

Planning and Neighborhoods Committee Meeting

Transcript – 5/18/2015

[8:59:45 PM]

>> Yes.

>>> Good afternoon. We're in city council chambers and it's 4:12 P.M. On May 18th. If you want to sign up to speak, this is your last chance right over here in the corner. You can sign up for the items you're interested in. Our first order of business is to approve the minutes from the April 30th meeting. Can I get a motion to do that. Moved by councilmember Gallo and seconded by councilmember Renteria. All in favor, please raise your hands. Passes unanimously. We will get started with general citizen communication. If you want to speak on an item that we don't have posted for action, feel free to come on up.

>> Chair and members of the committee. I'm steward, like most in Austin, I rent and want to talk about two topics not on your agenda today. One is the university neighborhood overlay based on an open records request that someone I know, but not me specifically has shared in the last couple weeks with me and then comparing that to Rainey. This is committee, the housing committee and the full council has had an early conversation in early months about smart housing and I wanted to report to you outcomes since the university neighborhood overlay was approved by the city council in 2004. 3,944 smart housing units have been completed. That compares to zero smart housing units completed in the Rainey district. 495 apartments completed that are required to be affordable. For 80% median income family housing for 15 years for 10% of the apartments in the university neighborhood overlay and Rainey, only 5% of the apartments are required to be affordable and only required to be affordable for one day.

[9:02:00 PM]

In addition in university neighborhood overlay, if you took additional height bonuses you had to serve on-site 50% median percent households and fee payments required or you could do additional on-site affordability. The fee and loop payments generated \$1,006,863 to date and others have done the 50% median family income with some of that money. You cannot make fee and loop payments in Rainey. There are 1,073 smart housing units. 131 required to be affordable. Unit code amendments resulted in requirements for higher fee and loop payments for future projects and allowing you to serve more students by relating by the bedroom instead of by the apartment for affordability purposes. The first time we've done that as a city. I'm here to suggest we can learn a lot from unit, both the way we run our

stakeholder process and how that could apply to the potential code amendments in Rainey all of us who are stakeholders in uno, fully engaged to do the full five years, way too long to take the code and make it more responsive. In Rainey, it appears I was the only stakeholder that changes were going on that some of us might have problems with and now you'll hear from others who were impacted. I ask you to figure out how we can do better. Thank you very much.

>> This was great information, do you have something in writing or something that can be passed out or emailed to us.

[9:04:03 PM]

>> I gave a copy to talking points to staff.

>> Thank you.

>> Thanks.

>> Casar: Actually one last question for you. Can you talk us through how affordability by bedrooms works rather than units. We're trying to get a fix of affordable units and my understanding that was trying to address it but I'm not clear I'm clear the mechanics.

>> In uno, the developer can either rent 10% of the units or 10% of the bedrooms to students -- it used to be 80% and they don't have to be students, they could be people like me who want to live in west campus for some reason. 10%, you can do 10% of the bedrooms or 10% of the apartments, you have to decide that upfront before initial occupancy. The affordability period on that is on the old stuff is 15 years and the new stuff is going to be 40. And so it's a developer option going one way or the other. In addition to that, the developer has the option to provide an additional 10% and at 15% or below or make the fee and loop payment. And that has been the case since the beginning and that standards that modified somewhat to increase the amount of fee and loop payment you have to make and require -- even if you're providing an additional 10% and 150% with the height bonus. In uno, getting a lot more stuff that all of the stakeholders say works economically and gets to deeper levels of affordability and helps underwrite the work that the primarily the co-opts do in west campus of providing units at 50% or below. That's one of the things that happens in uno that's different that hands in Rainey if anyone take advantage of the new code amendments.

[9:06:11 PM]

My understanding is that they were grandfathered under the old system. So at this point, with the code amendments adopted last year, nobody's planning to do -- take advantage of the increased floor to area ratio and the other things you can do in Rainey. It's an ordinance with no takers at the moment.

>> Yes.

>>> Thanks, any other speakers. Three minutes.

>> I'm jail. With the endeavor real estate group and I guess one of the property owners, not a taker of the new density street bonus. In 2000 5, the Rainey street neighborhood became eligible for the density bonus and one of the components was 5% of the number of units that were above 40 feet in height had to be built at 80 feet afi. There was strong outreach at that time and strong support. In 2011, when the downtown plan was discussed, there was a call for a revised density bonus that was implemented in 2013 and that replaced the interim density bonus. The -- over the course of 2013, there were two amendments to the bonus streeted it become known as affordable for a day. And the other was to allow projects to go above a 12-to-1 far like the rest of downtown. When it happened, there were changes embedded in the ordinance that did not in my opinion get sufficient stakeholder outreach of the property owners and the neighborhood associations and the Rainey business association learned about the changes two or three months after the ordinance was approved.

[9:08:27 PM]

The two material changes were -- one is the prior Rainey street wednesdayity bonus, the one that existed from 2005 up to 2014. Required 5% at 80% but on the number of units. The change that was made in 2014 made the 35% applicable to the square footage. The second change that was made required an unit MIX that was proportionate -- affordable MIX proportionate to the overall building unit MIX and while those changes seemed on the surface to be not much of anything, mathematically, as you run it through the model, they're quite significant and our opinion resulted in while the stated goal of the Rainey street density bonus was to encourage greater density and more residential and family-friendly housing it's created a disadvantage. And a disadvantage to build residential and to build residential density and math matcally, a disincentive to build affordable housing. And for the last 15 months, no affordable housing permits in the Rainey street neighborhood subject to the new rules and we would like you to add an agenda item to the next agenda to discussion Rainey street. Thank you.

>> Yes.

>>> Committee members as the final item on the agenda is to discuss future agenda items. We can talk about it then if there's a desire to. Do we have anyone here who wished to speak on an tunnel not posted on the agenda? Okay. We'll move on to -- sorry, sir.

[9:10:28 PM]

>> Cliff, with the Rainey neighbors association board of directors. I came just a few minutes ago so I'm not sure if -- the item previously on there is offer. A comment from us with regard to residential development. The rna supports residential development. We think it's consistent with the downtown Austin plan for a high-density mixed use neighborhood. We have some preference for owned residential development because of a higher level of commitment to the community. We're neutral on embedding the affordable housing within the project that receives that benefit. Versus a fee in lieu. But we would make the observation that it seems slightly odd to us that the fee in lieu is not an option that's available in the Rainey district but it is within the rest of the cbd. Thank you.

>> Yes.

>>> Thank you. Sorry for almost passing you up, sir. Anyone else here to speak on items not on the agenda? Okay, we'll move on then to item number three, the first item for committee consideration. A review of recommendations related to permitting requirements for non-peak hour concrete installation within the portions of the cbd and public zoning stricts.

>> Thank you, chair. Committee, I'm with the planning and zoning department and I'd like to go through the presentation on an exciting world of late-night concrete pours. I'll begin and talk a little bit about the background of this ordinance. It came to council's attention last year when we had the public library being constructed.

[9:12:35 PM]

And at the time, the question arose about the pouring of concrete at late night and actually got a lot of press with regard to the foundation work that was going on at the new main library and pouring all night and there were trucks coming every few minutes for continuous pour. And a question arose after that, about what kind of permit was needed to do that type of work. And I had a conversation with our public works department and discussed that a permit was required but you could not obtain one because that particular property was zoned public. So from that, this ordinance kind of arose and the planning and development department brought it Ford to council to consider. Today I'll talk a little bit about the ordinance that would be in effect if the interim ordinance is not extended of the interim ordinance that council put in place and extended earlier this year, the many stakeholder concerns and there are many stakeholders in the audience who will address you on this topic. The downtown commission and the staff recommendation. So -- sorry, the current ordinance -- and this is really limited the delivery, the finishing and placement and pouring of concrete materials. Only within their contribute contribute. Central business district. Only a portion of the downtown area that would allow this to occur after 7:00 P.M. And before 6:00 A.M. Permits are not required pouring before those hours.

[9:14:36 PM]

Hours. But only applies in the central business district. There are three types of zoning districts that exist. Our central business district, or cbd zoning and downtown mixed use and public, or P public district zoning. The permits as they come in right now, there's not a notice requirement that's required for these types of permits. They're issued administratively for up to 72 hours or three days and then they can come back in and ask for another permit. We do require contact information and description of the work that's being done. And then the director does have discretion to deny these types of permits. It historically has not done so. We've pretty much allowed them at will. The interim ordinance came into place after this issue was brought up and after a lot of concerns were raised by property owners downtown, residents in particular downtown, because it affected their ability to sleep through the night. Business concerns that were raised about making sure that the delivery of concrete is timely. I'll go over those in just a minute. But the interim ordinance did expand to take in the P public district so the interim ordinance takes in the cbd 40s and the P public district and allows for these permits to be issued for concrete pours after 7:00 A.M. And up to 2:00 A.M. And then also in special circumstances, that they would go even later than 2:00 A.M. And those special circumstances I think are those where you have some unique circumstances when an initial pour for the main foundation is being done, in some cases when you're pouring a slab for parking garages, it becomes more important the pours are done in a timely manner.

[9:16:46 PM]

And also provided that there's a notice that was sent to property owners who are next door and across the street or representatives of the property owners, or residences within 600 feet. That's about two city blocks. Also requires there's a 24-hour contact number. That's known if there's an issue, problem that would arise from these late in the night concrete pours there's someone to talk to. Specifically within the findings of that ordinance, aside from the general public, safety and welfare of issuing the permits the council pointed out there's a reasonable expectation to have a sound environment that does not preclude sleep. So that was pointed out in the interim ordinance. There was a recognition also, in the ordinance that the ordinance would not pertain primarily for the noise requirements and -- but it did require a sound and light mitigation plan and projects before December 1st of 2014. There's a lot of concerns that were raised by the construction industry and individuals that have buildings under construction that they had already entered into contracts that were anticipating that there'd be multiple permits for concrete pours. The interim ordinance would have expired in March. This council actually extended it to June. And so that's what brings us here today. The stakeholder concerns are many. For residences it's primarily people like to sleep. We're encouraging more people to move downtown. We

have have 10,000 to 15,000 people living downtown and the previous mayor set a goal for 25,000 people living downtown and when you have the concrete pour permits going, they're good for three days, you can take them multiple -- they range from maybe three to over 100 permits may be issued for certain projects downtown.

[9:18:55 PM]

It's not uncommon having 30, 40 of these permits that might be pulled for a particular project for one of our larger buildings downtown. Others were concerned there was no notice. And there was no limitation on the permits issued in time. People for the most part downtown are pretty willing to put up with noise downtown. They recognize it's maybe a little different but not knowing when these concrete pours would occur, they might occur at a time when they could have planned to be away at certain times. Or made other arrangements. For a lot of residences, that's not necessarily available to downtown because their only residence might be downtown. There was concerns about traffic issues and some businesses raised concern that if you didn't allow concrete pour during the evening hours, it would contribute to traffic congestion downtown and traffic that's generated from the concrete trucks coming for the deliveries may not be compatible with pedestrians. That the projects would be longer in duration, which might cause more disruption to businesses that may be nearby and the pedestrians trying to walk or drive by the business or customers trying to get to their businesses. From the construction interests, there's a concern that if concrete is not delivered in a timely manner, that the ability it to do pours is -- to do pours is limited by hours and it could actually disrupt the quality of the construction. Because concrete must be delivered in a timely manner and be continuously poured and if not, it may cause that quality of the building to go down. Also, worker safety, particularly in the summer hours when the temperature rises. The pouring of concrete by a chemical process would give off heat and makes it more dangerous for worker during the heat of the day, particularly in the summer months.

[9:21:10 PM]

Than working in the evening where the ambient temperature is lower. Also, there were concerns about the delivery. There are constraints you might hear in afternoon about limitation of hours of the truck drivers. You can only work so many hours during the day. There's also concerns again, adding to the traffic congestion, but our own Austin transportation department places limitations for closing streets and bringing the concrete in the morning, 4-to-9, or 4:00 to 6:00 in the afternoon. You don't see them in the afternoon because it's limited to come downtown to other how many. And there were questions about the air quality because of the truck traffic. Idling and adding to the decrease in air quality. Downtown commission took input from stakeholders and staff. In fact, with stakeholders in the original

ordinance, the ordinance, the interim ordinance that was approved, we've had four stakeholder meetings, downtown commissions heard this in three meetings and came forward with a recommendation. Their recommendation is in detail in your backup. They did agree to include the P public district and a central business district. Again the P public district is new. They agreed there should be some light and noise mitigation plan. They did set decibel limits for 75-decibels from 10:00 P.M., that should say to 2:00 A.M. And 65 from 2:00 A.M. To 6:00 A.M. They did provide a provision that grandfathering, unlike the interim ordinance would only be for another three months from adoption of the final ordinance. There were a lot of concerns raised by stakeholders, residences, that the effectiveness of enforcement was not there.

[9:23:20 PM]

And general concern about repeat offenders of violating the noise ordinance. There should be advance notice provided and 4-hour contact and reduced that to 300 feet. About a city block away. And the ordinance only in effect for about a year and reevaluated because it's one where it's not something that you would normally find in other parts of the city and given the unique circumstances downtown. And there are sound ordinance for sound amplification where we talked about mainly for clubs which has amplifiers and sound. There was a study done on the levels and thought it should be followed up as a result of this ordinance. That looks at those lower base tones that have a tendency it to resonate more than the higher pitched sounds and they thought that was worthwhile. Stakeholders both in the construction industry, residences, businesses, all agree, including the downtown commission and staff, that this is not just an issue of the pouring of concrete. It's really about the issue of noise in general. This particular ordinance is only dealing with the late-night pour concrete, but I think the issues go far beyond than just concrete. We spent close to an hour in one of the stakeholder meetings talking and actually spread over two meetings talking about the backup sounds that you hear that the OSHA requires for vehicles and the different alternatives you can use to hush those sounds rather than the beep beep beep when a truck bumps up, using hushed tones that could be used.

[9:25:29 PM]

The staff recommendation is still under construction. Most of the stakeholders are seeing this for the first time. Staff agrees that CBD and P public districts are the areas limited and I would like to bring up an exhibit you have in your backup. And to make sure you understand, this isn't city wide. This is talking about permits that are only required in our downtown area. And they would only pertain to those areas that are in red. And the areas that are in the light blue. The areas in red are already eligible for these late-night concrete pour permits by ordinance. The areas in blue would be added. I'll note that some of

the property that you see that may be in blue, may be controlled by the state of Texas, either through the university of Texas or the state of Texas. And the city of Austin's noise regulations are not enforceable against the state of Texas or the university of Texas. We can certainly work with them and try to conjoel them into -- cajole them into complying but they don't apply to state agencies but they would apply to the city of Austin properties. Let me go back to the presentation. Again, the ordinance would call out the 7:00 P.M. To 2:00 A.M. Time period. And under special circumstances from 2:00 A.M. To 6:00 A.M. We would agree with the interim ordinance that that is something that needs to be looked at. In particular, the finishing of create was discussed during the stakeholder groups in the interim ordinance and also in the staff recommendation, that's -- the create pour to finish the texturing and surfacing of that concrete, that would not be limited by this ordinance and we agree with that.

[9:27:36 PM]

We also agree there's a notice provision that would be required. A 24-hour contact information. And representatives of property owners and residences within 300 feet. One thing that's not mentioned on the powerpoint that a sign be placed at the construction entrance giving the same information. For those individual who's may walk by or come upon the site and have a concern. Also, the site and light -- or sound and light mitigation plan. I've been working with don pits and Dave Murray in our music office. One thing that came up as a concern of a lot of residences, was sound enforcement. Our music office is doing a very good job, since we've done change or sound amplification permits to deal with noises from clubs and restaurants, bars that have the -- a lot of live music venues, dealing with annual permits and so what I have worked with, the sound office is there be a sound impact plan that would be reviewed by their office. Similar to a sound amplification permit that you would have with the sound office or sound amplification permit and they would look at those. We did not feel after talking to -- having an extensive conversation with the sound office, just as we do with the sound impact plans for a club or bar, that each site is unique and depending how a stage is set up or in this case, how -- where the trucks are cueing up and the concrete pumps are located, where they're portal or permanently located, they're unique to each location and decibel levels may change, given the circumstances and depending whether the residences are locatedar businesses located or neither one.

