

Open Space, Environment, and Sustainability Committee Meeting Transcript –6/24/2015

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[2:01:39 PM]

>> I want to thank everybody for coming, and we're going to start momentarily.

>> Okay, if everybody can take their seats, it looks like we have a quorum.

[2:03:51 PM]

>> Pool: All right, welcome, everybody. It's, oh, about 2:04, here on Willie Nelson boulevard. City hall. The council committee on open space, environment, and sustainability. If everybody could take a seat, we'll call the meeting to order. We've -- items that are -- is, which is a longer item. And another is a quick item that was brought forth by the environmental board chair. Maxwell, would you like to give us a real quick --

>> Thank you, chair pool. All this is, is there are what amount to typo errors in the enabling ordinance for the environmental commission. However, the errors are such that it gives us the wrong instruction about who can be appointed to our board. So, we have three more people who have not been

appointed -- three more places that have not been filled. And if we could get those voted through council -- they have to go through council, there's no other way. If we can get it approved through council, then when the next appointees are made, then it can be done under the correct rules. And that's all that is. It's housekeeping more than anything. We've already put it through our board and approved it. And so we're just asking for it to be sent on to council.

>> Pool: So that is item --

[2:05:51 PM]

>> Five.

>> Pool: Five. It's considered a housekeeping, a correction to the record. I'd like to propose that we go ahead and take that up and dispense with that quickly. If that's okay. And then we'll move right into 64 Rainey. Could I have a motion? Okay. Councilmember -- mayor pro tem tovo moves, and councilmember Zimmerman seconds. Any discussion? All in favor? All right. That's unanimous on the dais.

>> Thank you so much, committee.

>> Pool: Thanks for bringing that to our attention. All right. So, we will -- let's see. I have three people for citizens communication for two minutes. We'll move to that. And then we'll do 70 Rainey street.

>> Zimmerman: Do you want to approve the minutes? I'll make a motion that we approve the minutes.

>> Pool: Moved and seconded. Councilmember Zimmerman and vice chair Garza. All in favor of passing the minutes? Good. Unanimous on the dais. Okay. We have three people signed up for citizens communication. Two minutes each. First speaker, Vega talking about the zilker trees. And then David king, citizens communication general, and Larry acres, citizen communication general, in that order. Okay. Welcome, Ms. Vega.

>> Thank you. I wanted to talk about the zilker trees that were damaged by the cycle cross race. I had a few updates not too long ago that changed what I need to say. There's legal issues, of course, because the cycle cross -- U.S. Cycling is contesting the damage to the trees that went three months ago. We hired a consultant that challenged the damage.

[2:07:53 PM]

When he went to the trees, the board said that that person is not acceptable. So, they went to legal. What I heard is that there's a pressure to go ahead and do the work. And right now, it's not the right

time. So I wanted to ask to delay it, because we're getting into summer. It's July. We cannot count on the rain anymore. You know, we already had all that time. The trees are not really suffering as much as anticipated because of the rain. We've been lucky. Nature is helping with that damage. And it was discussed at the last forestry board meeting, forestry will do the work on site with their own staff. I'm very concerned about the qualifications of the forestry workers to do arations, that's a specialized treatment. It's very sensitive for the trees. I'd like to discuss that more with the parks manager, but I wanted to give you the heads-up. There's some work that needs to not start now, but later. It's okay for the trees. We want to save the trees, you know, no matter what. Thank you.

>> Pool: Thank you so much. Mr. King. Welcome.

>> Thank you. Thank you, chair, and vice chair, and members of the committee. I live in zilker. The trees Zola is talking about are my friends. I really enjoy going and visiting them regularly. And -- but I am concerned about the proposal to aerate the trees and remediate the damage. Unless it's done by qualified, experienced, you know, contractors, I'm concern that had it won't be done properly and may damage the trees. I hope that whatever the proposal is to come forward, that it's done by a qualified, experienced contractor to do that work. And, you know, this last rain event, these storms we had, thank goodness we had the rain, but, we lost some large heritage trees.

[2:09:56 PM]

We need to do everything we can to protect the ones that we have left. It's going to take decades for us to replace them. To that point, I think it would be important to kind of maybe eventually do a report or some kind of an update on, you know, our strategy for replacing the trees that are dying and damaging from our storms, and see where we are in that plan. And finally, I'd like to suggest that we consider having an item about the replacement of the demolition of single-family homes in urban neighborhoods, and them being replaced by lot line to lot line mcmansions and other kinds of development, and the loss of green space because of that. And what impact does that have on the heat effect of our urban core? And also, on flooding events in the city. That might be a good item to have on the agenda at some point down the road. Thank you very much.

>> Pool: Thank you so much. And Mr. Aikes, welcome.

>> Thank you for the opportunity to speak. I want to address the town lake park venue project. The Texas municipal code requires that the physical boundaries of the project be established. And the significance of this is that venue revenues can only be spent within those boundaries. Council has never taken this action with respect to the town lake venue project. However, from the very beginning of the project, and through 2010, the understanding was that the project included all the city parkland between south 1st street, Barton springs road, south Lamar, and lady bird lake, specifically, auditorium shores. This was established further in the venue district master plan adopted by council in 1999, and

further formalized in the financial plan for the development of the venue's parkland, drafted by assistant city manager Jim Smith, accepted by the project stakeholders, and adopted by a unanimous vote of the council in October of 1999.

[2:12:00 PM]

It laid out how venue revenues would be used to fund the redevelopment of two auditorium shores district, which in the master plan were called the bottom landwoods and the auditorium shores perform area. That was to have been completed by 2008, but it wasn't. In 2011, with auditorium shores having fallen into deep neglect, the city manager took the position that the venue did not include auditorium shores, and it can't be funded by the car rental tax. There was no history in the tax to back up that revision. Moreover, the opinion placed by the city manager squarely placed the city in violation of state law regarding venues, as well over a million dollars of Venn venue revenue had already been spent on auditorium shores, on planning and a pump station on the shores sized to irrigate butler and auditorium shores.

[Beeping]

>> There's a draft resolution to the city manager being circulated and the city manager should provide clarification of the boundaries. Those boundaries should be established to be inclusive of auditorium shores. Thank you very much.

>> Pool: Thank you so much. We have an executive session listed to have a discussion about that this afternoon, but the committee is not prepared to go into executive session. So I wanted to advise staff that we will have the executive session, unless there are budget implications that we need to address today, we will take it up in August, if that helps you with timing on your schedules. Okay. So, we won't -- executive session was going to be the very last thing we did this afternoon, but we will push that off until August. Unless you tell me there's a budget implication I need to be aware of.

>> I'm thinking.

>> Pool: That may be the case.

[2:14:01 PM]

All right. I'll call up item 7, then, which is a briefing and discussion of construction staging, future use, and dedication for park and recreational purposes of 64 Rainey street, and future dedication for park and recreational purposes of the mexican-american cultural center. We have some folks here today who

-- aside from staff -- who are here to give some input. David Carroll, who is the chair of the mexican-american cultural center is here. And I think we have some representatives from the enterprises, and members of the community. Let's take --

>> Really quick, I think we have park staff and park staff is prepared to give a briefing, as well as I have some questions for the budget office. And I also want to thank you for taking this item first. I'm technically still on maternity leave. I have a five-week-old at home. My parents are watching her today. So, this is an issue I followed for a really long time. Thank you for taking this first. I apologize, I won't be able to stay for the duration of the meeting, but, thanks.

>> Pool: You're very welcome. We're happy to take it early. Let's start with Mr. Soliz, welcome.

>> Thank you. Thank you, councilmembers. My name is ricardo, division manager for the -- planning and development department. Information on 64 Rainey street, its history, and potential. Let me remind the council that the project is a general fund asset. The revenue generated through a sale or lease would go to the city's general fund, unless otherwise designated by the council.

[2:16:09 PM]

Today, I do have other department representatives with this property. I believe I have the public works director here, Lorraine from real estate services, as well. And a lot of park here for council.

>> Pool: I'm really sorry. I didn't hear hardly a word that you said. Could you come up?

>> Here at 2:30.

>> Pool: Oh, all right. Thank you. I appreciate that.

>> Okay you is an overview of the points that I plan to cover in this powerpoint presentation. I'd like to discuss the history of 64 Rainey street, point out the previous city council actions associated with the property, a general outline of the developer's request to use 64 Rainey street, and more recent actions by the map board on the property. The history of the property goes back to the early 2000s. The city acquired the property in 2003. The lot is about 11,000 square feet. And is managed by the public works department. This is an image of the Mac in relationship to 58 Rainey St street, property managed by Austin energy, and 64 Rainey street there on the top right. In may of 2012, the city of Austin released a request for offers in the attempt to sell the property for private development.

[2:18:17 PM]

Office of real estate services acquired a third-party appraisal that resulted in a market value of \$1.1 million at that time. In September of that year, the city council changed direction and decided not to support the sale of the property. In October of 2012 resolution, the council directed the city manager to, one, remove the parcel for sale, develop a range of options to address the needs of the mac, and incorporate the land into the next master plan. The resolution requested to see those options by December of that year, as well. On -- programming. In October of 2014, park staff began working with the office of real estate services and the law department in gathering the necessary information needed to expressly dedicate the mac property as parkland. In December, the office of real estate services ordered a survey and was completed in February of this year. In March of this year, cj Sackman, the property owner and developer of 70 Rainey street, requested a meeting with the parks department to discuss the possibility of funding a pocket park at 64 Rainey, and wanted to gauge the support of park and the macc board.

[2:20:31 PM]

In April of this year, the mac board placed an item on their agenda to hear the proposal. The proposal was to fund a pocket park at 64 Rainey street for \$300,000. For \$300,000. In return, sackman asked for support to use the property for temporary staging, and a 25-foot setback restriction in order to avoid the building of a seven-story firewall required by code. In addition, the developer offered to build a living wall as a more aesthetically pleasing entrance. As a result of Mr. Sackman's result, the macc board established a working group to continue this conversation. 70 Rainey street in red in relationship to 64 there in yellow, and the mexican-american cultural center there to the left bottom corner. In June of 2015, the macc board considers and supports the request by Mr. Sackman to use 64 Rainey street. The proposal included the use of 64 street for staging for two years. At the end of the two years, the property would be expressly dedicated as parkland. The use of the 25-foot along the northern boundary line of 64 Rainey street, in lieu of a solid firewall, which would create a more aesthetically pleasing entrance to the mac.

[2:22:36 PM]

Mr. Sackman's compensation for the support included a financial contribution of \$300,000 for the design and construction of a pocket park, a financial contribution of \$100,000 for the master planning efforts of the remaining phases of the mac, and the responsibility of maintenance of the pocket park in perpetuity. But the law department -- to grant the 25-foot easement. The office of real estate services will review the appraisal and make a determination on the value of what that 25-foot setback and the value for the staging area for two years. If the council desires to direct staff to negotiate and execute an

agreement with Mr. Sackman, city staff has to develop a terms and conditions that includes all of the community benefits that would be incorporated into that agreement. Council, that concludes my presentation. And we're here for questions.

>> Pool: To, Mr. Soliz. Members, are there any questions for Mr. Soliz? I wanted to welcome councilmember Renteria. He has joined us for this presentation. Vice chair Garza.

>> Garza: I have some questions. So, 64 Rainey is not currently parkland. It's owned by the utility, is that right?

>> 64 Rainey street right now is being managed by public works, but it is a city-owned property.

[2:24:39 PM]

>> Garza: Okay. And would -- there's -- and I wonder if we should hear from the citizen communication first. There's a lot of questions about what this could be used for. Maybe we could address those when they come up and speak. What I've heard from the community is they want a sculpture garden. There's different ideas of what this could be used for. Would it be better to, instead of dedicating it parkland, could there be a restrictive covenant to allow just certain things on the land? Are there pros and cons to making it parkland versus a restrictive covenant?

>> Pool: I think we have a member of our legal team coming up. Welcome, Mr. Goodland.

>> Howard Lazarus, public works director. I'd like to add, the use of 64 Rainey for construction staging for a short period of time is in lieu of using the right of way along Rainey street, which would require closure behind the curb and of one lane on Rainey. There's a tremendous problem with pedestrian safety, as well as circulation through the neighborhood. So, in talking to the transportation department and our staff, it's -- used to not have to further restrict Rainey street, where for a period of time it would have to be one way. I think the residents of the area would support that, as well. The benefit right now to not designating it parkland is it makes the lease easier to execute. And at the end of the lease period, the property could be dedicated as parkland. As long as it's used for park-related purposes, I think there's a good degree of flexibility for park use at that point. Throughout that discussion, the community has been very strong about that property becoming parkland. And they feel like that it's something that has been promised and a commitment that's been made.

[2:26:42 PM]

No one is backing down on that commitment. I think every involved degrees agrees it will be parkland, it's just getting there from here. In the short term, keeping it zoned at cbd provides more flexibility.

>> Garza: It's currently being used as staging for construction for the waller tunnel, right?

>> It wasn't construction staging, we had trailers there. We relocated them towards the end of 2014. We haven't been on that site for a while.

>> Garza: I just drove by there last week. There was cars parked on there. Who's using that right now?

>> I think it's being used for parking as a -- target of opportunity for people who are looking --

>> Garza: You can go ahead.

>> Pool: Mayor pro tem.

>> Tovo: Do you have an estimate of what right of way fees this developer would be looking at if the staging were happening in the right of way?

>> I do. It depends on the frontage that they would require. But, assuming a hundred-foot frontage, it would be about \$200,000.

>> Tovo: \$200,000 over the same period of time?

>> Right. I got that number by applying the rates that I got from Jason in right of way management, and just applying, basically, it's a hundred feet long and it includes --

>> So that was 200,000 over the same two-year time span?

>> Correct, for the total construction period.

>> Tovo: There are certain factors that could change the right of way fees, whereas the 200,000, is that the highest or lowest amount they could be looking at if they did their staging in the right of way?

>> It's based upon a hundred-foot closure on the -- right of way, including a five-foot curb and a ten-foot lane.

[2:28:52 PM]

There are different rights for those different uses. And those -- the fees -- management division within transportation uses.

>> Tovo: We're at longer than two years, it would be more than 200? Is that what you're saying? I heard you say the fee is increased based on that. I missed the last part. I think you were saying the time period?

>> The first 180 days is a certain rate. Then it goes to I believe 360, and increases after 540 days again.

>> Tovo: Okay. Thank you.

>> Pool: I'd like to go ahead and move into citizens -- sure. Councilmember Renteria.

>> Renteria: Talking about moving one of the homes that Sackman had purchased, one of the historic homes on that site. How difficult would be that be to fit in that house -- for the mac?

>> So, you could fit it in even with the 25-foot offset. The challenge row is that there's a wastewater -- it would be helpful to have that moved. The developer will also pay to move that, as well. And I think when we were talking, there was a million-dollar -- or \$600,000 cost to relocate the wastewater line, which they will also bear the cost of.

>> Renteria: Thank you.

>> Follow up question on that? I appreciate that we're going to get to the speakers. I'll make this very, very short. Since you mentioned the water line, were that designated as parkland, there would be no need to relocate the water line, I would think.

>> There is a need to -- the short answer is no.

>> Tovo: Okay. Were we to use this as parkland and not build a structure over the water line, that water line could stay in perpetuity.

[2:31:01 PM]

>> Correct.

