

City Council Regular Meeting Transcript – 06/11/2015

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[10:21:55 AM]

>> Mayor Adler: Good morning. We're going to go ahead and start. I am Mayor Steve Adler. We're going to begin today with either a moment of silence or an invocation. Is pastor Tom vandestadt here? Thank you, sir. Congregation church of Austin. Would everyone please rise?

>> Spirit who creates all that exists and who moment to moment, breath by breath, sustains all that lives. We know you not only as our creator, but as the spirit of wisdom, compassion, justice and righteousness. We invoke your presence now in this room so that you may inspire all who meet here today. We give thanks for our mayor and for each member of our city council as they face the diverse needs of our rapidly growing city with its increasingly complex issues. May your spirit guide them as they deliberate and make decisions throughout the day. And may all who gather here today seek not only their own interests, but the common good for our city. May we together, city council and citizens, build a city that is equitable and justice, a city that cares for its poorest and most vulnerable citizens. A city that can successfully navigate the challenges we all face in this rapidly changing, increasingly challenging world. Amen.

>> Mayor Adler: Thank you. Please be seated. A quorum is present so I'll call this meeting of the Austin city council to order.

[10:23:56 AM]

It is Thursday, June 11th, 2015. We're meeting in the council chambers, Austin city hall, 301 west second street, Austin, Texas, and the time is 10:23 A.M. Changes and corrections before we begin. Item number 23 has been postponed to 12-18 of 2015 -- June 18th, I'm sorry, 2015. We have some time certain matters. This is the zoning call, so those things get called up early. And then at 10:00 probably we're going to go into the briefing of planned unit development assessments. We'll do the consent agenda and then get into the briefing. At noon we have general citizens communications and public hearings are set for 2:00. Items that seem to be pulled off of the consent agenda are item 2 obviously because it's being postponed, but also items 3, 10, 11, 12 and 13. All pulled for speakers. That's 3, 10, 11, 12 and 13. There is late backup for items 2, 7, 10, 40, 41, 43 and 44. Council, do I have to provide greater detail other than that alert people there is backup?

[10:25:59 AM]

Okay. That then allows us to move forward. On item number 7 there are no late additions, so what is in the backup both with respect to the nominations and to the waivers is good per the record. The consent agenda we just talked through. There is no one to speak on the consent agenda. That puts us in a position where we can vote to approve the consent agenda, which in this case would be items 1, 4, 5, 6, 7, 8 and 9. Is there a motion?

>> Zimmerman: Mr. Motion, I move that we approve consent agenda as you just noted.

>> Mayor Adler: Is there a second to that motion? Mr. Renteria?

>> Tovo: Mayor, may I add, it's the intent of -- it's my intent to postpone item 10, so if we could add that postponement to the consent agenda. That would be a postponement for one week. And I need the record to reflect my recusal on item 3 with respect to theater action project/creative action.

>> Mayor Adler: Okay. Don Zimmerman would also like the record to reflect that he's abstaining on items 3, 4, 5, 3, 4 and 5. Anything further?

>> Kitchen: Mr. Mayor, I'm sorry, could you read again the consent items?

>> Mayor Adler: The consent items are 1, 4, 5, 6, 7, 8 and 9.

[10:28:07 AM]

Number 10 is being postponed one week and being made part of the consent agenda. Okay? All in favor of the consent agenda please raise your hand? Those opposed? The consent agenda passes unanimously on the dais.

>> Zimmerman: Point of inquiry. Mr. Mayor, was there a speaker for item 10 that we would hear from -- we're postponing it, but if somebody was here to speak we would hear them at this point?

>> Mayor Adler: We can give Mr. Pena and Mr. Price the opportunity to speak, recognizing this matter has been postponed for a week. Do either of those speakers want to speak? Then please come back next week and it will be called up again. That's the consent agenda. It's also been requested, council, that we work with the consent agenda for the zoning items so that if we're going to be able to move past those other people don't have to the way. Is that something we can do, Mr. Guernsey?

>> Yes, mayor and council if that's your pleasure we can certainly do that.

>> Mayor Adler: Let's do that. And in fact, going forward on other agenda, I know we sometimes have other things set after 2:00. Is there a way for us to call those up?

>> We can work with agenda and the law department and find a way.

>> Let's see if there's a way to see because if we can dispense with consent items early in the day, that might let a lot of people go about their day. So let's do the consent zoning items on today's agenda.

>> Very good. Greg Guernsey, the planning and zoning department. I'll go through the items that we could offer for consent on the non-consent agenda. The first item is item number 14, case crown, 20140167 for 13007 cantarra drive.

[10:30:17 AM]

This is to shown the property to commercial mixed use conditional overlay or Ir-mu-co combining district zoning. The public hearing is closed on this item and we could offer this for consent approval on second and third readings. Items number 15 and 16, the planning commission did recommend these cases, mayor. I don't know if we actually have speakers that may have signed up in response to --

>> Mayor Adler: Because they are public hearings that have been set.

>> Mayor Adler: 15, 17, 17 and 18.

>> I'll jump to number 19. That is case npa-2015-0002.01 in the east east neighborhood planning area for the property located at 21 waller street. This is to change the future land use map to allow mixed land use. The pornographic was to grant the -- the planning commission was to grant the mixed land use

and is on consent approval to all three readings. Number 20, crown 2015-0055, the property at 21 waller street. This is a request for general commercial services, mixed use, vertical mixed use, combined neighborhood plan. The planning commission's recommendation was to grant the zoning and the rest is ready for consent approval on all three readings. That's item number 20. Item number 21 is case cpa-2015-0019.01 for the property at 1919 west 29th street. It's located in the central Austin combining neighborhood planning area. To change the future land use map going to mixed use/office land use. The planning commission's recommendation was to grant the mixed use, office land use.

[10:32:22 AM]

This is ready for consent approval on all three readings. Item number 22 is case c-14-2015-0024 for the property located at 919 west 29th street to zone the property to general office mixed use conditional overlay neighborhood plan combining district zoning. The planning commission recommendation was to grant the combining district zoning and this is ready for consent approval on all three readings. Item number 23 is case c-14--2014-0136 --

>> Mayor Adler: Hold on one second. This is number 23. We have one speaker, Jeff Greenberg. It looks like it's going forward on the consent agenda to be approved. The speaker is speaking for it. Why don't you go ahead and introduce that on the consent agenda and I've give a speaker a chance to speak on the consent agenda.

>> This is for first reading only.

[Lapse in audio]. Case number 201020140136 for 9201 Cameron today to zone the property for general commercial services combining district zoning. The pornographic was to grant general commercial services, mixed use, conditional overlay combine district zoning. Again, we would offer consent approval on first reading only. Item number 24 I understand there's been some changes and I'll turn this over to Mr. Rusthoven and we believe we can offer this as a consent item now.

>> Mayor and council, jerry rusthoven, planning and zoning. We have an agreement from the applicant who has agreed to all eight of the conditions that the neighborhood had recommended.

[10:34:24 AM]

I'll read those real quick and we'll prepare an ordinance in August. Some of the conditions actually will not be in the ordinance because they're not allowed in the zoning category anyway so we'll sort through those, so I wanted you to know the first condition is to limit the property to 500 trips a day. To limit it to telecommunication tower or service station. The site plan has a vehicle entrance for manchaca. To prohibit drive in services, communication services, soul cultural services, there are no services. And medical office uses. To permit multi-family use and to limit the site to no more than two residential uses and prohibit short-term rentals and to not include food service businesses, which are not allowed anyway. With that I think we have an agreement on this case and can offer it for consent on first reading only.

>> Moving on, item number 25 is case c-14-2014-0172. This is for the property located at 5610, 5804 Wier hills road to zone the property to townhouse condominium residence neighborhood plan combining district zoning. The zoning and platting commission's recommendation was to grant townhouse condominium residence conditional overlay neighborhood plan combining district zoning. We could offer this for consent approval on all three readings. Item number 26 is case c-14--85-288.36 rca for the property at 5804 Wier hills road. This is to change a restrictive covenant, make an amendment to it. The planning commission recommendation was to grant the restrictive covenant amendment. This is ready for consent approval. Item number 27, case c-14-2014-0198 for the property located at 1109, 1105 and 1107 north I-35 service road.

[10:36:27 AM]

The applicant has requested an indefinite postponement of this case. Prior to this case being brought back it would require full notice, newspaper, mailed notice before this would return to your agenda. So we have an indefinite postponement request on item number 27. Item number 28 is case c-14-2015-0008 for the property located at 2130 Goodrich avenue. This is a zoning change request to general commercial services mixed use, conditional overlay combining district zoning. The planning commission's recommendation is to grant the combining district zoning. This is ready for consent approval on all three readings. Item number 29, I think we do have one speaker. They're in favor of this request so I could offer this as a consent item. I believe the speaker is actually a representative of the property owner. >>

>> Mayor Adler: You can go ahead and do that. There's no one identified as wishing to speak. Testify.

>> Item number 29 is case c-14-20150010 for the property at 11310 manchaca road. This is to change the zoning to neighborhood commercial mixed use conditional overlay combining district zoning. And limited use conditional overlay combining district zoning for tract two. The zoning and platting commission's recommendation was to grant the lr-mu-co combined zoning for tract 1 and the lo-mu zoning for tract two. This is ready for consent approval on all three readings. Item number 30 is case c-14-2015-0015 for the property located at 4704, 4706, 4800 and 4802 sunset trail. We have several speakers that are signed up all in favor of this item. This is to zone the property to multi-family residence low density neighborhood combined district zoning.

[10:38:34 AM]

The planning commission's recommendation was to grant the mf-2. Np combining district zoning. At the work session councilmember kitchen had mentioned a possibility of adding a conditional overlay of 55% to address some of the concerns raised by the city of sunset valley and adjacent property owners. The property owner has agreed to that additional condition and we could still keep this on for consent for three readings with that additional condition of the 55% impervious cover. So we would offer that for consent approval on all readings with an additional condition.

>> Item 31, c-14--2015-0019 for the property at 5306 Samuel Huston avenue. This is a staff postponement of this request to your August 13th meeting. That's your regular zoning meeting, August 13th. Item number 32 is case c-14-20150034 for the property at 3115 east state highway 71 westbound. This is to zone the property to gr -- community commercial gr district zoning. The zoning and platting commission's recommendation was to grant the gr district zoning and this is ready for consent approval on all three readings. Item number 33 is case c-14-2015-0038 for the property located at 11624 and 11824 burnet road. This is to zone the property to industrial -- major industrial planned development or mipda district zoning to change the condition of zoning. Planning commission was to grant the zonings. I'll note the ordinance is on the dais in yellow. Item number 34 is case c-14-2015-0039 for the property located at 3100 and 4006 banister lane to zone the property to multi-family residence low density conditional overlay combined district zoning.

[10:40:48 AM]

And the planning commission recommendation was to grant a multi-family residence low density conditional overlay combining district zoning as amended. So this is ready for consent approval on all three readings. Item number 35 is case c-14-2015-0041 for the property located at 13,805 orchid lane to zone the hot for general commercial services. The planning commission was to grant general

commercial services, conditional overlay combining district or cshco combining district zoning. This is ready for all three approvals. Item 36 is c-14-2015-0042 on Burleson road to zone the property to limited industrial services or LI district zoning. The planning commission's recommendation was to grant limited industrial services conditional overlay or li-ci combining district zoning and this is ready for consent approval on all three readings. Item number 37 is case c-14-2015-0044 for the property at 1411 west sixth street. This is to zone the property to neighborhood commercial may mu combining district. The planning commission recommendation was to grant the lr-mu-co-np combining district zoning. It's ready for consent on all three readings. I believe you have one citizen who is representing the owner that's signed up in favor on that item. Item number 38 is case c-14-2015-0045. This is for the property located at 2355 east state highway 71 [lapse in audio]. The zoning and platting commission's was to grant the cs district zoning. C-14-2015-0046 for the property located at 15601 north I-35 service road northbound to zone the property general commercial services or cs district zoning.

[10:42:56 AM]

The zoning and platting commission's recommendation was to grant the cs district zoning and this is ready for consent approval on all three readings. Item number 40 is case C 814-2014-0083 for the property located at 1901 turnsville road. And the southwest corner of turnsville road and south turnsville road. This is to zone the property to planned unit development or pud district zoning. The planning commission was to grant the pud district zoning. This is ready for consent approval on first reading only. As I understand it, councilmember Garza has asked and the applicant has agreed to an additional condition. That additional condition would be that not more than 10 percent of the single-family lots may be one acre or more in size. So with that we could offer that for consent approval on first reading. Item number 41 is case c-14-73-144. This is a restrictive covenant amendment for the property located at 6311 south first street. The planning commission's recommendation was to grant the restrictive covenant amendment and that is ready for consent approval. Item number 42 is case c-14-86-103, a restrictive covenant termination for the property at 1801 Pennsylvania avenue. Staff is requesting a postponement of this case to your August 13th agenda. That's your regular zoning agenda. Item number 43 will be discussion. You haven't numerous speakers regarding item 43.

>> 39 was consent, 40 was consent first reading only. 41 was --

>> 41 was a consent for a restrictive covenant approval.

>> On all three.

>> There's no readings on that. It's just approval because it's a restrictive covenant.

>> Mayor Adler: And 42 is being postponed to 8-13.

[10:45:02 AM]

>> That's correct, by staff.

[Lapse in audio]. 43 we have speakers. And that's the -- so the consent agenda concerns, as stated, consent zoning agenda concerns as stated items 14, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28

[indiscernible] 32, 33, 34, 35, 36, 37, 38, 39, 40, 41 and 42 being postponed.

>> And mayor just noting on those items, other than 14, those are also to include closing the public hearing.

>> Mayor Adler: As indicated in closing the public hearing. Any -- now, there were some speakers that have the opportunity to speak on this agenda if they want to. Jeff Greenberg, do you want to speak? Okay. Speaking on the consent agenda would then be -- that's it. So is there a motion to approve the zoning consent agenda? Ms. Kitchen. Second? Mr. Renteria. All those in favor of approving the zoning consent agenda?

>> Tovo: May I make a quick comment about one of the cases. Item number 23 we are just approving that on consent one, is that correct?

>> Mayor Adler: That's correct, first reading only.

>> Tovo: I know the owner of this property has talked about participating voluntarily to reserve some of those units if the zoning change is approved as affordable units. And I understand that is a voluntary offering on his part, but I would be very interested to hear more about it and get clear on what the specific details are, that he's considering and certainly we don't consider affordable housing as part of zoning, but it is a discretion that this council has and those details will be interesting.

[10:47:29 AM]

And I appreciate if you would follow up with those. Thanks.

>> Mayor Adler: Any further conversation on the consent zoning items? All those in favor of the consent agenda raise your hand? Those opposed? Unanimous on the dais.

>> Thank you, mayor and council.

>> Mayor Adler: Thank you. That gets us then to the contested items and also to the briefing. We have people here for the 10:00 briefing. This briefing is item number 44. It concerns the bull creek road. I think there are some folks here today who are obviously interested in this bull creek matter. There's not going to be any action taken today. On this. This is not the opportunity for public discussion. We're happy you're here and involved, but today this item is being called up for a briefing only, but please pay attention to it and then engage us in conversation about the briefing.

>> Mayor and council, jerry rusthoven with the planning and zoning department. 44 is a briefing on the proposed pud known as the grove at bull creek. Right now as a development assessment, case CD 2015-0009. It is a 75-acre tract located along bull creek road between bull creek road between 45th street sheet and shoal creek and the heights neighborhood. As this worked in the past, when the council met at the pud procedure back in 2008 a pud has required a development assessment, it is a dry run for the applicant to submit a proposal to the city, for the city to give comments on what we think and for the developer after that he can decide whether he wants to submit an actual pud application or not.

[10:49:35 AM]

So this is not a zoning application. What we did in 2008 with the city council did was to provide for this briefing so that the city council had a chance to see the possible pud before we brought it back for final action after much negotiation and review. So it provides the council the chance to interact with the developer before he submits rather than waiting until the very end. I am going to in the interest of time the way we've done this in the past is staff has made a brief presentation and the applicant has had an amount of time, usually generally five to 10 minutes, to present their proposal and to receive feedback from the council. So I'm not going to go into all the details of the proposed pud. I'll leave that up to the applicant. I'm here mostly to talk about process. After this briefing if the applicant chooses, he may submit an actual pud application. He may also not submit a pud application and in this case would probably likely move forward with standard zoning. What is unique about this property, aside from its size and location, is the fact that it was owned by the state of Texas before it was bought by this developer, therefore the it property has the -- on the map you see there it's unz which stands for unzoned. It does not have any zoning. The idea of a pud is that --

[lapse in audio]. In the city council's eyes if they approved the pud the development would be superior to that which could on otherwise be received under standard zoning. What it does is it gives the developer flexibility to essentially write a zoning ordinance that applies to this piece of property and this piece of property only rather than standard off the shelf zoning categories we already have and it allows

the city to negotiate for things that we otherwise might not be able to require. Things such as greater environmental protection, greater participation in transportation improvements, affordability, open space and parkland requirements, et cetera, et cetera.

[10:51:39 AM]

So if he does submit a pud those will be the things that the city will be negotiating for. The pud has a three-tier process. Tier one, tier two and tier three, sometimes called the bonus provision. Tier one are basic requirements that every pud must comply with. These are some minimum green building requirements, minimum open space requirements, et cetera. There will be no doubt that if we bring a pud forward that it will have to comply with those. Tier two is not a defined thing that they must do, but rather it is all of the bundle of things that the developer is offering that in his mind are superior to what the city could otherwise receive through standard zoning. So that is the -- the package of goodies, if you will, which is again environmental protection, affordability, transportation, the list goes on and on. There is a third part which I'm going to address, which is tier three, which is the bonus provision, and what this is is this is a density bonus program built into the pud similar to other density programs you have downtown on Rainey street and tod's and other areas whereby if a developer exceeds a baseline zoning then he is required to do affordability. It is no longer something that he is offering in exchange for superiority, it is something that he is required to do. Tier three is kicked in only when the developer proposes to go above the baseline height, F.A.R. Or building coverage. So what we have is a pud allows a developer to propose heights in F.A.R. That are greater than what the standard code allows. In exchange for those, in exchange for doing that he has a mandatory affordability requirement. So what we have is something in the code and pud ordinance called the baseline which terms at what point are they exceeding the Normal allowance and therefore triggering this mandatory affordability requirement. In most cases and in every case up to now that has been the existing zoning.

[10:53:41 AM]

So for example, when we did the commonly called the taco pud at Riverside and Lamar, south Lamar, the baseline height there was 60. The developer wanted to go to 96 feet. The mandatory affordability provision was triggered before the development amount that went between 60 and 96 feet. In this case we don't have an existing zoning. On that property it was zoned cs so the existing height was 60, allowable height was 60. In this case we are no allowable height and we have no allowable F.A.R. You could literally not build a house on the 75-acre tract, a single house with the zoning that it has right now. So it is important that we establish a baseline for the purposes of determining whether or not the developer will be requesting, if he does submit a pud, to exceed that baseline amount. This is very important in this case because as I said the existing baseline is essentially zero. So the ordinance states that if the existing zoning is artificially low, the council may approve a baseline different than the existing zoning, which in this case does not exist. So the developer has proposed a baseline, which is in your backup. The staff has proposed a baseline which is in your backup. That baseline is not a single zoning category across the whole site. Rather it cuts the site into different areas and says that we would -- our suggested baseline would be sf-6 on a portion of it. Mf 4 on a portion of it, lo-mu on a portion of it. The developer's proposed baseline six would have on a portion of it. Gr and Lomu on a portion of it. Lo-mu on another portion and mf 6 on another portion. We have a developer proposed baseline, a staff proposed baseline. The council could choose one of those or choose something different. We do have it posted. Usually in the past when we've done these we've had briefings only. There is of course no public hearing, but there has been no action required because the requirement of the code was only that we present a report to the council and after that point the developer may decide whether to put in an

application or not.

[10:55:49 AM]

In this case we have posted it for a briefing and possible action on the baseline. So if the council chooses they could take a vote today on the baseline or as we discussed Tuesday in the work session the council may postpone that decision and take up that item at a later date. The council could also choose not to establish a baseline in this property, but keep in mind that that would mean that all development on the property would be considered to be bonus and therefore all of it would trigger an affordability requirement and I believe at that point the developer would not pursue a pud and would go with standard zoning. The down side to that for the city is that we would lose our ability to negotiate for the tier two items, the superiority items, the transportation, the environmental protection, the parks, affordability, et cetera. And he could just submit a standard zoning case, which would have none of those things required. With regard to the affordability too, I think although the baseline is an important consideration and the tier three bonus area and what portions of it, at what point is triggered is an important consideration. I believe it's equally important to note that affordability can be part of the tier two superiority session of the pud. And so what we're negotiating with the pud, both the -- [lapse in audio]. They could ask for and the developer could agree to an affordability level in tier two that would apply flat across the pud and determine what that affordability level is, what the fmi is and what the amount of affordability is and that would be required across the whole pud. It's important to note with the bonus area that hypothetically he could -- let's say count approves the pud that gives him 70 feet of height and the baseline height, let's say the council hypothetically approves 60 feet as the baseline height. So essentially the developer would have the development to exceed the height by 10 feet and within that 10 feet he would trigger the bonus provision and have the mandatory affordable housing as required there.

[10:57:55 AM]

Just because he received an entitlement of 70 feet doesn't mean he has to take advantage of it when he goes to build. He may receive an entitlement that he does not take advantage of and would not trigger the mandatory affordability. Whereas a tier two requirement on an offer of affordability that would apply across the whole pud as a requirement -- as one of the things that the council is using as justification for approving the pud [indiscernible]. It is a mandatory provision, but keep in mind as a tier two requirement would be a requirement that is negotiated and presented to the city council. So with that I'm available for any questions and like I said, we usually have a presentation from applicant to present their idea and receive feedback from you guys.

>> Mayor Adler: Are we ready to hear from the applicant? Mr. Casar?

>> Casar: I had one follow up question on that one point. The affordability level set across the entire pud in tier two requirements is determined entirely by what gets passed by the city council.

>> Yes.

>> Casar: So if we wanted to set a certain affordability level you even without a density bonus program - let me give you a hypothetical here. Let's say we set the baseline at a level that we wouldn't set it at, but it was set at a thousand feet. The affordability level would be in a tier two requirement on the pud?

>> I'm saying the tier two possibility would have a certainty to it. Tier three would have a possibility, but not necessarily a mandatory requirement.

>> Casar: Setting the baseline would only -- it impacts how much is required if density bonus entitlements are asked for, but -- if a baseline is set low then if somebody wanted additional density they would be forced to have a certain level of affordability.

[10:59:58 AM]

If a baseline were set high, but we wanted to achieve the same level of affordability we would have to make sure that a majority of council asked for that level. >>

>> Council could ask for a tier two item and establish a baseline. And if the pud granted him entitlements above that baseline, you would have mandatory affordability as a part of tier 2 and partial as part of tier 3 but he may not utilize all of those entitlements. If you gave him more than what the baseline is, it's his option of whether to do it or not. I want to make sure everyone understands it's not the only opportunity for the affordability in a pud and tier 2 possibility would be --

>> Mandatory as well.

>> Mandatory as well. So he may not utilize -- he may receive entitlements above the baseline and mandatory affordability would be triggered if he utilized the entitlements. If the affordability is required as part of the overall pud package, that would apply to everything and you wouldn't have to worry about whether he utilized an entitlement or not.

>> Tier 2 affordability requirements are also mandatory.

>> They would be if the council approved it, yes?

>> Ms. Houston, Mr. Zimmerman.

>> Houston: My question is the council would set the level of affordability?

>> Yes, we go out and negotiate with them on what we would like to see to be able to at the end of the day for the council and the staff to come together and say we believe this is superior to what the code would allow. Not promising we'd get there, but that's usually what happens. We negotiate for different items to get to the superiority and the affordability in this case is working on it.

[11:02:07 AM]

>> Houston: The council would guide the discussion about what level of affordability?

>> At the end of the day, the council would decide what level that would be.

>> Houston: Thank you.

>> Zimmerman: Thank you, Mr. Mayor. My quick question to kind of follow this piece of property, one on the market and a lot of discussions. Can you help me understand how someone put a market price on a piece of property not knowing what the usefulness would be. A piece of property as a value would depend on what to do with it.

>> With great risk comes great reward. The applicant has chosen to purchase the property, closed on the property. It's a state transaction. Not a secret. He paid I think \$47 million on the property. No entitlements now whatsoever.

>> Property taxes now being paid?

>> There will be once he closed on it and once it became privately owned property.

>> Zimmerman: Pretty high costs.

>> Has high costs, I don't know what that is.

>> Zimmerman: Very important in the discussion.

>> Very important in the discussion.

>> Zimmerman: Very important, thanks.

>> Mr. Mayor: Ms. Gallo?

>> Gallo: This is one of the first times we're expressing baseline. Or making a decision on this. I wonder if you might help us a little by. Help us to understand how, number one, how staff came one the different zoning categories to determine the baseline on. And as part of the discussion, could you also mention the surrounding properties to the milestone property and what their zonings are and what their height

and what the Fars are.

[11:04:11 AM]

We're getting a broad sense of what the staff's recommendation is and how that compares I guess in height and density and far to the surrounding properties that are not this property.

>> Okay, sure. To the north of this property, we have a string of houses that are located between this property and 45th street. The staff recommendation for the baseline behind them would be fs-6 zoning, the height is 32 feet. The height for sf-6 would be 35 feet. We're recommending three feet higher from this project. A while there. Likewise over to the -- you have a brief frontage to the east and you also have if you can scoop the map up a little bit, we have the neighborhood kind of wedged between the southern portion of the site and the school creek. That neighborhood is also zoned sf-3. Similar to the north, we're recommending sf-6 there. 33, 32 feet, 35 feet. I should note that the applicants' baseline are very similar in these two areas. The difference is we're proposing a wider area of sf-6 and a narrower area. On this map, their line is where the proposed street is running and our line is the single line that you can see there. Across the street, sf-3 zoning. Again, 32 feet in height. And again, representing six as a baseline, 35 feet in height. Developers proposing a baseline of I and U which has 30 feet of height rather than 35 feet of height. The star shipbuilding right there. That has the existing 60-foot entitlement.

[11:06:12 AM]

The staff recommendation for I and U which would have a 40-foot height limitation and a 40 foot high far. The applicant is recommending a gr-nu based 40. His far would be one-to-one. Our far would be .5 to 1.

>> Gallo: May I stop you for a second. The Westminster property, the G.O., what's the far on that?

>> It's I believe .75. I'll have to look that up. To the north, we have apartment management owned by properties which is mf-6. The applicant agreed to a 60-foot height zoning recommendation when that zoning case went through. And the mf-6 has no F.A.R. Limitation, a limited F.A.R. The G.O. Has a one-to-one F.A.R. In addition where the staff has the interior of the site backing up to school creek, mf-4, a height limitation of I believe it was 60 feet, an F.A.R. Is .75 to 1. It's the baseline, 90 feet of height which is unlimited F.A.R. One important thing to know when we're looking at the baselines is this is not the staff recommendation for the zoning on the property. When you do a pud zoning, the council says this is allowed only in certain portions of the pud.

[11:08:14 AM]

When I say this is the recommended baseline, I'm not saying I only recommend multifamily uses on this piece. I recommend retail uses on this piece. I'm saying solely for the purposes of using what point is mandatory affordability triggered, these are our height and F.A.R. Limitations that we would recommend before that bonus provision is triggered. So I know it looks like a zoning map. A lot of people get confused by that. I say that too. Just to clarify, if they decide not to submit a pud, the baseline recommendation is what we would recommend for standard zoning. Not saying that either. For the purposes of height and F.A.R., this is the point where we see the bonus provision.

>> Helpful. This is the first time we've been dealing with this. So I'm trying to learn. So what I'm hearing you say is we kind of need to ignore the zoning -- the zoning information on here and pay attention to what the height and the F.A.R. Is. And so that's the component of this. On the -- you talked about surrounding properties on everything except for the property that was on the other side of the creek?

>> Yes.

>> Gallo: What is that?

>> On the other side of the creek, unzoned property there as well. That's the state archives property, a warehouse where they store state records.

>> Gallo: If it had the correct zoning, what would that zoning be?

>> If it had the correct zoning for that type of thing, probably go. Probably, again, a one-to-one and a 60-foot height recommendation is what I'd expect

>> Gallo: My follow-up question in the information you gave us, it looks like some situations it's fairly similar in the height. It's different from the surroundings. And so that there's such a difference in height between the 40-foot that you recommended and the 60 foot that the street and also the F.A.R. -- Just trying to understand how staff comes up with these?

[11:10:26 AM]

>> I think I know this is going to sound somewhat contradictory to what I just said, we're established in the baseline, height and F.A.R., really, we're looking at when I have to do a presumed baseline, I have to say on this particular piece of property, I would expect the zoning to be had we not been in this situation. So along the creek which is a primary collector, I would expect the L.R. Zoning to be more Normal. I would expect to see a gr zoning more in the intersection of arterial street or along the arterial street. Again, I'm not saying I'm opposed to G.R. Uses in the pud, I'm saying along the primary collector, staff would not normally recommend gr zoning.

>> >> Gallo: But this is not zoning. What we're doing is height and density. I understand the discomfort in that. But is there a way to more equally match what's abutting the property in a way that staff is comfortable?

>> I think if that were the case, the council could recommend a gomu for the baseline. The grmu. It would be closer than what's across the street. That would match the 60 or the mf-6 property. The 60 of the Westminster manner property. The 40 and 60 make a difference. In this case, the F.A.R. Is more important. The F.A.R. And L.R. Is 5. And G.R. Is 1-1. So you're talking about essentially twice the amount of square footage allowed in gr.

>> The go across the street is at 1.0 also.

>> And also the GU is one to one also.

>> Gallo: All right, thank you.

[11:12:27 AM]

>> I have a couple of questions. I see he's here. That's great. The homes that are surrounding the site, can you remind us again what the zoning is surrounding the site?

>> The zoning to the north, sf-3, residential. The zoning to the north of it, I believe, is unzoned. Sorry, to the east has originally zoned sf-3. The area to the south a portion of it has -- most of it has the heights neighborhood which is on sf-3. A small owned office whether it's an existing medical office building. To the west, Westminster manner which is zoned G.O., and also to the west, you have the property which is zoned mf-6 and you have a small pocket of sf-3 above the post properties, the apartment complex.

>> Pool: Have you been out to the site?

>> Yes, I actually lived in this neighborhood in the early '90s.

>> Pool: The top ohhing are a -- topography?

>> You have shoal creek running along the east in pores between the creek and the property. The property slopes I would say west downwards to the east. Down to the creek.

>> Pool: That leads me to some questions that I have in the environmental office. We'll have so more

here. If I may?

>> Good morning.

>> Pool: Thanks, Mr. Wozniak. Can you talk about the water and flooding concerns that have been raised by the neighbors? I'm assuming that you're aware of them?

[11:14:28 AM]

The neighbors to the southeast? On the site? People on Idlewild Road in Richley?

>> We recently looked at that. That was raised in the environmental board recently. It's been a primarily a flooding issue as it's been a ground water seepage problem from it looks like a -- I talked to our geologist that looked at this that there is a impermeable layer at 10 to 12 feet, maybe more shallow that prevents water from migrating vertically. It hits the impermeable layer, moves south and comes out along the driveways and yards along that street. Watershed did a storm sewer project in that neighborhood that I think to address some of the street flooding issues that were occurring there. I think TXDOT put in a berm to address the Overland flow occurring from flowing into the yards. The berm may have exacerbated the seepage problem because it was retaining the water on the the TXDOT water causing more water to soak into the soil and may have increased the flow on to there -- on to that property there. We've been looking at that issue for a long time. In fact, the geologists that have looked at this used to live in that neighborhood. So she's very familiar with it.

>> .

>> Pool: What would you say the change in grade is from the top of the site here, the property that was purchased and the homes that are right below it?

>> You know, I don't know. Other than I know that those yards or those houses back up to that property that there is some slope to their yard and dropped off towards the street. I don't know what the change in grade is.

>> Pool: Trying to think, the roofline on the homes on Idlewild and where are they in relation to the property that's right behind them trying to get a sense of the conditions.

[11:16:37 AM]

I think there were real problems in the Memorial Day flood that we just had on the street.

>> I don't know.

>> Pool: Okay. So I'm bringing this up for my colleagues to understand that there are serious water-related issues on this site that whatever happens with this plan we'll need to take into account and address sufficiently and appropriately. And I would say PUD staff would assist in ensuring that the design elements would be in place to help related to the flooding. Relative to that, I would like to talk about the detention pond. Is that in your bailiwick?

>> It's my department. I don't know if it's inside my expertise.

>> Pool: Is anyone here?

>> I don't believe we have anybody here.

>> Pool: We'll talk about it in the next opportunity. May not be for today. But as far as the comments that the staff provided to the pond, do you have access to that information?

>> I haven't seen them yet.

>> Pool: And one last item for Mr. Wozniak. The critical water quality zone for critical environmental features, how do they or do they not count towards open space requirements and can you speak just generally to open space requirements on this site?

>> I can't speak to the open space requirements. I can speak to the critical. Generally in looking at their tier 1 and tier 2 requirements, if generally they're critical -- the parks department will count a

percentage of that towards the open space requirement. But not I believe not 100%. You have to comply with the current code on the water qualities on the butters and those sorts of things.

[11:18:45 AM]

And I don't think they'll get credit towards the open space.

>> Pool: They get 50%.

>> I think that's right.

>> Pool: What was the percentage of open space parkland required to be on this site in this proposal as a P.U.D. Proposal?

>> I don't know.

>> Pool: Can you help with that. Is it 10%?

>> The requirement is exceed 10%. The tier 1 requirement.

>> Pool: So they exceed by 10%.

>> Part of the pud, a minimum they would have to do for tier 1. But above that, they can offer more open space as part of park space as a part of tier 2.

>> Pool: Do you have that factor? What that would be? What it's seeksding by -- I think the distinction there is they're not -- we're not looking for 10% open space, we're looking for them to exceed what's required for open space by 10%.

>> Yes.

>> Pool: Thank you. That's all I have for now. I'll probably have -- other questions later. Thanks.

>> Thank you, Ms. Gallo?

>> Gallo: Thank you for bringing up the issues that those neighbors have been faced with for decades at this point. We've had good meetings and some of the neighbors come in and visit with us and our office and staff to talk about the situation and potential solutions to it. I think at that meeting they mention they were thinking of hiring a hydrologist to help them understand and come up with solutions to move forward with. We're moving in that direction. Because having another voice to look at that other area of those neighbors are good and working with the owner of the property to come up with the correct resolutions for dealing with those.

[11:20:47 AM]

We were involved with the street drainage issues and making progress. But I hope the new situation with the neighborhood can help us address those and come up with solutions. My hope is that will come into the picture also here. Thank you, councilmembers.

>> Mr. Mayor: Can we have the applicant give us the briefing?

>> Thank you, mayor, good morning, councilmembers. I'm Jeff Howard, I'm with the law firm of McClain and Howard here in Austin. I represent the applicant with the milestone community builders. My application will be 15 to 20 minutes. I'll try to make it briefer. That's what we have presently outlined for this project.

>> Mr. Mayor: That's fine. We anticipated this would be --

>> Thank you, sir. As we stated, this is a development assessment case. Just a briefing, no public hearing. It's not a zoning case. Although we've done quite a bit of work so far for a lot of work still to do. A lot of details to work out once the zoning cases are filed and we're looking forward to working on those. So we wanted today to give you an overview of the project and discuss some of the important issues that are going to be faced.

>> Let me interrupt. A scheduling problem with the respect for the council and people who are here. We have a lot of people here for the bluebonnet. We're going to go into this. It is 11:20 now. We have the

bluebonnet coming up at a time certain after lunch rather than be here now?

[11:22:48 AM]

Or do we continue? There's been some requests by some of the folks here going to do that. So I wanted to throw that open for conversation real fast. Any thoughts on that? The question is bluebonnet. Sorry, is that better? We have a lot of people here waiting to speak on the bluebonnet matter. A lot of people have signed up to speak, it's 11:20. I just wanted to ask whether or not it's the will of council to set it for a time certain this afternoon so they could come back. Make sense to you? Is 2:00 sound like a time certain to come back?

>> Sure.

>> With that said, we're going to postpone or set the bluebonnet for 2:00 this afternoon so people who are listening and people who are here have a time certain and they can go about their morning. All right, please proceed.

>> Thank you, mayor. Today we'll give an overview of the project and highlighting some of the key issues that are concerning this project. And let me say, we're grateful and excited for this opportunity, thank you very much. We have more than just me. We have Garrett martin, president and CEO of milestone. We walk up the director of land development for milestone. We have a civil engineer. We have two traffic engineer, Rebecca bray and James Schwartz egger. We also have Michael Willard, our affordable housing consultant. We have jpr protection and Overland partners working on the project and an excellent arborist, don Gardner. Milestone is a locally owned and operated home builders founded in 2009. Now the largest home builder in Austin.

[11:24:49 AM]

Milestone developed residential subdivisions throughout the city, in all areas of the city and surrounding some markets and has developed all sorts of product types from single family homes, town homes, to condos it, all different product types. Milestone is an excellent corporate apartmenter in with the city and we look forward to working with everyone on the project. The site is 76 acres. This gives you some of the key boundaries that are at issue. A couple of things that maybe weren't discussed in the opening presentation. It's near mopac expressway. It's along numerous bike routes that can lead you to major employment centers like the bus route and gets you to the major employment centers. And the bottom, in red, that's the current terminus of the shoal creek trail, it's an urban trail corridor that would extend all the way up. So this -- this project will address this issue. You'll also see that in the northeast, largely undeveloped and to the southwest, it's currently developed with state office buildings and parking lots and that will become important as we go through the presentation. A little bit about the acquisition history. As some of you may know, the city of Austin had an option to acquire this property. Back in December and October of 2014, there was quite a bit of discussion on that topic. And I believe the offer or the option was for \$31.9 million. And during that discussion, there was testimony from the bcrc, the bull creek road coalition, developed design guidelines in this case. And it was stated that 2/3 of the survey have response to the bcrc survey for the type of compact connected mixed used sustainable infield development consistent with the imagine Austin plan. In the discussion at the city, it was quite clear it was the community vision, a mixed use project, an urban infield project.

[11:26:55 AM]

City analysis at that time, there was an appraisal done, indicates some economic concerns with that approach and challenges with that approach. And in fact determined that a simple plan of 303 single

family lots had the highest market value. Economic challenges in doing next year's project. In December after the city passed on the option to acquire the property in December of 2014, milestone won the bid and closed on the purchase in February of 2015. We have, since winning the bid, milestone spent the past six months engaged in active community outreach and engagement. And although there's still plenty more to do, there's a lot of details to discuss, we have been very, very diligent in reaching out to the neighborhood. We've conducted 25 community meetings ranging by meetings attended by hundreds of people in large community forums to meetings in the individual neighborhood association, allendale, rosdale, oak month heights, and Ridgley. We met with smaller subgroups of adjacent lots. We met with the shoal creek conservancy, city of Austin, the green infrastructure group for the city. We conducted our own survey with over 700 respondents, over a two-week period, both on-line and in large community forums. We created a website and posted all of the presentations, the pod casts of the presentations and all of our documents for the city. We created e-mail listservs with high open rates. We posted signs in neighborhoods for neighborhood meetings. For some, we established a heightened standard of community engagement. To be fair, the neighborhood has reciprocated. They've been equally engaged and accommodating and we look forward to the process. One of the things that came out of the survey results the map you see above you. And that was a density question.

[11:28:56 AM]

And what we found out was that the community does indeed want what it told the council back last fall. That's a mixed use project with higher density along bull creek. In answer to the question, 65% prefer high density development with lower open space and less density development with less open space. The community prefers the more challenging the economic mixed use project. So with that input, we developed conceptual master plan. That's what you see here. A mixed use urban infield project that has substantial park space and it has particular key elements. Shared access along the 45th residence along the creek. Village center, public plaza, park side, signature park, green belt, shoal creek trail connection, green streets, and a pocket park. We'll have a village center, which will be a retail portion for cafes, restaurants, very small neighborhood grocery, and some neighborhood retail. The residential portions will have a mixture of residential types, detached single family residential units, town homes, condos, apartments, and assisted living, both rental and for sale products. So this project will increase housing supply and provide a diversity of housing choices acrosses different product types priced at different rates. The big component for the vision and key element of the proposal is park space. It also represents a very, very key challenge as note in the city's appraisal report last fall, a mixed use development that has a very large project and open space and less development has a low market value. So you have to find the right balance, a balance that will maintain economic viability and also provide a high degree of substantial quality park.

