

City Council Regular Meeting Transcript – 10/08/2015

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[10:15:58 AM]

>> Mayor Adler: Council, are we ready to go ahead and get started? We have a quorum present so I'm going to call to order the city council meeting. Today is Thursday, October 8, 2015. It is 10:15. We are in the Austin city council chambers at 301 west second street, Austin, Texas. We're going to gear up for today's meeting. I was going to ask Ms. Houston how long we're going to be going today. >> Houston: Well, I had an earlier time certain but then I saw we had public hearings at 4:00 and then live music at -- no live music? Okay. So right after the public hearing. >> Mayor Adler: All right. [Laughter] That's a good call. You were more impressive last time, I want you to know. >> Houston: Things change on me. >> Mayor Adler: Let's go through the consent and see what needs to be pulled. Right now on the consent agenda items 1 through 11, I have number 3 being pulled for discussion. It doesn't say whom pulled that. We'll pull that and discuss it. I also have number 5 being pulled by Mr. Zimmerman. I wanted to pull number 2.

[10:18:08 AM]

>> Zimmerman: Mr. Mayor, number 3 was pulled because I think it was another one of those fill in the blank items that shouldn't have been on consent. >> Mayor Adler: Okay. So we'll pull 2, 3, 4 and -- we're pulling 2, 3, 4, 5, but not item 6. >> Casar: I pulled 6. >> Mayor Adler: Number 6 has been pulled. I tell you what, let's work our way through the consent agenda, we'll just call the items. But before -- >> Zimmerman: Mr. Mayor, could I suggest we -- could I suggest maybe for the council that we could vote on items 7 through 10 on consent. I don't think any of those are pulled and I think they are pretty straightforward. I had them all down as voting in favor, 7, 8, 9, 10. >> Mayor Adler: It's been moved to approve items 7, 8, 9 and 10. We have a speaker on none of those items. Mr. Zimmerman moves approval of 7, 8, 9 and 10. Is there a second to that motion? Ms. Tovo. Any debate? Hearing none -- go ahead. >> Troxclair: I guess I just wanted to -- so number 8 is a flood mitigation quorum rules. I just wanted to -- I guess are we having trouble with people appointing -- >> Kitchen: I can speak to that quickly. Basically the way it the

[10:20:11 AM]

resolution wasn't written precisely enough. Councilmembers could choose to approve one or two members. We wanted to establish the quorum is the quorum of those appointed. >> Troxclair: Thanks for clarifying. >> Mayor Adler: 7, 8, 9, 10, motion I -- approval on the floor. It's been seconded. In favor? Those opposed? It is unanimous with Ms. Pool off the dais. Ms. Pool is away today on city -- on city

business. And not with us. That gets us then to the balance of the agenda. We have -- I'll read the changes and corrections quickly. Item 12 postponed to October 15 of 2015. To 10-15. On items 30 and 31, a valid petition has been filed in opposition to that zoning request. A postponement has also been requested for that item. We're going to continue with our agenda as we work through this. We'll still call citizens communications at noon. The public hearing items at 4:00. And there is late backup on item 6, 7, 11, 13, 17, 20, 21, 25, 29, 30, 31 and 36. Now continuing with the agenda that we're calling each item up, is there a motion to approve the minutes? Ms. Tovo. >> Tovo: Sure. >> Mayor Adler: Ms. Tovo moves that. Is there a second? Mr. Zimmerman. Any discussion on the approval

[10:22:12 AM]

of minutes? Those in favor raise your hand. Those opposed? It's unanimous on the dais with Ms. Pool off. Ms. Tovo. >> Tovo: Mayor, I do have -- I believe that 11, if it hasn't been pulled, I have a quick addition to that or a quick change that I believe the staff are comfortable with. >> Mayor Adler: Okay. I'll note that. >> Tovo: Shall I move approval of that item? >> Mayor Adler: Well, let's do first our nonconsent items, that will get us up to number 10. Then I'll call up the staff on the -- on 11 and 12. Yes, why don't you go ahead and do that. >> Tovo: Mayor, I would like to move approval of item 11 with one correction, on page 5 of 13 -- one edit, I should say, page 5 of 13 changing item 4 from a temporary event to temporary food establishment. And it's my understanding that staff are comfortable with that change, though I'm not seeing anyone here right now to confirm that. Oh, okay, thank you. I just got a thumbs up from the back of the room. >> Mayor Adler: Staff is okay with that change? >> Tovo: Yes. >> Mayor Adler: Would you say the change again. >> Tovo: Sure. On page 5 of 13, and this is part 3, section B, item 4, it currently says a temporary event and that language will change to a temporary food establishment. >> Mayor Adler: Can you describe generally since this came from committee what this item is? >> Tovo: I'll allow our chair too. >> Houston: I'm kind of concerned because we're in nonconsent items and we were trying to work through the consent quickly before we go to nonconsent. I'm really confused about how we jumped from consent to nonconsent. >> Mayor Adler: I thought it would be real quick. Ms. Tovo, can we work through that. >> Tovo: I'll withdraw my

[10:24:12 AM]

motion. >> Mayor Adler: We'll get to you guys in a second. We have approved number 1. That gets us to number 2, which is the interlocal agreement with Travis county. I have pulled this item, Ms. Tovo, as you lay this out, just to see if -- to make sure that in the work that the negotiations would be doing it would be taking into account the planned redevelopment of the Brackenridge site and the overall future potential of the -- the innovation zone. I think that some of the people that are working on that project want to visit with you and the team to be part of that conversation. >> Tovo: Mayor, I'll look to my other working group colleagues, but I would -- I think that would be appropriate and I don't have a concern about adding that language. >> Mayor Adler: Okay. >> Kitchen: Yeah, I think that -- I'm sorry. I think that would be appropriate and it certainly fits in with the -- with the task that -- that are necessary to go forward, so yes. >> Mayor Adler: So I'm suggesting an amendment for item number 3 that -- I mean item number 2 that would add an item H to that rca. That's just been handed out and that language for the H would say the consideration and evaluation of whether -- evaluation is appropriate and the length of any agreement should consider the planned redevelopment of the Brackenridge site and the innovation zone. >> Tovo: I would like to move approval of item 2, which is the sobriety center item including the amendment that you just described. >> Mayor Adler: Ms. Tovo moves approval. Seconded by Mr. Renteria. Any discussion? Ms. Troxclair. >> Troxclair: I just have a quick question. I wanted to ask, mayor pro tem

[10:26:13 AM]

tovo, did we appropriate about \$100,000 during the budget to the sobriety center? I didn't see any fiscal impact associated with this item. Is that \$100,000 going to be used to accomplish the goals in this item? >> Tovo: So that \$100,000 will go toward any planning expenses that have a cost associated with them and also the hope is that once -- once we have executed an interlocal agreement which would need to come back to council for approval, but once we have an executed interlocal agreement, we would be positioned to hire an executive director who could kind of take the -- take the concept a little further. So what we're doing -- in June we passed the second of -- second resolution related to the sobriety center. It set up the intergovernmental working group that councilmember kitchen, councilmember Casar and I serve on along with our county commissioners and we were tasked with identifying a governance structure -- I'm using this as an opportunity to answer your question and also to lay it out. A governance structure of funding mechanism and also possible location. So we agreed as a group on the medical examiner as a high possibility for a location on a governmental corporation as the best option for a governance structure, and we have asked our staff to go forward and really look carefully at the funding and who would contribute how much. But the 100,000 would -- I think the expectation is that 100,000 would go toward some part of it would go toward the city's portion of an executive director who could then sort out some of the other details that would need to happen before that sobriety center can heal open. >> Troxclair: -- Can really open. Our staff are working on that interlocal and there are no costs associated with that. That's our city legal staff. >> Mayor Adler: Okay. Ms. Zimmerman. >> Zimmerman: I'm inclined to vote for this because it

[10:28:14 AM]

says approve negotiation and I would like to see what -- what we could come up with on this. I think it could potentially save money for the city and be a good -- a good thing. Just depends on the details so I'm going to vote for the negotiation of this. >> Mayor Adler: Okay. Any further comment on the number 2, the rca with the change or amendment? Those in favor please raise -- Ms. Tovo. >> Tovo: One last comment. We've had community members like judge hoengartner and I want to thank all of them and Andy brown for leading the work group and all of our staff who have worked so hard on this issue for the last several years because it's exciting to get to this point where we're moving forward in a direction that I think will lead to a sobriety center opening in our near future, so it's very exciting and I appreciate the confidence of those of you on the dais. >> Mayor Adler: Okay. Good. Those in favor of item number 2 please raise your hand. Those opposed? Unanimous on the dais with Ms. Pool off. That gets us to item number 3. Item number 3 would involve us pulling down the council meeting on November 5th and the associated work session on the 3rd. So the council members are able to attend the conference -- I'm sorry? It's not in Austin. National league of cities, nlc. The national league of cities. Is there a motion to make that change. >> Zimmerman: So moved. >> Mayor Adler: Mr. Zimmerman makes that motion seconded by Mr. Renteria. We can have discussion. Ms. Kitchen. >> Kitchen: I'm fine with this, but after we finish this I just had a question about our October and November schedules because I'm a little confused on which meetings we're having and which we're not having but this is good to go forward with.

[10:30:14 AM]

>> Mayor Adler: Let's do this and we'll come back to that. Any further discussion? Those in favor? Those opposed? Ms. Pool off, the rest voting aye. That change is made to the calendar. Ms. Kitchen, did you

have something else you wanted to raise? >> Kitchen: Just a question, and I apologize. So we do not have a meeting on the 29th and do we not have a meeting on the 22nd? I had thought we were having one on the 22nd, but can you help me with that. >> Council, ray Baray, chief of staff. The last is October 15th. After that with the cancellation of the November 5 meeting we'll only have two meetings in November, November 12 and 19 and December, December 10 and December 17. >> Kitchen: Could I ask, I must have missed -- and again, I probably missed it -- why we're not meeting on the 22nd. >> I think when we adopted the calendar, I believe we adopted just the two meetings in October or the three, I'm sorry. >> I believe that's the Austin energy meeting. >> Kitchen: I'm fine with that. That's just going to make the 15th and the 12th pretty long. >> Mayor Adler: So the Austin energy meeting is on the 22nd? Is that right? So the council is back together again on the 22nd. >> Kitchen: That's fine. >> Mayor Adler: If there's something pressing -- no, I'm not going to say that out loud [laughter] All right. Anything else about the calendar? I would also urge staff that when you are laying out the calendar for next year that we take a look at when the national league of cities meeting is as you are preparing next year's calendar. >> In fact, mayor, we're going to be bringing that item next week for the 2016 meeting calendar so to take a look at

[10:32:14 AM]

both the conferences in March and November and make sure you will be able to attend those. >> Mayor Adler: Thank you. That gets us past item number 3, which is approved. That gets us to item number 4. Item number 4 is something that we're going to postpone. Do we have to postpone this to a date certain or can we postpone this indefinitely? >> Subject to call. >> Mayor and council, Greg Guernsey, planning and zoning department. I believe at an earlier meeting councilmember pool mentioned she was not going to be present at this meeting and ask that it be postponed a week. Certainly next week you could postpone it to another day if that's not convenient. Just conveying the message I heard at a previous council meeting. >> Mayor Adler: I think we're interested in postponing it. I don't think there's an expectation next week it's going to be any different than this week. So my question is do we have to postpone this to a date certain or can we postpone indefinitely? >> You can postpone indefinitely. That is council prerogative. The applicant would then have the ability to renotify and bring this back at another date since there's not a date set. But you could indefinitely postpone. That would trigger renotification -- >> Mayor Adler: That would require renotification? >> Actually this is just a briefing. >> Mayor Adler: This was to approve the baseline development standards so we would have to renotice. >> And it would be to the expense of the applicant. The applicant is here. >> Mayor Adler: I talked to the applicant and I talked to other people and I think the goal is not have a conversation about the baseline information now to allow parties to work with staff. What I have told the applicant who is willing to not have us move forward to set a baseline at this point, while it works through the parks and transportation process and the

[10:34:17 AM]

like, that at any point the process was not moving quickly enough, that -- that I thought that the applicant was entitled to a vote on this issue and that if the applicant came at any one point and said it's not moving quickly enough or I am not ready to have the baseline appointed, that I would make sure that it got set on our agenda so that it was heard. But rather than setting it indefinitely so that there would be a requirement for it to be renoticed, my suggestion would be probably that we just postpone it to the November planning meeting and then see how we're doing on progress there. If we need to pull it up earlier than that we could, but let's see how far we move. Is that something that's okay? Mr. Howard? >> Thank you, mayor. Good morning, councilmembers, Jeff Howard, I represent the applicant

in this case. Yes, mayor, that's acceptable to us. We agreed on indefinite postponement not because we're delaying the project, quite the contrary, we're anxious for it to speed up, but as councilmember kitchen mentioned the schedule for council is quite busy and we want to make sure everyone has plenty of time to get comfortable with the proposal. >> Mayor Adler: And to be clear, this request actually came from me and from councilmember pool and then from councilmember Gallo so that we wouldn't be dealing with that issue now. We appreciate that accommodation. Would you rather it be postponed indefinitely? >> I think that's fine, mayor, as long as we acknowledge we have the ability when we feel like it's ready to bring back it's brought back. If we're able to contact staff and say we would like it to be put on the agenda. >> Mayor Adler: And I would support that as well as I think Ms. Gallo and Ms. Pool.