>> Tovo: There are also possibilities for relocating or building structures on there outside of the water line -- area. It could still be located on that tract, even with the water line?

>> That's correct. It depends on the size.

>> Tovo: Okay, thank you.

>> Pool: I think the panel will have additional questions if y'all will hang out for us. And I'd like to move to citizens communication on this item. We have a number of people. We'll start with Juan, and then Anita, and Peggy Vasquez.

>> I'm giving my time.

>> Pool: You are, great, Juan has six minutes, then.

>> My time.

>> I'm giving my time.

>> Pool: You have nine minutes.

>> Thank you so much. Good afternoon, councilmembers. Come September, I will have served on that board for seven years. And I'm -- I've been re-appointed by councilmember Houston for another four. Before my term started on the board, I was with this project in the year 2000. So I've been connected to this project for the last 15 years. I feel like I have a very unique perspective on what the community has been doing and asking about. And we've seen a lot of turmoil there. I'm sure you've heard. But this has been my experience. And I wanted to review what Mr. Soliz reviewed in his presentation.

[2:33:04 PM]

When the city manager directed council to develop a range of options for use of 64 Rainey by parks and recreation department that would address the needs of the mac, and incorporate this parcel of land into the mac master plan. And return those options by December 2012. None of those things have been done yet. It has not been incorporated into the master plan. And the issue has not been addressed. Also, on the direction of council, a city manager organized community meetings at the mac. And as a result, we had seven different streams of input captured in November of 2012. We had a series of those community meetings at the mac. We had focus groups. We took surveys. We had surveys on speakupaustin.com, and even during some of the mac events during November of 2012. Over 150 comments were documented and collected during that month. They were all grouped into seven areas with four general questions at the very end. But these areas were grouped with these suggestions that apply to multiuse space with community gardens, sculptural space for classes, overflow parking or a parking garage, urban garden, or an actual park like a pocket park that we were talking about. There was actually two out of 150 comments that wanted that. Public arts space for sculpture, a mural, a historic market, a memorial site, and cultural space. Building more gallery, performance space on 64 Rainey. A public market like a mexican-style Mercado.

[2:35:08 PM]

And there were 52 other suggestions that couldn't really be fit into these other categories. But I sent these along to this committee ahead of time so that you could have a chance to review them before today's meeting, or afterwards if you wish. And the board recommendation that Mr. Soliz noted, I want to clarify something about pocket. Because, that is true. The macc board passed a resolution about a pocket park. And I wanted to clarify that that was a suggestion by staff as a technical term for the size of 64 Rainey. It doesn't define anything that goes in the park. It doesn't talk about bushes or trees. It only refers to a pocket park for the size of 64 Rainey. And that's where the similarities end. We wanted to make that recommendation on behalf of the board so that we could be conscious of the future expansion needs -- the parking study generated some comments from the architect of record, casabela architects, and they suggested very strongly it would be wise to keep 64 as a city asset for the future expansion of the mac. And so we made that statement -- that board recommendation to council in the broad sense so that we could incorporate as much of the community input as possible. Now, I alluded to history because the recommendation that we passed is to recognize the historical Rainey street community.

[2:37:10 PM]

What is all of that about? The city of Austin created a Rainey street historic district in 2013, and in October of 2013 they created a fund to go with it. The fund had a dual purpose, and so did the district. It's about preservation of the district and the history in that district. And to recognize the history and heritage of hispanic Rainey neighborhood. These funds are unencumbered revenue from development fees for construction projects within the districts, like Mr. Sackman's project on 70 Rainey. This would include temporary uses, vacations, licenses, and other things. The significance of this fund should not escape you. This could possibly fund the next phase of the mac. Underway. There's another construction project coming, waller center, right across the street. And so, this fund is not only a potential for the -- but it's also for the Rainey street history center. And, guess what? We can use those funds for 64 Rainey pocket park. Now, this is a vision that -- this is a slide that was taken directly out of Mr. Sackman's presentation to us at the mac board. He has said publicly that he does not need 64 Rainey. He can use his own site to do all the construction staging that he needs. The development fees that councilmember tovo just referred to, those development fees will go into the Rainey street district fund.

[2:39:19 PM]

The difference in renting 64 Rainey as he has proposed is that he will get an amenity right next to his building, as you can see. And if you look at that amenity, if you look at that pocket park, the way they envision it, because this is their vision, that does not -- that just doesn't suggest any history about the

neighborhood. How does that connect to the mac? These are the kind of problems that we see immediately, because if we consider the expansion of the alley, you're essentially severing this little pocket park from the rest of the mac campus. And 64 Rainey is meant to be an extension of the mac. It's not meant to be a neighborhood park. It never will be. It never was intended to be. The mac and the pocket park is an asset for the whole city to enjoy, for all the citizens of Austin, not just for the neighborhood. And certainly not for 70 Rainey street, immediately next to that park. That does not suggest something that is attached to the park. That suggests something that belongs to them. Be able to do today is to brush aside all the community input that we've had on the mac since 2012, and all the vocal support from the community, meetings and board meetings, and working group meetings --

[beeping]

>> This is what you're potentially doing. This is what we'd like to do, is get an immediate transfer of 64 Rainey to parks and rec.

[2:41:22 PM]

Get it out of public works. Say no to the construction staging area. Yes to dedicate parkland today, not only for the main campus -- 64th. We've experienced a two-year delay with the waller creek staging when staff made these assurances that we would get that parcel added to the mac campus. And it looks like we may have to wait another two years.

>> Pool: Thank you, Mr. Ovides.

>> Do you need more time?

>> Just a little.

>> Pool: I think we have some questions.

>> Tovo: We have some questions. He may have an opportunity to hit his other points. You serve on the macc board, and so I understand you did not support the recommendation coming forward?

>> That's correct. I was the only one that did not vote for that.

>> Tovo: It I want to talk a little bit about some of the points you raised here today. When you were talking about the pocket park being a technical term, I'm not sure I -- that's just the term that's been assigned to it for now, but you need to continue the broader community discussion about what happens there?

>> Yes, that's correct. Like I said, it's a technical term that's used in the industry in parks. They can probably expand on that much more. But I remember presiding over this board meeting, and we had a difficult time trying to describe this lot and how we were going to describe it and incorporate it into a

recommendation. And so, staff recommended that we use the term "Pocket park" based merely on its size, nothing else.

>> Tovo: I just want to be sure, as you know better than really, anybody, there have been so many -- or there have been several very pointed discussions about using that tract of land for something other than a pocket park.

[2:43:29 PM]

I want to be sure to clarify you weren't suggesting we go back to considering it for a parking lot or any of the other uses. I just want to be sure that it's very clear that in saying -- in focusing attention on the use of the term pocket park, you weren't saying that might not be a good use. That's the term we're using right now, before there's a broader community consensus about what should happen -- the alley expansion, but, maybe others have questions for you about your comments.

>> Pool: Mr. Lazarus.

>> I was at the macc board meeting when they voted. And I think it's important to state that as part of that discussion, whatever agreement they put in place would give the macc board approval over the design of the park and control of programming of what occurs in the park. So, hopefully that addresses some of the concerns from the community as well. And, you know, it's always dangerous when you show a rendering, because that's just something that's done to advance a project or an effort along. What was shown in the rendering is not be any means locked in stone as to what's going to happen there.

>> Thank you. And I'm looking over the board recommendations. I see they have some particular points about -- points of review and discussion, but thanks for drawing our attention to that.

>> If I could just have a couple more?

>> Pool: Sure, go ahead and finish.

>> I just wanted to say the rest of the points that the community is looking forward to.

>> To go ahead and update the mac master plan, or, better yet, the new Rainey street historic district master plan. There is none. There isn't one for that. And that could include the mac campus, 58 Rainey, and 64 Rainey.

[2:45:34 PM]

We'd like to further this item to the economic opportunity council committee for review, as well. And also the parks board, the line of facilities committee for this kind of review. And we also, lastly, we want to put in place a permanent mechanism to receive macc board recommendations as needed with the Rainey street historic district fund -- in the district. This is the master plan as it was envisioned 15 years ago. The structure on the left is a 300-seat theater, equivalent to the imax. The structure in the middle is another theater three times this size. And the structure next to that is -- exist, but that will be an expansion of the art gallery. And then on the other end of the crescent, there's more space for classrooms. Councilmember Renteria, this is the house that was saved for the Rainey street history center. It has since benedestroyed. I don't know if you knew about that, or any of the councilmembers knew. I wish you all the luck in finding out how that happened. Okay.

>> Pool: Mayor pro tem.

>> Tovo: I was not aware that that -- I would love to get more information about that, perhaps outside this meeting.

>> I do not have it. And I don't know that you can even find it.

>> Tovo: That's a real concern that we can talk more --

>> Renteria: It was destroyed -- and recycled by the owner. That's what I was informed.

[2:47:35 PM]

>> Pool: What I think --

>> Tovo: That's really unfortunate.

>> Pool: At this point, task staff with preparing a briefing for us on the Rainey street historic district, and specific to the buildings that were located on that site, and were we moved the Guadalupe economic development corporation, I know they were to receive some of these buildings. They renovated them using some moneys from the district fund. And so I think it would be helpful for us to get briefed on that as soon as we can. And I think we can start with a written document, would be good.

>> Chair, Greg canally is here. I have questions about the Rainey street fund. If we could have him at some point up here. But I had a question for Mr. Oivedes.

>> Pool: Yes.

>> Garza: You showed the rendering by the developer and said that piece of land was never intended to be used for that purpose. But, I attended a meeting at the mac more than two years ago when this first started. And it was -- there were diagrams when I walked in about the master plan. And my understanding was 64 Rainey was never part of any of those spaces, isn't that right?

>> I think you're referring to the community meetings that were held there.

>> Garza: Yes.

>> Yes. Those were renderings for potential uses, but those were just several options that were available. None of those were anything that we had recommended.

>> Garza: But I'm saying, 64 Rainey specifically was never part of any of the phases of the mac.

>> Initially, yes, that's correct. As Mr. Soliz pointed out -- was acquired in --

[2:49:37 PM]

>> Garza: The 64 Rainey?

>> It's still under the control of public works.

>> Garza: Okay.

>> All right.

>> Pool: And the dedication of that property as parkland and the entire mac site as parkland is one of the actions that I hope this committee will take up at some point.

>> Renteria: A comment --

>> Pool: Sure. And we'll take councilmember Renteria's comment and then we'll get back to citizens communication. Yes.

>> Microphone.

>> Renteria: I was one of the founding task board members. I actually worked on getting the old maintenance yard to be the mac, and it took us 25 years to convince the city to -- and the citizens to give us the bond action. First, mayor Garcia gave us the land -- the bond, I mean, a bond to build the macc center. So we did that. And in 2005, we started the development of the mac. So, it's been an ongoing process that we have been working for years and years to get this. And I've received a lot of feedback about having a structure there. Because the way that the mac is built now, there is no visitor center. And we would really like to preserve the history of Rainey street. And we would like to have sort of a historic center there. And by being able to move one of these historic homes in Rainey and have it built there, then the visitors and tourists that come -- would come to this area would have a place to see the history there. We can make it into a historic center and use some of that money that -- at that location, especially on the grounds.

[2:51:39 PM]

We have a lot of historic sculptures that have been developed and built all the way around Austin. We have one that we can't even move that's down there by Waller Creek, because we can't get a hold of the artist. His name was Santo, I forget his last name. He has some sculptures that we would like to relocate to that area. There's a lot of potential that we can do. I am very uncomfortable, you know, having just a park there, because it's not really going to benefit the Macc, just having a park. I mean, it's really going to benefit the developer that's going to build. So, that's my whole big concern, and that's how I'm going to be, you know, looking at this item to see -- to make sure that we get something out of this. That it becomes something that we have worked so many years, and worked so hard, and been patient enough. And I have a feeling if we don't, you know, listen to the community and their concerns, that we're going to have a lot of upset constituents, especially in my area.

[Laughing]

>> Renteria: About what are we going to be doing with this. I just want to let you know that. I'm going to have to leave.

>> Pool: Mayor pro tem has a quick question for you.

>> Tovo: Councilmember Renteria, I apologize to catch you on your way out. But, as I understand the proposal, there would also, then, be a requirement to set back 25 feet on the property. Is that -- does that -- I hear your concerns about identifying it just as a pocket park. Are you also concerned about that requirement, were this agreement to move forward, that 25-foot setback based on the wall they're developing? I would think that would limit the potential for the visitor center, potentially.

[2:53:39 PM]

>> Renteria: Well, I would really have to look into that. I haven't seen any plans.

>> Tovo: Okay.

>> Renteria: I would really be interested in seeing exactly how we can work that out.

>> Tovo: Thank you.

>> Thank you, councilmember Renteria.

>> Zimmerman: A quick question.

>> Pool: Sure. Councilmember Zimmerman.

>> Zimmerman: Thank you, councilmember pool. A quick technical question on this, the map here that shows the green tract identified as n15. It says expressly dedicated in 1985.

>> That's correct.

>> Zimmerman: What was that about?

>> That's dedicated parkland that exists.

>> Zimmerman: Dedicated as parkland? So I'm presuming these little sections here of lots existed before the lake was flooded in 1960 with longhorn dam?

>> Yes.

>> Zimmerman: Okay. It's already dedicated parkland?

>> Yes, sir the green areas are dedicated parkland, yes, sir.

>> Pool: Thank you.

>> In conclusion, I want to say, set aside this board recommendation. This is a distraction. We need to go in the right direction forward. Thank you.

>> Pool: Thank you.

[Applause]

>> Pool: Our next speaker is mcman.

>> Councilmembers --

>> Pool: Ms. Riser, did you have something for us?

>> I'm in the process to answer these council questions. With or -- needed under phase two and three of the mac. There's a lot of questions out there that we don't have answers to, but I wanted to reassure you that we are in the process of getting those answers for you.

>> Pool: Thank you very much. And one of my concerns is to be sure that staff has sufficient time for all the required due diligence. We need to have ample time to be able to address all of the questions that this process -- the project has raised.

[2:55:46 PM]

Ms. McMahan, welcome.

>> Thank you. My name is kitty. I am on the Rainey neighbors association board, and I am also on the mac advisory board. I've been on the macc board for a little over a year, approximately a year. So, I'm representing -- my comments today are both from the mac advisory board, but also the Rainey neighbors association. I believe a chair of the -- or the president of the Rainey neighbors association has sent a letter to most of you that supports the macc board recommendation. And also, that letter included the Rainey business coalition support of the recommendation. Basically, our agreement with the recommendation is based on the idea that it was our understanding that the hispanic community, through the community input in 2012, wanted a pocket park as technical term or not, I don't know. But the term pocket park. And the Rainey neighbors association, and the Rainey neighborhood in general, agrees with that, to use that land as space that is open for use by the entire community. The issue of the 25-foot easement for the construction of the face that is more aesthetically pleasing -- we agree with that. Whether or not there could be a house on that space or another building on that space, it was our understanding that the small house that would be potentially be used as a historical center could be on that space. Again, that's obviously something that the legal department is looking into.

[2:57:47 PM]

So, we're not in any disagreement with that use of the area. I think the idea that there could be a sculpture garden or other things is not inconsistent with what the developer has proposed, as was pointed out by Mr. Lazarus. The proposal -- or the recommendation that the mac board had -- or that has been submitted is that the mac advisory board and community would be involved in the decision of how that land would actually be used. The two-year use of the land for the staging area certainly would help the neighborhood in terms of traffic in the neighborhood. And I believe that's something that the city as a whole should be concerned with, from the standpoint that that area of the city is utilized by the entire community, not just by the neighborhood.