[11:31:09 AM]

Our project proposes at least as a minimum 17 acres of park space, a signature park, plaza, a green belt, an acre and a half pocket park. And, of course, bull creek frontage. And I would say that that's substantial when you look at other area parks in this corridor. The last close for the pocket space as compared to other well loved area parks. But it's not just the quantity of the park space which is substantial, it's also the quality. One of the things that we've heard from the community is we need really good access because the community would like to use this generous park space and so we do that with our creek where we'll have a large shared use trail and pedestrian islands. That's what that -- that's a rendering of how the bull creek frontage will look. We do that with the trail system and the connection points. We do that with green streets that will provide connections to the -- to the signature park. And

so access is going to be very, very important. So the proposed project will exceed parkland requirements not only in quantity, but also in quality, because we will fully fund the installation of the park improvements and maintain them. It will be important to the shared vision design. That means that the city won't have to use scarce park resources to build the improvements or maintain them. So the city gets both more parkland and develop a funded and maintained parkland with a high quality design. Councilmember pool and Gallo mentioned detention. We understand detention is a serious issue. The memorial day floods reminded us all of that.

[11:33:12 AM]

So we have -- though our site is only 0.7% of the shoal creek watershed, we committed to reducing the existing peak flows from this site to shoal creek. If it causes flooding and in shoal creek, we have a lot of existing development and cover that's undetained. That's the case here. We have about nine acres or more, about 12 to 13% of impervious cover that's undetained. Under existing code, we're only required to keep the existing peak flow where it is. And so we proposed is to reduce peak flow by detaining even the existing impervious cover. We think that's important. On the richley stuff -- on the richley side of things, we are working with that neighborhood. We think this will enhance our situation and we certainly look forward, councilmember pool, on working with the neighborhood to make sure it's a beneficial project for them as well. But captured the inlets and away from -- and kept from seeping and draining into the richley area. Traffic is also a key issue. We have submitted traffic impact analysis and it's currently in review with the city. We'll continue to work with staff and stake holders in the coming weeks on the coming issues. But the bottom line is, as you have learned with traffic, traffic congestion is considered at the intersections and at peak hours. That's how it happens and how it's measured. What we've committed to do is to mitigate our traffic generation by maintaining the levels of services in those intersections at the same level of service. And the real key constraint here is the intersection at 45th and bull creek. That's where it really limits traffic general B -- generation in this area.

[11:35:15 AM]

What the applicant has agreed to do is fully fund 100% of necessary intersection improvements at that intersection. And that's key because under applicable law, the applicant would only be required to put in to a fund, pro rata share of 28% to 30%. We're committed to making the improvements a reality and we'll fully fund and construct those improvements. Again, this is a graph that shows the fully funded and constructed improvements. Intersection improvements at 45th and bull creek. Jackson added turn lanes in bull creek road. Pedestrian operations throughout the site will be fully funded by the applicant. In addition, we have begun the process of refining our land use plan. In response to concerns we've heard that the development assessment land is allowing too much accessibility. It will be one piece of the ordinance and numerous other restrictions incorporated in planned unit document. Flexibility is needed because it's just the zoning framework. We're still a long way away from submitting side plans. Nevertheless, we have added additional caps on height, setbacks, uses, impervious cover, number of units, and this is all reflect in our latest revised use plan that we will hopefully be submitting as part of the planned use development case. There are numerous other community benefits working on with neighborhoods, design guidelines, additional compatibility constraints. For adjacent single family, modal transportation analysis, heritage tree protection, on site parking, sustainable design, water well regulation, street restoration, public art, local business and contractors, and construction noise, deliveries, and light pollution. So we'll be working with the stakeholders and all of the other issues as well.

[11:37:16 AM]

Let me talk a little bit about affordable housing and the baseline, a discussion. I think councilmember Gallo, your questions raised the issues of concern for us. Since this property does not have existing zoning, we cannot look to that for the baseline. We have to apply sound planning principles and come one a reasonable baseline that we can expect in this property in the absence of planned unit zoning. And I think we need to look at the uses along bull creek road to the east. We see 60 feet in height, one-to-one F.A.R., and the mf-6 and the Gou portions. And so we need to consider those. We also need to consider how compatibility standards apply. If you were to apply just the city of Austin compatibility standards to the properties, you can see the green area above represents all of the land that could be over 60 feet. 60 feet and over. Because of the size and unique configuration of this property, it presents a unique opportunity to have some additional density and still meet and exceed compatibility. You couldn't go above 90 feet in the center of the property and comply with compatibility standards. Those things need to be considered in developing sound planning principles in developing the baseline. Now, when we talk about the baseline, I think it's important to stress that we recognize affordable housing is a community benefit for this project. We understand that, know it. That's why we started this process. We know that we'll be asked to do some affordable housing. To be clear, the applicant is doing affordable housing done as a zoning case or a planned unit development case. But affordable housing recognizes -- provides some the economic challenges as well. That was also recognized in the city's appraisal for last fall.

[11:39:18 AM]

That's particularly true here where the project will be asked to fund numerous other community benefits like traffic improvements, extra detention, giving large developmentable areas up for a substantial park. These are additional costs to the project that have economic costs and they affect economic viability. We're asking for a reasonable baseline. Based on sound principles. The baseline doesn't establish uses, just establishes height, far, and building coverage in a P.U.D. Context. While the staff has mixed use, it's too low. It has the lowest height in F.A.R. Along bull creek road. If it's adopted, it will in our opinion frankly result in an economically unviable affordable housing requirement and that adoption will dictate the zoning where we'll have to make affordable housing commitments voluntarily. And so, we feel the baseline above is appropriate again, not for the purposes of letters on the zoning map, but for the purposes of height and F.A.R. And supporting this baseline we've requested will not result in any commitment by the city of Austin to a particular zoning. There's still lots of issues to discuss and details to work through. Nor will it preclude any affordable housing discussion because of the tier 2 requirement. Councilmember Casar, the city can always require an agreed upon level of afford about as part of that tier 2 requirement. But by adopting the baseline, we can continue the discussions of the planned development. It won't set the minimum bar so high it's unachievable.

[11:41:19 AM]

We can continue to have that plan in a development context. So another option, mayor, that would you could do is you could pass this briefing and defer the decision on the baseline as well to a later date. And so if this baseline is adopted or council defers the baseline, we intend to submit our planned unit development and we look forward to working with you on that. So in conclusion, we think that the proposed project will meet the community vision as expressed in two surveys. Public testimony and numerous meetings. It will have principles of compact and economic development, provide an increase and diverse housing supply across different residential types and prices, provide substantial park and

open space in excess, mitigate traffic, nonautomotive and automotive transportation projects and provide other benefits. We feel the community and the city will support this vision. This site is unique. It's rare opportunity. We don't have many 76-acre parcels owned by private developers that can be in central Austin that can be master planned in this way. A chance to do something more than just the prior development pattern of single family. We can do this in the way that's sensitive to the geographic and community complex. Even though it's economically challenging to deliver this, even though there's regulatory challenges, we feel this is an opportunity we can't miss. So we look forward to working with you in the coming weeks and months and we will be happy to answer any questions you may have.

>> Mr. Mayor: Thank you. We can anticipate and we can see if the council differs. But based on the discussion we had at work session, I, for one, wouldn't be supporting going to the baseline determination.

[11:43:21 AM]

This is brand new for us. Not to say we wouldn't do that, I would not be prepared to do that today. Ms. Kitchen?

>> Kitchen: I have questions relating to what your thinking is in this point. I know it's early. What you're thinking at this point related to senior housing. The reason I ask, councilmember Houston and I had some questions a while back and we were discussing the fact that oftentimes senior housing ends up as islands with nothing around them. There's a unique opportunity here, with Westminster, independent living, assisted living, and nursing facility right there across the road. I think I heard you say something about assisted living when you were talking about what your plans were. So I'm curious at this point to ask you to speak to -- I know you've been working with lots of neighbors, but ask you to speak to a moment if you have some sort of vision for senior housing and you have some sort of vision about how this development could be helpful for the seniors who live in Westminster, providing more destinations for the walkable and those sorts of things.

>> Yes, ma'am, thank you. We have some thoughts on that. We don't have particular users identified. But we do have a vision for them. It's providing something on site, similar to what's there at Westminster with the both sort of retirement housing, assisted living, and -- or I guess you'd call it assisted living and memory care facilities and those types of facilities. We would also very much want to provide that our uses would be something provided good for pedestrians, connect it heavily to the retail sections, the commercial sections, and the open space and park sections of the project. In addition, we would provide pedestrian crossings at Jackson, which would be safe, lighted, signalized, so we could have good pedestrian activity with the existing Westminster project.

[11:45:33 AM]

So we want those folks to be able to come to the grove and enjoy our amenities every bit as much as the residents within our project as well.

>> Assume you've been working with Westminster?

>> Yes, ma'am, Westminster is part of the bull creek road coalition. They've been active. Part of our large community forums there as well. We'll be working with those as well.

>> Thank you.

>> For questions or comments? Ms. Houston? >>.

>> Houston: Mayor, thank you. I have a couple of comments. I know for many people the history of a site is not of any concern so far down the road. But to some of us, history is very important as it gets built over. I want to remind the developers and the audience here that the site we're talking about used

to be the db&o, home for death, blind, and often colored people. And once that was closed or used to la Vanda loop where we now have the animal shelter, it became part of the Austin state school. The annex was over there. So I think it's important for people to understand that whatever's being built is being built on the backs of many other kinds of people, people of color and people who have developmental disabilities. And I hope in some way we could honor their contribution and their lives on that spot.

>> Thank you, excellent comments and we'll be open to honoring that history as well.

>> Should -- we often hear from developers. It's not economically viable.

[11:47:39 AM]

Anything that you could further pursue would be great for us to get -- to find some more affordable housing options because it's really a unique opportunity and I know much of the debate when the city was trying to decide to buy this was the fact that it could provide so much affordable housing and the council took a different direction, I'm not saying it was right or wrong, but please, you know, whatever can be done to make it economically viable but also provided a high level of affordable housing would be greatly appreciated.

>> Thank you. That's our intention.

>> Mr. Mayor: Ms. Pool.

>> Pool: Thanks, Mr. Howard, for the presentation. Could you go back to the picture you had that showed a traffic signal on bull creek road? I'm looking at where it's located. It went by so fast I couldn't see. And I wanted to find out if you've been talking to the transportation department folks on whether there are warrants for a traffic light. So you're adding a traffic signal at Jackson bull creek.

>> I may have to defer that to one of the traffic engineers. But we will -- certainly fund and that it will be sufficient to meet those so that the signal can be turned on. Is that correct?

>> Pool: Have you been talking to our traffic department staff?

>> I don't know if we've had specific conversations. The tia is being reviewed and we will have conversations along those lines, I'm sure.

[11:49:46 AM]

>> Pool: I'd appreciate any follow-up you could provide on that item. You have the map with the gradient change, the which I was looking for previously when I was talking to Mr. Wozniak. One of the slides shows the grade on the side. And the drop?

>> Our land use plan.

>> Pool: Yes, the land use plan. Can you read that on there the portion along idlewild tract E. Tract E, yes, ma'am.

>> Pool: I can't tell how many lines are on there?

>> I can't either, sorry.

>> 150 feet. Okay. That's another item I'd like to get additional information on. That would be helpful. I had don historical research myself on this site when I was working at the county. There's really some very interesting history which I conveyed to him when I first met him. The county commissioner, Travis county's first African-American county commissioner was involved in founding the orphans' home here that you were talking about. And his name was William Holland. There's some very interesting. He was also a state rep from waller county. I bring that up because I'm curious as to whether any inventory has been done on the site to see if there are any artifacts from the state home that had been there from I think gosh, the late 19th century.

[11:51:51 AM]

This preceded the school for the deaf and the blind. One is further east, the other one is south. Did y'all do a cultural assessment?

>> I don't know the answer to that question, councilmember. Maybe someone on our team does? I don't think it's been done.

>> Pool: We can talk about the viability of getting something like that. I was asked for your tree inventory. Did you come with copies for that?

>> I think we managed to dash it off and get a copy for everyone.

>> Pool: That would be great. I raise this as an item of extreme interest not only of the affiliated neighborhoods but for anybody who's ever walked their dog or just gone and sat under the amazing ones along shoal creek, the creek itself. And I -- it can be a number of them are heritage. And I will be watching really, really closely to see what happens with the groves, the motts, during any kind of construction on here. Coalition members did an inventory themselves. I was glad to see that y'all had hired don Gardner. He's one of the pre-eminent arborists. It's really great. He has -- I highly respect his opinions on these. On these issues. Hired him in the past.

>> We share your interest there on the trees. That have ear beautiful. We agree.

[11:53:52 AM]

We're thrilled that Mr. Gardner is our arborist and we certainly encourage you to keep your eyes on those trees because we expect that and we want everyone to be able to join them.

>> Would you agree that the trees add value to the site?

>> I don't think there's any doubting that.

>> Pool: Okay. Great. All right. Let's do everything we can to preserve them and nurture them and make sure we don't do anything to harm them.

>> Yes, ma'am.

>> Pool: I'll have other questions but I'll let someone else ask for now.

>> Ms. Tovo?

>> Tovo: Your questions were --

>> Mr. Mayor: Can I have the applicant up.

>> Tovo: I want to thank the applicant for giving me a chance to talk about the project. Very exciting. I look forward to seeing it develop and I'll just say in case you ever have the opportunity again, just note some of the financial elements for the deal. It was offered to the city for \$29 million. The successful bidder who's here today purchased it for more than \$46 million. I think it was unfortunately a tremendous missed opportunity for the city. I'm excited about the vision that they've brought to it. There was discussion at the time of the sale about what we hoped as a city to achieve on this tract. How it could all be realized through zoning at the hands of a developer. I had high expectations for the tract, high expectations for the affordable housing component, that's the lowest component. But we are -- this tract is in the middle of a high opportunity district, great schools. It is a really important opportunity for the city and I hope we will really keep that in mind as we move forward.

[11:55:53 AM]

And I think -- I appreciate that we're not going to vote on the baseline today. Because I really do want an opportunity to think more about that. But I wonder if you could pull up the zoning chart? The zoning map that you showed us in the beginning? I know we had a discussion a few minutes ago about the -- about the baseline recommendations from the city. And I would like to just talk about how that compares to this to the surrounding zoning? This one.

>> Tovo: So you provided a response earlier. I'm struggling to understand why much of the tract is surrounded by single family zonings, single family three and two, why that was not established as the baseline and I say this as somebody who prior to my time on council served on the planned unit development stake holder process where as community members we were talking to developers about what the new planned unit developed ordinance should look like. There's baseline, how it should be set, how critical it is that the baseline not be a bump in the entitlements before the planned unit process begins. I'll be looking carefully at your recommendation for the baseline suggestion. I think it's more in line with where it should be than some of the other proposals. For me, looking at the zoning map and seeing that on more than, really, on almost every side, I mean, I -- it's obviously not a square so it's hard to talk about. But it's surrounded by a single family zoning. So can you help me understand how single family zoning immediately adjacent to single family zoning became sf-6, lf-4, and mur.

[11:58:04 AM]

I understand the baseline adjacent to the commercial use could be a commercial zoning. I'm not understanding the increase.

>> I guess the way we look at it is it's a large undeveloped piece of land. If the developer were to come in seeking sf-6 zoning, if you will, adjacent to the single family in this particular situation, we would recommend it. Because we find although sf-6 is denser than sf-3, we think it could be compatible with sf-6, it gives us a chance to give a better. The current sf-6. But we would feel that in a situation where we took the fun out of it, we recommended it adjacent to sf-3, I think we would. For this particular area. >> May I pause? This wouldn't be our first difference of opinion about the planned unit development ordinance? But the understanding throughout the whole process is that baseline was set before a possible zoning case. So it sounds like what you're saying is were the applicant to come in at six, it would be granted or recommended by staff as appropriate for this. But that's not really my perspective on how we set the baseline. I feel we should set a base line not based on what the entitlements would set for that tract. I just offer that out there.

>> I think we spoke earlier.

>> Tovo: I want to set the baseline where we would -- with the existing zoning entitlements or what the zoning entitlements look like immediately add jay sent to it, not what those -- not where the entitlements would land, where they would go forward, have a zoning case, and then proceed forward.

[12:00:17 PM]

>> I think

>> I think getting back to the idea of the presumed baseline, this is obviously the first conveys where this has come up, it's a case where it has to come up, you know what I mean? Because of the unzoned nature of the property. We have no choice but to deal with this. My recollection how we did the ordinance back in 2008, there was always the possibility, if there was an artificially low zoning or much below expected zoning, in this case no zoning, is that a developer could come in, ask for a standard zoning to bring the baseline up and then ask for a P.U.D. Above and beyond that. The thought was that would be a, you know, possibly a waste of everybody's time, go through two zoning cases rather than just one. So when the -- it was created for the opportunity for a presumed baseline, I do believe we would be looking at what is compatible to the nearby properties. What I'm saying is I think in this case we would feel that sf-6 would be compatible to the adjoining sf-3, specifically with regard to, again, as -- that conversation we had with councilmember Gallo a while back, where we are mostly looking at here is height and far more than actually are condos going to go here or not. The real question here is what would be a Normal zoning that we would expect to see there? And does it have a fight and far that are

compatible with the adjacent uses. In this case with regard to the height we feel 32 and 35 are certainly close enough. Far is a different issue, councilwoman indicated by the fact subtle family generally doesn't have an far so in this case we're mostly looking at height with regard to sf-6. Other areas we're looking at more of the far. With regard to beyond the sf-six, as you said you said you're okay with understanding the commercial argument.

>> Tovo: For a small portion of it. I mean, this recommends quite a huge sloth and there's really just a very small portion of the tract compared to the large that is now bordered by commercial.

[12:02:27 PM]

So I understand --

>> I said the size of it.

>> Tovo: Understand including some commercial.

>> If -- so we have the commercial. I guess it's a question of what size would it be, would it be lr site regs or gr site regs, in other words, is it 40 or 60 and one to one or -- where the developer is proposing the mf-6 and we're proposing the mf-4. Although you do have single -- again, we would expect to see a zoning more intense than sf-3 in that area. That being said, we are -- cannot agree with the applicant's mf-6 because if you did that as the baseline, then it would be anything above 90 feet would trigger the bonus, and no far would ever trigger it because it has an unlimited far. So we would expect, again, to -- if they came in with a standard zoning case or if the property were coming in today we would probably be recommending some sort of -- something denser than sf-3 there. Probably not as dense as mf-6.

>> Tovo: I really appreciate that explanation. It is I think really critical that we not set a baseline that grants entitlements beyond where it would seem to fall in line with the adjacent tracts because then we have built that in to -- really built that in to what we're looking at. And the base -- setting the baseline is so critical to determining what those density bonuses are. So of course I agree with not setting it at zero, obviously, and beginning from there.

[12:04:29 PM]

Though that is their currently entitlements on this tract. So okay. Thanks so very much.

>> Mr. Casar.

>> Casar: I think that part of what I'm going to have to think through between now and when we set the baseline, if we do indeed choose to defer setting that today, which I'd be supportive of, is that we're hearing from the applicant that lower density zoning presents a major economic opportunity on this tract as well, and I think that it would be helpful for me in thinking through this, for us to get more information from either the applicant or hopefully also from independent sources about the economic opportunity available on this site under conventional zoning and under single family zoning. Because traditionally the additional density would lead to additional return on the investment, and, therefore, we have an incentive and a hook to get affordable housing. However, if in this particular area, at this particular time in the market, they can make their money back on the purchase and a large enough return on single family, then it seems to me we would have some trouble getting the kind of affordability out of the density bonus prom that we would like, which Mr. Rusthoven's description of tier two benefits in P.U.D. Would then seem to be like the better place that we could get that kind of affordability. But I don't want to be backed into that position if -- if single family does not -- does not indeed present that level of economic opportunity. So I guess we have different levers and the density bonus program seems to be a powerful one and the right baseline definitely trig tears affordability under the density bonus program and I understand that, but I do want to make sure that we aren't missing out on affordability because we insist on the density bonus program and this developer who is

primarily a single family home developer can just indeed go and do single family homes -- expensive single family homes is certainly not my preference for what we would get compared to a more mixed-use development with park space and affordable housing as has been presented.

[12:06:53 PM]

I think that is also a key part of the consideration for me, is to figure out or hear from as much perspectives as possible the viability of, you know, not dense, expensive single family development on the site.

>> Councilmember, if I could add, it would of course, because the property does not have zoning, even to build a single family you would have to come back for a zoning case. At a certain point the city would be obligated to give them some type of zoning, certainly a low density single family would prob be the minimum that we could grant.

>> Casar: Actually to follow-up if we were to set a particular baseline, does the baseline have any effect at all on the zoning is that we set? For example, if we set a baseline that was low and then we chose to grant a conventional zoning that was -- or if we were to set a baseline and grant a conventional zoning, is that far than the baseline? Does the baseline affect the future zoning we can pick for the site?

>> Yes and no. If y'all pick a baseline let's say today or in the future and the developer chooses not to submit a P.U.D. It would have no effect whatsoever. He could come in with a standard zoning case. That baseline decision would not have any binding effect on that zoning case whatsoever. Also with a P.U.D. The reason we're asking to you set the baseline now is -- or, you know, in the future, whenever you choose, before the P.U.D. Actually gets submitted, so that we have that to work off of so the developer knows, okay, anything above this I'm going to have to do affordability. He can keep that in mind when he's thinking about what other things he's going to offer the city. That being said, what really matters is at the end of this whole process, if the developer does submit a P.U.D., what the P.U.D. Orientation says. So I think that you've set the baseline for the purposes of determining a launching point for future negotiations, but at the end of the day, what will matter is if a P.U.D.

[12:08:54 PM]

Gets approved it would have all of these things stitched into it.

>> Casar: And that's where I'm having trouble understanding and that's -- I guess the last piece is what affordability do we miss out on by setting the baseline, quote, too high because in the end we still get to determine the amount of affordability we want in any P.U.D. Agreement?

>> If you set the baseline to high or low, depending on how you look at it, too low so that everything becomes a bonus area, I think the risk that you run is that he may choose not to do the P.U.D. And would come back with a staid, low density, single family, which would have no affordability component at all.

>> Casar: I understand that. That question has been fleshed out here. Setting it too high, what affordability do we miss out on if we still get to set the affordability in the final P.U.D. Ordinance?

>> I do believe if you set it too high, like I said I think that sets for us the negotiating point as we move forward if he submits the P.U.D. I think at the end the council may tweak what the baseline is when approving the final ordinance, even if something was differently approved now or in the future.

>> Casar: So the baseline can be changed.

>> It can be changed. What matters is at the end what the ordinance says. As I said, the launching point.

>> Zimmerman: Thank you, Mr. Mayor. Quickly on -- every time we talk about affordable here, it's like, you know, what are we talking about? So we're not talking about any of the subsidized, we're not talking tax credits or housing vouchers or subsidies. We're talking about specifying that some of the properties

are below market value, right?

>> Yes, yes. The ordinance has a tenant 60 provision for rental and tenant 80 for owner occupied. There is a fee in lieu of option, however there's a pending code amendment that the previous council passed which has not made its way back to y'all yet that would take away the fee in lieu option.

>> Zimmerman: Fine.

[12:10:54 PM]

So if I think of this economically I've got this new development here, so what -- from the developer's point of view, isn't it true that whatever below market rents or purchases or -- are specified, the other persons who are going to be paying market are actually going to have to pay above market, right? In order to provide for the blow -market sales and rentals? Isn't that true? I mean, this is all contained within the development we're talking about.

>> I think that is something that would depend upon the particular set of -- the pro Forma of the developer for the development.

>> Zimmerman: Right.

>> I understand your point, that's a possibility.

>> Zimmerman: Right. That money has to come from somewhere.

>> Yes.

>> Zimmerman: So we're talking about affordable here, we're talking about just setting below the market rate and the there's potential for the rest of the properties. If February percent are below market rate, the 90 percent can be above market rent to make up for it?

>> That's certainly a possibility, yes.

>> Zimmerman: Thank you.

>> Pool: So I wanted to talk just a little bit about the interests of the affiliated neighborhoods who came together in coalition to -- when this site went up, when it was noticed that this would be up for sale. I think you read the list or somebody read the list of all the neighborhoods involved, all the adjacent neighborhoods. There was a lot of work done on a voluntary basis by the people who came together, and I was a member of that group back when it was first formed. And I wanted just to let my colleagues know that there is intense and widespread interest among the coalition and the surrounding neighborhoods and the community for two really key things on this site. And then there's a third one that I'll tell but too, but first off was affordable housing.

[12:12:57 PM]

The neighbors really want there to be an element of affordable housing on this site. And that came out loud and clear in all the surveying that was done. And in the many conversations that we've all had over time. And the second was the park preserving the trees and, frankly, bringing back to e-mail the riparian edge, shoal creek is along there, it's a beautiful part of the city. There's intense interest in preserving those aspect of the site and making sure making sure the park was a distinct and sizable part of this development and that's really springing primarily from the way the fact the land has been used for decades and most of this century, frankly, as just some open space for people to come, walk, run their dogs and just be out in the open. So the community views this as green space, open space, even though it's not officially part of the city's network of parks. And so this is an opportunity for Austin to more officially embrace the open space at the site for those reasons and also, frankly, amplify the fact that it's available for people to come and enjoy being out there. So those two things are really important to the people who have been working pretty hard to find a community consensus on the vision for the site. So affordable housing would be really important, and I'll be looking for ways to make that happen.

I'll -- I liked the idea of the P.U.D. And had encouraged the developer to come back with a P.U.D. Proposal for those two big reasons, one, the superiority elements that are required in a P.U.D., and that goes to the affordable housing availability.

[12:15:06 PM]

It goes to the green space and the connectivity. And the location of this fairly sizable piece of land. And we do have a unique opportunity here -- I agree with my colleague, mayor pro tem tovo, and a number of people, if not a majority of folks in Austin, who saw this opportunity presented last October and it slipped through the city's fingers. If the city had purchased this land for considerably less than what it was bought on the private market, we could be having a very different procedural conversation auto this point but still have the discussion set forth by the coalition and neighborhoods of affordable housing of adequate and if not large open space in this area. So that is important for us to know. The zoning is our decision. That's one of the main roles that this council plays in these matters. And I know I don't take it lightly, and I don't think any of my colleagues do. So we'll be working really diligently to find the right balance for this site. I'm glad we're not going to take any specific action today. I think it does bear some additional consideration. I look forward to the public hearing when we can hear from the neighborhoods in the community that came together and worked really hard for -- I don't know, has it been a year or more now? Laving. Three years. , Time flies and you're just really enjoying yourself. So -- and I know a number of people are here today specifically to hear the conversation and the discussion on the dais to see presentation from Mr. Martin and Mr. Howard, and I thank all of y'all that team for coming and making a presentation.

[12:17:15 PM]

And I thank the community members who have taken time out of their schedules to be here as well. I wish we had the ability to hear from everybody today. Mayor, I guess we'll be setting some kind of a public hearing at some point so that the community can weigh in?

>> Mayor Adler: I'm sure there will be opportunity to do that. We have community communications is at noon and consistent with our practice we didn't stop when we thought we were ending something. I think there's one more speaker up here to speak and you have something?

>> Gallo: Yes. I just want -- this property between our -- I wanted to say thank you to everybody here, that's taken the time and effort to come down here. I really want to encourage -- this has been a project where there's been lots of communication, lots of dialogue, and I hope that we will continue that because I think what happens when everyone stays active and participates in the dialogue of the project is we end up with a really good project for the neighborhood. So our office is happy to be part of that, and I just want to encourage everyone to continue being open and speaking and the discussion back and forth and we'll certainly be happy to be a part of that. So thank you for taking the time fob being here. I know you could be doing other things in the meantime. Thank you.

>> Mayor Adler: Do you have something to conclude with?

>> May I suggest that we come back for the baseline discussion or possible vote at your next Doke meeting in August? Would that be acceptable to the council.

>> Mayor Adler: That would be great.

>> I would like to clarify that there's obviously no other action required from y'all today, but the code does state once the briefing is complete, if the applicant chooses he may submit the P.U.D. That's entirely his option and then we'll work on the baseline question at your next zoning meeting.

[12:19:16 PM]

>> Mayor Adler: Sounds good. Yes, Mr. Casar?

>> Casar: One very brief question for Mr. Rusthoven purchase you told us once we set the baseline we can change the baseline in the process of the P.U.D. Negotiation. Can you very briefly lay out for us what that process would like like or why? I think that's helpful for us to understand how final the decision we make in August will be.

>> I think with the vote you would be taking would be giving us direction to say this is the baseline for the P.U.D. So when we go off and enter our negotiations with the developer on the P.U.D. With regard to affordability and other issues, frankly what the height and far is going to be, you know, affordability aside, that we're using that for our negotiating position, if you will, that we know that's kind of what the council has told us. However, there's not going to be an ordinance established in the baseline. It will just take the form of direction from council. At the very end of the day, what matters is if the council approves the P.U.D., what it says in the ordinance, that would be the last step that would be taken. So I think that if the council approves the baseline, you know, in August, this is always a possibility, whenever the P.U.D. Comes back for final approval, that could be tweaked by the city council whether that's a good idea or not I guess would depend. But I think that what really matters is what -- the rules apply to the property are what's going to be in the P.U.D. Ordinance and that is the last step in the process if the council approves the P.U.D.

>> Casar: So we need a low-enough baseline to attract the developer to the table to engage in the P.U.D. Negotiations.

>> The baseline is what would also factor into the developer's decision, how much tier two affordable he's going to offer, whether he's going to have a large amount of required affordability would probably affect how much he's going to offer up as a part of the general affordability that we spoke about earlier.

>> Mayor Adler: Mr. Howard, did you have something you thought would be helpful?

>> Yes, mayor, just in response to that point. Councilmember Casar, what we expect when it comes back in August and if y'all establish a baseline that that baseline is final from -- you know, we would need that certainty as to know -- in order to calculate what the minimum requirements are.

[12:21:34 PM]

So we would expect the baseline would be final in August. That's not to say that the final ordinance doesn't have some different level of affordable housing as it comes forward but we would need that baseline to be final in August. Just wanted to be clear.

>> Mayor Adler: Okay. Any further --

>> Tovo: May I ask a 30-2 question of staff? Mr. Rusthoven, I'm really eager to be able to consider and hopefully pass that code amendment that would make planned unit development density bonus affordable dollars on-site. When is that coming forward to council.

>> I'm not sure. That's being handled by the neighborhood housing development community contempt. I know it's close. I'll follow up with you.

>> Tovo: That would be great it's really important, rather than providing an option for fees in lieu so I really look forward to your update.

>> Sure.

>> Pool: Mr. Rusthoven, I'd be interested in seeing that as well. I know you'll send it to all of us but I'd like to maybe have a small meeting with my staff and you to go over all of those elements.

>> Sure.

>> Pool: Thank you.

>> Mayor Adler: Okay. Thank you very much. We're now going to move to citizens communication. The first speaker that we have is Paul Robbins.

>> Hi, I'm Paul Robbins. I have some new information for you. Last September, I began investigating customer assistance program at Austin's utilities. Cap as it has become known -- drainage utility bills. I discovered that some was inadvertently going to people, living in expensive homes where people owning more than one property. At last month's meeting, Austin energy -- on Austin energy, the utility staff said they'd be making administrative changes on cap that would probably screen out most of the higher-income customers from participating.

[12:23:49 PM]

And while I'm pleased, this is only one of several ways that cap is mispending money. Today I'm going to discuss another. Cap gives a 10% discount on electricity no matter how much is used. A customer can theoretically use a million kilowatt hours a month and still receive a discount. New information provided to me by Austin energy allows us to see approximately how much electricity cap participants are using and wasting. Will this turn? It's not turning. Would you please forward it? Thank you. It's not working. Thank you. Here is a chart to compare consumption levels. Partly because I'm an environmentalist my own use was about 213-kilowatt hours a month in 2014, which is about a quarter of what the Austin -- the average austinite used, which is 915-kilowatt hours a month. But as you go to the right of this chart, you see that about 40% of cap participants use more than average. This is in the three top tiers of electric usage. About -- what I use in a year. Is it fair to ask ratepayers to assist customers paying for luxury when the program should go to people that need help with basic needs? You can change this by asking Austin energy to change the billing system so that it only gives discounts for the lower tiers.

[12:25:49 PM]

If Austin energy did not give a 10% cap discount to the top two tiers, it would save about \$700,000 that could be given to fund cap at basic needs. If Austin energy did not give a 10% discount for the top three tiers, it would save about \$1.5 million. Cap currently -- would you flip the slide?

[Buzzer sounding]

>> Cap currently has 42,000 participants but a lot of people -- a lot of these people are being served with an overcollection of the cap surcharge. It will eventually dwindle back down to about 28,000 participants. Someone on the dais is looking at me straining. This came from two separate vice presidents at Austin energy. So you're going to need the money in the future. Thank you, council. I hope you fix this problem.

[Applause]

>> Mayor Adler: Next is bill Oakley -- the next speaker is bill Oakey.

>> Hello, proposals for the budget is for you to replace the taxpayer subsidized special event fee waivers for large non--- for large for-profit events. With the tourist supported hotel occupancy tax. That concept was not my original idea. What happened was last may 2014 the city council passed a resolution asking the city manager to report back by last August reviewing that -- the hotel occupancy tax as one of the options, among others, which included perhaps surcharges on ticket sales.

[12:27:50 PM]

Well, I kept wondering what the status of that resolution was, and it took a tremendous amount of information gathering, some coming from council offices and some that I discovered on my own, but I'll go through it very quickly. That on July 10 of last year, mayor pro tem Cheryl coal did an information request on the hotel occupancy tax and it has skyrocketed the receipts have sky rocketed from \$51 million in 2012 to an estimated 70 plus million in 2014. But the real smoking gun that I've found late one

night last week is a powerpoint presentation that the system's office did sometime in either may or June of last year. It is not dated, but this is the direct quote from slide number 17. ." To date we have researched and found 30 cities in Texas that currently utilize other funding sources for special events that qualify. Most utilizing a percentage of hotel occupancy funds administered by the convention and visitors bureau. These cities include cedar park, Dallas, Georgetown, San Angelo and Victoria. Well, the next thing I discovered was that on November seventh of last year, a new city manager's memo emerged because the deadline of last August came and went with no action, so a new city manager's memo came out on November 7 saying it was going to address this resolution, but changing the focus to multiyear agreements with the large prevent promoters which in my view could open the taxpayers to being locked in to further subsidies in these multiyear agreements. So I am supporting the use of the hotel occupancy funds even if it has to come from that 15% portion that goes to the arts because the fund has been growing so rapidly.

[12:29:51 PM]

I am also, because of this experience in not being able to track the progress of this resolution, I am developing a new proposal for council resolution tracking and I'm starting with the models in Medford, Massachusetts and Richmond, Virginia, although they need to be improved beyond that.

[Buzzer sounding]

>> What I'd like for you to do is stand tall, look over the heads of the vested interests, please look out into the community and into the eyes of the taxpayers purchase thank you very much.

[Applause]

>> Zimmerman: Mr. Oakey? Just to let you know, I've proposed putting an agenda item on the public safety committee, it will be in August, to talk about the issue of the south by southwest fees for security. So that should be a pretty major meeting. Convention center, people like yourself to talk about this issue.

>> In order for it to go into the current budget that's being negotiated right now that takes effect on October 1, I'm requesting that this whole issue be ironed out in time for inclusion in the next budget.

>> Zimmerman: We'll do our best.

>> Thank you very much.

>> Mayor Adler: Yes, Ms. Kitchen?

>> Kitchen: Mr. Oakey.

>> Yes.

>> Kitchen: You mentioned that you were working on a process for better track of council resolutions.

>> Yes.

>> Kitchen: That's an item that we're very interested in. We have a transition committee that's involved in looking at issues as, you know, we change our council committee structure. So I would be very interested in hearing what you come up with. If you could share that.

>> I will contact -- and ken Craig in your office is one of the unsunning heroes. So is Michael ceril in councilmember troxclair's office and frank rod rig res in mayor Adler's office, all unsunning heroes for their efforts in helping with these affordability issues. Thank you very much.

>> Mayor Adler: Thank you. Next speaker is Sara Loar.

[12:32:03 PM]

>> City council, citizens of Austin, I would like to see if the city council can direct the city manager to look into why the Austin police were able to keep the money that they misspent from treasury in 2008, the \$382,000. You have handouts there in front of you. The first one is I was a whistleblower, but -- for

irs, and I called the police in 2003 about harassment from the irs that continued after I quit. So the first thing wrong with the police report of course is that the officer said I was let go. The problem was I was being harassed side wasn't let go. I was being harassed. And the other thing you would see in the police report is that down there, under -- it says first evangelist free church and that address is 4220 -- his last name was Hamad, you'll see his investigation by APD in here where he died suspiciously. They say it was suicide. I'd like you to look into it because I was the other target, and I feel that that money was blood money. I think it was money, a waiver to APD to look the other way while we were targeted in this way. The story -- there was a story from the Austin police department -- I mean, from the statesman in 2008 about the police misusing the money. This was still going on.

[12:34:04 PM]

The next month is when Hamad died suspiciously and the APD said it was suicide. And when I left my address -- this address on white elm drive, I lived a block away. I moved to another address, and that person also got a visit from the joint terrorism task force, saying that he could be a terrorist. So the irs just created a reason to stay in my life. They were on my street for all those years. And so I think it's wrong for the police to have kept that money. After the waiver story broke in 2008, I traced the funds back to the department of treasury office of financial intelligence tfi organization chart includes the irs criminal investigation division.

[Buzzer sounding]

>> So APD received special privilege during this time.

>> Mayor Adler: Okay.

>> But we did not, me and Hamad did not. Please look into it. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: The next speaker is Julian Reyes.

>> Casar: Mr. Mayor?

>> Mayor Adler: Yes.

>> Casar: Before Mr. Reyes starts I did want to make a comment about what Mr. Robbins brought up and I wanted the chair of Austin energy to be here for it. I'm interested in seeing what his information is, but I do think we should take into account -- pretty good bet that cap customers likely have larger household sizes than the average commerce and live in older housing than the average customer. So just something for to us take into account. I think some of the extremes on his chart are very interesting and something we should take into consideration, but that the after ram cap customer uses more power than the average Austin energy customer, it's probe not a surprise, just something for us to think about.

[12:36:09 PM]

>> Mayor Adler: I understand. And when someone speaks in citizens communication we're limited to what we can say because it's not a topic that's been posted. So --

>> Casar: He did post the -- it is posted under what are it is he --

>> Mayor Adler: On the topic. Okay, thanks. Thank you. Ms. Race yeses, three minutes.

>> Welcome new city council. My name is Julian Reyes. I spoke before to the previous city council and some of the members here. I've spoke to most of you at least three electric communications and you were running for office. You should be aware of the puppy side issue, my dog story and myself but I'll recap. I'm an Austin resident, citizen of Austin. I'm telling you a story about a man and his dog here in Austin, Texas. A place where dogs deserve respect and families deserve respect. Shiner and I spent thousands of hours hiking, fishing, working, gardening, hanging out with friends, doing art, camping at

music and art festivals, like art outside. Outside of Austin. He loved the pizza crusts that I would throw to him after eating pizza, loved to lick the yogurt lids in the morning, he was just abaverage dog, loved being petted. You could put him for hours. He would lean against your leg. He was a small German shepherd rescue that a rescued from an animal shelter in the dallas/fort worth area nine years -- well, it was nine years at the time of his death. He was family. He was my constant companion. He gave me love, trauma support. All of our animals give us trauma support, and they're family. A lot of people believe that in Austin. A lot of people have been watching my case and they're ready for the city to engage me. He was taken from me by the Austin police department in an exercise of lethal force on April 24, 2013.

[12:38:14 PM]

Ever since then I've been trying to -- other measures and like I said I wasn't included in the process. I would like to know -- I've spoken to Ms. Houston in 2014 about getting someone assigned to me. To relay information between -- to get me engaged in the council and the animal advisory committee. And that hasn't happened yet. I would like to know what the city council intends to do about transparency of the puppies -- overall puppy sight issue in Austin, police shooting unarmed family dogs by the dozens that's continuing. I understand we have training, dog and townner training but we need to check the effective sons I'd like to ask what we're going to have for open government in the new city council, how the citizens of Austin are going to be treated and their animals and what responsibility and public statements the city can give us to reassure us that they're going to engage me and others to get this issue -- it's a sad shameful issue, periods a cultural issue, it's changing the culture of our society.

[Buzzer sounding]

>> And it's not something that we can ignore anymore. I understand there's reasons that -- there may be legal reasons why people don't want to engage me but there's also legal reasons to equal access that the city attorneys may not be weave so it actually creates more liability by blocking someone whose dog has been shot from the process. That's something to consider.

>> Mayor Adler: Thank you, sir.

>> Any questions?

>> Mayor Adler: Thank you for your time.

>> The dog site is supportfor signer on offend Facebook.

>> Mayor Adler: Thank you. Next speaker is John Woodley.

[12:40:15 PM]

Joe Malloy is on deck. And then Carlos Leon. Mr. Woodley, you have three minutes as well.

>> For my presentation I would like y'all to wear your ear buds so that you're deaf like me. Can I bring those up?

