

City Council Regular Meeting Transcript – 12/10/2015

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[10:03:02 AM]

>> Tovo: Good morning. I'm mayor pro tem Kathie Tovo. This is a meeting of the city council. Mayor Adler is out of town at a mayors' conference and so I'll be sitting in for him today. I would ask the city clerk to reflect that he's off the dais for the rest of today in case I neglect to mention it. We are meeting in the City Hall Chambers on December 10th, it is 10:04 a.m., and I believe we have a quorum. So the consent agenda today consists of items 1 through 26, with the exception of the items that have been pulled, and I'll talk about those in just a minute. I'd like to start by reading the changes and corrections into the agenda. Item 4 was recommended, the language recommended by the airport advisory commission on 10-0 vote. Item 22, we are adding councilmember Gallo as the fifth co-responder on that item.

[10:05:04 AM]

Item 30 is -- was actually a 3 to 0 vote with councilmember Gallo absent, so we're ached that language, and item 4, the vote count was 7 to 4, with councilmembers Garza, Renteria, troxclair, and Houston voting nay. Item 81 should have the language: Approved with changes by the planning commission on an 11-0 vote, with commissioner Thompson absent. So, our time -- we have one time certain item today, and that is councilmembers consider and Casar and Garza are questioning item 67 be set for a 6:00 P.M. Time certain. Are there any objections to that? Okay. That stands at a time scene. We are going to break about 12:30 for executive session. We have one item on executive session, it'll be pretty show. We'll come back about 1:15. Our public hearings begin at 4:00. We have a slew of postponements. Almost all of them are going to be discussed for postponement. I'll give some heads up on that here in a minute. And we will be breaking for our dinner break a little bit early. I'm told for our time certain, we have a translator scheduled to come and assist citizens who are participating in that discussion, and the translator did the the Spanish interpreter is coming at 6:00 P.M. So we will break about 5:00 to 5:15 today, rather than our 5:30. There is no live musics or proclamations today since it's a zoning meeting. Any questions about the layout of the day? Okay. So the pulled items, item -- are as follows: Items 5 and 6 have been pulled for speakers. I have pulled items 2 and 11. Items 7, 8, and 9 are going to be taken up after 75, 76, and 77, a little later in the day. Councilmember Houston has pulled item 10.

[10:07:04 AM]

We will take up item 12 after executive session. Item 14 has been pulled by councilmember Zimmerman and Houston. Item 15 has been pulled by councilmember Gallo. Item 16 by councilmember Houston. Item 23 has been pulled for speakers if John Jackson is in the chambers and Mr. Peña. Mr. Jackson, are you here? If so, please signal. How about Mr. Peña? I believe he is around. But in any case, we don't have two speakers, so 23 will go back on the consent agenda. Okay. Anything else? So 24 and 25 also have two citizens and would ordinarily be pulled, except that I believe they are the same two speakers, and Mr. Jackson is not in the chambers. So those will remain on consent unless Mr. Jackson signals us that he's here and wants to speak. Okay. So I'll entertain a motion for the extent agenda.

Councilmember Houston, did you pull item 26 as well?

>> Houston: Yes.

>> Tovo: Sure. So 26 is also being pulled from the consent agenda. And I am postponing, definitely postponing item 21. I don't believe that's on changes and corrections, so I didn't read that into the record. So item 21 will be definitely postponed. Okay. Gallo, I believe you were moving approval of the consent agenda.

[10:09:05 AM]

Councilmember Renteria seconds it. Yes, councilmember troxclair.

>> Troxclair: I was going to ask about item 21 that you just said is going to be definitely postponed. I just don't know the background or reasoning.

>> Tovo: Sure. Item 21 is related to another item we're going to take up after the consent agenda and that is item 32, I believe. And so this -- these were itemization -- the one was an item, a recommendation that came from the open space. We had a discussion in executive session about it, and for -- I experienced a resolution and three other councilmembers co-experienced it. That was related but took a slightly different approach, and that is also on our agenda today. We've gotten some concerns and questions and additional feedback from community stakeholders, so I'm going to ask that both of those items be postponed.

>> Okay. So not because you don't intend on considering them in the future, but because you don't know what the future date might be yet.

>> Tovo: Right. Thanks for that clarification. Be councilmember Zimmerman.

>> Zimmerman: Let me just read into the record, I'm going to be abstaining on item 3, abstaining on items 12 and 13, and the rest of the items in favor.

>> Tovo: Okay. Thank you, councilmember Zimmerman. I believe 12 is an item that we're going to take up after meet and confer, so you might need to remind me a little later on that.

>> Zimmerman: That sounds good. Omit 12 from that list.

>> Tovo: Super. Thanks. City clerk, have you got councilmember Zimmerman's okay. Any other questions? All in favor? That's unanimous on the dais, with mayor Adler off the dais. And councilmember kitchen. Thanks. Okay. So next we're going to take up the zoning consent items. So, colleagues, I thought we had moved to the zoning consent so that a lot of these folks can go on about their day, and then we'll come to the committee -- the items referred to us by committees about which there appears to be lots of agreement, so it probably won't require a lot of discussion, so we can dispense with a lot of the issues here this morning.

[10:11:24 AM]

>> Apparent and council, Greg Guernsey, these are 10 o'clock where the hearings have been closed, zoning ordinances and covenant couples. 36, case npa-2015-00.01, for property located in the east mlk

combining district neighbor plan. Area for property located 1517 one-half Alf and 50019 and a half Wilcox. This is a change for land use map to utilities land use. This is ready for consent on second and third readings. Item 37, related zoning, c14-2015-0101, for appropriate located at 5017 one-half a and on Wilcox, public neighbor plan, pnp combined neighborhood zoning, approval for consent on second and third readings. Item 38, npa-2015 00005.02, property located in the montopolis neighborhood planning area, property located at 7200 east Ben white boulevard, change the future land use map, to higher densetive single family land use, ready for consent approval on second and third readings. Item 39, c14-2015-0073, for the property located at 7200 east Ben white boulevard, this is zoned the property to community commercial mixed use, conditional overlay, neighbor plan, for tract 1, and the -- let's see -- and to then so then townhouse, residence, conditional overlay, sf-6, for tract 2. This is ready for consent approval on second and third readings. Item 40, npa-2015-00015.02, in the east mlk combined neighborhood planning area.

[10:13:29 AM]

This is for the property located at 5700 and 5702 -- this is to designate the property to office land use, ready for approval second and third reading. Related case, 0108 and 57 and 57 on 2 breaker drive, rezone the property to neighborhood plan, mp combined district zoning, ready for sent approval on second and third readings. Item 42,n 201500.01, property located in the heritage hills, Windsor hills combined neighborhood planning area. Property located at 8324 Cameron road, to designate the property as office land use, this is ready for consent approval on all three readings. Item number 43 is case c14-2015-018324 Cameron road, zone the property to general office conditional overlay, neighborhood plan, combined district zoning, ready for consent approval on all three readings. Item 44 - oh, on item number 43, I believe there's a councilmember that wanted to add a comment on this as the Cameron skilled nursing facility?

>> Casar: Yeah. I think, mayor pro tem, this one is raid to go on consent as well but I wanted to read in that the developers agreed to a 12-foot vegetative buffer along the western side of the tract, so I'd like that to be included as we pass on second and third reading. I'd really like to thank the developer for working with us on this and the neighbors. Essentially, as y'all had heard on some prior zoning cases, Cameron road is a heavily industrially zoned area that's transitioning. It's having different kinds of residential uses, so for this facility, being able to have that vegetative buffer I think will be helpful in case the nearby tract, which is just a call center right now, ever turns into a more intense use.

[10:15:35 AM]

>> Thank you. Item number 44, case c14-2014-0168, this will be a discussion item. Item number 45 is case c14-2014-0193, this is for the property located at 1601 cedar bend drive. We have a request from the applicant and the neighborhood would agree to pot postpone this till your December 17th meeting. This is the property notice mmk ventures, 1601 cedar park drive. So rather than being a discussion item, we would suggest this be a one-week postponement. Item number 46, case c14-2015-0118, for the property located at 6707 emerald forest, I understand a councilmember would like to discuss this case. So I won't offer this as consent.

>> Sure.

>> We'll come back to item 46 later. Item number 47, and these are zoning and neighborhood plan amendments, public hearings are open, possible action. Item number 47, case npa-2015-0002.02, for a property located in the east Cesar Chavez neighborhood planning area. For the property located at 901 Spence street, staff is requesting a postponement of this case to your meeting of March 24th, 2016, so that's item number 47. Related zoning case, case c14-2015-0109, appropriate located 901 Spence street,

staff is requesting this related zoning case be also postponed till March 24th of 2016. Item 49, case npa-2015-0003.01, for property located in the chestnut neighborhood planning area, property located at 2403, also known as 2405, east 16th street, to designate the property as office land use.

[10:17:46 AM]

This is ready for consent and approval on all three readings. Item 50, c14-2015-0107, for property located 2405 east 16th street, zone the property to limited office conditional overlay neighborhood plan or lo cop neighborhood zoning at which time planning commission's recommendation was to grant the zoning, it's ready for consent approval on all three readings. 51, npa-2015-0005.03, property located in montopolis neighborhood planning area for property addressed at 2407 and 2409 montopolis drive, to change it to a mixed land use. The planning commission's recommendation was to grant the mixed land use and this is ready for consent approval on all three readings. Item number 52 is case c14-2015-0099, for the property located at 2407 to 2409 montopolis drive, to zone the property to general commercial services mixed use, conditional overlay, neighborhood plan or csmu Co combined district zoning. Planning commission recommendation was to grant the csmu comp zoning. This is ready for consent and approval all three readings. 53, npa-2015-0008.01, this is for property located in the rosewood neighborhood planning area, for the property located at 2612 Wilson to designate to mixed land use. The planning commission's recommendation this past Tuesday on the 8th was to recommend the staff recommendation on this ready for consent approval on first reading only. The related zoning case, c14-2014- -- it's going to be 2015, 0102, for same property at 2612 sol Wilson avenue. The applicant has requested an indefinite postponement of this item, and so there's no action until we do additional notice in the future posting, and that item won't come back until that time.

[10:19:55 AM]

That's item number 54. Item number 55, case npa-2015-0,023rd 01, located in the Windsor hills, 4717 turner lane, staff is requesting a postponement of this item to February 11th, and I'll just note there's no zoning meetings scheduled for January, so if you hear me announcing postponements till February, it's because there are no council meetings designated for zoning in the month of January.

>> Mayor pro tem, I have a question. It would be helpful when we're talking about staff requesting the postponement if you could also let us know if the applicant and any other stakeholders or neighborhoods agree with that. So on that one, could you -- on each one where it's a staff recommendation for postponement, could you also address that?

>> Sure. And some of those where the commission has not acted, the council cannot take action. Whether the neighborhood consents or applicant consents or not, because we need the recommendation of the planning commission or the zoning planning commission. Item number 56, case c14-2015-0086, this is for the property located at 4017 turner avenue, again with one where the commission has upon pond and staff is recommending postpone. This item to February 11th. Item 57, case c14-2014-0198, this is for the property located at 1109, 1105, 1107 north ih-35 service road. Staff is requesting postponement of this item to your February 11th. The commission has not yet acted on this case. Item number 58, case c14-2015-047 for the property located at 2303 and 2309 Thornton road, staff is requesting postponement of this item to your -- to February 11th.

[10:22:10 AM]

Item number 59, I have a postponement request from the applicant to December 17th. Item 59 is case c14-2015-0061, for the property located at 7513 and 7603 cooper drive. I'll note there is one person

signed up, but I'm not sure if they're in agreement.

>> They're in agreement, yes.

>> They're in agreement? I understand that the citizen is in agreement with that postponement on item number 59. So I've got the applicant, the speaker that signed up to speak to item 59, are both in agreement for postponement of one week to December 17th. Item number 60 is case c14-2015-0091, for the property located at 1900 Burton and 1901 Mariposa, drive, many change to multiple family high density, planning commission recommendation was to grant the mf 4 zoning with a conditional overlay so it would be mf 4 Co combined district zoning. This is ready for consent approval on second -- or first reading. The applicant has made a request of ask and they're saying we can make the accommodation to have second and third reading on next upcoming week because there's no meeting in January so staff is offering its first reading and then bringing this back for second and third reading for next week, item 60. Item number 61 and 62 are across the street from each other. This is case c14-2015-0093 at 1507 Nueces street. I understand that council would like to pull this item, on item number 61. And item also 62, case c14-2015-0094 for the property located at 507 west 16th street.

[10:24:18 AM]

Could he have seen Mr. Guernsey? Were you talking -- I have a comment to make about that, but were there other questions that council had about -- do other councilmembers have questions or want to pull 61 and 62 from the consent agenda? If it's being offered for first reading today, I'm happy to just make a few comments and leave it on the consent agenda.

>> The agent's representative has indicated there's a private restricted covenant that has not yet been executed, so if it's the council's desire to let it go for first reading today, it would only be -- well, the applicant is asking only for first reading today to execute this private covenant between the parties and have it come back for second and third reading next week.

>> Tovo: Sure. I think the question at the moment is whether to leave it on the consent agenda and just make those comments or pull it. Does anyone want to pull it from the consent agenda? Okay. We do have speakers. Let's go ahead and pull it since we do have speakers and there's a little bit of discussion to happen. Hopefully, we can move through it quickly, though.

>> Let me move on to item 634, case c14-2015-0111, for appropriate located at 603 west 8th street. The applicant has requested an indefinite postponement, no action is required on your part. This would require renotification prior to being placed back on the council agenda for consideration. Item number 64 is case c14-2015-0112 for the property located at 4517 triangle avenue. This is to zone the property to multifamily residence, highest density, of of mf-6 district zoning.

[10:26:22 AM]

To grant highest density zoning mf-6 Co. Ready for consent approval only on first reading, item number 64. Item number 65, this is case c14-2015-0114, for the property located at 5010 and 5012 Heflin lane. Staff is requesting indefinite postponement of this item. We'll bring this item back again to you once notification is redone for this property. Item number 66, case c14-2015-0121, for the property located at 1025 Springdale road. This is to zone the property to general commercial services, conditional overlay. Neighbor plan or cscomp combined district zoning. Planning commission's recommendation was to grant the general commercial services conditional overlay, neighborhood plan csco np combined district zoning, and this is ready for consent approval on all three readings. Item number 67 is case c14-2015-0122 for the property located at 10819 fm 2222 road. Staff is requesting a postponement of this item to your February 12th agenda. The zoning and planning commission has yet to consider this case, so we are asking for postponement to February 11th. Item 68, case c14-2015-0127, this is the Lexington park

property. I understand this has been set for time certain at 6 o'clock by an earlier motion of council so that will come back later today. Item 69 case c14-2015-0132, for the property located at 8820 burnt road. This is to zone the property commercial liquor sales cs 1 district zoning. Recommendation with a was to grant cs 1co combined district zoning and this is ready for consent approval on all three readings. Item number 70, this is case c14-2015-0136 for the property located at 6914 Mcneil drive.