[Beeping]

>> Pool: Thank you, Ms. McMahan.

>> Thank you.

>> Pool: Michael Fossum, and after Michael, is Ben Segal.

>> Michael was signed up

>> Ben Siegel.

>> Hi. I'm Ben Siegel. I'm co-president of the Rainey business coalition. There's one main point I want to stress to the board tonight, and that is, I understand that this issue has been going on a long time, and that the mac has been fighting for issues related to this for a long time. Rainey street is moving, while

this issue is going pretty slow, Rainey street itself is going very, very fast. There are now, in my opinion, three significant stakeholders in this community that now have proper representation. There's the mac, there's the businesses, and then there's the rna, the people that live in the area.

[2:59:55 PM]

The letter that I signed and the letter that I read to you that was written by the rna was very specific, and I just want to read what we actually agreed to, and the bullet point that says: Design and build a pocket park, 5864 Rainey, with input from the macc board, rna, and the rbc. And what I want to make very clear is, I don't understand

[lapse in audio] Just be given to the mac board to do what they want with. I wasn't making a joke. That the idea was that it would get equal input from -- would get equal input from all the stakeholders in the area. It's property that's owned bathe city, and I think that it's the right thing to do is to listen to what everybody would like to do with that piece of land, get input from them, and then move accordingly. I understand that there was some meetings that were had in 2012. I went to those meetings. They were at the mac, and the way that that was phrased is, what should the macc do with this piece of land, instead of what should be done with this piece of land. Was talked about was a park portion of that, and what I'm interested in is, again, all the stakeholders having an equal voice in what happens with that piece of property.

>> [Inaudible]

>> Mr. Siegel, would you like to continue?

>> I would. And I guess that's my main point, I just want to make sure everybody has representation in the use of that park. There's a lot of families in that area, and I think that would be a wonderful use for that, for the Rainey street district. Thank you.

>> Thank you so much. Mr. Saldaña, Paul saldaña is next, and David king has donated his three minutes to you so you have six minutes.

[3:01:55 PM]

And while Mr. Saldaña is preparing, I want to apologize tosylla Bonilla, Daniel Llanes and Kathie revia. I did find your sign-ins where you had donated time, so I did find them, and --

>> I'll take my time.

>> If you would like to take them, I'd be happy to recognize you. All right. Mr. Saldaña, welcome.

>> Okay.

>> Pool: You have six minutes.

>> I'll give my time to Paul.

>> Pool: You have nine minutes. Was that Ms. Menard?

>> [Inaudible]

>> Thank you, good afternoon. I'm here Paul saldaña, speaking only on behalf of myself, but I'm coming from two different perspectives. One as a native austinite, born and raised, who grew up at 82 on 09 refer street, I had family that lived oaringy street for many years I knew chief of staff when he was our mayor, so I was directly involved in working with the community. I think it's real important, I'm going to skip this stuff and start right here because I think it's real important to focus on the history because that is absolutely important, and I apologize, mayor pro tem tovo, you've heard a lot of this before, since you were here back three years ago when we had a lot of this very robust at the conversation at the council. It's real important for us not to allow history to repeat itself. You may recall the Rainey street neighborhood was once a historic district and is listed on the register city for being the first formally recognized Mexican American neighborhood in Austin, Texas. Many lived at fifth and Guadalupe near republic square park. In the 1910s and 20s in the warehouse district was surrounded by Mexican American and African American homes and neighborhoods.

[3:04:00 PM]

Many of the Mexican Americans in Austin worked at the chili warehouse factory, and republic park back then was known as chili park. This was the only public park where Mexican Americans were allowed to congregate in public. It was not uncommon to find Latino children playing in the park while the parents worked in the chili factory. They were demolished and relocated with the exception of the Rainey street neighborhood. Many Mexican American families lived [lapse in audio] Instead of maybe two or three families are still there. As I mentioned, as a native austinite born and raised on river view street, I visited Rainey street quite a bit, visiting my aunts and uncles and childhood friends. Most important, I do remember the [lapse in audio] Mexican American and chicano community, led by the league of chicano artists, on east first street. It was part of the wider chicano movement for civil rights, self-determination and ethnic pride that took root and grew from the 1960s to the 1970s -- excuse me, 1950s no 1970s. Lincoln was closed in 1979 when Antioch university withdrew its support. But there was an umbrella organization that hosted multimedia projects and culture arts program. The center was our first Mexican American chicano community building and center. The building had a Mueller on it entitled los E elements, that was created by a local artist, and that became a very symbolic

[lapse in audio] Stop the demolition of the university and building, which was the center for the cultural arts in our community.

[3:06:02 PM]

It was located across the estate from palm elementary, which at that time was the only public school Mexican Americans were allowed to attend. Eventually, our community unfortunately lost the court battle, and both the Mueller and the university were demolished and permanently replaced with what we have now, a dirt parking lot and an I hop.

[Laughter] During the early 1970s, parallel to the community work of the

[lapse in audio] Years, as much as councilmember Renteria alluded to and referred to, for over 20 years, we approached the city of Austin to support a Mexican American cultural arts center and future bond package, and in 1992 we were successful in getting the Austin city council to support that bond measure, but unfortunately, that item failed. In 1998, the mac was once again placed on the ballot, and - - but only for phase I of the mac master plan, although the mac master plan does include three phases. So voters approved the \$10 million bond item, yet nearly 50 years later after community organized to start the planning process, to make the mac a reality, our Mexican American community continues to fight for the integrity to protect a rich cultural heritage there at Rainey. So that's very important to take into context. And I'm sorry that other folks here don't feel that way. But I think most of us agree here in austinites, we pride ourselves in the diversity that makes up on your opinion community and it's real important to remember where we've been, and to recognize and give Rainey street the recognition that it deserves. I wanted to show you a couple of pictures. This was a protest that was organized in the early 1980. 198 probably 1982, and Dr. Olivera was there. She and Gilbert actually put in this documentary together. This is Pete Martinez. He speaks very eloquently.

[3:08:04 PM]

I'll show a clip here in just a second. I think he was around 82 -- Jane, help me out. Probably around 82, this time, and by this time he had already been relocated three times, and he talks about how growing up in that area, he actually lived where the green water treatment plant once stood, and then over at fifth and Guadalupe, then Rainey street was already his third, so now he was already -- going about the pain of being relocated again. This was 1982, and the original intent of this site was to propose a condominium development.

>> Mr. [Inaudible] Died shortly after [inaudible].

>> Exactly. So you're hearing a lot of the term like [speaking in Spanish], which translates to our culture is not for sale. This is actually Mr. Raul Valdez, and behind him is the actual loss elementos Mueller, which at one point we actually brought him back and we talked about he actually bringing back and redoing that Mueller at 64 Rainey street. And, unfortunately, here's the bulldozer, and there it goes. Let me see if I can skip to -- show a little bit of this. How do I -- yes. Last slide. Last one. Keep going. It's going to be a black screen. It's a video that's inserted into that.

[Video playing.]

[3:10:23 PM]

>> We have money to save

[inaudible], I'm talking about the whole chicano [inaudible], after all we give them.

>> In your own words, in your own heart, why are you here today?

>> Fantastic news tearing down because we know they're going to build a big building here, and they're going to keep building, buildings, condominiums or whatever. The thing is, where are we going to go? They're going to squeeze us out. I've been squeezed out three times already [inaudible]. I can't stand it. I can't take it no more.

[End of video.] I just wanted to slow that real quick. That's los elementos, and that's what our community had to endure. We can stop there and I'll be happy to get copies to everybody on this board. My point is, I think the conversation that we're having, our priorities, unfortunately, appear to be mixed up. I think you'll find our number one priority should be protecting the integrity of the mac and protecting the \$11 million tax investment that the citizens of Austin voted back in 1998 to approve this particular project. And what's very interesting to me is the fact that throughout all of these processes, the mac board has adopted five resolutions opposing have poor leadership in management, and then you have public works, who clearly should have been keenly aware of this history and the importance for the Mexican American community that 64 Rainey street has.

[3:12:34 PM]

So what we've got left here is basically the imposition of mac by a developer. In fairness to Mr. Zachman, he has inherited what the previous developer was trying to do. I wanted to point out the previous developer, Riverside resources, had actually already paid 106,000 parkland dedication fee. So one of my questions I can say, what happened to that \$106,000 that was dedicated parkland fee, that

should have been collected? And I know that the developer now is proposing a \$400,000 issue, contribution, but I think you all already talked about doing a cost/benefit analysis as relates to the market value of what that 25-foot easement is, if there's going to be a vacation of the alley, what's the market value of that. I think those things need to be put in place. Last thing I'll say, we actually had -- when Mr. Oyervides was chairman of the macc board, we actually had -- the macc board had created already a 64 Rainey street working group of the board. There were three members. And then there was another 64 working group of the community. And what I liked about that process is, it was transparent, it was inclusive, where three members of the macc board would meet with the community, talk about recommendations, and then carry to say forward to the board, then to the parks board, then to the city council. So we had a very -- I think a very good process, and I think all of us here know that here in and you know, Texas, everybody wants to give their input, but it was a very transparent and inclusive process. I think it's very different, what happens here. Under this new 64 Rainey street work group, there was one member, and that was the chairman, Mr. Oyervides is a member. I don't think those meetings were ever in public. And I think -- I unfortunately was not at that last macc board meeting. I heard about it, but I think it was not necessarily a fair representation of what the community actually wanted. So I'll leave it at that. It was just real important for me to put into context the historical perspective of why we're here [lapse in audio]

[3:14:47 PM]

>> I congratulate you as one of the new school board trustees for the Austin independent school district.

>> Thank you very much.

>> If I haven't already congratulated you on that. I'm happy for that position. Any other questions for Mr. Saldaña?

>> Not for Mr. Saldaña but to follow up on the question he had about the \$102,000 --

>> 106.

>> \$106,000 given by the last developer, is there anyone on staff that can address that?

>> Yes. Actually the parkland dedication fees that were collected was 128,050, and that was collected as parkland dedication. We have not spent those dollars. It is -- so we still have those pld funds.

>> Okay. So the previous developer paid that fee.

>> That's correct.

>> And that hasn't been used for anything?

>> That's correct.

>> Okay. Thanks.

>> And the full accounting of the parkland dedication fund for this area was part of what I was hoping to get from staff. I think my staff had communicated that are will. So we'll be looking to get that information. All right. Any other questions here? We'll move on to Ms. Menard, Valerie Menard. You have three minutes, and then after Ms. Menard, Mr. Zachman, and you have a number of people who have given you some time, so I'll let you know how much that is when you come up. Welcome. Welcome Ms. Menard.

>> Thank you. Thank you, councilmembers. I'm so happy to be here, and also councilmember tovo -- mayor pro tem tovo, I'm sorry, I wanted to congratulate you because the mac is now your baby as well. I'm here to echo councilmember Renteria and his concern about listening to the public. I served on the arts commission with councilmember pool, and so I understand how important that is to -- to be appointed by a public -- an elected official, how important it is to be tarrant transparent but also to relate to council the concerns of the community.

[3:16:56 PM]

I think that's our most important job. Unfortunately that didn't happen with this vote. The Latino community, we get chided a lot because we don't vote or turn out or we don't participate. Well, the Latino community did participate at this meeting. I saw some segments from the meeting, and it was a full meeting, attended also by councilmember Renteria. So we -- and for two hours, they heard testimony that pleaded with the board to not approve this because -- not because we just don't want development there, but because the community is committed to completing the mac. And we know that any area around the mac has to be preserved so that we can see this dream come true. And so -- and I say this, that, you know, the board unfortunately failed in their duty, not in any way maliciously or with any other agenda. I believe that truly. I think [lapse in audio] The communities that were not doing that, events in town dealing with Latinos and developments were organized. I think we're very energized about getting [inaudible] To forward to the city council. The Latino community is the largest minority, and not by a small margin, by a large margin, and we're going to continue to grow. , Many of us, into y'all's districts, creating more majority districts. I believe certainly district 1 will be. So please listen to what we're saying. We're saying be committed to the mac. Let's finish it. This is not a neighborhood issue. This is a citywide issue. This is a beacon for the Latino community in Austin. Were it to be completed, it would be a beacon for Latinos in Texas.

[3:19:01 PM]

And I say to tourists all over the country, because that's what tourists want, they want to see something cultural, something different. 23 -- if it were to be completed as a masterpiece, you would see what the community looked like. Be in mind if you do approve this, there will be conflicts -- if I can just take one or two minutes --

>> Please complete your thought.

>> It includes a multilevel parking garage for the mac. We're in dire need now. We're using a grass knoll for parking spaces. Do you think the condo owners would be amenable to that? That's a conflict down the line. The park, as you can see, will be a conflict down the line because we're going to have to partially, you know, move it aside or destroy it or at least reconfigure it [lapse in audio] Completion of our mac, which is the most important thing. Please don't let what happened to the African American community happen to the Latino community in Austin. Please listen to us. I guarantee you if we listen to our Latino community, which is our largest minority, we'll start to make Austin more affordable for everyone and maybe our black folk will come back. Thank you.

>> Pool: Thank you, Ms. Menard. Mr. Zachman? Vice chair Garza has a question for you, Ms. Menard.

>> Garza: I just -- my goal today was to get all the facts on the table, and that's my attorney background. I just want all the facts before I, you know, make a decision on something. So what I'm having a hard time with is, I absolutely understand the history, and thank you, Mr. Saldaña, for giving that to us again, and I absolutely understand the goal, which is one of my goals, is to complete all the [inaudible] Macc as it should be done. But I'm having a hard time understanding how this competes with that, because when I saw the macc, or what was initially the different phases of the mac, of 64 Rainey street -- and please don't read into my questions what my position on this is, and opinions.

[3:21:20 PM]

[Lapse in audio] So how does

[lapse in audio] Come with this piece of property?

>> As I mentioned, I'm also president for the center for Mexican American cultural arts, which is the non-profit that built the mac, by the way, and put the master plan together, working with the city. So [inaudible] In our view, that any surrounding tracts that are city-owned [lapse in audio] How it conflicts with the mac. I think what the community was saying was that perhaps we need to do a referendum on any further development. Rainey is crazily developed. And if you saw that slide, look at that building in front of the mac. It's gone. You won't see it. Developments don't have to happen. And this is the need of one person. We have a whole community here that is much more [inaudible], that we're looking at the future, we're looking at the importance of this cultural center for the community, and to be able to maybe do a moratorium, until we have a master plan, to completion of the mack macc. The mac should

be in its completion -- not a complete moratorium, but put the brakes on for now, get a master plan, incorporate the parkland of 64 Rainey, 58 Rainey, and anything else we can do to make sure we're ready to move forward with the second and third phases.

>> Okay. Thank you.

>> Zimmerman: Can I ask a question?

>> Pool: Councilmember Zimmerman.

>> Zimmerman: Thank you. I just wanted to add to what councilmember Garza said. I'm now to this, I'm looking at it with a fresh set of eyes. I'm looking at this piece of property and think, man, what a gorgeous gold-plated piece of property, and Mr. Oyervides and I got to tour this. It's a fantastic facility.