>> Mayor Adler: Okay. Why don't you go ahead and start.

>> If you don't want to put one in your ears, cover your ears.

>> Mayor Adler: Okay.

>> Zimmerman: I was going to say we could pretend not to hear you because we get accused of that all the time.

[Laughter]

>> I can't hear what he's saying. You need to change it so I can see what he's saying. Say it again?

>> Zimmerman: Okay.

>> Mayor Adler: He said that oftentimes people accuse this council of not hearing well.

>> Renteria: Why don't I just take off my hearing aid.

[Laughter]

>> Okay. All right. You can pull the presentation up now. And I guess this is the thing, okay? Hello, I'm John Woodley, an advocate for disability access, and I've been having trouble with the city of Austin for getting a combination to attend public meetings.

[12:42:18 PM]

You can see when doing presentations, there are no closed captioning. People who are deaf are not able to participate in realtime during public meeting. The city of Austin thinks it's equal and effective communication -- is the formatting off on that?

>> Sorry.

>> The formatting? And in the picture you can see that -- it's a picture of a captioning service that the city of Austin provided. You can see, too far from microphone, city of Austin keeps insisting on using remote services and does not seem to have the technology to be able to hear what's being said. Here's another example of what the city of Austin called equal and effective. It's more no audible, bad connection to the phone. You can see the city of Austin thinks the seating arrangement where -- what their I am pet pet -- if I want to use the public phone they're not Ada accessible. These are the phones right out here in city hall. And they do not have a video relay. And they do not have -- the city of Austin just sent me this last week a third and final evaluation. Apparently the law department thinks the city has not met its legal obligation -- I mean had met his legal obligation under the Ada and the law department thinks it's equal and effective communication when you can't read what's being said.

[12:44:25 PM]

There's a lot of indiscernibles on there, specifically on key words. The city of Austin is not entertaining additional requests, which they continue to provide that, which does not work. They're saying they want to provide remote captioning even though it does not work for me. I keep asking for an in-person. They did not give me the transcripts of the meeting is my note until this month. This has been going on for over a year. They're telling me I have to give 48 hours' notice for my meeting but they will not accept it if I give them weeks or a month or more.

[Buzzer sounding]

>> When I give them notice that I intend to attend. They call it harassment if I ask for an existent threaten to ban me from public meetings. I just want to understand what is being said. Due to my lack of proper and reasonable accommodation the city staff denies my civil rights. This is tantamount to extreme bullying due to my disability and they treat me differently than others. The city needs to have rules businesses have. They should pay disciplinary action up to and including termination.

>> Mayor Adler: Mr. Woodley?

>> Previous decisions made without the agreement party present for input in close meetings. Please put discrimination issues on the agenda so timely discussion can be had with the public and thank you very much.

>> Mayor Adler: Mr. Woodley, thank you. Anything else? Ms. Kitchen?

>> Mayor Adler: Ms. Kitchen and then Ms. Gallo.

[12:46:25 PM]

>> Kitchen: I'd like to ask our community engagement committee once it starts to look into access for persons with disabilities.

>> Mayor Adler: Ms. Gallo.

>> Gallo: I appreciate you being here and sharing the difficulties that we need to address. And I have a question of staff, I guess, but if staff is not here to answer it. So I didn't even think about this. So when something is shown on the screen that's the powerpoint or information, am I hearing that we don't have closed captioning that is also shown on the screen? Does that end the closed captioning that's being viewed?

>> I mean that's something we would put on a future agenda to discuss.

>> Gallo: Okay.

>> I don't know if staff is here today.

>> Gallo: I didn't even think about it, but that is a huge gap in the ability to have the closed captioning capture the entire conversation. So I definitely think that's something we need to address so that the time that the screen is viewing something else, that closed captioning either continues at the bottom of the screen or we have another screen up there that continues the closed captioning. I didn't even think that that wasn't happening. So thank you.

>> Mayor Adler: Did you say some of these issues are going to be coming back to us in a briefing? I didn't hear what you said.

>> No. I said that we could put that on a future agenda to discuss. If that's the council's will. I don't know that anything like that is planned at this time.

>> Mayor Adler: Okay. Thank you.

>> Seems like if we're having closed captioning, is that a budget issue? I mean --

>> If you have questions of staff, I mean, that's something you could discuss at a future meeting. It would be up to the council.

>> Mayor Adler: I think it's both a budget issue and technology issue and I would really want the -- to hear from the community and I would hope, Ms. Pool, that as part of the engagement committee, which I understand is starting right away, there are two offices that have yet to pick somebody.

[12:48:41 PM]

We have held back one to fill gaps and it looks like there are some on the group that's been pulled together. We gave you two. So as to help with the quorum, would I really like the other two offices to finish so is that we can fill that last gap position. Who are the other two offices? Do you recall who they were?

>> Pool: I think councilmember troxclair and councilmember Zimmerman were looking at making some appointment and then the additional from you, mayor. And the considered opinion of the facilitator that we've engaged is to hold off on convening the group to start until all members are there so that all of the baseline -- I'll get to use that word baseline one more time this morning -- activities bringing the group together can be done with 100% of the people who will be involved so that everybody starts at the same place. So that's what's -- that's what everyone is waiting for.

>> Mayor Adler: I'll work with the other two offices to make sure that all three of us finish up.

>> Gallo: Can I and, if it's a simple solution to stream, for it -- I don't know whether it's, and it is out of my league of --

>> Mayor Adler: Mr. Goode?

>> We'll certainly look at that.

>> Gallo: Appreciate that.

>> Kitchen: I would like to he can quo that certain. We do a lot of presentations, and if it cannot -- if they cannot understand what is being said during the presentation, that's a huge miss.

>> I agree.

[Applause]

>> Mayor Adler: And if our -- it would be good to identify if our system doesn't allow for it, what would it

take for our system to be able to do that as we change that view.

>> Zimmerman: We spent about \$10,000 a month, did I hear, that on closed captioning right now?

[12:50:45 PM]

So I wonder what the budget -- what would be our limit? Would we double that budget? I mean, what would be the upper limit on our budget? We don't have unlimited budgeting so that would be my question if we go forward with it.

>> Mayor Adler: Okay.

>> Houston: City staff is here, mayor. Perhaps they can --

>> Mayor Adler: Okay.

>> Julia Hayes. Assistant director for human resources. Mr. Woodley has gone before the human rights commission and we can provide information to the council offices relative to the costs associate to the additional requests Mr. Woodley has requested so you can see what those costs would be.

>> Mayor Adler: That would be helpful. Thank you. Okay, thank you, sir. Thank you. Next speaker we have is Joe Malloy.

[Applause]

>> Mayor Adler: Good afternoon, Mr. Malloy.

>> Mayor, city council members, I am speaking for meelj, nonprofit that helps ex-offenders get back on their feet. I came out to speak today for latrise cook who is the orchestrater of meelj incorporated. I'm a resident of district 7. I was firsted introduced to her by an agency I was actually referred to for a job but after talking with the manager, I kind of figured I wasn't cut out for that particular job. He, however, proceeded to give me the name and number of someone who could perhaps help me find gainful employment. Given my specific qualifications, I called and spoke with latrise cook and shared my background as a licensed hairstylist and my vision for the future was given an appointment. When I was -- I found someone who was concerned with about my welfare and my reintegration into society.

[12:52:51 PM]

Meelj was in the midst of a Christmas give away for the children of incarcerated individuals. Part of the version I mentioned earlier was to have my line of greeting cards take me into the professional and commercial realm. I make awesome greeting cards. Well, latrise seized the opportunity by inviting me to do a dismay of my cards at her event, which would have news media and reporting people. The event was first class and latrise also had me invite my sist, 7ear-d lease, the food and setting were excellent, gifts were abundant so the children were truly blessed. Some of the 100 plus kids were given more than one nicely selected gift. My cards were acknowledged and admired by everyone, KVUE news took note and interest in my dismay of cards as well as having several conversations since with the reporter from the Austin american-statesman. This was my first opportunity to publicly share my work and vision which is prompting me to go forward, believing all things are possible, not only through god but with the help of caring entities such as meelj and caring, compassionate concerned people such as latrise. I have since referred several other ex-offenders and they've received help as well. Our community needs more of this support and encouragement because of this display of assistance and recognition I realize I don't have to go forward with the baggage of being labeled as an exconbecause there are entities and jobs and people who care and will help you regain your sense of self and community. And organizations such as meelj and Ms. Cook available with open arms and a plan to help us who suffered the consequences of bad choices causing our undoings to stop living in the past. It's because of this organization that I'm becoming aware of and getting involved in governmental --

[12:54:54 PM]

[buzzer sounding]

>> Thank you for your time and please help keep the funding for this sort of resource for our community alive and available.

>> Mayor Adler: Thank you very much.

[Applause]

>> Thank you, and you have to get with latrise in order to find out what it exactly stands for but she's really a help and blessing so my prayers that you guys will do some funding for her. Thank you. God bless y'all.

>> Mayor Adler: Thank you. Carlos Leon. You also have three minutes.

>> Thanks, mayor Adler. So Carlos Leon, Austin, Texas, June 11, 2015, to speak what's right. First and foremost, gracious, adios, for letting me fight back. Chemtrails were observed in Austin air space June 8 will will, 9, 10, 2015. Get the FAA to stop the spraying or get permission from the governor to shoot down the sprayers attacking us. June 9, 2015. Travis county judge Sarah Eckhardt publicly announced my Travis county commissioner court citizen communications would no longer be part of the channel 17 broadcasts. Apparently because Eckhardt cannot handle being unable to control what I say or how I speak. Because Eckhardt fears me continuing to legally expose the kangaroo cart, insanity going on there in realtime so you, the viewer, cannot see or record my live, uncensored, unedited communications for yourself.

[12:57:01 PM]

Eckhardt claimed my communications are accessible via the coincident meeting web sportial. Allegedly to track and control access to them. Eckhardt said their digitally recorded meaning they can be electrically corrupted, altered, mixed or erased to try controlling and disseminating what I say after the fact. To shape public perception of me or even be used to create entirely false communications. Desperate actions, psychopathic control freak losers take when being defeated by truth, righteousness and freedom of thought and speech. Watch. Download. And archive my past Travis county commissioner court citizen communications and recorded documents asap and attend in person to resist the tyranny until Eckhardt and the commissioners resign or are legally removed. In Jesus' name I pray, amen. Thank you, lord. And god bless Texas.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: That concludes our citizen communication. It is 1:00. We have called a matter up for 2:00. The item that remain on our agenda to be considered are items 3, 11, 12, 13, 15, 16, 17, and 18, 43, 49, and 50. Do we want to break now and come back at 2:00? And I think it's a workable agenda if that's something that we wanted to do or we could continue for another half an hour and then take a break?

[12:59:02 PM]

What's the preference of the dais?

>> Kitchen: Mr. Mayor, I'd like to take a break for lunch. I think that's healthier for us. I don't have a preference on how long but it should be at least 30 minutes.

>> Mayor Adler: Yes?

>> Zimmerman: I'd make a motion for recess for one hour.

>> Mayor Adler: Okay. There's been a motion that we take the hour break. Is there a second to that?

Ms. Kitchen? Yes, Ms. Tovo.

>> Tovo: Mayor, it's my understanding we had we had an executive session session scheduled and we were going to eat lunch during that period of time.

>> Mayor Adler: I forgot. We'll go into executive session.

>> Kitchen: I know that we often -- some final for a break is important.

>> Mayor Adler: I think we might be able to do that and still have the break if we go back now because I think we'll probably get back. So the city council is going into closed session to take up one item pursuant to section 551.071 of the government code city council will consult with legal council regarding item 46, legal issues related to the challenge petition with the appraisal review board for the Travis county central appraisal district related to commercial property values set by the district, items 45, 47, 48 have been withdrawn. No objection going into executive session, then we will now do so. Back at 2:00.

[2:36:27 PM]

>> Mayor Adler: All right, we're back. We are out of closed closed session. we discussed item 46. Councilmembers, housecleaning or scheduling effort here, the -- we have one item that has been -- I'm going to move to postpone item number 49, red bluff, which we'll handle in just a second. Before we do, I want to talk about the bluebonnet hills historic district item that is on our agenda. In between this morning, when we set time certain, and now, the number of speakers has gone up about 50%. We have a little bit over three hours' worth of testimony. If we were to allow every speaker three minutes to testify. In this kind of situation, over recent times, I think the mayor was limiting each side to 30 minutes. I'm not inclined to do that, certainly not without having announced that ahead of time so that that expectation could be created. We have a lot of people that have come down to speak. But I think that it would be allowable for us to consider a different kind of limitation on the testimony that would be given, in part so that the people who are here and testifying aren't looking at 3 1/2 hours in order to be able to participate. So, while we're going to take the first five minutes and do the postponement of red bluff, I wanted us to talk for just a second about whether or not we wanted to adopt something else, say, a two-minute limitation on testimony.

[2:38:29 PM]

A lot of people that are speaking are people that have time donated by other folks, so a lot of people that are testifying have accumulated blocks of time. But I would be in favor of taking the three-minute limit down to two minutes so that we still give everyone who's here an opportunity to talk, give people the opportunity to combine time, if it's something they wanted to do. But that would enable us to get to the balance of the rest of the agenda tonight. What's the will on the dais?

>> Houston: Mayor, would it be a possibility to see if anyone who has signed up to speak with the number -- now knowing the number of people who have signed up, would graciously say, you know, I support or I don't support it, but I don't wish to speak? Is that an option for people?

>> Mayor Adler: Yes. Anyone could do that. And if they register with the clerk, I could read their name as well as the position they were taking with the notation that they were waiving the right to be able to speak. Is there any interest on the dais in limiting the time to two minutes?

>> I guess I'd be more in favor of limiting the cumulative time. As someone who's come and spoken before council before I was on this dais, I practiced my three minutes. And I was prepared to speak three minutes. And so, if I would've been told you only have two now, it would've been hard to get my point across. I'd be more in favor of limiting the cumulative time, if we're going to limit it.

>> Mayor Adler: We could do that. Would we do that on a first-signed-up basis? Some people who

signed up wouldn't be able to speak at all.

>> Garza: I'm usually in favor of not limiting it, but, if I had to choose between two or cumulative, I'd go for the big number.

[2:40:32 PM]

>> Mayor Adler: Does anybody want to make a motion?

>> Mayor Adler: Ms. Pool.

>> Pool: I'll take a stab at it. That we allow testimony from all who have signed up and ask that they speak for two minutes instead of three minutes for their time.

>> Mayor Adler: Okay. Is there a second to that motion?

>> Houston: Second.

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

>> Casar: Mr. Mayor, one piece -- discussion. I'm fine with this motion. I'll be voting for it. In some of the times -- right now we have a limitation of 15 minutes, because five people can add up for someone to speak. But if there is one leader that has a 15-minute presentation with four people, they would only get ten minute. I would be fine with this motion, as long as, if two other people give up their minutes, that leading person could still give the 15-minute presentation, but instead of having four people give up time, now they would need six people giving up their time to them. Does that make sense?

>> Mayor Adler: I didn't follow it, sorry.

[Laughing]

>> Casar: I hope somebody did. I know that some people may have a 15-minute-long presentation. If we reduce to two minutes, the longest presentation one could give would be ten minutes long. So I would like for a person to be able to give a 15-minute presentation if they have one. But that means they would have to get an additional two people to donate their time.

>> Mayor Adler: I don't have a problem with that. Yes, Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I completely understand the sentiments and the need to save time, but I think I'm going -- owing to the inconvenience that people go through to come down here, I'm going to be voting against limiting the time.

[2:42:38 PM]

But I understand the sentiment.

>> Mayor Adler: All right. Further discussion? Ms. Tovo.

>> Tovo: Yeah, I agree with my colleague councilmember Zimmerman. I, too, understand it's always a balance and we have other cases and other people waiting, and staff waiting, and families at home and the like. But I just am supportive of allowing all the people who have come down to speak. It's a complicated case. It's been going on a long time. I want to hear from all of those who took time out of their day to talk with us.

>> Mayor Adler: Okay. Those in favor of limiting the speaker time to two minutes with the caveat from Mr. Casar, please raise your hand. It is pool, Adler, troxclair, Casar, and Houston. Those opposed to that limitation? It's the balance on the dais, so it's one, two, three, four, five, with Gallo not here. That motion does not pass. Any other motion people want to make?

>> I would just suggest that we just ask our speakers to think about the time that they need, and just, you know, understand that we're listening, and we appreciate you being here. And just -- I think that they can do some self-selection in terms of how much time they need.

>> Mayor Adler: Okay. We'll go ahead and proceed that way. I'm going to continue to give this additional thought so that there can be notice ahead of time, because I think that we want to give people the

opportunity to be able to debate, certainly, on important issues like this. This is one of the reason why we have a hearing like this, why we have additional public hearing. For that reason, I was never quite comfortable with the past practice of just limiting it to 30 minutes on each side. At the same time, I want people to be able to come and participate in these hearings without losing an entire day.

[2:44:42 PM]

And without the potential of sending some other people into a hearing that could be from 10:00 at night or 11:00 at night, or midnight at night. So I think that I'm going to give some thought to this as chairing these meetings to try to come up with -- and knowledge moving forward. All right. Real quickly, then, laying out item number 49, I would move to postpone that to our last meeting in June. Is there a second to that? Mr. Zimmerman. It's been discussed. Can we just vote to approve that? Do we need to discuss it?

>> I understand the last meeting in June is now the 25th.

>> Mayor Adler: Oh, we have an Austin energy meeting that's already that day. So we'll do a special called meeting for that day at the conclusion of Austin energy. We had talk about doing that ahead of time so we could pick up additional boards and commissions appointments. And those would then be the two things. My guess is -- let's see how far we can get. If they're successful in figuring out how to reorient red bluff, my guess would be it's going to be something that would get postponed again to give people the following month to see if they could execute that. It's been moved and seconded to postpone that to the last meeting in June. Those in favor, please raise your hand. Those opposed? And it's everyone on the dais -- troxclair.

>> Troxclair: If possible, mayor, I -- it seems like in the past when we have called special meetings to consider one or go two items, it becomes a full meeting. And it's really important that we allocate the time that we need to our Austin energy committee. So my request would be for us to actually limit that meeting to the one or two things that we specifically set for it, instead of opening it up to a full council meeting.

[2:46:47 PM]

>> Mayor Adler: That sounds good. And at this point, I think that the extra items -- these items are almost --

>> Tovo: Is it set for a particular time on that day?

>> Mayor Adler: The special called meeting, is being set for 11:00 so we can start when we're done with the Austin energy meeting, with the understanding that if Austin energy continues into 1:00, or whatever we need in order to hit that agenda, those last couple items will be taken at the conclusion.

>> Tovo: I was trying to make sure -- I think we had one meeting where we postponed a zoning case. It ended up needing to not come up -- it could not come up before 2:00. I want to make sure that's not going to be the case. We're postponing it to that date, but, it'll be taken up as soon as we begin the special called meeting.

>> Mayor Adler: That's why we set the second meeting at 11:00 so the time would start.

>> Tovo: Gotcha. Okay, thanks.

>> Zimmerman: Point of inquiry, Mr. Mayor. Maybe this is for legal. A question had come up about motions that we could make. And was there a provision for if 20% of the petitions were in opposition to a district, that they could request a 60-day delay? So that's a question just to look up in the rules, if we could.

>> Mayor Adler: Okay. Why don't you lay out for us, then, Mr. Guernsey, item 43. And I think there's a preliminary vote with respect to postponement. Is that correct?

>> There is, that's correct. Historic preservation office, planning and zoning department. There is a request on behalf of the opposition to the district for a postponement. So I think if y'all want to take that up first, if y'all decide to hear it today, we are prepared to go today.

[2:48:49 PM]

>> Mayor Adler: Okay. Do we have an applicant here who's seeking a postponement? Is the movement for the postponement present here today? And the question is, does someone want to speak in favor of the postponement? Okay. Is there anybody on the dais that wants to speak to the postponement issue? Anybody want to speak to the postponement? All right. All in favor of postponing this -- I'm looking like - people are looking at me like --

>> Tovo: I guess my --

>> Houston: Mayor, I'm concerned -- confused. Because if the applicant asked for the postponement --

>> Mayor Adler: Yes.

>> Houston: No? Who's asking?

>> Mayor Adler: It was the opposition.

>> Houston: Opposition.

>> Mayor Adler: Is the opposition here to speak on the postponement? Is there someone here to speak in favor of postponing?

>> Not here today.

>> Mayor Adler: Why don't you come on up to the microphone just so we can hear? Sorry.

>> Not here today. He's in D.C. Litigating. But he believes the opposition requested the postponement, or maybe the aides did. We've got 50 people here. I think we all want it done and over with. And I hate to drag the other side back.

>> Mayor Adler: Okay.

>> If I could clarify, we did receive an email from him earlier this week asking for the postponement. That's where that came from.

>> Mayor Adler: Is there any further discussion on the dais about the postponement?

[2:50:49 PM]

>> Pool: I'd just like to understand the basis for requesting the postponement, or if -- excuse me? Or if there is -- if there needs to be a reason, or if it's one of the freebies.

>> He did not give a specific reason for the postponement. He asked for it to be postponed until August. He asked the planning and neighborhood committee consider the case. Those were the only two things in his email.

>> He wanted it to go to the neighborhood committee. And I believe at your planning meeting the other day that was kind of ruled out. So if it can't go to the neighborhood planning committee, you know, I hate to put everybody through this again. So let's just get it done.

>> Mayor Adler: So are you part of the folks that are opposed?

>> I'm part of the opposition, yeah.

>> Mayor Adler: Thank you.

>> Thank you.

>> Casar: It seems like some other people in the opposition --

>> Mayor Adler: Would you like -- does anybody in the opposition, would like to speak in favor of a postponement?

>> No. Our --

>> I think we're confused here.

>> They're just saying, drop the postponement.

>> Mayor Adler: All right. For a postponement.

>> Zimmerman: I thought we were going to hear from everyone that had come. The issue about whether the final vote on the district would be today or some other time is separate from all the testimony that we're receiving.

>> Mayor Adler: If, at the conclusion of public, if we were going to postpone before we did it for two hours, we'd better find out now than later. Anybody at the end of the public testimony that would move to postpone it has the ability to do it then.

>> We're only ready for first reading. That's the most that would happen today, anyway.

>> Mayor Adler: Okay. Are we ready? So, why don't you lay this out for us.

[2:52:50 PM]

Thank you.

>> Good afternoon, Mr. Mayor, councilmembers, Steve Sadowsky of the historic -- this is -- in bluebonnet hills, which is a subdivision that was planted in 1928 in south Austin as part of the development as south Austin. It contains a large number of intact houses dating from the late 1920s, 1930s, 1940s, and 1950s. The applicants have worked extremely hard over a long period of time to bring this nomination together. We have certified the application is complete. It has been brought twice. The landmark commission has recommend that had this historic district be created. The planning commission recommended the district be created. So now the final vote is for you all. Here's a map of the historic district. This corresponds exactly to the 1928 plat of bluebonnet hills. There are justified boundaries. It is not a gerrymandered district, it corresponds to how the neighborhood was developed over time. I just want to talk very briefly about the creation of historic districts in Austin, because this is a fairly new trend for us, relatively new trend. Other cities throughout Texas and the country have had locally designated districts for longer Austin. Here in Austin, we have national register districts designated by the state of Texas. Unlike other cities in Austin, our landmark commission reviews applications, but there is a feeling among preservation professionals, as well as neighborhood activists that the role of the landmark commission was not as effective as it could be in these national registered districts, because in order to encourage preservation of a single structure in a national registered district, we had to find that building qualified as a historic landmark, which raises the bar significantly.

[2:55:13 PM]

But also, if it is designated as a historic landmark, then that property owner would get tax benefits. So, there are two things we are trying to address with locally designated historic districts. First, instead of doing preservation one house at a time through our landmark program, we wanted to take a more organic view toward the preservation of entire neighborhoods. And second of all, we wanted to limit the number of landmarks that were coming before the council for preservation, because of the tax issues. So, in a locally designated -- can apply for a tax abatement for a period of years. Certified by the landmark commission. We inspect the property after the work is done to make sure that the property owner did the work that he or she said they were going to do, and it was done in accordance with the rules that the landmark commission set for them. This is really an effort to try to keep houses in historic districts on the ground. So, it is incentivizing a means for property owners to rehab their houses, add on to their houses, and be able to amortize the cost of those projects through a city-sponsored tax abatement. The property owner has to qualify. The project has to meet certain criteria. And they have to spend a certain amount of money for the project to even qualify for this tax abatement. We had a number of them. We have three local districts, Hyde park, castle hill, and Harton street. We had tax

abatement projects in each district, but only about ten all together in the entire number of years we've had historic districts in this program.

[2:57:19 PM]

The previous city council voted unanimously to establish locally designated historic districts, again, as an effort to provide more comprehensive measures for the neighborhood, and against gentrification. This was a years-long process. It seemed like about 30 years we wasn't through all this, but it was really only about five.

[Chuckling]

>> There were task forces appointed by council. We had any number of professionals. Planning professionals, construction people, preservation professionals, all on these task forces, all giving input. We researched the way that other cities addressed their historic districts. And I guess the silver lining for us is that we had the benefit of seeing what had worked in other cities and what other cities had had problem with. So we could take the best practices from other Texas cities -- and cities throughout the country. Texas, of course, is a little bit different because we needed to have incentives based on property tax if we were going to have incentives at all. Most other states have income taxes that they can give incentives to property owners through income tax breaks, but in Texas, we don't have that. So we have to look at ways to incentivize the creation of historic districts. We have 15 national registered historic districts in Austin. And the main difference is between a locally designated district, which is one designated by this body, and a national register district, which is one designated by the secretary of interior, and applied through the Texas historical commission, is that our locally designated districts have a higher bar against demolition. And they also encourage -- design standards for additions to contributing buildings, and for new construction within a district.

[2:59:22 PM]

And these design standards assist homeowners, architects and contractors in design decisions. Our locally designated districts provide incentive for rehabilitation and adaptive reuse over demolition, which is the greener alternative. We want to keep our historic and character-defined houses in neighborhoods, because that is how we define those neighborhoods, by the architecture that's there. And I think you can see throughout the entire city how quickly neighborhoods are changing and losing their character. So, historic districts is a tool that the city offers for neighborhoods to take a stand and provide some protections for the things that help define their neighborhood architecturally. There's been a lot of discussions in workshops. And I should mention the city hosted a workshop. You all have the letter and frequently asked questions in your backup. But, we wanted to hold a workshop to answer questions and provide information about the historic district to the neighbors. We sent the design standards. We sent all the information out to everybody. We actually had a very good turnout for that workshop, which we held at 1 Texas center. And there were a lot of questions at that workshop about contributing properties and historic districts being held to the same standards as historic landmarks. And while I can certainly see that there was room for confusion there, I do -- I took that opportunity to point out, and I will take this one again, is that there is, in our code, our land development code, a section that says owners of historic landmarks and owners of contributing buildings in historic districts have a duty to preserve and repair. Now, the things listed in that code section, if you violated any of those, that's a kind a -- code violation under a building code.

[3:01:33 PM]

There are no special provision to do this, apart from what any homeowner in this city has to do. There are things like maintaining structural soundness, replacing deteriorated roofing, siding, and windows, having adequate drainage on the property, keeping debris and trash out of the yard. What our section -- the duty to preserve and repair -- it prioritizes repair so that if you've got deteriorated roofing or siding, you should repair it rather than replace it. You should take steps to maintain the architectural features rather than tearing them off the house. The emphasis, again, is on repair. It doesn't provide anything beside what any other homeowner in city is subject to. I just wanted to take this brief opportunity to clear that up. Our code requires the support by at least 51% of the property owners, or the owners of at least 51% of the land. At the time of the acceptance of the nomination by the office. That existed at the time that we certified this application as complete. Now, I'm sure y'all have heard over time, we have had pretty vast fluctuations in the number of support. And it has gone as high as 59%. It's gone as low at 48%. And that really is the reason why we fixed a certain date to say, okay, if it's 51% at the time you turn it in, then with will proceed with this nomination. And we will report to every deciding body, whether it's the landmark commission, planning commission, and to the council as to what that level of support is as of the date of the hearing. To give you all the most complete information. As of 12:00 P.M. Today -- so, thank you for postponing this until 2:00, because I was able to update again -- we got more changes in signatures just this morning.

[3:03:37 PM]

So, it shows you how volatile these Numbers can be. But, as of 12:00 P.M. Today, 51.4% of the property owners within the district, 56 out of 109, have found demonstrated support for the creation of this historic district. And the owners of 52.2% of the land within the proposed district have also demonstrated their support. So, either way you look at it here, at the time of this hearing right now, the nominators have met the criteria for 51% of the time when they turned it in. And today, it is still above 51%. To give you an idea as to what bluebonnet hills looks like, if you're not familiar with it, this is an area that is just on the southeast side of Fillmore junior high school. It's an area of '20s, '30s, and '40s cottages. This was a working-class neighborhood. Outside of one house in the neighborhood which is a historic landmark, this is a very modest neighborhood. The architecture is modest. It's mostly bungalows. Traditional cottages. I tried to give you a variety of photos. Most of them are on Lockhart or Leeland, the two main east-west streets. The one on the middle is on Nuning Avenue. Most people think of mansion districts, but, in Austin, we don't have that. Just because the houses are not grand does not mean that their character is not important to the neighborhood and to the city. And we should take extra efforts to be -- grand mansions that are generally more vulnerable to demolition.

[3:05:43 PM]

General provisions of any historic district is that there's a higher -- demolition of contributing buildings within the district. And in any other case, whether you're in a historic district or not, or in a national register historic district or not, when we get an application for demolition, what we have to do is make a recommendation to the landmark commission as to whether that property qualifies as a historic landmark -- as well as historical associations. So, in a locally designated historic district like bluebonnet, what we're looking at as important is the entire collection of buildings. So it's not one individual structure that we're singling out. It's the collection. And how buildings fit into that general context. Our historic districts have design standards to promote compatible design for new construction within the district. So, if you have a contributing house within the district, there's nothing in these design standards that say that you cannot make an addition to it. What the design standards say is, here are the parameters for your design decisions. Here's how you should make this addition in order to help

preserve the character of the house and the entire district. Plus, we have the property tax incentives for the rehabilitation of contributing buildings. I want to add that all these property tax incentive can also apply to noncontributing buildings if the reason that they're noncontributing is because of architectural modifications. If it would be contributing except for modifications, and the project says I'm going to reverse some of those modifications and make my building contributing to the historic district again, then the city has issued a code section that says that we will help you do that through amortizing the cost of your project over seven years.

[3:07:53 PM]

Work to the exterior or the site of a contributing building within a locally designated historic district may need review by the city or by the landmark commission. We do not look at interior work. We do not look at routine maintenance projects. Historic district designation by itself does not require homeowners to make repairs to their homes. It does not prohibit changes to houses within the district. Again, what it does is set out the parameters for the decision-making process and design. And councilmember Zimmerman, I know that at our work session the day before yesterday, you were concerned about the cost of these projects for homeowners. And I want to tell you that I personally pushed for greater administrative authority several years ago for that same reason. I am also concerned about fees that our citizens need to pay to go through a city process. So the only cases for certificates that we're going to take to the landmark commission for review are the ones that exceed our administrative authority or that don't comply with the design standards to an extent that we feel that the commission needs to review that application.

>> Mr. Zimmerman.

>> Zimmerman: Thank you for that. But, one of the things that came up was, we were asking about fees. I think you said there was no fiscal impact, but once this designation it in place, there are fees if you have to go to the landmark commission. Then the fee is \$500, what is the fee?

>> The fee for any certificate is 104.

>> Zimmerman: It's \$104?

>> Provide the notice of the public hearing. So, those fees, combined with the \$104, would be 600.

[3:09:55 PM]

>> Zimmerman: It would cost \$600. So there could be fees.

>> There are fees. If a public hearing is involved. What I'm trying to address with you is that we try to make sure that the only cases that have to go to the commission and pay those fees are the ones that really need to go. Before we had this administrative authority, every case had to go, basically. So we've really tried to address that issue. The certificate is required for replacing materials on the house. Exterior alterations, for new construction, the demolition or relocation of a primary structure. And item -- I'm going to go through this fairly quickly. If you have questions, you can ask, but you have the design standards in your backup. For changes to contributing buildings, the main thing is to retain the original facade, don't add architectural features to a building that it never had, and to repair damaged materials to the greatest extent possible. Don't use aluminum or vinyl siding, don't paint the masonry, which is good advice for anybody, and don't remove or enclose front porches. The basic tenet is honesty. Don't give your house details it never had. Keep its street front the way it was, because as a homeowner in a historic district, you're really part of a larger community. It's not just your house. You have to understand how your house fits into the bigger picture of the historic -- and you should be looking at the other houses within the district as your cue for how to address issues at your own house. Locate additions as inconspicuously as possible. Put them on the back if you can.

[3:11:56 PM]

Retain as much of the historic building fabric as you can. If you can make an addition through a breezeway or hallway that you don't have to tear off an entire wall of the house, that's probably the best way to do it. Don't locate an addition flush with the front facade. Don't turn a one-story into a two-story. You can have a two-story addition, but set it back. Keep that house as it's existed for however many years. Keep its honest appearance. We've already talked about this a little bit. Additions don't need to mimic the architectural style of the existing house. And what you'll find, when y'all have looked through the standards, is that there's no dictation of style in here. There's nothing that says, additions need to have a craftsman style to them. That's not what these design standards are intended to do. Contemporary design is appropriate and acceptable. The whole idea, however, is to keep the historic-looking part the main focus. If you're going to do an addition, build it as inconspicuously as you can. For new construction, the basic rule is new construction shouldn't stand out in a historic district. You should make every effort to make it blend in. It doesn't say you can't build a contemporary house, but it shouldn't detract from the, after all, character of the district. Again, I think homeowners in historic districts need to view themselves rather than a single person, as a steward of the character of the district, and you need to look at what your proposal means, not just for yourself, but for the character of your neighborhood. New

>> New construction shouldn't exceed the height of the tallest contributing building on a similarly sized lot on the block.

[3:14:00 PM]

Detached garages and accessory buildings should be at the side or rear of new residential structures to avoid keeping those front-facing garages and they should be compatible in scale for the property. That ends my presentation. I know it's very brief, and I know there's a lot of written material in here. There is a valid petition on this case but since this is only going for first reading today that valid petition would be triggered upon third reading for the case -- reading for the case and we expect to bring that back August 13. I'm available if y'all have any questions about my presentation.

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

>> Gallo: Going back to new construction presentation, I've got a question because the council is beginning to talk about accessory dwelling units and how would the historic district impact that? Would homeowners still be allowed to construct new accessory dwelling units.

>> Definitely. There are design standards for new construction that would apply. Generally what design standards say it should be compatible with the main house as far as materials, scale, but there's nothing that says that you -- I think that would be encouraged.

>> Gallo: So the additional costs would be involved because it's in a historic district would it just be -- what would that be?

>> Depends on the size of it because we would actually approve something 600 square feet or less.

>> Gallo: Administratively.

>> Administratively so only if it has to be to the landmark commission would the public fees for the notice kick in so it would be \$607.

>> Gallo: If the accessory dwelling unit was 600 feet or less it would be approved administratively and there would not be the additional \$600 cost involved.

[3:16:01 PM]

>> It would still be \$100. That's our standard review fee.
>> Gallo: Thank you.
>> Further comment for public speakers?
>> Zimmerman: One question question, thank you, Mr. Mayor. The historic landmark commission, the city code is 2-1-147 and that references the land use code, right? I believe. But, yeah, with section 25-1-46, land use -- rules kind of referenced.
>> The -- I'm sorry, under the zoning code, the historic district.
>> Zimmerman: Okay.
>> Zoning case, that's where it sets out all the requirements.
>> Zimmerman: Okay. So are there other general zoning code provision that's apply as well? In addition to that? Or.
>> No. We have specific ones for historic landmarks and historic districts in the zoning code.
>> Zimmerman: There's not much here, I guess that's the thing. I'm trying to figure out how these things fit together. When I look at the landmark code there's really not much to it, landmark commission 2-1-147.
>> There isn't a whole lot there. If you look at section 25-11 that deals with a lot more of the landmark commission activities, and then I believe our zoning is in 25-2, it's in 25-2.
>> Mayor Adler: Ms. Thomas?
>> Mayor.
>> Mayor Adler: Hang on one second.
>> Councilmember Zimmerman, I can get a list of all of the applicable provisions and forward them to all the councilmembers.
>> Zimmerman: Great.
>> Mayor Adler: Thank you. Mr. Renteria.
>> Renteria: Yes. Let's say if there's a home in that district there that's just been recently built and someone wants to remodel it or expand it, what would they have to go through to do those kind of . . .

[3:18:07 PM]

>> If the house is very recently built, less than 50 years ago, it would be contributing to the district.
>> Renteria: They can build whatever they want to?
>> It would just be the regular zoning code that would apply there, yes.
>> Renteria: Okay.
>> Mayor Adler: Okay. And we'll start -- thank you, sir. We'll start, then, with public speakers. Michele Webre is the first speaker. Is Valentina Dorsa here? I'm confused. Are you Michelle or Valentina.
>> We have a lineup of speakers, a powerpoint and I'm the first speaker.
>> You're Michelle --
>> I'm Angela.
[Laughter]
>> Angela Reed.
>> That's right.
>> Mayor Adler: All right. And then I have four people donating time to you.
>> Okay.
>> Mayor Adler: I have Ian ready. Is Ian ready here?
>> Yes.
>> Mayor Adler: Then I have Elizabeth Brooks. Is Elizabeth Brooks here? Okay. Then I have Donna Morrow. And I have Lee Ann Flask. Okay. So you have 12 minutes.
>> Thank you. I won't need it all, but thank you.

>> Mayor Adler: Thank you for that.

[Laughter]

>> There is a powerpoint. I'll wait for him to load that.

>> Mayor Adler: Okay. Hello, council, my name is Angela reed. I'm here as a resident of the problem bluebonnet hills historic district and one of the many organizer for this effort. We do have a short line of speakers as mentioned and they're going to ask try to touch on all the points asked of us at previous meeting. I hope you'll bear with us and we're all available for questions. Very quick background about this effort. It was started ten years ago.

[3:20:09 PM]

It was intended at first for all of the Travis heights fair view park area with a total of 1200 properties. But over the past ten years, fundraisers and open houses to discuss the application and design standards, there have been list serve notices, neighborhood association updates, Facebook page and signs that update and have opportunities to get involved. This effort from its inception had widespread support in our neighborhood, but with so many ownership changes and tear downs in Travis heights as I'm sure you all are aware volunteer organizers were tasked with hiring professionals to update the architectural survey multiple times. So in 2013, they decided to put pull in the boundaries of a section of Travis heights that was more manageable, that was relatively stable in its ownership and maintained a high degree of historic integrity. So in 2014, the architectural survey and application were updated again for the subdivision division that was originally named bluebonnet hills. So this is a smaller section within Travis heights of about 109 properties. And after completing that application for just bluebonnet hills, in talking with neighbors, we quickly had 58% in support of our property owners. When I say 58% of support those are actually people who checked the yes box on the survey. And then there were about -- 22% who just didn't respond. In many cities that counted a yes. 20% who were opposed and still today periods about 20% in opposition. We know that it's common that Numbers in support of any historic district of fluctuate over time and we understand that a local historic district never has 100% in support.

[3:22:09 PM]

And I have to say that it's disheartening for those of us who have been talking about this for so long that misstatements tip to be made about the zoning and design standards that have time and again been addressed and that some people have signed off under the impression those misstatements are true but we continue to try and talk with our neighbors, clarify the intention of the loyal historic district, to discuss the design standards and can try to refer them to the city's historic preservation office so their questions can be answered free of interpretation. As recently as may 26 as you know we were asked to demonstrate a clear majority of support at planning commission again. This is a request that goes above and beyond the current ordinance but we did and we went back and affirmed our more than 51% support and the planning commission voted in favor of our historic district. At this point I'd like to show you some of the homes and unique streetscapes we're trying to protect through this historic district. You'll see our neighborhood was intended as a largely middle class neighborhood and it still is today. With housing stock that allows for a cohesive sense of community. And indeed we are a community of residents who know our neighborhoods. Our residents frequently walk or bike in front of each other's homes toward congress avenue and to downtown to catch the bus or walk in space park and borders our district. Bluebonnet hills has an excellent sample of early 20th century buildings, Tudor, craftsman, bungalow, even one rare house which you don't see often in Austin. These houses were built to last as long as homeowners continued to maintain them with local and durable materials. Many of these houses were built by hand, craftsmen and homeowners and simply can't be recreated.