[9:29:36 PM]

So staff would not recommend a specific decibel level. We would deal with them through the sound mitigation plan. A lot was discussed about repeat offenders. The staff would have the direction not to issue another permit if there's a sound problem. These permits are only good for 72 hours or three days, so if there's a sound problem and it's brought to our attention we could work with the property owner

on that property and basically tweak the sound mitigation plan to improve that to address that concern. This has worked successfully with the sound amplification permits and annual permits for clubs and bars we and we feel we can do that also with program. This would not come without a cost because the sound impact plans do require additional analysis by our sound office and they're working to place an additional fee in their budget that would come before you probably when your regular for fy '16 would come in and come into place -- October 1st if that's approved and that would cover the cost of that additional review. We still felt that the projects that are under construction because construction for these larger buildings, they just testimony take place over a couple months. They may take place a year, a year and a half, possibly two years for certain types of construction, we still felt those should be grandfathered back to that date and not given three months and expire and forced under the newer ordinances. A sound and light mitigation plan, would be required regardless of those that are after that date. Or under the new ordinance. So with that, if you have questions, I'll be happy to answer them.

[9:31:40 PM]

There's some information on other cities. Again, this is only an ordinance that deals with the late-night create pours. I can't stress enough how many people have concerns and continue to voice their concerns about noise in general. And I'm sure you'll hear some of those folks this afternoon. The staff recommendation is almost finalized except with regards to the language I'm working with the sound office and the law department on the sound impact plan. And that is something that really I didn't have a chance to share is stakeholders. The ordinance that's approved -- in the interim ordinance asked and directed staff to go and meet with stakeholders which we did and included the downtown commission and so the series of four meetings and three meetings, staff would come back with a recommendation and that is what we'll be presented to city council.

>> Casar: Thank you. Committee members would you like to ask questions now or prefer to hear from the speakers first and then ask questions. I don't have a preference. I'll go with whatever y'all prefer. Mayor pro tem.

>> Tovo: I'm wondering why the staff is recommending -- let me start by saying I understand the process it's gone through, the various stakeholder meetings and the attempt to find consensus, and given that, I still wonder why the staff are recommending the 2:00 as a dividing line between one level of review and the other and why it's not something more akin to the rest of the city which I believe is about 9:00.

>> The concrete pours end at 7:00 under the current ordinance, the sound and light plan that staff is talking about would apply to any of those permits from 7:00 on.

[9:33:50 PM]

But it's to provide some certainty if someone came in, they could go to 2:00. 2:00, I think, and we haven't had to my knowledge any permits since --

>> [Inaudible]

>> We haven't had any that have fallen under the new ordinance for new buildings going up for after 2:00. And the number of permits we get in a year may leave from four to six that we might have of new buildings that might go up at the most. But the special circumstances, I think, are those reserved for those initial pours of doing that foundation or certain work dealing with certain parking structures. We believe that we can probably accomplish the goals both the residential business and the construction industry if we leave it in place and so it's not a given that we're automatically going to go to 2:00 and then it has to rise to a higher standard. Both the development services office and our sound office would look at that as being if something is going beyond 2:00 there might be additional steps that might need to be taken. That's why we make a distinction. But in all cases you would have a light and sound mitigation plan for something that goes after 7:00.

>> Tovo: So the light and noise mitigation kicks in after 7:00 P.M.

>> Regardless.

>> Tovo: And there are special circumstances of limited duration from 6:00 to 6:00 but especially between 2:00 and 6:00.

>> That's correct.

>> Tovo: I'm wondering about the setting of 2:00 A.M., that's still long after --

>> 2:00 A.M.

>> Tovo: After a lot of people are in bed. It's recognized by the ordinance, clubs and bars have to shut down.

[9:35:52 PM]

Not that many people live close to basses.

>> Tovo: Many don't.

>> 2:00 A.M. Was called out in the ordinance that was also a distinction that was made by the downtown commission and the stakeholder process. It's difficult to get agreement and you'll probably hear from the stakeholders about what those -- from the stakeholders what the different times are. But

staff thought calling out 2:00 A.M. And beyond that time, everything should be quieted down. Traffic downtown in general becomes quieter after 2 because bars are letting out and motor vehicle traffic downtown and we thought under special circumstances that required a higher test than before 2:00 A.M.

>> Tovo: So sounds to some extent, sounds like you're setting it at the bar closure time.

>> Yes, that was one --

>> Tovo: Thank you that provides some context and I'll look forward to hearing from our stakeholders.

>> Yes.

>>> I have one or two quick questions before we hear from everyone and I encourage those folks who -- let know what you have about the staff recommendation, I understand this is going to be new for some people. As far as the fee you've described, analyzing in the budget coming up, that fee only charged to those applying for pour concrete at night?

>> That's right. Only to the late night concrete pour permits.

>> Yes.

>>> And you mentioned the staff recommendation only addresses the noise from late night concrete pour but the backing up and beeping sound, I know we get lots of emails with folks videoing or recording what they hear in their residences, so is the staff recommendation just -- is the military obligation for the sound -- is the mitigation for concrete pouring but if we addressed the other issues we have to take other action?

[9:37:58 PM]

>> Yes, that's something that could be council gives direction to staff, whether it's framing general construction, there's a lot of noise that occurs. This particular ordinance arose as I said because of a large civic project we had in the late-night concrete pouring didn't extend to certain civic project.

>> Casar: And they set decibel limits was that just for the pouring of concrete or just general noises. Is that what we would have to take addressing that.

>> The decibel levels is with the concrete pour. But they recognize there's other noise that's a concern to residents and businesses alike.

>> Casar: Would the decibel levels they recommended, only the decibel levels for the pouring of concrete or the project in general. One of my concern is osha asks for the beeping sound on the backup

of trucks. If we set decibel levels specifically as recommended would that be limits for the -- I'm trying to nail down is the decibel levels for Coates or just --

>> It's general. The noise related to concrete pour only. C. Okay.

>> There's an osha requirement that the city cannot override as far as the decibel levels of the vehicles. However, there's alternatives that a property owner could utilize, there are different systems that gives a swish, swish, swish or a hush, hush, hush, noise that could give an audible alert to someone nearby and the ability to use a flagger on the job site that might eliminate that noise completely in those terms.

[9:39:59 PM]

But this ordinance, as brought forward and initialed really just deals with one particular type of permit. Affects only one part of the city, downtown and deals with late-night concrete pour C. Thanks I know you had to tell me that three times but the last time was helpful.

>> I'm trying to compare the staff recommendation to the interim original at this point and it looks like the interim has the 600 feet where the staff is 300. I want to make sure my thought process is correct. And looks like the staff recommendation added the signposting information with the contact information and then it looks like the staff recommendation added the informing related to sound mitigation. Have I missed anything in the comparisons between the interim and this?

>> Pretty close. The interim ordinance and the staff recommendation and downtown commission's recommendation speak to 300 feet. Staff added the additional signage that would be provided on the property. That the downtown commission did not add. The sound and -- light and sound mitigation plan which was in the interim ordinance would be replaced by the sound and light impact plan. The sound impact plan is something that is unique and reviewed by our music office. Although they would be expanding to -- concrete pour music, but it would be something they would also be looking at that has a higher -- requires a higher level of scrutiny as far as trying to mitigating sound that might be adverse to businesses residences alike.

>> And in the staff recommendation, I don't see decibel limits; is that correct.

[9:42:04 PM]

>> That's correct.

>> But they were also not in the interim ordinance either?

>> That's correct.

>> And a couple of questions to get a sense, actually I was eating dinner with someone who had the decibel app on their phone and we were talking about different limits the noise where we were eating was 75 and so it surprised me that 75 was as low as it is because I was thinking it would be higher but the restaurant we were sitting in, that was the noise level and so music is limited to 85, is that my understanding?

>> That's a decibel level. But when a club moves in, and they want to have amplified sound outdoors, there's a sound impact plan that's done. And it's not necessarily the decibel level as much as it's the impact to the residents. If there's a business that's closed next door, the -- in the evening, the impact of the sound might be less on that business than it would be on the residence next door. And so working with our music office, they have successfully placed baffling directing sound downward. And working with property owners and residents alike to basically make the impact of the noise that might be generated from those permits to a point that would be tolerable. We had accolades by our music office for some businesses that came in originally, no one can sleep because the band is playing too loud. Coming back and say, no, they've taken care of the problem now. So it's a very successful program. Very proud of the music office and we think we can apply that success to the interim times we have during the construction of our larger buildings. And there's no decibel level on those.

[9:44:08 PM]

>> Pool: But there would be a perception, my guess, even with the baffling, the goal is to have the sound decibel below 85? Not above?

>> There's an upper limit certainly, and I think when you look at those, our music office is probably looking at something less than that. Other ordinances, it's exponential. So going up one decibel isn't necessarily the same as going one to two and may feel more like one to 10.

>> Gallo: Do you have any idea what a honking horn would be.

>> You might be looking at 70-decibels. You know, conversation, you are probably looking at anywhere from 60, 70-decibels. Airplanes and lawnmowers, probably like 110. Large noises that you hear from -- let's say the typical air conditioner compressor on the side of the house, three or four-ton unit that cools your home, probably 75-decibels. If you move away a couple of feet might drop to 70-decibels. But it's the -- it's the types of sounds that are generated, sometimes not as much as the decibel level. If it was a white noise, background noise that was constant, that probably causes a lot less complaints. The concrete pumps and sometimes the trucks when emptying the concrete load at the end, they'll spool that truck up and it will whine and so it's not a consistent level. It will rise and fall. And that's a lot of the complaints that I've heard and then residents have experienced and our sound office found out.

[9:46:08 PM]

I will say

>> I will say the noise that's been generated at the ground level by a concrete pump on a a weighted scale was 95 decibels that was measured 15 feet from the pump without baffling. If you put up a 5 feet from that ground pump it dropped it down to 87.5. Presumably, if you actually use proper baffling and it was properly placed, that could drop even lower. From a distance of 20 feet, a concrete truck during its kind of that last spin cycle trying to get the end of the concrete out of the truck, that had a 91 decibels on the a-weighted scale, and that -- and an proximate distance of 100 feet, this is measured from the second floor of the away garage from concrete truck delivering at a full cycle, it was 63.2 December these were measured in January of this year by our music office. So that gives you an idea of some of the sound. But it's not the sound at a single point in time. The music office would look at the sound that might be generated over a period of time because of the fluctuations.

>> Gallo: So the staff recommendation is not to put a decibel limit 2002 do the sound impact plan? Is that what I'm hearing here?

>> That's correct.

>> Gallo: Do we know the fiscal impact of this?

>> That's actually kind of being -- right now being looked at. Right now we already issue these permits. And so there's that impact -- not impact in that sense. But the additional sound impact plan would require additional review by staff and that's what our sound office is working with their budget staff, trying to determine what that fee would be to do the annual -- or not the annual review, the review of the permits.

[9:48:18 PM]

The cost of the sound impact plan for the most part will be most at that time of the first application, and if there are changes that need to be made to the plan because baffling needs to be moved either because of complaint or because of an issue where the building construction has changed, as it's being constructioned and the pump may need to be moved or delivery location removed, the time spent on those updates are going to be much less. And so, yes, it is being looked at, working through our music office.

>> Gallo: And how quickly do you think we would get that information?

>> I'll have to check them and I can get back certainly before this comes before council.

>> Gallo: Because this piece of it is an additional cost to the building of the property. Is that correct?

>> It would be. But it -- given the total cost of construction when the buildings we're talking become it's going to be pretty minimal.

>> Gallo: Okay. That would be good. It would be good to see that because I have no concept of kind of where we are or where that fee would be at this point. So thank you.

>> You might be looking at a staff person's time, maybe if I have or six hours on the -- five offer six hours on initial review, to do measuring, go out and measure it, go out and measure again, come back and maybe tweaking of that. So you're not talking about hours on end. The key thing that was really stressed by our music office and in particular by certain residences, that they really want to make sure that actually the music office got this right and did the enforcement up front as opposed to burdening our police department on the back side. What I heard more often than not was that if we get it right at the beginning, then enforcement is minimal because you get compliance upfront.

[9:50:20 PM]

When you complain that with the permits only being issued for three days, it allows for tweaking of that plan to get it right easier than having to come back and then calling out APD to go out and try to do a sound measurement after they have permits underway and having them come back out. We're trying to get it right up front rather than on the back end.

>> Gallo: That's good. We have that fee information -- will we have that fee information prior to it going to council?

>> Yes, I'll work with the music office to get you that information.

>> Gallo: Thank you.

>> Casar: One last question. I'm trying to come up with this in my head, as far as pros versus cons of including a decibel level limit?

>> Sound is unique. And having worked in the office that issues the sound amplification permits for bars, it depends on the time of year, it depends on the orientation of where, you know, that truck might show up just like a stage is located or the pump is located. And what's around you. There might be more baffling that might be place so it would protect a residence more than a business. And the decibel level may actually be louder on one side of a property than maybe on the side where the residents. The reflection of sound changes, depending on how the construction starts moving and occurring. So it's not a static case. If you set a particular decibel limit it becomes harder for that property owner probably to

comply. With our regulations because they're trying to provide for mitigation around the entire project rather than from the areas that are most affected. And those end up being residences or those businesses that might operate at night.

>> Casar: Okay. Thank you very much. Anything else for Mr. Guernsey?

[9:52:20 PM]

We can always call him up after public comments as well. Okay. Then we will start taking public comment. If Kathy Marcus is here. And David Newberger is on beck afterwards.

>> Casar: Right there is perfect, Ms. Marcus. You have three minutes.

>> Can you hear? My name is Kathy Marcus, six year downtown resident of the spring and I'm representing the hoa of the spring, I'm a 33 year downtown business owner. I'm glad I got to read the staff recommendations to your committee because it barely resembles the recommendations downtown stakeholders came up with after many months and many meetings at city hall and then the downtown commission. What I can tell you is this document you have is not acceptable to downtown resident stakeholders and it negate the hard work we have put into this ordinance. I can just give you the differences between what you have and what the downtown commission came up with, which we are mortgage totally in agreement with either. First of all, the downtown commission set the decibel limits, as you know, your document does not do that and also the decibel limits were not just for concrete pores but actually for any kind of construction downtown. Also, the downtown commission will have the coa review those decibel levels within six months. That's not in your document. We have been woken up in the morning by holes being dug, concrete forms being assembled and trucks backing up. This is not concrete pouring. This is concrete construction -- downtown construction. The sound levels are not addressed in your planning and neighborhood proposal. The downtown commission urges the city to provide equitable and effective enforcement mechanism with repeat violators. What you have in front of you does not address violators and leaves the director in charge of what is reasonably necessary to protect public health, safety and welfare and to ensure reasonable expectation of sound environment that does not preclude sleep.

[9:54:38 PM]

This is -- I'd like to have that job. I don't know who that director is. There's nobody we can appeal to. Also, your committee, what you've gotten from the city, allows for concrete finishing between 7:00 P.M. And 6:00 A.M., and provides an exception to building applications submitted prior to December 2014.

The downtown commission grandfathered the first three months of the application. We can have concrete pouring for another five years from the applications that are now in place. The downtown resident stakeholders have issues in conflict with the downtown commission report, including changing the contact information network from 600 feet to 300 feet, which is nothing. And the cutoff -- and we believe that the cutoff time should be in line with all the other large cities in Texas, in New York, in San Francisco, in the United States, which pretty much cutoff construction time after seven.

[Buzzer sounding]

>> If this proposal comes before the city council as it is, you will have a lot of downtown stakeholders giving their three minutes in front of you. Thank you.

