

## City Council Work Session Transcript –04/14/2015

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>> Tovo: Good morning, I'm mayor pro tem Kathie tovo and I would like to call this meeting to order at can 08 in the boards and commissions room. Mayor Adler is off on city business this morning. He's testifying on on behalf of the city of Austin at the capitol. So we are very pleased that he's doing that. And we have several items pulled. It's my understanding there may be a more recent list, but the list I have shows several items pulled, number 3 and number 5 involve councilmembers who are not yet here, so I would like to move on to item 16. And we'll return to the others. So councilmember Renteria, you pulled item 16 and that is the case at second and Broadway. Welcome, Mr. Guernsey. >> Renteria: I had some questions on the zoning that's happening. I just wanted to find out what the different -- it was originally requested for gr-mu-np, which would have capped the unit at 15. And I noted that county commissioners approved it at ff-5-no. Can you tell me also that there was a request for M 2. Can you tell me what the difference between the zoning -- >> Yes, councilmember. Gregorio Greg Casar, planning and zoning department. On this particular request, this is in the govalle, Johnson terrace combined neighborhood planning area, so you actually have two cases before you. One is a neighborhood plan amendment that's related to 16. And the other is a zoning

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change. Both for the same property at second and Broadway. It's about six-tenths of an acre. The plan amendment was originally came in for mixed use, and the zoning change was originally for g.r.-mu-n, which is general commercial services mixed use neighborhood plan, community commercial mixed use neighborhood plan zoning. And the applicant actually can aa chief the number of units that I think they were interested in based on the sf-a, which is a higher density residential. We have residential you see most often in Austin is a standard, the sf 2 osf 3. Sf 5 is the first district that start to allow townhouses and condominiums at a low density. It did go before the planning commission and the commission and staff both recommended the sf five and it was approved unanimously by the commission. It's my understanding that the contact team in this case was also of the sf 5. And I'm not aware of opposition by the property owner to the sf-5 on this. I don't know if they've -- if they've had any complaints since the commission meeting, but I think it's my understanding that everyone was in agreement when we went to the commission. So the gr-mu-np, that would certainly allow for more commercial uses because commercial uses aren't necessarily allowed in higher density residential, so G.R. Takes in auto repair, it would take in general retail sales. It could take in any number of commercial uses that the sf-5 would not. It would also take in office uses for medical professional or administrative business offices. Those

uses would also be

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allowed in the G.R. District. The mu portion of the gr-mu could allow for anything at apartments or condominiums at a higher density than what would be allowed in the sf-5. So those are the major differences with the gr-mu you would be allowed multi-family uses and higher density residential uses and a full range of commercial uses, retail and office uses that would not be allowed in the sf-5. >> Okay. And what about mf-2? >> The mf 2 would be a district that would allow for multi-family uses, which are not allowed in the sf-5. So you could have apartment complex basically, which would not be permitted in the sf-5. That's probably the primary difference between those two? >> I have talked to the owner and they're saying something about mf-2 also has a setback that's more compatible on the neighborhood? >> The setbacks are different for the district. When you get to a district of mf five typically you're talking about a front yard set back of 25 feet, which is the same as mf 2. The street side yard and rear yard are 15 and 10, which are the same as mf 2. If it's sf 5, whether building a condominium or townhouse development, could be subject to the compatibility standards. Certainly a gr-mu use of multi-family would also be subject to compatibility standards. >> Renteria: And mf 2 would give us a more dense project? >> A more dense project could be a possibility, that's correct. >> Renteria: What's the cap on those usually? >> The density under mf 2 you're probably looking for

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something if there was say a 50/50 MIX of one bedroom units and two bedroom units, you might be looking as high as something that might be about 20 units per acre. In sf 5 it may be only a max of 12 units per acre. That's general. I would have to do some calculations to find out what it would specifically be for this project. >> Renteria: Thank you. The only reason I brought this up is I have talked to the developer and they were basically asking for a little bit more density of 11 units instead of the seven that would be restricted on the mf 5. So I just wanted some more clarification of what is really going on with this particular piece of -- tract, this land that they're at. Because I do feel that we need a little bit more density in that area. There's -- and I feel like that by having an mf-2 would bring in more families and we're in a place that we're losing -- there are a lot of seniors moving out, selling out. And I'm getting concerned that, you know, if we continue this -- the way that we're going that we might not have enough families there to support our local schools. So that's the reason I pulled it and wanted a little bit more clarification. >> Tovo: Councilmember, do you know if they're creating family-sized units? And if not, I can ask that question on Thursday. >> Mayor pro tem, I'm not aware, but we can certainly go back and follow up and give you a response back after we talk with the applicant. >> Tovo: It would be good to know the bedroom count. And also I want to make sure I understood when it went to planning commission, the applicant was comfortable

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with the zoning recommendation that's come forward? >> That's my understanding. As I said, there was an 8-0 vote of the commission in favor of the sf vote. >> Tovo: Thanks. Other questions on this? Councilmember Zimmerman. >> Zimmerman: Thank you. Councilmember Renteria, you don't see any issues with the project right now? Okay. Thank you. >> Tovo: All right. So we can backtrack a little bit. There were some council items -- there were some items that were pulled by council late and that typically means that staff may or may not be able to attend. I do see that we have our Austin energy staff here. So I'll go ahead and call up number 2 so that these folks can talk with council and get back to

work. I think that's the only item that involves Austin energy. So thank you for being here. Councilmember Zimmerman, this is the item that you pulled. >> Zimmerman: Thank you, mayor pro tem and thank you guys for coming. I guess the first concern I read through the notes and whenever I see economic development I get nervous. I know the way these chillers typically work is when you develop commercial properties that require this technology you put it in the budget and make it part of your commercial building project. So it sounds like what Austin energy wanted to do was create economies of scale and build a larger chiller that would serve several areas or several commercial businesses. Is that correct? Is that kind of what's behind this? >> Yes, sir. Good morning, mayor pro tem and council. My name is Jim Collins, representing Austin energy's chilled water program. So back to your question, yes, that's exactly right. Our competition, if you will, is these buildings, these developers can do it themselves, which is the standard classic way of doing it, or we can get them to come into our system where we can gain those efficiencies. >> Zimmerman: So what is the arrangement? Are they contributing to the