[10:28:30 AM]

Staff is requesting a postponement of this item to your February 11th agenda. The zoning and platting commission has yet to take action on this case. Item number 71 is case c14-2015-0140, for the property located at 7505 winning lane. This is zone the property to single-family residence, zoning commission's recommendation was grant the sf 2 district zoning. This is ready for consent approval on all three readings. Item 72, case c14-2015-0143, for the property located at 12320 and 124 dessau lane. Joining commission recommendation was to grant the mf-3 Co district zoning, ready for consent approval on first reading only. Item number 73, case c14h-2015 0007, for property located at 903 shoal cliff court, this is historic zoning case. Staff is requesting postponement of this item to February 11th. The planning commission did not take a recommendation on this as it forwarded to council. I think that's all the zoning items that are there. So Mr. Rushoven of my office has one item.

>> Mayor pro tem, we can also offer 61, 1507 west 16th street and 502 west 16th street, offer those for consent first reading. I'd like to read into the record the applicant and neighborhood have agreed to some additional prohibited uses.

[10:30:32 AM]

Those are group residential, alternative financial services, bail bond services, outdoor entertainment, pawn shop, service station, transitional housing, residential try to drive throughs, liquor sales and consumer assessments they are working on restricted covenant, first reading only.

>> Tovo: Thanks, Mr. Rushove enforcement I'll just mention this is a case where, as a councilmember, and this is within district 9, I wondered about whether, in rezoning it, we're actually providing an incentive for demolition of what are now multifamily apartments. I expressed those concerns earlier this week to the applicant, and I believe they are thinking through those and may be amenable to offering some of those units in any future development as affordable units. I just wanted to convey to my colleagues, those are some considerations as I contemplate our discussion anterior zoning ability, that I'm thinking through with regard to that case. But I appreciate the developer and his -- well, the owner's interest in maybe pursuing that option. So those two will remain on consent.

>> Houston: Mayor pro tem? I have a question for staff right quick before --

>> Tovo: Okay. Councilmember Houston.

>> Houston: Mr. Guernsey. On item 53 and 54, one was you offered on first reading only. 54 you said it was an indefinite postponement.

>> That's correct.

>> Houston: If you could tell us why you weren't telling us at that point --

>> Right now, the recommendation of the commission was recommended for denial. This happened last Tuesday. The applicant wanted more time I guess to consider this case. They could have, I guess, withdrawn it. They could have asked for postponement to a proposed date and time. They've asked for indefinite postponement rather than, I think, having neighborhoods come back and having this item keep coming back to you, they've agreed to do renotification and we would bring this back at a later date, and there would be full notice for those that may be affected within 500 feet of when that hearing would be.

[10:32:46 AM]

>> Houston: Thank.

>> Yeah.

>> Tovo: Councilmember pool.

>> Pool: Thank you, mayor pro tem. On item 44, I'd like to have that one be postponed indefinitely.

We've had conversations with Travis county -- this is a property that's out on the border, at the edge of the city of Austin, and it fronts into Travis county. Currently, there is no developer to build this. The neighborhood is concerned about the connections on the substandard county roads. We met with Travis county officials and we have a letter from instead of mamilla, who heads -- he's the county -- he also recommends against connecting up with those substandard county roads. We have essentially -- we have a petition from the neighbors who live in the area because they were notified about this change, this proposed development, although, as I said previously, there is no -- actually no one to build it. But when they came to the city to bring their hundred-signature petition, it was refused acceptance.

>> Tovo: So I'm thinking this is going to require a little bit more conversation about when to -- is that what's in discussion at this point? You've postponed -- you've recommended postponement to a particular date and, councilmember pool, you would like to change that to an indefinite postponement?

>> Pool: Yes.

>> Tovo: Why don't we pull that -- pulls it's on consent agenda, 44.

>> I left it as a discussion item because some of the information --

>> Pool: Basically I would be moving to postpone that.

>> Tovo: But that is not on the consent agenda. Thanks for that clarification. Any other clarifications? Councilmember Gallo.

>> I still have a question on 55, 56, 57, and 58.

[10:34:49 AM]

Those were postponements to February, but I thought I heard you say because the planning commission hadn't heard it, I'm just a little confused because our notes talk about the planning commission reviewing it on December 8th. Were they reviewed or postponed for review by the planning commission? Just help me understand.

>> It's my understanding there were some postponements made at commission. Usually if there's a postponement made at commission, the council isn't able to go. Usually we don't have the zoning cases scheduled for commission and council the same week. In fact, we're prohibited by ordinance from doing that unless they had been previously scheduled.

>> Gallo: Okay.

>> These are somewhat controversial cases. I know for the one that's in the boys' club, I think there was actually postponement request that was made by the neighborhood in that particular case, and so that was postponed to a later date so you would not be able to tear. Item 57, I believe that was also postponed at the commission. I don't know if that was to what particular day that was.

>> Gallo: Okay.

>> The council can act without a recommendation.

>> Gallo: I understand. I think it would be helpful for us as we review the agenda, to have an update.

This just says to be reviewed by the planning commission on December 8th, so an update on whether it was postponed out of the planning commission meeting I think is helpful to us, as we go through these.

>> 55 and 56, they were postponed to the commission to January 26th. On item 57, they were postponed to January 12th. Item number 58 was postponed to January 12th.

>> Tovo: And I would just dabbled all of that information is captured in jerry's -- those dates are there if you need to refer back. Councilmember Garza.

>> And the dates I mentioned were planning commission postponement dates, not the council dates I read into the record earlier.

>> Garza: I think we can add 46 back to consent, just after I read a couple of prohibitive uses into the record, which I believe to be agreements by all parties.

[10:36:59 AM]

That is prohibit alternative financial services, limit the height to two stories, and to 35 feet, require 10-foot-wide undisturbed vegetative buffer with maintenance provisions along the north property line, and limit noise level 207 decibels along the north property line. And have third reading on December 17th.

>> Staff would be understanding of that if third reading is next week, that would give us time to make sure all the appropriate paperwork is on the dais before you act on that. So if that is for second reading only in item 46 with direction to bring it back next week for third reading, we're okay with that.

>> Tovo: Okay. Anything else? I just wanted to make one comment, one additional comment about item 64. This is on consent. I want to verify that it's on consent first reading only. Is that correct, Mr. Guernsey?

>> That's correct.

>> Tovo: This is rezoning at the triangle, and I believe that in general, people are supportive of the rezoning. There are concerns because some of the detention pond -- well, there have been concerns in the neighborhood because there's been flooding in that area, including flooding associated potentially with the retention pond at the triangle, and so the discussion at this point is about the impervious cover and whether -- whether twelve appropriate controls in place, as this rezoning goes forward. So the neighborhood and the developer are working quite closely together, and I think will arrive hopefully at a good solution. Okay. Any other questions on the consent agenda? Is there a motion?

>> Zimmerman: Mayor pro tem? I'd like to move passage of the consent items as read into the record with the notes.

>> Tovo: Okay.

>> Zimmerman: And I guess I would include the closing of the public hearings for the items.

[10:39:02 AM]

>> Tovo: Councilmember Zimmerman moves approval the zoning consent agenda. Are there any -- is there a second? Councilmember Garza. All in favor?

>> Houston: Mayor pro tem in show me voting no on 69.

>> Tovo: And councilmember Houston votes no on 69. And I neglected to ask, I believe they were okay with this, but on items 61 and 62, we did have two speakers, and that was Mr. Knotson, were you comfortable with not speaking today?

>> Yes.

>> Tovo: And Ms. Meisenbach.

>> Yes, comfortable.

>> Tovo: Thanks. I apologize for not asking before we called for that vote. Okay. I would propose we now move to the non-consent items removed for council committee. And those are items 27, 28, and 29. So, item 27 is to approve a resolution related to codenext and affordable housing options.

>> Mayor pro tem, can I suggest that we go ahead and have a conversation about item 81 and the mayor's request for postponement so that we can give the public clear direction of whether or not we're going to be taking that item up later today?

>> Tovo: Yes. Actually, we should do that thank you for reminding me. We should do that about all of the public hearings, actually, because several of them are going to be requested for postponement. Why don't we take those in order just to give folks an understanding, and I may need help from our planning and development staff just to confirm. It's my understanding staff are going to request postponement at time certain of 4:00 P.M., they're going to request postponement for 72 and 73. It sounds as if the developer representative will request postponements for 74 and 75, that the applicant will request postponement of 77 and 78.

[10:41:03 AM]

And I want to be really clear. Those are not postponed until we take those items up at 4:00 P.M., have then a opportunity to discuss them and weigh whether or not they should be postponed, and then vote on those. So those are just to give the public a heads-up. This conversation is just to give the public a heads-up about what that conversation might look like, and there may be some possibility, if not probability, that some or all of those items are going to be postponed. Then 81 is the short-term rental item. Councilmember troxclair, would you like to discuss that at this point?

>> Troxclair: Sure. The mayor posted on the council message board, I guess yesterday, saying that he would respectfully request that we postpone this conversation until he's able to participate, and I know we had talked about this briefly at work session, and some was had thought maybe it would be possible to pass some of the less controversial items today, and then take the entire item up again in January, but for me, after thinking about it and after reading the mayor's remarks, I do think it makes sense to have the conversation as a comprehensive whole, when he's able to participate, which sounds like the best date for that would be January -- January 28th, I think is our next meeting.

>> December 17th or --

>> Troxclair: December 17th our legal staff had indicated that she may not be available on that date. And so although I'm open to that, the legal staff requested that if we were going to postpone it, we postpone it to January the 28th. If that has changed -- is that correct?

>> I think our preference would be to move it to January, but if the council's will is to do it on the 17th, of course we will.

>> Tovo: Councilmember Houston is next, then councilmember Gallo.

>> Houston: My concern about delaying it to January is that this has been something that's been ongoing for a long time, and so some of the suggested amendments are perhaps new, but some of them we've been talking about for a while.

[10:43:13 AM]

And I'm not sure -- I can understand the attorneys need to be there, but we've got really qualified attorneys who can keep us on track if we tend to get off track without them being there. So my preference would be, let's go ahead and get it done on the 17th.

>> Tovo: Councilmember Gallo.

>> Gallo: You know, I think taking it up on the 17th is probably appropriate. The mayor will be barks and we can discuss it in work session on the 15th where the mayor will be back in part of the discussion, and then legal would have a chance at that point to address any potential issues that we might have with complications with legal being present. So we could at least have the dialogue on the 15th at work session to have an indication whether it's a problem with legal on the 17th. But the mayor would be back, and we could potentially take it up on the 17th. And if not, on 17th we could decide what we wanted to do.

>> Tovo: Thank you, councilmember Gallo. Councilmember kitchen, then disciple.

>> Kitchen: I have prefer to postpone whatever date people are comfortable with the 17th or 28th. I don't know the answer to that, at what point can we set time certain for the 17th? Do we have to wait until next week? As you know, there's some other items that are major items on the 17th, and as soon as possible, we should get them set at time certain. So I don't know if that's an action we can take today or if we have to wait on that.

>> I would suggest that you do that at the work session next we'll be right back, talk about what you intend to do as time certain on the 17th.

>> Kitchen: Is there no way we can do that in two days' notice? It's not a lot of notice. I'm just asking procedurally. If we need to discuss this later, we can, but my concern is just that that gives people two days' notice of when the time certain is. It's not a lot of notice.

>> You could certainly use the message board to talk about what your proposal is.

>> Okay. So if I'm understanding correctly, we don't have the authority to set a time certain until Tuesday.

[10:45:17 AM]

That's really my question.

>> You're not posted today to do that, so you could in the future, if you want to try and work that out, you could mechanically figure that out, but not today.

>> Kitchen: Okay, thank you.

>> Tovo: City attorney, what about, since we can't take action, we're just taking a straw pool on this at this point, in 4:00 when we pull that up, if your talking about short-term rentals, could we just postpone it to a two-way time certain next week when we take up the issue of public hearings at 4:00 P.M.?

>> Sure. You could do that. Part of my concern is the fact we have tncs on the 17th. And those strs and terms and

-- and tncs are two major things. We can talk before 4:00 and figure out what we might be able to do.

>> Tovo: Thank you. Councilmember Zimmerman.

>> Zimmerman: Thank you. I just want to concur with the other councilmember comments and I would really ask that we have the mayor here for the discussion, whether it's next week nor January, I'd like to have the mayor present of.

>> Tovo: Thank you. Councilmember Garza.

>> Garza: I'm concerned also about the 17th and tncs being on that same day. I understand us not wanted to delay it too far, but also hearing that maybe the attorney who's been working on this is not going to be here, I understand staff being able to accommodate us and maybe ask another attorney to get caught up to speed, but that would -- I just -- I feel really bad for the attorney that has to get caught up to speed on such a complicated issue, or even -- or if it even resulted in the staff attorney that's working on this to not be able to, I guess, take a quality trip or something. So I would -- and I guess you could speak to that.

>> I will clarify that it's not a holiday trip. She has an oral argument next week but she's indicated she can be here. She just would be a little bit tight next week for doing motion sheets and whatnot, but you all have talked about this, and if that's the council's will, we will make it work.

[10:47:22 AM]

>> Tovo: Okay. So just to sum up, we're going to take action on this at 4 o'clock. It sounds like there's a lot of interest in postponing it. What is really in question is whether we would at that point vote to postpone it until next week or until July -- I'm sorry, January -- I'm sorry, my goodness, definitely not July.

[Laughter] And I will say that I've gone back and forth with legal staff and I'm going to need to have just a face-to-face conversation with them to understand what our options are, if we chose to just do a piece of it next week, what our options are in terms of closing a public hearing and then having a fuller public hearing for the rest of the ordinance, so hopefully we'll have figured that out by 4:00. I read the wrong Numbers into the agenda earlier when I was giving people a sense of what the public hearings were that were going to be postponed, so as I understand it, there will be a postponement request for 74, for 75, for 76, for 77, for 79, 80, and 81, so more or less at 4 o'clock the one that we're certain is moving forward at this point, it looks like it anyway, is 78 and we're going to have discussions about postponing those other items. Okay.

>> Mayor pro tem?

>> Tovo: Yes.

>> Can I ask our staff or whoever is best to answer this, about the pids that are being post-snowboard I don't remember talking about this, I'm wondering if there was something that --

>> Tovo: I think we better talk about that at 4 o'clock, the time certain. We're really just trying to give people a sense of what the day is going to look like. Whether it looked like short-term rentals are going forward, I think the answer is "No." But some of these, we can't take them up until 4:00.

>> Troxclair: Okay.

[10:49:27 AM]

Thanks.

>> Tovo: Okay. So as I mentioned, I think we ought now to go to items referred from councilmember committees, and the beginning -- the first of those is item 27. So we have 27, 28, and 29, which are similar. These are items we discussed at last week's Austin energy committee meeting. We have no citizens signed up to speak. We have five citizens who have signed up not wishing to speak, all of whom are in favor of the items. Council, are there -- these are items 27, 28, and 29, approve resolution -- well, let's take them up individually. Approve a resolution directing the city manager to report back to the city council with a proposed schedule plan and budget for complimenting the recommendations of the low income consumer advisory task force, with which the electric utility and the drafters of the minority report concur. Councilmember kitchen.