>> We made sure to get that land, by the way.

[3:23:23 PM]

>> Zimmerman: This little piece of land, it sounds like to me, from my perspective, that it's a huge, beautiful piece of land, but unto that one [inaudible]

>> The reason that became important again, it was an oversight, but we never realized the value of that.

>> Zimmerman: I'm sorry, it was an oversight, but this is a huge, beautiful piece of land here.

>> I'll let you know. We didn't realize it was a vulnerable piece of land.

[Inaudible] Previous to the Zachman enterprises that wanted to put a multilevel parking garage there. We're not trying to be greedy, but we're just trying to say that this -- that this makes our development -- makes the park vulnerable and it really needs to be part of the park, if not -- if only to increase the entry, but it is critical.

>> Pool: Thank you. Thank you. Okay. Mr. Zachman, your next and you have 12 minutes. And after Mr. Zachman, Daniel Dennis, if you'd like to use your three minutes.

>> Thank you, councilmembers.

[Lapse in audio] To touch on councilmember Garza, it is my goal today just to [inaudible] Proposal why the terms of the proposal were put in place and why the deliverables of one's construction [lapse in audio], why we formulated the goal of the park. Just want to make sure that

[inaudible] And justifiably so, based on a long history of the park and this, I just want to clarify that the [inaudible] Of the proposals, I think that the park and the community have seen are different than what we're looking at today.

[3:25:37 PM]

Let me go to ... So we saw this 64 rainier, obviously adjacent to the 70 Rainey site. I think our goal may be for different reasons, but all of our goals is to see this as no longer a dirt patch. This -- and I know it was touched on -- this was truly just to show what it was as green space. The pocket park -- you know, if that's not exactly what the community desired, we -- the proposal was formulated in response to the term being put out there for a pocket park. When I met -- went first to the advisory board, the intention was to come early; is all open for the community to take part. The only reason it was

[inaudible] Was because of the recommendation from the macc board. Here are to create open space and allow the neighborhood to work together to find the best use. I just want to [lapse in audio] Visuals no way inhibit that the community comes together to decide on. So I'll go through the proposal terms as we've discussed most of that. You know, the construction staging, the 25 [inaudible], the widening of the alley, four feet onto 64 Rainey, and as stated in return will be \$400,000 for the creation and design of the park, the update to the mack master plan, which has been outdated for sometime, and maintaining the park, the alley paving, and the design collaboration.

[3:27:39 PM]

The value of the proposal,

[inaudible] Thousand dollars, the living wall that we're looking to

[inaudible] To the southern facade overlooking the 64 Rainey actually cost an additional 200,000 for us at Zachman enterprises to resurface that. The alley resurfacing will cost \$40,000. We're looking to reimburse for the appraisal that's going to be done, 12,000 a year for maintenance. And, you know, we discussed it, of the previous

[inaudible] For what the parcel should be, a response based on engaging the community over the last year, and thought of how best to work with our neighbors in the community to [lapse in audio] To treat

[inaudible], meeting with P afldr, public works, multiple meetings with the mac advisory board, going out to the mac community. And over that year, trying to understand what the vision was. And that's how the proposal was formulated. The rna and rbc, we've also been coordinating with. I mentioned their support for the proposal [lapse in audio]. A little bit further into exactly, you know, the construction staging and complications with or without 64. It's the safest option for the residents and lease impactful to a neighborhood who experiences a lot of congestion, a lot of foot traffic, and, you

know, would you 64 Rainey, as you can see -- I know this may be new for some to take a look at, but we will be shutting down half of the right of way, potentially, to -- for the construction of 70 Rainey.

[3:29:55 PM]

With the use of 64, obviously Rainey street will be open in both [inaudible], and those implications we're already seeing, you know, and it's -- you know, we talk about safety. We are going to uphold the highest standards of safety with the construction of 70 Rainey, but there are real life potential risks. And just a little over a week ago, there was scaffolding that fell onto an adjacent site. And that's the reality -- and that's why our pursuit of not needing to utilize the [lapse in audio] Option should be undervalued with how much that neighborhood is used. And the 25-foot no-build was the choice -- the priority of open space and green space [inaudible] Not only in the development 5790 Rainey, but our parking podium with the living green wall, I mean, there's substantial expense, with the goal of creating more adjacent open space, we wanted to allow an interaction of this green space, just to create the best environment possible. Again, it's additional cost, but it was really, we thought for whoever pursues this park, and however it is achieved, we thought that this green podium

[inaudible] With that space would be [lapse in audio] Without the 25-foot no-build zone, due to code, we would not allow -- we have planners along the east side, you can see.

[3:31:59 PM]

We'd like to carry that around. You know, we understand that 70 Rainey does not exist in a vacuum. We look at the neighborhood and its [inaudible], the best experience and interaction with the neighborhood and adjacent 64. Again, not what needs to happen, but just a visual. The alley paving and widening in its entirety, it's currently [inaudible]. I think the residents in Rainey understand that this alley is -- underserves the amount of traffic that is utilizing it. The shore condominiums, which use that alley, and with the growing amount of development, this infrastructure needs to be able to serve at least two-way, for the safety of the people utilizing it. So that was the goal of the alley widening. And these are all items that we are willing to commit. Again, this is all open to collaboration, but we went over at the mac advisory board meeting again -- these were just visuals to show potential. And I think we do need to look at the alternative because there is the pursuit of parkland dedication, which -- you know, I understand the concerns and the desire to achieve parkland dedication. In my talks with the city, you know, pard, there is currently no funding allocated for the use of that park, and this would allow green space to be achieved in the fastest manner. So this is one option.

[3:34:02 PM]

Again, I know that there are a number of avenues and ideas for this space. I represent that we are open and willing to engage with our neighbors, engage with the community. We are funding all of the design and collaboration meetings, and all of these terms are truly put in this proposal just to better the infrastructure in the neighborhood and the design here. But in no way does it take off the table any ideas moving forward. I just would like, whether it's [inaudible], whatever idea comes down the line, let's allow the baseline greenery and landscaping. Let's start there, instead of the dirt people are illegally parking on. There are other options, obviously. I thought this would be the best for the stakeholders in the neighborhood and the macc, but I understand if it is not the desire, then we can go a different avenue. But I do want what is best for the Rainey neighborhood, and I think green space here is [lapse in audio] A lot of the discussion has been who's going to use it more, will the residents at 70 Rainey, will the macc, you know, visitors use it more. It's a community benefit. Whether this goes through or it's dedicated parkland and the city ends up paying for it, you know, the same ratio of residents of 70 Rainey and the mac visitors I'm sure will use it. I look at this as

[inaudible] Benefit. I try not to separate who is more. I think we've tried our best to hear the desire from the mac community.

[3:36:03 PM]

This is what we've come together with. But if it is not, you know, the desire of moving forward, we are open to discuss and communicate. I will say, and this is to the open space committee, for this proposal to be evaluated, there are timelines based on construction, city permitting, and I'd just like to highlight that as we decide how to respond today with --

>> Pool: If you could finish your thought. Finish your thought.

>> We are looking to -- we are going to break ground on 70 Rainey on October 1st. Due to the city permitting deadline, we will need to submit our building permit no later than mid-august. In doing so, we will need to understand the facade of our building, whether it will be that firewall or whether it will be the living wall. And in order to achieve that timeline, we would need action taken, a recommendation today by open space, in order to be able to work with the city and the mac and community to get an agreement together before council comes back from recess on August 6th. So what I ask of open space is for some sort of recommendation so that we can pursue the evaluation of this proposal. If delays -- if I'm required to come back to open space in August, I will not be able to deliver on this proposal, and any delay beyond today with open space will basically be taking these terms off the table.

>> Thank you, Mr. Zachman. Any questions? Vice chair Garza.

>> Garza: I understand that as part of building -- your building, you have to -- there has to be some sidewalks put in place and other infrastructure near 64 Rainey, is that are the? Or is it just on 70 Rainey?

[3:38:04 PM]

>> We will have 20 -- well, for our construction of 7 on 770 Rainey, we will do the green street improvements on the sidewalks adjacent to 70, but will not extend towards the city parcel, unless this proposal was accepted, and those sidewalk improvements are part of these funds were committed.

>> Garza: The reason I ask, I've heard concerns that what you've included in the 400,000 is stuff you have to do anyway. Is that true?

>> The 400,000 to build the pocket park, design the pocket park, and for the items that were in the powerpoint, I mean, those are not -- I could pay the right of way rental fees, which would go into the Rainey fund, which I think the city uses for the relocation and rehabilitation of Rainey residents outside the district, is how it's proposed. So that's where the right of way fees would go.

[Lapse in audio]

>> Thanks.

>> Pool: Any other questions? All right. Thank you, Mr. Zachman. Mayor pro tem tovo.

>> Tovo: I'm sorry. You said toward the end of your presentation that were we not to vote on this today, that basically you would take this deal off the table. Could you help me understand the timing that you suggested and why that would be the case?

>> So the schedule and place for 70 Rainey is to start construction on October 1st. In order to meet that schedule, there's a long permitting process with the city of Austin. And having to understand

[lapse in audio] Mid-august, in order to meet that timeline and the schedule we do have, that -- that is the -- what we'll need to know.

[3:40:11 PM]

So if we have to come back after the recess, I think the next open space is at the end of August; that would be after that submittal date.

>> Tovo: So you could not begin construction on the project without knowing the material for the parking?

>> No. We would -- because this is formulated -- truly, the value here as we've seen are more substantial than what we've discussed in terms of right of way fees. We would continue along with construction, if we didn't get an answer on that. It would just be with the fire rated wall, and we would just rent and not look to follow up with this proposal. The schedule of 70 Rainey is not going to be put on hold because of this neighborhood benefit we're looking to provide.

>> Tovo: So -- so your architect is working on the plans now, obviously, and you must have two -- you're considering both options of having the concrete wall, as well as the green wall.

>> We're considering both options until mid-august. And if there's no answer, we'll have to keep the timeline of 70 Rainey. And if we don't have an answer on whether we can do the green wall, we're going to just pursue as is with the concrete firewall.

>> Tovo: Okay. So you need to make your decision about the wall by mid-august so that you can begin construction in August -- in October.

>> So we can submit the building permit. Yeah.

>> Tovo: All right of the thanks.

>> Pool: Councilmember Zimmerman.

>> Zimmerman: Thank you. I'm looking at page 18 and 19 of what was handed out here. I've got just one comment. I wish that the perspectives -- I presume that this is the two options we've just been discussing with the firewall and with the living wall. I wish the perspective had been the same. You know, one of them is ground level, looking up at the wall, and the other one is at nighttime looking down from a perspective. Maybe it's a small thing but it just noise me.

[3:42:11 PM]

I'd like to see exactly the same perspective, you know? Could you ask them to do that for me?

>> Yeah, I'll get that.

>> Zimmerman: Thank you. Appreciate it.

>> Pool: While we're asking questions, I've got some folks who know a lot about trees in the audience and a Mexican sycamore is mentioned. I'm unfamiliar with that tree. Could you help me with a Mexican sycamore? Is there a --

>> I guess is there a multicultural sycamore.

>> You know, these are all obviously just listed options. Until we collaborate and hear what the community would like to use, you know, the exact shrubbery and trees are undetermined.

>> Pool: Some of the questions that I would have going forward -- and I don't -- I don't know that this body is prepared to take any action today, Mr. Zachman, because there are a lot of questions, but some of the things that I would like to get some certainty on go to the alleyway, and you are talking about widening and paving it, but I think that that would need to be a cost that would bear anyway because of the relocation

[lapse in audio].

>> There's no allegation for the developer to widen the alleyway and resurface it along its entire length. So it's a benefit that's added to the city for doing it. I think what it does, widening -- what it does is allow better rear entry into the garage, which does contain public parking, which is needed in the area. But there's been a requirement in the city's utility procurement manual for them to resurface the alleyway along its entire way. In fairness, the other thing that would have to happen is, they'd have to dedicate right of way off their property for widening of the alleyway too, so there's benefit to the city from that dedication of right of way.

[3:44:21 PM]

>> Pool: Right. The right of way would not we coming from any of the property that has the mac.

>> There would be a requirement for 64 Rainey street to widen the alleyway, as well as 70 Rainey street. And what the city's practice is, is as properties are developed, we widen streets now to a certain standard. So if and when properties

[inaudible] The alleyway, we seek dedication of right of way so that alleyway can be widened along its entire width. The alleyway serves a lot of purposes. Its back door services for municipal service deliveries and other uses. To make that alleyway more acceptable and more usable, not as a public road but as an alley that serves those businesses, it adds value to the city.

>> Pool: Right, and it has value to the developer.

>> It does. There's no doubt.

>> Pool: Then I just had some question about the design collaboration on that, on the 64 Rainey street proposal that I received by e-mail, and it

says: The macc Rainey neighborhood association and business coalition would participate in design of the park. And I didn't know what would participate in, and I was curious about the provisions of that, if there was no agreement and who would own that, and --

>> Well, I think --

>> Pool: Who would own the process.

>> I'd like to go back to your last comment about no action being taken today. If that is the case, then there will be no collaboration between the mac community, the rna, the rbc, because we would be able to discuss the park because of the permitting timeline. So if there's no action, you know, how we're going to design, collaborate, we're unfortunately not there yet. We can do it if there's no action taken today.

>> Pool: Thank you very much, Mr. Zachman. Are there any other questions of Mr. Zachman from the panel? Someone's phone is ringing.

>> If I could address the last comment as well, it's never a good thing to come to any council body or subcommittee or subsection with a very short time frame, as other issues have come up lately.

[3:46:33 PM]

Unfortunately, in this case, we are where we are. I think what the staff is looking for, since this is really a policy decision of the council, is to tell us whether you want us to work more on this to answer your questions, and that that could be brought back at the August 6th meeting. I don't know that we're asking you to approve or

[3:51:40 PM]

>> The developers have shown that they have no respect for our culture, our community, nor our center. Given an inch, they will take a foot and continue gnawing away. So now I turn to you and ask for your support. Please vote no on the proposal presented by the developer of 70 Rainey street who has stated that he has the right and can and will build with or without approval. I appreciate your consideration. Thank you. Gloria Mata Pennington.

[Applause]

>> Thank you all. I had invited David, the chair of the mac board to come give us an update. I think it's significant. I know there were a number of opportunities for Zachman enterprises to present information on this. I have at least three or four different dates where the presentation was made, and some proposals were made, so ...

>> Thank you. Good afternoon, chair, vice chair, mayor pro tem, members of the committee.

>> There you go.

>> Is it on? My name is David Carol. I'm chair of the mac advisory board and I appreciate the opportunity to be here. I'd like to go down some of the recommendations and some of the history that has taken place, as far as to how we got to this point. So on June 3rd, 2015, the mac advisory board approved four to one the recommendations that are included in this agenda item. The community at a public hearing in November 2012 expressed their desire for a multiuse green space at 64 Rainey that has been dubbed pocket park. The macc board made a presentation and recommendation at the June 5th, 2013, advisory board meeting to build a pocket park on 64 Rainey, and the vote was six to zero, all in favor of the pocket park.