>> Casar: Ma'am, I believe that mayor pro tem has a question for you.

>> Oh, okay. Sorry.

>> Tovo: I do. So this issue has been going on a long time.

>> Yes, it has.

>> Tovo: We've gotten a lot of feedback from many of you at various times in the process, and one of the things I'm having -- I mentioned earlier, my staff member Joy Harden has been very involved and met with lots of you and attended the meetings. All that said I'm having a hard time still keeping straight all the various responses responses to the different recommendations. I know that we -- I think I understood your comments to be that you don't -- that while you support some of the downtown commissions' recommendations you don't support all of them.

[9:56:39 PM]

>> Yesed.

>> Tovo: So what would be the best way -- you are representing Springs Homeowners Association but you referred to downtown residents more generally.

>> Yes. We are in agreement with the downtown neighborhood association proposals.

>> Tovo: Okay.

>> Which have come up many a time and I believe that Bear Lous will go ahead and explain those once again.

>> Tovo: Thank you.

>> I'm totally not in agreement with any of the staff recommendations.

>> Tovo: Okay.

>> This was sprung on us just this weekend.

>> Tovo: And I understood from your comments I was very clear that you didn't support the staff's recommendation. It was less clear to me which of the downtown recommendations you supported and didn't support. It sounds though as if springs homeowners association does support the downtown Austin neighborhood association's position.

>> Yes.

>> Tovo: Is that correct? In its entirety?

>> Yes.

>> Tovo: We'll hear more about that in a bit. But.

>> Did you have another question.

>> Casar: I sure do, unless other committee members do. Thanks for bringing up other cities because this does seem to me like Austin is dealing with a good thing, which is, you know, to revitalizing our downtown and making sure it's a place for businesses and residences and I imagine other cities have dealt with this in the past.

>> Yes.

>> Casar: I think it would be very helpful for my office and perhaps for members of this committee to receive any information y'all may have on what the regulations are in other cities because I've asked the question a couple of times and am still not very clear. I understand that we're a hot southern city and that that makes the engineering of pouring concrete a little bit different, but any cities that you do have, still feel free to include New York but any cities in climates somewhat like ours I think would be helpful.

>> I'd be glad to forward you the information we have collected. Also the concrete lobby association has done a very extensive list on what other cities have done and nobody does it the way we do.

>> Casar: An et dotely if you feel comfortable in right now in some other Texas cities hot like Austin, what do they do?

[9:58:47 PM]

>> They don't pour concrete at night. New York has a 6:00 P.M. Cutoff on all construction noises so we've been through this before with the downtown commission too. Our recommendation is wi do

think the downtown commission has made a really good effort on trying to combine all our interests but there's still major holes in there. We just want to sleep.

>> Casar: Thank you.

>> Thank you. Appreciate your time.

>> Casar: Councilmember Gallo?

>> Gallo: I just have a question of staff at this point with some of the areas of concern that she brought up. So I'm looking at the other cities, the other Texas cities, Houston, Dallas, San Antonio, Fort Worth, and I'm trying to -- it doesn't look like within what's been printed out for us it addresses whether this is for the entire city or whether it's for a geographic area which is what we're talking about, this ordinance being specific to a downtown geographic area. Do you know that information on these?

>> Well, yes. First, you do have in your backup materials a listing of Houston, Dallas, Chicago, Los Angeles, Boston, I think Portland, Denver, I thought Seattle too.

>> Casar: I asked for it and I got it before I even asked. Look at that.

[Laughter]

>> So that information is in there. I think the general information that you've received was probably talking about more about the city itself. There are certain exceptions that are written in for -- depending on which city that you're dealing with. As far as for times or additional restrictions on holidays, I don't know precisely when we did this ordinance review of these other cities that we talked about specifically downtown.

[10:00:51 PM]

There was some also issues of enforcement that were brought to my staff's attention when we were doing this about permit violators and what would happen to them. Depending on which city you're dealing with, they go through different departments as well. But I think these ordinances generally you have before them, they speak to generally the concrete pour would be part of other construction noise and dealt city-wide.

>> Gallo: I guess me question, in looking at this it doesn't separate out specifically a downtown area, I'm looking Houston, Dallas forth worth and San Antonio. Do we think those cities perhaps have a different ordinance for the geograpic areas of downtown or have none of these cities developed an ordinance that specifically deals with their downtown areas?

>> The staff person I worked with is here so if you can let me talk with him while we're taking some of the other speakers I can get that clarified.

>> Gallo: Okay, thank you.

>> Casar: Any other oxygens all right, we'll have Mr. Newberger and on deck after him is candy Jones -- no, sorry, candy Jones does not wish to speak so after that will be bonita white.

>> Hi, David Newberger. I live in amly on second, cat catty-corner to the green water treatment plant. Y'all have received over 400 e-mails from a tiny website I put up called I love downtown Austin over the past probably three months. In almost -- almost universally those e-mails that have come in, and the bulk came in actually to the prior city council, so, mayor pro tem, you would have received all of these, almost universally ask for a cutoff time of 7:00 in the evening to match much of the rest of the city.

[10:02:58 PM]

The real gist of that is the residents in downtown are asking for cutting this off at a certain -- at a reasonable time in the evening. 2:00 A.M. For most of the downtown population that works the next day is giving them four, four and a half hours of quiet time before they have to get up and go to work the next day. It's not very workable. The 2:00 A.M. Cutoff with music -- music is a little bit different. It's also somewhat, although many residents do face the noise, it is somewhat isolated and consistent consistent and is primarily Friday and Saturday nights. The construction type of noise, as Mr. Guernsey has said, is complicated and it's not consistent. You get these rise and fall of noise. I've had at times clocked 9db on my balcony. Even with earplugs I can shut most of the noise down. I can't shut the vibration going through my own building down and those are low frequency noise that are resonating right across the street, up through a concrete building I live in. One thing that hasn't been raised here is the spring buoy, Seaholm, about to start construction five plus six, none of these buildings except for an exceptional one or two pores are pouring at night. They're doing it economically, they're doing it logickicly and they're doing during the day. This is exactly what goes on in almost every major city in the United States, is the downtown large buildings up against residential areas are poured during the day. We can do it. Is it more convenient at fight? Yes, of course it is. Is it economic beneficial to certain interests? Yes, it is. But it's impact in a very negative way the 15,000 and growing people who live downtown.

[10:04:59 PM]

This area is being built right now for these people living downtown. Not for the convenience of economic interest. And is it a balance that we need to do? Sure it is. But we really need to take a look at what it's doing to the lives of people --

[buzzer sounding]

>> -- That live downtown. I appreciate your time very much.

>> Casar: Mayor pro tem?

>> Tovo: Thanks for being here, and you're right, I did get lots of e-mails and would be happy to share those with my colleagues. But I did want to ask you about, you know, there have been different perspectives all along about when an appropriate cutoff time would be, and I know environmental and I believe your -- you spoke to this at your petition, it advocated for a 7:00 P.M. Cutoff time. Is that still the position you're advancing?

>> That's my preference. Dana, which they'll speak to in a little bit, has asked for 10:00. Somewhere in that range makes sense. 2:00 A.M. Does not give somebody a night's sleep. 10:00 P.M. Is -- I've got a lovely balcony. I can't sit on the balcony most nights of the week and have dinner out there. Would I like 7:00 A.M.? Yeah, I would.

>> I've got 426 e-mails asking for 7:00 P.M. Would I like that? Yes. Am I uncompromising? No.

>> Tovo: Thank you.

>> Sure.

>> Casar: Next we have bonita white.

>> Good afternoon. I'm the president of the rainy neighbors association, and rainy neighborhood is bounded by waller creek on the west, Cesar Chavez on the north, I-35 on the east, and almost lady bird lake on the south.

[10:07:01 PM]

We have a exploding population. When I moved there in 1999 we had about 400 people living there. Today we have 2,000. By next year we'll have 2500 and then there's three major residential projects that are starting right now or very, very soon. We've had a lot -- this is not theoretical to us. We've had a lot of issues with sound and people sleeping. And we've dealt with it, I think, fairly successfully. And I want to tell you the two things that helped us deal with it. And that is strict enforcement of hours and a decibel level. And, frankly, when I read this because I've attended three out of the four meetings, I was surprised at the staff recommendation, that it did not have a decibel level. I tell you why. Throughout these meetings I felt like the downtown residents generally said, okay, we'll back off on the hours but we want an objective standard for sound and lighting that we can live with. And then when I read this proposal and saw that not only are there no hour -- the hours are virtually all night under certain circumstances or until 2:00 A.M., but it also -- there's no objective scientific standard that we can count

on and to tell our people in the neighborhood that -- or the 6-year-old girl that goes to kindergarten that lives above me offer the 16-year-old boy that goes to high school, that, no, we really don't have any objective sound levels, it's up to each individual plan. In working with the music department, I think it's important to know in our neighborhood we're not an entertainment district. We're a mixed-use residential and we don't have 85 decibel level for outdoor music, we have a 75 decibel level.

[10:09:01 PM]

And we're not an entertainment district so they can't have that music going until 2:00 A.M. They have that music going from Sunday to Wednesday it will 10:30, Thursday to 11:00 and Friday and Saturday night until midnight. So I think extending throughout the entire downtown the entertainment hours for outdoor music is not a good recipe for quality of life for downtown residents. Another part of what our neighborhood association recommended was very strict enforcement and to lay that enforcement out in a way that I have not seen.

[Buzzer sounding]

>> Thank you.

>> Casar: Thank you. Next we have kitty mcman -- she did not Washington speak, -- wish to speak, next up is Alex,

[indiscernible], I think is your last name. If Alex comes back let us know and we'll give them their time back. Next is Phil foden. On deck after Mr. Thoden is Tom Clutts.

>> Thank you, committee chairman Casar and councilmembers of the committee. I'm fill thoden here on be half of the acg, our members are building contractors working in the Austin area, many of them are working downtown. We have about 250 members who employ about 10,000 people in the community. Couple of thoughts. Contractors in this town, particularly working downtown, are striving to find balance as the city council is here today. You're hearing the voices of concerned people who live downtown and certainly their voice is needing to be addressed.

[10:11:08 PM]

But you also have, as you know, a lot of people who are demanding a built environment and they want it done quickly and affordably. We have a housing problem here and we don't have enough places to put people and that's spike up the cost of living in town. You're also hearing from those people who are demanding an improvement in traffic congestion downtown. My office is over at south Lamar and

Barton springs and I frequently just ride my bicycle to work and back and also to come over here because it's easier to park by bicycle right in front of city council here than deal with what may be on south Lamar or downtown and, frankly, I am really afraid to put the nose of my car in the box of any intersection downtown for fear of being cited or worse, that obviously is a huge problem. And then, you know, you have all those balances. You know, we're part of that balance as the industry. And I think that if you look back, going back to 2008, there's been a permit for contractors to take advantage of, a permitting process that Greg laid out. And that's you get a 72-hour permit and that's how all these buildings, the initial waive was built with those rules and projects currently underway or about to kickoff were planned under those rules. Time-out back in November and voices were being expressed here about concerns about noise and there's a temporary comprise/solution adopted. And we view that as an industry we have come to a comprised position and we -- as I've reviewed the staff recommendation that Greg laid out, we are fined for the most part with that recommendation as a compromise. There are a lot of reasons why we pour at night. You'll hear from some other speakers about that. It's not just about saving some bucks. It's about worker safety, it's about traffic congestion, it's about structural engineering, and the integrity of the concrete.

[10:13:09 PM]

You've got about two hours to get concrete from a batch plant to downtown. I'll end by noting we had a 24-hour pour for a foundation of a building going in at the green water treatment plant about three weekends ago. I think that went pretty smoothly and we'd like the opportunity to continue, you know, working with the council, working with staff --

[buzzer sounding]

>> Working with downtown residents to continue this delicate balancing act between all the interested parties here in Austin. Thank you.

>> Casar: Thank you. Next we have Mr. Clutts. You can correct me if I pronounced your last name wrong and that goes to everybody else here too.

>> My name is Tom woods. I appreciate the opportunity to get up here for a few minutes and talk to you. I am currently employed by the beck group, which has several buildings in the -- excuse me, Austin area under construction. You know, we're always concerned about worker safety. We're concerned about the environment that's created by our projects, both the pollution environment as well as the number of trucks that go on the road tet, we're concerned about pedestrian safety. We're concerned about the short life span of concrete. Phil just told you it has a two-hour life. If my steel shows up three hours late, that doesn't cause me a problem. If the concrete shows up three hours late, it goes back. It's wasted. It's no good. So it has a very short life span that you have to deal with. We're also concerned about the residents' right to rest and sleep. I mean, that's -- everybody wants that. We're also all

working and living in a very vibrant, growing city. And we all, even business workers and residents, sometimes have to allow things to happen that we don't really enjoy, but they're part of the life that makes this city vibrant and growing.

[10:15:28 PM]

Someone mentioned a few minutes ago that there were several projects downtown that poured during the day and they had no problems and that is incorrect. There are some projects downtown that are poured during the day. They've had a lot of concrete problems. There's some of the buildings that were mentioned that have a very small footprint. When you have a very small footprint you make smaller pores, means less impact, fewer trucks that go out, less time you have to pour, less time you have to finish. If you take a large job sometimes they're up to 500 cubic yards of concrete at a time at 70 yards an hour, you see how many hours it takes to pour, and then you've got a number of hours after that to continue to finish the concrete afterwards. I've been in all the stakeholder meetings except for one. We have been unable to agree on anything. I personally believe and the residents may say that I'm prejudiced but I personally believe that the business industry has compromised more than anything, and at this point we feel like the recommendation is being made before the council is a recommendation that is not -- not the perfect solution, but something that's workable and we can go forward in a very delicate situation that we have. Thank you.

>> Casar: Thank you, Mr. Woods. I may have a question for you but I want to see if anybody else does first. Councilmember Gallo.

>> Gallo: It's funny, the areas that we become experts in. I've got some concrete questions because that was my concern, and I appreciate you addressing -- I didn't even think about the length of time that it takes to get from the plant to the sites. Thank you for bringing that up. Two questions. One is is there a maximum outdoor temperature that you get to that makes you not be able to pour or it not result in as good of a product if you're pouring at a lesser temperature?

>> No, ma'am,, there's not a -- I guess you can get an ambient temperature that's too hot, but understand that when you're -- we're pouring concrete, the concrete itself is about 90 degrees.

[10:17:40 PM]

If it is 100 degrees ambient temperature, the form work that you're standing on has -- is not only wood and it's dark and reflective but also got a lot of resteel absorbing heat so what you're actually standing on for an ambient temperature of 100 may be 110 to 115 degrees, which is -- creates a real safety

hazard for a worker if he's standing on that pour a long period of time. Like I said, the residents will tell you that there's been buildings poured downtown where they had no safety problems at all. And that's good. That's great. That's fantastic. But the smaller the pour, then the less time that they're on those decks. If you take a large pour like we'll be having downtown, they'll be on the deck for a long period of time.

>> Gallo: Okay. My second question was if you had a decibel limit of 75, could you actually pour concrete and work on it within that decibel limit?

>> Well, if you can't sit in a restaurant for less than 75db, I don't think you can do much anywhere else. Whether you're and doing on a street and a bus goes by or whether you're sitting there in a hotel room and suddenly the backup alarms come on from the dumpster at 4:00 in the morning, there's things that's going to be like that. But 75 is really a very low db. I think that if the limit were set somewhere around 80, I think that we would be -- we would have a better opportunity. I think we're all doing things downtown to help the noise that has been created. When we made the large mat pour downtown, we had probably about 45 trucks or so making the turns. And only five of them we couldn't disconnect the backup bells on. We are planning -- we're presently planning, where a permanent pump will go so it's going to be shielded and pointed away from all the residents. We've already talked about our light mitigation plan on all the pores up the upper decks so that we're making sure that our lights are going to be shining away from the residents.