>> Kitchen: I move that we pass that resolution.

>> Tovo: Thank you. Councilmember kitchen moves approval. Councilmember Renteria seconds. Is there any discussion? Any discussion of those items? That item?

>> Hang on one second.

>> Tovo: Any discussion? Okay. All in favor? And that is unanimous on the dais. Item 27 also related, this would report back to ask the city manager to report back with some other specific information about those items that are underway or indicated by the staff as being underway or with a planned timeline.

>> You mean 28; right?

>> Tovo: Yeah, item 28. Councilmember Garza moves approval of item 28. Councilmember pool seconds that item.

[10:51:29 AM]

Is there any other discussion about this? All in favor? Let's see, all opposed? Let's try again. All in favor. That is unanimous on the dais. Item 29. This is again a similar resolution. This would ask the city manager to ask our commissions to look closely at the recommendations to review them and pay particular emphasis to those recommendations about that the electric utility does not support or about which there is not a consensus.

>> Houston: Mayor pro tem, I move adoption.

>> Tovo: Councilmember Houston moves approval. Councilmember pool seconds it. Councilmember Gallo.

>> Gallo: I would just like to offer an addition to the language that I'd like for us to discuss, which would be to request that the members of the rmc and euc that also served on the task force recuse themselves from the process. It seems like if we are asking the task force to evaluate a report, it would be appropriate to have clear direction from the council that perhaps the people involved with that report recuse themselves from the discussion of that report. It just seems like a process of accountability more than anything else. So just to propose that as maybe additional language to this particular resolution.

>> Tovo: Councilmember Gallo makes an amendment, proposes an amendment to the motion. Is there a second for that? Councilmember troxclair seconds that amendment. Councilmember Houston.

>> Houston: Councilmember Gallo, could you speak to that again? You're I couldn't go to the current members to recuse themselves --

>> Gallo: There are current members on each of those boards and commissions that actually were a part of the report, the task force that prepared the report, and it just seems like if that report is going back for evaluation for both of those two committees, that the people that were -- that were involved in producing the report should appropriately or should possibly be recused from the vote on the analysis of that.

[10:53:46 AM]

>> Houston: Would that include the people who produced the minority report as well? Would they be recused as well?

>> Gallo: I think that would be appropriate. I don't know that any of the minority -- no, it does include those. Yeah. I think there's one. So, yes, thank you for bringing that part. I think that would be appropriate.

>> Tovo: Councilmember pool.

>> Pool: I'm trying to understand what the object is, councilmember Gallo, of pulling out the people who had the specific more intimate knowledge of the report as it was drafted to keep them from being able to speak on it. I -- I don't understand why the full board's -- well, at any rate, I don't understand, so I'll just vote against. I think that if they're members of that board, and whether they worked on the -- writing the report or not, I think that information they know and that they bring to the table is highly -- is really valuable, and I would not like to stop their voices in this case.

>> Tovo: Councilmember Zimmerman, then councilmember kitchen.

>> Zimmerman: Thank you, mayor pro tem. I'm going to be voting against the amendment but I'm also voting against the resolution. We heard quite a bit of testimony on this, and I thought that both of these -- the minority report and the major report combined is about a hundred pages. I did go through most of it. I thought both sides presented their case very well, and that we -- I'm ready to vote on it. So I'm going to vote against this because I don't -- I agree with the minority report, I guess, so I'll be voting against this had.

>> Tovo: Councilmember kitchen.

>> Kitchen: I just had a clarification. I was trying to understand if the intent of the amendment is to recuse from voting and be part of the conversation, or just recuse from the whole thing.

>> Gallo: I certainly would think both commissions would want the task force members for both the report and the minority report to be part of the conversation.

[10:55:49 AM]

But I think because they are evaluating the report, that they should be recused from the vote, on any recommendations moving forward.

>> Tovo: Councilmember Houston.

>> Houston: So is this an attempt to have a neutral kind of conversation about it, rather rather than having it be -- is that the intent, to have some neutrality in the outcome?

>> Tovo: Councilmember Garza.

>> Garza: I'm trying to understand the intent, too, and I guess I would ask law, is there some conflict that I'm missing, or -- some legal conflict?

>> It would not be a legal requirement to be recused. I think it's the direction that the council could give, but it's not a requirement.

>> Garza: Okay, thanks.

>> Tovo: Councilmember troxclair. Troxclair.

>> Troxclair: I think if I'm understanding Ms. Gallo correctly, this item sends the report back to the commissions to give comments and to approve or to change, and people on those boards, some of the people on those boards are the same people that were involved in writing that report, so it's difficult to be unbiased for someone to judge a report that they had written. So it seems to make sense to me, just as a basic conflict of interest, that they would not vote on something that they had a part in writing.

>> Tovo: Councilmember pool.

>> Pool: That being the case, it seems since these are people are professional credentials and a pretty good sense of ethics, they may choose themselves not to vote on it. Maybe we could amend councilmember Gallo's motion to say that we request that they consider separating -- not voting, recusing themselves from a vote, but leave it to their personal discretion.

[10:57:52 AM]

Of.

>> Tovo: I just wanted to say I am not going to support this amendment. As I understand it, we have one member of the euc who served on the task force and two members on the rmc who served on the task force, but we have a lot of situations where somebody in their capacity as a commissioner might also serve on another task force, and sometimes those issues go to both commissions. We've never asked them to recuse themselves. Recusal is a state requirement if you have a financial conflict of interest. I just don't think it's appropriate to apply to our commissioners who have exhibited expertise and interest, I don't think it's appropriate to ask them to step out of a conversation where their expertise and experience would be valuable so I'm not going to support the amendment. Councilmember Garza.

>> Garza: Yeah, I concur. I was thinking the exact same thing, that there's people on task forces, certainly commissions, I guess I wouldn't have to set some precedent that they have to recuse themselves. I think it's also a little bit like asking a councilmember to recuse themselves from a resolution that they wrote, so I won't be supporting this, either.

>> Tovo: Councilmember Houston.

>> Houston: I'd like to call the question.

>> Second.

>> Tovo: No, no, I think I have to vote on calling the question, or can we just move to the issue? Okay.

>> If there's no objection, we can just vote.

>> Tovo: Yeah. Let's do that. All in favor of the amendment from councilmember Gallo? All in favor of the amendment from councilmember Gallo, that is councilmember troxclair, councilmember Gallo, and councilmember Renteria. All opposed to the amendment from councilmember Gallo? That is councilmembers kitchen, Casar, Garza, tovo, pool, Zimmerman, and Houston. So the amendment fails. So we're back to the main motion. Any other comments? All in favor? Councilmembers Houston, pool,

Garza, Renteria, Gallo and kitchen vote in favor.

[10:59:56 AM]

Any opposed? Councilmember Zimmerman and troxclair. So that motion passes. Item 30. This is a resolution that has come forward from the housing and urban development committee. Councilmember Renteria, would you like to present this item? Or councilmember Casar. I think it was a resolution from councilmember Casar. Why don't you kick us off and our chair of the housing committee can join in.

>> Renteria: This resolution would [inaudible] Councilmember Casar, so do you want to speak on it?

>> Casar: Certainly. This was a resolution brought forward by me and vote out unanimously by the housing committee. It brings sort of a focus to the issue of fair housing choice as we rewrite our land development code. This body received a report from consultants about barriers to fair housing and integrated housing from some consultants that we worked with. The land development code was identified as a potential -- as a barrier to fair housing choice in various ways and so we wanted to act upon that and really send the message to the community as well as to our consultants and staff that integrating our city, especially economic and racial integration is a high priority for this council. Codenext isn't going to be the thing that fixes that, but it certainly can be something that sets us in the right direction and that we want to maximize fair housing choice and maximize the code's potential to integrate our city. It also, you know, I think sets a tone as we move forward in codenext that affordability is a strong priority of the council's and that no matter how walkable a street may look or how prosperous a community may look, it's not complete without a variety of housing options and affordable housing options and we want our streets to be walkable and vibrant, but for all different kinds of people.

[11:02:16 AM]

Whichever ways codenext can help we want all those options presented and I have a lot of confidence in letting our consulting staff to do that work.

>> Tovo: Thank you, councilmember Casar. Councilmember Renteria, did you want to mention anything about the committee discussion before we move forward?

>> Renteria: Yes. This has come about because of the -- you know, there's various reports, especially conserving on the C.A.N. Committee and we noticed that there was a trend about -- the last report that came out, it showed that there was fewer low-income people with income -- lower income kids in our schools applying for discount lunches, and we became alarmed because it wasn't because we actually are bringing the low-income up, it's just that they are just leaving the city. And it's really alarming that the amount of people that are not able to afford to live in our city. So it's becoming extremely economically segregated so this is why, you know, I supported this resolution and I'm going to vote for it.

>> Tovo: Thank you. Councilmember pool.

>> Pool: I passed out a motion sheet with two items to add to the be it resolved that my staff worked with councilmember Casar's office with as well and my understanding this language was approved -- fine with them. Basically it would add analyze how the number of bedrooms in dwelling units and other related matters impact fair housing choices for families of various sizes, and analyze the impact of property taxes, zoning and other similar factors on the code's ability to maximize fair housing choice. I think I would leave it to staff as to where in the be it resolved it would be added, but I would ask that this additional language be added.

[11:04:21 AM]

>> Tovo: Are you making that as an amendment, proposed amendment?

>> Pool: Yes.

>> Tovo: Is there a second to that? Councilmember Casar seconds it. Councilmember troxclair.

>> Troxclair: Read my mind, I was thinking about raising my hand. Are we going to go ahead and vote on this amendment? No? Can I ask a question of staff first?

>> Tovo: Yes.

>> Troxclair: I just --

>> [Inaudible]

>> Tovo: We're moving fast but we still have time for questions.

>> Troxclair: I want to better understand what in this -- not only the amendment, but the list of the five things that are identified in the item, what's already included, what might already be a part of the codenext discussion and whether or not the addition of these items would add significant time to the completion of the codenext process.

>> Good morning, mayor pro tem and council. Jim Robinson, planning and project manager for codenext. Speaking on behalf of the project, I welcome the focus and the emphasis that this places on this really critical issue. As a general principle, codenext is absolutely looking at everything that all of the -- all of the sort of concerns that are addressed in the sort of whereases. Some of the specific therefore, you know, and -- and directions are not currently a part of our scope. I've been in conversation with my colleagues in our neighborhood housing and community development department and I don't have a -- you know, a 100% solid answer right now, but we have a lot of expertise in house. We may have some ability both by employing that expertise and perhaps bringing in outside folks where necessary to address all these issues.

[11:06:27 AM]

But, you know, some of the specific items are not -- they don't -- there's not a direct analog one to one in our current scope, but we believe our discussions will be fruitful and we'll be able to adequately address this.

>> Troxclair: Okay, and I guess for the record I think the items outlined in the resolution are worthy of pursuing and it's great to have as much information as possible. I just want to make sure that within the existing time line.

>> I welcome my colleague

[inaudible] I didn't -- I felt like I was a little speaking for their department and they are, of course, a major partner in codenext and I wanted to give her the opportunity to speak further on her own behalf.

>> Rebecca, assistant director of neighborhood housing community development office. We are actually engaged as part of the regulatory team anchor team. We do have the expertise to an extent on our team in the housing department. I will say, however, it has been official in the opportunities around fair housing to bring in a third party broker or someone with expertise externally. Any time you take a look at one's own policies, you always want to be as objective as possible and so we -- we do believe that we have good relationships with external consultants, specifically the consultants that actually produced our analysis of impediments. And so certainly we would also seek potential opportunities there to ensure that the direction and the resolution was responded to.

>> Troxclair: Okay. And I guess I would have -- I guess we could vote -- well, I guess I would have one more addition to councilmember pool's amendment and that would be to add analyze the impact of property taxes, gentrification zoning and environmental restrictions and other similar factors. Because I know in my district, for example, there are some pretty strict environmental regulations that I know impacts the -- our ability to

[11:08:40 AM]

[inaudible] Affordable housing and multi-family. So I would be curious to know if that is the true impact or not.

>> Tovo: I think rather than have an amendment to a Emmitt a, how about we vote on councilmember pool's amendment and then you can make your separately. Are there any other questions? Thoughts on the amendment?

>> Garza: I'll just ask councilmember pool about -- and to manage expectations. I like the way it sounds, what the result of that would be.

>> Pool: I guess that's what we will find out.

>> Casar: Mayor pro tem?

>> Garza: I want to know what we'll get out of it because gentrification and how it affects property taxes is sometimes very specific and I don't know how you could address those things is my question.

>> Casar: So I think a bit of what was potentially missing in the resolution that was addressed by councilmember pool was, one, on number 6, various family sizes, understanding, of course, you are always going to get the most affordable units and efficiencies but that doesn't mean a variety of families. I believe that's the intent of number 6. And the intent of number 7, at least within my understanding of it, is also having some idea [inaudible] Of the code that -- that you are not going to be able to have a one size fits all because for some existing -- mayor pro tem mentioned earlier zoning case existing older duplexes or four-plexes may indeed actually produce a a lot of affordability without being upzoned, whereas you may have impact on -- that four-plex or duplex may instead not have impact on affordability if you are in a part of town. We may want to think about property taxes in zone -- actually overlay them differently in different places.

[11:10:41 AM]

And so I think the hope is to -- to make sure that if the market, for example, is driving high income earners we create opportunities for low-income folks to stay, whereas in places where the market is not going to bring in high-income earners because it's already a high-income area, how do we create smaller units in those places. So I think the hope is to sort of think about this not as a one size fits all. Really to think about what areas are gentrifying and what changes we need to make, what changes to the code might we need to maintain middle class or working class housing. I think we're looking for that sort of level of nuance with this. What Mr. Robertson mentioned, I think a lot of this is already being done and we're emphasizing its importance, but second, this is going to create some new work but I think that's really important and that codenext is only worth doing if we do it well and this is the kind of information I want the full council to have so we know what it is that we're doing. So it is pretty broad, but in conversations with the consultant and with our staff, I think the intent is clear that we -- we should know whether our actions and different parts of the code we are furthering fair housing or impeding it and that's really what we're going for.

>> Tovo: Councilmember kitchen.

>> Kitchen: I support the amendment. As an aside, I will want to make sure that the additional level work is recognized and that the staff works with the consultant to make sure that their scope includes this and they are appropriately compensated for the scope. We did during the -- I know during the budget process we added some additional dollars to this process with the intention that we make sure that the scope is -- is sufficient to cover these kinds of things.

[11:12:45 AM]

So --

>> Tovo: Councilmember Zimmerman.

