approval.

>> Mayor Adler: It will come back to the city.

>> Yes.

>> Mayor Adler: I understand. Further debate? Discussion? Ms. Gallo.

>> Gallo: As people have approached me and talked to me about this issue, kind of the first place we go to is that a lot of people don't realize that our individual staff budgets were set by the previous council. And I don't think certainly the way that we do business now is so different because the constituent component is so important to all of us because we do have districts that we report to. And I think all of us in every single one of the council offices could easily and gratefully add one more person to our task force and probably still not get our work done. I think everyone's probably working 60 to 80 hours a week at this point, including wonderful staff members. So, you know, that has to be part of the dialogue, too, is that we're really working under a budget that was established by a different council with a different way of doing things. I really appreciate the opportunity to delay this vote for a couple of weeks to allow people to continue to communicate with us. What I like hearing is when people send e-mails and talk about their concerns or their support, is really people that are specific about their concerns and offer specific areas of concerns, and also suggestions on how they might feel like we do it differently. The issue is there. We just don't have enough staff, both the council member offices and the mayor's office. So if our public, if our constituents would help us figure out how to solve that, we would really appreciate it. So I look forward to e-mails that address both being for or against this idea, and really some constructive suggestions on how people feel like we might address it and how we might deal with it.

[10:41:52 PM]

So I appreciate the two weeks' delay.

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: I just want to echo pretty much everything that has been said so far. Yes, it's a new issue. I appreciate the postponement. I appreciate that you're trying to address this issue as carefully and transparently as possible. But I share a lot of the same concerns that have been mentioned by our council members already. Actually, I have a list -- I had a list here of questions, and they're all so similar to what has been said, despite me not having prior communication, just who do these advisors answer to, do they fall under the open meetings act. So those are kind of the technical questions that we still need to have flushed out. But I also kind of wanted to -- my biggest -- my biggest concern, though, is -- and the reason that we have the new 10-one system is because the citizens of Austin recognized a need for district representation. And although I appreciate that the mayor has a constituency that encompasses the entire population of Austin, while we only have a tenth of that population, at the same time, we were elected because there was a need for us, for district representatives to truly be the voice of the city, and for policy to be directed by a better understanding of the needs of the different parts of the city. So I'm concerned about just the shift and regardless of how this is paid for, it is a significant addition in the number of staff that we're placing in the mayor's office. So regardless of whether it's a private foundation or whether it's city money, it could have the end result kind

of diluting the voices of the ten council members.

[10:44:07 PM]

So I don't know how to overcome that concern, but I did want to bring the up. And I don't know that the answer is alternatively, well, we should all add more staff, too. Just for comparison, a state representative has about the same budget as we do, and their constituencies are about twice as big as ours, their districts have about twice the population as ours. And yet the offices at the capitol are set up much the same way, the same number of staff with about the same pay. So the idea that we're not -- I know we're new and we're wet, but not drowning, and it is an incredible amount of work, but it's hard for me to wrap my head around the fact that we would need more staff than currently required, or currently offered at the state level for double the population. And as far as the -- I also understand the point about the mayor wanting to be accountable to his constituents, and I hope -- but I also hope that the -- that we can help you with that burden, that we -- that the council members can be the first point of contact for constituent who are talking to you about a certain issue. I mean, that's what we're here for. If you have someone who contacts your office with a constituent -- you know, with a permitting issue or with a question about a development going in district 8, I would hope that me and my staff could help you -- that you can direct them to my office as well, and that I can help you respond to their concerns. So I want -- I want to make myself available to you to help you with your constituent load that you're dealing with from constituents from district 8. And the last thing I want to mention is that -- that we haven't talked about yet, I know the mayor intends the people that are a part of this foundation to assist all of us in our offices, to be a point of contact if we have questions or if we need extra staff, too, but at the same time, we don't -- the council as it currently stands doesn't have any say over who is hired by the foundation, so I think that one option to consider, if this proposal does move forward, if we're wanting to build the kind of relationship with each of the council districts where we feel truly invested in the people that are hired through the foundation, I would suggest some -- something such as allowing each person to come before council to introduce themselves and their background, to allow us to ask questions of them, and then ultimately take a vote of the council on the people that are hired through the foundation.

[10:47:03 PM]

I think that that would offer a good safeguard and add to the transparency of the structure. That would be my suggestion.

>> Mayor Adler: Thank you.