[3:53:42 PM]

To our understanding, there is no existing city funding available to design, construct, and maintain the pocket park. The next city bond welcomes will not be until 2018 or so, maybe, and there are no guarantees that construction of a pocket park at 64 Rainey will be put on that bond referendum. There's also no guarantee that the Rainey street district fund will be used for construction of a pocket park. 46 Rainey is a vacant lot that's owned by the city of Austin, under public works, that is used for unauthorized parking. It's muddy when it rains. It grows weeds in the spring and the fall. And it's trashed out. 64 and 58 Rainey, under the recommendations that we made, 64 and 58 Rainey will remain city property. There's no transfer of ownership. 58 Rainey is a lot to the south of river, and of course 64 is the lot to the north of river street. What the board saw in making its recommendations, and the way that it voted, was an opportunity to enhance the entrance to the mac by having a landscaped, green area on both sides of river street. Bullet 64 and 58 rainy. In addition, it beautifies the intersection, the historic district, and the neighborhood. I would like to stress that this park is temporary. It's a pocket park that would benefit the community and provide connectivity between the mac and Rainey street. The mac architect of record will update the master plan which was published in December of 2000. It's 14 and a half years old, folks. It needs to be updated. At that time, 6 was not city-owned property, it was held in public hands.

[3:55:47 PM]

As a result of the update, both 64 and 58 will be integrated into the master plan. If we are going to finish building the mac, one of the first steps is to update the master plan so that we can move forward with the bond election or some other sort of financing. We need to be able to define what it is that we are asking to finish out, to build out, because as was pointed out, the current master plan is way outdated. The update of the master plan will have -- will go through the general public input process so there will

be plenty of opportunity for everybody, everyone, to state what they would like to see the finish build-out of the macc to consist of. Use of 64 Rainey for construction staging will eliminate disruption on Rainey street and improve safety. The proposed improvements will be provided at no cost to the taxpayer. The recommendations include, at the top of our list, is transferring the two lots, 64 and 58 Rainey, to dedicated parkland and to be designated for park use. The recommendations include vacating the 25-foot no-set -- or no-build set back, once 64 Rainey becomes parkland. So this 25-foot set back is a temporary easement to be vacated. So that goes away once it's dedicated. We have included provisions in the recommendations so that once the macc is built out, 64 and 58 can be incorporated into whatever final plan the macc master plan will have. What the developer gets.

[3:57:48 PM]

He'll be able to utilize, under the recommendations, he'll be able to utilize 64 Rainey for construction staging for 18 to 24 months. He'll get a temporary 25-foot-wide set back, which will be, again, vacated once 64 is dedicated as parkland. So this setback goes away. The four-foot wide strip along the alley side of 64 Rainey will become public right of way, so it's going from city-owned property to city right of way. There's no transfer of ownership for that four-foot strip. In the board's -- in the board's opinion, this is a win-win-win situation because the winners are the public and the community, the macc, and the developer. The board recommendations do not take away, from most of what has been discussed here today. I think to the temporary, what it does is it helps to -- to the contrary, what it does is help to convert a vacant parking lot into the pocket park recommended by the public in November of 2012. The macc board also recommended that, and this will all be paid by the developer at no cost to the taxpayer. Nothing is being given up, nothing is being sold. There's no transaction or change of ownership, and the master plan, the macc master plan is being updated. I'd like to highlight a couple of the specific recommendations that were made because it responds to some of the comments and concerns that were the top one on our list of recommendations is for city council to dedicate 64 and 58 Rainey street and the contiguously owned property along the macc to park land per resolution that has been previously passed by the board.

[4:00:11 PM]

On September 3, 2014. The pocket park design should not impede future use of 64 Rainey when the macc facility is built out. Such as a widening to river street for better ingress or egress, what the master plan determines is the best use and best way to integrate 64 Rainey street. The way the park is designed should not impede with in a. The pocket park design process is to include a minimum of two public meetings where input and suggestions is provided by the community, the macc board, park planning

staff, the neighborhoods for integration into the design. So statues and garden and what have you, this is the opportunity to express the concerns and wishes of the community so they can be integrated into that landscape design. Updated master plan to be completed by the architect of record. The developer will be paying for that in the offered amount. We're recommending that the design and the permitting for the pocket park should be concurrent with construction so that construction of the park can begin within two months after the first certificate of occupancy is issued on 70 Rainey. We don't want the project to be completed and then wait a year and a half or two before the pocket park is constructed. Recommendation to use 64 Rainey for the developer's staging area is contingent on the land turned into park land and designated as park use. I think the board -- and there's more recommendation here. I think the board was very thorough in defining what we have heard the community state were concerns during the various public meetings that we had.

[4:02:12 PM]

You know, the 64 Rainey street working group under article 8 of the blah is live laws is not written to take minutes and

[lapse in audio] And which I chaired and that was created in September it. Mostly when the Riverside resources developer was looking at purchasing the land and so there was a lot of activity and a lot of meetings held, etc., toward the fall of 2014 Riverside resources sold that project to Sackman enterprises and so then we had not heard anything, had not been contacted by the developer.

>> , So the meeting slowed down and our main focus was to dedicate 64 and 58 as park land. In early March of 2015, we were called to a meeting that the developer had requested with pard and where they made their propose a. Some of that was discussed with regard to Lisa's presentation and C.J. Sackman's presentation and that's the first we heard of it. On March 3rd, on March 4th, we had a regularly scheduled board meeting and at that time, I updated the board members of the meeting and we decided to reactivate 64 Rainey street working group and at that time, there were two other board members that were interested in participating in that working group. Katie and Bianca. And as we read the minutes from that board meeting, that's stated and it also states I would be speaking as the chair of that working group, I would be speaking with Anna and Katie and Bianca.

[4:04:23 PM]

And it's all in the meeting minutes of March 4th. So on April 1st, our next regularly scheduled board meeting, we invited the communities, I personally called James Rivera and other community members and informed them of the new information that was out regarding the Sackman's project and invited

them to attend and several did and we provided an update on what we had learned from that park meeting. The board held -- decided to hold a special meeting on April 15th so that C.J. Sackman can present their project to the community and they would be available to answer any questions, and again, we reached out to the community and told them about the meeting. I called Paul, he attended. As well as several of the community members, and park staff was there as well as to answer questions from the community and from the board. So I think that we have been transparent throughout the whole process, I think there's been plenty of opportunity to engage and hear the community. And the board recommendations here, I think, represent a lot of the key issues of what the community wants. And has been expressing as a concern. And one of the things that I would like to emphasize is that this is not a permanent park. This is a park that is going to go away once the mall is built out. And I say built out, because we don't want to try to build out phase two and -- but fill out the remainder of the mall.

>> Could you wrap up?

>> Yes.

>> And the only other things I would like to add is that as chair, I'm proud of the mall advisory board members which approved these recommendations and see the vision of providing an enhanced entrance to the mall which will also serve the community and it provides a green space which was requested by the community public hearing and the Lindbergh 2012 and provides for updating the master plan and all at no cost to the taxpayer.

[4:06:46 PM]

Thank you.

>> Pool: Thank you, Ms. Rivera.

>> I would like to address several items of concern. As pointed out, I have been involved in the struggle for the mall for many years. I moved to Austin, Texas to teach at the university and that's how I got here and got involved. Several of the things that concern me. The alley, when it's enlarged and Mr. Sackman's project is completed, there's going to be a very large flow of traffic on that, because it will be an alternative to Rainey street. So basically what we'll be doing is creating an alternative to Rainey street and it does lie between 64 Rainey and the mall. So that will be setting aside 64 Rainey as not truly part of the park lands. I'm concerned about how can the alley be developed and still preserve the concept that the community has? If all of the property had been declared parkland several years ago when the community was first asking, if, then, the developer wanted to utilize a portion of it, the department has park land mitigation fees, things they do all the time, it might not be as much money as the developer is offering but there still would be funding available through mitigation fees and finally, as pointed out, there was 128,000 and a little that was provided in park land fee, that could be used to fund the revision

of the master plan, I don't think it's essential for the city to act today on this. But rather it is essential to the developer that you act on this. Thank you for your consideration.

>> Pool: Thank you. Vice chair Garza good.

>> My understanding with the \$128,000 used for park land could only be used to improve that land.

[4:08:47 PM]

Could that be used to fund a re-- I guess, doing the master plan again?

>> Councilmember, yes, the \$128,000 is park land dedication funding and to create that statement, it's for development, not planning. So it would have to go for infrastructure development.

>> Garza: Okay.

>> But that's a council ordinance describing the uses of park land dedication fees, correct?

>> Um, primary the fees that collected is really to mitigate for added density to that neighborhood. So we would be collecting the fee to either buy land or improve adding more amenities for the density that's coming into that neighborhood. So using funding for a master plan may not --

>> Tovo: Okay, I see where you're going on this. Okay, thank you.

>> One of the questions I have is to get an appraisal of the land. I was interested in seeing if there might be some relationship between the use of the land for two years as proposed and the appraisal of the value of the land.

>> Councilmember, we did have an appraisal done a few years ago, 2012, and it was \$1,176,000. With the easement across it. What we are going to do, we're in the process right now of updating it with -- under today's valence we know there's been an increase in values. Roughly, if you look at using the last appraisal and 10% of the land values, we typically use for land leases, so that would be \$100,000 -- \$101,076 per year.

[4:10:54 PM]

For the lease rate. Under the old appraisal to give you an order of magnitude.

>> And.

>> Pool: And I think that council may be looking at the fees for rentals in the future. You haven't done anything with it yet but there was on our list of fees to look at as a reasonable updating of those fees. Any other questions? Mayor pro tem.

>> Tovo: I understand that this question may have been raised but I'm interested in what the market value of a tract of this land downtown were it to -- were I to have a surface parking lot and rent it out to my neighbor to do construction staging. In the downtown area. What would be a comparable lease fee and how does that compare to what is offered by the developer? We'll look at that.

>> Tovo: Thank you. I'm -- probably will need a little bit more information -- well, let me just ask this next

question: If they're installing lines on that alley, why wouldn't they be responsible for resurfacing it, Mr. Lazarus?

>> The manual requires that

[inaudible] But they're offering to resurface the alley, essentially from one side to the other and along the entire length. That's in excess of what they are required to do.

>> Tovo: Okay, thank you.

>> I don't have any questions for these next folks but I do for Mr. Canali.

>> Pool: We're done with citizen communications. Yes, Mr. Lazarus.

>> We have a question for Mr. Canali.

>> Garza: I was on a fact finding mission and when I heard of this proposal from the developer to the macc my intention and goal was to get as much for the mac as possible.

[4:13:07 PM]

That's what I thought. This is an opportunity, I've met with Mr. Carroll and others and they've expressed as with most of our meeting, we need funding, funding, fund can, that's always the ask and I wish I had this unlimited kitty to fund every -- you know -- project like this. And when I heard of this opportunity, that's what I saw this as, as an opportunity to get funding for the mac that has been waiting so long to get funded and so again, on a pure fact-finding mission here, my staff put together -- and if you can put up, just a side-by-side what's being offered and is otherwise. This from my office from asking questions and I've passed it out to the members of the committee up here. To try and understand what the developer is offering versus what if we don't -- if there's -- if we -- if council doesn't do anything and accept this is proposal. And so on the one side here you know, under the developer's proposal, I see the \$645,000 plus the cost for maintenance. On the other side, pays for right-of-way for staging it's 205. And

when I talk to community members -- getting to the question, sorry. When I talk to the community members object a pure fact finding mission, trying to see -- because my official thinking was how could we not accept this? And we're getting so much more and it's a lot. And community members said, well, that \$205,000 would go for the Rainey street fund and then that could be transferred to the mac somehow. With this -- with this as a basis, that's why I have questions for Mr. Canali. My understanding is that the Rainey street fund, the ordinance set up was not too exceed \$600,000.

[4:15:10 PM]

Is that right?

>> Certainly, councilmember, I think because this is -- goes back a few years, I thought it would be helpful to do a quick context about the Rainey street preservation fund and there's a powerpoint and I think it's easier to walk through that than listen to me ramble through it. If you would bring that up, yes, that's great. Thank you, just U just as background -- hope I turn it the right way, that would help of the history of the fund, created at the recommendation -- I believe the direction of the city council in may 2013, the city council directed staff to explore mechanisms to explore and creation of a history center and future truck improvements and broadly in the subdistrict. Staff came back October 2013 with a recommendation and -- sorry, the findings of that and with those findings, the city council created a new fund which is a Rainey street district preservation fund, to preserve and maintain the history of the district and assist in rehabilitation of the existing family homes in the district and also, the way that fund was created from a financial perspective, it was review U revenue generated, from temporary right-of-way fees and alley vacation and license agreements within the fund and in the past, they had been going directly into the transportation fund. At the same time, they -- council, at that time, appropriated \$600,000 as startup funds. There had within no fees collected because it hadn't occurred yet but it was on a prospective basis, appropriate \$600,000 awaiting for the fees to be collected.

[4:17:19 PM]

Which was based on looking at the -- really, the projections of the potential developments in the area, ultimately, the city is not responsible for when those developments occur. Certainly we have a role in the permitting process and discussions like this, but when those developments occur certainly are a private sector issue. And whether or not they use the right-of-way for temporary use of right-of-way and other license agreements but based on that, we thought there would be \$600,000 within the first 12-to-18 months available for \$600,000. So you have seen this map before. That outlined the Rainey street historic district. The subdistrict and the actual boundaries of the fund which goes beyond Rainey street district. So about a month after that, council allocated \$500,000 of that initial \$600,000 to the Austin

housing finance corporation to work on relocation and rehabilitation of several homes that were under threat. They had been purchased and there was a project going on there. To be used for affordable housing relocation. The neighborhood housing and ahfc conducted a notice of funding to relocate, and preserve, and rehab, I believe four houses outside of the district. Where we stand today is that we have since that time in late October of 2013, so more than about a year and a half, we've collected \$385,000 worth the revenue but spent \$500,000. There's still another \$100,000 of appropriation that's not been spent. But with just the current revenue and expenses we're in a negative position in this fund and it's a small fund within the city. With that additional \$100,000 that would be spent, that was spent, though there's no plans to spent it, that fund balance would go further negative.

[4:19:25 PM]

So we certainly expect as developments in the area, the fairmont is one seems to be gearing up and ready to go. We've been working with the transportation department to assess as they close down a lane on Cesar Chavez. And certainly from a financial perspective, any revenue that comes in over the next year would first and foremost go back into the fund to make sure we make it whole and from that point forward, we'll treat this fund as we treat other funds, we'll appropriate funds as cash becomes available. We'll not appropriate on a prospective basis but only when the cash, or in this case, the fees are collected and when this -- when this ordinance and fund was set newspaper October 2013, part of that direction was for us to come back annually as part of the budget process and report on the fund balance and if there are funds available for appropriation. At this point, we don't believe that will be new funds available for the fy 2016 budget, but we'll assess, but I don't believe we'll see that, as revenue is collected over the next year, we'll come back and pay off the balance. Certainly any money posted into the account will be used to make the fund whole.

>> Garza: And the ordinance, is it \$600,000 a year or an one-time \$600,000 amount?

>> It is for -- the \$600,000 was just the initial projection of what we thought would be generated in really, the first 12 to 18 months of the fund from developments that were in the district. That would be potentially pay temporary right-of-way fees and alley vacation fee, based on projection, we do not have any submitted permits.