>> Zimmerman: Thank you, mayor pro tem. Let me say on behalf of the majority of -- that's a my north viewpoint in to the is, everyone agrees we would like to have more housing choices, more pricing points, different locations, sizes of homes, et cetera. But let me state a couple of facts quickly. Everybody agrees I believe that Austin is the most segregated city in Texas. We also agree that we are highly regulated. We have a lot of centralized planning. We have tremendous bureaucratic oversight and ordinances piled up and so we're already kind of a government planned community. When I look at this resolution and as amended and as it is whole, it looks like more of the same. It's more studying, it's more of a presumption that we have affordability problems because we lack planning or we need better planning or more planning and I think the opposite is true. We have unaffordability because we have too much planning, too much centralized control and too much bureaucracy so I'm voting against the entire resolution.

>> Houston: Thank you, mayor pro tem. I certainly appreciate the -- the committee bringing this resolution forward. There are some things that I think are missing and so I would like to talk a little about councilmember pool's resolutions. I think it was the last time we met we voted on placing a 4% Travis county multi-family development in the middle of nowhere. So I think we need to add something about location and amenities so that we are not putting people who are at 30% median attack income in a tenuous situation where they are forced to live in a place that is isolated, there's no transportation and no -- and no amenities anywhere close to them off Johnny Morris road and 290.

[11:15:02 AM]

If we're going to vote on this one, this resolution as councilmember pool has presented it, at some point I would like to add to that not only zoning but amenities because I think we talk about people who cannot afford to live in this city, we have to make sure that we add the location of where we do place multi-family units and that they do have amenities. The other thing is that I noticed we've gotten a new concept here. We talk about affordable housing and now we talk about attainable, housing that is affordable and attainable throughout the city. Is there a definition of attainable that we could share with the public so we know what we're talking about? Because most people don't understand affordable so now we've added a new classification called attain able.

>> Tovo: Thank you for all those comments. Before we vote on the amendment, call the speakers, which I neglected to do before. Mr. Cyrus reed, you are first. After Cyrus reed is charene fisher. I'm starting to think I'm calling the -- charene fisher not in the chambers. David king. Mr. King, you have three minutes. And you'll be our last speaker on this item unless Mr. Reed or Ms. Fisher signal us.

>> Thank you mayor pro tem and councilmembers. My name is David king, I live in the zilker neighborhood and I support this item. I signed up neutral because I wasn't sure about some of the components of it and now that I listen to your discussion I'm very supportive of this resolution, but I do have concerns and questions. You know, the definition of affordability. I think that's really important. And what are those options that we're talking about. I think you need to be very specific and how will this manifest itself in the -- in the code itself.

[11:17:04 AM]

I think that we have to be clear and ask the consultant to come back and say based on resolution what you are recommending, here's what we would do, here's how this would impact the code we would produce. So you can have a clear understanding of what -- how that's going to manifest itself. Because I

agree that we need more affordable housing. And then with the Adu resolution that was recently passed, some components of fair housing concerns came out in that discussion. And what happened, what I learned from that was there there's an exception that certain neighborhoods are trying to keep housing from occurring in their neighborhoods. That's the impression I got from that discussion. So therefore council has to step in and make that right. And so is that what this is about? And how does that fit into neighborhood determination? Shouldn't a neighborhood have the right to determine what happens in their own neighborhood? And if we're going to -- if that's a basically fundamental right that we should have, then how does this affect that? Does it trump that? Does it say the council is the one that's going to decide that for each neighborhood? To me that's a big issue. And if neighborhoods do have the right, I mean we need helpment we need a neighborhood planning department that will come in and say when you are looking at your neighborhood plan, then you need to consider these fair housing components or aspects. Let's give you some guidance on how you can ensure you are not inadvertently impacting fair housing or affordability. We need help with that. Neighborhoods are not intentionally trying to do these things that some people are claiming is occurring. We need help. So I would ask the amount of time you are spending on getting codenext right, let's spend a reasonable amount of time in getting neighborhood planning support to the neighborhoods. Let's help the neighborhoods out so we can leverage all the work we're putting into codenext. We can't have a new code and then leave the neighborhoods out there fending for themselves and come back in and say you didn't do it right so we're going to do it right for you. I'm just concerned about that. Neighborhoods do want to do the right things for their neighborhoods, but they want self-determination too.

[11:19:08 AM]

I agree with councilmember Zimmerman, you know, centralized planning. We do need some of that, I'm not in complete agreement with everything he said, but we do need the centralized planning, the neighborhoods need to have a right to determine what goes on in their neighborhood. And in terms of addressing affordability, I think another important thing is we look at demolition permits and look at why aren't we requiring a gentrification impact or affordability impact.

[Buzzer sounding] Thank you for bringing this forward. I think it's important and I appreciate all the good work you are trying to do for our city.

>> Tovo: Thank you, Mr. King.

>> Kitchen: Mr. King, just -- I would just like to follow up. I don't know if this is really a question, but as you know, the imagine Austin has a section in it that refers to the importance of the neighborhood planning process and so I just want to say that I think that -- that we recognize the importance of what you are saying as we go forward with codenext. These are not -- these don't have to be at odds and I don't think it's anybody's intention they be at odds. As you so eloquently put it, fair housing is important and can and should work in conjunction with neighborhood planning, we just need to -- we need to understand how to do that and make sure that our processes do that and that we help neighborhoods with it. So thank you for your comments.

>> Thank you.

>> Casar: Mayor pro tem? As the person who seconded the motion, I would like to ask the maker of the amendment to consider a couple of changes that I think will incorporate everything that was said here on the dais. I know the mayor pro tem is currently talking to the city clerk so I don't want to usurp that ability, but if it's amenable to councilmember pool that in number 7 we include analyzing the -- environmental rules and similar factors on our ability to maximize fair housing choice.

[11:21:09 AM]

And then also -- so I think that would address councilmember troxclair's potential amendment. And councilmember Houston, I think that if we fleshed out number 4, be it resolved, a little bit more, that would perhaps more directly address what it is you brought up because we did discuss it at the housing committee. Provides options and analysis of ways to maximize the code's potential to give low and moderate income residents the ability to live in high opportunity areas and rapidly gentrifying areas, and perhaps we need to add and amenity-rich areas to number 4.

>> Tovo: So let me just -- yes, you respond and then we need to clarify another point which is when you laid out your motion, you didn't actually make one so we need to go back and undo that here in a minute. Why don't you respond to that point.

>> Pool: I'm good with most of what you said, Greg, but I'm not sure about the environmental rules. I think we already have the ability to look at the impact of the environmental rules, and frankly I'm not interested in trying to weaken any of them anyway. I think that they really bring a certain level of -- they are important to our -- in our zoning decisions and the kind of development that we have on the ground when it's complete. So I am willing to put in the location and amenities, if that's -- if that's -- I think that's what councilmember Houston --

>> Tovo: Okay, so I'm going to look to councilmember Casar to make a motion on the main resolution.

>> Casar: Great. I will move the resolution first as passed by the housing committee.

>> Tovo: Thank you. Councilmember Renteria, would you like to second that? Now, councilmember pool could you recap the amendment you are bringing forward and you can include any new conditions that folks have mentioned that sounded good.

>> Pool: Sure. I'll go ahead and read it from the motion sheet that I passed out earlier. Add the following to the first be it resolved.

[11:23:13 AM]

Analyze how the number of bedrooms and dwelling units and other related factors impact fair housing choice for families of various sizes. And analyze the impact of property taxes, gentrification, zoning, location and amenities, location and amenities and other similar factors on the code's ability to maximize fair housing choice. So what I've done is added the words location and amenities after zoning, comma.

>> Tovo: Thank you. Any further discussion on this amendment and then we can contemplate on yours. Councilmember Houston.

>> Houston: Well, I understand the issue about environmental regulations, but there's city regulations that I think also should be added into here that have impact on housing availability -- choice, fair housing choice. For example, many years ago the city passed a resolution to not have pier and beam homes again so now everything has to be concrete. Well, that's a business decision that the city made for developers that cost more money when you pour concrete. And so there are things that we've done in the past that may have some impact on fair housing choices and so -- so maybe if we say regulations in general and that could include any number of kinds of regulations.

>> Pool: Mayor pro tem? Councilmember Houston, we have the phrase and other similar factors. Does that --

>> Houston: Is that in yours?

>> Pool: Yes, after I inserted item and location and amenities from what you were asking the first go round and then it says and other similar factors in order to have it be open ended so staff could include additional regulations and issues.

>> Houston: I just don't want to limit staff's ability to look at all things that may impact the ability of people to live in the city.

[11:25:20 AM]

>> Pool: I agree, and I think we are expressing our intent here by this conversation from the dais.

>> Tovo: Are there any other comments on this particular amendment? Councilmember Garza.

>> Kitchen: I want to make sure --

>> Garza: I want to make sure I understand what we're doing. They are doing all this -- they are doing their work with an eye on this, but this doesn't ask for -- this sounds like it's asking for a report on all of this. I don't see anywhere where it says once we find all this out, make sure you implement it in codenext. If it is just a report, do we need something that says and provide this report back to the council by this date? Because I don't see -- I don't see this as reading that any of this work then goes into codenext. So I just want to make sure I understand what we're doing.

>> Tovo: Councilmember Casar.

>> Casar: So I could clarify this language in talking to the codenext staff. The idea being when the draft code is presented, that it be presented with this analysis in hand so that we understand as -- you know, once the draft code is brought to us, that doesn't mean all of a sudden it's the code for the city and that's it. The city council will have to go through the grueling work of determining how to make that code fit inside the city and having this analysis will help us, I believe, know what parts of the code we want to map where and how because we -- will understand how it furthers one of our key goals of housing choice. Now, at the same time, as councilmember pool alluded to, while housing choice is in my view a moral and ethical imperative that we have. At the same time, there are other really important imperatives that we have that include things like environmental protection, other things we have to do. And so we'll have to balance those, but at least we'll have the information in front of us. That's the intent.

[11:27:20 AM]

It's not a separate report, but it really comes with the -- with the draft code that the consultants will present alongside our staff.

>> Garza: And then I would just add maybe that direction needs to be in here. That it will be presented with the draft code, this analysis will be presented with the draft code.

>> Tovo: So that may be another good amendment to make here in a minute. Any other comments about councilmember pool's amendment? All right. All in favor?

>> Casar: I'm sorry, I have a quick question. Councilmember pool, with the location and amenities listed in number 7, I'm not sure if it gets to your intent. Analyzing the impact of those locations and maximizing fair housing choices is a little different than what councilmember Houston wanted which is provide ways to maximize the code's potential to give low and moderate income residents the ability to live near those high opportunity areas and amenities. So I think that is better suited to be in -- be it resolved number 4 that is already existing to modify number 4, and after -- we would put and amenities.

>> Pool: I think that's a good point. Does that sound good to you?

>> Houston: Again.

>> Casar: Provide options and analysis of ways to maximize the potential to give low and moderate income residents the ability to live in high opportunity areas, rapidly gentrifying areas and near amenities. Near amenities or -- excuse me, what I meant earlier is better. High opportunity areas, rapidly gentrifying areas and amenity-rich areas.

>> Houston: I need clarification because what I'm trying to say is that we will not as a city put people in areas that do not have those amenities. That don't have transit, don't have community benefits, which is what we do two weeks ago.

[11:29:21 AM]

>> Casar: And I think the difference --

>> Houston: Hold on just a minute. Is what you just said is that capturing what my intent is? Because it doesn't sound like it, but --

>> Casar: I think the short answer is no because what you are bringing up 1 our policy on where we grant tax credits or not and this is just land development.

>> Houston: This is about land development and how we as a city council use -- to have equitable fair housing that's attainable, that's the new word now, that's attainable for people who work here in the city of Austin. So I think it does have an impact and so we may just not put it in this time and we may keep working on this one.

>> Tovo: So I guess the question before us is whether to keep the amendments as they have been proposed by councilmember pool or whether the word amenities moves to another passage. Councilmember pool, since you made that amendment, did you have a thought on where you want that word? And I'm going to let councilmember pool respond and then councilmember Houston.

>> Pool: I think we can put that -- those specifics in number 4. I think we have developed our intent here by this conversation and I trust that by moving it to number 4 it will address what councilmember Houston is looking for. I agree with the aim of what she's trying to get to and I appreciate councilmember Casar's additional wordsmithing on the rest of it.

>> Tovo: Any of his additional wordsmithing and if so we need to be clear what that is.

>> Pool: I would like to have councilmember Houston and councilmember Casar, maybe their staff can work out the specific language so we could get to that and then we could move -- we can table it --

>> Tovo: I think we have a lot of different things going on here. I would suggest that we have a motion to table this and take it up first thing after executive session and deal with it then.

[11:31:26 AM]

I think this is --

>> Pool: I'll move to table it so councilmember Houston and councilmember Casar can work on the specific language and I'll look about putting it in the amendment I made.

>> Tovo: Is there a second to tabling this? Councilmember kitchen. All in favor? Unanimous on the dais. So that's tabled. There was one other item that was going to be a fast one. I wrongly assumed the previous one would be so hopefully this doesn't fall in that path. Item 32, an item that came from the environmental sustainability committee. We had brought forward a proposal to open space environment sustainability committee to define venue. We had a discussion in response to that conversation, I brought a separate resolution which is -- which we postponed earlier today on the consent agenda. My intent would be to make a motion to postpone -- the town over the chair to councilmember Garza or to request that somebody consider making a motion to postpone this item as well. We do have several speakers, however, on this item. So that's -- that is where we are.

>> Kitchen: I'm sorry, mayor pro tem, which item number did you say?

>> Tovo: Item 32. The item that came over from open space.

>> Kitchen: You were requesting a motion to postpone. I will make that motion.

>> Tovo: Super. Councilmember kitchen moves to postpone that item. Councilmember Zimmerman seconds that item. We do have three speakers -- excuse me, two speakers signed up and so we'll give them the opportunity to talk about what's before us and whether or not to postpone this, that is charene fisher and David king.

[11:33:39 AM]

Mr. King, would you like to speak to this? Okay. Thank you. So we have -- is there any further discussion about whether to postpone this item?

>> Renteria: When are you postponing it to?

>> Tovo: Like the earlier item I would say indefinitely postpone it and will not name a date. It will likely be January. All right. Any other discussion? All in favor? Any opposed? Councilmembers Houston and pool, are you voting to postpone this? So that's unanimous on the dais. That item is postponed. I'm told item [inaudible] Will be fast. Councilmember Gallo, you have pulled this item.

>> Gallo: I claim the note, yes. So this was -- this was a process to change some of the speed limits on 222, the majority of which is in district 10. And I just wanted to pull this for a little discussion because I think it would be important for the public to understand how we're involved in this process and give you a chance to explain that. To make sure our roads are as safe as possible so I just wanted to give you the opportunity of why this is happened and what we're doing and thank you for what we're doing because I know there have been numerous fatalities on the road. Speeding is an issue and now that we have more residential issues that pile into the roadway, I think it's really important to be on top of that. No concerns. I applaud what we're doing but if you can describe what we're doing and why we do it and also ask the only thing that I think we've gotten this morning was we asked -- we did have a letter from txdot that recommended a portion of what we were doing, but I think you also just supplied something that showed that txdot was also recommending the balance of what we were do here so thank you.