[10:36:19 AM]

I've talked to them and others on the dais. Do I have a motion to indefinitely postpone item number 4? Mr. Zimmerman moves, seconded by Mr. Renteria. Any further conversation on this? Those in favor of the indefinite postponement please raise your hands. Those opposed? Unanimous with Ms. Pool off the dais. Ms. Tovo. >> Tovo: Mayor, I meant to point out to you that there was a citizen signed up to speak on that item. Sorry about that. >> Mayor Adler: Mr. King. I'm sorry. David, do you want to speak on this? I apologize for that, Mr. King. >> No problem, mayor. David king, zilker neighborhood. Thank you mayor, mayor pro tem, councilmembers. I would just ask that -- appreciate the indefinite postponement but I would ask it be postponed until the amendment that would solve the problem or define how zoning should be established for properties that are unzoned that are requesting pud zoning, that amendment should be -- go through its public process and come back and be voted on by the council. And then the baseline standards for this pud should be considered. So I appreciate the indefinite postponement, but it should not come back until after that amendment has gone through its process and the council has had a chance to weigh in on how you are going to address the zoning, the base zoning for properties that are unzoned that are requesting pud zoning. So I would ask that you not just indefinitely postpone it, but that you specifically say that it be done -- that it not come back until after this other amendment has come back to you and you've weighed in on it. Thank you very much. >> Mayor Adler: I think procedural the way we would handle this is postpone this indefinitely so the applicant can get it back on to the agenda. Then it's on the agenda and, of course, the council could do whatever with it it wanted to do. But we'll get this back on the agenda in the same posture that it is here today.

[10:38:21 AM]

Did I take that vote or did -- I think we took the vote and then you spoke. So we're now going to move on to item number 5. Which is the interlocal agreement concerning the sheriff's office. Yes, Mr. Zimmerman. >> Zimmerman: Thank you, Mr. Mayor. I did pull this quickly. I'm going to ask for -- I make a motion to strike the words and execution. Right now it reads authorize negotiation and execution of an interlocal agreement and I wanted to make a motion to strike and execution. But maybe before that if I could ask Mr. Manley -- is Mr. Manley here? Just a couple questions about the funding disparity. The question I wanted to ask is on this paragraph that's talking about the funding disparities between the city and county and there has to be 150% disparity. Tell us what's going on there. >> Brian Manley, Austin police department. The way this is set up is the attorney general's office determines if there is a disparity that exists based on incarceration rights for ucr part 1 crimes between the county and city. We have been designated the austin-travis county area as having that disparity. That's not a decision we make. That's why we then require to enter into a negotiation with Travis county to determine what the split of that money would look like. >> Zimmerman: Terrific. And so we had another case like this, I think it was with U.T. On services that we were providing to U.T., security and crowd control, what have you,

and we got to see the interlocal agreement and that was great. And so that's -- what I'm doing with the motion I wanted to bring here was kind of the same thing. I just wanted to take a look at the agreement after it comes back after it's negotiated. >> It's actually, actually

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it's a document that's going to say we agreed to a 60/40 split between the city and county and that's why the dollar amounts reflected show what that interlocal agreement is. It will just reflect we have a disparity that exists and as such we enter into a negotiation and agreement and that the police chief and the sheriff was 60/40 split and that's where the dollar amounts came from. >> Zimmerman: That sounds simple and straightforward. Is there any reason we didn't have that agreement in front of us right now and vote on the agreement itself if it's that simple? >> Maybe it's because it was that simple we didn't include it, but we can include those in the future. It was just documenting the 60/40 split. There's no reason not to include that if that's something you would like to see. >> Zimmerman: Okay. Thank you. >> Mayor Adler: Do you still want to urge your -- >> Zimmerman: I do. I would still like to make the motion we strike and accuse and when it comes back we vote on the interlocal agreement itself. >> Mayor Adler: Let's pull that up in amendment form. Will someone move the rca as written? Ms. Houston does. Is there a second to that? Is there a second to the base rca? Ms. Garza, thank you. Then Mr. Zimmerman moves to strike the words and execution. Is there a second to that amendment? Then that amendment would not go on. Is there any further discussion about the approval of item number 5? Those in favor please raise your hand. Those opposed? It's unanimous on the dais again with Ms. Pool gone. That gets us then to item number 6 which is the central booking facility. Do you want to make a motion,

[10:42:22 AM]

Mr. Casar? >> Mayor, we have some speakers. >> Mayor Adler: Thank you. Then let's hear from the speakers first. We have three speakers on this item. Bob libel and Alejandro casaras. >> Thank you, Mr. Mayor and members of the council. I'm the executive director at grass roots leadership, one of the organizations very involved in trying to reduce the number of deportations in the city of Austin and in Travis county. And we think that this is a very important measure for the council to consider thoughtfully and I'm encouraged and believe it seems as if there will be a [inaudible] Consideration here today about the interlocal agreement. As many people on the council know, the rates of deportation from the city of Austin and Travis county and in particular the -- the agreement -- the collaboration between immigration and customs enforcement and local law enforcement has become something that is very controversial both here in Travis county and around -- and around the country. Here in Travis county since the adoption of the federal deportation policy called secure communities, Travis county has had one of the highest deportation rates in the country. And that has many impacts both on the immigrant community but also on the cost to the city and the county. As the city -- Austin police department is responsible for the majority of arrests and bookings into the Travis county jail. The city of Austin as members of this council know has taken

[10:44:24 AM]

a very strong stand against deportations and police collaboration. In June of last year the council voted unanimously to oppose the program called secure communities and look into alternatives to a processing center in the Travis county jail. In October of last year the council again unanimously voted to direct city staff to explore alternatives to sending APD arrestees to the Travis county booking center. In 2015, the Travis county jail has seen fewer immigration detainees thanks to changes in federal

immigration law. As part of the law that -- as part of the executive order that also expanded doca and implemented doca last November, the program called secure community was replaced by a program called the priority enforcement program. The mechanics of that program are very similar, however. They allow for immigration detainers to be put on people in the Travis county jail and actually Travis county sheriff Greg Hamilton told the commissioners it was really a change in name only and that the mechanism by which detainers are placed remains the same. We have seen a drop in the number of people who have immigration detainers placed on them in the Travis county jail, however, in the first six months of 2015 we saw 388 issued at the Travis county jail. I would note this does have a fiscal impact both in Travis county and for the city of Austin which pays the majority of the bills there at the jail. The average -- [buzzer sounding] -- Length of stay -- sorry. The average length of stay is significantly longer for somebody with an immigration detainer and 76% of the people who were eventually turned over for release at the Travis county jail were booked in on a misdemeanor -- were turned over to immigration were

[10:46:24 AM]

vent -- were turned over to immigration and booked on immigration offense. I appreciate your consideration of this item today. >> Mayor Adler: The next speaker Alejandro casaras. >> I'll fix the microphone. Thank you so much. My name is Alejandro casaras, the main organizer around the campaign called -- I work with immigrant community. I myself am from Honduras and I think even though there has been a drop in deportation, there is still the fear of police, the fact that if you call the police you might still get asked for your documents. If you have interaction with police, the people that get you out of jail are not family members but -- a detention center to be processed to get deported. I think it's very important to note that after over 5,000 deportation in the span of six years a mere reduction is going to do nothing to regain immigrant trust. Only a complete separation will do that. For a long time the city and county has been able to say they are against deportations, that we oppose deportations, but the fact if we do nothing to change this process, it is not enough to say we apologize because saying we apologize and doing nothing is actually being complicit in this program and I think this is a great first step to thinking about how we can finally make Austin the Progressive city we all want it to be. Thank you. >> Mayor Adler: Thank you. Those are all the public speakers that we have on this issue. Mr. Zimmerman. >> Zimmerman: I've gone through this and there's quite a bit of information in here and I would really appreciate

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a chance for our public safety committee to just review the agreement. It says authorize negotiation and execution, but there are quite a few pages included in the backup material. Interlocal agreement, already in place, I think we're talking about potential edits or changes. So as if it's an order, I would like to make a motion that we refer this item to the public safety committee. >> Mayor Adler: Okay. Mr. Zimmerman moves to refer this matter, item number 6, to the public safety committee. Is there a second to that motion? Ms. Troxclair seconds that. Is there discussion? Ms. Houston. >> Houston: Well, mayor, the interlocal agreement is long and is complex and is complicated. However, I think this amendment is just to share with Travis county what the core values are of the city of Austin. I know we give them \$167,000, but this is just to share with them as they are having the conversation with the new sheriff and with the people who operate the jail what some of our core values are. So that's it. >> Mayor Adler: Okay. Mr. Casar. >> Casar: The -- my motion was going to be to move this forward alongside an amendment. I don't think it would exclude the chair of the public safety committee to bring it forward to the committee if he so chooses because by amending the interlocal agreement and voting to pass it with

the amendment it would get kicked back to Travis county to approve that amendment and county judge Elkhart has already communicated it's something she wants to bring forward as an agenda item in the coming weeks. So I would say say that if we

[10:50:32 AM]

pass the agreement with my amendment it will take several weeks for the county judge to bring this up at the county and then we would -- and in those intervening weeks chair and Zimmerman could discuss it. That's me explaining the mechanics of the amendment before I've had a chance to lay it out. If you want me to lay out the amendment, I could also do so. >> Mayor Adler: Why don't you tell us what the -- we'll vote on the motion postponed first because it's timely and we need to do it in that order, but so that people know, would you say what your amendment will be if it does not get postponed or referred to a committee? >> Casar: Certainly. So I would like for us to instead amend the interlocal agreement with the amendment that I passed out on the dais and I believe others have a copy which adds a whereas to the interlocal that says whereas the city and county value immigrant communities and wish to operate the central booking facility in a manner that reflects our values. By amending the interlocal agreement it would require this be sent back to the county for them to approve it with a new amendment. The county judge wants to -- in my conversations with her wants to discuss this language with her fellow commissioners, wants to discuss the difference in what occurred before the most recent presidential executive action, with what's currently happening in the jail. Of course we have a presidential election coming up and the values that the sheriff's office has relative to immigration will -- will keep having the sheriff even as presidents change and may have different executive actions and ways of choosing to handle immigration in this country. And so I think it's really important that regardless of who is president that our -- that our city values are reflected as much as we can in city facilities and in

[10:52:33 AM]

facilities that primarily serve city residents. While this is a county-run facility, about 70% of folks booked are booked by the Austin police department so there's good reason for our values which the city has regular -- has passed at least a couple of resolutions about us being a welcoming city, but us being opposed to secure communities and other communities that MIX the rules of immigration with local law enforcement. So while we can't dictate under the current model what happens at the booking facility relative to immigration, we can certainly have the county weigh in on what their values are and push what it is that we think is I think the best way to do that would be to pass the agreement with this item amended as I listed on the yellow paper. >> Mayor Adler: The motion on the floor in front of us is a motion to refer this matter to committee. And our conversation should be on whether or not to refer to committee. Mr. Zimmerman. >> Zimmerman: Thank you. Just one more comment on it. Mr. Casar is, of course, vice chair of our public safety committee so I appreciate all those comments, but I think his comments underscore why I would like to have a brief hearing on this in our committee. As he said, there are some issues wrapped up in this that affect the community. And -- I'll wait for my comments on the potential amendment here, but I would really appreciate the chance to let the public chime in on this in committee. >> Mayor Adler: Okay. Ms. Gallo, then Ms. Garza. >> Gallo: You know, I appreciate the process here, but it seems like that -- perhaps that amendment should be withdrawn and let us vote on the other proposed amendment which it sounds like would then give us the timetable to be able to refer it back to the committee. I would like to vote to refer it back to committee, but I also want to make sure his amendment would pass too.

[10:54:34 AM]

So it's kind of cart before the horse. >> Mayor Adler: If this was referred to the committee, the committee I'm sure would take up that amendment. But the motion on the floor unless it's withdrawn, the motion on the floor is to postpone. Do you want to vote first on the merit? Mr. Zimmerman, would you like to do that? Or do you want to vote on the postponement first? >> Zimmerman: Well, I would like to have the conversation on the amendment as part of the hearing where we could really have some time to do it. The thing here, we're kind of pressed for time and I thought our committee arrangement was so we could consider things like this in committee and bring it back to council as we vetted it as a public. Think at what time it was advantage taking it for if same reason councilmember Gallo just mentioned. It's a chance for us to vet everything and talk about it with the public and the committee. >> Mayor Adler: What's on the floor is the motion to postpone. Ms. Houston. >> Houston: May I ask chief Manley what is the deadline for the interlocal agreement? What kind of time do we have? >> Good morning again. In regards to the current extension, the current contract that we're operating under did expire at the end of September. Obviously the county is continuing to accept our arrests and process our arrests but we are operating under an agreement that has expired. >> Houston: Thank you. >> Mayor Adler: Thank you. Further discussion on the motion to postpone? Ms. Garza. >> Garza: I have a question for councilmember Casar. I want to be clear on the amendment is to okay the -- for the city to -- to execute a contract with the added language? >> Casar: Exactly. By amending it, it would necessarily get sent back to the county. The county judge has already said in the next few weeks she will put it on the agenda to

[10:56:35 AM]

have the commissioners speak on it. And so if the public safety committee ever wants to talk about the general idea of the interlocal agreement, how it works, what our future may be with booking, it's a -- it's an important and interesting topic, one that I'm interested in engaging in because if there isn't a change at the county level, we may want to at some point talk about the city taking back over booking. That's a conversation we can have, but that -- that conversation isn't precluded by us passing the amendment approving the interlocal and it wouldn't take effect anyway because we would have to send it back to the county. >> Garza: Would that have been the process anyway? Even if we didn't change it -- >> Casar: No. >> Garza: This just looks like it's changing language and I don't know how that also sends it back -- >> Casar: My understanding is the county would have to approve this. >> Garza: Approve this language? Okay. >> The county has already signed the document so if you make a change, it has to go back to the county for them to sign it. If you decided today you wanted to proceed, you could proceed with this language here to execute the document. We wouldn't have to bring it back to council. >> Casar: That's right. >> Mayor Adler: So if the council adopts a change to the whereas clause in the interlocal agreement, the county has to then take another vote on whether it wants to enter into it or not and if they enter into it with this change, then it would not come back to us. >> That's correct. >> Casar: And my preference would be for us to send it off to do so and that if anybody has concerns with the amendment, they can also vote against it or we can discuss it now. >> Mayor Adler: Okay. Further discussion? Ms. Gallo. >> Gallo: So I just have a couple of questions once again going back to the procedures and process with our committees. This is a large amount, a dollar amount, and it's also something that the current contract expired -- has already expired. And so I'm just trying to