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capital cost or are they signing a long-term contract to use the facility? What are those details? >> Okay, the details of the agreements, the service agreements, are they sign long-term agreement. Typically it's 20 year and we allow for another 10 year extension. Under that agreement we provide all the capital necessary to provide the cooling to their buildings and then we recover that capital over the term of the agreement. >> Zimmerman: And you've said -- you referred to a chilled -- some unit of Austin energy. Can you tell me what's up with that? That you're part of a team or group that is doing something new, right? >> Yes, sir. >> Zimmerman: Can you explain the genesis of that and when that started and who approved that and how? >> Okay. About 15, 16 years ago Austin energy did a study to determine the extent of -- the success, potential success for a chilled water program. What it does in addition to allowing and facilitating economic development, and I would say that the three systems that we have in place now, one is for the downtown central business district, one is out at the domain and one is at Robert Mueller redevelopment center. And so by providing these plants, we can again extend our service, try to aggregate as much load, bring it in. Once we bring the customer load in to our facility, then we get to employ this thing called thermal storage where we can actually take the electrical consumption and our plants and take it away from the onpeak demand and push that electrical assumption into the off-peak hours. >> Zimmerman: That's all the questions I have right now. Thanks. >> Tovo: Other questions for staff? Okay. Thank you for being here. Especially thank you since it was pulled a little later. Number 3 was pulled by

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councilmember kitchen, this involves our transportation staff. And this is the item -- the ordinance amending city code chapter 13-2 relating to requirements for transportation charter services. A few of you have asked for what the extra items were that were pulled, and I put them up on the board. >> Kitchen: This one is very straightforward. I just pulled it to quickly have it available in case anyone had some concerns about it. Basically my understanding is that this is a straightforward amendment to handle some -- in response to a previous lawsuit, but to handle some -- just to clarify in the ordinance what it doesn't apply to, what the ordinances don't apply to with regard to these types of services in response to the lawsuit. Is that how you would summarize it? >> Good morning, Carlton Thomas, Austin transportation department. That's absolutely how we would summarize that. >> Kitchen: Okay. This has to do with the charter bus services? >> Correct. >> Kitchen: All right. Well, I think that I've answered any questions I'm sorry to bring y'all in here in case anybody didn't have any questions. I thought because

we've had a lot of conversations about different kinds of ground transportation it might be confusing for some people. Does anybody else have any concerns? Okay. Thanks with sitting with us for a little bit. >> Tovo: Thanks very much. Okay. Our next item was pulled by councilmember Zimmerman. It is the item sponsored by councilmember Casar. And this is the resolution rescinding an appointment to the commission on immigrant affairs. >> Zimmerman: Thank you, mayor pro tem. I guess the first question I have is what is the historical -- historical situation? Have we done this before? Does anybody know when the

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last time somebody has been rescinded from a board and commission and for what reason? Does anybody have that information? Has it ever been done before, and if so under what circumstances? That was a question I'm going to ask on Thursday. >> Tovo: It doesn't look as if we have staff here who can answer that, but I would encourage you to -- oh, it looks as if we do have. Thank you, city clerk. >> Good morning, mayor pro tem and council. To my knowledge we have not had a -- this type of case before. We did a little bit of searching to see if we could find any similar resolutions, and we weren't able, so -- I know it hasn't happened in the two years that I've been the clerk. >> Tovo: Thank you. Councilmember Zimmerman, do you have other questions for the sponsor? >> Zimmerman: I guess not right now. If you have -- anybody has any comments or questions, but I do plan to bring it up again on Thursday. So if we wanted to review anything about it, now might be a good time. Or not. We could do it Thursday. >> Tovo: Councilmember Houston? >> Houston: Mayor pro tem, thank you, and thank you for allowing us to bring this up and have some conversation, councilmember Zimmerman. When I meet with the people that I appoint, I have a set of core values that I hand out to each one of them that says that we will treat each other with respect, we will listen and we will be open to other possibilities because everybody's experience is not like the other person's experience. And so I just try to make sure that in the people that

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are my surrogates, who represent me on boards and commissions, that they understand that that's how I will be treating everyone and they are expected to do the same thing. >> Tovo: Thank you. >> Garza: I have a question. Councilmember Casar posted on the message board the YouTube video and I guess a lot of us weren't aware of it, but were you aware of the remarks that she had made at that rally? >> Zimmerman: I am. And I've known Rebecca for more than a decade. I think I go back with her probably 11 years, maybe 12 years. And this blew up in I guess June of 2011. So this was almost four years ago. What interested me is I looked at the content of what she said and statesman politifact did a review and rated her remarks as true. So I'm hopeful that she'll come in on Thursday so you guys can talk to her and meet her and see what she's like in public. She's a very intelligent and thoughtful person. I think she got caught up in some of her words and when she was done she said I shouldn't have said that. She misworded her comments. If you get to know her and know who she is over a period of 10 years, she's very, very thoughtful and deliberative person. I think you would like her and if you got to know her in person. >> Garza: And I guess I'm not -- I'm not saying that what she said wasn't true as far as anti-immigrant legislation being passed in states where there's less hispanic legislators, it was the idea that we need to fix that, we need to elect less hispanic legislators. So that what you're saying she misspoke about? >> Zimmerman: Yes, because what she's done over the years before and after that,