[11:35:51 AM]

>> Yes, ma'am. Thank you, councilmember gallonner will. Rob spiller, director of transportation and city traffic engineer. You are correct, this is ranch road 2222 and is owned and maintained by the state. However, with regards to speed limits, it requires each jurisdiction to enter that into the traffic register and post the speeds so that's part of state law. State law with records to speed limit is very specific. There are several reasons as to why a speed might be posted, but the basic law in the state is that they want to refrain from having to post speed limits and so there's a basic speed that as drivers we're all supposed to know, we're supposed to drive a safe and reasonable speed, but in some cases they recognize a need to actually post the speed. With ranch road 222, they conducted a [inaudible] Based on some concerns raised by citizens [inaudible]. We will get these at the city. They will be sent to us because we have a very efficient collection process through our 311. Because it's their facility, simply send those to them directly and let them deal with them. They did do a speed study here and the law requires us to -- we were setting a speed, there are specific reasons why you might change a speed limit. And on 2222 it has to do with the 85th persienne sale speed, which means that -- percentile speed. Which means 85% of drivers on the sections they look at are driving at a speed closer to what the new speed would be set at. One of the challenges for safety on a roadway is when you have a high variability of speeds on a roadway, that adds to more serious accidents or incidents. So when we find that 85% of the traffic is driving slower than what the current posted speed limit is, there is often a desire to move the speed limit to that -- to that number at which most people feel comfortable driving because it starts to compress those few higher end drivers that might be within the old speed limit but still at a higher range from what most people are driving.

[11:38:14 AM]

So what we try to do is compress the average speed so they are in that 85 percentile. That's what we're doing here. Other reasons why speed might be addressed is due to incidents. If we find that there are a high number of incidents, that is also a reason to consider changing the speed characteristics. But what I

will tell you as your city traffic engineer is people will tend to drive the speed that they believe is safe and reasonable and comfortable regardless of what the speed limit is. And so we do our very best not to purposely -- purposefully create speed traps by setting the speed limit too low or vice versa. So at this location the state has found that 85% of the drivers are driving slower than the speed limit so they are bringing the posted speed limit in line with that.

>> Gallo: Thank you. I think this process seems confusing to the public when all of a sudden they see a speed limit has changed, but we appreciate the effort and the fact that txdot is recommending this so thank you for the description.

>> Zimmerman: Mayor pro tem?

>> Tovo: Councilmember Zimmerman.

>> Zimmerman: Thank you. I was going to pull this as well. I want to call attention to the txdot letter in our backup of July 22, 2015. And what impresses me about this is it is signed by registered professional engineer, Mr. [Inaudible] I believe it is, and he certifies that the speed recommendation is done on Texas code chapter 545. I'm so good with this, okay? The problem is when I turn back to the actual ordinance that's also in our backup, I can't reconcile the engineer's statement for the area in question, which is say 3854 east of the center line of loop 360. That's what he's talking about here in his certification.

[11:40:17 AM]

But when I go over to the ordinance, down in part 2, the only thing that looks like something he wrote is the second half of part 2. But that doesn't match either. That's talking about city of del Rio, which is a road closer to 620, and so -- in other words, the ordinance doesn't match the statement that I have from txdot. It's really not nearly close enough. I'm trying to understand if txdot is doing these studies, why isn't that letter consistent with the ordinance in front of him.

>> Councilmember, we had questioned that same issue because verbally they were asking us to set the limits as are in the ordinance and so we actually have the email from them confirming that the limits that we have listed in the ordinance are consistent with what their desires. Councilmember Gallo had asked for that at work session and I realized that I had just gotten the information yesterday so I sent it to her this morning via email.

>> Zimmerman: That's why it's not in the backup.

>> That is strictly the reason. I thought the question was only from councilmember Gallo, but I'm happy to provide that to you. The two areas do match up and the state does allow us to adjust the limit slightly. For instance, if we can't put a sign exactly where the engineer says it needs to be, we correct that by adjusting that limit.

>> Zimmerman: Okay, and then the reason -- what was the reason -- this didn't come to the transportation -- the mobility committee, councilmember kitchen, did this come before us?

>> Kitchen: I think we indicated this was something -- we had let staff know there were certain items that didn't need to. As a committee we can change that in the future but that's why it didn't. And I'm happy to work with the committee if the committee wants to see these things in front of the committee in the future, we can do that, but that's why this one is where it's at. One last thing, I think we discussed at the work session that the whole -- the approach and policy related to speed limits was something that we should talk about in our committees.

[11:42:29 AM]

>> Tovo: Thank you, councilmember kitchen. Councilmember Zimmerman, did you have additional comments?

>> Zimmerman: I did and I would like to -- I don't know, I drive this road practically every day and the speed limit actually owing to the congestion. The complaint on this road is not the speed limit, the complaints is the congestion. Lots of times during the day the actual speed limit is between zero and 5 miles an hour. So the problem on this road is congestion, not that the speed limits are too low, it's congestion. We can't get cars moving through and we need it widened, just to be clear. It's congestion, not speed limits. If I could get a second, I would like to move this to our committee unless there is some emergency for having this thing voted on today. Could we have it come before the mobility committee?

>> Tovo: Councilmember Zimmerman moves to send this to the mobility committee. Is there a second to that motion? Seeing no second, the motion fails for lack of one. Is there another motion on this item? Councilmember Gallo.

>> Gallo: Motion to approve.

>> Tovo: Councilmember Gallo moves approval. Second. Are there any other thoughts? Councilmember Houston.

>> Houston: Well, it's just interesting because the way the letter was talked about I think that it was indicated that most people drive below that speed limit that was posted. I want to assure everybody on the dais that nobody on martin Luther king drives 35 miles an hour.

>> Tovo: Thank you. Other comments on this item? Okay. All in favor? And all opposed?

>> Zimmerman: I'm abstaining.

>> Tovo: Any abstentions? So everyone on the dais votes in favor with the exception of councilmember Zimmerman who abstained.

[11:44:32 AM]

>> Thank you, councilmember.

>> Tovo: Thank you. So let's move back to our consent agenda. We have a couple items that we might be able to hit before our noon break for citizens communications. I pulled 2 and 11. And my intent is request a postponement. We might be able to dispense and I think if we're going to have a discussion we need to do it after lunch if there are concerns about postponing it. But it's my understanding that the staff are amenable to a postponement, but I would invite Mr. Gebhart to the podium.

>> Zimmerman: I would be in favor of that motion.

>> Bob gedert. It's my understanding there's a need for postponement to the January council meeting. My only concern is our financing of the remanufacturing hub, but I am agreeable to the postponement.

>> Tovo: So Mr. Gedert, discussion last time it sounded like a first payment was a December one and our financial staff said they could meet it. So when you talk about the financing, it's not an immediate concern.

>> It's not immediate, but we do need to resolve the issue in January.

>> Tovo: Okay. Other questions for Mr. Gedert? Councilmember Zimmerman, is there a motion you would like to make?

>> Zimmerman: I would like to postpone agenda item 2.

>> Tovo: To when?

>> Zimmerman: Your choice.

>> Tovo: January 28. Councilmember Houston seconds that. I have compiled a list of questions that respond to the memo and the information we received yesterday. I think probably the best thing would be to share those on the message board.

>> Renteria: I would like to hear because I don't understand why we're -- we're postponing it to a later date.

[11:46:37 AM]

Is there a reason why we couldn't take action on this?

>> Tovo: I wouldn't say there's any real reason. I would say that -- I mean I have some reasons why I think it would make great sense that I'll share. We got a memo yesterday about 5:00 P.M. In addition to a business plan and I think we all need to look carefully at the financing, the match as it's instructed now, the \$7.5 million project is going to be funded from the immediate sale of three tracts of public land, and a loan from the Austin public utility. We need number one, financial staff to take a look at the financial requirements for this project and come up with some other potential options for us to consider about how that \$7.5 million would be funded. That would be number 1. I have mentioned my concerns about the real estate -- I'll just summarize them quickly. We've talked -- pard identified it as potential use for a dog park. They have satisfied that need on another tract. It's my understanding from the information we received last night this is still a parks deficient area so we will still have neighbors somewhere in the neighborhood of 2,000 to 4,000 who do not live within the city's goal of a park. We have an opportunity potentially with this tract that we're [inaudible]. Being asked to contemplate the immediate sale of public land to meet the financing obligations for a grant. Those obligations also depend on immediate sale of two additional tracts and as I said a loan from the water utility and we haven't had any information really about whether that loan from the water utility is going to have any impact on rates. I should say I'm extremely supportive of the concept of the recycling hub of the remanufacturing hub and I think it has great promise, but I -- I'm being asked to make some quick decisions some of which I think might have other options if we had a little more time.

[11:48:48 AM]

>> Renteria: You know, this is a heavy industrial area that we're talking about, and if we're going to do that, I think we should just send it to the utility committee, let them hear it. We're postponing it, but what's going to happen if it doesn't go to a committee, then we're still going to be facing the same questions that we're facing today. And nothing has happened. So I mean if we're going to be postponing items to next year, then in January or February, then we should allow it to go through a committee hearing so that we can get that kind of information back to you that you just made.

>> Tovo: So I think what might make sense, I'm not sure which -- my guess would be there are a couple committees that could take a look at it. I think I could summarize my questions and provide some direction to staff. I think the question to the council is whether we want to do that right now or whether we should take this item up a little later. Councilmember Zimmerman.

>> Zimmerman: Thank you. I like councilmember Renteria's idea to put this in committee. I like that idea. If that motion is made, I'll second it. So that was a motion you made? To go ahead and send it to committee?

>> Tovo: Are you suggesting --

>> Renteria: I'll make a motion that it goes to committee if we're going to postpone it.

>> Zimmerman: Could we do that as a substitute motion? And consider that first and then if that fails, we consider --

>> Tovo: That should clarify whether the motion to pop that you made earlier was for items 2 and 11.

>> Zimmerman: I think they are linked right now, aren't they? Yeah. I wouldn't mind unlinking those, but I think they are linked now.

[11:50:50 AM]

>> Tovo: So your motion covers both?

>> Zimmerman: Was it your intention to consider them together or are we going to bring up 11

separately?

>> Tovo: I think together.

>> Zimmerman: I would like to refer both of them to the committee as a substitute. Or maybe that's a substitute motion for councilmember Renteria.

>> Renteria: I would recommend that it go to a committee since we're going to move it to next year to January or February. Might as well get some more information about this. And I would say either utility committee or, you know, since we're dealing with, you know, resource center. So that would be my recommendation unless we're -- if we're going to be postponing this.

>> Tovo: I would just suggest, so there's a piece of it that patrols relates to the utility. It was -- some of the questions what other options are available to the Austin resource recovery. So I'm not sure if it -- nor am I certain what the schedule looks like between here and January. Could you remain open in your motion to which committee?

>> Renteria: I -- I would be open, but since we are dealing with, you know, with land that belongs to the resource center, it should be dealt with that, whoever deals with utilities, you know.

>> Tovo: So it's your preference that it go to the utility commission.

>> Renteria: Yes.

>> Tovo: Councilmember pool.

>> Pool: A few years ago I sat on a stakeholder group that the city had put together, and I think mayor pro tem you were involved as well and it was development of a process, an internal process for our real estate department on how to identify parcels of land for sale. Do you remember that effort?

[11:52:50 AM]

And because I wasn't on council at the time, I was just part of the stakeholder process, there were two or three different meetings we all came and sat in and gave suggestions how the city should manage the sale of city-owned land. I don't know what the outcome of that was and I don't know that us on the dais know how that process was developed by staff or if anything ever was developed or passed in a council previous to this council had voted so. So what I would like to say is just can we just hold everything on this particular item on winnebago lane until we are briefed by staff on what process may be in place and how this has been developed that would reach the conclusion that we need to sell the land. I don't think we currently have enough information in front of us even though we've talked about it at a couple of different meetings to know we should sell. From a business perspective, I do not agree with raising money simply by selling off parcels of land because once it's sold it's gone and it will only increase in its value generally over time. And the longer we hold it, we can either put it into play for a benefit for the community at large or if we do decide to sell if it meets all the criteria that staff may or may not have developed, then we may get more than the 2.6 million I think that this is -- 2.792 million. So what I would like to say is I'm okay with delaying this. I would suggest that maybe audit and finance committee would be the appropriate committee if we were going to send to it a committee, but frankly I would like to get a briefing from staff that I think would benefit all of us on the process in place staff has identified for identifying parcels of land for sale and what criteria are looked at.

>> Tovo: And I will add since we have been having this discussion, I have added it already, a discussion of our real estate matters generally to next audit and finance so we'll be taking up that general issue.

[11:54:56 AM]

I'm happy to add a specific discussion about this tract and if councilmember Renteria wants to include in his motion that it also be considered by utility commission, I think that's fine. I just want to be clear about what the motion before us is. Councilmember Renteria, you made a substitute motion to send

this item to committee. Are you also retaining the part about postponing council action until the 28th.

>> Renteria: Yes.

>> Tovo: So there's a certainty about when it comes back.

>> Renteria: Correct.

>> Tovo: And councilmember Zimmerman, are you seconding that substitute motion?

>> Zimmerman: Yes, that's correct.

>> Tovo: The substitute motion would be to postpone this item until January 28th and to send it for consideration to the utility -- to the council's utility commission and also with the understanding that it's going to be discussed -- the general issue about real estate is going to be discussed at the next audit and finance as well as the specific issue before us here. Councilmember Gallo.

>> Gallo: I have a couple of questions. We keep mentioning agenda item number 11 also. I think 2 is related to 11 but I don't think 11 is related. It's the sale of property. Number 2 talks about the possibility of using the funds from the sale of that land, but I would not support expecting number 11 at this point. It appears we had a presentation at the work session that the property is under contract. It was a sealed bid process. It's been appraised several times. We do have an appraisal on it. The parks has indicated to us when it was asked at the last meeting that they were not interested in the property so I would not support postponing number 11 and I think we need to have a discussion separately about agenda item 11. The question I have about postponing 2 is there is a mention there is a grant that's part of this and I think this was presented to us in August to approve that grant. So this is a discussion that we've been having for a while and maybe you could remind us what that grant poem is because my impression in August was there was a time line we needed to do something by in order to participate in the grant.

[11:57:10 AM]

>> The grant being referred to is economic development administrative grant, and that was accepted by city council in 2014. At that time the matching dollars were committed by certificates of obligation which we've recently learned was not a proper path. And so we shifted gears on matching the dollars. So the discussion of recent months has been the match to the grant. The city match. And the \$2.1 million match.

>> Gallo: So it does seem like the time limit on the grant is what?

>> Yes, the time line on the grant as we map it out in the future we make commitments that is part of the grant obligations to have the construction of the utilities on that site initiated by July 1st of 2016. Next year. To manage that time line we need to bid out the construction contracts in March in order to match that March deadline of construction contract, we need to initiate the solicitation and have the -- basically the funding mechanism secured by early February.