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where the process is for what we send to committees first and if we're going to do that it seems like

these items need to come out before the council earlier so that we are not always dealing with situations where contracts have expired and we feel like we're running out of time to send things to committee. So I just don't know how we get over that hurdle of trying to get information coming to the council early enough that we feel comfortable with taking the time to send something back to committee rather than feeling pressure to make a decision because the contract has already expired. I mean it seems like from what we were told that we can still operate under the expired situation, but it puts me in a very uncomfortable situation. >> Mayor Adler: From a policy and procedure question because as you all know often my overriding concern on all these in terms of what we do and how it impacts other things, I haven't heard yet any concern with respect to any of the terms or details of the interlocal agreement which was provided to us and we have that in backup. If someone were to raise questions with respect to the interlocal agreement, that would raise uncertainty or policy issues or things we haven't addressed, I would be voting to send this to committee for it to be studied. I don't see that here. What I do see here, and the only thing that's new that represents a change that's been identified so far is the statement of -- of reiterate ING past action taken by the council. So in that case I would be comfortable here voting for the addition of this whereas clause and this moving forward before going back to committee. If someone wanted to put this back on the agenda and rethink that earlier policy, certainly that could happen in the public safety

[11:00:38 AM]

committee, but I think that's where I'm coming down at this point. >> Thank you, Mr. Mayor. I appreciate those comments. And to councilmember Gallo's point, I think what we can do as a council by voting to put this back in public safety, and it will be on the next meeting later in October. We will guarantee that it will come back to council within a few weeks. We'll put it on the next agenda and that's our commitment. We'll bring it immediately back. I guess I'm asking for a vote to go into committee. We will look at it. I agree with you that it touches over six million dollars and I concur with you that we should take a look and I don't think it will be hard for us and get it back to council for the November meeting. That would be my commitment. >> Mayor Adler: Further discussion, Mr. Renteria? >> Renteria: For the immigrant community, especially the minorities, this is a cents active issue and I feel like it has been well discussed over the last two years's going on at the jail. And I don't believe that we should day this, so we should go ahead and vote on it including the amendment. I'll be supporting it. >> Mayor Adler: Ms. Houston? >> Houston: Mayor, one last thing. The interlocal agreement came in late backup and I would like to urge departments when we have something this complicated to try to get it to councilmembers prior to the morning of the council meeting because some of us are not speed readers to we need time to look at and digest, be thoughtful about what the concerns of. And I think perhaps that's some of the issues here. I'm going to support it moving forward, but that's something that people need to allow us time to review the information. >> Mayor Adler: Okay. >> Mayor and city councilmembers, Burt

[11:02:42 AM]

Lumbreras, assistant city manager. I agree this is something we need to facilitate with the council. We'll do a better job of that. In terms of the issue coming before council, I think it would be helpful to staff to really have some discussion at some point to determine, you know, what are the things that we really want to facilitate through the committees and what need to come to council. I agree the amount is large. I also agree with the mayor that in many respects this does have a lot of regular routine operational maintenance aspects of it in terms of what we normally do on a routine basis for a critical part of what we do in the community. But this could be easily one of those where if the city council

wished and wanted to talk about other issues associated, we can certainly facilitate that. This does certainly speak to a lot of what the police department needs in terms of booking in our community. In terms of the backup and the item coming before you in the late fashion, we'll certainly get that corrected. >> Mayor Adler: Councilmember kitchen? >> Kitchen: The committee did have a discussion about what should go through committee and what should come to council. We have not yet brought that recommendation back to the full council for discussion so we will speed that up and bring it back to the full city council for discussion. >> Mayor Adler: Sounds good. Further discussion of the motion to refer to a committee? Hearing none we'll take a vote. Those in favor of referring to the committee please raise your hand, Zimmerman, troxclair. Those opposed please raise your hand? It's the balance of the council with Ms. Pool gone. Mr. Casar moves to amend this so as to add the item number -- the whereas clause, is that correct? Is there a second to that motion? Mr. Renteria. You were pointing to her? Ms. Garza is the second on that. It's been moved and seconded this amendment. Is there any discussion on

[11:04:43 AM]

this amendment, Mr. Casar? >> Casar: Maybe, I would like to briefly say as one of the speakers that it's not enough for us to say what it is about what we want to do, but to try everything we can to take make this as welcoming and safe as a community for our austinites who are immigrants. And while this seems like an esthetic change, I think it has us pushing it over to the county to do their very best to make sure it reflects the commissioners' court the way the county booking reflects the commissioner's values and county values and we'll continue exploring our options and the work we can to make sure that we put actions behind our statements. >> Mayor Adler: Mr. Zimmerman? >> Zimmerman: Thank you, Mr. Mayor. I'm going to be voting against this amendment. I think it's a superfluous remark. To have to add in a statement that we value our immigrant communities to me suggests that we don't value them and we have to say that we do. We already value our immigrant communities and we also value here the rule of law. We've had some pretty national sensational news on crimes that have been committed on illegal immigrants that were supposed to be deported and were not deported. So I have a lot of constituents that would say if we added anything we should say that we remain committed to the rule of law when it comes to deportations that are lawful and are necessary. So I'm going to be voting against this. I don't agree with the sentiment and it would also cause, as we've pointed out, Travis county would have to go back and another spin just for adding this one little whereas clause. For those he reasons I'm voting against the amendment. >> Mayor Adler: Further debate? We'll now vote on Mr. Casar's amendment? Those in favor of the amendment please raise your hand? Those opposed? Those abstaining?

[11:06:43 AM]

Troxclair, abstaining, Zimmerman voting no. The rest voting aye, pool off the dais. Any further discussion on this item as amended? Ms. Troxclair? >> Mayor Adler: I wish that -- I haven't had time to read the interlocal agreement so I may support it, I may not support it. I'm going to have to abstain from this because I wish we had more time to review it. >> Mayor Adler: Any further discussion in those in favor of item as amended please raise your hands? Those opposed? Those abstaining? Zimmerman voting no, troxclair abstaining, pool off the dais. The rest voting aye. This item passes. I think that gets us now, mayor pro tem, to item number 11. >> Houston: Mayor, I'm not mayor pro tem, I'm ora Houston. And chair of the health and human services committee. And this item from council action came to us from the staff and we'd like to have them come up and do a brief presentation on that. >> Mayor Adler: That sounds good if staff would lay that out. >> Houston: And the committee did refer it unanimously to the

full council. >> Mayor Adler: Recommending passage. Thank you, ma'am. Staff? >> Morning, mayor and council. My name is Vince Delesi with the Travis County Health and Human Services Department. We have before you a set of changes to the Chapter 10-3 of the city code regarding food handlers and other items there. And we do have a powerpoint.

[11:08:45 AM]

Do you want to do the powerpoint presentation? >> Mayor Adler: Powerpoint is also in the backup for this item. >> The changes are to Chapter 10-34, and there's several changes. One regards the food handler passage of Senate Bill 522 required some changes to the city code requiring registration of food handlers that work at food establishments. And took away our ability to charge a fee for that registration process. So we're changing the code there. We still require the training. The training is required, but the registration of those certificates with the City of Austin Health Department is no longer required. There's changes regarding mobile vending, central preparation facilities, which are used to service mobile vending units throughout the city. We're asking that they now be registered with the health department so that we can track which central prep facilities are servicing which units. If they have potable water, proper refrigeration and so forth. In addition we have a mobile vending change asking for a code requirement for the size of water tanks and wastewater tanks on mobile vending units. There is no specification currently in the code to the size of a potable water tank or wastewater tank on a mobile vending unit and we find that this is one of the more common reasons why we are suspending permits in the field during inspection is because the units have run out of freshwater and are unable to wash their hands, food a key safety issue there. So minimum sizing requirements there. The additional change is to our group residence food

[11:10:45 AM]

establishment capacity size. We are asking in Chapter 10-3-61 to change the requirement for a group residential property to obtain a food establishment permit to be changed from more than six to more than 15. This coincides with the group home class 2 classification in the development code and would require establishments that are larger and more commercial in nature to obtain the food establishment permit, which does require a commercial kitchen. Currently our single-family residential properties that are operating as boarding homes are being required and given notice by the health department to obtain a food establishment permit which requires a commercial kitchen. And it's a catch-22. They can't obtain that permit without substantial changes which are credential in nature. The restroom requirements are a simple change based on a previous code change regarding single use restrooms. And a tab licensing change that we found a conflict with. Some changes to the temporary food event code and definitions, which are relative straightforward. We did add a definition for a single booth event, which was suggested by the Dais for a single day, single booth event to be defined so that we have a separate fee for that in the fee code. We concur with Councilmember Tovo's suggested change. We agree with that. The change to change the wording in Section 10-33-b-4 from a temporary event to a temporary food establishment does add clarity and stint

[11:12:46 AM]

si with the -- consistency is the state code and other areas of the code. We appreciate that change and that suggestion. There are also some changes regarding farmers market permitting. Just a clarification there to require that the permit be conspicuously posted at the farmers market booth. And a large change -- a simple change, but a significant change is that the Texas food establishment rules which we

have adopted in code, have been revised and the new rules are now -- are actually going into effect on October 11th. This week or I guess that's Monday. The Texas administrative code changes from chapter 229 to 228. So we're making that change in the citation. I'm happy to take any questions. >> Mayor Adler: Ms. Houston? >> Houston: Mayor and councilmembers, I move adoption with mayor pro tem's suggestion on the change of wording from event to -- >> Mayor Adler: >> Houston: Moves passage of the ordinance with the change. Seconded by Mr. Zimmerman? Those in favor of the motion please raise your hand? Those opposed? Unanimous on the dais with Ms. Pool off. Thank you very much. That gets us up to item number 12. Mayor pro tem, you had indicated I think earlier that you wanted this item to be postponed? >> Tovo: Yes, mayor. >> Mayor Adler: Was that until next week? Did you have a time certain? >> Tovo: So when I posted it on the board I did say until next week. I would certainly be open to another -- to doing it later if my colleagues want to take it up at the meeting subsequent to October 15th, though I would to be

[11:14:46 AM]

reminded what that date was. >> Mayor Adler: November 12th whenever it is. >> Tovo: I guess my preference would be to keep it on next week. I'm trying to assemble information that I think would help eliminate some of the issues with the amendment I brought forward. Just as a head's up to my colleagues and to the public that I would like it to be postponed and would appreciate the consideration of postponing it until next week, but I may at that point suggest that some of those items might be better a few weeks later. >> Mayor Adler: Mayor pro tem moves to postpone until next week, October 15th. Seconded by Mr. Zimmerman. Any discussion? Those in favor please raise your hand? Those opposed? It's unanimous with Ms. Pool off the dais. That then gets us into the zoning. Hearing. Do you want to tell us what we can do on consent. >> Thank you, mayor and council. Greg Guernsey, planning and zoning department. I'll go through the items I believe we can offer for consent. The first item is item number 13, 13. C14-2014-0153 - the enclave at oak Parke - district 8 - approve third -- staff is requesting a postponement of this item to your November 12th agenda. Case 14. C14-2015-0078 - 1411 W 5th street, to approve second and third reading of limited industrial plan agreement this is ready for consent approval on second and third readings. Item 15. C14-2015-0080 - 11200 N. P.m. 620 road. This is a zoning change request to approve on second and third readings, general commercial services, conditional overall. Again, that's ready for approval on second and third

[11:16:49 AM]

readings. Item number 16. C14h-2014-0014 - this is the bluebonnet hills historic district. And it affects various properties on east Annie, east Mary, Lockhart drive, terrace drive Leland street, eastside drive, nooning and Brackenridge street. The appellant has brought forth the original request and requested a postponement. Did not give a date on this. Your upcoming meetings are next week on the 15th or the next regular zoning meeting, that would be November 12th. Also we are short one councilmember. There is a petition that stands at 29. Past councils have granted postponement when there's a lack of a quorum on the council since nine votes are required to override a petition. >> Mayor Adler: Do you have a recommendation as to when this would be postponed for the consent purpose? >> You could poe it to the next -- postpone it to the next regular day, which would be November 12th. There does seem to be a concern about next week and short-term rentals. >> Mayor Adler: So the consent is to postpone this until November 12th. Very good. >> Let me continue. Item number 17, case 17. C14h-2010-0006 - castle hill historic -- for the property located at 614 blanco street in the castle hill historic district and this is to modify the design standards. Council approved this on first reading on September 10th and this is coming back for second and third reading approval. Of that item, item number 17. Item number 18.