[10:19:50 PM]

And that doesn't mean there's not going to be some reflection. You always have reflection. But our direct lighting we're always going to point it away. So we're real conscious of what the neighborhoods are going through. But in order to and/or pour safely and pour the best way that really needs to be done at night.

>> Gallo: Thank you.

>> Yes, ma'am.

>> Casar: And first of all before I ask my question I apologize for thinking your W was a kl. Your handwriting is much better than mine --

>> Listen, you can call me anything but just don't call me late for lunch.

[Laughter]

>> Casar: I know that beck is a national contractor and some folks have mentioned here that there are cities where there is a night pouring, others where there are. Do you have much experience in how

general contractors in those that do concrete handle doing this kind of work in cities where they can't go so late into the night?

>> There are cities -- there are cities, and I'm not going to sit here and quote what their rules and regulations are.

>> Casar: Sure.

>> But there are cities that do allow concrete pouring in and around residential areas. Normally it takes a permit. Normally you go down, explain what you want and it happens. You know, Houston has built every -- every major city in Houston is built on a concrete map. Those have to be poured at night. You're pouring 24, 25, 27 hours so they have to be poured at night. Obviously they're doing something at night. I've done work in the Houston area, residential, I've actually done demo work and concrete pouring. I've done concrete pouring there, residential area in Dallas. And we poured every night and worked every night. So every city has some rules and regulations, but sometimes those rules and regulations are talked about and they're -- things are done in order to be able to allow contractors to be able to do the job that they need to do and do it safely.

>> Casar: So you don't have any experience pouring concrete in cities where you, for example, wouldn't be allowed to pour late into the evening and how you handled that? I guess my question is you did answer well on cities that allow you to pour at night, but have you ever had to do any work in cities that don't allow you to do so?

[10:22:06 PM]

>> The only city I've ever worked in that did not allow night pours was Myrtle Beach, Susan Kaderka. And that was on the beach area. The area -- I think it was three blocks within the beach. It was enforced. You just couldn't pour. There was a lot of -- you had to do a lot of extra planning. Your jobs took longer. You had to make small pours because of that situation, the heat more than anything else.

>> Thank you. I appreciate that.

>> Yeah. Anything else? Thank you.

>> Casar: Thank you. Our next speaker is Berry Lewis. After Mr. Lewis, Rich is up next.

>> Mr. Chair, Mayor Pro Tem, members of the council, thank you for your time and for your service to the community. My name is Berry Lewis. I am here both as a resident of downtown and a member of the board of a downtown homeowners association, and also as a member of the board of the downtown Austin neighborhood association. It's been my honor to serve on that board for the last three and a half years, and, frankly, I'm looking forward to six months from now when I get to get off the board. I come this evening -- or this afternoon to talk to you about this ordinance. This ordinance started out as a

mistake. 9221 originated in 2008, when the Ashton was under construction and there was already a high rise building downtown that was occupied.

[10:24:11 PM]

It was amly number 1 or whatever the name of it is. And there was a lot of noise and commotion associated with the construction of the Ashton and the city was petitioned to allow night concrete pours downtown. And so the city did. The city created this ordinance, 9221 and they put it under the music ordinance section of the city code because it was about noise and because the music ordinance was about noise. You know, hindsight is always 20/20 but it was really a mistake. What they should have done was write a noise ordinance. Somehow, that didn't get done. This is an opportunity to redo that error. There are, in the city of Austin code, a number of provisions that have to do with compatibility standards. 25386 specifically provides for a noise standard of 70 decibels in a residential district. So as Mr. Guernsey knows, that is supposed to be the maximum noise that comes from your split system air conditioning unit. Any louder than that is too loud and your neighbors shouldn't have to suffer it. It also creates a specific exterior lighting standard.

[Buzzer sounding]

>> May I continue?

>> Casar: Please try finish up your thought about 20, 30 seconds. My issuesy want to give equal time.

[10:26:13 PM]

>> It provides that lights have to be hooded or shielded and that lighting cannot exceed 4/10 of a foot candle. Dana has been involved in this situation from the get-go for the last year. We've participated in the sessions. We have adopted a position last fall, which we will soon reiterate, and that position is a hard stop at 10:00 P.M. With provision that under special circumstances permits can be issued. We support the downtown commission recommendations, and we would ask that you give those recommendations every consideration. Thank you very much.

>> Casar: Mr. Lewis, I believe you have a question from mayor pro tem.

>> Tovo: I do, thanks. Do you support the downtown commission's recommendations in total?

>> No, ma'am. Dana, as an organization, the board, which is a mixed board, business and residents, Dana as an organization has adopted 10:00 P.M. As a hard stop time if was a comprise time, but that's the position that was adopted by Dana.

>> Tovo: Mr. Lewis, I think I heard that you intend to send us all an updated letter from Dana.

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

>> Tovo: Explaining which recommendations you would support and which ones you have concerns about.

>> We recently surveyed our membership, and we had over 400 e-mail responses. 85% of whom supported a hard stop at 10:00 P.M.

[10:28:15 PM]

>> Tovo: Okay. Thank you.

>> Renteria: Can I ask you a question? You said that you wanted a dead stop at 10:00, 70 Gibbs, that including the music, all noise?

>> No, sir. The music is a different animal. You know, the -- Austin is the music -- the live music capital of the world. The difference is that there are areas in downtown Austin that are entertainment Zones. And those sound levels apply. But as you've already heard from Ms. White with the rainy street neighborhood association, those same sound levels do not apply in the rainy street district because it's not an entertainment district. There are large portions of downtown that are not entertainment districts.

>> Renteria: We have locations on Cesar Chavez that doesn't -- it doesn't apply to them, we have over 70 and it's a residential area with businesses on first street but across the alley there's single family housing.

>> I understand that. And I sympathize with you. The sound ordinance provides that where there are repeated complaints to the sound office, the sound office can refuse to reissue a permit and, under some circumstances, can revoke a permit. There are no such provisions in either the downtown commission recommendation or in the staff --

>> Renteria: That's true, but that's only outdoor music, not indoor.

>> Thank you very much.

>> Casar: Mr. Lewis, you have one last clarifying question from me I've gleaned from the two questions. Would you say that the two largest differences in Dana's position versus the downtown commission is, one, the hard stop at 10:00 P.M. And, two, the enforcement measures of that -- of enforcing the 10:00 P.M. Hard stop --

[10:30:25 PM]

>> The downtown commission's recommendations call for an enforcement mechanism but that's to be determined at some point in the future. Staff recommendations really do not.

>> Casar: Thank you.

>> Yes, sir,.

>> Would I say good afternoon but I think we've moved on to good evening. My name is Rich Sachie, I represent the Texas concrete association. We are all of those concrete trucks that we've been discussing and we receive 100% of those that supply into downtown. Also by way of introduction I'm also a licensed professional engineer and five of the other states have worked in including Texas, and councilmember Gallo if you'd allow me when we get to the end of my statement I have specifics to address your concrete temperature question that came up. We've been involved since the very beginning since the temporary ordinance went in place we were at all the stakeholder meetings, did give input, made every effort to talk about both compromises by providing facts and statistics about concrete delivery into downtown and make sure that both the downtown commission and staff had a full gamut of information in which to make their decisions. The downtown commission recommendation we had several issues with that. Some of them amounted to a prohibition but there were also aspects that were good, good, clear, defined limits there that we felt were a balance based on comments and conversations we had with the residents. The staff recommendation we also support much more fully because we think that does a much better job of balancing both resident concerns and the concerns of all of the commuters, all of the downtown participants, businesses, commuters, people that have to work here on a regular basis and deal with things like traffic, congestion, access, and so we're very, very supportive of the staff recommendation that allows our business to continue, allows buildings to be done faster and on time and we don't have some of the challenges and more importantly prohibitions that we think the downtown commission recommendation presents.

[10:32:45 PM]

Councilmember Gallo, you had a question regarding the concrete temperature and I think it's very important to discuss that. The city of Austin itself has a specification for concrete temperature, not ambient, but delivery temperature. Those temperatures cannot be met if concrete is delivered between noon and 5:00 P.M. Between May and September. Those temperatures just cannot be met. That's why most concrete projects in downtown Austin for the city of Austin happen during the late hours of the evening. That's why we do concrete repairs at intersections during the evening, is to meet both city of Austin compliance requirements for temperature and to minimize the traffic problems and congestion there. So there are practical implications as well as specifications. The projects that Tom talked about for

beck, it is a very common occurrence for engineers to specify a maximum delivery temperature for concrete, which means we have to deliver that during the evening and early morning hours to meet those requirements. In some cases it's almost impossible to do that during the daylight and daytime hours so I'm very glad you brought up that question. I would --

[buzzer sounding]

>> -- Like to finish up. I will continue to stand here if there's any technical questions or we come back to anything from a technical standpoint, I can answer questions about concrete trucks, delivery plants, any of those kind of things. I'd be more than happy to continue to be a resource. Thank you.

>> Casar: Thank you so much. I think you will have questions. Remind us how to pronounce your last name.

>> Sachie.

>> Casar: Thank you.

>> If there's anything I need to be recalled for, I'll be in the audience.

>> Casar: I think mayor pro tem has a question for you.

>> Tovo: I do. Thank you. You opened by saying that you represent the association that represents all of the concrete --

>> Producers, yes, ma'am.

>> Tovo: Thank you. Do you do so for other -- does your association represent concrete trucks -- concrete producers in other areas as well?

>> We're the entire state. So many of the members -- the members who supply into Austin, I represent them.

[10:34:49 PM]

But we also represent people who are supplying to Dallas and to San Antonio, Houston, fort Worth, and in fact before I was representing them, I was a practicing engineer with those groups so I have supplied concrete into and produced concrete into those cities as well. But we don't go past the borders of Texas.

>> Tovo: Thank you. I'm asking that in part because of the chair's questions environmental about -- earlier about information we have for other cities where the climate is similar.

>> I've worked in Louisiana, Arkansas, Oklahoma, Arizona. Arizona is probably the best case example, climates similar to ours. We didn't have issues supplying concrete overnight into Phoenix, into testimony

pee bays they've got -- testimony pee because they've got high temperatures, very common to supply projects in commercial district business, downtown Tempe, downtown Phoenix between midnight and 6:00 A.M.

>> Tovo: Of course I'm not sure that they have -- does Phoenix have the goal of having as many residential units downtown?

>> I would relate the Austin kind of thing to say a downtown San Antonio, Dallas is probably the closest, I would say, because of their density in downtown and the amount of high rise residential that's going into downtown Dallas. I personally have supplied numerous yards, hundreds of thousands of yards, in fact, of concrete into downtown Dallas overnight. It's being done now. It will be done this summer, same way it will be done in Houston, Fort Worth, and San Antonio.

>> Tovo: So I guess the point of that you're saying that those cities are more equivalent or more analogous situations perhaps than something like a Phoenix where there's not -- I mean, it's my -- it's my belief that there may not be as many downtown residents. I'm not sure whether that continues to be the case.

>> I was using it more in terms of temperatures, similar climates.

[10:36:50 PM]

Yes downtown cities, San Antonio, Fort Worth, Dallas, Houston, you do have quite a few residents down there and there's still commercial construction happening in those areas.

>> Tovo: Okay. Thank you.

>> Casar: Councilmember Gallo.

>> Gallo: Thank you for addressing because I think we've asked staff to look into that information because what we've been provided with that shows what the other cities do sounds like they don't address pouring in the evenings but what I'm hearing you say is that the reality is that the pouring that goes on in Dallas and San Antonio and Houston and fort Worth, in their downtown areas, actually are occurring at night right now.

>> Yes.

>> Gallo: Is that what I'm nearing.

>> We've got a pretty good matrix where we did a comparison and we've given that to staff and I'd be more than happy to provide you a copy of that.

>> Gallo: Thank you.

>> Yes, ma'am.

>> Gallo: Probably everyone else up here would, to I would think. Thank you.

>> Thank you.

>> Casar: Thank you so much. And next we have Melissa Nesland. And after Ms. Nesland, we have Mary ingall.

>> Good afternoon, evening, Melissa Nesland and here not originally to speak on this item but saw it on the agenda. Vice chair of the real estate council of Austin's policy committee, so didn't know much about concrete pouring until a few months back when this kicked off but have learned a great deal and attended many of the stakeholder meetings. I think from our perspective, our organization, you know, it comes back to balance, as you've heard many times today. Online, understanding we have residents that are -- excuse me, folks part of our organization that live downtown. We're also, you know, a lot of the general contractors are members, consultants, developers, and what have you, and we are all working really hard to strike that balance of affordability.

[10:38:59 PM]

As you've heard this evening or afternoon, you know, traffic, pedestrian traffic, the technical aspect of the actual construction, I was just sitting back there googling when talking about other cities, Sacramento, la just had two giant concrete pours, both of which went 20 hours overnight downtown. Logistically, we have to remember anything after 7:00 is going to require a permit, review, plan, so I think the understanding is that if it's these smaller projects that aren't going to require these massive pours we're not going to be requesting these permits, not going want to want do that, spend the extra money. We surely need the option, and opportunity in those cases, significantly large pours. Let's face it we have traffic issues and the trucks have to get here in a timely fashion. I heard two hours I was reading on online 90 plugins the time it's mixed to the time it needs to be poured. That's a real issue. I can't get down 35 at 2:00 on a Saturday afternoon in a timely fashion let alone, you know, middle of the day peak traffic time. So I think there's a lot we need to consider here and so I would just like to support the staff's recommendation, the work that has been done. I know a number of folks across the board have been involved in this conversation and it's not an easy one. Only other thing would I add which has been touched on, we are in a unique position in Austin right now. With this growth, you know, mayor will when, however many years ago it was, 25,000 residents downtown. Thank god we're well on our way. That's a lot of work. I'm sorry in you're a resident down there right now but growth is tough and on so many different levels we all have to deal with it, whether sitting in traffic or what have you but I think when we look big picture wise, communitywise, the impacts to affordability that get passed on, construction time lines add three, four, five, six months, that's time passed onto that future resident.

[10:41:05 PM]

I mean, that's not just money that disappears and so I think we need to be mindful of the big picture and the growing pains no fun. But I think we've all got to arm together --

[buzzer sounding]

>> -- And figure out the best compromise. Thank you.

>> Casar: Thank you.

>> My name is marl inge, president of the Austin neighborhoods exponential I'm hear to speak on be half of Barry lewis, Dana, member of the Austin neighborhoods council. I've been intimately involved with noise issues for a very long time, and I just wanted to say in support of the downtown neighborhood sobers that this is about a quality -- association that this is about a quality of life situation. We're dealing with people who are trying to live here. I think it's very important that we find a good reasonable balance. We can still have growth, but it's really about the people who live here. And quality of life. Because if you can't sleep, you don't have a good quality of life. I know this personally because I periodically have to deal with noise from stubs in the entertainment district, and I live 30 blocks away. So anything that has to do with don and it is David Murray, they're excellent staff members and they're very resourceful and creative and so I'm happy to know that they're involved in this situation. Thank you.

>> Casar: Thank you. And is Mr. Lewis still here? He is? Mr. Lewis, I -- is David king here?

>> No.

>> Casar: Okay. I just saw later -- I just, say, saw he signed up to donate time to you and I imagine he was here when you spoke so I didn't want to steal any of your minutes if you had any last comments for a minute or two, I didn't want to deprive you of the time I noticed on the second sheet.

[10:43:11 PM]

>> I would like to point out --

>> Casar: If you can use the microphone because that's how we record what it is you're saying.

>> I would like to point out to the committee that in addition to the compatibility standards in the code that I already referred to, there are other parts of the code that refer to the noise issue. Again, these are noise issues. They're not -- they're not really concrete issues. Concrete is kind of coincidental. It's the noise that's the problem. We have businesses that operate 24 hours a day, seven days a week. Nobody

cares. It's the noise that is the problem. I realize this is not on point, but a person may not operate an amusement park device that causes or emits a noise offensive to a person of Normal sensibilities who resides or conducts business on property adjacent to or near the property on which the device is operated. Again, that's not construction. It's not concrete. But it is noise. That is section 432 of the city of Austin code. A person may not operate sound equipment that produces sound in excess of 85 decibels between 10:00 A.M. And 10:00 P.M. Or 80 decibels between 10:00 P.M. And 2:00 A.M., as measured at the lesser of 100 feet from the sound equipment or the boundary of the public recreation area. So if you live near one of those areas, there are restrictions on how loud the sound can be and when it can occur.