[4:21:29 PM]

It was really just a staff working with an understanding of potential developments in the area. So we don't know how much we'll ultimately will be collected no the fund but there's no cap on how much can be collected. At this point, any fee that -- that is paid to the city for temporary right-of-way fee, a license

agreement that occurs within this district is now by ordinance directed to go into this fund. So it's not capped, but again, first and foremost, we need to pay off what we've spent before we appropriate any new funds or whatever the next round of uses would be and they've not been determined because we're not at that point yet.

>> Garza: So any right-of-way, so let's say we go the direction of we're not going to do this proposal that the developer is offer, he's going to pay for the right-of-way and most of that would be basically used to pay off the debt in there.

>> It would, to pay of the negative balance.

>> Garza: Okay.

>> And that was used to move four houses and rehabilitate and convert houses in the district and that was part of the development program from one of the developments along Rainey street good.

>> And I think you said this in your presentation, but my understanding is there's no way to project how much the fund will generate.

>> In terms of what we projected in 2013.

>> Garza: And it didn't do --

>> At this point, we would address this fund -- we have similar funds in the city that have special funds that are directed for certain uses. One is the business retention fund and the other one is the great streets fund and the way we handle them from a financial perspective, those funds occur, fees are paid, permits are paid, we collect them and once we have a positive balance, we appropriate them in the budget and recommend their use or come to council for uses.

[4:23:30 PM]

So again, sitting here in late June of 2015, do I not anticipate coming forward with any new appropriation from these funds that would -- we would have to readdress that next year at this time to make sure we've paid off the negative balance G. Okay, thank you. I don't have any other questions, ready to make a motion.

>> Pool: Mr. Lazarus.

>> This is a very complicated and detailed transaction that this committee and council is being asked to consider. Wait it make sure there's certain things on the table so there's no misunderstandings going forward. The first is the river street andalliy way and public right-of-way. They both serve a public purpose. As the mac look goes forward and the community process goes forward connecting the 64 Rainey project to the mac, based on what we know, it's difficult to recommend a vacation of that

alleyway as part of the plan. Because the alley services the properties along Rainey street. That's important to keep in mind. The other is that the 25-foot no-build zone has to remain even after the property has dedicated the parkland so it doesn't go away. During the macc board meeting there was discussion about an easement and whether it was like an easement and I don't know if there was confusion, but the point, once it becomes parkland, unless the park department has something to build up to the property line, it becomes mute and you can put non-occupied small structure in there. I know that's something that was asked for clarification from. Something that will be presented back to the committee members and the council as part of the questions you would have us answer but I think it's important to understand that will stay there. And the challenge for legal aspects to figure out how that happens. So I don't want there to be misunderstanding what the city is agreeing to do.

[4:25:38 PM]

>> Pool: Councilmember Zimmerman.

>> Zimmerman: Thank you. This is for legal council, I looked at the agenda item. It seems like based on the comments we were hearing, effect I guess on both sides of this were expecting action, but it just says agenda item 7 says briefing and discussion of. So I don't know what -- what kind of motion could we make with this agenda item? I just want a legal opinion.

>> Assistant city attorney. We're posting for briefing and discussion so you can give us direction and guidance but we can't have any formal recommendation or formal vote.

>> Pool: Well, that tracks with what I was feeling might be the sentiment on the panel. The mayor pro tem did have to step out briefly and if I can ask indulgence, she does want to participate in the vote. Could we table for a moment until she comes back and I'd like to quick take a couple of things -- y'all can be excused and thank you very much. Item 4 is the codenext citizens' advisory group and it's my understanding the advisory group is going to be reformed in September and this committee does have the ability to appoint someone to that body. And I'd like to entertain y'all's thoughts on nomination. We won't do that today. We'll take it up in August, but I'd like to get some recommendations for y'all. You can send them to me. It would be appropriate for the person to have background that would align with open space environment. Let's see. Item 6 is the -- we took up item 5 already and we tabled 6.

[4:27:45 PM]

So 6 is the cemetery master plan. Kim Mcknight, would you like to come up and know that when the mayor pro tem comes back in, we'll rescue and pause your presentation and whatever it is you're at. To

take that up. Just to introduce the cemetery master plan -- I'm sure that all of these items will be touched upon. I think in the process, the man has been in a number of citizen commissions. Environmental board. And the parks board. And it's great to have the chairs of both of those two boards here. They can speak to how it was received and what the votes were like. Ms. Mcknight you have the floor.

>> Thank you for acknowledging that. Greetings, councilmember, my name is Kim Mcknight. A project coordinator in the planning department of parks and recreation. I'm very excited to bring this plan to you if you'll bear with me for just a moment, I'm going to lay a bit of a framework for this plan so you can understand it in context. The city of Austin manages five historic cemeteries that comprise more than 60,000 burial, we're entrusted by the families and descendants to care for the places and they're indelible parts of neighborhoods in which they survive. Cities are struggling with issues surrounding historic cemeteries, particularly historic urban cemeteries.

>> The American population is increasingly mobile and less likely to remain root the near the cemeteries where their parents and ancestors are burr youyed. At the same time, cremate has become a preferred method. And as a result, many of the nation's oldest cemetery, public and privately owned largely abandoned by the communities they once served.

[4:29:51 PM]

Local governments find it difficult to prioritize cemetery upkeep when the needs of living residents are pressing and immediate. Faced with such challenge, those who manage and advocate for historic cemeteries are finding ways to reimagine their role in the community and finding ways to creatively engage the citizens.

>> Pool: Would this be an place to take a pause.

>> Yes.

>> Pool: I'm like to take us back to item 7 and I think councilmember Zimmerman has pointed out that the posting on the agenda was for briefing and discussion. And he did not see a possible action. I'm fine with going that direction, the topic does say discussion and possible action but if this body would like to allow staff to move forward with the direction we've given previously, to continue the work with Mr. Sackman to work out all the questions, which there are many on the proposal. Okay.

>> Yeah, that's --

>> Zimmerman: I appreciate that comment, I was wondering where it was going. We've had a lot of interesting debate, discussion, I think it's been very, very good. So is that what the plan in place now is?

For them to continue that discussion while we're gone in July. And I guess maybe it could come back. The city staff can put something on the agenda without our input if they want to. Okay, thank you.

>> Pool: So is there any other comments you would like to make.

>> Tovo: Apologies for stepping out and I'm about to do so permanently. Do we have a motion on the table or just making comments? I'm comfortable with the city staff continuing to engage with the developer and community members and various boards -- relevant boards and commissions on this topic.

[4:32:02 PM]

I had say I have reservations about the agreement and would absolutely want to look at the Numbers that are going to be returned to us and some of the -- some of the information, but I think this is -- this is an agreement about which I have reservations and so I am supportive of the staff moving forward and continuing the discussions but it there shouldn't be an assumption at least on the part of this decision-maker that I'm going to support whatever's back. And I will say I'm very supportive and had we -- of the council moving forward regardless, very supportive of the council moving forward and dedicating this as park land at the earliest opportunity and given the history of this tract and the fact that while the council did change direction on the sale, it was a 4-3 vote. A very controversial issue and having certainty on what can and cannot happen on that tract of land is extremely important to the community and I don't see whether I'm watching from in five or 10 years, I don't want to see this tract be a source of discussion again and a question about whether or not it's going to be used as a parking garage or private interest rather than an extension of the mac.

[Applause]

>> Pool: We definitely need to move forward with the master plan and that would be a part as well as of the dedication of the land as park.

[Applause] And I thank everyone from the community who came here today for item number 7. I appreciate it. We've learned a lot from the input and I thank the folks who came from the team and I know we'll see you around and some other issues as well. Y'all have a good summer and we're going to return to the cemetery master plan. And I -- hoping for a hard stop at 5:00 and I would like to take some action to accept this proposalness I'll give you a good overview on what is a large and complex plan.

[4:34:16 PM]

This plan really does provide a long term framework for the the cemeteries you see listed here. As councilmember pool noted, this plan represents the years of advocacy and engagement and professional evaluation and planning. I would like to say that although other cities have undertaken similar projects, this one may be one of the most sweeping developed in the United States as it encompasses distinct cemeteries established over the course of nearly a century. We took a great deal of effort to develop the scope of work with parks board chair leading the cause. We had many meetings to identify issues of cemeteries and we had about to your meetings in 2012, followed by six to develop this scope of work with the community and after getting a very qualified consultant on board, we had five meetings with the community. The plan was posted to our website for review. The community had seven weeks to review and we received hundreds of comments and posted a revised draft and as a result, we expect to post another revision priority going before council. Community engagement included many of the standard city of Austin tools. I'll talk about two or three that were, I think above and beyond. We conducted 25 stakeholder interviews and some of the constituents we'll hear were personally interviewed by our team and we also did newsletters placed in senior centers and libraries. Process for the elderly folks that may not necessarily be engaged through the internet and website. We also did, again, all of the standard things and we -- such as signage in our cemeteries and advisories.

[4:36:25 PM]

The outreach was targeted. Community registry. The Austin neighborhood council and cemetery organizations. The plan is divided into three sections. The scope of work called for many, many items so I want to orient you to the idea there's a historic cultural national context, specific management recommendations and individual cemetery recommendations and then there's a section that deals with policy and funding recommendations. We have a section on general management guidelines, very extensive information about tree care and management, site furnishings, fencing and etc. And these apply to all of our cemeteries and incorporated into our maintenance standards. I wanted to point out we had a fantastic partnership with our park forestry staff and the urban forest replenishment fund of the planning and development review department. They funded a tree survey and conditions assessment that was the baseline for our cemetery master plan in general recommendations. More than 4,000 trees were surveyed and also I believe unfortunately 900 dead trees snagged as well. Briefly, I'll not go into the details. But all of them are historic and significant. They represent incredibly significant peoples. Some noun at their time and some not. Oakwood cemetery and annex or the oldest and the recommendations are similar. That have to do with appearance. Sidewalks and fences and roads. But rehabilitation of the historic chapel building. It's signage, kiosks with information about the people buried there, common sense improvements that will make visiting them a better experience.

[4:38:33 PM]

Plumber he is cemetery, a small family cemetery of about eight acres and while it was begun in 1898 with private burials, it's traditionally an African American cemetery, but the city purchased it and managed it. We do not sell plots. There's no more space or do we sell at oakwood or oakwood annex. We have a small -- we don't actively sell plots. Evergreen cemetery, dates to 1926 and can be best described as a very real -- a very real place representing the institutional segregation of our city. It was -- it was not enough for people to be separated in life, they were also segregated in death and this cemetery, as a result has some of the most significant civil rights leaders of our city and we're proud to have researched this, literally walking the cemetery with the community to understand who are the people buried here and the recommendations for the cemetery are that we're recommending fencing, dignified and an accessible restroom, tree planting here as well as all of the other cemeteries. Austin memorial park cemetery, probably one of the most known for those post office who drive moke -- mopac. It and evergreen are the only two active cemeteries where we're selling plots. This is a cemetery where we have made strong recommendation was respect to moving the maintenance yard to the far north of the cemetery so it's not right where the visitors come in.

[4:40:47 PM]

Re-purposing a historic outbuilding to become a more accessible restroom, a visitor facility. We also recommend the construction of a decorative wall for cremated remains and we learned that cremation is something that our community very much would like to have more options and so having that is an exciting idea that will provide more burial options for the city and potential revenue generation for the cemetery. The last part of the plan covers many, many things. I think that I would like to touch on one aspect that we want to say we strongly support. One of the things we're learning, all across the country, communities are trying to manage their less active cemeteries that comprise about 166 acres in the city of open space. It can city there and have the occasion family member drive through or we can come up with ways to educate the city about the history of our city, through the objects and there's so many opportunities and there are so many examples across the country of cemeteries doing that. This is a recommendation that's caused some to be a little concerned and I want to be clear we're not recommending programming of any kind in the cemeteries that have active burials on a daily basis.

[4:42:49 PM]

But we have literally maybe between 10 and 15 burials in Austin and I'm estimating, in oakwood cemetery, very few and I think one last year in plumbers, we don't have the activity there and the neighborhoods around these cemeteries would like to see this. I'd be happy to answer questions or

concerns you have about this. We have programming happening through one of our group, save Austin cemeteries. And I wanted to review the recommendations that have come through the board and committee process. We welcome it and think it's an opportunity to make what we think is a good plan even better than it is. And through the process, we've seen support from the historic landmark commission for the plan. They'd like for the city to follow up on a recommendation to designate plumbers, every green and Austin memorial park as historic. They're certainly eligible but unlike oakwood and oakwood annex we haven't had the friends group to help. We've didn't think this added value to the plan and offered to appendix. So we concur account recommendations and they'll appear in the revised plan. And things like irrigation, all of these recommendation, elevating the irrigation proposal and specific language about compost mulch and supplemental watering and elevating tree planting and making small wording changes, we accept those recommendations and they'll appear in the revised plan. The environmental board took it a step forward with respect to irrigation and asked to include a detailed study to determine the strategies for irrigation practices and we have agreed to accept that recommendation and include that.

[4:44:51 PM]

We've also agreed to reduce the parking lot to something like 10 spaces. It was conceptual in nature and we'll make sure it's noted and we'll prioritize the impact to the existing trees and limit the impacts to the existing trees. I think chair has a question.

>> I wanted to add that was

[inaudible]

>> In Austin memorial park, that's correct. The planning commission recommendation, we were there just about 13 hours ago and they were very patient with us and our constituents here to speak on the plan. And they recommended we support the recommendations for boards and commissions. There's a recommendation for a north entry great at Austin memorial park. Which is conceptual. This is a staff request. The planner for the department, it's our job to balance all stakeholder requests and this is the hub of our cemetery operations that's a request we did include. We were asked to consider reviewing it or list the specific uses allowed and we accept that recommendation. We haven't had a chance to deliberate what would be the best way to go. We've been asked to include the -- we'll minimize impacts to trees and ensure all events held in cemeteries are appropriate and there was a recommendation that had to do a with a multidisciplinary team advising on irrigation and we'll include that language. So here we are, we're -- sorry, I didn't change it. It says presenting to the planning commission. We did and they recommended the plan. I should have made that change this morning.

>> Pool: What time was the meeting over?

>> I walked out at 2:30. I heard they were there until 3:30. It was a long night. But the boards and commissions all recommended this plan for approval with the conditions I reviewed.

[4:46:54 PM]

And what we'll do from here, as based on your recommendations, depending on if you have additional things you'd like us to consider, we'll make revisions to the plan to reflect what the boarded and commissions have suggested and that would be in a revised plan that would go to council.

>> Pool: All right, questions from panel.

>> Just a comment.

>> Pool: Chair Rivera.

>> Renteria: I want to thank the members of community who spent many hours and I see some of our friends from the active groups here and thank you all very much for the work you've put into this. I consider the work on the cemeteries one of my accomplishments. On the parks board. So I'm very happy to see everyone here. Thank you for all you've done.

>> Pool: Thank you, chair ri Rivera.

>> Zimmerman: Are there speakers signed up? About how many, do we know?

>> Pool: A lot.

>> Zimmerman: A lot? Okay. I do maybe have questions. I'd like to hear from our speakers first.

>> Pool: Right, I do have -- and we'll do that -- and I also wanted to if there was going to be action, I wanted to take it before our vice chair had to leave which is quickly. A quick question for you. I noticed - there were two things I wanted to ask. One this had to do with the irrigation and sounds like the irrigation is going to be addressed more specifically as far as the cost and I think there was a recommendation that the environmental board and the -- because that's where the urban forestry board has gone to live -- be included in some of those conversations.