>> Gallo: So if we postponed number 2 until the end of January, but we approved item 11, which is some of the funding source, my understanding the circle complete, then would that delay the process at all for you to be able to do what you need to do to meet the terms of the match?

>> We have final decision of council January 28th, we have no delays in the project. We have permission of the finance to continue progress on the engineering of the site, but we could not move forward with the construction on the site without council approval. And we need to secure a understanding of council on the funding mechanism by the end of January and if that is so, then there's no delays on the project.

[11:59:20 AM]

We are bumping up against pretty hard deadlines though.

>> Gallo: And part of the funding mechanism is the sale of the property -- funding.

>> Yes.

>> Gallo: So it appears we could postpone action on item 2 until the 28th of January, but we would need to take action on 11 so that the funding source is in place.

>> Yes, I would say that my only concern is trying to meet the grant time lines. And we meet that if the decision is made in January.

>> Gallo: Thank you.

>> Tovo: Councilmember Garza, a question?

>> Garza: Not a question, I'm happy to hear this in public utilities, I think it's more germane to audit and finance because the big issue is selling an asset, not necessarily selling the asset of the resource recovery so I would suggest it go to audit and finance. If we move forward on 11, that's really the crux of what -- of the question we're trying to get at of whether we should be selling it. I guess if any councilmembers don't support that, you just vote no on the motion to postpone or motion to send it to committee.

>> Zimmerman: Could I ask a point of order question?

>> Tovo: We're at noon and I believe this is going to require some additional discussion and if we're going to have that discussion, I have quite a few questions for our financial staff as well as park staff and Austin resource recovery so we surely won't get that through that before citizens communication. Councilmember Zimmerman.

>> Zimmerman: Point of order here. Is it appropriate to divide the questions 2 and 11, to divide those out and consider them separately? So we [inaudible] Do that.

>> Tovo: So we're at our noontime vote and I think in any case we're going to need to go to our citizens communications.

[12:01:22 PM]

Do we need to table that motion? We will come back after break to the motion councilmember Renteria made which is at the moment couples those two items, postpones them to January 28 with the recommendation that they go to the utility commission in the intervening time.

>> Renteria: And it could -- I'm just as happy going to the audit and finance committee as long as I just want to remind my colleagues that please submit your questions and your concerns about this issue so that we can really air it out and not -- and really get the answers that we really need so we won't be delaying it any longer and we can make a decision.

>> Tovo: Councilmember Renteria, do you want to -- so you are open to that going to audit and finance? Councilmember Zimmerman, you had seconded that item. Okay. And do we want to come back to this after -- sounds like we better come back to this after break so that's where the motion stands. And it is now time for citizens communication.

>> Pool: Question. Are we going to take executive session right after citizen communication?

>> Tovo: Yes. Thank you for asking that question. After citizens communications about 12:30 we'll break and go into executive session and also couple that with our lunch break so I expect we'll be back to our agenda at about 1:15. At the latest. Hopefully. So our first citizen to communicate today is Carolyn ab Abernathy. You will have three minutes.

>> Carolyn Abernathy and I'm here to speak in support of the current coyote management policy passed by council about a year ago. I'm aware of animal advisory commission's recommendation to council for the city to opt out of the contract with Texas wildlife services. I oppose that recommendation. I'm fortunate to be a greenbelt resident in Austin for nearly 13 years.

[12:03:25 PM]

My family and my neighbors know what it's like to live under highly habituated coyote behavior. That was back in 2004. The coyote behavior at that time was bold, conflicts were numerous, widespread,

occurred in daylight hours and negatively affected our daily lives and activities including the safety of our pets. These occurrences were taking place along the balcones drive and Mesa drive residential corridors. Residents from these neighborhoods came together seeking resolution. Ultimately a well attended hearing was held before the Travis county commissioners court. Many testimonies were heard. Among the most shocking and memorable to me were the women who testified to having been followed or tracked by multiple coyotes while strolling a baby or young child in their care. Habituated coyote behavior in our community was successfully modified nearly 12 years ago. It has remained effectively modified. We have not returned to that intense level of habituated behavior. This is a direct result of two methods which are focused on data analysis, outreach and education to individuals and communities. If you could request a staff member to download and review this article assessing impact of urban coyote on people and pets in Austin, Travis county, Texas by Randy [inaudible]. This professional publication documents the history, methods and results of the two coyote management program in Austin from 2004 to 2007. Wildlife services actually exist to prevent citizens from taking wildlife later into their own hands which poses a risk to public safety and indiscriminate harm to other wildlife and inhumane treatment to animals.

[12:05:38 PM]

Austin needs to retain the professional services of wildlife biologists educated in wildlife management for the safe enjoyment of our parks, greenbelts and trails. Thank you.

>> Tovo: Thank you, Ms. Abernathy.

[Applause]

>> Tovo: Councilmember Troxclair has a question.

>> Troxclair: I was going to ask the article you mentioned do you mind emailing that to each of us?

>> Yes.

>> Troxclair: Do you mind emailing it to us just so we have it?

>> Yes.

>> Troxclair: Thanks.

>> Thank you.

>> Tovo: Next is Kyle Hoskins. Topic to be determined.

>> Greetings. I'm Kyle Hoskins, I'm a consultant in software developer in Austin. I started driving for Lyft in July of 2014 to help fill Austin's need of getting people home from bars safely. Donating 100% of my earnings I found that led to extraordinary interactions with passengers. To share that experience I developed a website ride cares to give Lyft and Uber drivers an opportunity to pledge a portion of their tips to raise funds and awareness of things they are passionate about. Together we raised \$2,600 from over 2,300 supporters for organizations such as AIDS walk Austin, Austin pets alive. My deep involvement drove me to touchdown I tnc safety regulations and I don't believe we're doing the best we can because some of our focus has been on fairness rather than on exploring the best possible safety options. Viewing the rare charged sexual assault involving tnc's or possible patterns of prevention, I found fingerprint background checks were a statistical nonfactor. Prevent one incident we should do it. It's a notion I agree with, however, my evidence based belief is that fingerprint regulation will increase incidents. When you tell people they are safer without markedly making them more safe, you are causing more vulnerable people to put themselves into more vulnerable situations.

[12:07:47 PM]

Instead we can bolster prevention by promoting a culture of riding together in vulnerable situations and ensuring passengers are riding with the protection being in their proper tnc vehicle. Sexual assaults

involving rides or gypsy caps are overwhelmingly more likely to occur than what a fingerprint background check to have prevented. The only unique identifier to make sure they are protected by tnc advanced safety features. Option is to use a portion to -- local organizations work together to create awareness for properly matched rides and a same threat to do -- method. A surprisingly improper solution as it offers criminals a simple means to appear as a trusted ride. I believe we're underestimating the gravity of regulations like fingerprints and excessive vehicle inspections that treat tnc's as taxis and slow their evolution toward true ride sharing. These companies are offering to pay [inaudible] To solve our traffic problem and promote environmental stewardship. I urge you to vote more on the out mowed regulations in hopes we can promote more suspect I have safety solutions through a culture of riding together in times of vulnerability, ensuring people enter a correct vehicle. Thank you for your time and consideration.

[Applause]

>> Tovo: Thank you. Next is Carol Anne rose Kennedy, thanks forgiving 2015. After that will be Karen Rodriguez.

>> Mayor pro tem, can I make a comment to the previous? I appreciated your comments because I heard new information and new ideas that I haven't heard -- heard yet even though we've had a lot of discussion on it. So I appreciate your involvement and you trying to bring some more innovative ideas to how we can improve safety to our attention.

[12:09:55 PM]

So thanks.

>> Tovo: Welcome, Kennedy.

>> Good morning and welcome back, council. How come y'all are all moved? And who is missing over there?

>> Tovo: Me.

>> Oh, that's why. Good. Okay. The mayor is missing. Okay.

>> Tovo: That's right.

>> Okay. Thank you all for serving, again. A fine, fine job you all are doing. I wrote this on the first Christmas of the millennium. It's called millennium Christmas. I had just moved into my new house and I was having a crew of 14 for Christmas dinner and I did not even know how to operate my oven. So I write my best things when I'm stressed. It turned out okay, but -- okay. And I have a copy of this for the 13 of y'all. Okay. Legal learn number Christmas. I do Christmas all year long in the way of a phone call or maybe a song. I might bring you flowers or take out your trash or take you to the doctor right before you ask. Fresh bagels are good, summer, went, spring and fall. I buy a bakers dozen for the price of 12 so I can spread them really far. I'll look out for your mother, I'll look out for your kid, I'll pretend I didn't see the shenanigan you did. Let's go for a walk, let's go out for breakfast. The present today is stay being one of us. Thank you for listening.

>> Tovo: Thank you. Ms. Rodriguez. And then after Karen Rodriguez will be Isidro Rodriguez.

[12:12:02 PM]

>> I thought I could get my time.

>> Tovo: It's entirely your choice.

>> Okay. I was in the October 30th flood and I was just wondering, we were appraised on November 4th and haven't heard any information on the buyout yet. And I was wondering once we do hear the information on the buy outand if we accept the offer, how long are we going to need to wait to receive funds from the city of Austin? And also I wanted to say that the police are no longer staying at a point

where they are asking for ids and so we're having theft and people who don't belong in our neighborhood down there. And they are only like a third of the people staying in their homes right now. We're staying with families, friends and stuff like that so I just didn't know how we could get maybe the police back on track doing that. And -- I guess that's it.

>> Tovo: Thank you for being here. And I -- [inaudible] 2015 flood buyout, I neglected to read that.

>> I was also in the Halloween flood of 2013. This one didn't hit as bad.

>> Tovo: We're sorry for what you are going through.

>> We weren't on the roof this time for five and a half hours, but we did get out. There were some folks who did not.

>> Tovo: And again, we're so sorry to here what you are going through. I see some of our real estate staff in the back who may be answer some of the questions that you asked and I believe councilmember Garza wanted to speak.

[12:14:03 PM]

>> Garza: I was going to say the same thing. I'm not saying you have to answer in front of us, if you want to meet one on one with Ms. Rodriguez, I will ask my staff to address the police issue. Thank you.

>> Thank you very much.

>> Tovo: Thank you for being here.

[Applause] Next is Isidro Rodriguez and our last speaker of the day will be Julio Rodriguez.

>> Welcome again, council. I'm here to talk to you about updates on the flood. You were just talking to my sister-in-law who was up here a few minutes ago. One of the things being passed out is a [inaudible] Process and one of the things we have been told that you are trying to figure out how to get this out to the needed residents. What I recommend you do is reach out to the local utility because from my understanding they are already have that process in place to where they already have designated clients that are in these affected areas, and per your direction they have notated their account to direct them, the city, not to charge for deposits, to waive certain fees. So my understanding this FEMA money expires in 60 days. So that would be at the end of January, if I'm doing my math correctly. So I strongly recommend with those guys. They would be great to help you out to send out that information in their monthly bill stuffer to get out to these residents. Secondly, Ms. Melissa torres, from the real estate office, created a report for me. This is from January 2015 to current. It's regarding the buyouts. It talks about how many have been appraised and how many have been bought out. I've directed her to send this to all of y'all. One of the concerns is it looks like Williamson creek is not being looked at in regards to the buyouts. They are very, very short on how many are being appraised and how many are being bought out.

[12:16:05 PM]

My main concern again is we're being told is it's going to take longer for the moneys to get to the residents once they accept the buyout offer. So my concern is if this FEMA money is only good until the end of January and it may take 60 to 90 days for the moneys to get to the residents when they accept y'all's buyout offer, what other means will they have? Because this isn't being disseminated to all of them right now. So if we're not getting this to the residents that need it and we're being told the money is going to take longer to get to them once they receive their buy outmoneys, they have nothing. So we're tying their hands on what they are able to do. And by not getting this information to them, they wouldn't know about it. For example, the 85 to 95 residents that were staying at Dittmar, we haven't reached out to them to let them know there's moneys they can use for their rent through this FEMA process, but they are not getting that information. So how are we able to reach out to them to help

them? Okay. So I strongly recommend what we do is work with the utility to get this information out to them. And then what I would like to recommend is to have you all come back to us --

[buzzer sounding]

-- To give us a date on when -- how long it's going to take for the money to come back to the residents once they receive their buyout money.

>> Garza: It's my understanding folks are going door to door letting people know about FEMA. If that's not the case, please talk to my staff. We were told that staff is going door to door knocking on doors specifically letting people know about the opportunity of the FEMA money.

>> I can tell you this right now, there's a lot -- a lot of the residents aren't there, just like my sister-in-law just said, they are having to live in other places.

[12:18:14 PM]

Because one of the things that was told initially was this they needed per code compliance they were told they need to do cut down two feet of sheetrock depending on -- that was the average they were told they needed to cut out of sheetrock and insulation. So volunteers went in, they did that. That's where it was stopped. Okay? Now that they have the FEMA money available to them, they can go ahead and start rebuilding. During that time they've moved out. As of right now, I don't think my sister-in-law has been knocked on to be told this information. I gave her this information today myself. Secondly, how are you reaching out to the ones that aren't there, like she was stating. They are not staying there.

>> Garza: My staff will follow up on that. Thank you.

>> Tovo: Thank you. The last speaker for citizens communication, colleagues, Andrew Dobbs has signed up want to go speak about the item that will extend over the breaks, 2 and 11. So if you would stick around for a few more minutes after we've concluded citizens communication afford him the opportunity to speak so he can do so before we break into executive session. Our last citizen communicator is Julio Rodriguez speaking about the flood buyout. Mr. Rodriguez, are you in the chambers?

>> He's a mailman and he couldn't take off today.

>> Tovo: Well, we'll welcome him if he is able to come another day. Mr. Dobbs. Thank you for being here to speak again about agenda items 2 and 11.

>> Thank you for having me. Andrew Dobbs, Texas campaign for the environment. First off, we are completely in favor. We want to see the remaining remanufacturing hub completed successfully, whatever it takes. That's a high priority for us because this is going to have a huge impact in terms of facilitating better recycling prices, commodity prices in the area which will make zero waste much more possible for all of us.

[12:20:20 PM]

It's super important. But in terms of the -- I understand like the -- we're totally in favor of seeing this postponed a little bit also because in my personal -- or the [inaudible] Is I'm afraid if we have to make a decision right here today that we're going to be -- there might be a lot of no votes that are not necessarily -- it's just out of caution, out of caution, radio it? People voting no because they don't want to make a quick decision on a property sale that could -- that we might regret down the line. We think it's a good idea, it's what staff has suggested, we have no reason to oppose it but we understand there might need to be more due diligence. So I think if we could take that time to get to January to take another hard earned look at this, to do some work, you know, on this and come back better prepared on all points and see if there are opportunities to get the money we need without having to get rid of property that will appreciate in value and has the opportunity for us to do other things with it. If we

can look at all those options, I think that makes a lot of sense. If a decision is made today, we strongly encourage you to vote yes to get this money so we can get that project going forward. There was apparently a lot of interest from various manufacturers that got more letters of inquiry than there are spaces at the facility. So that means that, you know, we're going to have the opportunity to choose some really good processors here to create maybe more than 1,000 jobs in district 2 to bring some manufacturing jobs to the city of Austin and improve recycling industries in the area. Please vote yes if you vote on it today, but probably be in everybody's best interests to take this up in January.