[3:24:14 PM]

When they're lost they are gone forever. These are the kinds of buildings that the city has about 2% remaining. As you all know those demolitions are happening fast. Here are a few examples of the kinds of development that are going up all over Travis heights that replace these unique houses that define south Austin. These are condos and oversized developments allowed within current code in design to max out the land for a high investment of return. Our existing houses are demolished, sent to the landfill, and in their place are long driveways where structures are built to face inward and to have no relationship to the surrounding community. Here's another example a few blocks away from our district where once stood modest single family houses and duplexes with accessory dwells and they were typically very affordable for families and as starter homes but several were demolished and expensive condos are now in their place with more on the way. We have several lots in bluebonnet hills as I speak with the same type of zoning where large duplexes and developments like this could take the place. One is right across the street from my house and I'll also mention that my own house, which is the one now a landmark in the district development just before my partner and I bought that and restored it in 2006. And I do want to say the developments like these are not necessarily unattractive. Aesthetics has nothing to do with the historic district. The scale, siting fundamentally change the cohesion that our existing architecture promotes. These spec developments have been sold per unit for about the price of a single family home in our neighborhood. They are purchased by residents who typically don't stay long and they're quickly resold which, if anything, inflates property values.

[3:26:16 PM]

They also don't support family housing in our neighborhood and ultimately displace long-term residents. I'm sure this isn't an unfamiliar scene. By contrast I just want to show you examples of new construction and additions on house that's maintain the character and would be in scale with a local historic district. Additions and new construction can be two-story and take many forms. They don't have to necessarily look like what I'm showing you here. They can be very contemporary and modern. Also many of the improvements like what you see here on a historic structure would be eligible for a tax abatement if they were in a local historic district. Additions and new construction in historic districts can be done and they are done very commonly. Organizers for this effort have completed all the requirements as come gated by the city ordinance. We also have strong support by residents in greater Travis heights and from our srcc association which voted 35-1 in favor of the district. We also have support from other central neighborhoods who have similar issues to ours like hide park, judge's hill, Aldridge place, bold inn creek, east Cesar Chavez neighborhood, clashesville community development corporation and many others waiting to see how this new city council may vote on historic preservation and protection of neighborhood character in this, the fastest growing city in the nation. We know that there are limited means of protecting central historic neighborhoods like ours where development pressure is strong but we also know that local historic district zoning is a successful tool to do so. So today we ask for your support to protect the central Austin neighborhood's central unique character just blocks away from historic south congress avenue and we ask for your vote, oh not only for us residents today but for all of us who live in our city long after we're gone.

[3:28:18 PM]

Thank you. I'm available for questions.

[Applause]

>> Mayor Adler: Thank you very much.
>> Mayor Adler: Ms. Tovo.
>> Tovo: Thank you, Ms. Reed. I want to just verify one point that I think you made early in your presentation that when survey was distributed that you had 23% no response? Is that correct -- was that the right number?
>> 22%.
>> Tovo: 22%, thank you.
>> Mayor Adler: Thank you very much.
>> Zimmerman: Quick thing.
>> Mayor Adler: Mr. Zimmerman.
>> Zimmerman: Thank you for that. This is all very interesting to me. The paper that was handed out that we're looking at here shows as of today those in opposition are listed as 32.1% and owners in favor 51.4 so those are the Numbers we have today up here.
>> That may be true today. Of course they do fluctuate like I said. They may be different tomorrow.
>> Zimmerman: You mentioned about 20% but it's showing about 32.1 now.
>> Okay.
>> Zimmerman: Thank you.
>> Mayor Adler: Okay. Thank you very much.
>> Hello, my name is Melanie Martinez and I'm --
>> Mayor Adler: Not before you start, there was some people that looked like they had offered to give you their time. One of those is Barbara walledden. Is Barbara here? Eric holden? Is Eric here? And Jackie schraud. Ms. Martinez, you have six minutes.
>> Okay. All right. My name is Melanie Martinez, and I'm a musician and an artist, and I'm lucky enough to own a home in the fairview park area of Travis heights, which is the older Victorian section and I've lived there 25 years. Thank you for taking the time to consider bluebonnet hills' application and not postponing today.

[3:30:21 PM]

I believe it's well-deserved and should be supported and not delayed any longer. I sent you a letter earlier this week describing the historic of the bluebonnet hills local historic district and the context of the Travis heights which I started in 2005 so I consider myself the grandmother of this local historic district, and as Angela told you, we started with the 1200 house effort. And that was when the local historic district was first -- ordinance was first created. It's been a very onerous probable but we've kept up with it and now we've pared it down to the bluebonnet hills, 109 houses out of 1200. So the slide I have that shows the time line, those are just some of the many public events and activities that we've had promoting our district, starting in 2005. We've had -- we've been doing this so long we have a my space page.

[Laughter]

>> We've had signs of save our houses, centennial chicken, they've been all around our neighborhood for ten years. We've had many -- rest at tables at the fourth of July picnics in the park, we were at first Thursday, talking to people, asking people to fill out forms, saying what they loved about our neighborhood and did they support historic districting, and they did. People have come from other parts of the country, they're shocked when they learn our neighborhood is in -- isn't a historic district. They just assume it is because they recognize that because where they're from these are protected. So the next slide shows -- I think that's the Google fiber design. They printed on t-shirts to give out to all their new sign-ups last year. You can see that the image of Austin strongly includes our houses.

[3:32:23 PM]

Bungalows, cottages, other historic buildings are prominently featured along with these skyscrapers and natural landmarks. And so we feel it's very strong identity of Austin. My next slide shows from a website, newgeography.com, they did a -- reported on a 2010 study that showed that our preworld war II housing, before 1940, only represents 2.5% of Austin's entire housing stock. And those are the cottages and bungalows you see in bluebonnet hills. So we feel it's exceptionally rare and clearly tells a story. So excuse me, I'm nervous. We feel like this is an opportunity to protect the story of Austin, and if you look at neighborhoods as a storybook and every house as a page in the story, you start tearing out those pages and you've lost the story. And this story contributes to the story of Austin. This tells a period of our history that people need to know. And I think a lot of people do appreciate. Without the historic district overlay, our current zoning alone can't protect our historic integrity. I live on the end of [indiscernible] That has reason completely ruined by some of the large new construction you saw and that's been since the mcmansion ordinance has been in place. Ter tanning tree ordinance didn't help us. I can't think of any other ordinance that would have helped prevent that. I've got a land marked home and I look out at all new construction built in the last ten years. I watched everything across the street from me demolished, scraped, woods removed if was horrible. It was basically one of the worst times of my life after I invested so much in this historic neighborhood financially and emotionally.

[3:34:31 PM]

But I feel this districting gives us the empowerment to be part of the conversation of what happens to our neighborhood and gives us a chance to come to the table. If you don't approve this district we're going to be back here like we have been every single case is going to be a fight over and over again with no ground rules, no guidelines, and you're going to have to hear every one of them. So it would really be this your best interests --

[laughter]

[Applause]

>> To let the historic commission do their job and, you know, go through these historic districts and do what Steve says with the process of administratively approving things that are routine maintain and not drag this out. It's miserable for everyone involved, and I don't like that these people are in limb when trying to move into the neighborhood. They don't know what's going to happen next door to them or they do want a new design and they're held up because of this, and we've just been delayed over and over again. This application was filed a year ago, and it's been very difficult. So it's more than just your approving this vote. It's more approving the district. It's more approving and validating what our community has said we want. And we have shown that over and over again. We've been asked multiple times to demonstrate our support, and we have. So I think it would be good if you could see all the people here in support, they're all in blue.

[Buzzer sounding]

>> So thank you all. I hope you'll consider this.

[Applause]

>> Mayor Adler: Thank you. Next speaker. Yes. Hang on a second. I can't hear the speaker. Go ahead, please.

[3:36:33 PM]

>> Good afternoon.

>> Mayor Adler: Thank you. Who are you?

>> I'm Tom fits pat strike, I live at 509 east Annie.

>> Mayor Adler: Let me see if I can find you on the list here. Is jade place here? Is Greg Matthews here? You have nine minutes, sir.

>> I won't need that much, and I'm going to emphasize a couple of points that she made so I'm going to cut some of my remarks short. I have a written version that I will leave if that's okay. I'm standing in for my neighbor, Brent hunter. I'll speak to three issues, affordability in a central city such as it is, commitment to preserving neighborhoods and inadequacies of existing protections. First I'll guide you to the slide on the left, Brent's house on east Annie and it is one of the contributing structures in the top right is my house on -- far right corner and on the left of that slide and in the right-hand side of the lower right-hand side is a house being built between us at 511 east Annie that Brent and I refer to as the death star.

[Laughter]

>> Both Brent in 2012 and I in 1983 bought small homes. Mine was actually advertised in the real estate notice ad as a doll house. It's relatively affordable because of their size, and we bought them to start our families. There is certainly a premium on central city locations which makes affordability a relative term but once you trade off transportation time and expenses one of the major determinants is size. The existing stock of prewar, working class homes in bluebonnet hills in particular is an important resource affecting the range of relative affordability within the city. Without a local historic district there's a relentless pressure to demolish and replace the smaller homes with bigger, high priced projects resulting in price pressure

[3:38:42 PM]

[indiscernible]. I want to take just a minute to acknowledge and thank the neighborhoods and committed citizens like Angela and Michelle and Melanie who have led this effort, years long effort to try to protect, nurture the neighborhood and get this request for a local historic district before y'all. I would like to ask you to honor that effort with your approval. The city expended considerable resources and -- neighborhood character and suggested local neighborhood districts as a tool for doing that. The city expended considerable resources and the community developed the imagine Austin plan to ensure compatible development and redevelopment in local historic districts. Many eyes wait to see if you'll honor all that public input and the volunteer citizen commitment that it represents. We believe that it's time to implement those principles and it's time to protect and preserve these neighborhoods. And that brings me back to the death star and my final point, that the hoped for protection of the mcmansion ordinance is almost no protection in the end. It places reasonable restrictions on remote and additions to existing, for example, not allowing additions forward of the existing, the current front building line but it doesn't place similar limits on new construction. So we need additional protections for neighborhood scale and character. The local historic district requires some consideration of compatibility for new construction which does not exist under any other current regulations and it is sorely needed. So my neighbors are families and I ask you to approve this request. Thank you.

>> Mayor Adler: Thank you very much. Next speaker I'm going to call is Kelly warmoff? Is Ms. Warmoff here?

>> I'm not Kelly opinion my name is Allison Mcgee.

[3:40:45 PM]

>> Mayor Adler: I need Kelly here.

>> Sorry.

>> Mayor Adler: I'm taking somebody out of turn who has two kids.

>> Thank you so much. I'm here with three kids.

>> Mayor Adler: Take your time, take your time.

>> How much we love the neighborhood that we were discussing today. Unfortunately, we're here as a case study of what happens when the neighborhood isn't protected. We had a cute lung low, raised two kids on newning avenue and a developer came in and pretty much turned our lives upside down. The forest we loved and grew up next to us was clear cut, ten mcmansions were put in. It was the -- so when we moved there it was all bungalows on our street. To the right of two of us, in the middle of the night, the houses were just pulled away and big mansions were built. They tried to get three stories. We fought against it, got two stories. But we had our forest to our left, always had our forest to the left. Unfortunately, it was sold and a developer came in, clear cut it, put a very nondescript three story houses, even though we fought against why there was a three story, it was declared the first story was not a first story but a basement. So we are here because we love Travis heights and if you don't, there's other places to live where you can build what you want. There's enough people that move tops every day that would love to be in your position, love your house, love your neighborhood and live within the boundaries and limits that are totally reasonable in asking. Would I love to be in that neighborhood still. Unfortunately the shaking of our house from morning tonight forced us to go elsewhere. In fact Zimmerman we are now in your area.

[3:42:48 PM]

Frank wanted to say a quick something -- not anymore? Okay. Well, he wanted to say that he really misses the neighborhood as well and is sad that we had to go because of the construction and the noise and we really just wanted to put a face to what hopefully y'all get accomplished. Thank you so much.

>> Mayor Adler: Thank you very much.

[Applause]

>> Afternoon. My name is Allison McGee and I'm the president-elect of preservation Austin.

>> Mayor Adler: Allison reed? I'm sorry. Let me see if I can find you on my list.

>> Okay.

>> Mayor Adler: Is John Scott here? And is robin sanders here? Ms. McGee you have nine minutes.

>> Okay. Preservation Austin respectfully requests your support for the bluebonnet hills local historic district, which is a culmination of a grassroots effort carried out over many years by the property owners in the proposed district. As the application demonstrates those property owners conducted extensive research and submitted historical significance to the neighborhood, documented current conditions and reached out to the neighbors to educate them on the benefits and responsibilities that come with this designation. They developed sound and reasonable design standards to govern review of work within the districts that will protect the neighborhoods historic character while allowing for compatible changes and new construction to occur. The application and supporting materials clearly meet the nomination criteria established in city code and regulations, as well as the best practices of historic preservation and urban planning that are applied throughout the country at the federal, state, local levels. In adopting local historic district zoning into our land development code in 2004, the city of Austin joined many other cities who have decades earlier embraced this important tool for protecting neighborhood characters, including cities like Charleston which did so in 1931 and New Orleans which did it in 19. And Philadelphia in 1955.

[3:45:09 PM]

In -- local historic districts in the United States. Bluebonnet hills will be only the fourth local historic district in Austin, whereas Portland, or gone has 15, Denver, Colorado, has 52, San Antonio has 27,

Dallas, 21 and Houston, a city known for its lack of zoning controls, which has 19 local historic districts. To join these world class cities, Austin must actively embrace the use of local historic district zoning to protect the character of our historic neighborhoods for future generations. The imagine Austin comprehensive plan states that maintaining historic neighborhood character and preserving historic resources is one of the key challenges to be overcome many of our city's future. Designation of bluebonnet hills as a local historic district is one step towards addressing those challenges and carrying out the goals of imagine Austin, including protecting historic buildings, structures, sites, places and districts in neighborhoods throughout the city. Local historic district zoning provides neighborhoods with the power of self-determination in showing that changes to contributing properties and new construction occurs in a manner that allows property owners to meet their changing needs while at the same time maintaining community heritage and the historic resources that make their neighborhoods desirable and successful. We've seen this work in hide park, castle hill, where to my knowledge not a six certificate of appropriateness has been denied since those local historic districts were created more than four years ago. Dozens of projects have been carried out successfully by their property owners. We hope you will take this opportunity to reward the hard work of the citizens who developed this application and protect this part of our community's heritage by approving the zoning of bluebonnet hills as Austin's fourth local historic district. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Was there someone else in your order?

[3:47:10 PM]

>> I think I'm next.

>> Mayor Adler: Who are you.

>> David Connor.

>> Mayor Adler: Hang on a second, Mr. Connor. Is Kate single ton here? Is Caroline Wright here? You have nine minutes.

>> Shouldn't take that long.

>> Mayor Adler: Thank you.

>> Good afternoon, mayor, mayor pro tem, councilmembers. My name is David Connor. I was [lapse in audio] And I've been the chair of the hide park development review committee for the last nine years. I'm here to support the application for the bluebonnet local historic district. People have a lot of misconceptions about a local historic district. Let me describe what has happened in hide park since our district was created. Let me tell you hide park has not lost anything but has gained a lot in the last four years. We have not been frozen in time. There has been regular construction with the design standards in place. So far, we have had six new houses built on empty lots, there have been numerous additions on houses and they continue today. We actually have three pending projects that will be reviewed at the June historic landmark commission this month. Both the preservation office and the permitting department at the city has been very, very busy with hide park projects. Several ads in gran any flats have been built and people have purchased and restored houses. Some people purchased those houses because they were in a local historic district and wanted the protections. They wanted to know what could be built next to them. Again with our design standards the new structures and additions do not look alike. There's room for creativity in these design standards. The development review committee is composed of volunteers including several architects and people knowledgeable about zoning. We review the plans and offer advice all welcome to review, including neighbors. Most of the time, the permits and design needs little or no change and most are approved on consent by the preservation office.

[3:49:18 PM]

If needed, final approval by the landmark commission. In our development review committee meetings we asked architects and contractors, they do not have a hard time with the design standards and they have told us many times with the design standards in place, there are no questions about what could be designed and built, there's no guessing and the process is very, very efficient. Unlike before our district, we had many delays and postponements was the norm. So, again, the local historic district has not stopped construction or participation. We have more living units that be four and a half years ago. Prior to our lhd structures were being demolished by real estate speculators even though we were in a nationally registered district, we were not -- in the past Hyde park has spent many, many hours and late nights fighting for the structures. The only way to prevent demolition was to initiate a zoning case but because the structure did not rise to the level of a hand mark structure the neighborhood lost these cases. Believe me if there was another way to protect the character of Hyde park and other central neighborhoods, Hyde park would have found it. Since our local historic district went in place in 2010 there has only been two demos, one noncontributing structure and one contributing structure. We supported both of these demolitions. No homeowner -- in our district, no homeowner has to retrofit their house or replace their windows because of the design standards. That misconception is false. Let me compare it to the part of Hyde park referred to as north Hyde park, outside the local historic district. That area, we have had 11 demos of houses and they're increasing weekly. They've been replaced by condo units, duplexes or large houses with very large price tags. In what was a historically significant area we now have structures that stand out inappropriately.

[3:51:21 PM]

Moreover these new structures contribute nothing to the affordability in Austin. So please support the bluebonnet hills local historic district as an example of those roots. Thank you.

>> Mayor Adler: Thank you very much. Let's go to someone speaking on the opposite side of this issue. Is Janelle Jefferson here? Do you want to come and talk?

>> Afternoon, I'm Janelle Jefferson.

>> Mayor Adler: Is Kelly lipscum here and David Boyce?

>> We have a bunch of artists in our neighborhood and we have a lot to say and we're not really good at public speaking so we got together and with the help of one of our neighbors that's a film producer we put together a fill example would like to play it for you.

>> Mayor Adler: That would be great.

[.

>> I live in this neighborhood and because -- there are all different kinds of people but somehow we all still have this common ground to each other purchase.

>> -- It's where you want to jump in and you can really let your mind and you.

>> Travis heights is a neighborhoods that been in Austin for a long time, gone through a lot of different changes. Bluebonnet hills stands out in Travis heights in that it provides a look into Austin that I think not every neighborhood has.

>> Bluebonnet hills needs to be -- unique like bluebonnet hills.

>> One of the phrase phrase that's came to mind is to keep bluebonnet hills weird.

[Laughter]

>> That kind of describes it.

>> Yes, that describes it.

[3:53:22 PM]

>> It's a great place to live.

>> I have people from out of town or friend from other neighborhoods. I have noticed they comment they love the neighborhood because it's so eclectic.

>> I didn't realize how eclectic and how cool this neighborhood was. And Janelle knew but when I saw it I was like, wow, this is a great neighborhood and we fell in love with it.

>> Yeah.

>> Bluebonnet hills is one -- platted neighborhood back in in --

>> I have to replace my windows.

>> You can't change anything about our facade so you're locked into whatever artistic architectural decisions were made.

>> There's still some people in here made to move out because they can't afford to do the things the historical guidelines are able to meet.

>> There's only one home of 109 in this neighborhood actually historic by city standards.

>> And it looks nothing like the rest of the homes that they're saying are the character of the neighborhood.

>> I believe in historic districts, and I think they do serve a purpose, but this neighborhood has its own individuality and its own creativity that's being applied that if there was a historic district we would be very restricted.

>> San Antonio had some at risk neighborhoods. And those neighborhoods needed to be saved. There were higher crime rates, a lot of graffiti, a lot of buildings that needed to be repaired. But Travis heights, including the bluebonnet hills, has never needed saving since I bought property here in the early to mid '80s. In bluebonnet hills we have bungalows but there's nothing historically significant about these homes yes, ma'am.

>> This area is not historic. It has a character we want to preserve but it's not historic.

>> There's homes from the 1920s, 40s, 50s, 60, 70s.

[3:55:24 PM]

>> The argument is not really in favor of anything historic, actually. It actually shows the evolution of Austin in the last 80 years.

>> The houses here were speck homes, there's no famous architect, famous person, famous builders.

>> We were presented with a request for to us sign a document saying we're in support of Ihd without any prior knowledge of design standards, without actually understanding beyond kind of a 3-sentence description what have historic zoning actually might mean for the neighborhood.

>> This thing evolved from what was a proposal to cover all of Travis heights and then got smaller and smaller.

>> I've lived here 46147 years. They said they worked on this project for nine years and I heard about it when it was already on the commission and already getting voted on.

>> These design standards were never given to as homeowners before this was ever initiated. Never given to us or sent to us by the city when they tried to ram this down through the outgoing city council. The first time they were ever sent to us was five months into the process after the votes had already been scheduled, after votes had already been taken. They were only given to us because several homeowners complained that you can't be applying rules to their homes pretending people support this when you never September the rules to them in the first place.

>> A home is the most valuable thing most Americans will invest in in their entire lifetime, and for someone to then councilwoman and tell them that they can or can't do something based on design

standards that someone else came up with, that a governing body has to be approached before you can make a decision about what to do with your home --

>> It's very claustrophobic to think about those kinds much restrictions when you have a property and spent maybe \$450,000 on the lot alone, if not more.

>> I own the home next door. It's a shack, is a shack historic? I don't know.

[3:57:25 PM]

It really does damage my investment because they are currently calling it contributing.

>> When I signed a 30-year mortgage, I didn't sign it thinking I had control over my own house.

>> I spoke with a realtor friend and her response to the notion of historic district was don't go there.

>> Having been a realtor, I can tell you that a lot of people don't want to move into a historic district where there are restrictions that they have to follow on their home.

>> Any house that's 50 years or older they consider it contributing.

>> The majority of the noncontributing homeless are voting yes for this. So it's totally unfair. There have been a lot of studies done and it really shows that the people that live on the edges of the historic district are the ones who benefit and not the ones that live inside the district.

>> Everybody's fear is that they don't want their home to be demolished. Is this the best way to prevent demolition? I have found that it's not. There are already ordinances to stop things like McMansions with what needs to happen is the city needs to enforce those. They need to stop allowing variances. I think ultimately we want the same things.

[Applause]

>> We don't want these giant homes on these smaller parcels of land.

>> If they're historic buildings I would agree 100%. But there's nothing here that's historical. They're just old.

>> If nothing else.

[Laughter]

>> -- The city should learn from this that this suppose broken, doesn't work. Because this has done nothing but pit neighbors against each other.

>> When you have the city's preservation officer saying I'm neutral, when the e-mails say otherwise from the person who is supposed to be a neutral arbiter of this process and the city is never sending the design standards but sending ambiguous notices that don't meet city code you have a recipe for a completely irrationale situation and the ones that are finding themselves with the short end of the stick that they never wanted to hold in the first place are the affected neighbors who simply want to live their lives.

[3:59:33 PM]

>> The historic district advocates are saying this is the only way, this is a one-time deal, this is our only chance, and that shuts down a dialogue. There are huge implications with this historic district and I think we need to let everybody come forward and let's not vilify neighbors because everybody's opinion matters. We're all stakeholders here. We all live here. At the end of the day, the city and the the people that sit in historic district office aren't the ones that have to live here. We do.

>> Mayor Adler: Thank you is w.c.bodell here? Biddle? Do you want me to call this now?

>> I'm caprice

[indiscernible] --

>> Mayor Adler: Let me see if I can find you.

>> She was supposed to be second in our order.

>> Mayor Adler: I don't have an order that way.

>> I know you don't.

>> Mayor Adler: Caprice

[indiscernible], okay, you can speak. You have three minutes.

>> Thank you. Hello,, I live on terrace drive in bluebonnet hills, and I've lived there almost 30 years. I'm passing out a letter from the architect. He's an integral part of the creation of imagine Austin. He is -- with my home and with bluebonnet hills. In the letter, Evan says about bluebonnet hills, it does not impress me with being historically and architecturally significant but more in keeping with the vision of imagine Austin comprehensive plan.

[4:01:40 PM]

He further states, we also need to realize the financial burden this puts on bluebonnet hills homeowners conforming to such intense lhd guidelines, design guidelines, and standards could easily become cost prohibitive. I have personal plans to remodel my house next year. I want to raise the ceiling in my living area at the front of my house. This would change my roof line slightly. But by the strict lhd standards I would not be allowed to do this. I hope you will consider what this does to the people who have invested their lives in this neighborhood and vote the lhd down. Thank you.

>> Mayor Adler: Thank you. Back to the folks speaking for. Did you have someone you wanting to next? Hang on one second. There are other people on both sides. Instead of calling everyone on one side and everyone on the other side I wanted to give balance to the debate as it was happening. And you are? I'm sorry.

>> Emily reed.

>> Okay. Ms. Reed is Carolyn gee here? Robert gee here is Cheryl drown here? And K.C. Gallagher? You have 12 minutes.

>> My name is Emily reed. I'm a professional architectural historian of historian. I helped prepare the application and I'll be speaking about the survey and design standards.

[4:03:40 PM]

As you heard the effort started with the large he have fairview park neighborhood a survey undertaken by a respected architectural historian. When the decision was made to move forward with the bluebonnet hills subdivision in 2004 each property in the district was reevaluated by myself and another professional architectural historian. New photographs were taken where the appearance of the resource had changed and notes added regarding intrade secret where appropriate. City historic preservation office staff also conducted a survey to confirm the results of our updated survey findings. As Steve explained bluebonnet hills is significant in the area of architecture as it represents a remarkably intact group of preworld war II residences, including craftsman bungalows, Tudor revivals, cottages and even branches and these architectural styles together represent a microcosm of changing tastes and styles for architecture across the country during this time period. Some critics have suggested that just because the district is not full of high style mansions there's nothing historic before the neighborhood and not worthy of designation. That's somewhat elitist view of history. This neighborhood was originally a blue collar working class neighborhood comprised of owners. There are many [indiscernible] At the edges of the Austin. At the time the neighborhood was platted live oak street was the southern boundary of the city. We believe history shouldn't be limited to the story of rich folks who have mansions, the story of everyday individual working class Austin citizens is also important to preserve as well as the architectural styles of these buildings. Again, the idea of the district is that although there's two individual city landmarks within our district, the neighborhood is significant as an intact collection of

modest house that's together represent important trends in development patterns in Austin's historic.

[4:05:51 PM]

This group of building takes their importance from the fact they form a distinguished whole. The bluebonnet hills district is a small part of Travis heights that can and should be preserved. The primary way to protect these buildings and the character of the neighborhood is through design standards to guide new development and changes within the district. The design standards were tailored to the bluebonnet hills neighborhood based on a template prepared by professionals from preservation Austin. These guidelines are based on the secretary of the interior standards which are considered best practices in historic preservation. The neighborhood design standards committee was comprised of a diverse group of -- developer, realtor and owners of contributing properties within the district, which would be most affected by the standards. As Steve multiplicationed there a meeting in March mediated by the city where focuses could come and ask questions of city staff about how the design standards would work and practice. As a result of this meeting and conversations with district residents the design standards have been clarified and tweaked regarding the use of the words may, shall, can, must, to clearly -- to make clear what's required and what's not required. Additionally, language was add to the document to clarify, for example, that corner lots are not held to a higher standard than interior lots and to allow more flexibility in the placement of solar panels. The design standards were crafted to strike a careful balance between flexibility for homeowners and the need for protection of the historic character of the neighborhood. Our, oh pope intents have thrown around the supposedly large number of pages and onerous nature of our design standards that large document that's 60 or 70 pages is a preservation plan and that includes a cover page, table of contents, appendix, glossary, examples of the architectural character of the district and what we thought were helpful illustrations of multipage photos.

[4:07:52 PM]

So the actual design standards themselves are only 17 pages, which is almost exactly the same size and scope of the Hyde park design standards and Thelin street. The wanted to mention the historical commission have indicated that the district is eligible for listing in the national register of historic places for both architecture and its association with events that have made a significant contribution to the broad Pears of our historic this this determination is an important testament to the significance of the district but this designation is primarily honor 6ific and local historic designation is needed to actively protect this threatened group of properties. Thank you.

[Applause]

>> Afternoon, I'm Michele Webre.

>> Mayor Adler: Is Valentina dorsa here? Is Carl [indiscernible], is John [indiscernible] Here? You have six minutes.

>> I'll try to go fast.

>> Mayor Adler: I'm sorry? What's your name? Corey Walton? You now have nine minutes.

>> Okay. I won't take that long. I'm one of the coordinators. I'm not a public speaker like Melanie.

[4:09:55 PM]

I've worked on this since 2008, and I'm a resident of bluebonnet hills, and we have put a tremendous amount of work in this. This checklist is just everything that we've done. We've done everything over and above with the lhd required -- what the lhd required. This is also a list of all the meetings and notices. In the last two years there have been nine public meetings since November 2013. All of which

our main opposition went to. And spoke opposition at. Just as a -- I work as a volunteer, not a trained professional. This has been exhaustion. As a volunteer, having to -- I mean, just look at all those meetings. It's about something every week. And we have been meeting with our neighbors and opposition. We've had good dialogues to find out what their concerns are about. So if we can address something, clarifications in the design standards, we've done that. This is something that is preserving the street. The -- just the historic streetscape of the neighborhood. You can add additions. You can totally gut the interiors, whatever. You know, we're asking for the very minimum requirements that the secretary of interior requires for local historic district. And then, also, just to mention, in the film there was some misstatements. I spoke to Mr. Panju myself a year ago and gave him the design standards.

[4:11:55 PM]

He had a yard sign with our website that had the design standards listed. He had two different yard signs for a year and a half in front of his house. He had an e-mail, he had -- I mean, he had the design standards for the last over two years. He came to the design -- a year and a half ago. That's just not incorrect that people did not have access to the design standards. And one other thing I'll just kind of close on -- I'm sorry, it's a mockery of the amendment -- I'm sorry. I'm a 21 year resident but I'm originally from New Orleans, born and raised. I go back there pretty frequently. My family is there. And there are very -- they're working class, victor I can't believe shotgun houses, they're little, but they are preserved because they created local historic districts. And so some of the same arguments that are being used against the bluebonnet hills modest bungalows were used against the houses in New Orleans and actually were used against the French quarter when it was a ghetto and hotel chains and developers wanted to tear everything down. It's kind of incredible. But Austin is a much younger city than New Orleans but bluebonnet hills is 1-generation housing in the city of Austin. So this is the first neighborhood, one of the first neighborhoods south in south Austin and it was a working-class neighborhood but is that that does not mean that it's not historic. This is a part of Austin history. And it's important that as Austin -- Austin is the fastest growing city, it's important that we still have a place and parts of the city that we preserve the history.

[4:14:01 PM]

Those parts of the city are important. They're affordable housing, they have accessory dwelling units in the back that are garage apartments, that are all being torn down by these mcmansions that are not building accessory -- affordable accessory dwelling units. They're building out the lapped to the max as due mechanisms or mcmansions. So we're losing -- we have four rental houses right now in bluebonnet hills that are affordable housing, but the person who signed the support, the landlord who owns the properties as long-term tenants moves out he has costly repairs to do he has to sell the properties and he's selling to developers and they're tearing them down, putting million dollar mansions so it's 900 dollars a month rental affordable housing being torn down for mcmansions, for million dollar mcmansions and garage apartments. Also, our houses have room. They're small enough to be added onto but there's still room for accessory dwellings and granny flats and for affordable housing. And since that -- I mean, that is a big topic. We're all middle class. I mean, most of the supporters in this effort could not afford our houses right now. I mean, we're grateful that we're in the neighborhood, but we know that we could not buy our houses today. But it's about community. It's about -- it's more than just saving the houses because we are trying to save our community and we're seeing people run out of the neighborhood, good neighbors, and this is something that the city of Austin can do, we have done everything by the law. We have met the threshold of over 50% signed three times in a year we have demonstrated that we have majority support for this. No matter -- the minority, no matter -- if it's 20%

or 29 or 30, whatever they're saying, we have demonstrated a consistent over 51% support for this.

[4:16:03 PM]

And a lot of other cities had no response -- count no responses as support and Austin does not. We are demonstrating that these people want this. These neighbors want this. So I just ask you, please vote in favor of bluebonnet hills local historic district. Thank you so much.

[Applause]

>> Mayor Adler: Is Michael Francis here? Would you like to speak?

>> Hello, councilmembers and mayor. My name is Michael Francis. We are new to the neighborhood. Me and my wife grew up in Texas, in Austin. We went away briefly -- for 12 years to California and where he always looked forward to coming home to Austin. We've been in the neighborhood less than a year. We purchased a home in an area that fit our lifestyle. Unique, eclectic, funky but still had a community feel. It's not lost on us that the period of significance, 1928 to 1964, was not so significant for African-Americans at the time. At that time we wouldn't have been able to even buy a house in the neighborhood. So that was another reason that as we think about being in it, wanting to do things, it's really important for us to maintain our freedom to do and build as we want. My wife is an artist. I'm a business professional. And there's a lot of things that we like to do and like the freedom to do. So you have in said about that. I just wanted to give you a brief history about me coming back and our desire to live there. In democracy, the right to vote and to have that vote counted correctly is imperative. During this process, we have seen numerous issues with the actual voting. When we received the vote for the planning committee meeting on -- we received it on five -- on March 26.

[4:18:10 PM]

We received the documentation at 11:51 that morning after requesting it. I was surprised to learn that my vote, which had been on record as being a no vote, had been changed. Not only my vote, there were 15 other -- a total of 15 votes were changed incorrectly. It doesn't give me a lot of confidence and intrade secret in the system when you submit -- integrity in the system when you submit them and it's being changed. We did bring that to the attention of the preservation office. They corrected it. Had we not brought that to their attention, who knows what would have happened. That represents over 10% of the voting population. And when you have an issue that's this debatable and this close, that's a big deal. We still have not yet received information on what happened, why it happened, and what was done to fix it. So given parameters of how tight the voting has been and some of the irregularities that we've seen and I have documentation -- oh, you already got it it, okay. So we have provided with you my vote that was submitted and the requests that we -- [lapse in audio] Four of the no votes were changed to yes.

[Buzzer sounding]

>> Mayor Adler: Finish your thought.

>> Okay, thank you. When you think about the quality and the things you want in a democracy, one of the things that comes to mind is to have some segregation of duties, separation of powers. When you have the body that's in charge of administratorting someone as important as historical district and working with the residents as they should be on a great effort to help them try to identify those, if that same body is also in charge of counting the votes, I think that there is the opportunity for error.

[4:20:22 PM]

>> Mayor Adler: Thank you.

>> I'm not saying it is intentional, but the separation of duties. And this example, my example, I was not happy to learn somebody changed my vote.

>> Mayor Adler: I understand. Thank you very much.

>> Zimmerman: It's happened to me in other cases I've had with the city, the city code is pretty clear city staff is supposed to be impartial, right, were it comes to these kind of issues. So as somebody as yourself who is embroidered in this, do you see, are they in favor, opposed?

>> I understand that Austin is going through tremendous growth and there's strains on the system. I will say that had this been -- even if it wasn't an isolated incident I still would have concerns. We had another incident in December of this year, at the end of the year we submitted our demolition application, hand delivered it to the preservation office. In January, end of January, we followed up and said what is going on with our demolition permit? The response was, what demolition permit? We had to refile, re-- on February 3, we resubmitted. So this is a pattern. And I still -- on either issue, I have not gotten a what happened, why it happened, and what's been done to correct it. So to have a vote and pass something based on the process that's in effect is not going to sit well. I mean --

>> Mayor Adler: Okay, thank you, sir. I'm sorry, Ms. Tovo. Excuse me.

>> Tovo: Mr. --

>> Mayor Adler: Ms. Tovo.

>> Tovo: Mr. Francis?

>> Mayor Adler: Sir.

>> Tovo: Sorry to call you back. I wanted to clarify a couple things you said. I believe you said you moved back to Austin and you've lived in your home for one year? Two years.

>> We still have not -- we bought the home August 1.

[4:22:25 PM]

We actually relocated back from California in November. And was hoping to have work begun early in the spring. We just last month -- this is our sixth time here this year. This last month we finally got the approval for the variance. We had a demolition approval. We're now rescheduled -- the home we bought August 1 of 2004 is scheduled to be finished in --

>> Tovo: You purchased the house in August with the intention of demolishing it.

>> We knew the house was in bad shape but we knew it was in a neighborhood where we thought we could have the ability. We did reach out, our neighbors have been very cooperative. We shared with them our design plans in advantage told them about ourselves and across the board our neighbors supported us, and they welcomed us in the community. The only dissenting vote that we had when the application came forward was from Mr. Sadowsky's office to modify the plans. But the neighborhood actually approved us, the proponents of this initiative actually told us that what you're doing with your house could be a model for others.

>> Tovo: Okay, thank you.

>> Mayor Adler: All right it but very. Thank you very much. Thank you. Next speaker? We'll get to everybody.

>> I didn't think I'd ever get here.

>> Mayor Adler: Who are you.

>> Sandra Kirk. I'm a native austinite. I've lived in Travis heights 32 years and I was on your planning commission for six years during a time there was a flurry of adoptions of neighborhood plans. I wanted to --

>> Mayor Adler: Let me check real fast. Is Karen Crepps here? You have six minutes, Ms. Kirk.

>> Thank you. I just wanted to say in regards to the neighborhood plans, every single plan that came through the planning commission and went to council for approval and adoption contained a provision

to preserve and maintain the neighborhood character.

[4:24:42 PM]

And as we know, Austin is kind of dealing now with the unintended consequences of our own success. We're on every list, and I'm afraid we're making some lists that we really don't want to be on so I'm going to show you one of the ways that we're being impacted in our neighborhoods that are so desirable. Travis heights is an extremely desirable area because we're close in to downtown, we're just off of congress avenue. And a lot of people are attracted to the area. They want our land, not necessarily our houses. So we hear a lot of talk about coming in and having -- keeping Austin weird, having an eclectic community, and what we see happening is actually that the historic fabric of the neighborhood is diminishing, being demolished a house at a time, we're losing that character so that at some rate of acceleration that we're proceeding right now, what would happen potentially is that that eclectic nature of the neighborhood would not include the little historic bungalows that everybody claims they love so much when they come to the area. So it's a little disconcerting to me. I think there's irony involved in having people say, oh, it's a wonderful neighborhood, wonderful to live in and the very things that make it so are being disparaged and not appreciated. So I want to stand up for the parts of our community that actually value the little bungalows. It's made it affordable for me. It should be and could be a very big part of our disarranging to have affordability in the inner city and I tell you for certain that one of the running jokes in our area is if we had not bought when we did, we would not be able to afford Travis heights right now. So I had hoped to age in place. But I'm under assault. I've been urged to move out, move on. I get these kind of unsolicited offers to buy my property all the time.

[4:26:44 PM]

Here's another very special invitation that I have to attend a seminar. It's a weekend seminar on flipping. So this is what's happens in our -- happened in our neighborhood. People want the land. They don't necessarily want us. What used to be Austin the friendly city is now Austin weird. I'm not sure that that is a step up. I'm a little bit skeptical of what that means because I'm seeing the impact it has on my life in temples of there -- in terms of there being a lot more entitlement. I want to know why it is that if you go to the Mueller -- the new Mueller development, any planned unit development, any subdivision, most neighborhoods, you cannot go into and do anything you want with absolutely no restraints on what happens in that neighborhood development. But somehow or another the expectation is that if you go to Travis heights or bold can be in or zilker or Hyde park that you can do anything you want with your land because you're creative. I'm creative too and I think that any of us could be cooperative enough to live in a community that we claim we love and at least allow us the mechanism for preserving some of the original fabric of the house as a native austinite, I was born here, and I can assure you Austin preexisted us, to bring some dignity and some continuity, some stability, some affordability to the bluebonnet hills local historic district. Thank you.

[Applause]

>> Mayor Adler: Thank you.

[4:28:44 PM]

What?

[Laughter]

>> Mayor Adler: Would you rather me do this in a different order?

>> Pardon?

>> Mayor Adler: Was there someone you wanted to have called up first?

>> No. This is fine.

>> Mayor Adler: Okay.

>> I would like to -- and then read my statement so I don't know if that counts against my three minutes, but y'all received today the land use -- land area form that has votes on it. If you could put up my -- it was the one with the both sides. You have it on your -- huh? Oh, you weren't here. Okay. You have in front of you a form that looks like this, and if you will -- I just got that same form about five minutes before council today from and he gave me one change of vote which he handed me a signature form for. There were two others that he hasn't handed me any verification for yet, but I'll give him that. If you look on the last page you will notice it says address not found, address not found. Address not found. These are counted as yeses on every other previous petition of land area they have been counted as no's. My figures for the land other -- because I have the exact same chart in a spreadsheet, and when I calculate those three to no's and I put in Mr. Sadowsky's three unverified houses the land area is actually 68 -- 48.66%, not 52 as Mr. Sadowsky has indicated. These resident the kind of issues that come -- these are the kind of issues that come up at every meeting we've had.

[4:30:46 PM]

There was a 4:30 list last time for a 6:00 meeting. Today I had the five-minute list and was able to find these errors. In all the time I have been crunching data for 10 days, 12 days so far, but in that I have never found an error for the people in favor. I have found 25 errors on our part. So I don't know if Mr. Sadowsky is doing this intentionally because I know this is -- [lapse in audio]. I just wanted to point that out so I would like to go on record saying that we only have 48.66% of the land area and not the 52 as Mr. Sadowsky has indicated. Okay. Now I will read my speech because that's very important. That involves the vote today and you need 50% of the land other or 51% in order to pass this.