[10:45:17 PM]

And, again, you can't do that between 10:00 A.M. And 8:00 P.M. Sunday through Thursday or 10:00 A.M. And 10:00 P.M. Friday and Saturday.

>> Casar: Thank you, Mr. Lewis.

>> You're

>> Casar: Committee members, because we're not doing this technologically, just on paper, it took me a while to realize that he had donated time, in the interest of fairness, that's why I wanted to call him back up. All right. That is all of the speakers that we have, Mr. Guernsey, I believe that you were scraping together an answer for us. If you can give us that, then committee members we can ask him or anybody else any other questions that we would like?

>> So I spoke with staff, the ordinances generally presented are provided city-wide, you heard some that speak to the decibel levels and some of these actually speak to decibel levels not exceeding 85-decibels between the hours of 7:00 P.M. And 8:00 P.M. When measured from a property line of a residential property where the sound is received. So -- 7:00 P.M. And 8:00 A.M. For instance, that's in Houston and Dallas. There's -- it allows the director of public works may issue a permit to exceed the hours 7:00 A.M. To 7:00 P.M. Monday through Friday for general construction activity. And between the hours of 8:00 A.M. And 7:00 P.M. On Saturdays and legal holidays, but it does allow that -- that I guess the director of public works to issue an exception in the urgent need of a public safety or for other reasons determined by the public works director for public health, safety and welfare. There's -- there's other references, San Antonio. To -- any such time at some level is across real property that exceeds 80 decibels.

[10:47:23 PM]

And does not apply in cases of interest of public safety or in cases of public convenience, including city sponsored events such as fiesta's parade and public events. Portland, some -- no person shall offer equipment or

[indiscernible] To commercial activity which exceeds 85 decibels when measured 50 feet from the source. This will not apply to payment breakers, scrapers, concrete saws or rock drills. So the ordinances are pretty specific when you are looking at different parts, but generally the ordinances that I gave you apply to their city. And not just to the -- to the downtown area.

>> I think, councilmember Gallo may have had a bit more of a specific question. So I will let her had he state that and -- restate that and see.

>> Well, it may be that the gentleman that spoke has a grid that can help us with this. What I'm hearing is that the other cities are pouring downtown in the evenings and the information that you provided us, it sounds like what you're saying are their city-wide ordinances, which we have also, but we have ordinances that are more permissive, it sounds like, in the downtown area. My question was, do these cities have ordinances that layer on top of this that relate to a geographic specific area of the downtown? Or are these cities making exceptions under these ordinances to allow the concrete pouring at night, which is what we heard from the concrete association gentleman. Sorry about that title

[laughter]

>> Regarding rich from the association, I will go back and look. I think there are probably exceptions that are made by some of these cities to allow the concrete pourers that you may have heard referenced this evening. It's not necessarily a standard that probably the city is -- city of Austin, as I said, we have routinely, I guess since about 2008 allowed for the issuance of these consecutive concrete pour permits, for 72 hours and issued another one for 72 hours.

[10:49:39 PM]

And in the case of these other cities, I don't know if we asked the question how many times do you make these exceptions for these larger structures. That's something that we could ask, I guess. Of these cities when they do a large pour for downtown.

>> Gallo: I think that would be helpful because it sounds like they're doing it, they're allowing it and under what pieces of their ordinance or what permissions or what exceptions are they doing that I think would be really helpful for us. I think what I'm struggling with here is a fairness of sound downtown and I, you know, my suggestion would be that all of the concrete pourers are to pour in the next couple of weeks when roc comes to town. I guarantee you when we have a million motorcycles it exceeds the 75-decibel limits. That brings up the question, we allow festivals to come into the downtown area and we allow groups of people that certainly exceed the decibel limits that we are trying to set, where is the

level playing field here that we allow businesses to be able to come in and do things that are noisy, but we allow 100,000 motorcycle riders to be here for a multiple day period of time and we allow festivals to occur, you know, across the lake from us right now and at zilker, where are those decibel limits and how do they come into play with all of this.

>> Barry may have covered this already. Again recall sound equipment, which we deal with amplified sound, is limited to 85 decibels between 10:00 A.M. And 2:00 A.M., measured at the property line of the business, that's just generally city-wide. Or is audible from the property line of a business between 2:00 A.M. And 10:00 A.M. In a residential area, sound equipment again this is just amplified sound, like a speaker or amplified sound, it's --

[10:51:49 PM]

[indiscernible] -- Sound equipment beyond a property line of a residence and ... Produces the sound in excess of 75 decibels. But that sound -- that's sound equipment and -- and I'm not here to talk about sound equipment as much as -- [laughter] --

>> Gallo: I know.

>> The ordinance that's limited to the pouring of concrete. You know, I think given some of the comments and I'll probably talk with the sound office again, staff is not final in its recommendation. We could probably put an upper limit on it if that's really the concern. But I think that the most important thing that staff would stress is that the permits themselves are unique to the location, even the time of year, prevailing winds, they all have an effect and that -- and that we still feel that having the ability to not issue a permit or to require changes to the permit, every three days, the permit is requested is -- is where staff recommendation I think is strongest and would benefit the public the most.

>> Committee members, do we have more questions for Mr. Guernsey? Mr. Guernsey, could you go over with me very briefly the question of grandfathering? I know that there is a difference between the staff recommendation and the various other recommendations and interim ordinances. Can you just explain to me a bit behind the rationale for the staff's recommendation on this item?

>> The staff's recommendation goes back to a little bit of history that we have on the sound permits that have been issued. Let me just kind of walk through the reasons for that. The W residences and the hotel took 18 months to go -- basically -- sound perms that we issued to -- to finish its construction.

[10:53:53 PM]

And again these are late-night concrete pour permits. The third and brazos project, 14 months. 1615 west seventh street, the Rio grande apartments, took 10 months. 303 Colorado street, that took 10 months. Block 51 at 500 west fifth, that took eight months. There's probably others that are around here that have been present, I don't know when that was, some of those will go beyond that three-month period.

>> Casar: The time period for pouring concrete --

[multiple voices]

>> The three months --

>> Casar: I mean the months that you -- that the timelines that you laid out is 8 or 10 months in the concrete pouring phase of those projects?

>> Guernsey: That's correct. We felt if you kept the same grandfather date in the interim ordinance that was sufficient to address those issues in the past because they would all be finishing up somewhere between in that time period. That doesn't waive that sound impact and light mitigation plan that was talking about, but it does allow them to keep going with the applications that they could pour later in the evening without falling into that special circumstance. They still have to do those same type of permits that anybody else would do if they were to pull one under a proposal.

>> And some of the folks that -- that commented today had concerns that the staff recommendation allows for pours beyond 2:00 A.M. At the city's discretion. Could you describe for us a little bit about what sorts of -- of criteria would be used to know who is allowed to go beyond 2:00 A.M. Under this recommendation?

>> Guernsey: I asked my staff, have we had any I guess since the interim ordinance when in fact we had not had any.

[10:56:00 PM]

Certainly, if someone came in, doing that initial pour of the foundation, in the case of our library, that was one that was a 24-hour pour, that would be a special circumstance. I think where you are dealing with certain being explained to me garage structures or major foundation, parts of different buildings, there are certain times that it's critical that those pours will go on before the time that you might normally experience for pouring separate floors. You know, where you are dealing with the smaller floor plate, it doesn't -- the concern of the smaller floor plate doesn't rise to having as much concrete brought in. So that will initially trigger it. When you are having the base foundation, basically maybe pouring the garage levels, not dealing with the residential spire that might be going up above it, that's where it might bottom more critical.

>> Casar: Thank you. I think that both on that piece and also on the decibel level Numbers, I understand that the staff recommendation is trying to limit pours after 2:00 A.M. And also limit the number of decibels, but I think that something for staff to consider, since you're saying staff's recommendation is not quite yet firmed up or final, is perhaps some way to have some back-stops in your recommendation so that the public can trust and understand that staff is trying to recommend, you know, limiting the amount of noise, even if -- even if we may understand at our own discretion, that sets goals, I think it's public for the public hopefully to see some of those goals. So that's just my gut reaction to the comments that we've received and the staff recommendation. Do you have any other questions for anybody in the public or for our staff? Mayor pro tem?

>> Tovo: Before Guernsey, can you remind -- Mr. Guernsey, can you remind me of when the extended origin is going to expire, when in June?

[10:58:02 PM]

>> Guernsey: June 30th is the date.

>> Tovo: Thank you.

>> Casar: Councilmember Gallo, do you have any questions of anybody of the public or Mr. Guernsey?

>> Gallo: I do. I think just to summarize what I'm looking take murder to receiving is the information -- what I'm looking forward to receiving is the information that gives us how the cities of Houston, San Antonio, Dallas, and Fort Worth are actually allowing the concrete pouring in the evenings at night that speaks to the presentation that was given to us about the fact that that is going on.

>> Well, committee members and councilmember gal, you may have -- councilmember Gallo, you may have just missed this, but we do have the interim ordinance expiring at the end of June. If the council does want to take action, that -- that's an important part of timeline for our considerations and I am interested in the information that you -- that you've asked for as well. So if we want to take action, we are posted for action today. If we want to make any recommendation. If we choose not to make a recommendation, I assume that the council may be interested in hearing from us before our next committee meeting, because our committee meeting in June, we'll talk a little bit about schedule at the end of the meeting, but our committee meeting in June is mid-way through June. If we don't have a recommendation until mid June, it may leave the council in a bit of a tight spot. So just something for us to consider about whether we want to take action to recommend today or if we want to wait until that meeting or call a meeting earlier or have no recommendation, but the committee report. Those are all options open to us. But we do have a bit of a timeline.

>> Gallo: I apologize, you probably already addressed this. If a new ordinance is not implemented by June 15th, the interim stays in effect.

>> Casar: June the 30th. My understanding -- you can explain since you're already walking up.

>> So if the interim -- if no ordinance is approved to replace the interim ordinance, or the interim ordinance is not extended, then we would go back to the original ordinance as I presented at the very beginning of my presentation.

[11:00:19 PM]

So that there would be no notice, not necessarily a sound mitigation plan, although there's some discretion of the director to certainly still require something like that and so I think that -- administratively staff would probably still look at that. So it just goes back to the original ordinance that we had in place a year ago.

>> Thank you. Of course we have extended the interim ordinance at least under this council already, so that would be beyond what we can do if this committee and the council feels that we need more time, so I defer to y'all to see if we want to take any action today or take no action and consider --

>> I would be more comfortable if I could get some more information about the concrete pouring and what the other cities are doing so that I can make a good decision because I just don't want to just be pushed into it, you know, because this -- this is -- this is something that's going to affect a lot of people, so I would be more comfortable waiting until I get some more information. In order to make my decision.

>> Casar: Thank you, mayor pro tem?

>> Tovo: I agree. I have also received some information and I assume our community members who forwarded it will also share it with other councilmembers, especially those who sit on this committee. But that other information includes information about San Antonio and others and some of the cities that we've been talking about. So lining up all of those -- all of those bits of information and trying to figure out what the situation really is, including some additional research from the staff, would be very helpful. But, you know, we've talked a little bit here today about the costs of -- the costs associated with additional reviews of the staff and how those costs might be passed along in the construction costs and eventually to residents. I just want to say, you know, one of the -- one of the reasons that we have -- one of the reasons that this development is taking place downtown is in part because of our residents who have been pioneers and moved downtown and helped be that first wave of individuals showing that downtown can be a great place to live.

[11:02:32 PM]

And so it really is an important balance that we need to strike and the quality of life issue is very important. We won't continue to have people wanting to move downtown if they know in doing so that they'll likely be getting very little sleep during these periods of construction boom in Austin. I will say the anecdotal, we have received anecdotal evidence from people who have made different decisions, have sold their condominiums and moved or stopped renting count or slept in the bathtub during evenings because of the construction noise and so again if it is our goal to continue to increase the residential population downtown, we need to be mindful of the quality of life issues that sound those residents. So I'm very interested in continuing to see whether we can get some provisions that not only work well for our construction industry and support that continued development downtown, but also provide mitigate -- mitigate the noise issues for residents.

>> Casar: Mayor pro tem, is that -- do you share the sense that councilmember Renteria shared that we might want to consider action at another date?

>> Tovo: Sure, yeah. I started with that, but then I talked so long I forgot. I may have overshadowed that point. I am not prepared to take action today.

>> Casar: Okay. Then it seems that the sense, unless councilmember Gallo objects, the sense is that we should take action at some other committee meeting, and we will talk at the end of the meeting about whether we need to call a second meeting in June or not because we really have a lot on our plate for our June meeting. And so I'm prepared to take us on to the next item, unless anybody else from the committee wants to make any last comment?

>> Gallo: IST just going to say the other option -- I was just going to say the other option would be for it to go to the full council instead of coming back to committee, once the information that we've asked for has been made available.

[11:04:46 PM]

>> Casar: I would entertain a motion to send it along to the full council without a recommendation from this committee or put it on the agenda for next committee agenda?

>> Renteria: We do have a council meeting on the 16th of June. And our planning is the night -- the day before.

>> Casar: Yes, planning and neighborhood committee is currently for the third Monday of the month, the 15th of June, then we have a council meeting on the 18th. So it's really up to y'all.

>> My suggestion would be that if we plan on putting it back on this committee's agenda, that we close the public hearing. I think that we've had a good, I appreciate all of you coming to speak and share your concerns, but I think that we've heard from a really good variety of people and have addressed a lot of

different issues and would not think that we would need to hear that again at the committee level and certainly the public hearing could be before the full council.

>> Casar: But still hearing -- still being able to take action and recommendation as a committee on the 15th.

>> Uh-huh.

>> Casar: Can I take that as a motion from you to have this on our agenda for the 15th, but with no public comment.

>> So hear the presentation from staff on -- to hear the presentation from staff, that would be our regular committee meeting.

>> That's correct.

>> I'm fine with that.

>> Casar: Can I get a second for that? This would be to post on our committee agenda for possible action for June 15th. But without public comment. Then I guess at that meeting we could vote on -- well, if we wanted to hear it on the 18th, we probably couldn't vote that day the 15th because it's getting really close to the 18th. Do we want to just ask for it to be on the council's agenda for June the 18th and on our agenda for June the 15th?

[11:06:53 PM]

Okay, I'm seeing heads nod. I think we will go ahead and do that. Mayor pro tem?

>> Tovo: You know, one thing that concerns me about closing the public hearing, though I'm comfortable with entertaining that option. If we are considering on the 15th many amendments, I think that we would want to hear from at least some of our stakeholders, you know, representative different stakeholders about those amendments at least at our full council. You know, we may -- we may make some changes to the staff recommendations or to -- to embrace some of the other recommendations that have come forward and I want to be able to hear from all of the -- maybe not -- you know, at least a representative group of stakeholders about -- about their views on those.

>> Casar: Councilmember.

>> Gallo:.

>> I'm not talking about limiting it for the full council but I would close it for our committee since our committee has heard that. But I think it would be important for the full council to hear from the public.

>> Renteria: We can always ask questions and get answers.

>> Casar: Here's what I will do. We'll ask for this to be placed on our committee agenda for the 15th. We won't list it as public comments being opened or closed. We'll just assume that the comment is closed because we've already taken it. But I think that the stakeholders here, those who are interested, can organize themselves to come so that we could ask them questions. And then for the -- for the council meeting on the 18th, it sounds to me that you all want to allow for public comment again on the 18th, which would be waiving our rules, but we could -- we could do so. If that's -- if that's the recommendation of the committee. I assume that the council would respect -- I would hope that the council would respect that and vote to reopen the public comment period.