[12:22:21 PM]

>> Tovo: Thank you, Mr. Dobbs.

>> Available for any questions.

>> Tovo: Mr. Dobbs, I do have one for U have you. Have you had an opportunity to review the business plan?

>> I have not. Getting more up to speed on this too because it's stuff that's important.

>> Tovo: I just wanted to confirm that you hadn't seen it either. Okay. Thank you.

>> Thank you.

>> Tovo: All right. So that concludes citizens communications and we are going -- now the city council will go into closed session to take up one item pursuant to sections 551.071 of the government code, the city council will discuss the following items, item 31 -- sorry, item 35, legal issues related to the 2015 proposed amendments to the meet and confer agreement between the city of Austin and the Austin police association. Items 33 and 34 have been withdrawn. Is there any objection to going into executive session on the item announced? Seeing none, hearing none, the council will now go into executive session. Again, I estimate we will be back on the dais possibly even at 1:00. Certainly by 1:15. So we stand headed to executive session.

[Executive session]

[1:30:37 PM]

>> Tovo: Hello. Welcome back. We are out of closed session in closed session we took up and discussed legal matters related to item 35. And we're going to begin our discussion by taking back up items 2 and 11, which we were discussing before the break. Now, councilmember Renteria, who had made the motion, is not on the dais.

>> Do you want to talk about the amendment?

>> Zimmerman: Yeah, mayor pro tem, if we could divide the question. I think that's one thing that was discussed if we can split 2 and 11, if there's a consensus on one without the other.

>> Tovo: Okay. I think we have received our guidance from the city attorney that that was permissible.

>> Zimmerman: And I think that motion kind of goes above what was on the table. Divide the question, then split them apart, and -- is that correct? Can our legal advise us on that? That was a question for legal staff, but -- about dividing the question and what that motion would look like. So if we -- in other words, I think we had a motion on the table that items 2 and 11 would both be postponed or sent to committee, rather, so if I make the motion to divide that and consider 2 and 11 separately, how does that affect -- does that mean that both of those items kind of are now on the table to be referred to committee? If I divide the question?

>> I'm going to let someone from law speak to that.

>> Are you wanting to refer -- I'm sorry, councilmember, Lela fireside for the law department. Are you wanting to approve one and refer one to a committee or send them to different committees?

>> Zimmerman: We wanted to be able to divide the question.

[1:32:38 PM]

I want to make a motion to divide the question. How does that affect the motion that's already on the floor? It's a process question.

>> It would be a substitute motion, I would imagine.

>> Zimmerman: Okay. Okay. I'd like to make that motion that we divide the question of items 2 and 11 and consider them separately.

>> Tovo: Okay. Councilmember Zimmerman makes that motion. Is there a second? Councilmember Gallo seconds it. I'm actually going to turn over -- this is an issue I'm pretty involved in and I may need to make a motion so I'm going to turn over the meeting administration at this point to councilmember Garza.

>> Garza: Is there any discussion on the substitute motion?

>> Gallo: Can I just -- Pio is not here yet. He's part of the original motion. Could we hold onto this until he gets back?

>> Garza: If there's no objection, I'll table this and hand it over to mayor pro tem.

>> Tovo: That's not a problem. I think that's an easier way. So we need a motion to table that.

Councilmember Houston tables it. Councilmember Zimmerman seconds I.T. It. All in favor? That's unanimous with councilmember Renteria off the dais. I believe that item 31 will be a relatively speedy one so why don't don't we move to item 331.

>> I can speak to that if you'd like.

>> Tovo: Yes, why don't you speak to it and we have a speaker. Why don't you lay out the issue.

>> I'll just briefly mention the mobility, what we did in mobility committee but then if there's other details people would like, I'd like the staff to lay that out. Primarily, this came to us and it was unanimous from the mobility committee to approve the staff's recommendation to move forward, and this has to do with the geographic location of this parking district. And I wanted to let everyone know that during the committee meeting, we heard from neighborhoods who were in support of moving forward with this, and we did not hear any opposition. So if it's appropriate and if there's any questions, we can certainly have the staff provide more detail.

[1:34:48 PM]

>> Gallo: I might mention, we asked staff, because this is in your district, we did ask staff specifically if they had heard any concerns from you as we discussed it and it was indicated from us that there were not.

>> Tovo: And just for the record, I saw a quote to that effect in the newspaper, and was -- found it to be curious. I have not had a discussion with transportation staff about that issue, so, no, I had not expressed any concerns, but we also had not had a direct discussion about it, either, at least -- yeah. So there was that and I think I aired the concerns that I heard in our work session and I believe the staff have indicated there's no issue in the future if there are bike improvements or other things that would require meter adjustments or meters to move, that's something that the program makes accommodations for, B so I feel very satisfied with what's before us. But thank you, I appreciate y'all asking that question of our staff. So I believe -- did you want to make a motion, councilmember kitchen?

>> Kitchen: I move that -- I move that we move forward with staff's recommendation for item 31.

>> Tovo: Is there a second? Councilmember Zimmerman seconds that. And we have no speakers on this item. Are there any other comments from council? All in favor? And that passes unanimously. Okay. Councilmember Renteria is now here, so let's go back -- let's -- I think we need a motion to take that item off the table, and those are items 2 and 11.

>> I put it on. I'll take it off.

>> Tovo: Pool makes a motion to take that off the table, councilmember Zimmerman seconds it. All in favor? Councilmember Zimmerman, I'm going to turn it back to you. I think you were in the process of making a motion. I'm going to turn the leadership of the meeting off to councilmember Garza. Had.

>> Zimmerman: So my motion was to divide the question of items 2 and 11 and consider those separately.

[1:36:49 PM]

>> Garza: And I believe, councilmember Gallo, you seconded that motion. Is there any discussion on that substitute motion? Mayor pro tem tovo.

>> Tovo: Why I think these items are very linked. One is dealing with the financing and the second is dealing with the sale that is being, in my opinion, moved forward very quickly to make the financing work, and so I would say, again, I would invite Mr. GE alreadyller up to confirm this but it's my understanding there is no, sir an issue with postponing those to the January 28th meeting. We've had discussion back and forth with staff that this would afford -- this would afford all of the parties involved on our staff to have a conversation about whether there are other financial options available so that we're not in a position of feeling like if we don't approve the sale of this tract, the remanufacturing hub cannot go forward and those jobs cannot be created. A lot of these things are being tied together in a way that may not be necessary. We may be able to take these items up separately if we understood what our options were. Mr. Geller, can you just confirm my understanding that it's okay from your perspective to delay both items, 2 and 11?

>> Yes. I just spoke to Greg canally and he confirmed we have an appropriate one we're working off now. If we come to a final conclusion of this issue at the January 28th meeting, that would be okay for both items, the appropriation and the sale.

>> Tovo: Thank you.

>> Garza: Councilmember Gallo?

>> Gallo: Oh, I was looking at mayor pro tem tovo. Sorry about that. So being in real estate, I know that you have a closing date, I assume in the contract, and this may be a purchasing question. That you would have a closing date in the contract. Correct? Did you have -- I'll make that a question. Do you have a closing date in the contract on the sale of the property?

[1:38:49 PM]

>> Yes, councilmember, but it was contingent upon council approving it.

>> Gallo: Approving the sale.

>> Yes.

>> Gallo: If the council approves the sale, is there a proposed closing date for the contract?

>> There is a proposed closing date. We talked to the buyer, and he is willing to -- as long as he can close by February, he would be fine with amending the contract.

>> Gallo: Okay. And the current closing date is what?

>> Is 15 days after council approves.

>> Gallo: Okay. So if we approve today, then that would allow the closing to happen before the end of December, in which case the funding would be in place.

>> Okay.

>> Gallo: Okay. My concern with real estate transactions and closings is quite often something can come up that delays the closing, and onceagain, going back to the timeline of the match and the grant and the preparation for that, that it seems like a safer route would be to go in and get -- move forward with the

sale of the property to get the funds actually in the city's position, and then that would not have the potential of causing delays in the process of agenda item number 2. So I just -- if we delayed it until the meeting at the end of January, which would be the 28th, then how long would it take you and the title company and the buyer to be able to be ready to actually close and fund, and would it be table-funded on the same day it closed?

>> Yes, it would have to be funded the day that it closed. We'd -- usually it would require the money to be escrowed before I'd sign this final document.

>> Gallo: Okay. And then once you got approval in January from the council, if we delayed number 11 until then, how long would it take you, once you got approval, to be able to set the closing?

>> We have to work with the title company, but we try to do it within two or three weeks. It's a little bit easier because there's no money owed on the property.

>> Gallo: Okay. And so that would put the funding -- the closing and funding towards the middle of February.

>> Yes, ma'am.

[1:40:49 PM]

>> Gallo: And so then I would go back to the question of timeline, if you are looking at actually not having the funds until the middle of February, this would be a item number 2 agenda. As mayor pro tem mentioned, these are connected, and so I do think it's important to understand the timelines on both situations. Thank you. Oh, I do have one other question for purchasing. How long has this been in process? To me, it seems like it's -- the process of the sale of this property has -- the process of your -- of the department determining that they did not need the property, and that it should be sold seems to me like it's been a long process, but could you share with us kind of the length of the process of this?

>> We've been working on this for a couple of years, but really intensely for about 15 months.

>> Gallo: Okay. So it's not something that just happened a couple of months ago. It's a process.

>> It was a pretty rigorous process, yes, ma'am.

>> Gallo: Okay. Thank you. Okay. Then I had a question, I'm sorry, for the department from the standpoint of if your actual funds from number 11 for number 2 are not available until the middle of February, does that still affect your timeline?

>> Greg Canally, financial services. Councilmember, the previous council approved an appropriation for the ecoindustrial park in the range of about three million dollars. So we have an appropriation on the books as Bob mentioned before. There was original -- original thought was to use certificates of obligation. That's not allowable due to the economic development aspect of this. So they have an appropriation. They're able to move forward, working with the grant declines and getting things started and initiated. In terms of supporting that appropriation, we believe there are a variety of options that we can work on over the next month to come back on the 28th in case this sale of the land does not move forward and have other alternatives for this council. So we feel comfortable that the department can keep working over the next month, and as we come back on the 28th, we'd be able to kind of present a more holistic plan not only about this appropriation but we were just talking about the additional rounds of funding that may be necessary for the rest of the ecoindustrial park and would allow us to be a more holistic view of the whole project.

[1:43:16 PM]

>> Gallo: Okay. Thank you.

>> Garza: Mayor pro tem tovo.

>> Tovo: Mr. Canally, I have a few more questions. I think, Ms. Reiser, awningsed accurately the land has

been contemplated for sale for a while, but it was on the council agenda for sale to another city department. It's only the last couple months, as I understood from the memo we received last night, it sounds like it went out for bids in August, and then I think the bids closed nine days before it was on our council agenda. So the idea of selling it to an outside entity was, you informed us in a memo in August, then it appeared on our agenda. I mean, the Austin resource recovery was -- recognized it no longer needed it. The idea of offering it for private development was relatively recent.

>> Councilmember, we did -- that was a process of actually putting it on the market. We did go through a longer process where we went through the different neighborhood plans, the different departments. We went to housing. So there's a long process that goes through before we even put the process -- before we even put the property on the market.

>> Tovo: Okay. All right. Well, I won't ask any more questions about that because we talked about it a lot, but some of us believed it was in progress of being sold to a city department. Mr. Canally, I wanted to ask you about the business plan. In our last discussion at council, I had asked that our -- I had provided some direction that our staff look at financial options, and the memo we received last night talks about that Austin resource recovery has not identified any other financial options. But I just want to confirm my understanding that you have not really sat down with Austin resource recovery or -- would you -- let me ask it this way. Would you benefit from the time for items 2 and 11 to take this time between now and the 28th to really look at whether there are any other financial options for funding the remanufacturing?

[1:45:22 PM]

>> Mayor pro tem, we would. We've been working with Austin resource recovery. Again, the plan that's before you today was to look at land sales to help fund that efficiently appropriation for the ecoindustrial park as part of a larger planning and financial modeling effort. And so certainly that time over the next six weeks would help us kind of work with them to make sure that the right cash can be in the right position so they can move forward on the several project. It would be beneficial to look at options, alluding some reserve funds, looking at rate implications, again, looking at it from a total picture. We've kind of already started these conversations.

>> Tovo: Because it looks to me from the business plan we got last night -- we certainly received information about the remanufacturing, but I don't believe we received a business plan until yesterday, as -- did I overlook an earlier one that we received?

>> We assembled the business plan from previous documents that have been supported to council over the last three years, so this was the first compilation into a formal document. I don't think there's anything new, except that we moved from the platform of cos to land sales. That is a new pathway. The memo does mention that we've researched other funding options. What I was referencing was other outside funding.

>> Tovo: I see.

>> Not city funds. Eba grants, EPA grants, any type of state or federal funding. We've done a very thorough search, and we're reaching a deadend on that.

>> Tovo: Okay. But sitting down with our financial staff --

>> We've been consulting with Greg for quite a while on options available. We're trying our best to not impact any utility rate. That's what we're trying to avoid.

>> Tovo: Good. And I understand from the business plan, it's about a \$7.5 million --

>> Yes.

>> Tovo: About one is going to be coming from the grant, then you have three contemplated land sales, then the loan from Austin motor utility?

>> That's correct.

>> Tovo: I would be interested if we have the opportunity to do some more in discussing about it, I've got other particular questions.

[1:47:26 PM]

I understand that one million from the memo last night, it sounds like that's a maximum and it's reimbursement for only grant-eligible expenses, so I would like to better understand what those expenses will be and whether they're likely -- whether we're likely to receive that one million, especially if what you're asking us to do is, you know, make some quick decisions about liquidating public assets to provide the match to match a grant, I'd like to have some understanding of whether we can expect to get that full million, or whether we're looking at, you know, selling all of those assets to match what could in the end be a lower amount of outside funding. So -- okay. Thank you.

>> Garza: Are there -- councilmember Zimmerman.

>> Zimmerman: I wanted to maybe make a point of what I think we had a question about died the question, and I think that we're supposed to vote on that. Then we can continue the discussion, maybe, or --

>> Garza: I think she was discussing the issue of -- making the point that it shouldn't be divided, basically. But if there was no other questions or discussion, I'll -- all those in favor of the substitute motion, which is to divide the two items, regarding if we should positive postpone -- send them to committee, if you're in favor of dividing the two, say aye.

>> Zimmerman: Well, I'm sorry, can I restate it? It was just to separate the issues and vote on them separately. The question just to divide them, let's divide the two issue.

>> Garza: But not specific to send them to committee?

>> Zimmerman: Yeah, we're supposed to vote on that without debate, just divide them.