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she supported conservative hispanic candidates. She supported Francisco con say co-in the San Antonio area. She supported bill flores for congress. And she supported Larry Gonzalez, Roy morales down in Houston. So she has supported a number of hispanic politicians and candidates who have a position of upholding the rule of law on immigration law. Any candidate she's found that's been strong on that issue she's been supported. She's supported them in spite of ethnicity or background. >> Garza: She supported speaks who supported anti-immigration. >> Zimmerman: Anti-illegal immigration. There's a big difference between that. Out in district 6 which I represent, her position probably represents 60 to 70% of my constituents, that we need to enforce the rule of law on immigration law. And district 6 people like myself none of these people are anti-immigrant, they're illegal immigration and pro legal immigration. That's a very important distinction and that's what you would learn about her if you got to know her. >> Garza: Okay. One more question, I'm sorry. And so you think that that is -- that's the best nomination you can make to a commission's goal is to maximize benefits to local immigrants under existing laws, to minimize adverse impacts to local immigrants under the laws? And it doesn't distinguish illegal versus legal. And in your opinion that's the best nomination you could make to this board? >> Zimmerman: Yes, it is. And the fact that that language doesn't distinguish between -- actually, it does say under current laws, doesn't it? It says immigration under the law. Let me find it here. The ordinance -- yeah. So it's a whereas clause here, 2-1-125 it says

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maximize benefits to local immigrants under existing laws. So I think it's stated in here that an immigrant who is under existing laws would be a legal immigrant. So I think that's implied. >> Garza: I would disagree. I would say it's maximize the benefits, so it's saying the legal benefits to that person. There's some benefits where you don't ask if somebody is here illegally or legally. You can give them benefits regardless of their status. >> Zimmerman: I respect that point of view and the reason I've appointed Rebecca for us is she would take this other very, very important issue is what does the law say? And when we say here the impacts to immigrants under the laws, that needs to mean something in that point of view needs to be acknowledged. So district 6 would probably be the most fiscally conservative area of the city and we need somebody that can reflect that point of view and take a look at the law as it respects immigrant issues. >> Tovo: Councilmember Casar. >> Casar: I wrote up a brief statement for Thursday, but since Mr. Zimmerman has pulled the item, I do want to read a piece of it because I think it will be helpful as you formulate your decisions and opinions between now and Thursday. Sorry for -- as a point I usually don't read much from statements, but this is a pretty emotional issue for me, so I will do my best to just read from here. As I wrote on the message board, boards and commissions are an important part of our government and through our commissions people get to do great things, have great debates, I'm very supportive of having people from different political opinions on our boards and commissions, but it's ultimately our responsibility as a council to approve those nominations and make those appointments, and I think this is one of the extreme cases where we have the responsibility to rescind an appointment. Just to make clear, and we cleared this up with legal and with the city clerk's office, councilmembers make nominations, they don't make appointments. So councilmembers make nominations and it's our responsibility to make the appointments as a body. So I think we've already read through some of the

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responsibilities on the commission on immigrant affairs, including maximizing benefits to local immigrants and promoting recognition of the contributions of the foreign born. The commission is important to everybody here, but my district in particular where one-third of the population is non-

citizen. So once again I'm very open to any of you appointing somebody with a political opinion that is vastly different from mine. In fact, Mr. Zimmerman's staff have suggested a few of his potential appointees already to me who I could not be more different from in many different ways but I have told his staff that imperfectly fine with some of those nominations and will vote yes on those nominations, however this case is very different. During a speech at a political rally -- I want to read the quote. Rebecca Forest said if you want to know why we can't pass legislation in Texas, and she's referring to the harsh anti-immigration legislation in Texas, it's because we have 37, no, 36 Hispanics in the legislature, all the states that have passed legislation have a handful and some I mean literally no Hispanic legislators. Maybe three or five or something and that's part of our problem. We need to change those numbers. We need to do something about that. She later attempted to retract some of her words. This was several years ago, but as recently as last year after the president used his consecutive powers to grant relief to many immigrants, Ms. Forest put out a statement that I'll quote here, our Muslim president continues with his plan to destroy America. And Governor Perry needs to firmly tell our Muslim president that Texas will not be participating in his relocation program of bio weapons. The illegal aliens need to be quarantined altogether in camps by the border until we can send them back where they came from. So first apart from being factually untenable, calling President Obama a Muslim, many of us know or family and friends with Austinites who practice Islam and you can ask them how they feel when people who disagree with the president call him a Muslim in a derogatory manner. Second apart from being an

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unreasonable state, that Hispanics should not be elected leaders because they cannot vote or to suggest that immigrants in this country are not people or bio weapons or stating that millions of people should be rounded up and quarantined in camps in the desert, besides them being untenable positions they reflect an attitude that for centuries people have fought and died to keep out of our government. I think not be an elected leader if it were not for this kind of work. This is a difficult situation. This appointment is not yet active so we are in fact rescinding our vote from the last council meeting. If we don't rescind that vote we are effectively endorsing his Forest's appointment. If we don't muster up the courage to rescind the appointment we send a message that we are fine with going backwards. We say -- I think we will be accepting that message to the communities if we send this appointment to the commission on immigrant affairs. >> Tovo: Thank you, councilmember Casar. Councilmember Pool. >> Pool: Thanks, mayor pro tem. I just wanted to indicate my strong support for the resolution that councilmember Casar will be bringing on Thursday. I think the quotes that she just read to us are very indicative of the attitude that that particular appointee would bring to the commission on immigrant affairs. And I think it would be disruptive and not helpful. I view Austin as a welcoming city and that means a lot of things to a lot of folks and a lot of people are able to come to this town and make room for their family and make their way here. And we all come up from very little to make something of ourselves. And so I support the welcoming committee concept in all its many and varied layers. And I support the resolution that you've put forward to