Npa-2015-0005.02 - 7200 east Ben white Blvd. -

[11:18:56 AM]

staff is requesting a postponement of this case to your November 12th agenda. That's item number 18. The related zoning case, 19. C14-2015-0073 - 7200 east Ben white Blvd - also to have a staff requested postponement of this item to your November 12th agenda. Item number 20. Npa-2015-0016.01 - shady -- 500 shady lane in the govalle Johnston terrace combined neighborhood planning area. The applicant has requested a postponement of this item to your November 12th agenda. The related zoning case, 21. C14-2015-0043 - shady -- again for the property at 500 shady lane. Applicant has requested a postponement of this item to your novel 12th agenda. Item number 22. Npa-2015-0027.01 - and this is a neighborhood plan amendment in the central west combined neighborhood planning area. The applicant has withdrawn this case. No action is required of the city council. The related zoning case, item 23. C14-2015-0023 - for the property at 1506 west 34th street. The related zoning case has also been withdrawn, no action is required on item income 23. Item number 24 is case c-14-it 2014-0198 24. C14-2014-0198 - one two for the pros at 119, 1107 north interstate service road. The staff is requesting a postponement of this item to your November 12th agenda. Item number 25 I understand a councilmember has pulled this item for possible

[11:20:59 AM]

discussion. Since yesterday I've spoken with the applicant and the neighborhood is having a meeting this weekend on the item. The applicant is agreeable to the postponement, but asks that it come back next week so the neighborhood can have their meeting and if that's okay with the council I could offer this for a one week postponement to the 15th. The neighborhood was previously in support of this item and there's been agreements made between neighbors, but I think they want a possible meeting. We could offer this for postponement to October 15th. >> Mayor Adler: Okay. >> Item number 26, 26. C14-2015-0003a - south for the property at 6900 and 6940 south I-35 service road, southbound and 504, 600, 606 and 700 chaparral to zone the property from general services mixed use conditional overlay for tract one and community commercial mixed use conditional overlay for tract two. The planning commission's recommendation was to grant general commercial services mixed use conditional overlay for tract 1, community commercial mixed use conditional overlay combining district zoning for tract two. Limited office mixed use conditional overlay combining district zoning for tract 3. And multi-family residents limited residency combined district zoning for tract 4. There are neighborhood agreements on this tract. Originally there was a precision that affected some of these properties. With that agreement the petition has been Braun so we could offer this on all three readings. The related zoning case is right across the street, 27. C14-2015-0003b -

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for the property at 70 L 01 and 709 chaparral road to zone the property general commercial services conditional overlay combining district zoning and community commercial mixed use for tract two. The zoning and platting commission's recommendation was to grant general commercial services, conditional overlay for tract 1, communities mixed use conditional overlay combine district zoning for tract two. As I said the neighborhood is in support. The petition has been withdrawn. We ask for consent approval reading on all theories. Item number 29. C14-2015-0085 - northland II property LLC - district 7 - to grant from residence (sf-3) District zoning to limited office (lo) District zoning. Staff and this is ready for consent approval on all three readings. Item number 30 is 30. C14-2015-0105 - 1213 W. Slaughter

lane. There is an adjacent property owner who has requested a postponement of this item and also vialed a petition against the videophoning case, but to postpone this to your next meeting on November 12th the case next door to this, 31. C14-2015-0106 - 1217 W. Slaughter lane. That same property owner requests a postponement of this item to your November 12th agenda. Item number 32 is c14-2015-0110 - 8516 Anderson mill road. We would request a postponement of this item to your November 12th agenda.

[11:25:04 AM]

>> Mayor Adler: With respect to items 30 and 31, what would be on consent would be postponed until November 12th? >> That's correct. As well as item 32. Postponed it to November 12th. Item number 33 is c14-86-103(rct) - at 1801 Pennsylvania avenue this is a request for a postponement to your November 12th agenda. They've recently filed a zoning case and we would like to bring all this together to you at the same time so you can consider the restrictive covenant and the zoning case. So staff is recommending postponement to your November 12th agenda. Item number 34 I understand a councilmember would like to discuss this item so I will not offer item number 34 as a consent item. 35. C14h-2015-0007 - staff is requesting a postponement to your December 10th agenda. There is some issues regarding restrictive covenant and this would allow this item to come back with that covenant. Staff is requesting a postponement to your December 10th agenda. And finally item number 36, c14h-2015-0010 - for the property at 2005 Hamilton avenue. This is to zone the property to family residence historic allergic neighborhood or sf-3 hnp combined district zoning. The landmark commission, the staff and the planning commission have all recommended granting the zoning. This is ready for consent approval on all three readings. This past Tuesday staff was going to present a breaching to you on historic zoning. The work session was canceled. The two previous items either because of petition

[11:27:06 AM]

or because of issues that dealt with restrictive covenant are being postponed or requested to be postponed with this consent agenda. Staff would still offer 36 as consent approval. This is a fatherly -- fairly simple case. It is up to you. We have not given you the briefing, but this would have to -- the applicant would like the applicant to go forward today if at all possible. Hants mayor, I concur that -- >> Houston: Mayor, I concur that item 36 is an historic property. Both Mr. Luther Simon hand his wife have lived in that house as long as I've been in Austin so I don't see any problem with it going on consent. >> Mayor Adler: Thank you. Ms. >> Tovo:? >> Tovo: I would like to move the consent items forward. >> Mayor Adler: What about item [indiscernible]? >> That is a time certain item at 4:00. It will be offered for postponement at 4:00. >> Mayor Adler: Number 25 was an item that you pulled and it also had a speaker associated with that. It's been part of the consent agenda that that be postponed a week until 10:15. Do you have a problem with it being postponed? >> Houston: I think I would like for the people who have signed up, the person who signed up, to be able to speak today since they're here. >> Mayor Adler: Yes, they will. >> Houston: And that's the same thing on item 28. >> Mayor Adler: Ms. Tovo, if that's okay let's get those two speakers in. Speaking on item number 25, Marco Montoya.

[11:29:11 AM]

>> Good morning members of council. My name is Marco Montoya regarding Marlowe heights project is the topic I would like to talk about. I've asked for a powerpoint slide so it's easier for the public, also to participate. The reason I'm here is I requested from the builder that they include as a neighbor to the project things like workman compensation insurance, osha safety training and some Progressive

indexing towards a living wage. I understand we don't change wages immediately. I also did not provide any specific required text for me to be included. I figure the language should be negotiated between the builder and a group such as the workers defense project. And I then provided information for the workers defense project as a point of entry. They did not agree to incorporate any additional language about workman's compensation, osha or living wages into the restrictive covenant of which I am not a party of because I have not signed off. Accordingly I believe accordingly the main reason I'm here is council has a responsibility with its approval authorities to recognize certain things. One, Texas has the largest number of construction worker deaths. Last year in Travis county we had 24 of 36 construction workers who had worker's compensation claims that were employed in residential building construction. This figures do not include injuries of unknown number

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of workers who did not have such insurance because of the classification. Austin had a study the year previous, 2013, where 60 percent of construction workers in the county did not receive basic safety training. One in five had a work injury requiring medical attention, 20%. An additional 20% of work-related emergency room medical attention was for construction workers. 78 percent of workers lacked health insurance. 71% of the workers had no employment benefits. So if you get hurt you got no benefit, you're home sick and there's no -- no assistance at all. 22% had wage theft. That's more than one out of five. 22%, like I said, not only lost their wage, an additional 52% ended up with poverty level wages, which as you know affordability -- [buzzer sounds] I simply would conclude with the fact I have submitted to you the material in the last number 7, the proposed additional, and I would ask you to remember no amount of profit is worth a man's life. Thank you. [Applause]. >> Mayor Adler: Thank you. On the consent agenda I have everything looking leak it's on consent proposed with the exception of 22 and 23 which has been withdrawn by the applicant. We just heard the speaker on 25. I show number 28 as being the first pulled item, and I show item number 34 as also being pulled. We do have a speaker on item number 36. >> Houston: And 28. >> Mayor Adler: But that one is not pulled so not

[11:33:14 AM]

part of consent so we have pulled 28. >> Troxclair: Can I also pull number 25? I have a couple of questions about it. And I have a question about process on item 16. Can I ask that now? This is the bluebonnet hills. Staff is requesting that we postpone a week? >> There is a request by the neighborhoods, the applicant for a postponement. Typically when there's a videotape, which sits at -- a valid petition, it sits at 29 percent. Either side can ask for postponement. So they have asked for a postponement of this item. >> Troxclair: On any time -- I wanted to make sure I understood custom going forward. I think when you originally said it you you said any time there's not a quorum you honor a postponement. You meant -- >> Not a full council. Because it requires nine affirmative votes to override a petition. >> Troxclair: So any time in the future if there is a valid petition or something that requires a super majority you will honor a postponement request if a single council person is missing? >> Councilmember, that's entirely up to the city council. >> Troxclair: I'm just wondering -- >> It has been the practice in the past by past councils to honor that because it requires that super majority. It's a very high threshold. >> Troxclair: I don't necessarily know that I have a problem with that today. I just want to make sure that we're consistent so I know what the expectation is in the future. >> Mayor Adler: Mr. Zimmerman. >> Zimmerman: Thank you. I'm glad councilmember troxclair brought this up, but the corollary is if you have three votes in

[11:35:14 AM]

opposition it doesn't matter how many other people are here who might vote in favor, isn't that correct? >> That's correct, councilmember. It is up to the city council to make that decision. >> Zimmerman: I'm not sure, Mr. Mayor, how we would handle something like that. Would it be illegal to do a straw poll to see if there are votes in place that could defeat the measure and then there's no point in waiting for a full council if the votes are there? >> Mayor Adler: We could do that. It does take Ms. Pool out of the debate on the issue. Since people are in agreement with it I would push it off a week and that way if she wanted to make an argument to those three or four or five, she would have the opportunity to be able to do that. >> Zimmerman: I would be fine with it. As long as we're consistent I would be fine postponing, but let's make sure we're consistent when it comes back. >> Mayor Adler: I understand. So right now item number 16 is on consent to -- to postpone to 11-12. All right. So the items that I have being pulled, and not part of the consent agenda, again, are 22 and 23, which have been withdrawn. Number 25 has been pulled by Ms. Houston. I also have item 35 being pulled. And we have a speaker on item number 36 that I will call up now to speak. And that would be Allison McGhee. >> And Ms. McGhee just came up and expressed that she no longer wishes to speak on this item. Mayor, also I did not -- >> Mayor Adler: So item number 36 is just on consent? All three readings. >> And mayor, I did not offer 34 for consent approval. I know -- >> Mayor Adler: 34, if I didn't read that -- >> And item 28 is also I believe another item I have a councilmember that indicated they wanted to discuss. >> Mayor Adler: The ones I have being pulled are 25,

[11:37:16 AM]

28, 34 and 35. Does that sound right? >> 35 is a postponement. Councilmember troxclair just mentioned 35. I'm not sure what the question was on 35. >> Troxclair: 35 being postponed. >> It's a postponement on an historic case to December 10th. >> Mayor Adler: Someone asked me to pull item 35. I don't remember her. >> Troxclair: I did. But if it's a postponement -- >> Mayor Adler: It's a postponement to 12-10. So you're taking off your pull? >> Troxclair: Yes. >> Mayor Adler: That means we have three items that have been pulled. 25, 28 and 34. So on those items that have been approved for second and third reading, we're also -- or all three readings, we're closing the public hearing. On those items as well. Ms. Garza? >> Garza: I have a question about some of the things on consent. Can I ask those now? >> Mayor Adler: Yes. >> Garza: I'm sorry I was off the dais when you talked about 26 and 27. I wanted to make sure that my understanding is the neighborhood is okay with the zap recommendations, but not the staff recommendations. That's what was read into the record? >> That's correct. And there are some additional conditions that are in public covenants and private covenants that have been addressed. And as far as I know all parties have been satisfied that this can go forward now between the applicant and the neighborhood. >> Garza: Thank you. >> For both of these items. >> Mayor Adler: For all three readings, fix and 27. -- 26 and 27. >> Mayor Adler: Any further questions? Is there a motion -- Ms. Troxclair? >> Troxclair: One more question about the postponement on 16. You said that it's going to be postponed until November 12th. Is there a reason that we're not hearing is next week?