>> Mayor Adler: What I need for you to do is to find someone who hasn't spoken and see if they'll give you their time. And you can go down and come back if you want to. I'll call you again if you find someone that will give you time to do that.

>> Okay. I don't know that we have somebody. I would just also like to mention that we have 31.8%, over 20% and so we need a super majority of council today to vote, and I guess my understanding is that's eight out of 10.

[Buzzer sounds]

>> Mayor Adler: I think that may be on a later reading. We can only do first reading today I think because of that.

>> Pool: Mayor, I have a question, and this would be for Mr. Sadowsky. Thank you. I know you addressed the petition and the percentages previously, but could you just one more time explain the [indiscernible] Of the petition and the threshold and.

[4:32:59 PM]

>> Sure. What she is referring going through the list the official list from tcad, some of these people we didn't ever get a response from. Just for these address not founds they correspond to support letters for condominiums on terrace drive. So the actual parcel Numbers here don't correspond to any particular address. If you look at each one, 1901, 1701, 1801, the condo Numbers are 1802 and 1702. There are no other place on this list. So that's why we change them to yes because we do have the owner's petitions for support.

>> I'd like to see them.

>> The reason that we provide these things at a late date, Mrs. Richey provided me with a letter by

email at 11:15 this morning that if we were in the middle of the meeting now I wouldn't have shown about.

[4:35:01 PM]

So I do wait until the last possible minute so that we have everybody's vote to the greatest extent we can.

>> Pool: Was there a date previously when the case was filed, for instance, and you looked to see what the percentage on the petition was?

>> Actually, councilmember, we had enough owners in support numerically because we can do this either or. Either the Numbers of the owners, 51% or the owners of 51% of the land. So as the Numbers began to fluctuate that's when I asked for our ctm department to devise that petition.

>> Mayor Adler: I thought we were told in the working session that you looked at the number of names that existed on the date that the application was made. And thereafter while you keep track of names, it no longer had real significance. The standard was met as of a certain day. Was that true?

>> Pool: And fact that the number fluctuated, while you may be reporting them, they are really not significant because on the date when the case was certified they had the appropriate number.

>> Mayor Adler: Ms. Thomas, what is the attendance that?

>> Councilmember pool and mayor, you are correct. The number that we care about is the number that existed on the date that the petition was submitted to the department. At that time it met [indiscernible].

>> Mayor Adler: Do you know if that list as of that day had challenges to it.

>> Jerry rusthoven, planning and zoning. We verified at the time it was submitted that it had the required amount of support.

[4:37:01 PM]

So at that time the case was initiated and we were moving it forward. So at this point, as the mayor said, it's informational there the support is above or below 51% or whatever the number is. The other number that will matter -- that number is in the past. We're just providing it to you to let you know the change. The other that matters is the change in opposition to the zoning case, which would be what we refer to as a valid petition. You have standard zoning cases as well as local historic districts. And what is matter at the time of reading is if that petition is 20% of opposition of the land area. Unlike the petition in support, it's not land area on or owners. For the petition against it it's 20% of the land area within the district. It would appear at this time that that is a valid petition. We will verify by the time we come back for third reading if it's still valid or not, if people are taking their names on and off, and if it is valid it will require nine of 11 councilmembers for the district to pass.

>> Pool: And there's a recurring theme here this afternoon about how many names are or are not on the petition with the application that Mr. Sadowsky is pretty rigorously following. I wanted to make it -- make the process really clear that the number -- the petition number, 51%, mattered on that petition on the day that the case was filed. And while we may be following its ebbing and flowing, those Numbers are not significant as far as the legitimacy of the application.

>> That is correct.

>> Mayor Adler: There are 10 speakers signed up to speak against this. So --

>> Can I just comment on the petition --

[4:39:02 PM]

>> Very quickly, I just wanted to mention of the 63 original signatures, 21 people who once were actually informed passed three sentences on what they were signing and actually got to see the documentation of what the district is, change their opinion and I'd like to specify I'd like to ask council to give me a vote today without hearing anything and I think it's ridiculous and a horrible procedure we have set up with -- it's not Mr. Sadowsky's fault, it's not the people in favor's fault, but you don't ask people for their vote on a matter before public hearings are held or anything is even sent to your home so you know what you're voting on.

>> Zimmerman: I didn't hear an answer to the concern. I have a concern about these -- about the accuracy of of this documentation here. I notice that there are names -- you can see how there are names next to all the yes/no's, suddenly at the bottom no addresses and also no names. So I can't understand why the person presumably doing the petition in favor, not only has no address, but they have no name. How can this be accurate?

>> Is the address not found for those three is because the tax parcel id number doesn't correspond exactly to an address.

>> Zimmerman: But it's not a tax id or an address that signs a petition, it a person. Why isn't the person's name identified.

>> Except that these records are from tcad and when you pull up that tax parcel, there is no id number.

>> Zimmerman: You're being evasive.

[4:41:07 PM]

-- People sign petitions and so I don't understand why the names -- there's no name associated with a yes petition.

>> Which is why I prepared the other petition that you have that does show everybody's name and their address.

>> Mayor Adler: I think what you were saying earlier is you had gotten letters for those people. So you have a name that goes with the corresponding. This is just a list of the tax id amend if there wasn't one it shows up here, but you have a name and a person on your other file.

>> That is correct.

>> Mayor Adler: Let's continue on with the public debate. Is Courtney Sames here?

>> How long do I have three?

>> Three minutes.

>> I'm terrible at this. So there's that. I don't even know where to start. It really upsets me to see other people in Travis heights vilify me for questioning whether this is in fact an historic district or not. I'm a person who cares deeply about not just the land and its proximity to downtown, but the neighborhood itself. I don't know if this is the best tool for their neighborhood and I'm specifically talking about public schools. They've been -- blues, they've been working on this for nine years, but what they've been working on is Travis heights. When we say whether it's historic or not is not to say that we don't care. It's not to say I've been living in the neighborhood now for 9 years in a sweet 700 square foot house.

[4:43:19 PM]

It's not to say I'm going to demolish it. We're not here

[indiscernible], the votes are all over the place. It's very confusing. I actually switched my vote because I was very confused and I have a very busy job and it wasn't clear to me exactly what I was voting for. The conversation started with demolitions. I don't want developers to come and do all those things that that woman was talking about, but I really sat down and have done my homework on this and the woman with the children doesn't live in bluebonnet hills, she lives in Travis heights. We're not talking about that

we care about -- we don't care about the historic mansions and we don't care about these homes, stay with me, as the preservationists said, we do care, it's just we want to make sure this is the best tool. And maybe it's not. And we haven't been allowed to have dialogue, a real dialogue. All we've been invited to is meetings of the design standards, about basically just signing up for their agenda, not about how I feel, how I view the matter at large. And there are other tools out there and I've brought them up and I've talked to the advocates. I actually really like them a lot. And hope that we can all have margaritas later because this has gotten, woo, you can cut that tension with a butter knife as you can feel in the room. But I just don't think there's been an open dialogue. I really don't. The only way forward -- and I question that. Is it? Have we looked at the alternatives? Have we really weighed them? We haven't because every time we try to bring those forward all they tell us is this is the only way. This is the only tool. And it shuts out a real dialogue where we can weigh the pros and cons --

[buzzer sounds]

-- And really come to an assessment as to whether this is good for our neighborhood because if you actually go through our neighborhood, there's all kinds of different homes from different eras in our neighborhood and our homes weren't built with the best materials.

[4:45:25 PM]

That doesn't mean we need to demolish them, but we may want to change them without all of these serious restrictions.

>> Mayor Adler: Thank you.

>> That's my piece. Thank you.

>> Mayor Adler: Thank you.

[Applause].

>> Garza: I just wanted to ask -- I'm sorry you walked all the way back there. Can you explain what some of those alternatives that have been suggested are?

>> Yes. And we'll be -- the problem with this is we haven't had enough time to really sit down and think those through. We got presented with this petition and there really wasn't a whole ton of information that went along with it. I actually didn't feel comfortable with it -- I'm going to get to your question and not get sidetracked. We haven't had a lot of time. So I'm not coming here saying vote this down, we're done. I'm saying there seems to be some flawed policies with the city. Maybe you could help us, maybe we could have a mediator. There was some confusion earlier. It's not that we don't know what's going on with the postponement, but that was actually put in place because we wanted to sit down and have a mediate we are a neighborhood committee. I've found there is a neighborhood conservation district. Right away when I brought it up I was just shut down the other day. Granted, we didn't have a whole lot of time to talk and we're kind of like at the end of this, but we just haven't had the opportunity to really sit down and look at those different tools that are out there. So we're not here saying we don't want this, we don't care about our neighborhood. So pleased in that for everybody that's sitting here, we -- we love Travis heights on homes that have very little design.

[4:47:28 PM]

So it makes it very difficult and expensive, and I -- I'm a creator, so it really limits the creative control. And that's -- when there's very little creativity to begin with in the design because the majority of our homes didn't have custom architects. Again, not to say that they're not worthy of care, but does it really warrant all of the rules that come along with it? I -- I don't know. So I just want to make sure this really is in fact the best tool because I'm not -- I haven't been asked, a, my opinion so I feel like I don't have a seat at the table. And this is another thing I really think you should know. A lot of people -- I've talked to

neighbors because everyone calls me Switzerland. I'm trying to really, you know, be neutral on this, but a lot of people aren't coming forward. They're not voting. And I've talked to them and I've just had casual conversations, not an agenda, not a petition, but what is it in fact that you fear with this? And what everybody fears is demolitions. So maybe we can put an extra layer of protection because I don't want developers coming in here and putting the massive things they had on there, but at the same time let's not inflate what my little 700 square foot home is. It's just not black and white. And we aren't here to shut this down, we are here to create a dialogue and really for a negotiation because we feel like we do have the shortened of the stick on this and we haven't been given time to really assess the alternatives. So thank you.

>> Mayor Adler: Thank you. Sir? Your name for the record?

>> My name is James biladoe.

[4:49:42 PM]

>> Mayor Adler: Is Rusten. Thank you. You have six minutes.

>> Any name is James biladoe. I live at 502 east Mary street within the bluebonnet hills local historic district. I'm a strong supporter of the historic district, but even stronger in my support of it is my belief that residents have the right to determine the future of their neighborhood on the basis of factually correct information and transparent and open dialogue. I think this is the most important standard we all must adhere to as neighbors or city leaders regardless of our personal opinions. I believe the opposition to the historic district has failed to adhere to this standard. The best way I believe to see this is to see exactly what kind of information neighbors in the district are getting. I sent you, the council some materials Erwin center this week. Hopefully it's in your backup. It will look like this. So you will see handouts from both the opposition and from supporters of the historic district. And I was just hoping to walk you through quickly so we can judge the accuracy of each. If anyone doesn't have it I have copies for everyone and happy to pass them out. Would anyone like a copy?

>> Mayor Adler: You can pass them out. Thank you. Okay. Let's start on page 1, I received this document from Mr. Rf panju in the fall prior to any decision of application for the local historic district. I've heard him speak twice and he said he hasn't distributed any materials other than actual page from the design standards. That is unfortunately not correct. This is what neighbors received, including me.

[4:51:44 PM]

I would like to just walk through and illustrate some of the errors because I think it explains some of the volatility that we've seen on people signing on to a petition based on incorrect information. So I'll start from the top. So point number 1, he says it's not right to diminish the land value of neighbors who do not want to be part of the historic district. Zoning encumbers property. It's an obvious statement, but it will completely deny the benefits of historic districts enjoyed in other cities across the country. We've seen those Numbers. There's an interesting study called the economic impact of historic preservation in Texas. So if we had to think about what the value is of historic preservation relative to slight concessions that we have to make, they're overwhelming. So I'll read from page 55 of the study. Historic designation was associated with higher residential property values in all of the Texas cities. Higher values were statistically significant in seven of the nine cities, Abilene, Dallas, Fort Worth, grapevine, Lubbock, nacogdoches and San Antonio. Among the cities where historic designation was associated with average property value increases ranging between five and 20%. To summarize the preupon from dense of political literature indicates that historic district regulation supports and enhances single-family residential property values. I have a copy of the page of the study if anyone would like to see it after this. There are zoning protections

[indiscernible]. Historical sign standards are ambiguous. Historic district will allow other people to apply their subjective criteria to make decisions about your home.

[4:53:45 PM]

I find this inconsistent because at other times he said [indiscernible]. It's 17 pages with lots of pictures to make it clear, a glossary. I referred to them and I was pretty content with what was contained. He says any advantages are far out weighed by the hidden cost. We just reviewed the property increases associated with historic districts. If we look at other data from other supporters, we'll see that Hyde park has had minimal costs associated with implementing these standards. Most have passed through under administrative approval. Renovating, be ready to spend thousands of dollars for renderings again. It would be good to qualify which costs those are. Don't have evidence there. Changing windows and doors. It will not be easy. You will have to ask for permission from a board. That's incorrect. You can change your windows and doors. Want to add a second floor? Good luck. You will need to expand your home in your backyard. That's incorrect as we know. You can definitely add a second floor. Number eight he says adding square footage increases your home's value. He gives some sort of basic arithmetic. So it's simplistic. He's saying the only way we can get value from a home is by adding square footage. So a, we can't add square footage, we just have to do so in a way that's consistent with the design standards so we preserve the facade, but we can absolutely make additions, and then per square footage as I just noted, we can increase the property value per square footage. It's a pretty compelling case where we can both preserve character and add value to our properties. Fines, yes, people get fined. , If they don't meet design standards, and that will happen. And finally, let's look at the bottom, anonymous is how I would characterize the effort from Mr. Panju. He never gave me his name nor his email address.

[4:55:47 PM]

All I got was this email address on this document. There was no public website or listing of neighbors behind this effort unlike supporters of the lhd. In closing I would refer you to what I received from the bluebonnet hills supporters. It's a very comprehensive document. It lists our neighbors. It references their website and full design standards, which I referred to before signing anything.

>> Mayor Adler: Thank you very much.

[Applause]. I know Gretchen Otto up next.

>> Hi there. My name is Gretchen Otto. I -- [indiscernible]. It's a great house. It's not contributing. Someone added on to the front of the house in 1960 and that made it non-contributing. Unfortunately there would have been no room by current design standards to actually add on to the house in the back. It's all the way set to the back of the property. I just want to clarify some things that I've been in the house since 2009 and I was not approached about an lhd in bluebonnet hills until one year ago when someone asked me to sign a petition with no information. I had to go and dig the information out myself and read about it and learn about it, and then go and tell another neighbor who was on the other side that I just didn't feel right signing that because I didn't feel like I should tell my neighbors what she should do.

[4:57:54 PM]

That's not what we're in this for. We just want people to be able to change their windows to environmental, you know, windows that will do us good, but under the design standards you can't do that because they're aluminum on the outside and you may have to move your window by an inch or so

for them to fit. I'm not really sure what we need protection from. The facade of homes are already protected inside the city code. If the city code was adhered to, then -- and these were followed, then I don't think there would be as large an issue as there is. None of us want McMansions. There's already an ordinance in place for that. We don't need an Ihd to protect us from this, I don't think. We just need the city to actually enforce things. There was an argument made earlier that some condos in the neighborhood were an eyesore and, you know, they were never actually zoned single-family homes. So I'm not sure that's a valid argument. We've tried in the very little time we've had to look at other less restrictive ways to achieve the same goals, but mostly we've been told that this is the only way to do it. We just want a seat at the table. We want an opportunity to be involved in these design standards that get set forth. They seem very restrictive restrictive. We created a neighborhood organization ourselves over the last week that we call the friends of bluebonnet hills and it was designed to create a clear and transparent means to communicate and address the concerns inside our neighborhood. For us it's about inclusiveness, about openness, about everybody having an opportunity to say so. It's also about a voting process that's fair and about a voting process that actually can be counted by someone --

[buzzer sounds]

-- From a third party so that the votes are accurate.

>> Mayor Adler: Thank you.

[4:59:54 PM]

I want to say that I love my neighborhood and love my neighbors. However all this turns out everything will be just fine with me and my neighbors. I just hope that we get to have the same creativity in our neighborhood that we see happening in Austin everyday with the new beautiful buildings that go up downtown. There's creativity there. There can be creativity in our neighborhoods, but with the current standards they're trying to push with the Ihd there won't be any creativity. Thank you. Gretchen Otto.

>> Good evening. I'm not sure what time it is. Thank you for your time. My name is Gretchen Otto. I live at 512 east Mary street, which is a contributing property in the proposed local historic district. I've lived in Austin for 16 years. And my current home for three years. We're just a regular Austin family. My husband is a musician. I work in book publishing. We have two small children. We chose our current home because of the neighborhood. It is a truly special, magical place filled with majestic old trees and charming old houses. There's so few preworld war II homes left in Austin. Each one is precious. And this grouping is relatively untouched. That's rare now because our area is under tremendous pressure by developers who are tearing down our old houses at an alarming rate. This is the only tool available to us to save our historic houses from being demolished or renovated to the point of unrecognizability. My modern home is about 80 years old. That's a long time for a house to exist, especially in Austin.

[5:01:56 PM]

I think a lot about the previous owners of my home as well as the future owners and future neighbors were all mortal. I conserve myself to be its custodian more than its owner and I want to make sure that its and the nearby houses are preserved for future generations to enjoy. I'm also currently the vice-president of the srcc, the president of the srcc was not able to be here in person today so she asked me to speak on behalf of the srcc. You all already have the letter that she wrote, which indicates that the srcc, our neighborhood association, supports the bluebonnet hills local historic district. I just want to emphasize that both sides presented their cases and we had a record turnout for the vote and it was overwhelmingly approved. As vice-president I receive all the city notices for our neighborhood. I have seen many demolition permits come through. We have had no ability to stop them. There's no way to preserve facades of houses. There's nothing in the code that will help with that. Bluebonnet hills does

need saving. And I do think that this is the best method whereby we can save it. And just the neighbors who have asked for a seat at the table, I would just like to encourage them to please come to srcc meetings. That's the table. And there are lots of seats at it. And everybody is welcome to come to our monthly meetings. They're open to the public and I encourage them to get involved. So in closing I ask that you please honor our imagine Austin plan and the greater south river city neighborhood plan and vote in favor of this local historic district. Thank you.

[Applause].

>> [Inaudible - no mic].

[5:03:56 PM]

>> Mayor Adler: You were my next speaker. Do you want to speak?

>> First I want to thank you all so much for your consideration of this really important event, this important situation. My name is Laura Leslie. I live at 1914 Eastside Drive. I'm a very enthusiastic new resident. I've been in my home for less than two years. You know, my intention when I first was thinking about this situation was to talk about the eclectic nature. And I walk my streets frequently and I don't see any historic nature to the environment, the community in which I live. With that said, that's not the real reason why I wanted to speak. More important than that is that I learned that my official objection or no vote was actually changed to a no response. I wish that I had made a copy of my original letter that I submitted, but unfortunately I didn't. I never anticipated that my vote would be altered. And I'm just wondering how and why that could have happened. And I'm curious to know how many other submitted votes have been altered as well or improperly recorded. So I'm just-- I just want to state for the record that 1914 Eastside Drive I'm absolutely opposed to the historic districting. And I hope that in this process of recording my and my neighbors' responses, that you all will be a little bit more mindful of being accurate in the Numbers. Thank you very much.

>> Mayor Adler: Thank you.

[Applause]. Is Russell Frazier here?

[5:06:03 PM]

Is Allison Ravenek here? Is Karen Krepps here? You have six minutes.

>> Thank you very much for hearing our -- taking our testimony today. I'm Russell Frazier. I live on Lockhart Drive, which is apparently the epicenter of the district. I look out my front door at neighbor Panyju. I look out my neighbor to the right and I see my good friend Michelle Webber who sponsored our petition, is a brave woman. I'm going to make half a dozen points here so going to move quickly.

>> Mayor Adler: Could you bring the microphone a little closer?

>> Sorry. Mr. Biladoe spoke about the study being done for the economic impact of historic preservation in Texas.

[Lapse in audio]. As well as the Rutgers School of Planning and Public Policy. I've been in business for five decades. I retired in '08. One of my several career paths was a business economist for a decade and then 12 years working for Mr. Dell in Round Rock as a system analyst. I'm very quantitative. I'm not an artist, not a musician. I'm a number cruncher. When I was encouraged to sign up for this effort last summer, I decided to check in to the -- my first question is in terms of economic terms, is this good or bad for the community? A little bit of research turned up this study, which was done in 2013, the data was gathered in 2013, the Numbers were crunched in 2014, and the report was issued this winter.

[5:08:04 PM]

I think January of 2015 the draft was issued and it was presented on the U.T. Campus of the school of architecture in January, I believe. I went and met the authors of the study. It was actually an update of a study done in the mid 90's here in Texas also. Could you switch to the blue screen? You see four rectangles there. I believe those are burnt Orange, a little plug there for U.T. The upper left-hand rectangle, the annual heritage related spending in Texas 2013, I've checked the line for historic [lapse in audio]. 172 million. Quite a big number. There are a few point about this study I would like to make, some background on it. It's 60 pages long. I just excerpted a few pages here. For the purposes of this study, historic rehabilitation is defined narrowly to include only work done on properties designated as historic landmarks or within historic districts. Designated properties represent only a small fraction of the buildings eligible for historic recognition across the state. In this study rehabilitation is defined as encompassing all construction work classified by the U.S. Census as alterations such as facade reconstruction, major roof repair or room alterations. Most rehabilitation projects were undertaken by property owners. There is text here about the state of Texas exempts sales tax and so forth. Homeowners often benefit from local property tax exceptions to the increased value of rehabilitated historic home, which I think is true here. Final point, historic rehabilitation in Texas adds 1.04 billion to the state's annual gdp and they get that by using a multiplier effect on the 700-million-dollar number.

[5:10:08 PM]

A few more points, quick points. I have the greater south river city combined neighborhood plan, 2005 edition. You see the ear marks in here. You're probably familiar with this. We have one of the few neighborhood plans in Austin. I know that there's an effort now to roll out neighborhood plans throughout the city. There are reference after reference to preserving neighborhood character and local historic districts. I also have a copy of imagine Austin comprehensive plan vibrant, liveable, connected. I agree, we need this. We need an overhaul and a different look. City council adopted June 15th, 2012. You see the ear marks in there also. It's the same thing. It's almost verbatim from our neighborhood plan, local historic districts, preserve the character of the neighborhood, infill tools, granny flats, accessory dwelling units. I don't know where we've gotten off the track with this, but this is what people in Austin want. They voted for this. And they've adopted these plans. Third major point, there's been a lot of discussion about the data, the signatures and the petitions. And there's been a lot of talk about the dissension in the neighborhood. Frankly personally I don't have a problem with someone voting no. That's everybody's right in a democracy. To paraphrase Winston Churchill, democracy is a terrible form of government, but it's better than whatever is in second place. We can certainly see that here today, the truth of that wisdom. I tell you what I think has to stop is misrepresenting information. I got a copy of an email this morning, an email sent to Steve Sadowsky, from a member of the audience here in the anti contingent, quoting an interview with my neighbor on Lockhart, an hispanic couple who bought their house in Travis heights in the 1950's.

[5:12:21 PM]

In this email the interviewer reported that the couple was not fluent in English. And she had to retain the services of an interpreter to make themselves clear.

[Buzzer sounds] I've known this couple since 1958. They're pillars of the community in my opinion and they are both extremely fluent in English. And I don't think either one of them drink. They've been to several new year's day parties at my house for hopping John and a little champagne, but they're both sober, hard working individuals and they're both extremely fluent. This kind of stuff has to stop. This is just ridiculous. It's a waste of time. And it also antagonizes everybody. There are many other examples of these exaggerations and untruths. You've sat through three hours of testimony here. I think you know

what I'm talking about. And that's all I have.

[Applause].

>> Mayor Adler: The next speaker is Joe Padel.

>> And I've got some other minutes?

>> Mayor Adler: Is Sheryl Jefferson here? Settling Jim martin here? Is Larry gilly here? Is Alejandro [indiscernible] Here? You have nine minutes.

>> Thank you. Hello, everyone. Thank you for your patience and for your attention to this issue. My name is Joe bidel, I'm a registered architect and owner of property in the Hyde park local historic district. I'm a preservationist.

[5:14:21 PM]

I live in a house built in 1897. When I bought it it was condemned by the city. I worked for a year in Vienna, Austria, a city that was so old when it was called [speaking foreign language] And I've worked on many renovations on buildings that are older than anything in Austin. In 1978 when I bought my property, the house was condemned. The property at the time was not valued by the city. The building inspector assigned to my case, because it had been condemned, told me that if xyz were not completed in a period of time, the city would send out a bulldozer to demolish the structure. There was no coherent preservation policy at that time. There is no coherent preservation policy now. I was an active participant in the Hyde park local historic district process over a period of years. It all began with casual conversations with neighbors who were trying to initiate the zone change for the district. There was an encounter with a neighbor, a sweet neighbor that I look who brought over the petition. She said she didn't know much about it, but that it would be a good thing. And I signed it, like many of my neighbors, without really giving it a lot of thought. I was not particularly well informed. Subsequently I went to a number of neighborhood meetings, and a growing number of neighbors began to question primarily the design guidelines because the whole conservation for literally years was about the design guidelines. There were special meetings hosted by the planning department hosted about the guidelines.

[5:16:30 PM]

There were articles in the neighborhood newsletter. And on the listserv, updated from workshops. Near the end as the process continued to the commissions and then to council, questions arose about very late in the process what came to be called the phantom codes. These are the city requirements that Mr. Zimmerman asked about earlier. They're not in the design guidelines. It's a completely different set of codes. And no mention of these codes had been made at any time in the conversations with the city or with my neighbors about the design guidelines. Where is the clicker? The problem at the end -- [lapse in audio]. ... Felt cheated. Whether they were cheated or not, whether the law was followed as to the 51%, et cetera, it was very situation to what we've been hearing about today where neighbors were uninformed when they bought in to the process, found out later what the particulars would be of the law that would be going into effect and said wait a minute, I didn't sign on for that. I want to change my vote. But it was too late because all that mattered was their vote at the time that the thing was initiated. The city failed to inform us of basic material information and obtained neighborhood support under false pretenses. Everyone likes to talk about how Austin is different.

[5:18:32 PM]

In a lot of ways we're not that unique. West of the apache chins there are -- appalachians, there are a lot of cities with a similar MIX of construction. Historic preservation particularly and conservation generally

have been going on for a long time, but the concept didn't arrive in Austin until the 1970's. As it did in other similar cities in the midsection of America. Many cities began using local historic districts, but Austin did not. Austin wanted to go a different route, to go the route of designated historic landmarks. This exemption -- I'm sorry. And Austin did something else. It awarded to the owners of the landmark properties a golden carrot, an exemption in perpetuity on their property taxes amounting to about a 50% cut. And losses currently for the city of Austin of millions of dollars every year. Yeah, Austin is different. There are no other cities that have a policy anything like ours. It started 40 years ago, but it goes on every time these issues come up. And the question I'm bringing tonight, this afternoon, is when will we have a coherent preservation policy? We cannot change what was done in the 70's, but we can change how we manage preservation going forward. The lhd concept was introduced very late in Austin in 2004. It was a reaction to the excesses and the designation of historic landmarks.

[5:20:32 PM]

Currently Nashville, which is an analogous city, a liberal city and conservative state and state capitol, they have 33 landmarks, we have nearly 600. None of their landmarks receive tax exemptions or abatements. In Nashville they have 23 historic historic district. There's no pretense that citizens, property owners and a proposed district have to buy in in Nashville. It's part of a comprehensive preservation policy. Three aspects -- so we're looking for the right tool. There are three aspects of historic preservation that we need to see as the hinges, the moving parts as we look at this from a holistic point of view. One is this requirement of 50% of property owners. The other is that the law requires equal standards of care for contributing standards in an lhd and for landmarks. This is a higher standard than is used for all other property in Austin. This is the stick. You can be fined. It can be very costly. There are bureaucratic hassles. You have to follow the rules if you are a contributing structure. And it's the same rules as for a landmark. The carrot is different. There are unequal benefits to the owners of contributing structures in an lhd compared to the benefits enjoyed by owners of city landmarks.

>> Audience:.

[Lapse in audio]. If consent is required, does that not mean informed consent?

[5:22:34 PM]

The code only requires that a certain number of owners in a proposed district say yes to initiate the process. If the process goes on for five years or more as it did in this case, and the turnover of housing is brisk, many owners would be left out of what is purported to be an inclusive process. The code is vague about how and if a retally is to be done. The real problem with the survey, the buy-in by property owners, has to do with the information provided, in this case not provided, at the time of signing. The sponsors of an lhd initiative have a duty at that time that stakeholders are polled to inform them of all the ramifications. Not by throwing the whole Austin code book at them, but by providing the same kind of --

[buzzer sounds] Oh my god. Run out of time.

>> Mayor Adler: You can go ahead and finish your thought.

>> Thank you. What you're seeing on your screen is a brochure put out by the preservation office. It's a marketing tool for local historic districts. This brochure has no reference to what we call the fan come codes, -- fan come codes, the back story, the real restrictions, the teeth of this law. And that's a serious omission. It doesn't need to be a lengthy document because after all, people have finite time to consider decisions like this. Do you have a quick question, Mr. Zimmerman?

>> Zimmerman: I had asked somebody who was testifying about how city staff is supposed to be neutral

on these issues. And I think you've just put up another example of what I've noticed for more than a decade is I don't see neutrality. This looks to me like, as you said, marketing material that really cites benefits, benefits, benefits, benefits, but not the cost.

[5:24:42 PM]

Which is that 65 pages of design standards I've been perusing through there and since you're an architect, it refers to finistration. A few people know what it is. It's the proportion of windows and doors

--

>> We have an educated audience.

>> Zimmerman: But I'm an engineer. Finistration is not -- it's subjective. What are we talking about? The codes are ambiguous. One bureaucrat could say you're not complying with the finistration? How do you argue that? Finistration in whose mind? So I think that's what you're referring to. I appreciate your remarks very much.

>> And if we had more time, there are countless examples of what you're talking about.

>> Mayor Adler: Ms. Tovo?

>> Tovo: Thank you, Mr. Bidel. I had a question for you. I know you live in Hyde park still and that you were involved in the local -- in the discussion around the local historic district as you mentioned in your testimony and I just wanted you to comment if you could on whether from your perspective the homes within Hyde park are fairly well maintained overall?

>> Compared to what?

>> Tovo: Just compared to areas in other neighborhoods. And one of the reasons I'm asking -- I served on the planning commission during the time that the Hyde park local historic district was going through and we had some -- heard some very similar testimony and some similar discussion and I know one of the concerns that you were cited as raising to the american-statesman was that you worried that the rules would discourage homeowners from improving their properties in creating -- and the quote was the rules shouldn't create barriers to good stewardship, but the time consuming and possibly expensive hoops you would have to jump through will be a disincentive to do basic preventive maintenance. I just wondered in the years since the local historic district has been in place whether your concern was borne out or do you feel like that's -- from my perception the homes seem very well maintained.

[5:26:48 PM]

>> Hyde park is a changing neighborhood and there isn't a one liner answer to your question. It's an interesting topic. It would take longer to explore it. The reality is now Hyde park is now a mature, gentrified neighborhood. It's a different neighborhood from bluebonnet in that respect.

>> Tovo: Again, I think it's just some of the concerns that have been raised are very similar to the conversations we had back during the local historic district for Hyde park, but again since that was a concern you had raised, I wanted to touch base on whether -- how you felt about that particular position at this point?

>> I think it's worth studying and it would take some study.

>> Tovo: Okay.

>> Not every house is in perfect condition.

>> Tovo: Thank you.

>> Mayor Adler: Thank you. Next speaker is Paul draun.

>> Thank you, mayor and council for hearing testimony today. My name is Paul and I live at 2000 eastside drive. My wife and I have lived there for 25 years. We're actually the second owners of the house. It is one of the 1200 -- it's a 1200 square foot house that planning commissioner Bryan rorock

mentioned that no one would want to live in. When my wife and I first -- [lapse in audio]. We loved the mature, large trees, the historic structure, Stacy park, and the beautiful and at that time affordable homes. Having been in Austin since 1979 I've seen the changes that have come to Austin, some good, some bad.

[5:28:52 PM]

After we moved into our home, we started receiving mailers asking us to sell our property. One in particular said Hong Kong wants to buy Travis heights property. We laughed at it. We just thought it was a really funny thing, but as we started experiencing what was happening to the city and the neighborhood, we realized that it was really nothing to laugh about. We've seen forces without regard to our historic, cultural and community fabric level and scrape our homes. 10 years ago the citizens of Austin got together to participate in a vision for Austin. All of Austin was encouraged to participate. One of the outcomes of imagine Austin was to encourage local historic districts. These districts come from the ground up. They are not top-down entities. First.

>> But we, the citizens of bluebonnet hills, by a substantial majority initiated the procedure to create a local historic district. That's understandable that new residents are unfamiliar with this process, but the fact is less than 25% have opposed it. So I'm asking you to honor our community vision and the democratic process and approve the local historic district. Thank you.

>> Mayor Adler: Thank you.

[5:30:53 PM]

>> The next speaker is John David swan. Mr. Swan, you have three minutes.

>> Thank you, everybody, and I'd like to just express gratitude to everyone that's come down to speak today. I hear a lot of passion and intelligence. I own three properties just outside the proposed district. And I'm going to ask you to consider that using the district as a way to control infill development may not be the best choice. First, I'll just say that any property owner in the district is completely free to adhere to the design standards and those seem like wonderful standards, but it's not really necessary for the people that don't live in the district to pay for their efforts to improve their property if that way. That can be completely voluntary. It's available without any commission or activity by the city of Austin. Second, I believe it's a misapplication of the vehicle, the historic district to try to control infill development. You can take any property and write up its history and get a few houses around it and write up a collective history and document that and that could be a basis for a repetition of this process over and over again. In 40 years, the people from Mueller development might be here wanting to get a historic district for their property. I know that's kind of a joke, but it's -- this could go throughout the city really because of the arbitrary nature of the time period, the architecture, style, standards, the size of the buildings that would be debated, perhaps -- the fiscal nature of the proposal.

[5:33:15 PM]

Perhaps a \$500,000 addition, I don't know the -- I couldn't get my wi-fi to work so I'm not sure what the city tax rate is but let's say it's 1%, just as a hypothetical, well, in ten years that would be a \$50,000 savings by that property owner in taxes he or she wouldn't have had to pay. I don't believe the budget would be changed to reflect that so that would mean that myself and my renters would be paying that \$50,000, you know, in collection with everybody outside the district. I don't believe that's good policy. And I don't know what the -- I don't know what the district itself -- the city staff and all, that the activities to review all of the applications for renovation, I don't know what that's going to cost, but I

think that's probably a substantial cost over time. So I'm concerned about --
[buzzer sounding]

>> Can I have one sentence?

>> Mayor Adler: Yes.

>> In regard to Hyde park, I own property right north of Hyde park and I'm sure that the historical district there and the restriction on ill fin has been useful in that neighborhood, but I in fight you all to look at what's happened just outside the boundary of that neighborhood because there's been a tremendous amount of infill development there that's maybe not in line with what some people would prefer. Thank you very much for your time.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Next speaker is Chris Joe or Chris J.P. Is what it shows on my list. Is that what you have, Chris J.P. Or Chris Joe? Okay. The next speaker is Kelly warnhoff I think we already had speak. Glen Ford.
>> Thank you all for your time.

[5:35:15 PM]

My name is glen Ford and I live in a contributing home at 510 Lockhart. My wife and I oppose this proposal. I wanted to add something personal to all the good reasons you've heard today in opposition. She and I want to live out the rest of our lives at 510 Lockhart or as near as we can get so hopefully a long time. It's an amazing location, which we love. But we want to make the house truly our home and not the home of some fine folks from 19 knife 53 -- 1953. Mr. Sadowsky said the design guidelines don't maintain style, I remain convinced that's contradicted by the city code, which I'd like to read to you today. Not the entire thing. I promise.

[Laughter]

>> So I may not be too bright but I am literate and I think I'm interpreting this correctly, section 25-11-212 says without a certificate of appropriateness the person may not change, restore, rehabilitate, alter, remove or demolish an exterior architectural or site feature of a contributing structure, including but not limited to the replacement of window, doors, exterior siding materials, installation of shutters or exterior lighting or the replacement of roof materials, end of quote. So a certificate of proposeness may or may not be granted and that adds uncertainty and expense to the process of doing any addition, especially when you consider an architect's fees and repeated trips to a historic commission. You've been told today by proponents that we the opponents were misled into opposing the Ihd but surely the code is clever. My wife and I aren't ignorant or misled and I don't believe the other opponents are exponential I question why some of the proponents are trying to contradict the clear language of the code.

[5:37:17 PM]

I'm being honest when I say the following, my wife and I, if we aren't allowed to express our individuality because we're beholden to retain the exact facade of our place, which frankly we consider unattractive, we will seriously consider moving. I don't think the proponents want to drive us away, but having talked to them on several occasions I also don't really feel they've fully appreciated the very direct and personal impact it could have. I do also want to address a comment you heard today. We've just been told been a nonresident of bluebonnet hills that we can just go elsewhere if we want to build what we want. I don't see how that's acceptable for someone to say to us. I'm just a software dude, I'm not a developer here to destroy the neighborhood. And I take great offense to the idea that my wife and I need to either put up or shut up. Thank you very much.

[Applause]

>> Mayor Adler: Thank you William Calvert.

>> Mayor Adler and members of the council, I thank you very much for allowing me to speak on this subject. I'll be very brief. I promise. My name is bill Calvert. I live in bluebonnet hills subdivision. I have lived there almost continuously for 72 years. Sorry. Since 1972.

[Laughter]

>> Mayor Adler: Sometimes it just feels like 72 years.

[Laughter]

>> When I arrived, I was one of the youngsters, now imone of the fossils. I've seen many changes. The oak will swept through our neighborhood in the 1950s and really destroyed the closed campy nature of our street, of our beautiful block. And it's just now recovering.

[5:39:18 PM]

But what I have not seen in all those years is much increase -- excuse me architectural integrity and the magic of the neighborhood, it's remained a place full of charm, a delightful place to be. When I was a kid I had the great fortune of living in Europe many years. I first arrived after the war and witnessed the aftermath of the war's destruction, I returned foster years later as a tourist. I was Aston insider at what the Germans accomplished. By a combination of a sense of architectural history, a love of beautiful cityscapes and strict zoning laws that would to us seem draconian, they rebuilt their cities and towns into delightful place that's gladden the heart and enhance the spirit. The new architecture is fully integrated and compatible with the old. We have such places also. King Williamson, San Antonio, and Georgetown and Washington, D.C. Come to mind. The point I'm trying to make here is I've seen what the zoning ordinances can do to enhance the lives of citizens. I don't think these -- the issues should be cast, the issues that we've been discussing here should be cast in terms of restrictions, regulations, and loss of rights. I think they should be cast in terms of history, history of the neighborhood. We can save a small 109 houses five-block segment of 1930s bungalows in south Austin to show ourselves, our children, grandchildren, and all those that follow with imagination we can envision the culture, the life when the people who lived in these bungalows before TV and air conditioning sat on their porches and stoops in cool evenings and interacted with neighbors and people who walked the streets.

[5:41:25 PM]

And they never entered their houses through side doors and the garage. The history of the area is represented in the memories of people who lived there --

[buzzer sounding]

>> Mayor Adler: Finish your thought.

>> What is written about it and its architecture, I hope you will help us preserve this little piece of Austin. Thank you.

>> Mayor Adler: Thank you.

[Applause] That's the last speaker that we have. Is there a motion to close the public hearing? Ms. Pool, is there a second? Ms. Houston. Any discussion? Those in favor of closing public hearing, please raise your hand. Those opposed? It's unanimous on the dais.

>> Pool: Mayor.

>> Mayor Adler: Ms. Pool.

>> Pool: Could you remind us specifically what it is that we're looking to do today?

>> Mayor Adler: This is --

[laughter]

>> Mayor Adler: Item number 43. And on -- before us is a ordinance, and this is first reading on that ordinance to declare the district. Is that correct, jerry?

>> Yes, mayor, we are not prepared for all three readings today but we would be prepared for first reading.

>> Mayor Adler: Ms. Houston?

>> Houston: I have a question about nine contributing structures. What will this do to them.

>> I believe I prefer to have Mr. Sadowsky answer that question if that's okay.

>> Noncontributing structures are not subject to the design standards. Also, there would not be the same bar to demolition as there is for the contributing structures.

[5:43:27 PM]

>> Mayor Adler: Can't hear you. I'm sorry. Could you speak up a little bit?

>> Sure. Noncontributing structures are not subject to the design standards, and though not be the -- there would not be the same bar to demolishing a noncontributing structure as there is to a contributing structure.

>> Houston: Thank you.

>> Mayor Adler: Would you define noncontributing structure for people watching?

>> Noncontributing structures has been modified to an extent that it does not retain its historic appearance.