[11:08:54 PM]

Is that all right? I'm not sure if staff needs a vote from us or not for that to be clear. We're good? Okay. Well, thanks so much, everybody, for coming and commenting and hopefully we'll see a representative sample of you on the 15th and everybody altogether again on June the 18th. All right. We will move on to item no. 4, which is a briefing and possible recommendation on approach 2.5 of codenext.

>> Good evening, committee, councilmembers. My name is Matthew Lewis, the assistant director of the planning and zoning department. Tonight we're going to talk to you briefly about codenext and the codenext approach. The topics we'll go through tonight are an introduction to the project team and the codenext project itself, the work that's taken place to date, what a code approach is, prior actions on the code approach and recommendations. We'll run through this relatively briefly. Codenext is the new land development code rewrite process. The land development code is the governing document that oversees all development that takes place in the city. It is the look, the feel, the function of the way that our built and natural environment interact and the way that the humans interact in those various environments. Based off of the importance of this code rewrite for Austin's future, we felt it would be extremely important to build a very cross departmental team that had different interests and background into this project so that there were multiple connections throughout this process as we move forward into code writing the technical elements that will govern the way that our city grows and handles and manages growth in the future.

[11:11:00 PM]

The project team consists of those listed on the slide. Constitutes continue with the public works department, managing the department partnering program. Scott Gross from transportation, myself, Matthew Lewis who will be the project lead, Darrick Nicholas, helping out with public information.

Francis Reilly with planning and zoning, Jim Robertson, project manager, Jorge rousselin, one of the major project leads, Marlee Scarborough from the planning office, Jennifer Todd helping out with logistics and Paulina urbanowitz, a continuous member of the codenext process for continuity and public outreach and those types of things and Aaron wood from watershed protection. Also a few additional members that were added to the team. So ... Erin wood. There are the department lists being integrated into the project to make sure that there's a comprehensive knowledge that goes forward as we progress through the development code rewrite. The consultant team is opticos design, multiple subconsultants helping out with the project as well. With that I'm going to hand it over to Jim Robertson, the project manager on the project. Thank you.

>> Good. I think that I'm safe in saying evening now. Early evening. I'm Jim Robertson.

>> Casar: Hey, Mr. Robertson, we do have a hard stop at 7:00. I'm going to ask you to --

>> Okay. I'm head of the urban design division. As Matt said now the project manager for the next phase for the codenext project. I'm not going to dwell on this at all.

[11:13:01 PM]

I guess most of you are pretty up to date on the codenext process. Imagine Austin, of course, priority programs, eight priority programs under imagine Austin, of which priority program number 8 is the codenext process. The growth concept map. That will come into play a little bit later as we really begin to sort of map any code we develop. Imagine Austin speaks at great length and places a lot of importance on the notion of complete communities and of course, codenext, can play a key role in delivering and preserving complete communities within Austin. Then, of course, we have engaged for 15 plus years in robust neighborhood planning in Austin, that's a key foundational element as well for the codenext process. I'm just going to walk you through real quickly some of the key deliverables of the project to date. And then I'm going to tell you about what we're doing now. One was some initial outreach that was done to basically begin to assess how our code is used, where its shortcomings are, so forth. There was a listening to the community document. Then there was a codenext -- code diagnosis in 2014, that assessed the strengths and weaknesses of our existing land development code and began to basically inventory the key issues that a new development code could improve on compared to our exist being code. Of course the community character manual, that's actual we have there a community character manual that anybody can access online at the project website, but that's going to be continuing importance as we go forward. As we get into the called mapping phase of the code, a little ways down the road yet, that will be really important, it will help us inform where various tools that the code gives us, where are the best places for them to apply. The topic du jour is code approach.

[11:15:08 PM]

This was released to the public in September of 2014. I want to be clear what it does and does not do. I'm going to cover this in a couple of different ways, because some people like me are visual thinkers, some are more verbal. There are different categories of things that code approach address. The framework and format for the organization of the code. That sounds like just sort of the table of contents or something like that. But it's actually very important. In some ways it's very important and ties the codenext project in some ways to the Zucker report. The Zucker report did speak to the relationship between our existing land development code and the impediments or complications that places upon projects that go through the review process as well as the reviewers who are reviewing projects. So the framework and format for the code will do a lot to address some of those issues. The second category is development application process. This has to do with what kinds of things will be discretionary reviews, what kinds of things will be administrative reviews. In other words, if you come in, you can demonstrate that you've met conditions a, B, C, D, E, you get administrative approval and you don't have to jump through a lot of hoops. There may be some that are customized code elements. That's the second category. The third is the type of development standards. I'm going to cover that in just a second. What do I want to stress, though, is that the phase 2 we're in right now, code approach does not decide this, it doesn't decide where -- whether -- where any new zoning districts or new zoning rules will be applied. That will happen down the road. The code approach document also identified three general approaches we could take. One was called a brisk sweep. Basically a cleanup and maybe reorganization. The other was named deep clean and reset.

[11:17:10 PM]

That was a more fundamental makeover of the code and the third of course was a complete makeover. This is the chart for the visual learners, people like me. The top are the three approaches, brisk sweep, deep clean and reset and the complete makeover. The rows on the left-hand side three categories, format and organization, develop review models, by right, customize, discretionary, so forth. Then the development standards models, would we under different approaches, whether it's one, two or three, you make it rely more heavily on euclidian based zoning, or a form based model. Going back, I want to give you a little more on development standards. So ueclidian code is what we essentially have now. The basic tools of a ueclidian zone are a map with colors on it, correspond to particular zoning district, F 1, 2, 3, ML, go, et cetera, et cetera, et cetera. If you want to apply that, you have to look at a number of places in our code, I have listed only a few of them. You look at a use table which tells you what you can do within that district. There are additional requirements for certain districts, there are additional requirements for certain uses. Then you look at the site development regulations for the district that applies to your parcel. Then you look at compatibility. Overlays, so forth. As a practitioner, I'm a licensed architect, I have designed project within the city of Austin, it's -- I'll say it's fairly complicated. It's a

vertically organized code and not that hard to even realize to not realize that there's a piece of the code over here that may apply to your project.

>> Casar: Keep hurrying -- I really respect the thought and time you put into the presentation.

[11:19:13 PM]

>> I will move even faster. A form based code tries among other things, collects everything in one place, once you know what applies to you, the development standards here, the uses that apply to your parcel here, you pretty much see all of the rules in one spot. The prior actions on this question of code approach, this is a table that shows all of the boards and commissions that considered it. You can see they all recommended basically approach 2. Some with conditions and so forth. Then the city council, your predecessor council, same city council with the exception of the mayor pro tem, different members, on November 20th adopted an approach known as 2.5. They said we want two, but we want a little more than 2, request Mrs. [Indiscernible] We want to lean towards form based, we want to lean towards as many as possible development by right opportunities as opposed to sort of discretionary or customized coding approaches and so forth. Our recommendation to you and will be the recommendation to the council is that you endorse the council's recommendation of November 20th. We believe that that will allow us to proceed in a timely manner, in a cost effective manner. It will -- the so-called 2.5 will allow us to address the things that imagine Austin says should be in a new land development code and really allows us to deal with some of those organization and departmental silos that the Zucker report addresses. Next steps would be your and the council's action on code approach. We're in the process of working towards finalizing the phase 2 scope in the contract with our consultant team. We will then immediately begin to work on the format and the organization, that first piece of those three things. We'll deliver a preliminary draft, we'll have workshops where we'll -- the word I've been using is test driving those drafts and then by about April, May, June or so of 2016, we'll have a draft code at least for review.

[11:21:29 PM]

Of course during this entire time we'll be coordinating with the code advisory group, coordinating our response, our work with the other responses to the Zucker report and so forth. And with that, that concludes my presentation to you.

>> Casar: Thank you. That was impressively quick. So we do have a number of speakers and members, with your approval, I would like to limit those speakers to two minutes because I think those speakers probably won't to see us talk about this and act on it and we may not have time for this and the density

bonus and to talk about future agenda items if we don't find some place to save some time. Are we okay with that? I can tell you how many speakers we have, that may help. I don't want to discuss this for more than a minute.

>> Absolutely. It's the density bonus program something that can be moved to our next meeting?

>> Casar: That item was requested by the mayor pro tem. I would defer to her.

>> Tovo: Well, I see our housing staff has been here -- for several hours. And so -- so I sure hate to -- I sure hate to do that at this point in a meeting. I guess that I would also say I apologize for the confusion when we talked about it at our last meeting, it was clear it was also going to be the housing committee and they were having a presentation. So I thought that we were moving toward having a joint, some kind of joint sharing of information. So -- so I guess I leave it -- if we could do a very short discussion of the density bonus program if there's time that would be great since I know our staff have been here for all that time.

[11:23:33 PM]

I'm sorry, that's not a very clear answer, but I guess -- yes, it is something that we could table as long as there's not action coming forward to make any changes to our density bonus program. On the other hand we have asked staff to be here for the whole time and I hate to have their time be wasted and have them be asked to come back another time. Maybe we could try to keep that discussion relatively short. I guess I would ask if we are really planning taking action lower on codenext, that maybe will help some of the speakers know whether to weigh in at this point.

>> Gallo: It's 6:36, our meeting is scheduled to end at 7:00. We both need to leave at 7:00. My concern, this is scheduling dilemma, when we have an agenda item that we have so many speakers signed up as we did our first agenda item, we don't want to discourage people from that, but it really does affect the agenda from the standpoint of the items coming up later. I don't know if there's an ability to determine earlier the number of speakers that are signed up to speak. I'm just throwing things out because this is -- we're now at 6:30 and just beginning to speak on the second agenda item. Actually number 3 but --

>> Casar: Well, councilmember, I think we are going to have some discussions on how the committees are going and how to improve them, since we're getting close to that six-month mark. There's been conversations about us having to meet more often if we want to handle the workload we're handling now or to reduce that workload if we want to keep the meetings the length that they are at. Before we talk about that now, give me a recommendation --

>> Gallo: I think we have six people who have sat here through several hours of discussion on another agenda item, I think it would be appropriate to let them speak the full three minutes and see where we

end up as far as the discussion after they have spoken, whether we want to make a recommendation or continue to the next meeting.

[11:25:43 PM]

>> Casar: Do any of our staff or committee members know if we have to get out of the room by 7:00?

>> [Indiscernible]

>> Casar: Great. Here's what I will say. We will take the speakers for up to three minutes. We'll politely and kindly ask those of them who can speak for less than three minutes to do so. I know at least two of the committee members have to leave after 7:00, I will stick around to answer any questions or ask some questions on the density bonus, we will ask staff who are here for density bonus to try to give us a summarized version of their presentation and perhaps I can coordinate with councilmember Renteria for a more extended discussion at housing, we will make sure that all of the committee members here are invited to that meeting and we will try to make that work. Okay. Without further ado, we will call up David king. Looks like he's not here. Mr. Steed. Okay. We're saving time already. Ms. Nesland. Look at that. Why did we have this discussion? Mr. Morris, I know he's here. Then Andre, you are up next after him.

>> So I don't have all 18 minutes that we just saved or whatever that was.

[Laughter].

>> Casar: No.

>> I will still attempt to compress what I wanted to say here. My name is bill Morris. I think that I know most of you, I'm a real estate professional here in town. Here to speak on behalf of myself and the Austin board of realtors on the topic of codenext. We have been engaged since really the very beginning in this process, the earliest listening sessions, multiple community character in a box projects, attending and speaking to code advisory group meetings and listening to the code diagnosis and enjoying all of the interim, all of the project updates from opticos, et cetera.

[11:27:55 PM]

Speaking at the last council meeting in November where this resolution was recommended, against this resolution, I would like to continue that conversation here today. Obviously our growth in the city is continuing and projected to continue for years. And we already have a shortage of workforce housing and affordable housing in a more traditional sense and a large part of the solution to that is the missing

middle. I know a couple of us here attended a session on Saturday that did a great job of working through that. We also know on the basis of the opticos report and the Zucker report that we've got a broken land development code. And permitting process. And we really believe that anything short of a complete makeover risks wasting the entire opportunity that codenext should represent and would count as a failure if we don't do a complete makeover. If the goal is a simple, understandable and predictable code, which it should be. That means that an applicant should be able to know what compliance looks like, fill out an application correctly in the first place, not have to guess about what compliance means or know where to go look in the code, where it may be hidden or something that can sneak up on you. Need to know who is going to be involved in the process, of reviewing and approving, how long it's going to take, how much it's going to cost, and in our opinion that can't be achieved in approach 2.5 where conceivably entire parts of the city can just simply opt out of any significant change or you go through a permitting process and there are people or groups outside of the process who still have a veto on any given application. And so we really think that it's important to -- to invest the time, don't disqualify any comments or opinions out of hand, but spend the time to reconcile all of those opinions early before the code is written and adopted.

[11:29:58 PM]

Spend the extra months, if that's what it takes on design charrettes, bringing all of the parties together, making sure everybody understands the code in the same way before it is adopted. To conclude, imagine Austin, obviously was and is a bold vision for this city and we do encourage you to be equally bold in addressing this very fundamental foundation -- [buzzer sounding] -- Of implementation. And please adopt a -- a complete makeover. Thank you very much.

>> Casar: Thank you.

>> Thank you, council members, I'm Andre, here with the Austin board of realtors. Er a professional trade association with over 10,000 members in the central Texas and Austin area. I'll keep this short. You heard from bill Morris that we would prefer more thorough revision of the land development code. We feel this is a great opportunity for you guys to really provide some direction and in taking a bold approach. And really -- really thoroughly revising the code. In particular, we believe that it would be easier to dial back some of the proposed changes later on in the process if that were the will of the council, of the future councils, than it would be to make the changes more robust if the vision isn't there backing that up. So in -- with regard to the code approach 2.5, I think there are some things of value to salvage there. If you look at the language that council agreed to last session, the added language, the -- that includes some -- some language about form based code, but then also that encouraging the consultants to rewrite the code extensively when they feel that it's appropriate.

[11:32:08 PM]

And also to include as many buy right development opportunities as they believe appropriate. And I think this is good, good language for you to embrace and to thoroughly consider. Because at this point in time, all that you are doing is providing direction to the consultant. You're not specifically weighing in on a particular proposal, you're just kind of giving them the general direction for the direction that it's something like a scope of work. So in this case, instructing them to rewrite the -- make recommendations to rewrite the code more extensively will, I think, in the end result in stronger changes down the road, potentially. So anyway, I think that this is a good -- I think that we should be eager to get going on the -- moving codenext forward and so I urge you to take up this issue and really get into it. I know it's a complicated issue and it's hard to take up in a short amount of time, but that's all that I have to say.

>> [Indiscernible].

>> He said that very well.

>> Casar: Thanks. Committee members, my understanding from our staff is that we're posted for action on this item because past council intent seemed to be that it would be -- we should have the opportunity to be able to address this issue. I think that's correct, seeing heads nodding. So to be frank, I think I and the other committee members only saw this posted to our agenda just a few days ago, if not less than a week ago, and so personally I feel comfortable not taking action on this today. If that's the will of the committee, I'm open to hearing discussion and taking action if that's y'all's will.

[11:34:17 PM]

Of course I believe if the committee and the council doesn't take any action, that's a de facto endorsement of the current approach. But I would, of course, be open to hearing a motion today or taking direction or committee action item from y'all for the next meeting, if the desire from anyone is for us to take action at the next meeting. If I don't hear from anyone here, then it would be up to the council to take action if we wanted to change course is my understanding. I think what I am hearing from our staff and from the consultant is that if that action isn't taken relatively soon, then that's a de facto endorsement of approach 2.5 because they will have no other choice than to keep on moving forward with the approach as given. If everyone is on the committee is all right with that, I think that my preference is I will wait to hear from committee members in the next two weeks to see if you all have any recommendation for action for next meeting. If not, then it will be up to the co-sponsors on the council to take any action.