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rescind the nomination of Rebecca Forest. >> Tovo: Councilmember Kitchen. >> Kitchen: I'd just like to also state my support for the resolution. I think that there is a difference between a difference in political opinions and approaches to issues, and indications of thinking or attitudes towards people or individuals. And I think that in this case we do have to draw the line. I don't think it's appropriate from my perspective and I realize it's a judgment call, but from my perspective this is beyond a difference of

opinion and approach to a policy. >> Tovo: I'll just add that I spent time looking through and doing my own research about the appointee, and also going back and looking at the charter at the ordinance language for this commission and also looking at language about Austin as a welcoming city. And I will just say I concur with the sponsors and with my colleagues that have spoken and I will also be supporting the resolution on Thursday. Councilmember Renteria. >> Renteria: I'm really disturbed on this nomination after I heard the comments that I read about that she made. You know, I -- years back when I moved into my neighborhood, which was about 35 years ago into the house where I lived, a couple of years later an immigrant family that came over and they were undocumented immigrants and their children, they had four kids. And they were afraid to leave the house because they

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were so afraid of getting deported back. And we took them -- we took them in and they became one of the best neighbors I ever had. These people one year we went on a week vacation and I forgot to lock my doors in the back and they made sure that no one broke in. And they grew up to be very outstanding citizens here. They all finished college. They became citizens, finished college. So what disturbed me the most is that what happened to my son-in-law's best friend was he was driving -- he was already 22 years old and he was driving down a street and he had a D.W.I. And they found out he was undocumented. The young man didn't even know he was undocumented when he first came here as an infant, his parents brought him over. And they actually deported him. And he didn't know a word of Spanish, but they went ahead and deported him. And he -- lucky that he had some loving parents that provided him some support over there, but he was scared out of -- he landed in a foreign country which people here are saying that he's an illegal. They call it illegal. I call it undocumented person. So it's -- when I hear comments like this that this person -- this lady here that got nominated to the immigrant commission, it really disturbs me because, you know, I -- my father, my grandfather came over here and dodged the -- came in undocumented, but back then

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when people didn't see Texas as a different country, this was part of Mexico, years before we ever became part of the United States, so hispanics that fought on the texans' side to Independence, but they still maintain family. I still have family over there. And I just don't see them as when they come and visit me I don't see them as illegal or undocumented. And I hope that we never get to that point where we're actually supporting someone that's an advocate for sending all the illegal documents back because there's a lot of them here that don't even know they're undocumented that grew up here and really just love America. Thank you. >> Tovo: All right. Councilmember Gallo. >> Gallo: Thank you to your comments over there. You know, I've grown up in this community, I've raised my kids in this community, and the one thing that was really important to me was that my kids grew up in a family that knew that inclusion and diversity was extremely important. And as I would say to them over and over again, if we were all the same it would be extremely boring in this world. So I appreciate what you're doing. What your message represents. I think we all agree with that. I certainly support that, but I would hope that councilmember Zimmerman is listening to all of these comments, would take the lead in addressing and perhaps pulling that appointment himself. My concern is that with all of us and so many boards and

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commissions that we have to have appointments for, I think there's over 60, if we all then began -- we feel like that we need to investigate and vet everyone else's appointments, that's over 600 people that I

think I would feel responsible for looking at and looking into and hearing responses about. So I really hoped there would be a way around this instead of it being a council with the rest of the members having to step in. Councilmember Zimmerman, so I hope in the next couple of days perhaps with what you've heard here we can move in that direction because I really -- I really do hate to start a process where we feel like we all have to look at and approve intimately the different nominations. I do think we were all elected with district representation. I think there is an ability with the electorate to have the voice heard in particular districts when district nominations don't sit the representation of that district. So I would encourage citizens to do that. But once again my concern, I appreciate this being brought and I very concerned with what I've heard and what I've seen. But at the same time I hope that we don't set a precedent where we begin to look at everyone's nominations in such detail because I don't think that was the intention of the district of 10-1, and I hope that we will all be able to make our appointments. And if the public doesn't like our particular appointments then I think that that particular councilmember is who the public needs to address that with. But thank you again for bringing this to our attention. >> Tovo: Councilmember Casar. >> Casar: Just to clarify for my colleagues, councilmember Zimmerman and I did have a very respectful conversation about him considering changing this particular appointment, and I think it's a difference of opinion, but ultimately it lies on the majority of council. And again, I think that sure, this does set some

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precedent that we will rescind the nominations of folks whose values fall so outside of the council's and the city's values in my view, but there's also the precedence of what sort of precedence are we setting if we choose not to remove someone who has made such statements. It's a difficult situation. It's not something that I think any of us want to be in, but this is also part of 10-1 is that 10 of us were elected and there's going to be differences about some folks' nominations. And my phone just started blowing up on Friday after we made that particular appointment. So we didn't have to do much research. And I hope that we never have to do it again, but I don't think that -- I think any future cases like this we won't have to do much research, we'll hear about it. >> Zimmerman: Maybe a final remark. I appreciate all the comments here and I completely respect, of course, the will of my colleagues here. I think the irony of this is this city preaches diversity, kin collusion, tolerance. So this could be the first exercise of the council of intolerance towards a particular appointee. So -- but I'll respect that. And I'm not going to withdraw the nomination, however the -- Rebecca forest has her own decision to make. And of course if she chooses to resign of course I'll accept that. But I won't pull the appointment. But I'll respect the will of my councilmembers. I appreciate all you guys. And I'm here to represent the best interests of my district as I respect all the rest of you are too. Thank you very much. Houston I just have one last thing. Thank you so much, councilmember Zimmerman. And thank all of my colleagues. Austin is also a city of honesty, and we try to be a city of integrity. And when you call the president a Muslim and he's a Christian, and that's not honest, that's a lie.