>> Mayor, I've -- I co-sponsored this because I appreciate the initiatives that you've been trying to bring forward to get this council kick started and not just working actively but proactively [inaudible] As possible. But I have to admit I have been working on this and thinking about it, and I woke up at 4:00 this morning to think about this, and Garza, and it seems like we're not voting on either of them. But my feeling is that where I'm coming down on this is that I do feel that just an expansion of our staff, whether it be our staff or the mayor's staff, and if that expansion is permanent, should go through the Normal channels of being taxpayer funded. But as the mayor pro tem mentioned that we have had project based grants, and it sounds to me like if we can define this as a project, and as a project that benefits this entire city and this council, that I would feel more comfortable moving forward and I think the public wolf more comfortable

moving forward if it was not just private funding that replaced taxpayer funding, but rather there was private funding leading to grants for a particular purpose that was outlined and clear and had a timeline. I don't know if you intend at a future hearing to talk to us about any sort of provision offer timelines because I saw that in public communication. The mayor mentioned that this was something you were considering. But I think that my comfort level is definitely towards, if this is going to be a foundation, a grant made to the city or a contract with the city, that it be, you know, project based.

[10:49:06 PM]

And it sounds as if, the way you laid it out, that that's the way that you intend this, is not just for the benefit of the mayor's office, but rather for the benefit of this whole council. And I think at that point, that would also address the concerns that this is a power grab of the mayor from the council project, clearly outlined and defined to show how it benefits the rest of the council members. So I'll be looking towards those sorts of modifications or explanations to the current proposal. And I hope that will address some of my concerns, as well as some of the concerns of my constituents.

>> Mayor Adler: Ms. Pool.

>> Pool: Well, Mr. Mayor, I guess it's a good thing you decided to postpone it for a couple of weeks because I don't think we're going to have an adequate vote here tonight. I did want to address one thing that council member troxclair said about comparing the work that we do here and the size of the offices and the size of the districts to -- to the capitol. And I worked up there, too, and what I would say is they're really very different, as far as how often the legislature meets. We all know it's not year-round, every day, pretty much. There are intense work periods, while the legislature is in session, but it's also phased in over a period of time. The real work doesn't begin until after filing deadline, which is about halfway through the legislative session. And there are tremendous bodies of support at the legislature that have been developed over time that we don't have. They have the house research organization, they have ledge council. They have the sunset commission. They have individual elected officials over top of a lot of different departments, and they have -- at any rate, you all know the structure over there, and what I'm saying is, we're one body here trying to do the work that the entirety of state government is working toward.

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So I don't think -- I don't think it's an apples to apples. I also noted that there is a stopper in the resolution that this would end after two years, so there's a time frame that would be -- that was inserted in there. This is not an on going program. I would offer that the committees could select the projects, that the cabinet members could work on, and I'm sure there are other creative ways that we can address the capacity issue that we're dealing with. The staff have been tremendous and awesome and accommodating. What we are bringing to you to try to start shifting the way we do work here, and there are natural tensions in place because we have a new approach, and we're trying to mold and shape an older approach. And so there really are needs to try to break out of those bounds. I think we can use the two weeks between now and the 26th to kind of work through some of these things, and more specifically advertise the fact that the mayor has recommended a short time frame for this to continue. If we're going to look at this as a budge

amendment, I would highly recommend that we do -- if we look at putting this into the budget process, I would recommend a budget amendment so that we are not delayed until fall to implement this, that we look at committees handling the projects, and I'm sure there are a couple other things to talk about. But I look forward to working further on this concept and more fully explicate the. As with more creative ideas, sometimes we have to go slower to bring people with us.

[10:53:11 PM]

>> Mayor Adler: Thank you. Anything further? And I'm going to close before we -- I move to postpone this for two weeks. I look forward to working with my colleagues on this, as on everything, and I appreciate the comments and would like them to continue coming, not only from this dais but from the public. Mayor pro tem, I am honored by your compliment for the past month, and I will pass most of that on to my staff that are spending cumulatively hundreds of hours doing things that are not things out of our office, but are trying to help make the committee structure work, the policy conferences that you see happening, and the other infrastructure that's being built up to help ensure that we do well as a council. I just know I can't sustain that, which is one of the reasons we need to have this conversation. I think you were right, that this is a new direction, but this new direction didn't start with me coming into this office or work that we're doing in this office. This new direction started when the citizens of Austin adopted the 10-one system. They adopted a 10-one system. In doing that, they made the conscious choice to only have one office that was citywide. We have a new system. We just have an old structure that's trying to support it. There is a difference between the mayor's office and the other council's offices. That was not something that I created. It was something that was created by the adoption of the 10-one system. And now I need to work as together with you, with all my colleagues, to make this 10-one system work, to ensure not only that the district voices are present in ways that they were never present before, but also that the district needs get met in ways that they have never been met before.