>> Mayor Adler: Thank you. Ms. Garza?

>> Garza: Could you give some clarification on the -- I've heard about -- we can't replace our windows, they can replace their windows. And then the gentleman read the city code that said it sounds like you can't -- so can you speak to that a little bit?

>> Sure. The city code section -- let me see if I can fix this. City code section that Mr. Forward referred to -- Mr. Ford referred to basically is the same thing. You need a permit to do things. What he's saying is that you need a certificate of appropriateness to do these things in a historic district or at a historic landmark. Can't do it without a permit like you can't build a house without a building permit. Replacing windows and doors, the design standards address those. There are -- there's a great deal of flexibility on replacing windows and doors. And there are ways to improve energy efficiency while still retaining original windows and doors. You know, I think the thing to keep in mind, councilmember, is we're not viewing these houses as museum pieces. What we're doing is trying to set out standards that everybody in the district can live with to maintain the historic character of the district. So it's really the appearance. You know, I mean, as far as an environmental factor, yes, we want to reuse materials to the greatest extent we can because then they don't end up in a landfill.

[5:45:35 PM]

But if those are deteriorated beyond repair, the design standards tell you you should replace those with windows that look the same or a door that looks the same to maintain that historic look and that character defining look of the building.

>> Garza: When we're designating, if we were to designate this as a historical neighborhood, can we put in between now and second and third reading design standards specific for this historic district or do you have to apply the same design standards to every historic district?

>> I mean, if you happen to notice in the film, the original ones were designed for all of Travis heights, and they had examples, photographic examples of house that's weren't in bluebonnet hills. That was one of my comments. Let's make these design standards and these examples specific to the district and so we have achieved that.

>> Garza: One last question. Is there still opportunity for people to give input so these could change from second to -- you know, when we move to second and third reading is this.

>> Sure.

>> Garza: Okay.

>> Actually, even if y'all pass it on second and third reading in August, the design standards will be up for review. There's a sunset clause in there. This remains a living document. It's all part of seeing what's working, what's not working, and if there's a reason to change something, that's certainly something we'll look into.

>> Garza: Thank you.

>> Mayor Adler: Could this council change the design standards as part of approval?

>> Yes. In fact the planning commission made some recommendations which in the updates that I handed out to y'all, the design standards reflect the recommendations of the planning commission.

[5:47:36 PM]

So this council could also, as part of your decision-making process, make some changes to the design standards.

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

>> Kitchen: Could you help me understand -- and I may not have heard the answer, but can you help me understand the impact on the gentleman who testified about being in the process -- I think you -- he testified that he was in the process of developing his home or -- you know -- yes. Sorry.

>> Mayor Adler: Okay.

>> Kitchen: In other words if someone is already in the process of making changes to their home or demolishing their home or somewhere in that process, how would this impact that?

>> It's just --

>> Kitchen: People may already be in the process of making changes to their home?

>> It doesn't have any affect. The design standards, right now we're looking at those as advisory guidelines.

>> Kitchen: Okay.

>> So we're recommending people follow them but until the council enacts the ordinance that creates this district, there's nothing in place.

>> Mayor Adler: What if we pass them and the house isn't finished cigarette crook that's really what I'm asking.

>> Mayor Adler: Does it then apply at that point? If he's mid construction at the time we pass this does it apply to him?

>> No. Because his case would be grandfathered. His application was reviewed, he obtained his building permit prior to an ordinance being enacted.

>> Kitchen: How far along in the process would a person have to be to be grandfathered?

>> I would say if they had found their permit -- filed their permit application before the ordinance takes effect.

[5:49:43 PM]

>> If they filed a building permit prior to the ordinance being in effect, they would not be subject to it.

>> Kitchen: Thank you.

>> Mayor Adler: Ms. Tovo and then Mr. Zimmerman. Mr. Zimmerman.

>> Zimmerman: I wanted to ask Mr. Michael Francis if he could verify that information. Because I guess I'm confused now. Could you let us know where you are in your process? I was thinking you wanted to

DEM oil and rebuild?

>> No, we actually have received on -- in March we received approval for the demolition and in May we received the variance, our lot was a sub-- so the only reason that we really, really had to do major changes, the inspection part we had it reviewed 23 areas, 17 of those were fully deficient. We had to and we incorporated -- we were thoughtful in our process in terms of incorporating features that would blend in somewhat with the neighborhood but allow us to -- we're moving forward, but we've been delayed and are now looking at next year to be moving in. Juke thank you for the --

>> Zimmerman: Thank you for the clarification.

>> Mayor Adler: Ms. Tovo.

>> Tovo: Mayor, I wanted to move approval of the local historic district.

>> Mayor Adler: It's been moved to approve item number 43 on first reading. Ms. Pool seconds. Anyone debate?

>> Tovo: I wanted to speak to my motion. First of all I wanted to thank everybody involved in the dialogue on every side. It's been a very interesting discussion but ultimately, you know, I believe this is in the best interests not just of this neighborhood but of the community to recognize this as a tool that the community has embraced and has looked to to preserve the historic character of our neighborhoods, especially those in some of the oldest parts of our town. And as some of the speakers have said, you know, Austin is growing at an extremely rapid expropriate as Austin grows and changes, we need to preserve the historic -- the historic character of our neighborhoods, the historic fabric of our neighborhoods and this is one tool that I believe is -- can be very effective, and I look forward to seeing if this council approves it, our fourth historic district, local historic district come on line as former commissioner -- planning commissioner Sandra Kirk mentioned, many people, the south river city citizens identified local historic district as a goal for their neighborhood specifically, the neighborhood association supported and embraced it.

[5:52:26 PM]

I just want to speak to some of the comments that Ms. Martinez mentioned earlier about newning avenue in particular. When I first really got to know Travis heights I spent a lot of time on newning avenue and it's unbelievable how that street has changed, that portion of the street has changed in the last decade or so as one by one as she described the older houses were demolished to make way for much newer structures and it really has changed the nature of that neighborhood and that area. So I think this is very important to put in place in Travis heights. I spent about ten years in Bouldin creek and watched a very thing happen as one by one the 1930s cottages were moved or demolished to make way for different structures. Now if you drive through Bouldin creek, areas of Travis heights, sometimes it's hard to be clear on where you are because it looks like a street that could be in lots of other cities, in lots of other states. It's no longer really indicative of the Austin that is part of our history and part of our past. So, again, I appreciate all the conversation, but I am very supportive of --

>> Pool: I'd like to speak as well for my reason for seconding this motion. And I'm going to cast back to some of the comments that Sandra Kirk made earlier as well. I think she made some good points about the nature of this neighborhood, which is one of the older neighborhoods in town and it was a place where workers and craftsmen lived in town.

[5:54:31 PM]

There weren't mansions there. Large mansions of wealthy people. That's not what this historic district is about at all. These are craftsman homes and they're -- it's a testament to the very nature of the folks who both built them and lived there in the early days of Austin. The requirements of the Austin historic

preservation ordinance as owner rust the owner rust the way it has been donerus the way it has been characterized. Mr. Sadowsky clearly laid out how improvements can be made to a home. It doesn't mean that you put in new windows. They would ask the windows look similar to what is being replaced. There may be some process issues that we need to review and clarify or amend, and I look forward to working on that. But I will thank the neighborhoods on both sides of the issue for all of the passion and interest and involvement that you've brought to the issue. It is hard, I think, for all of us at the dais to watch neighborhoods be so divided on something where we're talking about what your home looks like from the street. And I would ask neighbors to try to understand the -- your opponents' positions and come together and remember that you are neighbors and people can agree to disagree, but when it gets to a level of mischaracterization or -- I think somebody used the word vilify, I don't know if that was actually true, but mischaracterization of statements and position that's people are making on something along these lines, I think that the original intention for filing for a local historic district for this neighborhood in Austin was all well-intended in order to preserve the bungalow character that's here and that is so easily being DEM demolished and swept away because frankly they're so easy to pull down it periods harder to pull down a stone or brick structure, but that's one of the charming aspects of these older neighborhoods.

[5:57:20 PM]

They were built by folks who weren't really wealthy and I think it's wise on our part to respect and retain these instances of folks who were here a long time before we were, and I hope that the nature of our historic districts in town -- and I'm glad to hear that there are four, and I'd be interested in seeing if there are any others in town so my grandchildren as well as your grandchildren can come back to Austin and see a town that has not frozen in time, because we won't do that, we're way video vibrant, but that we recognize and value these older structures, we try to preserve and maintain them, which is also a requirement of a local historic district, that you don't let the homes run down. And that the city supports any and all efforts that the neighbors come together around in order to have a place that we can remember, that this was what Austin was like in the 1950s or the 1900s or even the 1880s. So I will be voting to support designating bluebonnet hills as a local historic district. Thank you.

>> Mayor?

>> Renteria: I'm not going to be able to support this. My neighborhood went through this process years back, and there's two streets that are on willow that was zoned historic, and the people that moved -- that lived there had a hard time going through repairs. They -- they had to go through the whole process of getting the whole contact team to support it. And when other people third into other areas of the neighborhood, they all decided it wasn't worth, it going to a historic district. And the people that contacted me, you know, I have a lot of friends in that area, and they asked me not to -- not to vote for this historic district because it would definitely affect them.

[5:59:28 PM]

So I just cannot support this. I cannot tell -- I'm not going to be able to support this knowing that I have friends that have been their friends -- I'm not going to be supporting this.

>> Mayor Adler: Mr. Casar.

>> Casar: Couple quick questions for Mr. Sadowsky. So I know we focused today a lot more on the discussion about the design standards and demolitions but there's also a tax abatement.

>> Yes.

>> Casar: We can apply for tax abatements. Talk to me about how we budget for those, just conclusion that, you know, you bring forward an application as an individual homeowner for those abatements.

How do we -- when we're budgeting this out guess how many folks are going to apply or is there another system we use?

>> Councilmember, at basement is based -- at batement is on the increased value of the house. So say the house is worth \$100,000 today, the homeowner does the rehabilitation, spends the requisite amount. It's all approved bit landmark commission. Tcad then comes and appraises the house at 175. The homeowner actually through this program would pay the taxes on the \$100,000 for seven years.

>> So we just would -- the only money that we would be missing out on as a city essentially would be if we disrespected that any of these -- expected that any improvements would be made were it not for the rehabilitation.

>> Correct.

>> Casar: Thank you. And we don't judge this at all on -- based on ability to pay. It's just if you're within the historic district and you are making LE habilitation that's add to the historic structure and make you a contributing grew.

[6:01:34 PM]

>> That's correct.

>> One last question. Some of the comments about whether somebody's vote was properly counted or improperly counted, of course I don't know the specifics of any slid case, I've gotten a good chance to learn about paper ballots versus electronic battles laugh it's been my inclusion electronic is one of the hardest to tamper with, however we can help move to a electronic system that's harder to tamper with, I'd be very supportive.

[Applause] That's the extent of my questions. I'm going to support on first reading although I do have some concerns, as one of the gentleman brought up, there -- when you shield one area from certain kinds of changes that sometimes just spills them over into others and so I'm having some difficulty as we think about changing the way that our city looks because we have to change the way that our city looks as we have growth and change, that creates some level of concern for me and it makes it certainly supporting it for a smaller pocket of just over 100 homes is an easier sell for me because I could see a good argument for protecting a smaller iconic pocket. I think 1,000 homes would have been much more difficult for know support, but at least on first reading based on that I think I can move forward and think this through between now and August. And, you know, I think that limiting our ability to add more folks into areas in the central city is a difficult vote to take because obviously there is a lot of demand on those homes and it's not just developers. It also is people wanting to live near the central city. So I'm glad we can add additional units in these historical areas but it will constrict our ability somewhat of course and so I'm just going to have to think through that a little bit more between now and August but I'll betology support it on first at least -- be willing to support it on first at least.

[6:03:53 PM]

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. I think I've mentioned before before the dais that I grew up in a family that was in the home building business. My grandfather was important in 1901 and he was a woodworking building construction professional. He taught vocational building and word working in high school for 35 years as a vocational teacher. He was a guru at the kind of buildings that we've been putting up here that were built in the '30s and '40s. And I don't like them because they were not very well built back in the depression years. There were a lack of materials. People struggled to get enough money together to even build a house. The buildings were very difficult to maintain. They're typically not well-structured for insulation purposes. They're very costly, actually. A modern home that we build

today is much, much more energy efficient. It's more durable, more resistant to insects and I could go on and on. So I guess maybe this thing is kind of personal to me in a different way. I know the importance of respecting people's property rights when it comes to what they want to do with their buildings. And I continue to hear confusion up here about what you need permission to do. So I'm going to refer here to this 68 page PDF document that is entitled, just to be sure we know what we're talking about, this is the bluebonnet hills standards. And I'm going down to page 3 of the purpose and goals, and now we've heard a lot of complaints from constituents about the cumbersome nature of our permitting process.

[6:05:54 PM]

People are really imagine Austin comprehensive plan about how bad the permitting process is in Austin. We saw that with the zilker report. We haven't fixed that yet. We have more constituent dissatisfaction. It's like 85% which is probably the worst in the nation. So it's a very difficult to get a building permit. But now this contemplates adding the certificate of appropriateness. So you have another layer of bureaucracy added on top of the terrible bureaucracy we already have and it does say here clearly that a certificate of appropriateness is -- that's capitalized is required for replacing siding, porches, doors, windows, or roofing materials. I call that onerous. You cannot replace your window without getting permission from a bureaucrat and you have to get that permission of certificate of appropriateness before you can start the terrible process of trying to get a building permit. So this is my definition of onerous so I'll be voting against this and I just hope that we can finally start connecting the dots in the city between these kind of onerous bureaucratic requirements and our lack of housing supply and the very high cost of housing we have in the city.

>> Mayor Adler: Ms. Troxclair and then Ms. Houston.

>> Troxclair: I just had a couple of questions for staff. And I don't know which one of you would be most appropriate, but my first question is, what would be preventing a neighborhood from creating an hoa and putting in place their own design standards for the neighborhood? Or are there other tools like that available outside of city designation?

>> Councilmember, an hoa is a private matter the city would not be a party to.

[6:07:57 PM]

So if the residents wanted to get together, create a homeowners association, as long as it complied with state law, that would be up to them. The only other similar to we have -- it was alluded to earlier, nccd, neighborhood combining conservation district, there are one of those in the upper portion of Travis heights, fairview heights nccd, we also have one in north Hyde park. What it does, it's an overlay, zoning overlay that allows you to modify the existing zoning code and to tweak that. So you could have an n:cd. Again, it would have to be approved by city council, it would apply on top of existing zoning, and it would change the rules. Right now they have standard rules, you know, an sf-3 house can be no taller than X feet, certain impervious cover, et cetera, an nccd can modify those existing rules but it would not get to the design standards level that a local historic district does.

>> Troxclair: Do you know if an nccd is something that has been explored in this case?

>> I believe it has not because in this case it's not an issue of things like impervious cover and issues like that. It's an issue of basically, you know, neighborhood character with regard to the way the houses appear.

>> Troxclair: Okay. And I guess, I mean, of course I know that an hoa is a private organization but, I mean, I'm just thinking of other -- so I'm wondering, a couple of speakers -- it seems like everybody here has generally the same goal of wanting to preserve their -- the character of their neighborhood, but people just have different ideas about the flexibility that they want within that. So I'm just -- I'm

wondering, and a couple of people have mentioned the other tools out there. So I was just trying to think what have else I knew of.

[6:10:00 PM]

So I guess I would be curious. I know we're only passing it on first reading today so I guess I would be curious if that's something that the neighborhood has considered because that of course would give them more control within themselves of what kind of restrictions they want to place on their own homes and properties. So I guess my second question is, can you tell me what the percentage was on the petitions for the three other historic districts that we have in the city?

>> I can tell you. I've been speaking with your aide about this, while we were discussing something earlier. I can tell you they were all over 51% when they came in of course. If you'd like, I told Michael I can go back and look at the time they were approved by the council and see what the support level was at that time. The information is not readily available but we can have that before second and third reading.

>> Troxclair: My last question is, mayor pro tem tovo kind of mentioned that this is a similar situation to what Hyde park went in their creation of their historic district. So since then has there been -- was there contemplation by the council of some of the issues that have been mentioned today about the complications of the process or opportunities that would allow neighbors a little bit more flexibility like the ability to opt out or has there been a question of whether 51% was the correct threshold? It seems like if we've been through a similar situation in the past I'm wondering if that conversation has been had.

>> Councilmember, not since the Hyde park district. Originally Rodriguez required 60% approval nap was changed down to 50 pretty early on, before I think only after the first one got approved. The things we've done since then have not related to the code as much as they've related to the process.

[6:12:04 PM]

You know, from lessons volunteered we don't have to reinvent it every time. We try to have a stakeholder meeting every time. We learned that helps. That's hosted by the city. Things like that. I would say they're more process oriented than they've been code oriented.

>> Troxclair: Okay. Thank you.

>> Mayor Adler: Ms. Houston.

>> Houston: Thank you. It's been a joy for me to sit and listen to all of the various testimonies regarding this historic district designation. And it occurs to me that one of the things as Austin moves forward, is that the -- new neighbors come into the process. Because of the fluidity of the changes that we're experiencing in our neighborhoods, there's a constant kind of reeducating, catching up, getting to the table, participating, and some people feel excluded and others feel like they've been doing it for a long time. I'm going to be supporting this. This decision. And it's because I know what happens to neighbors, the character of neighborhoods when developers come in and flip houses. That happens in my neighborhood because we, too, are close to downtown and that closest part of our district is one of those who have seen whole blocks of small houses that were here to for workforce available to be torn down and now we have no workforce housing on those blocks. I'm talking about blocks of houses in the chestnut neighborhood specifically. And so because I think it's important to preserve and to ensure that we have houses that reflect what the character of that neighborhood looked like, even though as we move forward, as we become creative and innovative, I think that it's -- it always interests me that we will go to Europe to see old things but here we don't have that kind of impression or concern for the preservation of history.

[6:14:32 PM]

And so I think this is one spot in time in a part of the city that is growing very fast that we have an opportunity to preserve a place in time, and so I will be voting for this.

>> Mayor Adler: I'm going to go ahead and vote to move this forward on first reading as well. But I think there's a lot of conversation to continue to have. I think it's important from a policy standpoint, and this is the first one of these that we've had, to be able to articulate a ongoing policy, driving a vote -- and I think that includes protecting neighborhood character, and I think we need to -- I believe we need to do that. I also think that we need greater density and greater housing choices in this city. And we have to be able to provide for that and I don't think that that necessarily calls for greater density and greater choices in the middle of neighborhoods that's going to disrupt that measure of neighborhood character. At the same time I'm looking at the vote in this particular case and I'm hearing that part of the neighborhood is real close to, if not already there, with the -- with respect to a valid petition, which would require nine votes on this dais in order to be able to approve the plan, and I'm not sure those nine votes are on the dais to be able to approve the plan. So I would hope that between now and when this comes back for second and third readings perhaps there is a way to focus more on the design standards for the neighborhood to take a look at those and see if there's a way for the neighborhood to be able to pick up votes and support from the balance of the neighborhood in terms of sitting in and looking at what it would take in order for a neighborhood to be able to bring those kind of protections.

[6:16:54 PM]

Councilmember troxclair, I hear you, a lot of neighborhoods have these are homeowners associations and they have those kinds of protections. Neighborhoods that are established without them I think would find it near impossible to create one after the fact because I don't know how you would even do that without a unanimous vote of the neighborhood to subject themselves to those kind of architectural controls, which is why, you know, cities consider preservation ordinances like this. But it is -- it's hard, sitting -- goodwill and neighbors that are real tied. So for me, even with the policy issues that I lead with, it doesn't lead to a real clear decision on a case like this. But in the meantime I'm probably going to be taking a harder look at the design standards and see if there's a way to get this greater neighborhood in the same place. Ms. Kitchen?

>> Kitchen: I will be voting for this on first reading. I wanted to note that at least one of the neighbors who testified said something to the effect that y'all are here for negotiation, and so I hope that's a good sign. That there's an opportunity for the neighbors to talk to each other as the mayor was saying, and that maybe we can take a look at the design standards and those may -- that may address some of the concerns perhaps that those who are opposing moving forward. So thank you very much for being here, and giving us the opportunity to hear from y'all.

>> I'm also going to be voting for this on first reading. I just had a few comments. I loved the comment about these houses are not historic, they're just old.

[6:18:55 PM]

And.

[Laughter]

>> Garza: I think sometimes when situations like this happen we get caught up in certain words and maybe historic is not the right way to describe what is trying to be achieved here. I see it as an opportunity to preserve the character of this neighborhood, and that's why I want -- I'm going to

support it. And it really seems echoing something councilmember troxclair said, you seem a lot closer than what might -- what others might think. I've seen everybody -- those that spoke in opposition said we're not in favor of tear downs and it seems like that's the main concern here. The mansion ordinance apparently doesn't have the teeth that we would want it to have. And so I see this as an opportunity to restore that character. I like that it's in south Austin. You know, this is a wonderful neighborhood, and I hope that between now and -- I would agree with the mayor, too, that I don't know if the nine -- if we have the nine votes here when we get to third reading, but maybe between now and third reading we can -- there's some -- third reading there's some opportunity to review the design standards and see if we can come even closer on this because I really -- it's concerning that the neighborhood is split over this and I wish that wasn't the case.

>> Mayor Adler: Further discussion on this item 43? There's a motion and a second to pass 43 on first reading. All in favor please raise your hand. Those opposed? The three no votes are troxclair, Zimmerman, and Renteria. Councilmember councilmember Gallo is off of the dais. Passes on first reading. Councilmembers, we have eight items, two with four speakers each.

[6:21:00 PM]

I'm going to call now the one that has the most speakers, which are items 17 and 18, same speakers identified for both of those Ms. Kay ordered pizza for the group.

>> Pool: I wanted to thank everybody who came down on the bluebonnet hills issue. Thank you all of you, every one of you. We really appreciate the time and the effort that everyone has put into the issue and we will see you for more negotiation and conversation for second and third reading.

>> Mayor Adler: Weed? We're npa-2014-0029.01 - little walnut creek - district 1 - approve second and third readings an ordinance amending ordinance no. 20120426-100, the St. John/coronado hills combined neighborhood plan, an on property locally known as 7400, 7424 and 7450 east U.S. Highway 290, and 2509 east Anderson lane (little walnut 18 request is to amend the future land use map. Related case is case c14-2014-0135 - little walnut creek - district 1 - conduct a 18 --

>> Mayor Adler: Excuse me, please. I need little quiet in here so we can continue to hear. Thank you very much. 7400, 7424, and 7450 east U.S. Highway 290, and 2509 east Anderson lane (little walnut this is c14 2014 0135, request to change the zoning from let's see, I'm sorry, change it from go-np to go-mu heavier comp. This case passed on first reading only. Council asked to us come back with the answer to a couple questions and leave public hearing open. That's why people have signed up. The answers to the questions are the first question was what is the history of the zoning of the parcel.

[6:23:03 PM]

The can be we have a memo in the backup and I'll paraphrase. The property was annexed I believe in 1969. At that time it received an old zoning category known as a, first heightened area, basically single family. In the mid-70s the property was rezoned to sf-3, basically duplex zoning. In 2009 the city started neighborhood plan for this area and at that time in 2010, it was finally approved in 2012, I believe, the owner of the property at the time, the agent for the owner of the property, requested that the council approve cs zoning, which was not supported by the neighborhood. In 2012, when the council finally approved that neighborhood plan they did approve the go-mu zoning that exists today. As I said the owner is requesting to add the mu overlay to that which would allow residential in addition not office use. Second question was will the manor ISD serve this property with school buses this this is on the edge of their boundary and they will serve it with bus service if students live on this property. And the final question had to do with we were asked to contact the police department to look into how many accidents had occurred on this intersection within the specific parts of this intersection in the past year

and the answer to that question is four. So with that I'm available for any questions.

>> Houston: Yes, sir, Mr. Rusthoven, I spoke with someone or staff spoke to someone at manor ISD and the response -- on feeder roads and access roads. So I'm -- we might need to talk about who we talked to at some point.

>> Okay. We had an e-mail from them. They may have to -- the property is pretty large, and the proposed project that the applicant was talking about was to build basically detached condominiums so it may be the buss would actually enter the property to pick up the children but the response we received from the ISD is they would be obligated to provide bus service for the children if they lived on this property.

[6:25:14 PM]

>> Houston: Obligated is different from the safety issue.

>> I understand.

>> Houston: Thank you.

>> Mayor Adler: What was the first question you were asked to --

>> First question is what was the history of the zoning, and it was annexed in '69, zoned single family at that time, rezoned for duplexes in the mid '70s. Upzoned to office in 2010, I believe it was, and even though at that time the applicant asked for cs, the council settled on office zoning, go zoning. And then today the applicant is asking to add the mu overlay to that.

>> Mayor Adler: Okay. As I recall the question was whether the applicant at that time also participated or requested the go.

>> No, the applicant at that time of the neighborhood plan was requesting cs and the council gave him go.

>> Mayor Adler: All right, thank you. Ms. Tovo.

>> Tovo: I wanted to just talk about that for a minute. As I recall, and I know the applicant referred to this in his testimony on first reading, but this was a -- as I recall, a highly distrusted tract during the neighborhood plan, contested by the -- as you mentioned the applicant proposed cs. We discussed it at council. We had a lot of testimony, and the decision was to grant go-mp.

>> Yes, the paperwork we saw said that the applicant initially started requesting the cs in 2010 by the time the council approved the plan they did decide on go and we did final a lot of discussion in the backup material for it.

>> Tovo: I'm just rereading the transcript if was -- so okay. I just want to make sure that that's -- that we had an opportunity to talk about that. This was -- this is relatively new neighborhood plan inspect was a proposal made during the neighborhood planning process. It was significantly discussed by the community, by the stakeholders, by the council, and the decision was to grant go-mp, not cs.

>> Right. Today the request is go-mu-np.

>> Mayor Adler: Any more questions for staff?

[6:27:15 PM]

Okay does the applicant want to begin the conversation? Makers members of the council, again, I don't know why we cannot build residential on this site. Considering the situation in Austin, demand for residential, you're allowing on burnet road, Lamar, just driving over there, it takes me 15 minutes in the morning. I've been working there for 13 years, half a mile from 183 to Guadalupe on Lamar, 15 minutes you're allowed, you know, five or six story residential, very dense. The former -- the market, the farmers market, is going to be 400 apartments on burnet road and then all of a sudden on the corner of the major intersection we're about safety. There is nothing. You cannot build an office building in here.

Nobody wants to spend the money. If you put the complex as a religious complex like a mosque or put the church in there, the traffic is more than residential. You put a school over there, charter school, the traffic is more than residential. Office building, because of the -- other side of the road you can buy an office building for \$70, \$80 a square foot. Who is going to spend \$150 to buy a brand-new office building in that corner. Let's say you put 200 square foot on that 24 acres it's going to create 4,000 pieces of traffic per day at least. So the least would be residential. And the school, a school is not going to pick up the kids on the curb on the thing. They're going to drive inside the residential neighborhood. I don't know where we get this idea from. I've never seen -- I mean, I've seen it on 183, 360 sometimes the school buses stop, but the school bus is not going to stop on the curb over there.

[6:29:23 PM]

Because it's going to be a --

[lapse in audio] The neighborhood spoke here, I think Ms. Tovo asked or somebody asked do they want to be connect to the neighborhood. They said no. They don't want to be connected to us, but they want to control us. I don't understand it. Like you want to go and control the city of round Rock. They don't want to be connected to us but they want control over us. We are like an island, two major highways and a wide, deep creek. We are not connected to them. We are -- I think the best use for this property would be multiuse. Have a little shopping center, have a little, you know, condos and everything, offices just like what they were asking on item 44 this morning, I think, was it 34 or 44. Bottom line is the best use at the present time for this site would be residential. Considering traffic, safety, and increasing tax base for city of Austin. If the neighborhood wants this place, I think the whole intention of the neighbors attending this thing, they don't want anything to be built on this site. If they want this, hey, y'all vote for it as parkland? Spend the money, buy it and designate it as parkland. If they want just -- I think the whole purpose, everything they say, not to build anything in it because nobody is going to build an office building on this site. The present condition, considering the engineering, cost, and the location. Thank you.

>> Mayor Adler: Thank you. Next speaker we have is Ms. Easterday.

>> S Cecilia Alvarez here? Joan Barts? Erin wall here? Mr. Wahl?

[6:31:25 PM]

You have 12 minutes.

>> Can I pass this out?

>> Yes.

>> Good afternoon, my name is Sammy Easterday. I'm an officer with the Coronado hills creek side neighborhood association and we oppose this request. It's been denied twice by the previous council, at least once unanimously. It was denied unanimously by the current planning commission, and it has been thoroughly, thoroughly vetted. We spent over three years doing this and paid -- page 207 of imagine Austin says to maintain the integrity of neighborhood plans and their planned land use. Now, I stand before you because my daughter took a day off work today to watch a child that we had promised to watch since January because I did not attend a meeting which was in an organization I wrong to, a voting meeting, and because I canceled medical appointments to be here. That is how important and what a very small example of what hundreds of us did for over three years on building this plan. And calling each other and e-mailing each other, in between meetings. So this is not something that we just off the shelf decided to do. Our city initiated neighborhood plans, telling residents the plans would be -- the constitution guiding our future land use. Many citizen residents, hundreds, worked over three years in drafting the plan, planning department staff told us over and over, and I was at the meetings.

[6:33:28 PM]

This is no place for housing. The council won't approve it. The planning department won't approve it. It's too dangerous. It shouldn't thereby. So we said, okay, let's have offices there. We'd like buffers like at 183 and I-35. There were some misleading statements to you at your first reading. First of all, that the neighborhood is accused of not changing the plan. The owners were owners of record for at least seven months while we were doing this. Never attended a meeting, although other commercial property owners did. Once the plan was put to bed, they came and said we want the zoning changed and you got to do it. So being that was a little -- a dollar late -- day late and dollar short. The taxes paid annually were \$50,000, actually they're \$18. The potential hoa facilities could be used by the entire neighborhood, Texas law for bids this. You can use them on a very limited basis. And the applicant intent to do the project, the fees, application fees, have been paid by Kay bee homes and property owners intend to flip it and there was an accusation that a councilmember changed from endorsing to denying the zoning change. We looked up the transcript and this was not the case of several years ago.

[Lapse in audio] To base their key vision points. We talked about this before and you that data. Their idea that housing development on two major highways is compatible with an activity corridor within a center of imagine Austin. Additionally that the property promotes pedestrian friendliness and connectivity to the neighborhood, amenities and it balances existing impact of major highways on community life. The postponement on October 28 by the neighborhood association was to the planning commission.

[6:35:33 PM]

We never postponed it to this council. This property fails at least three pillars of the infamous imagine Austin connectivity to where? Pedestrian friendly? By whom? And near an activity center? Where? Coronado hills creek side is already compact and connected we have 1,461, more or less, people in our half mile with infill of apartments, trailer parks, condos, fourplexes, single family homes. We only have two empty infill lots, one is a swamp down from the school bus terminal and the other one we worked with the property owner to rezone and the property owner sold it. What is not residential is mainly public, principal the school district and public safety properties and our activities corridors is around the periphery of our neighborhood. Our plan calls for go zoning. And we base this on respect for existing residents who I have said work very hard with planning over three years and since then to discuss this proposed amendment. Multiple property owners and renters met from 2014 into this year at multiple meetings. Some of the votes were unanimous to leave it go and those that weren't unanimous were a majority to leave it go. None of them had any kind of vote to change it. And that's contact team and neighborhood association meetings of various kinds. The density and variety of housing units in our half mile is already high. We're doing our part. The concern for new residents from hazardous traffic on 183 and 290 if this passes and the preference for office space draft as a buffer to existing neighborhoods. The concern about noise and pollution from two major highways is intense 24/7 for us from the two highways.

[6:37:41 PM]

The only curve cut allowed by txdot on the property is on 290 access road close to the intersection. The future land use is go allows for many options that would not add additional traffic leaving the property in the mocker as working public from -- mornings as working public from those residents and crossing 290, trying to get on the overpass and we're trying to get out creekside to go to work as well. 290 is

already a toll ready and 183 soon will be. That tells you about traffic volumes. Last night I went to the I-35 rundberg and 290 east connecting I-35 to 183, and that's going to increase the traffic on 183. A txdot scenario if funding is able available in the future is conceivably reinstatement of the overpass once part of their plans from 183 south to 290 west. There's three overpasses at that intersection right now. And they did have one before they lost a lot of their funding from 183 south right across the corner of that property to 290 west. As Austin grows more office space will be needed for the business community and will provide job opportunities for our existing residents, helping the job and housing balance. It's an unsafe and undesirable housing location. While other congested cities like New York and Chicago whose critical density results in housing next to elevated and highways and railroads, we have options here in Austin and we shouldn't approve residential developments adjacent to multilane highways with heavy 24/7 traffic of all kinds, including emergency vehicles and all their sirens. Let's not forget the tragic consequences of germane dill lard last year killed there, a teenager trying to cross the road and there was a death there almost right at 183 and 290 right in front of the bank a month ago.

[6:39:45 PM]

Public safety is a number 1 responsibility of governance of any community. Teenagers tend to think they're invincible and take chances. Do we want them to leave between two highways they feel they have to cross to get to their destination? The sidewalk there is at the curb of 290 and it's over a mile to the nearest bus stop. I've done it on my car speedometer. It does not provide a transit opportunity. Again, a pillar of imagine Austin. The property owners and their agents have postponed a hearing on proposed amendment three times, almost always at the last minute, frequently after it was on your council agenda. Reasons given for the postponement were sometimes vague and conflicting. The property owner has offered to compromise with the neighborhood. That means they want to give away something they didn't want in the first place in order to get us to agree with what they want. These boys are attempt to strong arm residents into submission. It's surprise that the engineer owners seem to have such little regard for public safety. Neighborhood association unpaid volunteer property owners and renters, in each instance, in good faith, having already spent hours researching and preparing for presentations and meeting with the property agent in some instances and canceling other appointments set aside time to come to these cans meetings at the last minute. Since previous council denied the request twice at least one unanimously and the current planning commission denied it unanimously one has to conclude that the postponements were deliberate attempts to get to the new council and wear down neighborhood association opposition. In the current status of urban core neighborhoods and you've certainly heard all you probably want to about urban core neighborhoods this afternoon, multiresidential structures are built after teardowns in our neighborhood use of small homes for multirentals of students or warehousing vulnerable adults or short-term rentals with relatively no requirements.

[6:41:51 PM]

Additional strain on the infrastructure with a diminished quality of the neighborhood as neighbors deal with litter, street congestion, increased traffic on feeder roads, addressing Austin's increased housing density predominantly on the backs of urban core neighborhoods is discrimination and a band-aid approach. You will remember and you've seen this slide before, this is a traffic cap cam as of 2013, we were unable to get one since then and this was before 290 was a toll road there were 127,774 vehicles per day on that corner. That's a lot of traffic for a residential area. Finally, Ms. Ora Houston, district 1 councilperson knows this area better than anyone else on the dais. She's lived in district 1 for sometime and knows the area well. She's a strong proponent for affordable housing for Austin. She advocates for

the less enfranchised. She's also deeply concerned with destruction of urban core neighborhoods and displacement of current and long-term residents as you heard her say. She does not seem to endorse this zoning change as evidenced by seconding a failed motion to deny at first reading. We hope the rest of the council will respect our neighborhood plan support councilmember Houston's opposition and vote to deny this proposal. Let's build a meaningful compact and connected Austin. And not just another one of zoning changes to benefit these property owners. Do you have any questions?

>> Mayor Adler: Anybody have any questions of Ms. Easterday?

>> I didn't have the little clicker. I should have gotten it, I guess.

>> Mayor Adler: We all had the packet up here and were able to follow it as we went through it.

>> Zimmerman: One quick question.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Thank you, Mr. Mayor. The question on the property taxes --

>> We looked it up, and I've got that documentation if you want it, Mr. Zimmerman.

[6:43:55 PM]

We looked it up on tcad.

>> Zimmerman: Terrific. There's several parcels in question here in front of us today. All right. If you don't know --

>> It's one parcel.

>> Zimmerman: One parcel, okay.

>> By three owners, as -- does that help?

>> Zimmerman: Yeah.

>> Mayor Adler: Ms. Easterday?

>> Yes.

>> Mayor Adler: I'm trying to remember, as I go back to the conversation about this earlier, it's real clear to me that the neighborhood has spent a lot of time on this tract and part of the plan and it's been discussed a lot of times. Always ending up with a use that was not residential for that corner. And I understand the process, and I'm trying to -- because I wasn't there, I'm trying to understand the why. Not only the what happened, but why it went that way.

>> Why we wanted it go, sir? I'm not sure I understand your question.

>> Mayor Adler: That's the question. Here's my -- here's the subpart to that question. This is a -- in so many ways, a very challenging and difficult tract because it's on the intersection of two major highways, it has the creek in the back. So there can't be any connectivity back into the neighborhood. Nor would you probably want it. There's no connectivity out because it's at the intersection of two major highways. This is a tract that will always lack a connectivity that we would want a tract to have. It will always lack the pedestrian friendliness that we would want a tract to have. When we -- but when we want connectivity and we want pedestrian frequently uses we want that for all uses.

[6:45:59 PM]

We want that for a residential uses, we want that for our office uses. We want that for our retail uses. So to say that the tract doesn't have connectivity or pedestrian friendliness in my mind describes the nature of office there or if we put multi-family there, it's going to have the same connectivity and pedestrian friendly issues. Similarly, there's going to be a noise and pollution issue associated with this tract, given where it is. But that would also seem to be the same if it was a multi-family or if it was office. The neighborhood wanted to have something that provided some buffer from the highway. But it seems -- but I'm having trouble understanding -- and I want you to explain to me -- how office or multi-

family provides a different kind of buffer for the neighborhood. I was concerned last time about the school issue, in terms of the safety or whether the school district would come. If the school district is coming, then that answers that question for me. And I think it's most logical that the buss would enter into the property as opposed to stopping on the frontage road. And that leaves, then, the safety issue, which I think is real, because you'll have children potentially in a multi-family unit. Someone had a tract in the middle of an industrial area and the staff had recommended -- the person was seeking multi-family zoning on it. And the staff recommended against the multi-family zoning because they said it was unsafe because it was in the middle of an area that would otherwise develop for commercial -- for industrial uses.

[6:48:06 PM]

But this council voted for it because it wanted to increase city-wide the number of multi-family units that would be available in the community. So I guess that was way too long a question so let me simplify and go back.

[Laughter]

>> Mayor Adler: Help me understand the difference between office and multi-family with regard to the - why one is better than the other, given the challenges that you've identified on the tract?

>> Okay. First of all, safety. Where you have housing you have children. And where you have children and you have school aged children you have school buses and where you have school-aged children and parents, they take them. All of those people will be leaving at rush hour, in the morning, coming west on 290 either trying to get onto the access, which takes them over Brickman and over Cameron, where, as I've told before you, my daughter was sideswiped by a hit and run because they're so anxious to get on that overpass. At the exact time when a lot of our residents are trying to get out creekside to go to work on 290 west. We have creekside and we have Coronado hills in and out of our subdivision. That's it.

>> Mayor Adler: Would you expect then office use to also be --

>> All right. So an office use, they're going to be coming in the morning and going there to work. Okay? They're not going to be leaving an office at morning rush hour. And at night, when they're leaving the office, they're going to be coming on 290 west because that's the only way they can come, but we have another way to get in and out. With an office, too, or medical offices or whatever you want to put there, it's not going to be a morning rush of traffic from there.

[6:50:09 PM]

It's going to be throughout the day. And it may be more cars or more vehicles, but it will be all throughout the day. I think you have to understand that in any community, if it's not safe for the residents at a particular place, they -- the burden of responsibility falls to the governance of that community. This is not a safe place to put housing. We were told that in 2010. Me we were told that in 2011. And the property owners approached us at a later date and said we want to put a shopping center in there and we've put an HEB and we'll put a Starbucks coffee house is there, and we said there's an HEB half mile squaw have you talked to Starbucks? Well, no, they hadn't. So we said, no, that's not a good idea and we came to council. So I don't know if that answers your question sufficiently, sir, or not.

>> Mayor Adler: It does. Thank you. Any further questions for Ms. Easterday? Thank you. The next speaker that we have is Bonnie tourig. Is Alicia handling Hathaway here? David king. You have nine minutes. Continuing to speak on 17 and 18.

>> Good afternoon, mayor Adler. Mayor pro tem tovo, and councilmembers. My name is Bonnie tourig and I've lived in Coronado hills for 44 years but I think by the time I get home this evening, it will be 45 years. Because I've been here since 10:00 this morning. I'm representing the Coronado hills

neighborhood association in opposition to the proposed zoning change.