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And my son is also a Muslim. And so when you talk disparagingly about other religious group that is different from whatever practice you have, that's intolerant, and we say we're a tolerant city. So there are some issues that are, as councilmember Casar said, are beyond the pale in the comments that your appointee made. So I do appreciate that you feel that she represents your district. I suspect that many of the people in the district don't feel that way. And so on behalf of the people in my district who are Muslim and Christian and buddhists and documented and naturalized from all parts of the world, I'm going to have to vote for this resolution. >> Tovo: Thank you. Councilmember kitchen. >> Kitchen: I just



wanted to, I guess, restate and say again that there is a difference between appointing people that have a different policy view or a different ideas about what we should do on different issues. That is not the case here. And that is not -- we have indications that are indicative and I think councilmember Houston probably said it better than I, but that are indicative of an attitude towards different peoples or individuals that is not tolerant and is not acceptable from my point of view. Thank you. >> Tovo: Thank you. I think everyone has had an opportunity to speak. We're going to move on to the next item, which is councilmember Houston has pulled items 14 and 15. These are the zoning cases

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waller on Swede hill. And just as a time check, we have six coning cases to cover and a few items to take up in executive session. >> Houston: Thank you so much. How are you, Mr. Guernsey? >> Fine. Thank you, councilmember. >> Houston: Good. I pulled these two items and then number 19 is something similar. I want to ask the question so that I have clarity and my colleagues have some clarity about what happens when the applicant requests one thing, staff recommends something else, and then either one of our planning commission or zoning and platting recommends something totally different. How do we fit into that juggling act? >> Thank you, councilmember. Greg Guernsey, planning and zoning department. Normally staff will bring forward the recommendation of the commission, whether it's the planning commission or the zoning commission for you to consider. They are the ones by state law, local ordinance that are making their recommendation to you. You're also presented the staff recommendation, of course, which is staff's professional opinion of the zoning request and also you have the applicant's request, which is what they have stated that they desire to do as far as asking for the rezoning. There are opinions also of neighborhood organizations that you can consider, which may be the same or different from the applicant's request, the staff's recommendation or the commission. So you have basically many options to choose from which you would like to consider. There are some limitations, though. If the applicant's request is in the case of -- I think item number 19, they had requested a multi-family zoning on that particular

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tract. The zoning and platting commission had actually recommended something more intense that would allow for a greater number of uses, both commercial and residential through a cs-mu, general services mixed use district. Since that went beyond what the applicant requested we would actually have to renotify in order for you to consider that. But council could always recommend -- always approve something that's more restrictive than what is coming before you. So in the case of someone asking for multi-family zoning, you could certainly grant the multi-family request or you could grant something less, something more restrictive, like single-family in lieu of the multi-family. But staff will always present the commission's recommendation to you. And so you know what your commission recommended. But those other -- what the applicant may have requested or staff recommendation or what you may hear from citizens is always before you to consider. >> Houston: Okay. Thank you. And then on the 14 and 15 specifically, are there times associated when this is coming before us on Thursday? >> That's correct. And so on your Thursday agenda all the zoning items has been scheduled at 10:00 because this is your first zoning Thursday, we had them all scheduled at 10:00 so you can consider all of them at 10:00. If you progress through the zoning quickly then you can address all of them before the afternoon, which normally they would have come up at 2:00 in the past. >> >> Houston: Okay. And one other question. At that point in a postponement is requested do we have the discretion to move it earlier, later, or is it set by you guys? >> No, council actually will make the decision. In this case the postponement request is until June. If the commission desired

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you could actually move that date up to the may zoning meeting instead of the June zoning meeting. That certainly is for you to consider or another council date at a later date. >> Houston: Okay. Thank you so much. That's all. >> Tovo: Our city attorney has a comment. Ms. Thomas? >> Debra Thomas with the law department. I just wanted to remind the council that when we prepare ordinances for zoning cases we always prepare the commission recommendation. So whenever you see an ordinance in backup for a zoning case, it is what the commission recommended. >> Houston: Thank you. That's very instructive. >> Tovo: Anyone else have any questions about these two items? I do have a question. June is a very long time and I'm not clear on why that length of postponement has been requested. One of the individuals involved said it had something to do with an historic designation, so we can talk about this Thursday if you would prefer, but I would like an explanation of why that period of time has been requested. >> Mayor pro tem, we can certainly get you information on why that staff recommended that particular date. And there are some issues I think dealing with historic on this property. >> Tovo: Okay. Thank you. Moving right along to -- we finished 16 and 17 so we are going to move on to number 18, and that was pulled by councilmember Houston. Next up will be 24 pulled by 24. >> Houston: The only concern I have on 18 is about the economic development piece. I'm comfortable with the location and what's going to happen there, but in everything we do we always need to have some kind of economic development, mixed