[10:55:16 PM]

And we need to have a difference structure in order to make that happen. I'm amenable, council member Renteria, to sending this to a -- the issue of changing how we do staffing in this new system to a committee, and I think it could work through the committee and be part of the budget process because I'm not convinced, at the end of the day, that the staffs in each one of the offices are right. But in the meantime, as we get from here to there, I don't have the patience, I don't have the constituents that want me to wait, that want us to wait. I think we were sent here to do a job, and we were asked to start that job right away, and we were asked to push things forward right away, and I am ready to work with you to start getting things done now. Now. And I think that's what the people expect us to do. I'm fine making this in project and limiting it to the two-year period of time so that it's a project, and then let's figure something else out before we get from here to there. But let's talk through some of these issues as we go forward on he ever the next two weeks because a lot of the questions that have been raised are things that we thought we had already answered, but I recognized in the short period of time we may not have answered them in a way that was visible or apparent to everyone. These are folks that are available to help. You don't want them to help in your committee, they won't do anything in your committee. Our

committees were designed with four members on each committee, so that this mayor's office was able to provide help to the committees if the committees wanted to have help. They wouldn't be dictating policy to any of the committees.

[10:57:16 PM]

They would be in the support function for whatever it was that the committees wanted help with moving forward on policy. We have already been asked to help support some of the committee chair under our system, move forward with the agenda so that they and their committee and their committee members can be successful, and I want to be able to meet that need. It's true that the old foundation dealt with smaller projects. It did. It dealt with special, small, neighborhood projects. But we are in a time where small, neighborhood projects are not enough. And we need a vehicle that gets us beyond small neighborhood projects. And that's what we're trying to propose here. And that's why this changes. We have said that all of these people would be subject to the open meetings act. And the reason they would be is because, by design, they would all be coming over here and they would be working in the same way that any intern or volunteer works. They would have access to computers. But that means that everything that happened on the computers is available to the press, and to the public. They would be in that same situation. I recognize that -- I think it was said by someone that we all have advisors and we do. We all have advisors. The difference is, my advisors are going to sign financial disclosure statements. My advisors are going to make themselves subject to conflict of interest policy. My advisors are going to sign recusal responsibility. That's the difference. I don't think there's an issue with walking quorum, given the Numbers that we have. We don't have to violate that. They would be open meeting. And, again, this is not private money.

[10:59:17 PM]

This is not dark money. I just went through a campaign where some of the largest contributions against me came out of South Carolina, and I still don't know who it was that contributed to that. But every dollar that would be used, if you decide to use the foundation, would be a dollar that immediately gets posted, and the public gets to see who that money came from and where they are. I don't -- you know, I just want to get things done. I just want us to move forward. The offices are different. I hope that you can see from the first month of operation that I am not trying to take away anyone's voice. I have done everything I could to ensure that everyone's voice gets heard. And I would continue to do this the exact same way. You know, my four years will be over, I'll go away, you guys will run for mayor, and I want to make everyone of you the best mayor candidates you could be, and I want you all to be successful. But I -- I go around and I have gotten e-mails from people that raised the controversies. But I will tell you will that ten times as many people have stopped me on the street, or seen me at lunch, or heard me speak, because I'm speaking almost every lunch or dinner, somewhere, and they are putting their hands around my shoulder and they say, "Don't stop. Don't stop." I'm not going to stop. And I don't want you to stop. And I want to help. Every one of the questions that people have answered, we can address, and we will. Let's send to the committee the longer term question about whether we need a new permanent structure to reflect the new permanent system that these voters chose to adopt, but the prior councils did not address, and how the structure, having given us now the same structure that supported the old system, let's do that.

[11:01:30 PM]

And then ultimately you can make a choice, whether you want to do it there you a foundation or whether you want to do it through the city. And I've told you I don't care. But it would be a lot easier if you did it through the city than you did it through the foundation because then somebody's going to have to raise that money. But however it is that you want to do it, I don't care. I only care that we do stuff. So with that, I would move to postpone this matter for two weeks.

>> I'll second that.

>> Mayor Adler: There's a second. Any debate? All in favor, say aye. Those opposed, nay. It's unanimous on the dais. Is there anything else before we adjourn? Then we stand adjourned.

Thank you, guys.