[11:39:16 AM]

>> There wasn't a date that it was expressed. Mayor Adler asked if there was a preference. It sounds like next week you have a very large agenda with short-term rentals that you postponed. I think if you wanted to bring it back next week that would be fine. There just wasn't a preference expressed. >> Mayor Adler: I pulled that number out of the air. I'm also now looking at what looks to be a pretty busy agenda on November 12th because we've just postponed 80% of these things to November 12th. So I'm not sure what's the better place to do it. Ms. Tovo? >> Tovo: November 12th is the zoning meeting, isn't

it? I think that would be appropriate to postpone it to November 12th since it's a land use issue. So that would be my preference to stick with November 12th. >> Mayor Adler: Right now the consent agenda has it to November 12th. Do you want to change it? >> Tovo: I have heard from some people that didn't want us to vote it today, so I guess -- positive post tone it today, so I think it's the right thing to do to postpone it out of respect for councilmember pool and her ability to vote on it. I don't see any reason to further delay it past next week when hopefully we'll have all the councilmembers here. >> Mayor Adler: So we'll pull item number 16 off the consent. Is there a motion for the consent agenda? Mr. Zimmerman makes a motion, councilmember Gallo seconds. Those in favor raise your hand? Those opposed? It's unanimous with Ms. Pool off the dais. Now let's talk about the ones that have been pulled. Let's talk about number 16 first. I think everybody is in agreement that this item would be postponed and the question is do we postpone it to October 15th or do we postpone it until November 12th? I think that's a question in front of us. Councilmember kitchen? >> Kitchen: I would just suggest that we postpone it until November unless someone feels like it should

[11:41:17 AM]

happen sooner just because -- I mean, we have a huge agenda next Thursday. But again, that would be my suggestion. >> Mayor Adler: Mr. Casar? >> Casar: Adu is on next Thursday as well. >> So are the tncs. >> Troxclair: We've already heard testimony on the bluebonnet hills issue, so we would either not -- are we taking public testimony on that item? >> Mayor Adler: Which one? >> Troxclair: Item number 16? If we postpone it to next week? >> Mayor Adler: Where are we on that? Did we close the public hearing on -- >> The public hearing has been closed. This is coming up for second and third reading consideration. >> Troxclair: I don't think that it would take too long. I feel like it was our -- it wasn't -- when we're postponing something and one of the parties involved was opposed to the postponement, I just -- I don't think it's fair to postpone it longer than necessary when I don't think it will take that much time. I guess if next week we're too overwhelmed, we could have that conversation. I guess for consistency sake I'm not seeing a reason for us not to consider it next week. >> Mayor Adler: Mr. Zimmerman? >> Zimmerman: Mr. Mayor, I would like to concur with that remark. I think we did have quite a few hours of testimony. We heard that pretty thoroughly and I think it would be kind of boiled down to a pretty quick vote. We had three votes against it on the last reading, and councilmember Gallo was off the dais for that one. I think it would be a quick -- we could deal with it quickly. >> Mayor Adler: Yes, Ms. Garza? >> Garza: I'm sure we've

[11:43:17 AM]

all received emails and I'm sympathetic to the -- this issue has really split that neighborhood and one of the emails resonated and it was basically just please decide so we can move on. So I'm leaning towards not postponing until November just for our next meeting because any of these other issues that come up I feel like those can be postponed, but this has already kind of been in the pipeline. I would lean towards hearing this at our next council meeting. Mayor Adler I'm probably going to go ahead and vote for the next council meeting as well since some of the actors or participants have expressed a desire for that. And no one has expressed -- of the participants a need for a long I delay. So I will probably also vote for the October 12th, postponing it one week. Is there a motion on this, item number 16? Ms. Tovo? >> Tovo: I wanted to comment. I see a few of the individuals who are involved in the application here and did you have a preference? Or would next week -- is fine? Okay. Well, that's fine with me. And I appreciate -- while I appreciate my colleague's comments, I hope that it will be a very thoughtful discussion and I'm really very hopeful that this will pass next week just by the early vote and the three votes against. >> Zimmerman: I would like to move postponement until next week. >> Mayor Adler: Mr.

Zimmerman has moved to postpone to next week. Seconded by Mr. Casar. Any discussion in all in favor? Those opposed? It's unanimous with Ms. Pool off the dais. That takes care of 16 until next week. The next item that I have is item number 25. >> Mayor and council, item 25, c-14-2015-001 for the property at 5905 and 5001

[11:45:20 AM]

and 50 Od 3 pecan springs road. I think that councilmember Houston had an interest in pulling and I've spoken with nikelle Meade who is representing the property owner and she was agreeable to the neighborhood's request to postpone this item. I think you heard from a gentleman who is maybe not associated with the neighborhood. But they have agreed to a one week postponement. >> Mayor Adler: Ms. Houston pulled this. Let's find out why Ms. Houston pulled this. >> Houston: Thank you, mayor and Mr. Guernsey. Mr. Montoya thank you so much for coming today and expressing the concerns that you have because you are a neighbor and you're directly adjacent to the property. Thank you for being here. I did want Ms. Meade to come forward and see if she had anything to add. The neighborhood association will be meeting about this on Saturday. And so I'm just asking for a postponement so they could have that time. >> Thank you, councilmember Houston. Initial kel Meade with hush back well. I really don't have anything to add. We are fine with a week postponement. We've offered to the neighborhood, we've been before them once and we've offered if there is anything we could help with for Saturday to be there. So we'll wait for the direction from them with our immediate neighbors. I know we do have Mr. Montoya who is not a party to the agreement, but with our immediate neighbors, other than Mr. Montoya, we do have a written agreement and I think it's really just a matter of everybody getting comfortable with the language and that restrictive covenant that will be a result of that agreement. So I feel like we're pretty ready to go, but we're fine with a little bit of additional time. >> Houston: Then I move the postponement to next week. >> Mayor Adler: Ms. Houston moves postponing item 25 until 10-15. Is there a second? Any discussion? All in favor raise your hand? Those opposed? It's everybody on the dais except for Casar, the mayor

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pro tem, pool and miss troxclair. It's approved with seven votes, the postponement. Okay. That gets us to item number 28. >> Thank you, mayor and council. Item number 28 is case c-14-2015-0081. This is for the property at 2513 east 10th street. It's just under .2 acres in size. It's a downzoning request from the existing zoning, which is limited industrial services conditional overlay neighborhood plan or li-co-np combined district zoning to neighborhood office mixed use or no-mu-np combined district zoning. The existing property was rezoned with the neighborhood planning process where the conditional overlays were added to the industrial zoning. The applicant's request would be for office zoning. It was recommended to you by the staff. With an additional condition. It was recommended unanimously by the planning commission on an 11-0 vote. The property is currently vacant at this time. And sits at the north -- at the corner of -- southwest corner of northwestern and east 10th. The applicant didn't specify a particular use that would be proposed on the property. It is surrounded to the north by sf-3 zoning, which is a family residence district zoning. And single-family residential uses. Also to the west. To the south is existing industrial zoning. And undeveloped. And to the east of the property is P public zoning, which is part of a city service vehicle facility and a greenbelt. I think I'll pause. I think the applicant is

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here, which is Mr. Guido Porto. He might be able to give you some more answers regarding potential

uses of the property. If you have any questions of staff I'll be happy to answer them at this time. >> Houston: Thank you. Mayor, is the protocol that the citizens who signed up to speak go before the agent or how -- what's the protocol on this? >> Mayor Adler: In this case it's the same person. >> Houston: The person signed up is the agent? Okay. You didn't have to sign up to speak. >> Okay. Speak now? >> Mayor Adler: Go ahead. >> Morning, folks. I don't really know where we're at with this. The pulling means if I had not come up here, would this have passed? And if not, then I have something to say about it. >> Mayor Adler: And we don't know the answer to that. It was pulled for consideration. So I think you have the opportunity to make the case to argue for why it should be approved. And if councilmembers have questions, they can certainly come to you with those. >> Okay. Well, I just want to list the efforts I've made to this passed and to reach out to people. I've made -- this is owned by my brother leito and I. And we have had multiple meetings seeking the advice of city planners and as you saw, they had those unanimous votes and everything like that. We attempted to meet directly with Ms. Ora Houston, but instead talked to her aide Christopher Hutchins so that we could familiarize Ms. Houston and her staff and receive her aide's advice. We've gone door to door to adjacent neighbors to inform them of the proposed zone change. We've spoken with Nathan Jones of ocean to discuss our proposal. We've prone with David

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Thomas of the Blackshear prospect neighborhood association to discuss our proposal and we tended the August 26th Blackshear pros architect meeting in which it received a passing vote in favor of the downzoning. I've since communicated this to Chris Hutchins and, you know, he assures me it looks pretty good. I don't see any more bumps in the road and this kind of thing, but these things are unpredictable. We've attempted to present this case to ocean at their September 28th meeting, but were told that docket was full and thereby did not permit our presentation. And I just want to state that the reason that a hard project has not been presented to this, as an architect I know how long it takes to put something together. It takes about two months to thoughtfully design a project like this and have it be more than something banal. And I do not have the resources nor the responsibility to pay the personal cost and personal risk of designing such a proposition that has no guarantee of being granted. It's like a chicken and the egg thing or a catch-too 22. There's no clear runway that I know I can take off of and recoup the loss of that kind of investment. So. [Buzzer sounds] So that's where I'm at. Is that all? >> Mayor Adler: Thank you. Ms. Houston? >> Houston: Thank you so much, sir. Thank you for coming down. I appreciate the outreach efforts that you've made with the neighborhood. The neighborhood did say that they voted 5-4-3 against and one abstained. So that was a pretty close go ahead with your project. My concern is that you will have a blank slate and there's no indication about

[11:53:28 AM]

what you might be putting on that site. You could put a group home on there, type 1, type 2 group home. So it's just -- I think I heard you say that you're not sure what you're going to do. I'm sure you're trying to get the best use out of that particular piece of property. So my question is do you have other developments in that area? Have you developed other properties in that area? >> Personally I am not a developer. I'm an architect so I get contracted by builders and developers to draw up things that they build. >> Houston: So you have no interest in 2007 garden street or 1903 east 17th street? >> Yes. >> Houston: So if you weren't the developer are were you the architect on those projects? >> Yes, ma'am. And the second one I'm not sure -- 2007 garden street, yes. And the second one you said was? >> 1903 east 17th street. >> Yes, ma'am. >> Houston: So one of the concerns that the neighborhoods have is other short-term rental uses being in the neighborhood. And so that was a concern that was expressed.

Just so that you know that it appears that people are coming into our neighborhoods on vacant land or infill and then they're building properties for short-term rentals and once you get this down zoning, that will not be compatible with the neighborhood. So I wanted you to hear me say that publicly. >> All right. >> Houston: Is with that move adoption of item 28. >> Mayor Adler: 28 has been moved and seconded by Mr. Zimmerman. Any discussion in those in favor of approval, please raise your hand? Everyone on the dais, six, with the mayor pro tem off the dais, Ms. Pool gone and Mr. Casar off the dais. Thank you. It's been approved. >> And I understand that was --

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>> Mayor Adler: That was to approve on all three readings and to close the public hearing. It is now -- let see here. It's almost noon. We have just one item that's left, I guess, which is item number 34, is that right? >> Yes, mayor. It may take a little bit. I mean, this is a large pud. I can introduce it and we can see how it goes. I'll be very quick in the introduction and perhaps if the questions are few, then we can -- >> Mayor Adler: So I think what's going to happen here is I think you can introduce this. We have citizens communication at noon. We have several members on the dais that need to leave the building for lunch, so we could then reconvene at 1:15ish. Ms. Garza? >> Garza: Mayor, I would suggest maybe start citizen communication, if any of them are here, a little bit early, and not have it be laid out because I have a lot of questions about zoning. >> Mayor Adler: I think that's probably smarter. We'll pull that back up probably at, say, 1:30 when we come back. On number 34. In the the meantime let's go then to citizen communication. Citizen communication, is John goldstone here? >> Hello. Mayor, councilmembers, my name is John goldstone and I'm a city of Austin property owner and taxpayer. This speech is about truth in budgeting and property taxes. Oh, yes, and the courthouse. You may remember my may 21st, 2015 speech regarding the city's proposed homestead exemption. In that speech I talked about the statesman's editorial. I called it the editorial of bad smell supporting a

[11:57:30 AM]

homestead exemption and their lies by misdirection and misinformation. The crux of the speech is the renters of the Austin, 55% of the population, were the ones who would pay for this giveaway to voting and donating owner-occupants who are the only homeowners who can use this homestead exemption are only 45% of the population. Andrea Lynn from the statesman would a story after you passed your budget saying Austin council okay, sir property tax rate. In this story appears the smelliest quote of all. The rate, 45.89 cents per \$100 in taxable value would result in a city tax bill of about 997 for the owner of a median valued home worth 217,000. That is \$14 less than what the median homeowner paid in city taxes this year of a accounting for both rising properties and the new general homestead exemption that knocks six percent off the taxable value of a home. \$14, '88, way to go, great. I don't know what else to say except what is the effect to those people who rent and cannot claim the benefits of the homestead exemption? The very people who made your \$14 per homestead owner-occupant savings possible? Basically you have again caused a lie by omission and miss direction. Please give the public a calculation, not including the homestead exemption so as to truthfully disclose to the 55% of Austin who rent the actual cost of your new budget. Probably won't be a decrease in city taxes. Now, if you really want to help austinites with their tax bill I would strongly urge you to sign on to the vote no on the courthouse resolution put forth by councilmembers Houston, Zimmerman and supported by troxclair. There are too many alternatives to the one-third of a billion dollar under parked boondoggle, including a unique opportunity for city-county cooperation in the underserved eastside of Austin. On Monday Travis county commissioner Daugherty revealed that if we want an alternative site for the courthouse this bond must fail. Now, he did so vote for the bond, but it must fail in order to have an

[11:59:30 AM]

alternative. Please sign on to that resolution for fiscal sanity and tell your constituents, especially renters, to vote no. Bonds equal taxes and rent increases. Renters unite. Thank you. >> Mayor Adler: Thank you. We have two other speakers but I have an indication they are not here. Del Goss. And then akwasi Evans. Those are all the speakers that we have. Akwasi Evans. I got word he didn't want to speak, but certainly if he is here he can. Mr. Zimmerman. >> Zimmerman: There was something handed out from Mr. Goldstone. I've got it was said the resolution is vote no on the courthouse and that's not what the resolution was. The resolution was to ask the city manager to work with Travis county for alternate locations for the site, not vote no. And there's a difference. But the speaker was correct when he pointed out I was at the meeting with commissioner Gerald Daugherty. He did a presentation for the taxpayers union and a number of other people. He did say that even though the ballot language for it did not -- it doesn't mention a location in the courthouse ballot language, but his word was if the bond was approved, the county would not consider other locations. Those were his words to us so that's the context of that remark. >> Mayor Adler: Thank you. Is akwasi Evans here? No. Those are all citizen communications. We're going to take a recess until 1:30. We'll pick up item 34. Item 38 that's set for 4:00 public hearing is going

[12:01:31 PM]

to be postponed. My understanding -- and that would then get us to item number 39 to be heard at 4:00. Any questions before we recess? >> Houston: I have a question. Did you say you had heard from akwasi Evans he was not coming. >> Mayor Adler: That he was not coming. >> Houston: Okay. >> Mayor Adler: Then we will reconvene at 1:30.