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use, retail, something in the area as things begin to develop and they certainly are developing in that particular area. So I know this is a Budweiser distributorship they're right on 130 so they can use 130 rather than I-35, which I applaud, but there are going to be a lot of homes surrounding there. So that is a concern to me. >> Councilmember, you're correct, this is actually located at several intersections, but it's primarily located at 290 east and 130. It has a street address on Parmer lane and this is for -- it is a distributorship. And we can get you information on the adjacent tracts. I don't believe that they're proposed as single-family residential, but this is in character with this intersection. I believe they have a site plan that's in and we can get you information on that site plan that's proposed for the specifics. Houston Houston and I agree with all of that, but it's as we begin to develop and have these large parcels that are developed we need to think about further development and the need for amenities to go along with the development. Wild horse, Indian hills, there are a lot of things that are about to be developed in that area. This is back to my not thinking about property specific, but the cumulative effects of things that are going in. >> And wild horse pud is an older pud that was actually established before state highway 130 was even really put into place. They actually dedicated the right-of-way for 130 with the planned unit development many, many years ago. So this has been planned probably more than most tracts in this portion of our city as far as having an intensity development that was fitting in the roadway network that was planned in the future. >> Tovo: Councilmember

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pool and then Gallo. >> Pool: Thank you, mayor pro tem. I was looking at the plat -- the drawings yesterday and it looks like aside from the consolidation of the distributorship there's plans to have a grocery store. They're hoping to have a grocery store along the way. You may have seen that as well. And I also note that that particular portion of the wild horse pud seemed to be a difficult piece to develop, specifically for homes, but a little bit further to the west portion of that large tract sounded like

eventually there will be rooftops there. I was really happy to hear that there was a possibility of a grocery store at that location. >> Houston: And with all development they hope for and then had never happens. So I just wanted to make sure that it's on the record that I'm talking about economic development and amenities in that area because it's going to grow. >> Pool: I was thinking about that when I was looking at it, I was thinking of you and our discussions about economic development. And this just seemed like such a great location and would really feed into the larger vision. >> Tovo: Councilmember Gallo. >> Gallo: I was looking through the backup. Do we have any information with the number of jobs that would move to this location with the company? I think that's -- that's an important piece. >> Councilmember, I don't have that information right now but I'm sure we can get that information before your action on Thursday. >> Gallo: Thank you. >> Pool: Councilmember Gallo, I just happened to have a meeting about that yesterday so I have a little information. The consolidation as I understand it will pull from about a four or five, maybe six different locations around this general region and bring them all in to here. I think that primarily jobs will move with the consolidation.

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Whether there would be additional jobs coming from that, I don't think the folks were able to say, but it doesn't sound like they're losing jobs. It sounds like they're all being relocated. And given the opportunity to make the move like from maybe Taylor -- I don't remember the different towns. >> About four counties that they're moving from and it's about 400 jobs that will be on site there. About 200 of them are the transport people who will be driving and delivering Budweiser. We've got two -- with this move we'll have two beer distributors in district 1, brown and this one. So we talked about how we can begin as they develop to look for opportunities for employment at the Budweiser distributor. >> Tovo: Other questions? All right. We're making very good progress. Income R number -- number 24, councilmember Zimmerman. >> Zimmerman:; thank you, mayor pro tem. It seems like things move faster. I will have to rib the mayor on that. It seems to move faster when you sit in. Just a quick question, I wouldn't have brought this up on item 24 except it looks like the property is city owned, is that correct? >> Yes. This is a private-public partnership that would bring a -- I guess a pet motel to our airport. And this actually -- the topic was -- the concept was brought to the planning and neighborhood committee -- I think there was concern about the pet's safety and given the proximity of the noise of the airport. >> Zimmerman: I guess a quick comment on this from my perspective of northwest Austin. And kind of the way we think. If this were a piece of private property and I had a -- we had a professional

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commercial property appraiser and he said, you know, highest and best use for this property is pet motel, and maybe a parking lot, whatever it would be, I'd say fine, great. It's the public-private partnership aspect of it that just has me scratching my head. How do I know that this makes sense? Any time the government gets involved, city government, we could have subsidies at stake. I don't know all the details. I've read through it, but I get that nagging feeling that there's something here that I don't know. So I don't know what question to ask. We're still kind of digging into this. Is this project -- I guess there are two agenda items on this. Is 27 connected to this? >> Item 27 is actually a private pet motel that's basically across the street, which is a similar concept of a place where you can drop off your pet and -- >> Zimmerman: Okay. So I have a public pet motel and a public-private pet motel. Maybe I'll just shut up and get some input here. >> Tovo: Councilmember Casar, would you like to jump in here? >> Garza: This set alarms off for me as well and that's why I postponed it once. And then it got sent to the neighborhood and planning commission. This is a part of the airport -- please correct me if I'm wrong about any of this. Airport master plan which has limited uses. You can't put human hotels basically

because it's in the flight path. So that's why there's so many surrounding parking lots. Is I took issue I took issue with the fact that it's city property. There were two issues for me. Is it the best use? Who had input on this? You have the community of del valle who's long felt neglected, and they, you know, can't get economic development to help them get a grocery store

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yet. When they drive in to work, they pass a pet hotel. So we met with the owners. So, basically, it's a private entity that's going to use this city property, they're going to build parking and -- and the pet hotel, because there's limited uses because it's in the flight path. The private one is -- there's a private piece of land that's just private, so they can't -- I mean, I don't -- I don't take issue with what they want to do with their land. That's 27. I've talked to the Scott airport people, and they're open to -- I expressed my concerns that this is city land and what -- you know, again what input the community had because I think when we're doing these kind of master plans, we can't just think of the airport. We need to think of the surrounding area. And I think I've made my concerns very clear to Mr. Guernsey's department and also to Scott airport. And they're being very flexible and we've actually talked about possibly using that for a park & ride for capmetro, which is needed out there. So I'm comfortable with this now, but just to give you some back -- that's why, it's limited uses because it's in the flight path. >> Another question about the property tax, all the property right that the city owns, none of that collects property taxes, obviously, because the city owns it. And so if this project is the conception here that there will be property tax, that this will be included back on the rolls after -- or leased -- it's a lease idea, it's no the a sale, it's a lease; right? >> That's correct. Certainly there are not -- property tax is paid. I can get with our department about the lease information on this particular property, in regards of what transactions may be occurring as I remember it seems important, term of the lease, what they may be paying.