[6:52:14 PM]

This proposed amendment does not meet the land use goals and vision points of our neighborhood plan. The seven land use desires are too long to list here, but these few examples are desires it does not fulfill. It does not promote pedestrian friendly development, nor increase the accessibility to neighborhood goods and services. Because it's fairly isolated location, bound by two major highways which will require driving, not walking, out of the area. Quite a distance to possibly the nearest grocery stores, restaurants, recreation facilities or any of the retail facilities, having only one street in and out of the property is a major drawback and it's also a safety factor with the high volume of traffic that passes along 290 and where that road cut would be. It does not provide space nor environment for community gatherings or civic functions. It won't balance existing impacts of major highways on community life. It will only add a negative impact on Coronado hills by increasing the traffic that speeds by our neighborhood, especially at the exit, at creekside and 290 in the early morning rush hour and that's a lot of traffic that our -- at that hour of the day. It can't provide adequate transitions and buffers between the intensities of highways 183 and 290 and community life in a neighborhood planning area. They can never plant enough vegetation to buffer the noise, fumes, dirt generated by 20 street-level and elevated traffic lanes that converge right there at that intersection. This amendment won't fulfill a number of the 12 imagine Austin principles either. There are too many of these to list, but the several of them that it will not fulfill are it won't promote walking and bicycling as a way of reducing household expenditures for housing and transportation.

[6:54:31 PM]

This -- those -- this housing project won't have easy access to the daily needs such as retail, employment, consumer services, parks, recreation, options, or schools. The schools are in the manor aid district. The elementary one is 5 miles away approximately and the middle and the high schools are approximately 9 miles away. Residents of this neighborhood will have to drive away from the area or be a skilled bicyclist excluding children to go a very long distance to avail themselves of community services. There is no bus service to or from this location. And housing located at the intersection of two major highways can face safety hazards and it's not compatible with imagine Austin principles. Bringing a variety housing choices to Austin is another imagine Austin principal but in Coronado hills we already have an Austin of these choices. Among the 1,475 family units in our one half square mile we have 180 condominiums, 52 villas or townhomes, 206 family homes, 60 units in St. George's court retirement home, 48 units in hud public housing, several apartment and duplexes and 80 count mobile home park. Surely, we meet abundance's vision. Imagine Austin's vision for diversity, density, and compactness. That's why our neighborhood planning choice was for go zoning. That choice was not made -- [lapse in audio] Ms. Easterday said we were told during the planning period that the property's location was not suitable for family housing.

[6:56:34 PM]

With the continued growth at this intersection and the daily traffic count, which is outdated really because we had some 2013 counts, but it is well over 100,000 vehicles passing this intersection every day. We know now that we did make the right choice. Now I would like to address some false information you were given by the applicant on the night of the first reading. Pointing to our group he accused us of deliberately choosing go zoning to prevent him from doing what he wanted to do with his

property. This was a shocking accusation. Since we knew nothing about the owners of the property, their company names, their personal names, or their intent. Now, a word of clarification here. They fail to attend any meetings during the long planning process. When their input, like that of other property owners, was solicited and acceptable, but they suddenly did show up at a meeting after our plan was completed and he tried to persuade us to change the go zoning. The city staff members guiding our neighborhood process, Dee Dee and Greg, informed them that it was too late then and their only recourse was to petition the council for a change of zoning, which was subsequently denied as was their amended proposal before the planning commission last fall. We played no part in this. Now it will be up to you to decide which group will prevail in their struggle with this amendment proposal. A conscientious neighborhood group who kept the best interests of their neighborhood in mind, carefully studied and make decisions on each topic based on knowledge, cooperation and consensus.

[6:58:42 PM]

A group whose total attendees numbered 477 people over the course of just the first 24 hour and a half meetings. That's a lot of volunteer time. But we stayed the course to produce a well thought out document. Or will it be the applicants? Whose method of operation I leave up to you to evaluate. At our previous meeting here, it was suggested -- and I believe did was by a councilmember Zimmerman -- it was by councilmember Zimmerman, that the word "We" should be dropped out of the decision-making process on this land. And let the market forces or the market demand be the deciding factor on what should be put on this land or dirt. , If you will. But what do we really value most? In this case, is it the major value on or in the strength of the community of dedicated individuals and their vision for the future of their neighborhood? As they created a neighborhood plan that should remain intact with the G.O. Zoning. We ask you to vote against this proposal. Thank you for listening.

>> Mayor Adler: Mr. Renteria?

>> Renteria: I noticed that there's also a trailer home there. And it seemed like the only way they can get in and out is through the 290 frontage road. Is there another way for these people to get in and out of the mobile homes?

>> I don't believe so.

>> Renteria: So they use -- their children and all that and their --

[7:00:42 PM]

>> They add to the traffic going by the exit at creekside.

>> Renteria: But their children [lapse in audio].

>> I would imagine so. I've never been inside of it so I don't know. But it is an 80 -- there's room for 80.

>> Renteria: Yeah. They're coming in and out. Then on the other side on the north of that there's a big apartment complex. And their access is [indiscernible]. Only on the frontage road.

>> I'm not sure I understand the location that you're speaking of.

>> Renteria: I'm looking at the northside to the trailers and there's a big apartment complex --

>> Are you talking about old town?

>> Renteria: It's called the -- let me see here. The vista Aguallo falls.

>> The one on the south.

>> There are two large complexes there.

>> Renteria: And their access is only through the frontage road also, isn't it?

>> When they exit they have to turn right. They have to go south on 183 because that's a one-way access road. So they have to turn right out of there, out of their property, and go south on 183. And

then many of those -- many of those residents then turn right on 290 and come by our neighborhood.

>> Renteria: Wouldn't this development do the same thing? I mean, the proposed development of condos? Wouldn't they only be able to get out on one side and go around and come back?

>> They only will be able to exit on the one street cut that will be there off of 290.

>> Renteria: So it would be the same like the mobile trailer homes that are on one side and apartments on the other side?

>> No, I think there's a little bit more access.

[7:02:46 PM]

It isn't just one narrow cut at the trailer court. I think there's -- it's a little wider. It's a much wider.

>> Renteria: But they would still be going out on the frontage road.

>> They have at least, possibly three at the trailer court. But those apartments, there are three large apartments on 183 and they are in our neighborhood. They back up to the creek which our neighborhood backs up to. So they have to exit to the south going toward 290 and then they may continue to go south or they'll turn right on 290.

>> Renteria: So this new development that's being proposed, they would do the same thing, wouldn't they?

>> Excuse me, I didn't hear.

>> Renteria: The proposed development, wouldn't they have to be able to -- they would only be able to go on the frontage road, isn't that correct?

>> On the frontage road of 290.

>> Renteria: Okay. Thank you.

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

>> Thank you very much for coming and I want to tell you I deeply admire the passion. I just love passion. It's here. The opposition to this zoning is deep and passionate. I did look this up. I guess maybe for the record I show this as a property id. I don't know why the property id is not on here. I couldn't find it. But I looked it up as property id under tcad 229476. That's the property id I find on the map and the 2015 taxes here are estimated at \$29,094. Now, last year the property was appraised at 700,000. So maybe the property tax bill last year might have been 18,000. But the year before that the property was valued at 1.5 million. So the tax bill would have been higher. It would have been over probably [indiscernible], where that confusion came from. Does that make sense about the Numbers that don't agree? That it could have been 50,000 it went down to 18,000 and now it's going back up to 29,000.

[7:04:51 PM]

>> That part I did not research.

>> Zimmerman: I just research it just now. I just looked it up. The second point I want to make about the comments that are made, and I recognize I have a minority view in the city about prioritizing the market need, the market demand, and having I guess a lot of compassion for the people paying the bills. So all the people -- if hundreds of people show up and they're protesting a zoning change, hundreds of people, hundreds of people, they're not paying the \$30,000 a year for the dirt to sit there without nothing on it. And I'm concerned about that. I'm very concerned that hundreds of people will show up and say, we don't want the zoning change, so if that person has to pay \$30,000 a year for the dirt to sit here, not my problem. There's something about that that bothers me. That there's no compassion for the people stuck paying the bills. They can't sell their property, they can't develop their property. It just sits there and costs them whatever it does every year. I'm concerned about that.

>> I'm not sure that it's fair to say that they can't sell their property.

>> Mayor Adler: Any further questions from the dais?
>> Houston: Mayor, I want to respond to one of the ponderings that you had regarding the --
>> Mayor Adler: Should we let the speaker sit down?
>> Houston: Sure, I'm sorry.
[Laughter].
>> Houston: Was there another speaker?
>> Mayor Adler: The applicant would be able to close and then we're done with the public hearing.
>> Houston: I hope I remember.
>> Mayor Adler: I'll let you go first.
>> Houston: No, go.
>> Mayor Adler: Would the applicant like to close?
>> I'd like to be clear about taxes. I sued the tcad, that's why you see the \$700,000. That's my hobby.

[7:06:53 PM]

I work from 6:00 in the morning sometimes until 10:00 everyday. My office was flooded with six inches of mud because of all the development and I got flooded because of capital metro, they don't cut their grass, but my grass is six-inch and I get a citation or lien on my property. The property value was as you said more than 1.5 million. I negotiated to that. Then I sued them and last year they sat down with me, that's what the value said what do you take? I said they don't let me develop it, it's that value, nobody wants to buy it. This year they raised it based on last year's negotiation. The problem is that I respect the neighborhood, nothing against this. We are not developers. We are three engineers, professional engineers. Every one of us has been in Austin -- I've been in Austin since 1975. I went to school and I work here and I raised my children here. We are not causing the neighborhood any harm. We are not connected to them. They don't want us to be connected to them also. If we are not connected to them, - if they're concerned about safety, why are they concerned about that marketplace on burnet road, used to be a farmer's market, they're going to put 300 unit apartments up there. Why are they not about north Lamar they're going to put another 400 unit apartment? Why are they not downtown 11th and I-35 apartment? So if we are not connected to them why they're concerned about us? It's supply and demand. If somebody wants to buy a house over there or a condo, whatever, they're the one who have to make a decision for their children, is it safe for their children or not. But imagine by not developing this land you're talking about tax basis of about 25 to 30-million-dollar which brings revenue to the city of Austin. It's a tax revenue that you are denying. This is best used for city and us and for the neighborhood. Thank you.

>> Mayor Adler: Thank you.

[7:08:54 PM]

We're now up to the can dais.

>> Houston: Thank you, mayor. I want to talk for a minute about the difference between 14 and the difference between this property, as I understand it. In 14 when we voted, it's because it's a transition... Property. There is transit. There are some limited opportunities to walk to or bicycle to get some food, as councilmember Casar said, it may not be the best food, but there is some. And so that is a way to transition from what it was into what it can be. This piece of property is completely isolated and cut off from anything except 183 on the northside of the property and highway 290 on the east. I think if I remember correctly, and I'm sure you will chronic, it's about -- correct me if I'm wrong, it's about 100, 110 units. Is that what you're still considering? Okay. And the price point is somewhere between 220, 320? Somewhere around in there? The amenity is a swimming pool, if I remember correctly? Maybe.

>> Maybe.

>> Houston: And that's it. That's absolutely all that's there. And so anything that those people who purchase these units need they have to go off site to get it. And we hear maybe a swimming pool, maybe -- you know. So they will be completely isolated in this location. With the intersection of these two major highways, we're talking about all kinds of health concerns. It's one thing for an office building to come in and go out because they get some fresh air outside of that, but when you live there

[7:11:05 PM]

[lapse in audio]. It's the smoke emissions that I'm also concerned about. And then it's how do you access -- get outside with the traffic coming so fast going west on 290. So my concerns are health and safety issues and they have been and they will continue to be. And so I just wanted to make sure that we were clear that this is a different kind of property than the one we're talking about. This one has no connectivity to anything, not even the little bank that is over there off of 183, co-merica, there off of 183, co-merica, I think the name is. There's no connectivity to anything. No other way out. If there's a huge wreck on 290 which we've had in the past, there is no way for them to get in or out of the complex. So I'm going to still vote against this proposal for all of those reasons.

>> Mayor Adler: This is a hard one for me because it doesn't have connectivity. I'm not sure if I can look at that tract and figure out what is the appropriate use to go on that corner for all the reasons that you just gave.

>> Houston: And I think when we talk about market and the market will come down on one side or the other, I think when developers go into these kinds of things they take a risk. They take a risk when they buy a piece of property. And so this is one of those risks that they took. And you're probably right, it's probably a piece of property that I wouldn't have bought, looking at the location and the amount of traffic and when 183 toll is completed it's going to be additional traffic going that way, but they took the risk. The community didn't take the risk, they've always lived there, but this is a risk that they took and they took it with their eyes wide open.

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

>> Pool: I tend to agree on this case with councilmember Houston. I think she and I voted the same when it came to us originally. And I also agree that the developers who buy the land and are thinking about developing it, they are taking a risk.

[7:13:12 PM]

We do not owe them approval on their zoning applications. It's not a certainty that the proposals that they will bring to the council will always be approved because there are specific criteria and requirements that each one of us on this dais are looking at for what is compatible and what is appropriate. Land developers in town who come to the council will just think in terms of it is risky, and I think you accept a level of risk in the work that you do. It's a different level of risk maybe than I would be willing to take, but that's why I'm not in the land development business. So I will be voting with the neighbors on this one.

>> Mayor Adler: Ms. Tovo?

>> Tovo: I have a question for our staff in regard to the memo we received. So I see that the memo you sent us on June 8 veryphize one of the points that Ms. Easter day mentioned. And that is when neighbors asked about the single-family use city staff advised that the planning commission without support that use and a statement was made that a developer would not put single-family on the property. I wondered if you could -- if you can recollect why staff would have made that assertion that single-family wouldn't have been something that the planning commission would support.

>> [Indiscernible].

>> Tovo: So it had to do with the traffic and some of the issues.

>> Yeah, had to do with the fact that there was already single-family at one point and then went to single-family three and then it went to -- actually game G.O. With the neighborhood plan. But I think the thought is that it was probably not stay single-family at that time.

>> Tovo: Okay. I went back. I supported this on first reading and went back and reread the transcripts from when this went through the neighborhood planning process.

[7:15:19 PM]

And I don't see any discussion specifically about mixed use, but after [indiscernible], residential use, it was rezoned for commercial use, the developer wanted a higher level of commercial use and the decision was G.O., but it is clearly I think more appropriate for [lapse in audio]. For commercial. Though I did support it on first reading, I'm not going to support it on second and third. I think for the reasons that some of our speakers have mentioned and the ones I just identified. And also the fact that we ask people to come together, a diverse group of people to come together from property owners to residents who may not be property owners in the area to commercial interests and craft a neighborhood plan and then we have a responsibility, I believe as councilmembers, to up hold those neighborhood plans. And this is a very recent one. This was a contested tract. There was a fair amount of discussion about it and so I'm going to up hold the neighborhood plan and the decision that the previous council made and stick with the zoning that's on the tract.

>> Mayor Adler: Further discussion from the dais?

>> Renteria: Yes. I'm going to go ahead and support the neighborhood plan. You know, it's very hard because, you know, -- and I can see how it's I live next to 35 and it's a parking lot and I breathe all the nasty, dirty air that comes from exhaust vehicles. So I know that it would probably be a -- I know it's a hardship for you right now because you can't do anything with it, but it's -- I can understand what the neighbors when they came, I would like to support you, but I'm going to be voting.

[7:17:25 PM]

>> Mayor Adler: Any further debate from the dais? Mr. Casar?

>> Casar: I had mentioned at first reading also. This is a homestead preservation district and it has been since then, so if if this zoning case doesn't pass, which I won't be voting for it on second and third either, so I imagine that it will not, that we take that into consideration as we potentially establish a baseline for reinvestment zone here or if we choose to use the inclusionary zoning tool, this is a very large piece of undeveloped land in one of our newly designated homestead preservation districts. Any residential that we could see here in the future or on cases like in this the future I would like to see the connectivity back into the neighborhood. I think it's unfortunate as councilmember Renteria pointed out that we have so many of these apartment complexes and multi-family units facing frontage and not having connectivity to their neighborhoods, whether it's a bridge across the creeks or own just the fences that keep the residents of the mobile home park from being able to interact with their neighbors, I think really creates a separation even within a neighborhood. So if we do ever reconsider residential on this tract I hope that it will have some of those affordability elements that we've tried to lay out in the homestead preservation districts and I hope that the people living in those units aren't physically segregated out from the rest of the neighborhood.

>> Mayor Adler: Mr. Zimmerman?

>> Zimmerman: Thank you. Is there a motion on the floor as a point of order?

>> Not yet.

>> Zimmerman: I would like to make a motion that we approve this zoning on second and third reading.
>> Mayor Adler: And close the hearing?
>> Zimmerman: And close the hearing.
>> Mayor Adler: There's been a motion to approve on first and second reading and close the hearing. Is there a second? Second and third reading. Is there a second? Is there a second?

[7:19:28 PM]

If there's no second and this -- and there's action taken here, that serves as a non-approval --
>> There could be a motion to deny or if there's no action taken it would also be denied.
>> Mayor Adler: Okay. Because it would have the effect of being [lapse in audio].
>> If there is a motion to deny and it receives seven or more votes, then the case is dead.
>> Mayor Adler: Is there a limit to how soon the applicant could [indiscernible]. That's not what I'm asking.
>> If it passes on first reading.
>> Mayor Adler: No.
[Laughter].
>> I'll be quiet.
>> Mayor Adler: If it's denied, is there a limited amount of time before it could come back?
>> 18 months before the applicant could come back.
>> Mayor Adler: Is that when -- what if there's no action taken?
>> I believe it's also 18 months because it has the same net effect as a denial.
>> Mayor Adler: What if it's postponed indefinitely?
>> If you postpone indefinitely, then the case would expire after 360 days and I believe they could come back and reply without the 18 months.
>> Mayor Adler: Without the 18 months. I'm just thinking in terms of what Greg said. If there's an opportunity for me to vote for a permanent postponement -- indefinite postponement, I would vote this way on this tract. Is there a second to the motion to approve? No. Is there a motion to postpone? Is there a motion to postpone indefinitely?
>> I'll be happy to do that although I just wanted to say that that's for this particular site plan. A new site plan, what are the time lines on bringing a different site plan back?
>> We're talking about a zoning case right here so the zoning case is passed on first reading, the code says it has up to 360 days after the first reading to pass or else it expires.

[7:21:38 PM]

So if the council indefinitely postpones it today and the case does not come back for second or third reading within 360 days then it will expire and then the applicant could submit another case without having to wait 18 months.
>> Pool: [Indiscernible].
>> Mayor Adler: The motion was to approve. There are a couple of different ways to handle this. There's been a motion to approve it on second and third reading. Thus far there hasn't been a second to that, which then gives us our next vote. I'm trying to figure out what the next vote might be. One next vote might be just to deny it, in which case the applicant couldn't come back with a different request. I was trying to explore what would happen if we postponed it indefinitely. My assumption would be during that period of time if he wanted to withdraw this request he could do that and come back with something that was different as well on the lines of what Mr. Casar said if facts develop that way.
>> I would like to clarify for the 18 month penalty, the applicant can come back with something less than

what he asked for, but he can never come back with the same or more within 18 months.

>> I would be hard pressed to figure out what was less or more? There's been a motion to postpone this indefinitely. Is there a second in Ms. Pool seconds. Any discussion on this? All in favor of the motion to postpone indefinitely please raise your hand? Those opposed?

>> Zimmerman: Abstain.

>> Mayor Adler: It is 8 in favor, Garza voting no -- 8 in favor, Garza voting no, Zimmerman abstaining and Gallo off the dais. Thank you very much.

>> Would you like to do the last zoning case, mayor?

>> Mayor Adler: Which one is that?

>> It is items number --

>> Mayor Adler: This would be number 15 and 16.

>> Yes. I believe we can dispense with them pretty quickly. The cases are -- let me get the number right.

[7:23:46 PM]

Item number 15 is the neighborhood plan amendment case naa 2014-0016.03, an amendment to the govalle, Johnston terrace combined neighborhood plan for the property at 2901 east fifth street. County is to change the future land use map from single mixed use. The related case is zone case c-14-2014-0194 for the property located at 2901 east fifth street. The requested zoning is from family residence neighborhood plan zoning to -- the request was to gr-mu-np zoning. The planning commission recommended the same as the staff recommendation, which was for lo-mu zoning. The case does have a valid petition, which means that it would require nine votes to approve on all three readings tonight. We are ready for all three readings. I did check with the clerk recently and there are only four speakers signed up and they are all in favor of the case. So if you would like I could go into a staff presentation, but usually if we have speakers only in favor, you could pass it on consent unless you would like to hear the staff presentation.

>> Mayor Adler: Is anyone inclined to vote no on this one? Do you want to talk about it.

>> Houston: Yeah, I have a question, mayor. The valid petition is against?

>> Yes.

>> Houston: I wouldn't recommend passing it on consent if there's a valid petition.

>> Mayor Adler: Why don't you talk to us about this case.

>> I won't reintroduce the case as we've already ran through them. The request as I said -- the requested zoning is from single-family three to lo-mu-np zoning. The property is located on east fifth street, the corner of eastth fifth and Broadway. It's located
[indiscernible].

>> Mayor Adler: Hold on a second, please.

>> Pool: Could you remind us what number you're on?

>> Related cases items 15 and 16.

>> Pool: Thank you.

>> Mayor Adler: I'm sorry.

>> As I said the applicant originally requested gr-mu-np zoning.

[7:25:53 PM]

It does provide a buffer between single-family and the capital metro facility across the street, which is quite an active facility with a lot of bus traffic and car traffic. In addition, there is cs-mu zoning across Broadway. For these reasons the staff is not okay with gr, but we're okay with low cloud deck and the planning commission agreed with the staff. And as I said, there is a valid petition against this case, but it

does not appear that we have any speakers here against it. With that I'm available for any questions.

>> Kitchen: Can you clarify for me, is there a neighborhood plan for this area?

>> There is requesting an amendment to the neighborhood plan. The current future land use map designation for this property is for single-family. And the related case to this is to request a change to mixed use.

>> So the contact team is in support of the recommended changes?

>> I do believe they are, yes.

>> Kitchen: Okay.

>> Renteria: Mayor, we will have some discussions on that because I have a lot of concern about what's changing zoning for an area there that's all surrounded by single-family housing.

>> [Indiscernible] Is here from the contact team and I believe he can address any questions you may have.

>> Mayor Adler: Ms. Pool?

>> Pool: Is someone able, even if the neighborhood isn't here, to tell us what the concerns of the neighborhood are that gave rise to the valid petition?

>> As I said when I checked with the clerk we only have four speakers and they're all signed up in favor so I don't believe any of the people who signed the petition are here tonight to speak.

[Lapse in audio].

>> There was a potential impact to the schools. This is the only residential block, I believe, that's about between shady lane and pleasant valley. All the other blocks that entire distance are commercial but this is the only residential block and it's intact residential.

[7:27:57 PM]

I think that was some of the things that came up. There's also I think -- there's a comment in your backup, a concern about mixed use being introduced: Although the neighborhood plan immediately to the west indicates mixed use, to the north all the capital metro property in the neighborhood plan is all civic. And to the east and to the south it's residential in the neighborhood plan. But the neighborhood planning contact team is in favor. The staff that I talked to regarding this case indicated that if this case were to be rezoned [lapse in audio]. Which one it is, may have an interest related tonight by the commission and by the staff recommendation.

>> Pool: Would that tend to start shifting the nature of the sf-3-np?

>> I think that would have to be looked at. The neighborhood planning contact team would have to review that. I think one of the big concerns of a lot of the property owners in this area is parking. Capital metro has never had enough parking for all its employees and they park everywhere. And so one of the concerns, and part of that is addressed by the zoning recommended by your commission and then by staff is that there's no off site parking. And zoning is recommended by staff and the commission would not allow for off-site parking. You would have to get up to G.O. Or gr intensity of zoning to allow off site parking on this specific property.

>> Are you telling us, Mr. Guernsey, that cap metro employees don't take the bus?

[Laughter].

>> I'm just saying it's a as a matter of fact that I'm aware that this has been brought to my attention throughout the years that there's not enough parking for employees on that property and they park in the neighborhood.

[7:29:59 PM]

I've heard it over and over again. I'll just leave it at that.

>> The petition is valid at 20.7%. It requires 20% so over by .17 of a percent.

>> Renteria: Mayor, Mr. Guernsey, on Broadway isn't it true that just to the south of that we just approved a development for homes -- for single-family homes to be built? I think that we approved either seven or nine new homes to be built on Broadway?

>> I don't know that. I'd have to check into that, councilmember.

>> Renteria: So my concern is we're exposing the single-family to unknown is my biggest concern because the contact team wanted to keep that single-family, and I have a lot of questions because I've asked for the minutes there and when these changes happened and I haven't been able to get any kind of response or information of what actually happened and when did this vote happen. I went out there and reached out to the govalle Johnston terrace neighborhood association and they said that they don't even know what's going on. And they had never heard or been contacted about zoning change request. So I have a lot of questions, but I'm going to let the -- let the speakers speak.

>> Mayor Adler: We'll pull it back and then have conversation. Is the applicant here? Does the applicant want to open or should we go straight --

>> Ms. Goudoy is here as the agent. Also her son Michael Mendez is here as the owner.

[7:32:00 PM]

I just wanted to show you this is the future land use map. And if you look to the far left along the bottom you will see pleasant valley and where you see -- I don't know if I've got a pointer. To the north is seventh, Cesar Chavez is to the south. You fifth actually runs through the middle. The area you see in blue is civic. So this is Cesar Chavez and this is seventh street. This is the capital metro property that [inaudible]. That we're talking about.

>> Renteria: Can you show where Brooke elementary is at?

>> The civic is the capital metro property. The subject property is at the tip of that. And if you look down all along here it's either commercial, industrial or civic uses. This is the only residential block. The mixed use across the street is that area that's in brown and that's where the auto repair is. But it's surrounded on the south and east side by single-family homes.

>> Renteria: Mr. Guernsey, where is brooks elementary at?

>> I believe the elementary school is right there.

>> Mayor Adler: We'll go then to speakers. Lou hugadoy.

[7:34:08 PM]

I'd point out to the

[indiscernible].

>> I'm going to try. I was hoping you would be so tired you would be running it through consent!

[Laughter]. My goal is to build an office with liveable spaces for me and my family to live. We would like you to consider that we are a local independent business. We are a minority company wanting to keep our land by using it to its fullest potential. It's been a family owned business. We're not newcomers to east Austin. We established a business back in 1991 on east Riverside. Then in 1997 I moved to seventh and Chicon way before the rush for east Austin was trendy. And back then that's when people down at us having a business in east Austin, let alone living in east Austin. My grandkids go to Brooke elementary, the one that y'all saw in the map. And I live in that property myself. We have as a family worked hard to keep this business going. And we are prepared to spend to be able to enhance the quality of life in east Austin for ourselves. Also most important we don't have any investors. Whatever money we use for whatever building we plan to do on that property is what we have worked hard to earn. I feel that my property on the eastside is one of the best areas. I'm very happy with it. I would also

like for you to consider and this is very personal, but I will still tell you H that our goal is to establish a solid business for our future family generations, which they were here also early this morning. My grandkids were here and willing to speak, but they also had things to do. This is pretty much what I can tell you. I don't want to have to tire you any more than what we all are.

[7:36:10 PM]

I'm here for any questions that you may have.

>> Mayor Adler: Thank you. Questions?

>> Casar: Thank you for sticking this out. Just -- I understand well your arguments for why you want this use. So thank you for saying that so eloquently. Since we don't have the folks who are here that had the valid petition, if you think this is an unfair question, then you can just defer and not answer it, but what - have they expressed to you what their concerns were and what would have been your responses to those concerns?

>> Yes, sir, they have. This is what I don't understand about the percentage of the 20 something. You know how you have that list and validate it. Five neighbors. One of those neighbors, if you look in my packet I think you're going to see 17 signatures. There's a list of 17 signatures that I gather myself. One of the opposition is one of the signatures. So I don't comprehend -- this is really hard for me to understand how is it that I have one of those neighbors were for this change at one time, but now on this -- that form that shows the percentage. He signed again. So how was his name considered if he obviously does not have I guess -- he's not a man of his word, I guess, in a short sentence. So I tried talking to this couple, the one that first came to signature and decided I guess I'm going to be against her, and he was asleep. So I talked to the wife, but I had no luck with her. So then I talked to David Reid, which is he is the one that originated I think a letter to y'all and his concern was the parking. With my -- I don't know the lady there at the corner, I don't know her name, but she sudden have given you a packet.

[7:38:12 PM]

And on it I got these people called you build it and they gave me a little sketch on it. It's got something similar to what I would like to build. But more importantly is the parking. I guarantee you and I assure you that I will take care of my parking. Whatever designated parking lots, whenever I do my permit, they're going to tell me how many spaces I need to have and it's going to be structured within my third of an acre.

>> Casar: So you would say that it's fair to characterize the main concerns of the person who started the valid petition is parking?

>> Right, right.

>> Casar: Thank you.

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

>> Renteria: What kind of business are you going to be running out of your place?

>> I currently have a tax business, but my son he became a real estate agent and we're probably going to have an office there. Not probably. We will have a real estate office there and hopefully a tax business. That's the only thing we know how to do. Not the only thing, but one of the things we've been doing for the past 20 years. Phrasers.

>> Mayor Adler: Thank you. Next speaker is Michael Valdez?

>> Hello. Good morning, good afternoon, good evening, because we've been here all day long. So sweet and short, back to my mom's statement [lapse in audio]. Identified lived there before. She lives -- I've lived there belief, she lives there now and we want to get the best out of it. We understand there's

concerns with the parking, we're concerned with it too. We have my family, which is my wife, I, have cars, my sister, her husband, so that's -- and then my mom, her boyfriend, that's six cars.

[7:40:18 PM]

We need to be able to park there too. It's a concern for us as well. The neighbors have expressed that. So we're willing to do some kind of program. I think Lamar does it and south congress does it where it's only like neighborhood parking could park there, the homeowners could park on the street or something. On is we're looking to doing that. So we can work that out, I think we make everybody happy. As far as the businesses there, we want to do limited office, just to do our type of business, which is administration type of businesses. We're not thinking about putting in a bar, putting in a store, anything like that. My nieces were here, like my mom said, and at the oldest, she's 15. When I was her age I was watching my mom do the same thing. Her business. And that's why it's important for them to be here to see all we're doing. And that's my goals. My son wants to be an architect or an engineer. Gia, the middle one, she wants to be a social worker. I mean, they have their plans. And that's what we're trying to show them. We want to show this to them how it can be done. And so like I said, sweet and simple that's what we want and we're willing to work with the neighbors and anybody to make this happen.

>> Mayor Adler: Thank you. Any questions? Chris Johnson? Daniel Yanez.

>> Thank you, mayor and council. Thank you for your service. Councilmember Garza, confusions. I'm Daniel Yanez and I chair the govalle Johnston terrace neighborhood contact team, which is very different than the govalle neighbors. The govalle neighbors is one of nine neighborhood associations that are part of the govalle Johnston terrace neighborhood contact team area. So as you can see on the map, first of all, Ms. [Indiscernible] Came to the contact team and asked for an application out of cycle.

[7:42:28 PM]

When we heard her story we were happy to do it. She's an east Austin resident. She lives there. It's her house. Her proposal was to demolish that house, build a building that would have housing on upstairs and her business downstairs. She's an east Austin resident. This is one of the rare cases where making this kind of change would allow someone from east Austin to stay in east Austin. She's multigenerational. Her grandchildren go to the school there. And her family is going to utilize this property. The reason that the contact team decided to support her idea is because if you look at the fifth street corridor, Mr. Renteria, fifth street is our commercial corridor, so that one block there are six lots on that one block facing fifth street. She owns two of them. The rest of the corridor is commercial, is mixed use and all that. Now, it's true that south of her and east of her there are residences, but we feel that this is a good use. She is very specific about

[lapse in audio], which is she's got capital metro across the street. She's got a body shop across the other side of the street. I applaud her efforts. If you have any questions I would be happy to answer. We think it's a good project.

>> Mayor Adler: Mr. Yanez, kind of off topic because you're up here speaking on behalf of the contact team. I'm going to say something but I don't want you to respond to it.

>> Okay.

>> Mayor Adler: With respect to -- as we look at neighborhood groups and contact teams that are giving input, which is very important to be able to get that input, it's real important for the contact teams in terms of their reliability and in terms of their standing.

[7:44:44 PM]

So that all of the people in the community believe and trust that the contact team has been open and available to the community. So it's important that all of our contact teams notice their meetings or give minutes and make our -- go out of their way to be inclusionary with respect to the community because in the long run that will help with credibility.

>> We are absolutely inclusive. And anyone that has ever contacted us and wanted to meet with us, we have. We have the absolute best track record in the entire city ever creating win-win situations with our contact team. Our contact team is open. We have a member on our contact team from govalle partners.

>> Mayor Adler: Further discussion from the dais on this item? Mr. Renteria?

>> Renteria: I don't have anything.

>> Mayor Adler: Thank you. I think we're done.

>> Renteria: What just came before us, you know, there was a developer that tried to develop the second and Broadway street and the contact team came out and said we will not support office use. That is not what we want there. So they did was they said they told them that we want residential instead. And we supported that. Now they've come over here and they said well, no, this time we want office space. And that's what's really concerning me is what are we really doing? Are we going to provide residents on Broadway and then say office space is okay? What kind of message are we sending that neighborhood that we want residents, but we also want office space? And those are the kind of things that really concern me.

[7:46:46 PM]

When I went and talked to the holly and Johnston terrace neighborhood, they said they wanted a divorce from the red bluff people there because they would not let them participate in a contact team. I've met with over 35 people one Saturday and they were all saying that we were not included, we're not part of that team because they wouldn't let us vote. They have a lot of restriction. It's a very hostile condition. They don't meet in a public place. They've been meeting at a house, office there on Cesar Chavez where poder is headquartered at. So those are -- when I hear those kind of things that really concerns me. And when a contact team like that comes to me and then say, hey, our contact team supports this, I question it because I've gone and talked to you people. And I've talked to Daniel and told him this is not the way to run a contact team.

>> You and I have not had a conversation about the contact team.

>> Mayor Adler: Excuse me, Daniel.

>> Mayor, I will take exception to this because this whole issue about contact teams has been totally distorted. And -- and that's a conversation that we have to have.

[Indiscernible].

>> Mayor Adler: And we'll have that. We'll have that outside of this forum. But he's -- you've had a chance to talk. He gets now a chance to talk too on the dais. We have to have that conversation.

>> Well, we have to keep it real too.

>> Mayor Adler: Absolutely.

>> Renteria: Yes. As I was saying, and just because of the fact that on second and Broadway we're putting in more family housing [lapse in audio]. It's very important that we need to keep the character of that little square block of single-family. It's right next door to brooks elementary.

[7:48:47 PM]

And if we start giving out the next guy, next door, I want to say I want that zoning and it will go down the line and then the family right next [indiscernible]. So I might as well just sell out too. And we'll start a

domino. And that's not what I want to see in books. In this area here because our schools there is underenrolled and we're losing families and we're losing kids and the pressure is coming on. We're having all that development on Cesar Chavez coming in from the east. We stopped it on the west and I just don't want to see that happen to this neighborhood.

>> Mayor Adler: Further conversation on this item? Mr. Casar?

>> Casar: I think I have a brief question for staff. Sounds like one of the concerns that councilmember Renteria raised is if we can ensure -- is less that an office would exist, but more partly that a residential use could be lost. I understand that this

[indiscernible] For the MIX of use cases that the applicant has spoken to, but is there any way to ensure that the zoning change requires that there be a residential component. So even if the applicant were to sell this piece of property that the next person would have to have a residential component alongside their office component?

>> Councilmember, I believe typically we do not do that. Mixed use means one use or the other or a mixture of both. I believe you could say that a site plan for an office may not be approved unless it had a residential component. But keep in mind that that would preclude any office use from going there unless it did have that component, it could remain a residence under vmu, but they could not get a site plan without a residential unit.

[7:50:59 PM]

>> Casar: Some of the concerns that I had heard or have heard secondhand through the folks that were here is under enrollment at the elementary school and there being families

[indiscernible]. To have the ability to go forward with their plan, of course, people sell and things change. I just wanted to put that out there for my colleagues to think about.

>> Can I say something to that regard?

>> Mayor Adler: Yes, I think it would be helpful.

>> We plan on living there. My mom plans on living there still and continuing to be there, present. So the house being built will be for her. She is living there there and will continue to live there and my kids are actually going to that school as well. The plan is my son's name, his nickname, so very much intact. We will be living there and making it residential use as well as a living situation.

>> I understand that and I was actually wondering where the name of the plan came from.

>> It's his name.

>> Casar: But the reason that I bring that up is because when we change the zoning we change the piece of property so we have to make a policy decision based on the piece of property, not based on any individual person. And it seems to me as an exploration that that kind of a zoning that would require both residential and office use would fit perfectly into what it is that you described you intend to do with that piece of property. But if for whatever reason you no longer own that piece of property, whether it is tomorrow or years from now, then that intended purpose of still having a residential use alongside an office use would remain. My understanding is just now it would not keep you to doing what it is that you described.

[7:53:01 PM]

Is that correct? Having an office space and having a residential use at the same time. Phrasers.

>> That's what we're trying to obtain.

>> Casar: That's what I was trying to describe for the piece of property.

>> Mayor Adler: If we were going to do that I would like do it on first reading only so the applicant had a chance to think about what that meant for a week so we weren't making a decision necessarily right now

to do that.

>> It seems to me that with a valid petition it would also -- it seems like anything beyond first reading does not make sense. >>

>> Mayor Adler: Is there a motion?

>> Houston: Before someone makes a motion, if we approve on first reading or if we postpone I would like for people to go back and try to work this out. I get a sense of some disconnectedness in the community.

[Lapse in audio].

>> Mayor Adler: Is there a motion? Ms. Pool?

>> Pool: I was curious about this since the people who had filed the valid petition weren't here to speak, if it would be a good idea to postpone. But I don't know if we can postpone or do we go from first to second reading? What is the -- would it be better simply to move forward on first reading only and then give the other parties an opportunity to speak? Is there a public hearing on second and third reading?

>> Typically, councilmember, if we have the public hearing at first reading and then we close the public hearing and we don't have it on second and third, but the council can choose to keep it open if they wish.

>> It feels like there are voices that are missing.

>> Zimmerman: I was going to recommend a motion to leave the public hearing open and approve on first reading only, kind of what we did on the last case.

>> Mayor Adler: It's been moved to approve this request on first reading only, keep the public hearing open.

[7:55:07 PM]

Is there a second? Ms. Houston seconds. Any discussion?

>> Casar: Mr. Mayor, may I offer an amendment to councilmember Zimmerman's motion to include the stipulation that was described by Mr. Rusthoven that when the site plan is submit it would have to include --

>> The site plan for an office use would not be approved without a residential component.

>> Zimmerman: I would accept that.

>> Mayor Adler: Any objection to that amendment being added? Hearing none, it is. Any further discussion on the motion?

>> And that means that you're going to come back and say, with some wordings that housing is going to be required?

>> Yes. If approved on first reading as it's laid out right now, we would come back in August with an ordinance for second and third reading that had office zoning, but with a component, and we would have testimony from the public.

>> Mayor Adler: We're including that stipulation on the first reading approval, as well. Any further discussion? Those in favor, please raise your hand. Those opposed. It's unanimous on the dais.

>> Thank you, mayor. Zoning items --

>> Mayor Adler: Come back in August and we can proceed.

>> Mr. Mayor.

>> Mayor Adler: Yes.

>> I have a question about the rest of the agenda, if we have an idea of how much more time we're talking about? And if it's significant, I'd like to take a 15-minute break.

>> Mayor Adler: We have one, two, three, four, five items that are left. Nothing has more than a couple speakers, and I think that a lot of the speakers who have signed up are not here. So I'm not sure if it's that long, but I've said that so many times. No one believes me anymore.

[7:57:13 PM]

>> Let's give it a little bit longer.

>> Mayor Adler: Let's give it a shot. All right. Item number 3. Is Gus peña here or James price? So we have no speakers. We're going to go in order of the items that have yet to be called, which are three, 11, 12, 13, and then 50. 3, item 3 -- Ms. Kitchen, is there a second? Ms. Gallo? Is there any discussion?

>> Did you say aviation, mayor?

>> Mayor Adler: I'm sorry, I'm sorry. Number 3 was pulled by public speakers. I don't want to go too fast here.

[Laughing]

>> Mayor Adler: Because, who knows how many mistakes I'll make. Ms. Tovo --

>> Tovo: I do have a comment. No, I think you had a motion and a second from someone else. I mentioned this many hours ago, but I'll remind my colleagues that I did file an affidavit this morning, and I am recusing myself on the part related to the action project.

>> Mayor Adler: Duly noted. Those in favor, please raise your hand. Those opposed? Unanimous on the dais, Zimmerman abstaining. Renteria off the dais, and tovo recusing herself. That gets us to next item, which is item 11. This was pulled by public speakers as well. The two public speakers we have are Gus peña and David king. Do you want to address this, Mr. King?

[7:59:16 PM]

Take your time. You don't have to rush.