>> Gallo: I have a question, I'm sorry. He have a packet of backup information. Have you submitted a letter with your recommendation, because I do not see that in the backup. If ora was hear, she would fuss at me. Austin board of realtors.

>> We did submit a letter last fall, I'm happy to provide that to you at the earliest opportunity.

>> If you could do that, I mean, we do have letters in our backup from last fall, but I don't seem to be seeing one.

>> I will be sure that you have one.

>> Gallo: Thank you.

>> Casar: Councilmember Gallo to catch you up, my preference, I would love to hear y'all's preference is that we need not take action on this item today because I know several committee members weren't expecting to see this on the agenda so quickly. But staff would like it -- for us to take action if we so choose soon so that the consultant can change course if that's the will of the council.

[11:36:20 PM]

If I don't hear from any committee members in the next month that we want to take action, we will take that as de facto staying on course and of course the council does have the prerogative to bring action directly to council with four members if they would like to change course.

>> Gallo: I would really like to hear from stakeholders, we have backup board and commissioner recommendations, seems like everyone that has added their voice to this, have added two or three. I would like to get some input from you will all of the people about 2.5, I would like to get a better description of really what 2.5 is. My question would you or my request would be that that list of boards and commissions -- first we have to figure out what 2.5 is specifically. Then I would like to hear back from the boards and commissions on that as an option and then I would like to hear back from -- in my packet we had letters from aia, cmu, reca, and from abor, all recommending three.

>> Casar: If I may address that correctly, I think, the hope would be in the intervening, the next couple of weeks I think staff would be happy to work with you or any of us on getting that solid understanding of what 2.5 is and what going up to 2.7 or down to 2.3 or down to 2 would really mean. I would be open take taking any item for the agenda in June to change the approach in that's the will of any committee member. But if I don't, we will just assume that 2.5 will remain the status quo.

>> Gallo: I guess what I'm saying, though, is from last fall we had a lot of organizations and people that wrote to us either for 1 or 2 or 3, but 2.5 wasn't in the process at that point.

[11:38:23 PM]

So I think it would be appropriate to find out exactly what 2.5 means and then ask those people to respond again, whether that would be something they would support or do they still want to just support 2 or just support 3.

>> The 2.5 recommendation, what we were considering is the 2 and then plus the amendments recommended by the previous council. Equated to essentially 2.5. It is an examination of the existing code, pull the good, integrate it into a new code. Leave all of the bad out and reframe the new code with a brand new framework, table of contents, that to us equates to 2.5.

>> Gallo: Is the backup on page 13 that we have your description, your lengthy and detailed description of what 2.5 would be that they would then ask the stakeholders to chime in on?

>> Well, on November 20th, when the council took up this item on code approach, there was actually no resolution passed. So what we have done, is we've listened word by word to the minutes of that, watched the tape, gone through the minutes of that tape, we also have some handwritten notes from various people that occurred during that meeting and that -- from that we have constructed our best understanding of 2.5. I think we sent, from the point of view of direction to the codenext team, we feel like we have what we need. And we've tried do a fair job of summarizing what we understand 2.5 to be. You are correct, though. There was no like, you know, 2.5 wasn't an item that people discussed, you know, leading up to and including November 20th.

>> Gallo: Okay. So once again, on page 13, when you say staff recommendation is 2.5, is that the staff recommendation?

[11:40:26 PM]

I mean, we're being asked to consider something and I want to make sure that we understand fully what we're being asked to consider to evaluate and once again I would like this information to go out to the stakeholders that sent information in to us with the recommendation of either 1 or 2 or 3 to allow them the opportunity to look at what staff is proposing and what we're being asked to vote on and make sure that we've heard from everyone in regards to this particular proposal.

>> I believe on slide 13, if you are referring to that as page 13 of your backup, we put what we regarded as being -- having listened, gone through the minutes, listened to the tape and so forth, the key points that the council wanted to convey to the codenext team. In other words, if we adopt 2, we want these additional things, in addition to the basic recommendation of approach 2. Which was, you know, rewrite it extensively where you regard it as appropriate; when you have the occasion to make a choice, in

essence lean towards by right development opportunities as opposed to sort of discretionary or customized approach; where you have -- you know where you deem it appropriate, lean towards a form-based code for selected areas, in other words, let's apply it; and then develop a timeline for applying that code to additional areas of the city as you move forward. Those appeared to be the four key points beyond approach 2, which took it a little towards, I guess, a complete rewrite of the -- of approach 3, hence the nomenclature, 2.5.

>> Gallo: Thank you. May I ask questions -- I think we have a couple -- I know the board is here, reca is here, from my notes both of those organizations recommended 3.

[11:42:29 PM]

So what I'm concerned with and would like to hear about is with this description that we just had, is that specific enough to allow you to weigh in on whether you would support 2.5 or whether 3 is still the option that you would prefer? Do you want to come up and address that just -- I just wants to make sure that we're specific enough talking about 2.5 that we -- that we understand what we're talking about. So ...

>> Good evening, committee members, Heidi

[indiscernible] The vice president of public policy at the real estate council of Austin. We were part of the 2.5 conversation when it was happening at council. I think that we would continue to support an approach 3. You know, we certainly don't have any more information than what we saw happen on the dais that day as well. But I think our interests would continue to be more of a -- of a complete overhaul approach.

>> Even with the items that --

>> Yes, ma'am.

>> Gallo: And possibly we could put 13 back up there, just so that people know what we're talking about. I don't know if we have the ability to do that or not again. Okay. Thank you.

>> Thank you. Does the board want to --

>> Aim happy to look into that a little more and get back with you. I don't have an answer for you off the cuff.

>> Gallo: Okay, thank you.

>> Tovo: So I guess the way that I would describe it -- you know, this was a point of great concern and discussion in the codenext rewrite process and one of the ideas that the previous council thought might

be helpful to get us beyond that would be to -- to offer the consultant some guidance. But allow this council to go back and revisit that decision.

[11:44:33 PM]

And so, you know, as you hear you have some organizations that wanted to see a complete rewrite; and we had some organizations that wanted a more -- not a complete rewrite, but a look at the code that also preserved some of the important protection that's had been put in place over the years. And what 2.5 is, is a compromise, among those various positions. And so, you know, I think if we ask stakeholders to weigh in, we're going to get some of the same answers we had before. Some organizations want a complete rewrite and some organizations who don't and we'll hear a very similar conversation to the one that we had last fall. And I guess I would say unless there's a strongly on council -- well, I think that you have summed up our options. And I guess that I would say, you know, I was part of those conversations, so I don't -- you know, I look forward to hearing whether my colleagues want to go back and revisit that, but we might also go back and listen independently to some of those conversations and determine whether there's an

>> Casar: I do have one question. I know y'all have not the consultant but in your best guess or your conversations if we did want to change approach, what would be the appropriate time line for us to communicate that without causing too much disarray?

>> The contract negotiations have been taking place based off of approach 2.5. We finally reached resolution on the contract negotiations with the consultant group. We would need to go back and remodify the negotiated contract. The contract is not signed yet but it's ready to be signed. It's gone through the internal contract committee and is ready to be signed. We would probably need to renegotiate.

[11:46:36 PM]

>> Casar: So the answer is of course -- very soon.

>> Yes, sir.

>> Casar: Okay. So unless there's a -- councilmember Renteria?

>> Renteria: Yes. Seemed like the 2.5, when it was passed, it instructed the consultants that it should go at a slower pace than codenext, that it would involve the -- sort of like a demonstration type plan and it would -- they were -- it would build on that. Is that the way it was set up?

>> As far as the demonstration? Yes, sir. It is going to be a community-involved project. They're going to have several design workshops with the community members, mapping and test driving, as Jim says, of several areas. And we need to go into the community and we had planned on doing walks with several councilmembers in their districts to examine what is working, what's not working, break down those elements of development and integrate those into the code. We believe that, you know, 2.5 achieved that balance approach to allow us to do that so we can integrate the sections of the code that are existing that are good that can be integrated nicely into the new form of the code regardless of the code structure, makeup of those elements are good and therefore, therefore, we're not having to rewrite those elements just because. And so from a staff perspective, we would be comfortable with 3 as well. If that's the will of the council, we would be able to do that. We would still examine the existing code and integrate those elements in as need be so that 2.5 to 3 to 2 is a very close analysis with the additional direction given by the council, the previous council.

>> I think if I could append to that, I think mayor pro tem was absolutely correct when she said functionally the action of the council before was just to guide sort of what the scope of services and so forth for the -- moving forward were.

[11:48:41 PM]

With regard to this item about, you know, develop implement time line for form based code, applying form based code to other areas, the council will have the opportunity. We will bring a draft code to you. If everybody is joining hands around this new code, you may go forth and, you know, apply it to a lot of places. You may say -- you may direct to us take a go slow approach. You'll have that opportunity. In some ways that's a decision that doesn't need to be made today. When you begin to seat products we're putting out there, you'll have the opportunity to say go fast, go slow, do it everywhere, do it in limited areas and so forth.

>> Casar: Committee members, I'd like to try to move this on to the -- us on to density bonus right before 7:00 if possible. My preference still is for us to not take action on this but I will accept certainly items from this committee if we do want to change approach for next month but I think our time is short. We'll make sure to communicate to the council that of course for councilmembers can bring forward an item or this committee will accept items if we want to change course, but I think June is probably kind of the end of the line on changing course before considering the contract negotiations with the consultant.

>> Gallo: We are referring it could council agenda with no recommendation -- from this committee?

>> Casar: Right now my recommendation for us -- considering that no action is just staying encores is for us to not pass anything onto the council agenda as a committee unless we have a particular recommendation.

>> Gallo: Well, I -- I think I would like to see this discussed on the council agenda because I don't necessarily -- what -- as I mentioned before, I think, given -- giving the stakeholders the opportunity to be able to contact and communicate with us on where they are with 2.5 versus 3.0, everything that I have in my backup is prior to, I guess, the discussion of 2.5 because there's nothing in my backup that addresses 2.5 from the standpoint of letters from the community.

[11:50:58 PM]

So I would like to be able to allow the community members to be able to answer the question of are they still look at 3.5 or is 2.5 a valid negotiated state or do they want to stay at 2, but I don't know that I necessarily would agree with 2.5. So I'm a little confused with what we're doing at this point. I'd like to have this discussion with the full council and the full council to confirm that we either still want to move forward with 2.5 or that we want to look at some other option.

>> Casar: Certainly. We could take a motion to pass this on to council with no recommendation if that's what you chose to do. I would love to hear from the other committee members what their thoughts are. My continued preference is that if -- I guess that motion would be saying that we want to open up that conversation at the full council level and that we think that it's most prudent that the full council reopen sort of the comprises and notion period that mayor pro tem described. Are there any thoughts? Is that a motion?

>> Gallo: Do you want me to make a motion?

>> Casar: My continued preference is for us to which this in June if we want to send anything to full council, since we've just begun the discussion and not had much time to think it through. If you want to make a motion send it now, you don't always have to do what I prefer.

>> Gallo: No, no, no. I just think this is a discussion that the full council is going to want to be a part of. I think if we discuss it again in committee we will still have that same discussion with the full council and I think it's really important and since we have ten new councilmembers, my suggestion would be that at this point we send it to the full council for discussion instead of hearing it before our committee again so that the full council can then determine the action to keep this process moving forward.

[11:52:58 PM]

>> Casar: Okay. Well, I will take that as a motion to send it to the council's agenda. Is there a second? Okay. Well, I don't think you've -- you have a second from either of the committee members, and it looks like they're both apologetic for that. Any action or motion from anyone?

>> Gallo: So at this point is your plan to hear it before our next committee meeting?

>> Casar: If any member of this -- if any committee member would like it here this on the 18th I will gladly put it on the agenda like any other item brought up by the committee members. If there's a desire to revisit this on the 18th, I'll certainly accept that or, of course, council cosponsors two councilmembers can send anything to the committee or four councilmembers to the full council.

>> Gallo: Just to be clear, sorry to belabor this point, just to be clear, so no action at this point is an endorsement of the previous council's 2.5 decision and that's what staff would move forward with, taking that as a positive vote on our part?

>> Yes, if that's the direction of the council, yes, ma'am, that's correct.

>> Casar: Because council has recommended 2.5, no action on our part would essentially leave the contract negotiation where's they currently stand.

>> Gallo: Okay. Then would I like to us take a vote on that.

>> Casar: On 2.5?

>> Gallo: On 2.5 because, once again, my concern is that weaver talking about an alternate plan that I don't know that all of the stakeholders have conveyed their either support or lack of support of the negotiated to .5. I don't see that in the backup that I have. It seems like the conversation ended before it was heard before the council and the 2.5 was talked about and developed and approved or whatever the process was.

[11:55:08 PM]

So that's my concern, is that I -- I would vote to not continue the process at 2.5 and bring that up for discussion again and ask that the community helps with conversation back to us that updates our October letters that are in our backup and so that we have more current information with the staff's recommendation of 2.5 before I would be comfortable moving forward with that.

>> Casar: So, councilmember, is that a motion for us to vote to -- sorry. A vote to endorse 2.5 right now or to not endorse 2.5 and send the item to council for full consideration? I think if it's the latter that may be what you just motioned a moment ago.

>> Gallo: Okay. What I'm hearing is that no action would be telling the staff to move forward, that we accept the recommendation, and I don't want to send that message.

>> Casar: Certainly.

>> Gallo: So my motion would be that we hear this, since I could not get a second on the motion to hear it before full council, I'd like for it to be placed on our next agenda for our council committee meeting so we give the community an opportunity to be able to give us communication on 2.5, which it sounds like is the staff's recommendation.

>> Casar: I'll support that motion. Is there a second?

>> Renteria: I'll second but, you know, there was a lot of concern about 3 because 3 was just a complete makeover and, you know, the neighbors put -- especially the neighbor associations were concerned about it. But I'm more than willing to go ahead and have it go in for discussion because I think we're going to have to have discussions on it anyway. So . . .

>> Casar: Mayor pro tem?

>> Tovo: So I feel a little strange about this motion because any committee member can put something on the agenda and so I feel I need to vote in favor of the resolution, but I guess I'm -- because that in essence is what we're doing, just putting it back on the agenda for next month.

[11:57:16 PM]

I would say I'm not sure we're going to have a discussion different from today because that in essence is what we did today really to discuss this issue.

>> Casar: Mayor pro tem --

>> Tovo: I'm happy to support further discussion. I would say if there's an interest in really reopening the discussion, probably the most efficient and fastest way to do that at this point would be to bring it to the full council with several other councilmembers because the time is tight.

>> Casar: And, mayor pro tem, the reason I think that it's important to indicate June 18 meeting, if councilmember Gallo so wishes, is because this was posted without very much fanfare or even north of several committee members and so I'm very open to having the conversation once more on June 18 and I may or may not be convinced that we should send an item to council for action for any sort of change. But I do think that some folks did happen to know we were discussing this today but I'm sure many others did not. And so I'm comfortable, rather than what's sort of behind -- just an e-mail, taking an item from councilmember Gallo indicating right now that we certainly intend to hear this on the 18th, to make that a little bit more public.

>> Gallo: Thank you.

>> Casar: All right. Are you trod take a vote?

>> Gallo: Do you want to restate the motion?

>> Casar: Yeah. So the motion is for us to reconsider this item on the 18th. Which is our next planning and neighborhoods committee meeting -- or how about we will schedule this for the 15th, sorry, I'm getting off. 15th. I don't know what day of the week it is ever.

[Laughter]

>> Casar: So we will do the -- y'all can quote me on that. So we will just hear it how about at our next planning and neighborhoods committee meeting because my staff is going to get together with the committee members staff to see if we need to have two meetings and it seems to me considering the demands of hearing about Zucker and several other items that have been sent to my office that we may have to have either two meetings or all-day marathon meeting on the 15th.