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If it's not on the tax rolls, I guess the only revenue we would get would be the lease payments. There's some situation there, but I'd appreciate some details on that. Finally, what would be the objection to simply putting the piece of property on the market and have the city of Austin sell it, and whoever buys and develops, the highest and best use comes in and it goes back on the tax rolls like the other property around there. >> Well, councilmember, I'll get with our real estate folks and our aviation department and see if that was pursued and try to get you an answer regarding that. I know that a lot of the parcels that our and I have yes, sir --that our aviation department has acquired, actually, those are conflict with noise hazard Zones around the airport and try to consolidate those pieces into one. Sometimes there's also issues about actually creating subdivisions and getting certain utility service, public utility service to privately owned tracts of land in the airport boundaries. >> Tovo: Assistant city manager sue Edwards has a comment. >> With respect, councilmember, to your question, normally even though it is city property or state property, depending what is on it, whether it's commercial or retail, Normal they do pay taxes. So we'll double-check on this one, but if it is leased by someone else -- central market is a perfect example. It's a long-term lease on state property, but they pay taxes. >> Tovo: Councilmember Casar, and then Garza. >> Casar: Councilmember Zimmerman, I may be crossing wires here because there's a couple of places, but I believe our stuff from the airport said we purchased this tract with federal funds to buy out this tract of land, and, therefore, there's some restrictions on how we can use the land to make sure it's an airport purpose. So there was some discussion about what various airport purposes are, and it's a pet motel. Currently I believe staff's interpretation is that it is part of an airport purpose.

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So I think that that's also one of the limitations. I did want to get clarification, though, from councilmember Garza. I thought I understood what you were saying, but then you said you were comfortable. You're comfortable with hearing these cases this Thursday, is that what you meant, or that you're comfortable with the private pet motel but not as comfortable with the public one? Sorry, I thought I knew what you were getting at but I want to make sure I understand your position, now that I have a chance to hear it. Garza I'm comfortable with both. I mean, I feel better about it. I wish -- I wanted to make a point, and I know we can't put an H-E-B for this community. We can't -- I'm not advocating for using city land to get a grocery store for del valle, I'm just saying I want to make a point that we need to look at these kinds of things holistically. And there has been a lot of work put into this there was an rfp that was put out to the parking areas around here to, you know -- and this was offered as one of the options. So I'm fine moving forward with -- because there's been so much work put into these two. And I'll just reiterate what you said. That's what we were told at the planning commission, councilmember Zimmerman, this was bought with federal aviation funds because I guess my assumption is, when you move an airport, you have to buy surrounding areas because of the noise and the possible danger that surrounds an airport. It's just -- and I think you can do it through eminent domain, possibly, but I think -- I don't know if any of these properties were -- they just voluntarily sold, is my understanding. >> It's a combination, councilmember. I know I'm aware of some of the residential property, some properties we're willing to sell property, and others had to go through a condemnation process. >> So the comal metro park & ride you reference would be other city-owned land near the airport, you don't envision this

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on this piece of property. >> Correct. I've talked with Scott airport people and I'm hoping that the airport people will also be agreeable to some kind of partnership where we can get a park & ride out there. >> Tovo: Councilmember Renteria. Yes. A little history. When the city was discussing whether to move the airport to Bergstrom air force or to manor, one of the arguments was that not only it was closed, but it would generate revenue for us, but also they addressed the issue of the neighborhood housing that was there in the flight path, so they decided that it wouldn't be healthy for people to be living there. So through federal funds, they did purchase a lot of properties. So that's how we acquired it. But my big concern was when -- when it came before us was that, you know, if we build a pet hotel, if the airport grows, which it will, it's going to require more parking, and requiring more parking, are we setting ourselves up that we're not going to be able to move this hotel in the future, what's the process of what we're going to do with this hotel if it's ever required that we need to move across and expand our parking, because I know there's going to be a time where there's not going to be enough parking on site there at the airport, and that's what, basically -- you know, we'll be able to use the property, there eventually will be a highway there. And that was my only biggest concern about the whole operation of having a hotel, pet hotel there, will we ever restrain ourselves in the future where we're going to have to tell them, hey, you're going to have to find a new location.

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>> Tovo: Ms. Edwards. >> Councilmember, the airport folks are not here today, but one of the things that I know that some of the other councilmembers have asked for is a policy, look at the airport, and one of the things that I wanted to convey to you is, the airport has a long-term plan that lays out plans through 2025. And knowing where things are going and going to be located based on that particular

plan and based on their estimate of the participants or the people who are going to be there. So I think that at some point we will be able to share that with you. But knowing that they do have a long-term plan that does take that into consideration. >> Houston: Thank you, assistant city manager Edwards. I've had some concern about my perception is that the aviation department operates in a complete vacuum because they are -- they keep all the money; they -- they don't consider themselves in a, quote, community. And they are; they're in our community. And so even though this master plan perhaps was developed years ago, as we've seen with other master plans, it's always helpful to have those revisited with the community rather than going on whatever was in place in 1968 or '78 or whenever that was developed. And so that's -- that's always going to be one of my concerns. Who else is looking at how our airport operates in our city, in our community. And I had a question about the lease and the lease amount. Somebody's going to find out how much they would lease it for? Did somebody ask that question? That would be something I would want to know, is what is the lease, and that goes back into the airport; right? >> Yes. >> Houston: Okay. And then the other thing is, sometimes perception is interesting, and when we say we're going to build a pet motel and use land that was bought by