>> Thank you, mayor, mayor pro tem, council members. And I support this item. And I really appreciate councilmember Casar for sponsoring this and bringing it forward. This is one of the ways we can directly help the low-income families that are struggling to pay these ever-increasing rents in our city and remain in our central Austin neighborhoods. So, I think this is an excellent step in the right direction. And I hope that we can continue to do things like these to help our low-income families stay in Austin. Thank you very much.

>> Mayor Adler: Thank you. Mr. Casar, do you move adoption of item 11? Is there a second to that? Ms. Gallo. Any discussion on the dais on item 11?

>> Briefly, mayor. First, I'd like to thank Ms. Hayden, I think she's been here all day waiting for us to pass this. We included a tenant-based rental option, but, the program she works with also seems to really be a great fit. So, I look forward to having this conversation about this funding in the budget. She sent me a few success stories. If you'll allow me for 30 seconds, she included a story about -- this program, a disabled client in Austin on short-term disability following surgery was scheduled to return to work, but the doctor extended his restrictions for one more month. So that his disability was -- kept him from being able to sustain him for that month. His two sons were living with him. He was able to work with us to pay for his housing costs and within those two months, his income returned to a sustainable level, and his family was housed while he helped his son apply for college. That's the kind of story about what the city of Austin can do, and I'm proud to have the support on this council to find the funding we immediate for this program.

[8:01:20 PM]

>> Mayor Adler: Mr. Casar, I was proud to join you as a cosponsor. We sat down a couple weeks ago, probably, seems like a lifetime ago, and we were talking about the homestead exemption and how that was one of many tools. And you suggested we join together to make that evidence of the fact that it was

one of many tools, and the we need many tools to reach everyone. Your suggestion to make that real and contemporaneous, I supported, as did the other cosponsors. I was happy to join the group on this. Further discussion on this item 11? Mr. Zimmerman.

>> Zimmerman: Thank you. I'm voting against this item. I made a point on principle that this is more of the economic segregation. It's -- the programs are great for the people who benefit from them. But they come at the cost of those who don't benefit from them. So, I always talk about the cost-benefit analysis. And I don't think the cost is properly registered on these items. So, my focus is still going to be trying to get the city to reduce their overall spending so we can help all taxpayers to afford to live here, so I'm going to be voting against.

>> Mayor Adler: Any further discussion on this item 11? Ms. Pool.

>> Pool: I'll support. I'm supporting this. And I talked with councilmember Casar about that. I feel like those to whom much is given, much is expected. Thank you.

>> Mayor Adler: Further discussion on item number 11? All those in favor of item number 11, please raise your hand. Those opposed? It is 9 on the dais, Zimmerman voting no, Renteria off the dais. That gets us to our next item, which is number 12.

[8:03:22 PM]

We have four speakers on number 12. Ms. Troxclair, do you want to go ahead and make a motion, and then we'll go to the speakers?

>> Troxclair: I make a motion to approve.

>> Mayor Adler: And then was there a language change in the --

>> Troxclair: I see what you're getting at.

[Laughing]

>> Mayor Adler: Takes a team up here.

[Laughing]

>> Mayor Adler: And I know that.

>> Troxclair: So, based on the conversation that we all had at work session the other day, I took into account everybody's comments and edited the first "Beit resolved" that's on the yellow paper on the dais. And basically, it just says -- speaks to the ability for us to reappropriate funding, but not necessarily a man date for us to reappropriate the funding. We want to be able to evaluate the long-term vacancies as they come to council. And in addition to there being a check-in, or a budget amendment brought forward in the near future, or before the budget cycle, there will also be just a six-month check-in. It says the city manager is directed to bring a budget amendment to the city council in August of 2015. And after talking with the city manager, I would like to change that word to -- change in to by August of 2015. That would allow him to bring a budget amendment to us before August so that we're not, kind of, in the crosshairs, so we have the ability to have the conversation before he brings his recommended budget forward, and so we don't get caught in the crosshairs of our budget discussions.

[8:05:26 PM]

>> Mayor Adler: The timing corresponds with his budget proposal. It would be included as part of that? Is that right?

>> Troxclair: Well, it would allow the budget amendment to be brought forward any time between now and August.

>> Mayor Adler: Got it. Mr. Zimmerman.

>> Zimmerman: I move approval of this resolution as amended on the yellow page.

>> Mayor Adler: She made the motion. We'll take yours as a second to that.

>> Zimmerman: Okay.
>> Mayor Adler: Discussion. Ms. Tovo.
>> Tovo: I have a couple questions for the sponsor, and I appreciate you making those changes. I guess I'm still struggling to understand the timing a bit. So, we would --
>> Shouldn't we do our speakers first?
>> Mayor Adler: We have speakers.
>> I'm sorry. I didn't mean to interrupt.
>> Mayor Adler: Because it was different -- because there were changes -- I thought we would --
>> Tovo: That's fine.
>> Mayor Adler: If you're asking a clarifying question, it might be helpful --
>> Tovo: Why don't I do that. So, we are in the process -- I mean, the city manager is about to bring us forward the proposed budget in July. The budget amendment would be to amend our current budget. So, is that really the intent to -- that we would be considering a budget amendment between now and August to amend our current budget, rather than just incorporate that information into the proposed budget for next year?
>> Troxclair: Yeah, and I understand what you're getting at. And I think the concern is that to address some of the very long-term vacancies now rather than waiting until the start of the new budget cycle in October. For example, some of the vacancies that have been vacant since -- and if there are budget savings, if we decide -- if the decision is made that those staff positions don't -- can be re-purposed, then we'll basically save the money that we would've spent otherwise between now and October 1st, the start of the next budget cycle.

[8:07:35 PM]

>> Mayor Adler: Okay.
>> Tovo: Yeah. I'm still a little shaky, I guess, on the timing and why we would do it quite that way. And maybe the city manager wants to weigh in on that. I mean, I can see the value of doing it -- well, in any case, okay. Thanks. I appreciate the clarification.
>> So my question -- and maybe the city manager can answer -- it would seem that if positions have been vacant and unfilled for more than a year -- resolution, we would already have -- unspent moneys from one fiscal year to the next without rolling the un-expended balance forward. Could you explain that? I'm more accustomed to state government financing, where the un-expended balance is appropriated into a second year of a biennium. But, when you go to the end of the biennium, it goes to zero and you start again and things are reappropriated. How is this different?
>> It's -- they don't automatically roll over into the next fiscal year, but the request is made for authorized positions on an annual bases as part of the budgetary process. I think there are like three of them that had that long track record associated with them. I think in one case. And our cfo's unit, it was filled with a retired person on a parttime basis. And that -- the case one year after the next, until we got to the point where I don't remember the exact number of years, five or six years, however long it's been going on. That should've been caught and the question should've been called, you know, as to whether or not there was an actual need to continue to do that, or to eliminate the position, or to ask for an fte, and that just didn't occur.

[8:09:47 PM]

And the other couple of examples are similarly kind of obscure and esoteric as to why they've existed as long as they have. But, those are outliers. Generally, our practice for the past few years has been to really scrutinize vacant positions that have passed the 12-month mark. I think in your work session,

you'll recall comments from acting acm Mr. Washington that of the 30 or so that, you know, meet that standard now of 12 months, you know, they're in various states of the, you, you know, the selection process. In some cases, we have offers on the table, or tentative, you know, acceptance from prospective employees. So, it's complicated. And, you know, we have to evaluate those after 12 months on a case-by-case basis and make a decision taking into account all the particulars associated with that position. But, in terms of the resolution, I did have the opportunity to talk with councilmember troxclair. She understands that part of the annual budget process, we take that hard look, anyway. And part of that presentation includes a discussion about the number of ftes we're requesting. We talk about vacant positions. That's all part of the presentation when we present the proposed budget to the council. As I understood. So, a centrally -- when she says August, or by August. So, it would be, actually, I guess, sometime after the budget is adopted but before August when we would make a second presentation as to the status of vacant positions throughout the organization.

[8:11:47 PM]

Is that accurate?

>> It's in March.

>> Troxclair: For this year, yes. Because of the timing, that it would be helpful based on our conversation to go ahead and have any budget amendment brought forward that applies to this budget right now, rather than waiting until being in the middle of your recommended budget and waiting until August. And then at the -- but then going forward, six months after the budget adoption, which would be in March.

>> Because of where we're starting right now.

>> Troxclair: Exactly. We'll finish if she has more questions, and then I would like to lay it out more completely.

>> Hear from the speakers at some point?

>> Mayor Adler: All right. So --

>> We haven't completed.

>> Mayor Adler: Not in the nature of debate, but, questions that relate to what is it that the bill says?

>> That's where I was going on this. Mr. Ott, there was an example that you made on a part-time person was encumbering a slot. And that continued for a time. Was that person still working?

>> I believe they were, yes.

>> Pool: Okay, okay. So the question there was, that it was a temporary position and not a -- it wasn't a full-time.

>> I think it was an authorized fte. But it was only -- it was being filled on a part-time basis.

>> Pool: Half of the salary, or --

>> In effect, the balance of the salary was just being carried through the that fiscal year. It wasn't being used.

>> Pool: At the end of the fiscal year -- this will help us understand what we get to budget -- what happens to funds that are un-expended from fiscal '14?

>> They go to the fund balance.

>> Pool: We're in fiscal '15 going into fiscal '16.

>> They go to year-end fund balance.

>> Pool: Are all moneys that are un-expended at the end of the fiscal year swept and put into the fund balance?

[8:13:48 PM]

>> Generally speaking.
>> Pool: My terminology may be more state government.
>> You're close enough.
>> Pool: Okay. So, in fact, the money is not spent.
>> Right.
>> Pool: The money is still in general revenue and it's available for re-appropriation in the new fiscal year. And I see the mayor shaking his head.
>> Mayor Adler: Money un-expended goes into the stabilization reserve fund. Then you can't spend more than a third of it, and it has to be for one-time.
>> Pool: Okay. The un-expended balance is actually put into reserves and the general revenue. Only about 66% of it is available for --
>> Mayor Adler: One-time expenditures.
>> Pool: One-time expenditures, okay. So the point I'm driving toward is that, two things. I do support asking for the report and, of course I support responsible and transparent accountability on how our revenues are spent, or if we don't actually hire someone, what happens to the moneys that are allocated and set aside for an fte. And so I do support the report. And I do think Mr. Ott and our staff are good stewards of our budget and bring us -- I haven't seen it yet, because it's the first time. But I do trust that the information that you will bring to us when we really start putting pencil to paper is going to be accurate and will account for funds that may be stranded or un-expended. So, I support the reporting, and I support the effort. I have some concerns about the Numbers that are in the whereases. It is painting a picture that doesn't feel -- the town doesn't feel correct to me.

[8:15:55 PM]

Because it sounds like we're not being good stewards of our moneys. In fact, this is what happens in a large organization over a period of time. And it's a \$3 billion -- is that right?

>> 3.5 billion.

>> Pool: 3.5 billion, and we're talking about a very small proportion of that. And I did ask in the work session what -- how -- in the private sector, how these sorts of issues are handled. My suspicions are that they have the same situations. Hiring in Austin at a 3% unemployment rate is pretty difficult these days. There are some who would recommend people come and work for government. There are plenty of others who think working for government is not a good idea. And so they actively would discourage people from working for government. Frankly, the city of Austin has a good reputation for its governance and delivery of services. And there are a lot of people who rely on us making good decisions here. And they have a positive opinion of people who work for the city. So, I just have -- I support the idea and the concept of having additional reporting, which it sounds like we would have anyway. But -- the context.

>> Mayor Adler: I'm going to go ahead and call the speakers. Gus peña is not here. David king, do you want to speak on this matter?

>> Mr. Mayor, thank you. And mayor pro tem, councilmembers, thank you for bringing this resolution forward. Councilmember troxclair, I think this is important that we understand what's going on. And that we do everything we can to encourage filling those vacancies as quickly as possible. I'm assuming we're doing that. But I think the whole reason that you fund these positions at the level that you do is to provide services to our citizens, and to our community.

[8:18:04 PM]

And those vacancies being unfilled are not providing those services. We need those services. I think this

is a step in the right direction to try to understand how much money is, you know -- we're talking about here with these vacancies and making sure you call the shots on what happens to that money. But I would say that I worked with the state government, too. And I had two people working for me. And we had it people, and we had a tough time filling vacancies. When they said, if you don't fill this within six months, it goes away, that puts motivation behind you, because the whole thing is that you want to get good people. And you do your best. But you need them in that position to get the work done and provide those services. So my point is to encourage that we get these vacancies filled and get those services delivered to our citizens. Thank you very much.

>> Mayor Adler: Thank you very much. Is brad parsons or Mike Rodriguez here? All right. We're now back to the dais. Ms. Troxclair.

>> Troxclair: I just wanted to respond, first, to, I think, a piece that was missing from the answer to councilmember pool's question, which is, yes, money that is left over in departments gets, you know, swept into the fund balance. But in the meantime, say that we have -- we'll use the example in financial services. So, they have a full-time position allocated. They've had a full-time position allocated since 2005. In the past ten years, that position has been filled by a part-time person. So, say that part-time person is making \$50,000 a year -- or a full-time employee this that position would make \$50,000 a year. They're only expending \$25,000 a year on a part-time person. The extra \$25,000, the department has the ability to reappropriate those funds within their department.

[8:20:07 PM]

So, they have the ability to spend that money. So, when they get to the end of the year, if they have money left over, yes, it goes into the fund balance. But there is the ability to spend that money in the meantime on other things. So I just wanted to maybe add that, too, as context to one of your questions. And so, now that I get the chance to lay this out a little bit further, I -- you know, to me, this just -- other cities struggle with, as well. And the city manager has done a great job of, after council direction, in recent years, to address the vacancy situation. He has done a great job in lowering the vacancy rate. And this will just be a structure -- will allow us to put a structure in place so that we don't get into this position again, so that in -- we don't have to check in every, you know, every few years, every so often and say, oh, well, we've been spending, you know, however many -- we spent \$500,000 on this position that was vacant. This puts a consistent structure in place for us to have a check-in every, you know -- twice a year. And another thing in talking about this resolution that came up was that it would be helpful for the city manager in situations where we have trouble filling a vacancy because we're not being competitive in the pay that we're offering, it would allow him an opportunity to make that case to the council, as well. So there's a couple of positions on this list that are very specialized it positions, and one of the reasons that we've had trouble filling it is because the salary just simply isn't competitive with what they can get in the private sector. So, it will allow us the opportunity to also have those conversations and make sure that we're providing adequate and competitive compensation to our city staff.

[8:22:18 PM]

So. I appreciate my cosponsors for their support in this. I do think it's important that not only we have, of course, transparency and accountability for where our money is going, but also to Mr. King's point, that -- to the citizens of Austin and, you know, we're talking about 34.8 positions that have been vacant over 12 months. And about \$3.2 million. So, although that's a small amount of money in the context of our \$3.5 billion budget, if we were able to find some savings through this, that would more than pay for the resolution that we just passed to support councilmember Casar's initiatives on rental programs. So,

you know, I think, again, every little bit counts in an affordability crisis that we're in. This is just a common-sense tool for us to use going forward.

>> Mayor Adler: Manager.

>> I don't have a problem with reporting information about vacancies to the council. Even outside of the annual budget process, no problem at all with doing that. I'm also comfortable that, you know, we have a structure and a system in place to focus our attention on these avoidance vacancies, and that's why that percentage has gone down significantly over the last few years. And I think, comparatively speaking, we do pretty darn good. In fact, we fall below most of them. I would like, though, with your indulgence, mayor, that I ask Mr. Nemo to come and talk a little bit about the Numbers on the first page of the resolution to offer a little context as to what they reflect.

[8:24:28 PM]

>> We track vacancies on a per pay period basis. And I think you've heard me say before, we can have 93% of our positions filled at any given time, which is about typical, but that leaves 7% vacant, 7% of 13,000 is roughly 910. This number fluctuates a bit, but you can see here in the third whereas, I believe the vacancies report as of may 17th that we shared with councilmember troxclair's office, there was 1,012 vacancies in the city as of that pay period. A lot of those are public safety positions that are vacant because of the timing of the cadet academies. The \$73.3 million, I think, was just a sum. Our vacancy report says here's the position and here's how much is budgeted for the position, including fica, medicare, and retirement. I think what the city manager wanted me to verify or to clarify is that that doesn't mean that there's 73.3 million -- on may 17th if a position is vacant, it would show the budgeted salary. If it just vacated the previous pay period, all that money had been spent to the employee during the course of the year until it vacated. So, I think it's an accurate statement that those thousand positions at that point in time had a budgeted salary of this amount, but, that's not to say there's \$73 million just sitting there to be reallocated. I'm not sure that was the intent of that whereas, but we wanted to clarify that one in particular.

>> Mayor Adler: Thank you.

>> Were you done?

>> I was, yes.

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

[8:26:32 PM]

>> Kitchen: Opportunity to cosponsor this -- that I hope that the staff -- an indictment or a statement in any way. But I do think that -- and I appreciate the efforts that you all have been making. It's simply -- I think it's just simply a prudent measure for accountability, and also, it is the council's -- the budget is the council's responsibility. And so I think that this gives us another tool to work closely with the city manager and the staff so that we can work together. And I think -- I appreciate what you're saying in terms of the ability to check in. And I think once a year, essentially. I mean, this will be -- going forward, it will be during the budget process and once a year in six months. I don't see that as a burden and I think it's helpful, so.

>> Councilmember, I have no problem. You all can vote on this as far as I'm concerned.

>> Mayor Adler: In fact, the manager's office helped with the be question. Ms. Tovo.

>> Tovo: Thanks. I had another question, and then a quick amendment. And my question for the sponsor is, the two sections -- that they're going to inform each other. So, I guess, my question is, when the city manager brings forward the budget amendment by August 2015, I would expect that it will include the kind of information you've described in that next "Be it, therefore, resolved." The information about the

non-sworn -- about the vacant position, how long the position has been vacant. Those two things, even though that is talking about bringing that forward with the recommended annual budget, I assume you intended for that to apply to the budget amendment that comes forward sooner than that, or in a different -- gray

[8:28:42 PM]

>> Troxclair: I certainly assumed that.

>> Tovo: Thank you for that clarification. We talked on the work session on Tuesday, adding in the number of vacant positions. I heard you say 34.8, I think. As I mentioned on Tuesday, I think that's an important piece of information to provide in here so that the public doesn't get the mistaken impression that we have 1,012 or a smaller number. I would propose, as an amendment, adding that into the sixth "Whereas." And I think the place it would belong would be \$33.2 million was allocated to the 34.8 nonpublic safety positions.

>> Troxclair: Thank you, mayor pro tem tovo. I did intend to make that change. It got lost in translation somewhere between my office and the legal department since they were so focused on the be it, therefore, resolved, but I am happy to provide that context and insert that number.

>> Tovo: I sure appreciate it. Thanks. I'm going to support this. I supported the past efforts to look at vacancies that were initiated by councilmember Martinez and some of my previous colleagues, and I think this is a very good measure to look at those vacancies carefully. And I appreciate the city manager's past work on this. And I appreciate you and the other sponsors for bringing this forward for our consideration. I think it will be useful -- a useful budgeting tool.

>> Mayor Adler: Any objection to adding to the -- to adding the 34.8 in front of "Nonpublic safety positions" in the sixth whereas clause? It's added.

>> Tovo: Let me just say, I'm just going off what I thought I remembered from Tuesday. I hope somebody else can verify that's the accurate number before we add it in.

>> Troxclair: That's the number I have on the may 17th report we used as context for the rest of the resolution.

[8:30:49 PM]

>> Mayor Adler: Ms. Gallo.

>> Gallo: I'm definitely going to support this. And as I support spending funds on worthwhile projects such as the rental assistance programs we just voted on, and the senior property tax relief for -- the property tax relief for our senior and disabled population. I think it's really critical that we -- as we spend money, we also look for ways to tighten our belts and save money. Because I think a lot of the important programs that we want to support, we can do by finding places in existing departments that don't affect services, but are just places that we have pull funds from and reallocate them -- to supporting it.

>> Mayor Adler: Further discussion? Ms. Pool.

>> Pool: Mr. Ott, do you do a report like this for us already?

>> We produce a monthly vacancy report that goes to me and the acms and the department heads. I don't know -- ed, I don't think we send that to council, do we, or do we?

>> We don't send that report to council. We actually do it every pay period. We haven't had a formal reporting process like this in the past, but we have certainly had a lot of interest in vacancies in the past and through our budget question processes and other avenues, we've provided a lot of information to the city council in regards to vacancies. We do include in our quarterly financial report a summary of vacancies in the general fund. And citywide. It's very high-level. It just talks about the total number of vacancies at that point in time. But you can see trends in that quarterly report.

>> Pool: I guess where I was going with that is wondering what additional effort would be necessary. But it sounds like the additional effort would be minimal?

[8:32:53 PM]

>> Well, I think it's a once-a-year effort, and I think it's actually a sensible thing to do as part of a budget process, anyhow, to look at the vacancies, get an explanation of what's vacant, why, and how long.

>> Pool: I'm confused. I thought last year during the budget session this very same effort was proposed and there was a reduction in the number -- the percentage of vacancies savings that could be retained by a department.

>> We increased the vacancy savings a number for most departments when we did a thorough look at, kind of, what the typical attrition rates are and how long it takes to fill -- looking at that. We did increase vacancy savings pretty significantly. I don't remember the exact dollar amount, but it was a significant increase.

>> Pool: And that's really the crux of my questioning on this. I don't understand why -- what the changes that were made last year, why they are not sufficient to continue on to this year. How this change here is any different or added to -- or changes the process that was engaged last year.

>> I don't know. In terms of the reporting, I mean, this second resolution is talking about providing a report to council in March. It would say, here are all of our vacant positions, here's how long they've been vacant, here's where they are in the process of being filled. And here's why they're still needed.

>> Pool: Okay.

>> That kind of formal reporting would be something new added. The actual work we're doing as part of developing a process, looking at vacancy savings, reviewing long-term vacancies and making a determination about whether or not to recommend continued funding in the budget has always happened and will continue to happen.

>> Pool: And is it different to say that -- there's conversation here about whether the moneys are spent or not. Is the issue really that the departments are spending the vacancy savings on other things as opposed to just holding them until the positions are filled?

[8:34:56 PM]

>> In some cases, they certainly could be doing that, either backfilling a position with a temporary or overtime basis. Or contractual needs. So there are other -- you know, they do have the discretion to allocate those funds if they need to to meet their operational requirements.

>> Pool: Can salary savings be spent on anything other than salaries?

>> Yes.

>> Pool: So the backfilling and the part-time and temporary spending isn't the only way that the salary -- the un-expended salary money is spent, is what you're saying?

>> It doesn't have to be.

>> Pool: Okay.

>> It may be, but potentially not.

>> Pool: Where I'm going with this is, if that's what we're trying to get to, that's a different conversation. And it feels like we're sort of backing into this issue, sort of obliquely. And I'd be happy to engage in that conversation further. Mr. Ott.

>> So, when we focused on it, as you'll recall, one, it was a function of the percentage of vacancies was pretty high. That, in the face of on an annual basis, asking for additional ftes was the issue. Those two things in combination were the driver. And so as we approached and were in the process of developing our budget, we focused on that. You know, and that was in the context, too, of some conversation we

historic -- with had had with the council at the time and their focus on it. And so, we challenge -- and I think the standard that we set, that those that had been vacant for longer than 12 months. They had a designated -- when we develop our budget recommendation, the recommendation reflected that activity.

[8:37:11 PM]

Those decisions -- vacancy savings, if you will. And so, it was the right thing to do. And the council, you know, acknowledged and recognized and applauded us for it. And part and parcel with that, we continue to stay focused on it. And one of the things that came out of that, you know, in terms of structure was this regular reporting that Elaine's office does that tells us -- I thought on a monthly basis, he's saying on a weekly basis -- what the status of vacancies are across the organization. That's the system and the structure that is in place right now. The acms have a responsibility to pay attention to that report relative to that standard of 12 months. And where they find we're not meeting that standard, then they know they have decisions to make, because we're pretty serious. And as we are in the process of developing the budget for 2016, to the extent that they are outside that, we'll deal with it. If there's not a good explanation, we sweep it, and that will be reflected again in the budget that we would propose. The ones that we've been talking about that have been part of the subject of this conversation that are five, six, seven years out, they are, indeed, outliers, special cases that for whatever reasons, didn't get swept up in this process that I'm telling you that we went through. They should have. But they didn't. They're a little bit peculiar, but, they are not reflective of the very good work that we've been doing for the past several years to keep up with vacancies and to keep that vacancy rate as low as possible. And as I've said before, comparatively speaking, we do very well, compared to over cities of our size. So, it used to be that, you know, that there was more discretion because the departments had, you know -- when the vacancy rates were higher, then they had, you know, frankly some of that was used as discretionary.

[8:39:21 PM]

We've tightened that up. There isn't that much discretion anymore any terms of those dollars. Some flexibility within the departments is there to manage what we're calling those vacancy savings from a practical standpoint, makes some sense. You know, they need some latitude, some prerogative to make decisions based upon changing circumstances within their departments.

>> Pool: Thank you for that. And that was the context that I was looking for, because I did actually follow the debate last year on the reduction of the vacancy -- the money that hadn't been spent and was swept. And I fully expected to hear that he was -- and Ms. Hart were -- carefully shepherding these funds for the city. I know -- they do. I am comforted by your comments. And it sounds like there's no additional work that will be required. The information is there and collected. You'll simply be sending it to the mayor and council. I think that we have highlighted with more specificity the number of outliers, Mr. Ott, that you mentioned. Because some of the vacancies that were in the original Numbers, I know are because of our inability to hire for the fire department. And I don't want to MIX those in with -- because there's particular reasons why that hasn't happened. So, I think I'm edging in councilmember troxclair's direction on this. But I really want to make it clear that I recognize the need for the ability -- the need and the ability for the department heads and the management of the city to have the flexibility and some margin to move around on hiring.

[8:41:32 PM]

As has been clearly pointed out on more than one occasion, we have made offers that have either been -- they haven't been accepted. It's a hot hiring environment that we're in here, 3% unemployment rate. It's hard for the city to bring people on. So, it's not from inattention or inability that we haven't been putting people in these positions. So -- and the last thing I will say on this is, I also recognize how difficult it is to rejustify a position. Bringing the whole slot back into the system. So, while I am willing to go the distance of a report and possibly de-appropriating the money, I'm not willing to go to eliminating the actual fte slot. I mean, we can have that conversation in audit and finance. Because, once a position has been justified, I would want to go into a fairly detailed process to find that that position is no longer justified. Because I know how much work it is to get a slot approved. So, having said all of that, I really felt that I needed to have that conversation and get that out there, because I think y'all do a really good job.

>> Thank you.

>> Pool: And I don't want this effort here to be mistaken or to cast any kind of a negative on the management of this city, or on the work that we do here on the dais. Thank you.

>> Mayor Adler: Ms. Garza?

>> Garza: Yeah. I have -- I support the overall goal of this resolution, which is to try to find savings anywhere that we can. I'm concerned about what I feel like is, to an extent, micromanaging our departments.

[8:43:34 PM]

And I guess I don't feel comfortable to be in a position when these reports come forward for us to decide if it's a justified position or not. Because I don't work in that department, and I don't know exactly -- I wish I knew what every single department did and their functions. Those are my concerns. But I understand the overall goal. So, I will support it. I'm just -- it does seem to, kind of, put us in a position to be making decisions that I'm not sure that we're supposed to be making. As I've said before, I kind of view our council as a board of directors. And this is kind of -- I used the example before. I don't think Microsoft's board of directors goes and looks at every single fte and decides if they're needed or not, or vacancy. And so, that aside, I have a question about the first be it resolved, if it's necessary. Because my understanding is, we always have the ability to reappropriate any kind of funding when we look at the budget as a whole. So I'm wondering if we could eliminate that first "Be it resolved," because the second be it resolved does essentially the same thing, I think. And maybe just add, you know, that we're -- the city manager is directed to provide a report with each recommended annual budget, and in March. That includes, you know, and everything else there. I just don't know what the purpose of the first "Be it resolved" is.

>> Mayor.

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: I would oppose that change, because I think the first "Be it resolved" is really critical to the purpose of the amendment. The second one, you know, is a report -- that we can always consider during the budget.

[8:45:41 PM]

But the first one is a budget amendment that brings the issue clearly before us. I mean, we get inundated with a lot of reports and paper. And yes, we always have the ability to do it, but until I brought this forward I don't think any of us knew that we had positions that had been vacant since 2005. So, I do think it will allow us just to have a mid-year check-in, and either have the conversation of, oh, well, we were able to fill the full-time position with a part-time position and we not longer need the full-

time salary, or, hey, we're having trouble filling this position because we're not offering a competitive enough salary. And let's see what we can do about that. So, I really think that both are critical. And are just to continue with the resolution as it's written.

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

>> Kitchen: Just a statement of the role of the city. Oh, we were talking about the "Be it resolved." I'm sorry. Never mind. Can we call the question?

>> Mayor Adler: There's been a motion to end debate.

>> Zimmerman: Second.

>> Mayor Adler: Any further discussion? Hearing none, we'll just go to a vote. All those in favor of item 12, please raise your hand. Ms. Gallo. Mr. Peña is not here. Is James price here? Is David king, do you want to speak to this one? Brad parseton and russton hudein are next.

[8:47:42 PM]

>> Thank you mayor, mayor pro tem, councilmembers. Before I start, councilmember pool, I really appreciate you digging into the last resolution and informing us about unspent salary money being able to be re-purposed to other purposes. I think that's an important issue that should be looked at by the audit and finance committee, something like that, because that concerns me. Thank you for digging into that and bringing that up. Now, about this resolution. Thank you, councilmember Gallo for bringing this resolution forward. And I'm really impressed by how quickly you and other councilmembers are responding to these issues that we've been bringing up. And I congratulate you and applaud you all for being so proactive in bringing these resolutions forward to address problems that the community has talked to you about. Thank you all for that, particularly on this one, councilmember Gallo, thank you. I think this is an important thing and it will help our seniors. This is something we can do. It is one of those other tools, a multitude of tools in our toolkit. I appreciate you for looking in the toolkit and finding all the tools you can and bringing them forward to help our community as soon as possible. The Austin neighborhoods council, when we learned about this resolution, we passed a resolution last night, our executive committee at the Austin neighborhoods council, unanimously in support of this resolution. And thank you all for the sponsors, too, on this, councilmember kitchen, from my district, thank you very much for cosponsoring this, as well as councilmember troxclair and councilmember pool, and councilmember Houston, I don't want to leave anybody out. So, thank you all.

>> Mayor Adler: Sorry.

[8:49:43 PM]

That would be brad parsons, so, back to the dais. Do you want to make a motion, Ms. Gallo?

>> Zimmerman: Mr. Mayor, I wanted to make a motion to amend the resolution by changing exactly one word on the second page, the "Be it resolved."

>> Mayor Adler: I don't think it's been seconded yet.

>> Zimmerman: Okay.

>> Mayor Adler: Do you want to make the motion?

>> Gallo: I would like to make a motion.

>> Zimmerman: I'll second that.

>> Mayor Adler: It's been seconded by Mr. Zimmerman. Now you have an amendment?

>> Zimmerman: Yes, to change one word on the "Be it resolved." To change the word implement a freeze, and have that say "Implement a cap."

>> Mayor Adler: There's been a motion to change it from freeze to cap, amendment. Is there a second?

>> Pool: I have a question. A point of order. It's not really a point of order. But it would be so helpful if

on these documents we had line Numbers.

>> Yeah.

>> Pool: Could we ask staff to help us with line Numbers on our documents?

>> Mr. Mayor.

>> Mayor Adler: We'll bring that up with the clerk and we'll raise that question.

>> Pool: Thanks.

>> Mayor Adler: Okay? It's been --

>> Pool: What line would that be on?

[Chuckling]

>> Mayor Adler: There's a motion --

>> Zimmerman: The second page underneath the "Be it resolved," maybe line two on the second page.

>> On the first page.

>> Zimmerman: Oh, we're looking at different --

>> Mayor Adler: It's twice in the thing.

>> Zimmerman: Okay.

>> Mayor Adler: On the second "Whereas" Claus.

>> Mr. Mayor.

>> Mayor Adler: Okay. But -- now, because I'm not sure a 11.261b relates to a cap. It may be the section that relates to the freeze.

>> Zimmerman: Maybe the language they use is freeze --

[8:51:43 PM]

>> Mayor Adler: My understanding was, this was going to be something that would get referred to the audit and finance. Committee. If that was the case, my preference is for them to look at the cap and freeze. We didn't discuss the policy issue here would be my preference. Ms. Kitchen.

>> Kitchen: Yes. I don't know if this is the correct order, but I would propose a substitute motion that we move to sent this to audit and finance committee to be heard at their next meeting, which I think is in June. And to bring it back to the full council at our first meeting in August, which I believe is August 4th.

>> Zimmerman: I'd like to withdraw my motion, then.

>> Mayor Adler: Okay. It's been moved to send this to committee, audit and finance, for its June session to come back to this council at the first meeting in August. Is there a second to that substitute? Mr. Zimmerman seconds that. Any further discussion on the motion to send it to committee?

>> Suggested that we were going to see some revisions to this. And I didn't see one in backup, so I made suggested ones myself. When we talked about this on Tuesday, there was a consideration that maybe instead of a tax freeze there should be, instead, some consideration for increasing the flat rate homestead exemption, or potentially looking at other strategies. So, I would be comfortable -- I know we have a substitute motion to just send this as-is to the audit and finance committee, but I was going to propose that we change the last "Whereas" to a property -- I'm probably way out of order to be talking about potential amendments -- let me give you the substance, I was going to change tax freeze or increase the homestead exemption or other strategies, and the be it, therefore, resolved, I was going to say, express our intent to review all of these strategies through further council discussion.

[8:54:00 PM]

In this case, it could be through the audit and finance committee. That way, we can stick with the original resolution. I'm not terribly comfortable with sending something off to audit and finance that we've already talked -- at least as far as I've reviewed the work session, we were already considering it

within a variety of other strategies.

>> Mr. Mayor.

>> Mayor Adler: I think those are two different ways to get to the same thing. I think your committee could consider the breadth of it on your motion. I would send a referral to say, don't consider just this, but consider all of those different tools. And I would hope that audit and finance committee would do that. We have a member that came with language speaking to a freeze. That's what she wanted to do. I don't have any problem sending this motion to the committee -- the resolution. I'm not sure we need to edit. Again, my hope is that we don't have -- ready to do this yet. Someone has to look at it. Please make your look at it broad in the audit and finance committee.

>> Mmhmm.

>> Mayor Adler: But you move to send it to committee with those timelines in it?

>> Yes. What's important to me is the timelines. And my hope is that the committee will look at all of the options. I mean, if we need to put that into a motion, I'm happy to do that.

>> No.

>> Kitchen: No, we don't need to. But, my hope or expectation -- I will trust that the committee will look at all those options. A cap, freeze, a raise of the homestead, or anything else that they can think of. I trust the committee to do that.

>> Mayor Adler: I do, too. To look at senior tools. Ms. Gallo?

>> Gallo: I'm excited to accept the amendment to it because I think what we're all interested in and what I'm interested in most particularly is tax relief for our seniors and disabled population and I think we have a variety of different ways to reach that goal and I would look forward to the audit and finance committee investigating each of the possible ways and coming back to us with the pros and negatives of each of those so we can evaluate the best possible route with that information.

[8:56:27 PM]

So I think my concern is, and I like the timetable that councilmember kitchen it suggested because I think that keeps this moving forward. And so --

>> Mayor Adler: Sounds good. Anybody object to the kitchen amendment being added to this resolution actually, there was a separate motion. Ms. Tovo?

>> Tovo: I need a return date. As audit and finance could consider it on the 24th, assuming the staff have had an opportunity to go back to the original information and make -- and provide updated information about the financial impact of a tax freeze as well as the financial impact of increases at various levels. So assuming they can do that between now and two weeks from now, we can certainly add that to the agenda, but that will be our last meeting before August, so I'm not clear on when the August time frame is in the substitute motion. My hope is by August 1.

>> Mayor Adler: I think the hope is your committee would look at it on June 21 and send it back to the council with a recommendation, if you could reach one, and we would consider it at our first meeting in August that's that's when we came back. Ed, when you prepare the materials for the audit and finance committee to take a look at and subsequently for each one of us to take a look at, will you -- would you have the bandwidth to be able to look at the cap and at the freeze and also at the exemption, raising the exemption. And in that regard it would be the similar kind of analysis that you gave to the homestead exemption if you would talk about what the costs would be, what the I am fact would be, what the impact would be on the median family -- median home taxes. So we would have the same kind of information and data.

>> I think we can do all that.

[8:58:27 PM]

I think you're really talking about two things to look at. I believe the way the freeze the tax cap is remembered to is the statute is the tax cap limitation. That would be one option and the other option would be the level of exception for the over 65 and disabled, not relooking at the homestead exception act that we just looked at, but the flat exemption that's offered to disabled and over 65 people and looking at incremental increases in that amount.

>> Mayor Adler: When I he mentioned the homestead it wasn't to look at that again, but to do the same kind of analysis that we did with that with respect to these items.

>> I think -- [lapse in audio]. All the district analysis and the income incidents and the impact on renters, that would be difficult, but just looking at an aggregate effect of what an increase in the flat exemption would look like, what it would look like in terms of reduction in revenue to the city coffers or changing in tax rates and savings to typical people that qualify, we can do all that. And I would just say since you're talking about time lines I know it's a concern to the extent there's an interest in getting this done this year, which I believe that is the desire. I think the absolute latest you would need to take action on this from a practical standpoint, not necessarily from a legal standpoint, but from a practical standpoint of getting it done would probably be with the adoption of the budget on September 8th. That would -- everything I've heard so far from tcad is I would give them the ability to include that exemption in the information that they then send to the assessor collector for inclusion on the tax bills.

>> Mayor Adler: Thank you. Any further discussion on this? Ms. Kitchen's substitute motion, have that scheduled to send to committee. All in favor raise your hand? Those opposed.

[9:00:27 PM]

It's unanimous on the dais. Ed, thank you. That gets us to our last item. Item number 50. Which I think is a public hearing. Do we still have Mr. Hersh here.

>> You betcha.

>> Mayor Adler: You win the prize, Mr. Hersh.

>> Pool: I'm going to say that David king does because he was here at 9:00 this morning for the press conference. Sorry, Stewart.

>> It's an NBA basketball game so I'm at the city council. Mayor and members of the council, my name is still Stuart Harry Hersh and I don't believe that you should ever have a public hearing on federal money that affects poor people and have no public comment at all. I had the distinct privilege of standing at the foot of the Edmund Pettis bridge on the 50th anniversary of the Selma March this year and people have gone through a lot of struggle to try to make it possible for things -- for people to do that we're not doing now. So I want to highlight for you that once again your neighborhood housing and community development department is offering the city council a draft action plan for the next budget year that is responsive to public comments during the annual needs assessment within the limits of available federal funding. And just as I come here when I think staff hasn't done such a good job, I'm here to praise them today for the excellent job they've done. Unfortunately, they operate within constraints and the United States department of housing and urban development continues to insist that strategic use of local funds such as general obligation bond funds, the Austin housing trust fund, university neighborhood overlay housing trust fund, can no longer be discussed in the annual action plan documents. So the following questions relating to housing affordability remain unanswered until the city budget is presented to you in the public next month. Number one, will all low and moderate property owners eligible for floodplain buyouts in lower Onion and Williamson Creek receive buyouts by the third anniversary of the Halloween 2013 floods.

[9:02:39 PM]

Three years is a long time to the way. I hope the answer to that is yes. When will the engineering report cost of benefits associated with those owners and floodplain properties who declined volunteer buyouts be available? By understanding is that that can't happen until certain appropriations happen, so you're not going to know whether eminent domain is an appropriate tool or not based on risk. Number three, will low and moderate income tenants who remain in homes that flooded continue to be denied relocation assistance if their respective landlords decline buyout offers? We tried to discuss that last week. That won't be resolved by this item either. When will city staff be able to confirm that all 2013 flood damaged rental --

[lapse in audio]. And I was told there is no responsive information to the question of have all those rental houses been fixed before people moved in there. That's an outrage. It wasn't a standard after memorial day '81. It should be one of the things we do after this last set of floods. We should have already done this for 2013. That behavior is unacceptable. When will the city strategically use code enforcement fees to reduce the waiting list of low and moderate income homeowners waiting repairs under the G.O. Repair program that is requested three million dollars during the needs assessment? [Buzzer sounds] You have the rest of my comments. I gave you the "New York times" article on housing apartheid. It's a good summary of federal policy. Thank you for your patience. Enjoy the basketball game.

>> Mayor Adler: Thank you.

[Applause]. This concludes our public hearing on item number 50. There's no action to be taken. That's the last item on our agenda. Does anybody have anything else?

>> Zimmerman: Motion to adjourn.

>> Mayor Adler: Hearing not we stand adjourned.