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>> Mayor Adler: We have a quorum. Which means we can start this back up. It is Thursday, August 8, 2015. It is 115. We have two items I think left on the agenda. One of them is item 34 and one is item 38 - well, three. 38 we need to postpone and 39 we'll call. On so -- we can't do those last until after 4:00 when the public hearing is set. So that means we're on item number 34 as our last item. We have some speakers who had signed up to speak on this. Do you want to lay it out for us? >> Sure. Greg Guernsey, planning and zoning department. Thank you, mayor and council. Item number 34 is case C 814-2012-0152, pilot knob planned unit development. It's approximately three and a half square miles or 2,216 acres. It's on the southeast portion of the city. It's kind of bounded on one side by McKinney falls parkway and 183. It's southeast of the intersection with William cannon drive and McKinney. It was annexed into the city in June of 2012, limited purpose. It's composed of five municipal utility districts that were created at that time. As it was brought in it was given interim zoning, interim rural residential and small lot residential zoning, which is over the entire property. Again, this is 2,216 acres,

compromises the entire area of those muds. It is recommended by the environmental board

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unanimously in a 10-0 vote. It's recommended by the planning commission on an 8-0 vote. It's recommended by staff. Let me tell you a little bit about the project. There's approximately 14,300 units that could be possibly built. There's about 5,000 -- 5,350,000 square feet of civic, commercial and industrial uses that could take place on the property. Some of the things on the property are affordable housing. They've agreed to do 10 percent of the owner occupied units would be 80% median family income at their initial sale. 10% of the rental units would be at 60% median family income or mfi for a period of 40 years. They've agreed to make a financial contribution to the city's affordable housing program. Equal two percent of the hard construction costs. Reimbursements actually received by the developer or bond proceeds by the district issued by a total of \$8 million. They are subject to the subchapter E of the commercial design standards except for maybe some minor exceptions. They'll have pedestrian oriented uses in the first floor of the multi-family commercial or mixed use buildings. As far as environmental and landscaping. About 65% impervious cover over the entire -- 65% impervious cover over the entire property when you're looking at the suburban watershed areas. They're going to use green water quality controls and bio filtration ponds and gardens. They'll mitigate all the area acreage at 64 acres of drainage area providing minimum 50-foot setbacks from unclassified waterways with drainage areas of

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32 acres. They would agree to try to achieve a two star green building equivalent. They're not actually in Austin energy service area, but they're going to try to maintain that reasonable equivalent. As far as parkland, they are providing a minimum of 400 acres of open space, 100 of that would actually be constructed open space. Instead of the usual half mile within parkland of residences are going out actually to a quarter mile. So that cutting that area in half. They would provide for the dedication of two acres of net site area. This would be buildable area to construct a new city of Austin fire and E.M.S. Station and they've also agreed to designate for future modal -- intermodal transfer station a 10-acre site for that within that area. Their street alignments in accordance with the capital area metropolitan plan or the 2025 transportation plan. They would provide a minimum of 10 acres of publicly accessible trails connected to sidewalks. They'll be in accordance with our complete streets policy, the cross Texas of streets, the internal street connection, sidewalks, trails, streetscape improvements and bicycle improvements. As far as the water utilities are concerned they'll oversize the water and wastewater lines. They're going to have 14 -- over 14 different projects that would deal with interceptors, lift stations and force mains. The city's pro rata share of nonrefundable improvements for the benefit of the city

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totals approximately \$3.76 million and these are in \$2,012. The majority of land surrounding this is in the county. There's a small area that's in the northwest portion that comes close to the city of Austin, abuts the city of Austin. The zoning is required for them to really finish their plats, and for them to move forward the zoning and platting commission application has to move forward in a timely manner so they can get the subdivision approved as as part of the subdivision I mentioned there's a school site which del valle would be the recipient of. So we would suggest that this go forward today at least on first reading and then come back and then we can have second and third readings at a later date. We're not

prepared to do second and third readings today. We'd take your direction and get input at this first reading to start drafting the language that would be necessary to bring it back for second and third. The applicant's agent, Richard Suttle is here. Carmen is also here, the owners. And I have staff represented from atd, parks department, housing, pard, if there are any questions that you may have. At this time I'll pause and the applicant can come forward or you can ask staff questions. >> >> Mayor Adler: Greg, thank you. We have some speakers signed up on this and I'll go ahead and call those speakers up. Peggy [indiscernible]. >> [Inaudible]. >> Mayor Adler: Mr. Suttle, you're the other speaker. Is Lynn Ann Carly here? Is Amanda Morrow here? Is SHAWN Cranston here?

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You would have roughly 12 minutes. Ms. Garza, did you have some questions that you wanted him to address in what he was saying or do you want him to just go through a general presentation? >> He can present and then I'll ask questions. >> Mayor, members of the council, I'm here on behalf of the applicant today. We're here on a 2200-acre piece of property that we've been working on for years now in the desired development zone. There I am staring at it. How do I get the first picture? That's just an aerial that gives you an idea of where we're talking about. If you go out 183, Pilot Knob is the hill out there, the old volcano. If you imagine the extension of William Cannon that we'll be building, a and slaughter, that's the kind of northern-southern boundaries. This has been a project that because of its size and complexity has been a collaboration between the state and the state and the county and the city. The state is involved because through bills with Senator Watson and Representative Rodriguez we were able to create the. The municipal utility districts. Those were created with the acquiescence of the city, knowing we would come back with an equipment, which we did. The county has been working with us on a CIP project on William Cannon road to get it punched through to 183 to give us more east-west thoroughfare. And then of course the city being what we're here today for is for really planning and for utilities and for those types of things that come along with the master planned community. It was previously in the E.T.J. It was pasture land. It was not in the city's water and wastewater service area, meaning that the city wasn't able to serve in this area. And it is not in the city of Austin's electric service

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area. In 2009 there was an attempt to create the MUDs and it didn't work. We went back to work on it in 2010. We bought the Creedmoor Baja CCA out to Austin could serve it. It costs a great deal of money to buy out of their service area. And then in 2011 the legislature came in and created the MUDs with the acquiescence of the city. In 2012 we entered into a consent agreement with the city which outlined the - basically the rules of engagement for development of this project and it laid out the land plan and the affordable housing components and the things that we're now finalizing in the PUD. In December of 2012 we filed the PUD, and I take aside a minute. Y'all are dealing with some large PUDs in other areas of the city. This is different. One, it's not a redevelopment and we're not asking for density bonuses. But I get tickled when I hear people say oh, PUDs, we've been in the process for six or eight months and it's taken us so long. If you look at the dates on this PUD, we've been working with the staff and with the county and gone through the boards and commissions now and we're coming up on three years now in December. And that -- it just takes time when you're dealing with the complexities of a PUD. In my opinion you either negotiate it here on the dais or negotiate it on the lower level, and we chose the latter and we've got it negotiated to where now I think staff and all the departments are happy. With that work we went to the environmental board, the new environmental board in August and got a unanimous recommendation and then in September we went to the new planning commission and also got a unanimous recommendation there. So today we're here before you eligible for first reading only

because the ordinance isn't ready and you haven't had a time to look and delve into the details. We're here hoping for first

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reading today after the hearing. The consent agreement, you haven't done one yet, but a consent agreement is an agreement you give your conditions to consent to creation of the municipal utility district. And it very clearly lays out things. Some of you have more experience with muds, but in the old days muds are things we attempted to cure and I think we've done that. The agendas are all be required to be forwarded to the city. The city is not required to provide any service to the area other than water and wastewater and the zoning and platting services. There's a land plan attached to that, a consent agreement, which is the same as which you are working with today. We agreed to the two school sites, the fire and ems site and the capital metro site. The open space in parks which were basically doubled than what's required. And that was all part of the soup superiority of getting the pud aen the mud. We're not asking for density bonuses, we're just asking for flexible zoning so we can accomplish the planning goals, in other words do the density along the roadways, the streets planted out more than if we wanted have come in here in the E.T.J. And just platted it at suburban with no regulation other than the county and that's it. With this we have implemented the terms of the consent agreement as part of the pud. Greg did a great job of going through the highlights of all the superiority stuff. I'll be happy to answer any questions you might have. What Greg stated was trucks we have an obligation to provide

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the del valle school with a site and deliver it April or may of next year. They have already approved the site. They are hoping to have kids there the following year. Backing into this system we need to get our plats done and before we get plats done we have to have our zoning done so we're hoping to come back in November for second reading pending your satisfaction that we've hit the bar for this project. With that I'll close and be happy to answer any questions you might have. >> Mayor Adler: Thank you. Does anybody have any questions? Ms. Garza. >> Garza: I have a couple questions. The affordable component, it says that it will be at the initial offering for the residential. So I read that as it will be only offered once as affordable housing and then that's it, there won't be any kind of land trust or anything that reserves that home as an affordable home. Is that correct? >> That is correct. Since there is -- there is no -- we tried to figure out a way around that. The model was Mueller. The -- Mueller was owned by the city. The city owned the land and they were able to do a land trust. What a master plan community is not set up to do is hold property over and over and over for a certain sale. So what our -- our offer to the city was for first time make it affordable, but then we doubled up with the fee on the end where the city as we issue bonds, the city would have money to where if the city wanted to buy them and then have them affordable for a long time, they could do that. >> Garza: Okay. And also in the mud, it said that -- it said 40 years of rental units from the equity if I have date of the agreement, but the agreement was made in 2012. So I'm curious if the

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apartments don't get built because it's going to be phase in where different parts are built at different times, if these units don't get built for 25 years or 20 years, does that mean basically it would be reserved as affordable housing for only 10 years because the agreement happened in 2012? >> That is how the agreement is drafted today. >> Garza: And -- okay. So that's something that I think I would like to see a change in. And so I have a lot of questions about this. This is in district 2 and the thing -- the red

flag that stuck out to me was one that I never was approached about this and it's in my district. My understanding, I haven't had any conversation with the developer. The other when I saw 10% affordable housing, that Numbers --, it's really low. When we have these pud agreements, this is more a conversation amongst my colleagues, these are opportunities to get affordable housing. We can't do inclusionary so we have these puds to get affordable housing. When I see Numbers like 10%, I'm very, very concerned that -- I think that we can do better. And I -- my initial thought was to postpone this, but I understand this has been going on for a long time. So I would be open to not postponing with some kind of assurances that we can go back and work on those affordability Numbers. Because -- the mfi, the 80% mfi is 61,000 for the city, but for my district, 80% mfi is 34,000. Mfi for my district period is 42,000. So really when I looked at the Numbers, nobody in my district could afford these homes and that is really concerning to

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me. I no everybody hates the "G" word, gentrification, but when these developments start to sprout up in my district and when families have been displaced because of the Halloween floods and they are trying to find homes in the same area they grew up and if this council approves a pud, I could not vote for a pud that basically does not allow anybody in my district would be able to afford to live in this pud. And so can you -- if this goes on first reading, can you give assurances that these Numbers are going to go higher than 10%, to something higher -- and maybe the mfi goes a little lower? Because I want people in my district to be able to afford to live in any kind of new development like this. >> What I can commit to you is that we'll continue the conversation between first and second reading because it's not as simple as saying sure, we can -- we can raise the Numbers right now because this has been a balanced situation. But what I will assure you is we will continue to reach out to your office to meet and talk about this. And with an open mind on the Numbers. >> Garza: Okay. I have a couple more questions. Let's see. In the mud it said there would be an ongoing dialogue with capital metro. Has that happened? >> Well, because we're not

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continue that dialogue and in fact have committed to providing them a site should we end up in their service area and they need the service. But the answer is yes. >> Garza: And then it seems like the urgency is -- from conversations with del valle ISD. Do they have -- I feel like they would have to do a bond measure to be able to acquire or build a new school. Are they ready to build a school? >> We are giving them the site and then -- have they had the bond discussion yet? >> They have the funds for the building. Donating the site. >> We're donating the site and they have the funds. In addition to that, and we're required to deliver that first quarter next year, but just in addition in order to get started on providing another 10,000 residential units in this area eventually as you can see we've been in the process for a long time and the urgency is the school but we're also urgent to get going on this. >> And how does -- if this were to move to two council meetings from now, just so I could ask more questions because I appreciate you think that staff and the developer are happy with the agreement, but we are the ones that have to approve the agreement and as of now I cannot vote for this pud if nobody in my district can afford to live there. How does delaying this a couple of meetings -- >>> The way this process works, the law department, they don't like to guess at what council would like to see in an ordinance. And generally -- and your lawyer can speak if I start lying, but generally first reading means we have a lot of things we can start to work on and then the things that aren't settled yet, second, third reading, these are the things that get worked on between first and second and

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second and third reading. If we delay first reading today, the ordinance doesn't get started, then let's say we come to shore on the 12th and then they are instructed to go forth and write the ordinance, there is no way to get it done before year end and then we're into the next year. What a week or two delay, we're starting to push into schedules and November and December are starting to get tight. >> Garza: Can I ask staff that question or law? If this is delayed two weeks, does that in fact create a situation where it won't be done, the the ordinance? My understanding staff is already kind of drafting the ordinance even though it hasn't been passed and that they start that now. So that really a delay is not delaying any starting of the ordinance. >> It takes time for us to work with the law department. It takes several weeks for us to draft an ordinance like this of the my staff has already started trying to work through the language because this ordinance may be 30, 40 pages long when you start putting everything all together. I won't speak for the law department, but we will not probably finalize a draft of the ordinance without really having the first reading in place. If it was -- most of the ordinances I bring you where the commission has made a recommendation, we'll try to work with that. This is a little more difficult because the nature of this case being a pud of its size and all the different elements. It just takes more time to do. So a delay of two weeks would probably delay getting the ordinance finalized. You know, that's not necessarily constraint so much for staff as it is probably for the applicant in this case. If we were to come back and do