>> We would be happy to return. We didn't ask for a lot of work, we asked for best practices. Generally, we're satisfied that the plan met what we asked and so we're happy to have as part of the plan, explore this aspect of cemetery management more.

[4:48:59 PM]

>> Pool: And to be specific, would I suggest to develop a realistic and attainable tree care plan that would comply with the forestry board and that's the composting and mulching and irrigation during periods of insufficient rainfall. And the second thing, I was curious about the -- there's a 34-inch Texas ash at the entrance of Austin memorial park cemetery, would it be possible for that to be revisited and preserve that and I have not been there to look at it specifically. Though it's up the street from my house.

>> We recommend moving the flagpoles. It was an observation that the tree looked like at the end of its life. No tree would be taken down without consulting park forestry and the recommendation says that the tree seems to be nearing the end of its life. You might consult with park forestry. We would never be able to take a tree down without consulting with our forestry staff and so it's simply an observation in the plan.

>> Pool: Okay. Urban forestry board cautions against saying do not review because that takes the decision making out of our professional staff and we would like to defer to staff on that.

>> I think that Texas ash is a heritage tree.

>> I believe so.

>> Any heritage tree has to come through the environmental commission for consideration, so that would not only go through the parks but have to come through the environmental commission. All of the plans are conceptual. As we move through design development. Which may be several years when we have funding available.

[4:51:01 PM]

We little funding do what is recommended in this plan. We would have to go through a design development process and site development process and the standard things that happen with site plans we would have to go through.

>> Pool: All right, thank you very much. So we have a number of people who wish to speak in the interests of time, because we have a 5:00 hard stop I have Michael, and David, kata, Daniel, dale, Walter, soy, and David king, and let's see, he's giving his time to Michael and Sharon. What I was hoping to do was to have enough time for the committee to accept the report with any additional commentary we wanted to add in. But we also wanted to hear from the public. Would you all whose names be willing to telescope your commentary and help us meet our 5:00 -- I apologize, the 64 Rainey conversation went on a lot, lot longer than what I had anticipated. So --

>> [Inaudible]

>> Pool: I would be happy for you to do that, and what I'm asking is would you be able to subu summarize them, because we do definitely want it hear, but I would like in the interests of allowing everyone to go, that would be terrific. All right, so, Michael is first. And David king has given him -- is David here? Okay. So briefly, all.

[4:53:04 PM]

If you could go ahead and start. Yes, thank you very much. I'll be brief. Thank you, committee members. I just want to say we signed up in opposition to the plan because felt it wasn't quite complete. The recommendations from the boards and commissions have addressed our concern. I would like to congratulate Ms. Mcknight on putting a nice plan together. I think this would make it a good plan, a good place to start. So these are the recommendations, just wanted to flip through here quickly. We support the irrigation plan. This shows the trees that have died in the cemeteries. These are examples of the damage that's been done during the drought and we do need to put in a -- with the multidisciplinary team, put together a good plan for helps us during the times of drought.

>> Pool: Complete agree. The next person is Sharon Bly. And if you can be brief as well

>> Thank you for your time. I represent 400 people at Austin memorial park. We're a group of widows and widows and the cemetery is dear and precious to us. We support the -- our proposal is not to have a north access. Many many people wrote in to the plan requesting to not have that access. Not only cemetery residents but the rec center where children walk right in front of that door where you have trucks. And we don't need that north access. I appreciate including the historic map in the cemetery, I mean, in the plan. It makes it much more clear and for -- for generations to come.

[4:55:04 PM]

Really, what the history was. And we support the reduction of the parking lot for the visitor center at Austin memorial. And we do support the heritage tree recommendations and if you have more questions, I'll be happy to address those.

>> Pool: I just wanted to say thank you for your consistent advocacy for Austin memorial park and Ms. Vegas as well.

>> Zimmerman: Are these recommendation, Ms. Mcknight, have these been accepted? They are? Ory ok, thank you.

>> We have accepted the recommendations.

>> Pool: Ms. Vega and then Ms. Orshalis.

>> Please bear with me. I'm trying to get the mic -- there you go. Is it on the screen? Okay. So you'll require the commissions from the boards and commissions, because we hear the parks department doesn't have to do what they recommend. Recommend. They concur. I wanted to get to one point. The yellow area shows the proposed location of the maintenance yard and if you see on the map -- that's the wooded area. For the recommendation for the planning commission to avoid impact with trees. If that's -- is -- if that item is conceptual, then the map should say that, clearly. This is a conceptual location.

[4:57:08 PM]

It's important to speak about this. Forestry estimate, but I think they did it too fast. They come up with - the recommendation from the forestry board was to apply mulch during insufficient rainfall. But when I look at the Numbers, I come up with \$340,000 to provide that care if the irrigation is installed of the difference comes from several facts, one they use the total number of the trees surveyed in the master plan but that includes 48% of the invasive. The species like ash juniper, and bushes, and we need to look at the Numbers more carefully and included in these number, we will -- the parks board, say, sure, we'll provide that -- provide the additional water in times of insufficient water fall. But we need additional water trucks. However, shall, it's only for six months, and that's why we need to hook at this in a better way. The last one, the ash tree, what I ask is that the comments be deleted from the plan. Why? Because we're the leaders in tree care in the nation. We're in the top 10 of American cities. Why? Because of this. The trees are healthy. Page 41, it says remove a historic tree only when it poses a risk to humans. That's what we wanted. And 402, as a result and remove the tree because it obscures the view of the building.

[4:59:13 PM]

Nobody removes trees for that --

[beeping] Can you give me 30 seconds. Doing that assessment, and deemed it was in good condition. So so, which one is it? That's why it's embarrassing. Please remove that.

>> Thank you. I know that staff will definitely consider that. Mr. Orshalick. Yeah. And then is dale flat here? All right. Well, as soon as Mr. Orshalick is done, you can come on up.

>> Madam chair, members of the committee, I'm David orshalick and I'll try to keep my statements brief of I just gave and you understand and I'll basically go right off the first page of this handout. This is a great effort by pard to do strategic planning, but it's an incomplete plan. In the city of Austin we have

had incomplete weaknesses in our planning process in the past, short planning horizons and they have not been strategic. Plus, this is an opportunity for the city to be an exemplar for other agencies and other departments in the city to do planning correctly. So I'd like them to start with this cemetery master plan, as well as a parks master plan, and make it cover the time frames and details that we need to do true planning. What are some of the missing elements in this plan? We don't have a viable business model. We don't have clear-cut strategies. We don't have current and pro forma financial statements, and to ask the public to give feedback on items that had dollar amounts that were to be determined was unfair and unrealistic. We just didn't have enough information. Here are some of the unanswered questions for this plan. What are the option strategies or plans for when the city runs out of available cemetery space?

[5:01:13 PM]

Will the city at some point be out of the active cemetery business, and when will that be? Our city cemetery staff expenses out of line with private cemeteries, and will the perpetual care trust fund ever be decreed in order to maintain our cemeteries, or will we go to an ad valorem tax. So in conclusion, it's misleading to ask for feedback on a plan with a cemetery budget of nearly two and a half million dollars without showing actual income and expenses. It's misleading to address the permittual care fund as if it were a viable funding tool for the future care of our cemeteries, and since the cemetery is in the cemetery business, such as operations should be run like a business. However, this master plan shows no incentive on the part of the city to prudently plan for and manage our cemeteries, which may put an undue and hidden burden on the taxpayer. Thank you.

>> Thank you, Mr. Orshalick. Mr. Flatt. And Cata carbon is our last speaker today. Mr. Flatt.

>> Thank you. I'm a founder of safe Austin cemeteries. We support the master plan. It is taking care of our cultural resources within the site. David was absolutely correct that now that the parks department has been hands on, operating cemeteries for a year and a half, they're at the point that they need to come forward and go, here's what this business is like. This is our challenge, this is what we need to do. So you have historic master plan on one side, how we need to develop the business model and bring the cemeteries to the forelight so the public understands what the parks has to deal with. Parks and libraries are the first departments to get cut when budgets happen, and unfortunately they got stuck with the cemeteries. Public works dumped it on them in 1986. We used to have a cemetery division, years ago. And so it's time with this master plan, now that we're in the forefront of the United States, everybody looking at us, to step up, take a good, hard look at our business model, historic preservation model, and meet the needs through programming and insightful actions.

[5:03:24 PM]

Thank you very much.

>> Pool: Thank you for coming. Ms. Carbon, our last speaker to the day on this topic.

>> Thank you, councilmembers.

>> Pool: Thank you.

>> And commission members. I'll just reduce this to one ask. First of all, I want to thank cam and the entire team for this large process. All the community members who were involved really did a lot of hard work and gave a lot of hours. My one ask has to do with the prioritization of the column barium. Currently it's on a priority 2 which has a three to five-year completion time span. I'd like to see that moved to priority one, which is a one had was to two-year time span. Currently, we're anticipating running out of in-ground burial space at Austin memorial park in 2017. Longoria report issued that the public is clamoring for column barium space. It's almost equal to the amount of people who want to be buried in ground. There are, having a column barium in place would be an income generating to amp, which is our only real income-generating cemetery. It would also extend the -- the expiration of in ground burial space considerably. I would -- in order to fund that I would defer some of the most desirable but really mostly cosmetic improvements from priority one to priority two. In other words, swap these items out, rereplacing a chain link fence along Hancock, the price tag was to be determined, but up to \$690,000. The new sign front would be another 95,000, and the renovation of offices would be one million. So it would be a pretty even swap. That would be my only ask. Thank you.

>> Pool: Thank you. All right.

[5:05:25 PM]

Thanks, everybody. Any commentary if the panel? All right. I would entertain a motion to accept the cemetery master plan and forward it along for consideration by the full council at the next possible council meeting, which will be in August.

>> With changes?

>> We may actually

[inaudible]

>> Due to staff availability, we may have to request a later date in September, if that would be all right.

>> Pool: Okay. And would that also accommodate any additional changes that have been made here today, for example?

>> Absolutely.

>> Pool: Okay. All right. All right.

>> Zimmerman: Does it sound like we're going to get another addition of it back that we could move forward, or ... Just I'm asking.

>> Well, we will make the recommendations that came include the boards and commissions process, those will -- those will be in a revised plan. The will be posted for you to review.

>> Zimmerman: Then I would make a motion that we approve it subject to the addition of the recommendation of boards and commissions. I make that motion.

>> I'll second.

>> Pool: Seconded by vice chair Garza. All in favor of the motion? It pads unanimously with mayor pro tem tovo off the dais.

>> Thank you very much. We appreciate it.

>> Pool: Thank you so much. Hope this wasn't anticlimactic, with all the work you put into it.

>> Oh, not at all.

>> I thank the strong advocates. The plan has burnished --

>> Thank you so much.

>> Pool: Is staff here for item 8?

>> Yes.

[5:07:37 PM]

>> Pool: And item 9. I have a quick question before councilmember Garza leaves, a real quick question. Mr. Anderson, item number 9 is an item that affects you. And this is the canopy walk. Will you refresh my memory? Do you need this to be adopted or some action, or was this strictly a briefing for us here today? I don't want to lose a potential quorum if you were looking for some action.

>> I think that our desire and -- Austin transportation is the sponsor of this and would be bringing this forward, but I think they have already gone. The desire was for the committee to hear it to be briefed on it, it was at parks board last night where it was acted on unanimously in favor. We just want to come here because it is set for a time and date certain public hearing at city council for August 20th. So our desire was for you guys to at least be behalf it. Whether or not you chose to take action on it and

recommend it, I think that would be the best case scenario, but madam chair, there's also the option of -
- I believe this committee meets the night before -- or the day before it goes to council, and so I think that would be an option since you're short on time.

>> Pool: That's good, and that way, councilmember Garza can go. And what I would urge you to do is also meet individually with the council -- with the committee members. And then we will have a briefing and we'll have action posted for our August meeting on this.

[5:09:40 PM]

>> Is that okay with -- I'm just trying to get city staff's --

>> Pool: Right. Please, take the time to make sure this is okay.

>> Yeah. They did -- we did have a briefing on this, and we reviewed it. It's a pretty straightforward issue here, and I'd be prepared to make a motion to recommend this to the city council, if that's in order.

>> We would entertain that motion if folks are okay with it.

>> Pool: All right. Moved by councilmember Zimmerman and seconded by vice chair Garza, and what this recommendation is, is to accept the proposal and move it forward to council in August. And what I would add, if I could, subject to an additional opportunity to brief, if necessary, in August at our meeting.

>> And with the understanding that the mitigation discussions between Manchester financial and the city are ongoing. We're confident that we'll reach an agreement, but with those -- with those caveats, we would love that.

>> Pool: Is that all right with you all? Okay. All in favor?

>> I was going to suggest, if there's no speaker, I wanted to call the question. No speakers on the item?

>> Pool: On 9, no. All in favor? It's unanimous on the dais with mayor pro tem off the dais. Thank you.

>> Thank you, madam chair.

>> Pool: You bet. All right. We are back to item 8, and I see our environmental officer. Welcome, Mr. Lesniak.

>> Good afternoon, madam chair, committee members. Chuck Lesniak, city environmental officer. I've got a short briefing. In fact, I'm going to go through it pretty quickly because I think most of you all are aware of a lot of this, and then we can get into the discussion. So I'm going to talk to you today a little

bit about sh 45 southwest and the environmental impact statement and record of decision that was issued earlier this year. So just very quickly, this is a toll road that was first proposed in the 1980s.

[5:11:46 PM]

It would be operated -- built and operated by the central Texas mobility authority, regional mobility authority. It has limited access. There's funding primarily bond funding primarily by ctrma, although hays county has contributed five million dollars and Travis county has contributed 15. Environmental review of the project is conducted by -- was conducted by txdot under state regulations that are very similar to the federal national environmental policy act, although the process itself is somewhat different. The road is almost entirely over the Edwards aquifer recharge zone. It runs through or is adjacent to 12 Austin quality protection land tracts, just over 1100 acres that the city purchased at a cost of roughly 11 and a half million dollars. It's near bear creek with very high quality surface water. As I mentioned, it's over the recharge zone, so there is a very strong connection from the surface to groundwater in this area, with very rapid travel time to Barton springs, just a few days. So when contaminants hit the ground out in this area, they go into the recharge -- they recharge very quickly and come out at Barton springs very quickly. The features, sinkholes, caves, fractures, that sort of thing, the area is just riddled with them, with very hi recharge potential. Area caves have rare species, Karst invert brats, which I'm going to talk about. There is golden cheek habitat near the right of way and possible golden cheek warbler habitat within the right of way. This is a map of the roadway. The gray across this map is the road right of way. The darker green is the water quality protection lands. You can see that it runs right through the water quality protection lands. The road goes from 1626 on the southeast, up to mopac, sh 45, existing sh 45 intersection.