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our tax dollars, and yet we're going to have a private pet motel right up the street, in -- you know, I don't know what -- I don't know how many pets need to have sleep before they get on the flight. [Laughter] You know, I would take mine to a pet near my house, not by the airport, but I don't know how you decide that a pet motel -- not the most expensive use, but is the best use for that piece of property. I'm sure they did. I guess the airport advisory committee looked at this, but just the pensioner that we're building -- or allowing a pet motel is something that I think will cause some consternation. >> I would say that it is a trend across the United States that people are traveling more with their pets or they want their pets to be close to them as they drop them off or pick them up from a trip, and I don't have a list in front of me, but there are numerous airports now that have both pet motels and then places where pets who are flying can get out of their crates and off of the airplane just to exercise for a while. And, yes, the airport commission did look at this. And you and I have had a number of conversations, and I will continue to make sure that we communicate to all the council in terms of what the long range plans are. >> Houston: And I have a dog that I would fly with, so I understand pets, but ... >> Tovo: Councilmember Zimmerman had a question. No? Okay had councilmember Garza. >> Garza: Those were my exact concerns, councilmember Houston, and that's one of the questions I asked during the neighborhood and planning commission to the airport folks, was who gave input on this master plan and this pet hotel. He said that they do reach out to the community, but he did, after the meeting, say that he's willing to work with our office to get representatives from district 2, to get feedback on

[10:13:00 AM]

future master plans, and -- because I agree with you. It set off alarms, a pet hotel. And especially in this area. >> Mayor pro tem. >> It occurs to me, too, a pet motel who I have different hours than your neighborhood vet. If people are flying out early, like 5:00 A.M., and aren't able to drop their pet off before closing, I don't know, there's all kinds of different situations. But interesting conversation. >> Tovo: Thanks. And we did have some information from our airport staff about trends nationwide and some of those airports, so if anybody is interested and you submit a question through the Q and a process, I'm sure they can provide that information. I'll just say anecdotally, the times I've needed to board a pet when I went out of town, it was tough. You have to do it ahead of time, so my guess is, probably there is need. But, again, that's anecdotal, not scientific study. Okay. If we have no further questions on this item, I'd like to move on to item 26. Councilmember Gallo, you pulled this. This is

Westover hills club. Then we'll have one more zoning item, and that's 27, which was pulled by councilmember Zimmerman, then we're going to go into executive session. >> Thank you. I'm always delighted to visit and I pulled this briefly so we could just have a brief discussion because this is one of those zoning cases where everyone is in agreement, and in district 10 we have some fairly controversial zoning cases so it's delightful to be in that position on this one. But I just want to share with everyone, I hope we'll take this by consent and will we be able to do it on all three readings? >> Yes, councilmember. >> Okay. This club is basically a neighborhood club that has a swimming pool, tennis courts, and a covered basketball area, and predominantly used by neighbors. It is a member club. They've been here so long that their use is actually non-conforming because they've been there longer than zoning. And so they are attempting at this point to do a couple of

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things, which is do a little bit of expansion for offices and adding some more restrooms. And it is not Ada compliant. It's very difficult to get if the tennis courts and office to the restrooms. It's a very gravelly, up and down pathway. So I know they want to do some Ada compliance also. The neighborhood association, there is a letter in your packet supporting the zoning. The neighborhood and the club have worked together to come up with a zoning and some overlays and some restrictions on uses that everyone seems to be very happy with. So it's just a particular zoning case that I think we have everyone in agreement. Staff is in agreement. The neighborhood and neighborhood associations are in agreement, and also the club. It serves a very good purpose for the neighborhood and recreation, and so I just -- in case anyone had questions, I will hope it will go on consent for all three readings, and I just wanted to share happy people with you. >> Tovo: Thank you. And councilmember pool has a question, it looks like. >> Pool: I was just curious, it says district 7 and I'm real sure that's not in district 7. Could staff make a correction to the -- Westover is a great place for kiddos. My daughter swam on that swim team back in the day. >> We'll double-check on it. I believe this is in district 10. We'll double-check. >> Pool: Right. It says 7 on here. I'm pretty sure it's district 10 councilmember councilmember Casar. >> Casar: I can sometimes be a real stickler for getting these done quickly but I want to thank councilmember Gallo for making this a happy work session. Maybe we should make that a tradition. I'm really happy about that, so thanks for pulling it. >> Tovo: I'm sorry, we need some good light, unifying moments. Councilmember Zimmerman. . >> Zimmerman: 27 was connected

[10:17:02 AM]

to 24 so -- >> Tovo: We're moving fast they are than I thought. The last item of the day is to go into closed session. City council will go into closed section to take up one item pursuant to section 551.071 of the government code. The city council will consult with legal counsel regarding item a 2, legal issues related to united motor coach association, inc. Versus city of Austin, cause number a-13-ca-1006-ss in the united States district court for the western division of Texas. Item a 1 has been withdrawn. Councilmember kitchen. >> Kitchen: Oh, I just wanted to say if it's appropriate, my questions really relate to the lawsuit versus the ordinance, so I could submit those in writing instead of having a discussion, if I'm the only person that has questions about this. You want to hear it? Okay, then we'll go forward. I just wanted to save people time if they didn't want to. >> Tovo: Thanks, councilmember kitchen. Is there any objection to going into executive session on the item announced? Hearing none, the council will now go into executive session. [Council is in executive session.]

[10:27:05 AM]

[Executive session]

[11:05:48 AM]

>> Tovo: We are out of closed session. In closed session we took up and discussed legal issues related to items a2. There is no longer a quorum of the city council so we stand adjourned on April 14th at 11:07.