[2:12:03 PM]

first reading at your next meeting, next zoning meeting, that would be in November. That only leaves I think three meetings left, one in November and two in December to get everything done and that might be a little tight. Because sometimes things change at second reading for projects of this size. >> Councilmember, I'll reiterate the commitment if first reading starts today and maybe don't have quite the attention to them, and they might once you look into them, keep moving, we'll work with you and any other councilmember that has question on the affordability issue, we'll meet daily between now and second reading. >> It's not so much that, but I want that number higher. When I heard we'll continue the conversation, that to me sounds like we'll keep talking to you but we're not going to move on that number and I really cannot -- I cannot favor any -- it as is 10%. It needs to be higher and it needs -- people in that district need to be able to afford to buy homes in this -- in that pud. And so can you give assurances -- can you give -- can you say that that will move? That we'll get more affordable housing or even this \$8 million will be invested, maybe that 8 million instead of investing into some other affordable housing will be invested back into this pud? I understand you didn't ask for any density bonuses, but maybe we could do that. That could be a way to get more affordable housing so you can create whatever matrix you need to be able to get the return that the developer needs to get but also provide for more affordable housing. >> And I can commit to you this, my guess is hearing you loud and clear, those Numbers are going to move. I just don't know -- I can't

[2:14:05 PM]

negotiate them from the podium. But I'm not just paying you lip service saying sure we'll talk and we'll be back in November and it's going to be the same. That won't happen. >> Garza: All right. >> Mayor Adler: Ms. Gallo. >> Gallo: And I'm glad you brought up the question of the \$8 million because that was my thought also and this is maybe a staff question. That's a lot of money that could be directed -- I'm wondering if it could be directed back into this particular project. I'm thinking if you are concerned about the price of the homes for the population that it should be taken care of that if that money could

be used for something like silent seconds on the purchases. I'm just curious from staff how much flexibility that you would have to be able to use that money to help literally buy down the cost not of what the houses were being sold for, but buying down the cost of those homes either through some creative financing opportunities for the purchasers or -- >> Mayor Adler: And then answering that question, I think the correlating specific is that the mud consent decree set out certain principles through which the developer agreed to abide, and those principles included not only a percentage of homestead units but a certain amount of money that would be sent to the fund. It looked like those were things that the developer said in advance that they would agree to, but not necessarily be bound -- that the city would be bound by. So in Ms. Gallo's question, do we have the flexibility to reorder that so that we can cut a different agreement. >> Gina coping with neighborhood housing. David, do you want to speak to that? >> Good afternoon, mayor and council. David sorelda with the law department. I would need to take a look at the consent agreement.

[2:16:05 PM]

I'm not familiar with it at this very moment. The mayor has handed me a copyright now putting me on the spot. I would like -- I would like the opportunity to take a look at that document. I understand that staff had also raised kind of in private discussions questions about other regulations perhaps under the charter and the annexation of the property, but with your permission, I would like to take a closer look at that and if this does go on first reading today, certainly report back to you either verbally at the dais at the next meeting or perhaps in writing. >> Mayor Adler: And I would hope well early in the process so it's part of the discussions between now if it goes -- under any scenario, sounds like we're going to be talking about this in November so early enough to make it part of the negotiations. >> I understand, mayor and will make that a priority. >> We welcome the law department because there are restrictions what we're trying to do here. We're walking a very fine line but I think it can be done. >> Mayor Adler: Ms. Houston. >> Houston: Thank you, mayor and thank you, Mr. Subtle for trying to work through this. As we develop planned unit developments in the eastern crescent of our city, I've become as concerned as councilmember Garza about us being -- developing communities that are by their development become very insulated and very not demographically diverse, not only ethnicity but economically diverse and where we are having difficulty finding opportunities for people who live in our

[2:18:06 PM]

districts now be able to afford to buy houses as. As we know, homeownership is the start of generational wealth and we can say we'll do apartments but that doesn't help the people that I think we are trying to help. They need homeownership opportunities. And so I think we need to look very carefully at what the planned unit developments offer for all the people, especially in parts of the city that have traditionally not been able to afford homeownership. I think we need a broader conversation about the developments and how we don't in fact continue what has already happened in Austin and that's homeowners segregated and people are not allowed to participate in that opportunity. >> Councilmember, that's a great segue. I didn't introduce my client, but Brookfield is a master planned developer and they try to develop housing throughout 2,000 acres. That's why they bit off such a big piece is so that they can start with starter housing. Whether that's an apartment or whether that's a smaller house. And if you like the neighborhood, you can live in that neighborhood through your life cycle. You can move up, you can end up with a big house and then come back down and that's the beauty of a plaster planned community is if you like the neighborhood, there will be a house for you at varying price ranges and that's -- that's the goal here. And then on the pud question, we didn't necessarily want this pud. This was not a pud that we needed. This is a pud the to the asked us to and he

degree to come in and it's different than some of the puds you are used to. This is one we agreed as part of our consent agreement that we would file. >> Mayor Adler: So has everyone had a chance to talk yet? I'm going to vote to move this forward on first reading with the understanding that there's going to be a lot of

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conversations I think that need to take place, moving into November. I do appreciate that the owner took a look at trying to figure out what the mechanism might be to be able to have some permanent in answer in affordable housing as Ms. Garza had asked for. Maybe if we put some other minds to that we can come up with a creative solution where that would work. I know that the developer is not in a place to serve as the foundation does at Mueller. That's not the role of the owner of the property. But maybe there's a way for us to create an entity or to -- similar to Mueller maybe out of the housing department or some other entity that could step in and do that. My sense is that as we are in this city now, if we had been able to do that now 15 years ago or 20 years ago, we wouldn't have the -- the same geographic segregation issues that we have today. I would really like to participate in that effort to see if we can come up with a vehicle to be able to do that. Part of it I think is you've spent a lot of time doing this, the owner has and that's greatly appreciated. You've kind of walked into a council that is going through its first puds, you know, so we're seeing those so you probably have a super involved council at this point. You know, questions have been raised if this was a pud going on in the central part of town, and I know it's not, but there would be a lot of questions about connectivity, you know, or how does this connect with McKinney Falls, how does this connect with Onion Creek, how are we setting those things up. If we set this for November 12, that gives us time to do that, but your offer to work daily probably is more than what will be needed, but on that order I

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think in terms of trying to figure out what the issues are and to make sure that we have a project that perhaps could serve as the example project for what we anticipate being a lot more developments happening in the eastern [inaudible] Because that's where the opportunities are. >> And you have our commitment to work with all of you. >> Mayor Adler: Thank you. Further discussion on the dais? Mr. Renteria. >> Renteria: And I'm going to support this on first reading also. You know, this area in far southeast Austin, you know, we had always wanted the city to move that direction, especially into district 1, my district, and district 2. And, you know, the citizens of Austin didn't want to move into that area because they didn't -- they wanted to move west closer to the lake. So this area has always been -- been left undeveloped and it's regionally priced, you know, it's the kind of land that we can build housing where, you know, there are going to be the lower and middle class can afford homes over there. And those are the areas that, you know, our low-income people are going to be moving, our lower income people are going to be moving into. I don't see the high-end people want to go live in that area. I really believe we need to start looking into east Austin and especially around the 130 area. We're going to have the opportunity to build a lot of housing that people are going to be able to afford to buy and rent and, you know, these are the kind of mixed projects that we've been, you know, trying for years to do. When I served in the community development commission that we -- I always advocated we should invest in east Austin for the people that are having to leave our school districts now, they are having to move

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out to manor, to Elgin and to Lockhart and pflugerville and we're seeing it now where people cannot afford the pay the rents and buy homes that are going for 400, 500 thousand dollars even in the innercity. So this is an opportunity that we could -- we can expand out there and I would be -- I'll developer trying to make sure that we get as much affordable housing out of it and I think we can work it out. And so I'm going to be supporting first reading. >> Mayor Adler: Ms. Garza, then Ms. Houston. >> Garza: I want to be clear, I absolutely agree with everything you said, but my point was these homes are not at a price point that are affordable to the families in the district. I was out there last weekend and there's another development right across the street where the lowest home was being sold for 220 and went all the way to 360s. People in my district cannot afford these homes. That would be a question, what are the price points for the homes that are going to be sold in this district? >> Of course this is a 30-year project, but right now we've got a project similar to this farther south and the homes are in the 100s, mid 100s to upper 100s. >> And I find that really hard to believe when houses right across the street are selling for 220. >> Well, but see remember what I said. My client is trying to get folks at all the levels. Chances are good you'll be able to buy a million dollar house in this development some day, but you will also be able to by a house, a starter home also and everybody stay in the same neighborhood. And that's the goal. >> Garza: And that is the hope and the goal, but I

[2:26:09 PM]

just -- I'm uncomfortable moving forward on first reading on this because I haven't heard anything from staff saying if we don't move forward today, we're dead in the water. That it's still possible to stay on your time line and not go forward on first reading because what I'm concerned what is going to happen right after first reading, we're going to be, well, we already did first reading and they already started to draft the ordinance. You know, we just need to get this project done and del valle wants the school when I [inaudible] Del valle about any of this agreement going on. >> Councilmember, that's a little unfair. There's been a lot going on. In our city. And in y'all's offices. And there hasn't been just a total lack of awareness of this project. We will commit to work with you. It sounds like the affordable housing is the main concern and there may be more, but I will commit to you if we can start the process on the rest of it, we will work with you and come to resolution on the affordable housing. If we delay it, is it going to ruin the whole project? Of course not. But is it going to delay us probably after the first of the year? Yes. And will it have the potential impact of the William cannon extension? Yes. Will it have the potential impact on the school? Yes. We're just asking first reading -- you could come back on second reading and say we don't like this pud at all. We're just asking that the staff and the law department start -- start their process on drafting the ordinance so that we can get moving on the other pieces of it with full commitment to you that we will work on this affordability issue. >> Mayor Adler: Further conversation? Ms. Houston was next, then Mr. Zimmerman, then Mr. Casar. >> Houston: Thank you, mayor. And thank you, councilmember Garza. I was going to ask about the price points as well.

[2:28:10 PM]

I'm going to say this one time. I've been in this city for a long time and we always start with there's hope and this is our goal and then when it actually reaches fruition and we are selling homes, it's not what we were led to believe. And so over the years our communities have been led down a path and then there was no -- no out come that was positive for them. And so I'm really tired of the hope and promise kind of thing. It's not my district, but if it were in my district, I would want some concrete answers to the questions so that we could be assured that people who are being pushed out of the central city are able to be able to live in houses in their neighborhoods as close to their neighborhoods as they could, as close to amenities as they can and not just a hope and a promise. So I too would like you all to work on

that a little harder. >> Mayor Adler: I think it was Mr. Zimmerman and then Mr. Casar. >> Zimmerman: Thank you, Mr. Mayor. I'm going to also be voting for first reading only on the project and I guess to me the irony is one of the things, one of our problems that we've acknowledged is we have a lack of supply of housing. The biggest lack is at lower price points, but there's demand all over the map for lower priced housing and for higher priced, middle priced. There's tremendous demand and we have a shortage. I think the irony is we sit here and say if we don't want to move this forward because there's not enough marketable affordable housing, delaying the project exacerbates the project. Lack of housing. Every time we delay, our problem gets worse, people keep moving here, so I feel

[2:30:14 PM]

like I'm compelled to vote for it. As much as anybody on this dais I want to see lower price points so people can afford more small homes and condos. And I'll do what I can to help make that happen, but I'm going to vote for this on first reading. >> Mayor Adler: Mr. Casar. >> Casar: I will -- councilmember Garza, if you think that postponement on this issue will push us closer to having a better affordability requirement, I will support that, or also if on first reading there is an affordability number that you would like legal to draft into the ordinance you think would be more appropriate, I would be open to supporting that as well. Either of those two I would be open to at your judgment. >> Mayor Adler: Ms. Garza. >> Garza: I have a lot of respect for all the work already put into this and I hope you will respect my desire to advocate for the working families in my district. And so it's really hard for me to allow this to go on first reading. If my colleagues decide to vote otherwise, that's up to them, but I would move for a P because I want some assurances there will be more affordable housing. >> Mayor Adler: Is there further debate or discussion? I was kind of thinking. I had said I will support this first reading and I will because I think that's the way the process needs to work on this, but all the issues that councilmember Garza is raising are real important to me too

[2:32:17 PM]

and as I sit here now, if -- if you come back and we haven't addressed these issues for Ms. Garza and she continues to have them, I can't imagine I would be voting for this at the next stage. Ms. Kitchen. >> Kitchen: I also will support this going forward on first reading, but I will not support it if councilmember Garza is not comfortable with it after this. >> Mayor Adler: Any further discussion? Yes, Ms. Gallo. >> Gallo: You know, I'm going to support moving it forward on first reading also and I appreciate the comments and the thoughts that you've brought forward. You know, there's been so many things that we have brought before the council and different issues, mobility, et cetera, et cetera, that we keep the process moving forward on readings and then have a lot of changes that happen between the first and second readings and between the second and third readings. So I do think there's some opportunities hopefully for us to be creative with the \$8 million fund to help be able to help with housing purchase, but I do think a development that has price points in all the different prices, you know, we talk about the ability to build affordable and the ability to build affordable is to build small and dense and that's just the reality where we are in this community. So I think the combination of that plus hopefully some financial abilities that we have as we investigate the potential of that fund to be able to do something like silent seconds that allow no interest second liens on the property that really do reduce the mortgage payments on those properties and allow somebody to qualify for something that they normally would not qualify are just really good opportunities in a situation like this. So hopefully in the discussion over the next couple of weeks we'll be able to come up with