[5:13:56 PM]

It's the terminus, the southern terminus of mopac there. The blue oval is the general location of flintridge cave. We generally try and protect the exact location of that to protect that. The light yellow is golden cheek warbler habitat, and the orangish dots are bird sightings, golden cheek warbler sightings. This is habitat along the roadway, and you can see it's near shady hollow and borrowed lane right at the Travis county/hays county line. Talk a little bit about flintridge cave. The cave is protected by the balconies canyon lands conservation program permit, a federal permit issued by the U.S. Fish and wildlife service, and under the endangered species act. The cave itself is a significant recharge feature and largest of the bccp protected caves. The cave has several rare cave Karst invertebrates. These are not listed. They're species of concern, but they're part of our permit, and the city is required to protect them, is one of the reasons the cave -- the city is required to protect that cave. The permit prohibits or

limits disturbance within the surface and subsurface drainage basin of the cave, as part of protecting those species of concern. The city, in discussions, the city has been working with txdot and ctrma for a couple years about issues related to the cave and we had talked to txdot and ctrma about doing a study to get a better understanding of potential environmental impacts of the road to the cave. And the city took that -- we're doing the study ourselves, at our cost, to get a better idea of what the potential impact to the cave and the roadway would be, and that's been underway now for about nine months, David?

[5:16:03 PM]

>> Six months.

>> About six months or so. We finished phase one and are entering phase two, getting a lot of good data on the subsurface drainage basin. A little bit -- I want to show you flintridge cave. This is the entrance to the cave, and you can see the water just pouring into it. There's a video that escalates circulates around that you may have seen, that you can see basically a small creek flowing across the ground and going directly into the cave and disappearing into the ground. This is one of the interior openings of the cave, and this is -- where we're doing our dye study, this is one of the ways we do it. We put dye onto the ground, directly into recharge features on the ground itself, and there's these drips all through the cave, and we hang funnels under them, and those go into a collector, and we collect that water, and then look for the dye in the -- in the water that we collect. The environmental review of the road, talk a little bit by that ever about that. As I mentioned, the project was reviewed by txdot under state regulations. During that process, the ctrma and txdot set up a multiagency technical working group that was not required by the environmental review process by state regulations, but multiple agencies participated in it, the city of Austin, Travis county, Texas parks and wildlife, U.S. Fish and wildlife, the Barton springs Edwards conservation district, as well as ctrma and txdot, and out of that came the request for the dye study. The environmental impact statement, the draft was issued last summer. The city commented on the draft dis in August. There were some scientific, what we see as pretty critical scientific reports that were issued late after the draft was published after the public comment period was closed, and we commented on those supplements in December.

[5:18:05 PM]

The final Eis was issued in January. It included a response to most public comments, but not comments on those scientific studies issued in in November. The record or decision which is the final approval, environmental approval for the roadway was issued by txdot with a finding of no significant impact in March of this year. So generally what our concerns were about the draft Eis and the final Eis, because I

think in our view, the final Eis did not change substantively. The alternative analysis appeared to favor the preferred alternative. We didn't -- it didn't, we think, meet the requirements for the cumulative impacts analysis of other roadways, mopac south and sh 71. Those scientific reports that were issued in November were not included in the published draft Eis that was available for public comment, and the water quality treatment standard that they're proposing doesn't meet the community standard for private development in this area, which is sos. Generally, we found like the conclusions in the Eis were not well supported by science and good data. The one important point is that the golden cheek warbler analysis, which is a federally protected bird, didn't meet the early protocols for presence and absence. And it didn't include any of the data from the minute ridge cave dye study that's currently underway. And one of the main things is, there didn't seem to be any consideration of the potential impact to the dccp permit, even though txdot -- I want to make clear, txdot and ctrma are not subject to the requirements of the bccp, only the county and city. After that, as I mention that again, the fish and wildlife, who also commented extensively on the draft Eis, they issued a letter to councilmember pool and to mayor Adler where they expressed concerns about protection of the warbler, Barton springs, and Austin salamanders, and the flintridge cave species.

[5:20:18 PM]

The statement, they stated in the letter that the project may impact the environmental integrity of flintridge cave, and they expressed concerns about impacts to the bccp permit and suggested in that letter that the city and county take action or consider taking action to find a substitute cave for flintridge cave or do -- amend the permit prior to the start of construction on the highway, which is scheduled for probably early 2016, is the latest information we have. And with that, I'll open it up to questions. I covered a lot pretty quickly.

>> Pool: Councilmember Zimmerman.

>> Zimmerman: Thank you. Could you back up to the prior slide, I saw something there that was astonishing on the top line. It says txdot and ctrma aren't subject to bccp requirements. I lived here 15 years, I thought the government presumed that god was subject to the bccp requirements.

>> Let me ask our attorney to speak to that, but that's a correct statement.

>> Zimmerman: And by the way, I don't believe that god is subject to that, but the political mood is that god would be.

>> Ctrma and txdot are subject to the endangered species act. The bccp, the permit holders are subject to and anyone participating in the permit is subject to, but they're not subject to the requirements other than the endangered species act requirements that are limited to that permit.

>> The unfortunate result of that, though -- and this may be what you were getting to -- is that ctrma and txdot, should they proceed to build, and should any point ridge cave, in fact, be affected negatively, all of the any of sequences fall to the permit holders, in fact, we would then be in violation of this federal permit. And we solely would be the ones that would have to take any action. We would be the ones penalized for an action that we are trying to prevent because of the fact that it will put us in violation of the permit.

[5:22:28 PM]

>> The only caveat I would say, I don't think I would say it would put us in violation. I would say it puts us in jeopardy of violation, and there will be a factual determination made by the service.

>> Pool: Thank you. The point being, it's their actions that we don't have any control over that are affecting us and putting us in jeopardy, and that's a difficult place -- it's very difficult place to be. Chair maxwell, did you have any comments to offer from your perspective?

>> Not right this minute. Let's just keep going.

>> Pool: Okay. All right. And Ms. Rivera, did you have anything?

>> No.

>> Pool: Friday is the first meeting of -- for me, at least, for the balcony east canyon land coordinating committee, and I've been given that assignment to sit as one of the two members of the coordinating committee. It's me and Gerald Dougherty from Travis county. We'll be having a meeting at 10:00 A.M. Across the hallway in chambers. The public is invited, okay. We will get a full presentation on activity that has been going on with regards to the -- to balcones canyon. I see Mr. Conrad in the audience. I didn't see you till just now. Did you have any information you would like to supplement what Mr. Lesniak has offered?

>> I'll participate in

[inaudible]

>> I do have some.

>> Pool: All right. Thank you, Mr. Conrad. Ms. Maxwell.

>> I would like for mistake of to clarify the way we put the permit in jeopardy. Can you explain that a little bit more clearly?

>> This is really important information, and when we got that information, it definitely made sense to me about the bccp permit and all that, so thank you, Mr. Conrad.

>> Good afternoon. I'm William Conrad and I'm the bccp coordinating committee secretary.

[5:24:32 PM]

So the challenge that we face with state highway 45, and specifically with flintridge cave, flintridge cave is one of 62 caves listed in our permit that we're required to protect in order to comply with our permit. And then the language in the permit itself, as we're required to protect the environmental integrity of the cave, and it goes on to speak in the permit that that's one way that's evaluated is that both the surface and subsurface drainage basins should be protected. And that's both in -- generally in the permit, but more specifically in the conservation plan itself. So what we understand from the documents that ctrma has prepared and distributed, in the Eis and record of decision, is that the highway will impact a small portion of the surface drainage basin, and right now they didn't speak to the subsurface drainage basin. This gets really complex. Our permit does define how we presume the subsurface drainage basin's area, should we not have a firm hydrologic delineation. And so currently the highway is planned to encroach the entire length of the highway would encroach this presumed basin. But as Mr. Lesniak pointed out, we have this hydrogeologic study going on with the dye tracing that is meant to refine that presumed basin because we all, I think, understand that the presumed basin is not necessarily reasonable at this point. Our expectation is that --

>> Just a minute. What did you say at the end of that sentence?

>> That that presumed basin is not reasonable at this point. And that's because the language in the permit basically says that if you look at -- if you know how deep the cave is, you delineate where the bottom of the cave would be expressed at the surface by a contour interval, and because that particular cave follows right along the edge of the balcones there, the prompted barren, I'll probably exaggerate a little, goes from a new braunfels to temple.

[5:26:52 PM]

We know that's not reasonable. So, again, the city has taken responsibility to do that hydrologic delinquency for the cave. We think it will be smaller, but a significant portion of the highway will encroach in that, to the best of our prediction at this point.

>> So it puts the cave in some danger related to the permit where you have a number of caves that are part of the permit.

>> So if -- yes. So if the highway gets built, as described in the Eis, then it is very likely that we will not be able to protect flintridge cave to the level that we've committed to in our federal permit. As Ms. Cotton

pointed out, it's too soon to call out a direct violation, but we will be in non-compliance. The permit offers us some alternatives that are not necessarily as palatable as we'd like, but we can amend the permit just to remove that protection, which it would -- would be a serious effort. It took us nearly ten years to develop the permit to begin with. To revise it would be a similar effort. The other option would be to find a cave or caves that would provide similar species and similar Karst habitat and propose to substitute those. But that would also be a challenging process.

>> And we currently don't have an approved process for finding a substitute.

>> Yes. Currently, the permit just says we may substitute, and nothing in the habitat conservation plan or other governing documents describe that process in detail. I have a group working for the coordinating committee that has developed a draft policy that includes the process that the coordinating committee will also hear Friday.

[5:28:58 PM]

And so my expectation is, by the end of the summer, we might be able to get that policy approved. But then it's a fairly complex process to evaluate all the different factors that contribute to a protected cave in the quality habitat that it protects.

>> Pool: Mr. Lesniak.

>> And if I could add, it's not just the environmental significance of the bccp permit, which is protect these 62 caves and tens of thousands of acres of endangered species habitat, it's also been the -- what is facilitated development in western Travis county for nearly 20 years. And without that -- prior to that permit, because of the endangered species act, it took a very long time and was very costly to do any kind of development in western Travis county. And that continues. And so it puts -- it puts that at risk, that economic engine for western Travis county.

>> Pool: I have a question about the design that txdot and ctrma are working on. I don't know if you can answer it, but I was curious how wide -- how wide is the road planned to be?

>> I can't tell you exactly how wide it is. I do know that they've made some changes even since the Eis was out. We're actually trying to schedule a meeting right now with ctrma so they can go over the latest design changes. It is a four-lane road. They are trying to minimize that footprint, you know, and I don't want to minimize the efforts that ctrma has made. You know, I think that they are making a good faith effort, but it's a really challenging location, and I think we're going to continue to work with ctrma and txdot to try and make the road as best as is can be, and maybe they can get to the point where we'd be able to say it's sufficient to protect that area and flintridge cave.

[5:31:12 PM]

You know, our review of the Eis, the information that was in the Eis, was that they didn't meet that bar. And so we tend to work with ctrma, Barton springs, Edwards aquifer, conservation district has been working closely with them. Like I said, we're trying to schedule a meeting right now to go over their latest design changes. I think they're clearly aware of our concerns about the road and our specific concerns about their -- the last designs we saw, so we'll see what they've got.

>> So I would have two questions, if you could carry them with you to the meeting, I would like to know the actual width, and it's not sufficient to say four lanes because I would like to know from edge to edge, which would include whatever size of berm or the entirety of it. Not just -- well, actually --

>> The area of disturbance, basically.

>> Pool: Yeah. And then the other thing is, I'm really curious why we're not talking about this segment of the larger loop road that is contemplated by the rma. Because they do intend to build an additional segment that connects this up over to I-35. But this -- it's not talked about very often, if at all, by the regional availability authority in its entirety. One of the items I included in my letter to them was that I requested that they refer to the project and describe the project comprehensively, so that the full impact of the potential -- of the plan, the potential proposal, would be clear to the public.

>> And that was one of our criticisms of the environmental impact statement, is, when they did their transportation analysis, they looked at the highway network out there holistically. They looked at existing 45, mopac, 71, the fm roads that are out there as a whole.

[5:33:15 PM]

But then when they did their environmental impact analysis, they only looked at sh 45 itself. And we think that that would be an appropriate way to evaluate this road, with its environmental impact.

>> Pool: And it would also plan to the current conversations of the double decking of I-35 over lady bird lake, because if the loop is complete at some point, that will divert traffic on off of I-35 to the west, along a new sh 45 southwest, and then over to mopac, and then that will ultimately cross lady bird lake, either on an upper or lower deck, it will have some really significant impacts to the communities along the way. It'll have significant impacts to the environmental quality, water quality areas, and then I guess we could also talk about the exiting onto Cesar Chavez from there and how that is all going to play into the entire comprehensive holistic look at this system. So I just wanted to get that out there and ask you, when you talk with our colleagues at the regional mobility authority and txdot, that we're watching that and we really do think that a clearer, more comprehensive and full view of the road system that they're

planning should be offered up to the public so that we can really evaluate it in its entirety and be ready to deal and mitigate with whatever negative consequences may come from it. Councilmember Zimmerman.

>> Zimmerman: Thank you. So I do have some experience, as some of you know, doing battle over provisions of the bccp and the development permits, and my observation and experience has been, the way these things are written, they are sufficiently vague to give broad latitude to subjective judgments by a biologist.

[5:35:17 PM]

And the way this whole thing is set up, there's a disincentive for any kind of bureaucrat or biologist to say, well, you know, I've looked at these plans, I've done my studies, whatever they are, and I can certify that there's no harmful impact, you know, to the environment, or the Karst invertebrates, or whatever. There's no incentive for that. There's an incentive for the opposite. There's an incentive to say, well, we can't be sure what the impact of this road would be on these certain species. We can't be sure. So we need to do more studies. Well, the result of those studies that can take years, is you gain more information, and it allows you to ask more questions, more biological questions, what about this, what about that? The study that you've mentioned about dripping, you know, into a cave, that's going to yield some interesting results, some of whom you may not have predicted, but what that will do is produce more questions. We need more studies, we need more investigation. And so the pursuit of this information on what is the effect of the development on the species, it is never ending. It's never ending. Every time you learn something and you study something, you'll be able to ask more questions and you'll be able to say, well, we've got to have more studies to know what the impact is. So the net effect is, you get into decades and decades and decades, when you add it up, of obstruction, and people can't build, because they never get to a conclusion of what the biological impact truly is, because maybe it's not determinable, because it's so complicated. So the mess that we find ourselves in here is, we need -- the people in the southwestern part of the city and the county are desperate for some road expansion. We have outrageous congestion problems, and the voters have come out and voted for roads like this, what, 20, 30 years ago, and they're still not built. And I see that it would be very easy, through more studies and more questions and more interrogation, that this could be stretched out for decades more, and the road could never be built.

[5:37:20 PM]

So for these reasons, I'm here to speak for about a hundred thousand people who couldn't be here today, who are just really upset that this road hasn't already been built.

>> Pool: Thank you, Mr. Zimmerman.

>> Zimmerman: Thank you. And I've got to leave here in a few minutes.

>> Pool: Sure. Well, I think we're about ready to wrap up. Any other comments? Ms. Rivera.

>> I just wanted to say that when you mentioned about the Cesar Chavez overpass, that was a real concern to the parks board when the presentation was made to us because of zilker park. It would put sections of zilker park in complete darkness all the time, and people were very concerned because zilker is one of the emblematic parks of the city of Austin. So there are lots of concerns.

>> Pool: And we're really talking about a quality of life and reasons why Austin is such an attractive place to live. All right. If there are no other comments, if you all are done, I will thank everyone, and I think -- I think we're done for the day. Yeah. And I'll be adjourning this meeting at 5:38. I thank everybody for hanging out late, and I hope you have a nice evening. And it looks like a pretty