[11:59:21 PM]

So can we have a modified motion just for our next planning and neighborhoods committee meeting? All right. All in favor, aye. Passes unanimously. Thank you, all. And our last item since councilmember Gallo and the mayor pro tem have to leave and this was at the request of the mayor pro tem, my hope would be to begin this item just by quickly detailing what it is that we would like to hear about at the housing committee meeting, if we rediscuss this item as a joint committee or just having brief discretion from the mayor pro tem.

>> Tovo: Sure. I appreciate that. And I'm sorry. There seems to be -- there seem to be a lot of -- I think this is one of the interesting challenges of having two committees that overlap in some ways. I'm interested in having a discussion about our existing density bonus programs and what it would take to convert them to on-site requirements from fee in lieu of requirements. So some of that work I know that you've been doing with regard to the planned unit development under direction from our previous council. There's a previous council resolution asking you to make some changes to the planned unit development ordinance, and I know that that's coming forward. So really that's the substance. I was intending to have a conversation here, prior to bringing forward a resolution to make some of those changes, and so I think the housing -- you've done some presentations at our housing committee about the density programs generally. It looks to me -- I really appreciate this background you've provided about the downtown density bonus program and I apologize that I'm not going to be able to stay very long having requested this presentation but that's really the very narrow interest I have amidst these other -- you know, the other -- beyond kind of a general explanation of the downtown density bonus program or planned unit development density program, all of which I think has been presented to the housing committee.

[12:01:26 AM]

I'm really interested in talking specifically about that issue. Moving toward requirement -- on requirements for on-site housing versus fees in lieu, and I'll recognize that we had a discussion earlier or we had some speakers earlier who seemed to, you know -- a few of whom were suggesting we actually consider moving from an on-site requirement on Rainey to fees in lieu, which just for the record I won't support. But, you know, this is -- that's really the substance of the conversation I wanted to have. And also an update about the planned unit development.

>> Renteria: And, chair, I really want to thank the mayor pro tem for bringing this up because I've been struggling with that issue and trying to figure out how to get this done where we can get some affordable housing there at Rainey, and, I mean, I've just been looking all over, trying to get that information, and I'm glad that you brought it up because I really want to learn a lot more about how we can correct this.

>> Tovo: Good.

>> Casar: Mayor pro tem, I think that in our original communications with city staff we were trying to make sure that we directed staff about the fee in lieu versus on-site, but with the postponing a month and different issues, I think we're still working on make sure we're clear with what presentations it is we're trying to get. So perhaps our staff could just help fill us in a little bit less on the basics of how the downtown dense any bonus program was established and worked and maybe a little bit, if you have information prepared today, on just generally how many on-site units we've gotten recently versus how much in fees in lieu and on which projects and perhaps any reflections on what sort of action council may take or would be recommended to take to achieve the goals of the density bonus program and achieve, you know, the highest amount of either on-site affordable housing or fee in lieu.

[12:03:27 AM]

I think that sounds to me like the question we may want to continue talking about in this committee, housing, instead of going through your whole powerpoints, since we have folks that have to run, really zeroing in on that point would be very helpful.

>> Mr. Chair, councilmembers, thank you very much. Good evening, Jorge rousselin, I'm joined by my colleagues, Jesse cook.

>> I'm so sorry, I always mess that up and Sylvia

[indiscernible]. Yes, the scope of the presentation we have before you does focus and concentrate on the downtown density bonus program and the Rainey street density program. We're happy to bring you more specifics at a later date. If you wish to reexamine those. We are happy to discuss some figures for

you that are also included in your powerpoint presentation related to the amount of affordable housing contribution that's to date are going to be expected, and the reason I give the emphasis on expectations is that the 1.3 -- over \$1.3 million we were expecting in affordable housing contributions will be paid out at the time or right before certificate of occupancies are executed for two projects that are listed in your backup. The third project, a hotel project, they would be paying a zero amount in terms of bonus fees for that particular project. And so to --

>> Casar: Then could we perhaps get that slide up, slide 17 is what we're talking about. That would be very helpful.

>> Thank you.

>> Casar: Thanks, you can go on. Sorry for interrupting.

>> No problem. Further more there's \$333,000 -- over \$333,000 committed to improvements for lower shoal creek that we are expecting also in the near future. Furthermore, the staff has done an extensive analysis of the Rainey density bonus program in terms of doing some modeling for projects that would provide you some information as to the type of developments that we're seeing that are aiming towards providing affordable housing units on Rainey street and also a fee in lieu.

[12:05:43 AM]

That's background information we can provide to you as part of a staff memo that has been prepared for council that will give you some specific information. But my colleagues are leer here to answer any specific questions related to the pud issue if you'd like to take those up at this time. Thank you.

>> Casar: Mayor pro tem, do you have a question?

>> Tovo: I have a quick one. I person it. Sorry to throw you for a loop and ask you to readapt your presentation. So I have some various and sundry pieces of paper here and there. So the question came up environmental about how many units had been created within the Rainey street density bonus program. So the Numbers you're providing us here are under the downtown density bonus program outside of Rainey.

>> That's correct.

>> Tovo: These are not -- I think the question I want to ask you, these are fees that are available to be spent within a certain distance but these are not units?

>> That's correct. None of these projects elected to provide on-site affordable units. The two projects, aspen heights and fifth and west elected to pay a fee in lieu for affordable housing contributions.

>> Tovo: Right. They have that as an option.

>> Correct.

>> Tovo: And chose instead to pay the fee.

>> That's correct.

>> Tovo: So we've create nod affordable units within those three projects as a result of the downtown density bonus program.

>> That's correct.

>> Tovo: And then you had answered a question, I think it was for the housing committee. Councilmember Renteria had asked a question about the number of units created, and somebody on staff provided the information -- ah, here it is -- that the legacy at the lake has provided nine affordable units.

>> That's correct. So we provided two pieces that speak to the on-site units that have been developed or are in the pipeline to be developed within Rainey street.

[12:07:51 AM]

The two developments that respond to councilmember Renteria's question have been completed and the units are leased. And then overall, units that are completed and units in the pipeline, there are 51 on-site unities through the Rainey street density bonus program. However, all of these units fall under the original Rainey street requirements, not the amended requirements from 2014. So the affordability terms are one year rather than the 40 years that are now required.

>> Tovo: Ah, op okay. The paper I'm looking at says nine units at legacy on the lake, 16 at skyhouse. That would mean there are another 26 in the pipeline. But they all are required to be affordable for just one year?

>> That's correct.

>> Casar: Affordable rental for just one year?

>> Rental or ownership.

>> Casar: Okay.

>> Tovo: Okay.

>> Casar: Mayor pro tem, I think one thing that would be helpful for me, and I know that it's not always apples to apples but having some idea of what the -- given a certain density, and maybe using some of these projects as a case study, how much knee lieu would be required if they chose the knee lieu option

versus how many affordable units would be required, that way we can have some -- committee members let me know if that makes sense but I think it's level if we're going to be having a discussion about whether we want to adjust the fee in lieu or remove it, to have some idea what have the number of affordable units would be required on that project for that level of density so that we have something to compare and then also for us to have some idea about why folks are choosing the fee in lieu option rather than the on-site option.

>> Tovo: My guess of why they -- sorry, I should wait to be recognized.

>> Casar: You're recognized.

>> Tovo: My guess about why chair choosing the fee in lieu rather than construct the units is it just is far cheaper.

[12:09:55 AM]

>> Casar: Understood. I think it would be helpful to be able to do the math and find out exactly how much cheaper. If we are choosing to calibrate the fee in lieu or remove it, that we have a little bit more to work with rather than exactly which contributions it is that we got.

>> Tovo: Got it, thanks.

>> Casar: And do we know if there have been more projects developed in Rainey street area that have asked to be constructed in the Rainey street since the 2014 adjustments and it sounds like none have been residential that have taken use of density bonus but have we gotten residential had a has chosen not to take advantage of the density bonus program or non-residential use? N.

>> I'm not aware of. The projects constructed now were in the pipeline before the 2014 amendments, am I correct?

>> As far as I know.

>> Casar: You're right, it's been a small window, just a few months.

>> Right. So to our knowledge, no new projects have come in since your 2014 amendments that you passed last year.

>> Casar: I imagine that we have some good information on downtown construction costs for units so that we can compare them and look at the calibration between the fee in lieu and the on-site options.

>> We, do Mr. Chair. In the staff memo that includes a report from economic planning systems that we hired as a consultant last year to be able to provide you that information, that does address the cost of

construction and also the cost of providing on-site affordable units. So we'll be happy to share that with you.

>> Casar: Great. Also I imagine we want to take a look at the cost of building the units that -- using the affordable housing trust fund, the affordable housing fees to construct so that we can make a good value judgment about whether we prefer to use that money that fee in lieu that may be outside of the downtown area and really weigh the cost benefit of how much we prefer an on-site unit that's in downtown versus how many more units we could get just outside of downtown so we can make the most reasonable calculation.

[12:12:04 AM]

I think it's a value-based judgment this council has to make about whether we want to see these units occurring downtown or perhaps some greater number happening outside funded by density bonus. So thanks for bringing the item up, mayor pro tem, and I think that, you know, while would I prefer to continue discussing this item if you do have an item in the committee, I completely respect your ability to get four cosponsors and bring it directly to council but I'm glad we got to talk about it a little bit now and I'll be looking for that staff information to make my best judgment call on the changes that you'll propose.

>> Renteria: Can I just --

>> Tovo: Go ahead, whoops, sorry Josh you --

>> Renteria: When you amended the resolution you're saying there's been no affordable housing because no one is taking advantage of it?

>> That's since the 2014 amendments, councilmember, in the Rainey street area.

>> Renteria: So is this latest project, are we still ceiling some of those affordable housing coming in?

>> On the two projects that we were talking about?

>> Renteria: Is there a new project that's going in? Are there -- are they providing any affordable housing?

>> They are required to provide certain affordable housing units under the density bonus program that was in place prior to 2014 but it's my understanding that's a one year term. Is that correct? So they are providing affordable units, but only for a term of one year versus the new changes that were made, that is a 40 year for a rental and 99 years for ownership.

>> Renteria: That's a new change?

>> That's correct, as of 2014.

>> Renteria: As of 2014. Has anyone taken advantage of that?

>> Not that I'm aware of on Rainey street.

>> Renteria: Okay. And what would it take to change that?

>> It would be a code amendmnt to remove the option for fee in lieu, and we could provide you specific language that identifies the code sections that you would want to look at and that the council then can take up in terms of discussing which areas you want to move or if you want to specify certain districts for downtown that you only want to apply the affordable units, the provision of the affordable units or you can just do an entire revamping of the program that includes both the downtown and the Rainey street to remove that option for the fee in lieu and require any projects wanting to go through the density bonus program to provide on-site units.

[12:14:39 AM]

>> Renteria: Chair, I wondered if I could request that from staff, to get us that information.

>> Casar: Yes, absolutely. I think that having various options and even a recommendation, if the staff has any recommendations for calibration of those fee in lieu or on-site, both -- is that both for downtown density bonus program and for the Rainey street area?

>> Renteria: Especially in Rainey.

>> Casar: Especially Rainey? I think an important follow-up question to one of the questions you asked, councilmember, is that under the new 2014 guidelines for Rainey street there hasn't been a production of on-site affordable units but there also have been no fee in lieus either, as in no one has taken advantage of the program period.

>> That's correct.

>> I was going to say there is no fee in lieu option on Rainey street.

>> Casar: Okay.

>> They must be on-site units.

>> Correct.

>> Casar: Okay. And so when you suggested removing the fee in lieu option you meant to the downtown density bonus program.

>> That's correct.

>> Casar: Okay. And I would be interested in understanding if there are -- if there's enough incentive for folks to take advantage of that program or not, which is the reason I asked the question are we seeing new residential development in Rainey street since those changes, and I know we only have a short window to really observe that, but I think that would all be helpful. So I think the direction for information from staff is just your recommendations on fees in lieu and on-site affordable units, and I know that y'all have already sent us a memo. If you already sent it to us, send us an e-mail saying check your e-mail boxes, guys.

>> No. We'll be happy to provide that information to you, Mr. Chair, councilmembers. You also see in that report we have from our consultant that there are outside factors that influence into the provision of these affordable units that go beyond the scope what have even the council can do in terms of regulations, that have to do a lot with quite a bit with market dynamics, cost of construction, so on.

[12:16:44 AM]

>> Casar: I understand. That's why I think that having some understanding of whether we're calibrated right for the next few years based on where we see the market going or wrong is -- would just be helpful information so that we can not just be making changes based on our gut for today but, you know, where y'all and we as a council see things going. And, mayor pro tem, I think you had one question and we cut you off.

>> Tovo: No, no. That's fine. So I have two different charts that look like this. And they're both -- this is very helpful, and I think we had an opportunity to talk about it very, very briefly at our last committee meeting, but it's very helpful to see the different density bonus program and whether they allow for fees in lieu or require on-site and cite the specific ordinance. But they don't -- I guess I would ask whether they -- they don't seem to necessarily match some of the other information, and I'll just say the first column is density bonus program and at the end, in the column for fee anticipated and received, it says zero. But that doesn't --

>> Councilmember, I believe that you have an older version. Your full chart is an older version that does not reflect the fees in lieus from downtown that we are now anticipating.

>> Tovo: Great.

>> In your more current version is actually shortened, it doesn't have all of the rows because this smaller chart then summarized the on-site and fees in lieu. We thought it would be easier for -- more readable in the smaller version.

>> Tovo: They both say current as of September 2013, but from what I hear you say, the more recent one is the one that does not have information about units and fees.

>> I believe so. And the version that I have, it doesn't have that 2013 date.

[12:18:48 AM]

So --

>> Tovo: Well, I wonder if I could just ask that you distribute the most recent one to the committee members, and it would be very helpful to have that information about the number of units created and/or the amount of the fees, and I think that information exists in other places that you've provided either the housing committee or our committee or in some other format. So just having that before us as we have that discussion would be super. Thank you.

>> Casar: Thanks. Any other questions? Councilmember? Thanks to each of y'all and we will do our best, if we are going to follow up in committees, to coordinate between housing and planning and neighborhoods so that we don't have y'all doing this so many times, and I definitely take a good chunk of the blame for that. We'll do our best to corral y'all.

>> Thank you, Mr. Chair. Appreciate it.

>> Casar: Thank you. The last item on our agenda is to discuss future committee items. The -- currently, on our agenda, I believe we will have the concrete pouring back on our agenda, we will have the codenext 1, 2 or 3 option changing course on the codenext rewrite on our agenda, P. We will also have the -- final discussion on the cag membership and thousand move it forward past September on our agenda because councilmembers have expressed an interest in getting a recommendation from us on that so that they can make their appointments before it expires in September. We have adus on the agenda, the -- update on Zucker and on Mueller and councilmember Gallo requested a couple more briefings so we're three or four times as crazy as today.

[12:20:55 AM]

So what my staff doll is touch base with each of your offices to see which ones of these items we can move to after the summer break, but I think that several of them are pressing enough that we do need to hear them so we may either consider one longer meeting that starts earlier in the day. I know that at least one offer two of you have audit and finance, so we will have to sort that out. I personally think I have to get out of here by 8:00 or 9:00 P.M. That day so we may have to start earlier or have two

meeting dates considering how much work we have to do. My staff will touch base with y'all on each of those. Is there any item that y'all think is particularly urgent to be added to that list?

>> Renteria: I can tell you one thing. Those two items that -- the concrete and the -- that's going to be enough to fill up probably two hours of our discussion, if not three.

>> Casar: Then we have ads and Zucker.

>> Renteria: It's going to be pretty --

>> Casar: It's going to be fun.

[Laughter]

>> Casar: With that, I assume that y'all will moderate requests for additional items and we will sort out, if we can cut a few of them out, push a few back, and even still we will probably have to have either an elongated meeting or two meetings or both. Okay. Well, thank y'all so much and with that, unless anybody objects, we'll end this committee meeting. Thank you.

[Meeting adjourned]