[2:34:17 PM]

some really good creative ideas that address the ability of some of your community to be able to purchase in this development. >> Mayor Adler: Any further discussion? I need a motion. Mr. Zimmerman. >> Zimmerman: I move that we approve the item on first reading only. >> Mayor Adler: Is there a second to the motion to approve on first reading? Mr. Renteria. Any further discussion? Those in favor of approving -- I'm something. Ms. Troxclair. >> Troxclair: I just wanted to ask if it was possible or appropriate to add some kind of stipulation that speaks to the issues that councilmember Garza has raised. I don't know that it's appropriate. I'm hearing that it's not possible to put an exact dollar amount, but I just thought I would ask councilmember Garza if there is anything before we take this vote if you wanted to add anything that would speak to the issues that you've brought up. >> Garza: I mean I would love some kind of assurances, but I asked the question and it didn't -- it seemed like the answer was we'll have those discussions. I would love language in there to say -- I don't know if it would be symbolic, but we're passing on first reading with the understanding that the affordable housing factor will be increased or not go on second reading. Can I make that motion? >> The law department, assuming this motion passes, would draft the -- the ordinance based on the planning commission recommendation which as it stands now is what the motion and the second is built upon. For us to add any other conditions, if you would, to the ordinance, the law department would need some specific direction, if you would, as to what the language is that you want incorporated

[2:36:17 PM]

into the ordinance. It sounds like what I'm hearing that you are maybe want to go add certain language that's in the way of just the general aspiration or goal, but to put it in the ordinance, I think we would need concrete figures or language to that affect. >> Garza: I guess why is drafting of the ordinance happen to that degree when it hasn't been approved on all three readings? >> Mayor Adler: Let me ask this question. I would anticipate that we would approve this -- if we were going to approve on first reading today, we would approve on first reading today, in November we would be back approving I would anticipate because we would be seeing a lot of stuff on second reading and there would be a third reading in December. Is it important in the time frame for this to be drafted, the ordinance -- I imagine there's certain parts of this probably that you could draft that are not in controversy. So maybe the legal department just drafts those elements between now, first and second reading and doesn't draft the affordable housing or other kinds of components like that until after second reading. That would put us in the position that in November we couldn't approve this thing until December and I think that might be a good place for us to be given where we sit right now. Does that work? Can we do that? >> Garza: Well, I mean just hearing from my colleagues on the dais here, it seemed like they were of -- maybe not all of them, but they were of the understanding that moving forward on first reading with the understanding there would be more options for affordable housing. I don't know how to do that, but I would like to make that amendment. >> Kitchen: Could I give a try at an amendment? I like the proposal that --

[2:38:18 PM]

that you asked about. I guess we don't have a question yet, Mr. Mayor, but can we not propose to move this forward but not include the section on affordable housing? Or include the section on affordable housing with a blank for the percentage? >> Yes, that would be fine. >> Mayor Adler: Because it's just a drafting instruction at this point. >> Kitchen: But that's what we're voting on. We're not voting on the 10%, we're voting on the blank so it has to come back to us and we have to make a decision on second reading. Does that work? >> Mayor Adler: All right, so the amendment from Ms. Kitchen, seconded by

Ms. Garza is to approve on first reading but with no commitment on first reading as to the affordable housing requirements. >> Kitchen: The percentage. >> Mayor Adler: With the understanding that that does not mean we're in agreement on all the other provisions. It's just that that's the one that we will leave uncertain as of this point. >> Yes, yes, mayor, the law department can draft that. >> Mayor Adler: Okay. So that is the amendment. Seconded by Ms. Garza. Is there any objection to that amendment? Hearing none, the motion to pass on first reading is amended that way. We're going to go ahead and entertain a motion now to approve on first reading and close the public hearing consistent with the item as amended by Ms. Kitchen. All in favor raise your hand. Those opposed? So it's everyone on the dais with Ms. Pool absent. >> Thank you members of council. Look forward to working with you all. >> Mayor Adler: Thank you. It is 2:45. We'll reconvene at 4:00 for the last item on our agenda. By the way, we have two things and 38 will be postponed in case anybody is watching on TV. That will bring us to the last item. Thank you.

[4:13:36 PM]

>> Mayor Adler: All right. We are now back. We have two items that are left on our agenda R. Calendar. The first one is item 38. This one, council, still has the principles trying to work -- principals trying to work it out. It's still involving the red bluff road movement. So it's not just a question of neighborhood and applicant, but it's actually the city involved as well. If they're able to work it out, it would be better for everybody, but they're still not ready with that yet, so I would entertain a motion to postpone item number 38. >> So move. >> Mayor Adler: Let's go ahead and postpone that to the -- let's postpone to the November meeting with the understanding it will probably be postponed again. There's a motion to postpone it to on our 11/12 meeting. Ms. Houston, seconded by Mr. Zimmerman. Fair favor raise your hand -- all in favor raise your hand? All opposed. It's unanimous with Renteria and pool off the dais. That gets us to number 39. Does staff want to lay this out for us? >> Rebecca giallo, neighborhood housing and community office. This is to conduct a public hearing and consider a resolution for the application of the Texas department of housing and community affairs so that the developers can submit a necessary documentation for their tax credit application. The developer is planning a 240 unit new construction development on about 13 acres. This is in district two. This would be for households with incomes at or below 60% of median family income, that's \$46,080 for a family

[4:15:36 PM]

of four. I won't go into much detail, it's in your backup, but the developers here should you have any questions that you would like to ask of them. >> Mayor Adler: Okay. Thank you. We have a-- someone from the public that would like to speak at this public hearing. That's bill fisher. >> I'm just a resource for the developer. We're here to answer any questions you might have. >> Mayor Adler: Mr. Zimmerman. >> Zimmerman: Thank you, Mr. Fisher. Is this a nine percent competitive -- is this a four percent project? >> It's a four percent tax exempt bond, non-competitive. >> Zimmerman: Okay. And how many millions of dollars of debt -- can you tell me some past history or how many bonds have been issued for projects you've done in the past or that this developer has done? >> Well, Gove is the developer. They're out of California. They're new to the affordable housing industry in Texas. They own the site out there. My business has been involved in more than 60 tax exempt tax developments in the last 20 years, more than half a billion dollars. >> Mayor Adler: Any further discussion? Ms. Houston? >> Houston: I'm sorry, I'm not back on the dais yet. Can you tell me the price points for the units, please? >> Yes. There's 240 units, are at or below 50, the rest are -- >> Houston: I'm sorry. I want to know the price points. We have the units going to rent for? >> A one bedroom 50% unit is \$657 net of the utility allowance, two bedroom, two bath, at or below 50 is \$780 net of the utility

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allowance. A three-bedroom, two bath is \$850 net of the utility allowance. For a four bedroom, two Beth that same unit is \$950 net of the utility allowance. >> Mayor Adler: Ms. Garza. >> Garza: Did you say and the utility allowance? >> We're allowed to charge a rent -- there's an allowance given for the tenant paid utilities so the number I quoted is what the tenant pays for the unit. >> Garza: Not including the utilities? >> No. They're paying their own electric bill. We pay for water, sewer and trash. >> Mayor Adler: Ms. Troxclair? >> Troxclair: I see in the backup that the developer plans to make a significant percentage of affordable units I guess available to veterans and their families. I just think that's interesting. I would be interested to hear more about how you're going to do that. >> If we're talking about the handicapped equipped units, veterans, [indiscernible], the fair housing aren't requires five percent of the new build apartments to be equipped for families with special needs. A lot of our special needs residents come from the veterans community. We have the second largest of any state. We're doing an unusually large percentage of those units. I believe 10% of the units are equipped for residents with special needs. An additional two percent are for folks with audiovisual. But the equipped units. They're not solely dedicated to veterans. We affirmatively market to all residents in the community, but they are available for any family with need of a special needs unit. Those units go very quickly

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and most of our residents rarely move. >> Garza: Thanks. >> Mayor Adler: Further discussion on this item? 39? Mr. Zimmerman. >> Zimmerman: Thank you, Mr. Mayor. Could you tell us a little bit about the partnership again and how the equity and how the tax credits work and where those benefits accrue? And who is going to own the property if and when the bonds are paid off, how all that works? >> In this proposal, an affiliate of the city of Austin would serve as the general partner of the development and they would have the right to own the property at the end of the 15-year compliance period for one dollar above the debt. And this particular development is a little over \$35 million. Approximately 11 million of it, 10 and a half million, is the tax credit equity. It will come from a -- typically from an insurance company or a national bank. We'll acquire the credits solely for the return that's generated by the federal tax credit and the losses. At the end of 15 years the property still remains affordable for an additional 15 years and the city housing finance corp would have the option to acquire the property for a dollar above the debt at the time. In general that would be something under \$20 million. So it would be about a 35-million-dollar development at the time they took it over, less than 50 percent of it would be the bond debt. >> Zimmerman: Okay. Is it \$450 million of permit and impact fees. Was there a traffic analysis done? When this developers go out and build more units and create more traffic they have to pay some kind of impact fee, right, for traffic or for infrastructure. So it shows here that it's \$450,000 of fees. It says that that's being requested, but that hasn't been granted yet. Is the \$450,000 in fees

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hasn't been granted yet? >> That's simply our estimate of what the permitted impact fees are. And under your affordable housing programs we're eligible for a fee waiver so we're just flagging that as part of the financing request. We do meet all the smart housing criteria. We have been through that with staff. We do have public transportation close by. This is not too far from the airport. It's about a mile and a half from Bergstrom. And it is at the corner of 130 and 71. So there's tremendous access to transportation to get into downtown or to other areas of Austin. >> Zimmerman: And final question is

this project going to be -- is it going to be contributing to the tax rolls or is this tax exempt or is it taxed? >> The city's participation makes it tax exempt. If the Austin housing finance corporation is the owner it would be property tax exempt. And if I can arrest lick at articulate onthat, we're trying to affirmatively market fair housing in all parts of Texas and one of the things we're doing is no longer build in qualified census tracks and difficult to develop areas. The challenge for the people financing the transaction is it reduces the amount of equity available in the transaction by 30%. So we're out of in an area where you would normally have not seen affordable housing in the past, and as a result of that in in thinks public-private partnerships are the things that are facilitating a quality development without being in one of those areas. >> Zimmerman: Let me be clear. This is not affordable housing. This is subsidized, unsustainable, subsidized housing. It's not affordable housing. It's unsustainable and it's subsidized by other taxpayers. In other words, because you will be off the tax rolls, everybody living in this project is going to have their services paid for by everyone else who is not subsidized. This is not affordable housing for the people who have to pay for it. I just want to make that point. >> Mayor Adler: Any further questions? Ms. Houston? >> Houston: And this may be a question for staff.

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This is not -- this is in district two. I'm not familiar with how far capital metro goes. I don't think it goes to 130 and 71. So what are the transit options in the area that will allow people to get in to town to work? >> We've been through the due diligence with capital metro. We have a bus stop within about 350 feet of our property line. We're in between where the -- if you're familiar with the area where the post office is and the speedy stop is, straight out in front of that is our bus stop and it's been there for quite sometime? >> On the southside. >> It's on our side of the road. >> Houston: On the northside of the street. Okay. It would have helped to have a visual -- >> For connectivity there are sidewalks that run down to the bus stop and we will connect into those so our folks will have an accessible route to the bus stop. >> Houston: Okay. And I think this next question is for staff. This is the first time that I have heard - you may have said it before about the fair housing act if we grant four percent tax credits that five percent of the units are for special needs people. I've never heard that. Have we done that before? >> He is referring to the fair housing act of 1991, I believe. And yes, all of the developments that we are partnering with does meet those standards. >> Houston: Okay. So have you told us that before? Because I would have remembered it if we had said five percent of the units in set aside for special needs? >> I don't know that we've provided that level of detail. We're happy to. One of the things that I wanted to briefly state, and it is because of a lot of the feedback that we all have received from you, is we have developed a developer information brief and we are posting those online along with all of the applications that we receive.

[4:25:47 PM]

And so councilmember Houston, I appreciate you saying any of the information that you want on transportation, that is available online. We will be moving that forward as backup to the agenda items. We did present that brief to our housing committee and they had some modifications that we were -- we're in the process of incorporating. The affirmative -- furthering fair housing component is on that briefing sheet and we are make modifications to refine that. >> Houston: And the five percent, if that's what the law provides, what the number of units would be. >> Understood. >> Houston: Excellent information. Thank you. >> Mayor Adler: Further discussion? Mr. Zimmerman, when I said -- that wasn't a question. You have absolute right and I encourage you to continue to make those points in debate. I was just looking at the witness and wasn't so much a question as it was a statement. Okay, good. Further discussion on this item? Is there a motion to approve item number 39? Mr. Renteria, seconded

by Mr. Casar. Any further discussion? Those in favor of this item 39 closing the public hearing and approving item number 39, please raise your hand? Those opposed? Mr. Zimmerman votes no. Ms. Pool is off the dais. Otherwise this motion passes 9-1-1. Ms. Garza? >> Garza: Just for staff, because I know where this is because it's in my district, but I'm noticing on the backup, but I don't know if it's in the backup online, but it's a black and white map and it's kind of hard to tell on the legend what it is because they're all the same color. I don't know if anybody printed it out and it's in color. Yeah, it's black and white. >> Renteria: It's real light. >> Garza: Make sure it's

[4:27:48 PM]

in color to people can see where it is because you can't tell from this map. >> We can absolutely do that an line. I don't want to speak for the agenda unit office, but online we will absolutely do so. >> Garza: Thanks. >> Mayor Adler: Anything else at this meeting? Record time completion prior to 4:30. This meeting is adjourned. >> Kitchen: And I must say councilmember Houston called it right, we were going to convene and be finished after we took this up. [Laughter]. >> Mayor Adler: We're done.