>> Tovo: But the amendment -- councilmember Garza, I believe the motion that we had on the table, that would be divided unless its withdrawn, is councilmember Renteria's. That was seconded by councilmember Zimmerman, so you might need to do a restart of what you want to do --

>> Zimmerman: I need a little help from our attorney about the question of dividing. She can -- I'm pretty sure she can tell us what we're allowed to do.

[1:49:28 PM]

Because I think we can vote to divide the two questions, period.

>> Renteria: I'm willing to withdraw my --

>> Zimmerman: So the question is just to of a vote to divide item 2 from item 11 and consider them separately. It's motion for division that doesn't need debate; right? We just either do it or we don't.

>> I think you've already debated it, councilmember, so you can vote.

>> Zimmerman: Okay.

>> Garza: So councilmember Gallo, was your second to simply divide the question?

>> Yes.

>> Garza: Okay. Mayor pro tem tovo.

>> Tovo: I just need to understand what question we're dividing because the motion on the table was councilmember Renteria's, and it already had a second. So I think -- are we divide that -- it sounds to me like your motion would divide the question of whether to postpone and send to committee 2 and 11.

>> Zimmerman: All it does is says we're going to consider the tulles separately. So what you just said about sending them to committee or not sending them to committee, that's a separate decision for each item.

>> Tovo: But the motion that you're -- the motion you're requesting to divide is the one that

councilmember Renteria made, unless you --

>> Zimmerman: No, I'm only dividing the items on the agenda. Let's consider the items separately, and that's irrespective of what we do with the items. Let's just consider them separately.

>> Garza: I'm going to recognize councilmember Renteria. Do you want to withdraw your motion to send these to committee?

>> Renteria: Yeah. I'm going to withdraw my motion so that it can get a vote going on --

>> Garza: Let's make it a little cleaner. There's no longer a motion on the table to send both of these to a committee or postpone. Right now we're voting on dividing the two items. Councilmember Houston.

>> Houston: Councilmember Garza, they may be linked in our heads, but I don't remember a motion linking them in fact. So I don't know why we keep talking about separating them, because they're not linked together because there's no motion to link them together.

[1:51:33 PM]

So they are separate, in the way I hear Robert's rules.

>> Garza: And that's a good point. So I will entertain a motion to move item 2.

>> I'll move item 2.

>> Houston: I'll move item 2.

>> Garza: Is there a second? Your motion is to move passage of item 2 as proposed currently.

>> [Off mic]

>> Garza: Okay. That motion has been made. Mayor pro tem tovo.

>> Tovo: So I'd like to move that we postpone item 2 to January 28th with the additional direction that it be considered by the audit and finance committee in the meantime.

>> I'll second that.

>> Garza: It's been moved by mayor pro tem to move this to a committee, and it's been seconded -- item 2, and seconded by councilmember pool. Is there any discussion?

>> Zimmerman: I'd like to speak in Pfeiffer. I do like the motion. I'd like that to be heard January. So I'm going to be voting for that motion.

>> Garza: Okay. Any other discussion in all those in favor of item 2 being moved to a committee, please raise your hand. Say aye -- or raise your hand. All those opposed? Everybody voting for. Councilmember Casar is off the dais. All right. So now I'm going to bring item 11. Correct? Is there a motion on pass item 11?

>> Zimmerman: So move, to pass and to sell the property or close on the property.

>> Garza: Is there a second? Is there any discussion? Mayor pro tem tovo.

>> Tovo: So I'd like to now make a substitute motion that we postpone this item to January 28th with the additional direction that it be considered by the audit and finance committee.

>> Garza: Is there -- seconded by councilmember pool. Any discussion on the substitute motion? All those in favor of the substitute motion which is moving item 11 to -- with number 2 to committee, please raise your hand.

[1:53:38 PM]

For councilmember Houston, pool, mayor pro tem tovo, councilmember [inaudible] Garza, councilmember Casar, councilmember kitchen against. Councilmember Zimmerman, troclair, Renteria, and -- I can't -- Gallo. Sorry. So the motion passes, both of these items will be referred to committee and come back to council on January 20th. I yield the chair back to mayor pro tem.

>> Tovo: Thank you, councilmember Garza. I really appreciate that. All right. So, next on our consent agenda are items 5 and 6. So let's take up item 5. We have several speakers. Our first speaker is sherrine

fisher.

>> Houston: Mayor pro tem, this is going to take a while, I would suspect, and item 16 that I pulled regarding the 3M half marathon, I just have a couple of questions.

>> Tovo: Sure. Then let me backtrack a little bit and I will not call up item 5 unless it's too late. And we'll go to item -- item 16, which was pulled by councilmember Houston.

>> Houston: Thank you. Thank you, Mr. Spillar, for being here. I just have a couple of questions. Has an objection ever occurred over the 3M marathon?

>> Yes. They occur. The sponsor is very good about working with those neighborhoods to address those concerns, so they typically reach a positive conclusion. But it is -- yes.

>> Houston: Okay. So this is to waive the right of the property owners to object so that when letters are sent to the property owners, it doesn't indicate that they have -- they can reject -- is that correct?

[1:55:40 PM]

>> That is correct. If council passes this, it would waive the right of people along the route to object. The ordinance that currently is in place requires the promoter of a special event to notify residents that may be affected and get their approval. With marathons and half marathons and similar sort of cultural activities, I don't use that term lightly, given their length or given their size, it's often hard to meet the letter of the code, and so they have to come to council and ask for relief on the current --

>> Houston: Thank you. I just wanted to say that we could go ahead and vote on this. I'll be voting against it because I think residents need a right to object.

>> Tovo: Thank you, councilmember Houston.

>> Houston: Need to be provided that opportunity.

>> Tovo: Councilmember pool.

>> Pool: I'd just like to mention, 3M has run on shoal creek boulevard in front of my house many years since I moved there, and do get notification by the race organizers, and if there are concerns, we're able to speak directly with the race organizers. So having had it come past my home repeatedly, I will say that they do a really good job of advising what streets will be closed, and so the people can park their cars elsewhere in case they have to get out for whatever reason Sunday morning. And they clean it up really fast when it's over. And depending where you are in the route, you may or may not have the runners by your house early or late. And I just have been really impressed with how they handled the hostage logistics.

>> Yes. Thank you, comment with these longer laces, given a marathon is 27 miles-plus long, it is not unusual that there will be concerns raised, and the promoters of these events have been very good about working through those and working out those issues.

[1:57:43 PM]

One item that Smithson valley the marathon and half marathon have brought to our attention, they're having to schedule these races, you know, a year or year and a half in advance, and so they're sort inform a catch-22. They have to do their advertising and their fund-raising long before our ordinance allows them to achieve the approval of the citizens. And so they have been accustomed to coming to council and receiving a waiver of those. Of.

>> Houston: I call the question.

>> Tovo: We actually have two speakers. We're going to hear from first, sherrine fisher. S had fisher has not been in the chambers today. Mr. King, you are our next and last speaker on this item. You have three minutes.

>> Thank you, mayor pro tem, councilmembers. My name is David king. I live in the zilker neighborhood.

This concerns me that we're going to be waiving residents' rights to provide any kind of protest or objection to these events, and sets a precedent for other events to do the same thing. And I don't know why we're here. And I know that on other issues, you ask to be notified about particularly these large spending contracts, to be notified well in advance, so you have time to consider those. And so I just -- I worry about waiving a citizen's rights to protest and taking away their leverage. And I participate in these same kinds of decisions in my neighborhood with events that near my neighborhood. And I know how important that process is. And we do work out the issues, but when you take that away, then there is no incentive for these event producers to work with neighborhoods. And I just worry about this. So what I would ask, is why? Why wasn't this brought up sooner? And maybe we need to look at the process, just as you've asked for these big spending contracts, look at that process so that there is time for this due process to occur, and not shortcut residents' neighborhoods' rights to provide feedback and to work out issues that they might have with some of these negative effects that these events have on their neighborhood.

[1:59:49 PM]

So thank you for listening to my to my comments.

>> Zimmerman: What I hear from councilmember pool this event has successfully taken plays with the notification and I concur with you and councilmember Houston. I don't see the problems being solved and I'm going to be voting against this.

>> Thank you and just to make clear I'm supportive of this event, I've run in marathons and half marathons and I think they are really good. Thank you.

>> Tovo: Is there a motion? Councilmember pool moves approval. Is there a second? Councilmember Garza seconds it. Any other discussion? Councilmember troxclair.

>> Troxclair: I know, it's like you are encouraging me to ask me questions. I love it. Well, I guess I -- I just want to understand how often we do this. This isn't something that -- I want to understand the implication of this because I agree with the concerns of the nonnotification, but it seems like from your statements before it's something on a somewhat irregular basis.

>> If I may, we still request that the promoters notify the [inaudible] Or the affected properties. The only thing they are asking for waiver is the right for the citizens to veto the activity by their 20% refusal in a particular block. We continue to work with the promoters to make sure they are addressing those issues. The incentive for the promoter to make sure they are doing as best a job as they can to resolve the issues is that the next year when we come for this event the risk of not being able to get that approval from council.

[2:01:53 PM]

In terms of how often this occurs, I will tell you that some events find themselves in a situation where they do get a 20% disapproval from a block and that is more common for them to come through urban transportation commission to council to get that particular impediment overruled and that can happen for a variety of reasons. For instance, there may not be an alternative to the block they may be impacting or the reasons that the citizens give for not approving it may not fit with council's goals on that particular program. It is rare that an event like this comes and asks for the -- you know, the whole process to be waived in terms of notifications and requirements without having gone out and it's usually with these longer events, the marathons and half marathons where they are dealing with 27 miles or 13 miles of streets, it is daunt to go get that kind of approval back from the citizens in a timely fashion to communicate to council.

>> Troxclair: Okay, I guess I misunderstood. I guess the longer amount of time to prepare the event, you

are talking physically --

>> Yes.

>> Tovo: Other questions?

>> Garza: It's a silly comment, I signed up for this race, I think I will support it anyway.

[Laughter]

>> Tovo: Other comments? All in favor? All opposed? And that is councilmembers Houston, Zimmerman. Any abstentions?

>> Kitchen: I meant to be for.

>> Tovo: Two votes in opposition are councilmembers Houston and Zimmerman.

[2:03:54 PM]

Items 5 and 6. We have staff here to answer questions. Would you like to hear from staff first or would we go right to speakers? I see a request for staff to present a little bit of information.

>> Good afternoon, assistant director for economic development department. And today we are bringing two items before you. It's a resolution to authorize a circuit event local organizing committee to act on behalf of the city for the major events trust fund for Moto gp and the X games, items 5 and 6:00.

>> Tovo: Thank you very much. Does anyone have any questions for our staff? Okay, we'll go to our speakers. Thank you. Ms. Fisher. Charene fisher is our first speaker. Mr. Pena, Gus Pena. John Jackson. David king. Mr. King, you will be our last speaker on this subject. We also have one speaker signed up in opposition -- excuse me, one additional individual signed up in opposition, not wishing to speak. Mr. King.

>> Thank you, mayor pro tem, councilmembers. My name is David king. You know, I just worried about giving more economic incentives to a project that seems to not really be providing the economic benefit that we anticipated and we're putting more money down, you know, on the table for them. Taxpayer money for this. And so I worry -- it just worries me we're spending taxpayer dollars to subsidize a company basically, a corporation here.

[2:05:59 PM]

And we don't have -- where is the evidence that the investment we made in taxpayer dollars is benefiting the people in our city that most need the help? Where is the -- where is that? We look at income inequity in our city, affordable housing issues, both are big issues. So how has that investment helped to solve those problems? I don't see a direct connection and I think if we're going to offer incentives, and I appreciate councilmember Casar for trying to address these kind of social injustice and equity issues and councilmember Houston as well. To me this is a social justice and equity issue. We're going to give corporations taxpayer incentives, but we're going to let this gentrification occur in our city and pushing out low-income families and people of color outside of our city? I mean to me those should be our priorities. So if we're going to give incentives, there needs to be a direct connection between those two. There needs to be a direct clear connection. Otherwise why don't we take those millions of dollars given to those corporations and spend themselves ourselves as a city council, as a city directly on ourself so we can have a more direct impact? If we really care about this why are we giving corporations subsidies when they have so much inequity and to me this is a inequity and social justice issue and I don't see giving these incentives to this company, to these corporations provides any of those benefits. It's part of the trickle down economic theory. That has not worked. So why would we keep doing it. And then to add insult to injury, the same company, this company that wants these incentives is protesting their taxes and depriving the city and county and school districts of \$4.6 million in revenue that we need, revenue that could help solve some of these issues that we have today.

[2:08:01 PM]

I think that's wrong. And I don't think we should be giving any incentives to continue to those corporations that are playing that game with our inequitable property tax system. I hope you will make a stand here today and say no, no to these incentives. Thank you very much.

>> Tovo: Thank you, Mr. King. You are signed up on 6 too and I called them up separately. Do you have additional comments about 6 or we've covered it?

>> No.

>> Tovo: Thank you. Council, item 5. We'll take these up separately. This is to approve the resolution related to Moto gp. Is there a motion? Councilmember Gallo.

>> Gallo: I'll move to approve.

>> Tovo: Councilmember Gallo moves approval of item 5. Councilmember Renteria seconds. Councilmember kitchen I saw your hand up.

>> Kitchen: I think these are staff questions so I will ask one or two of them and then defer to others and then come back. So my first question just relates to eligibility to apply for major events reimbursement fund. Given the fact that it appears that this particular event may be declining. So can you speak to that?

>> Yes, councilmember kitchen, excuse me for my voice, but just as a reminder this is a state program. If the event doesn't happen, the reimbursement doesn't happen. So the local events organizing committee pays the funds on the city's behalf. There is an economic impact study that has to accompany your application as well as the state does its own economic analysis. So again, this is a state program that is reimbursed by the state.

>> Kitchen: Well, my question was about their eligibility for the major events.

[2:10:05 PM]

I would assume that the requirements for the events reimbursement fund are a certain level of size to the events and so I'm asking if they are still qualifying because it looks to me like they may have declined perhaps by as much as half.

>> The event is stated in the statutes. So the major events use items like super bowl, ncaa activities as well as ESPN is also named in the statute. So it's for the major events fund it's stated by events in the statute.

>> Kitchen: Well, is this for the f1 event?

>> No, for Moto gp and --

>> Kitchen: And Moto gp is in the statute?

>> Yes, ma'am.

>> Tovo: Councilmember Houston and then councilmember Zimmerman have questions as well.

>> Houston: Thank you so much for being here. I've heard a lot of conversation about using property tax dollars to -- for the state to reimburse is what I understand, to reimburse the costs. Are property tax used for this or what is the funding source for the state to be able to reimburse for costs associated with both these events?

>> It's sales tax.

>> Houston: So it comes from sales tax revenue.

>> Yes.

>> Houston: That go into the fund.

>> Yes.

>> Houston: And then the event happens.

>> Exactly.

>> Houston: And they --

>> Submit their documents of the costs that are eligible for reimbursement. The costs are weighted and certified by the state. And once the dollar amount is certified by the category then the reimbursement occurs after the event, not prior to the event. And it's all certified by the state.

>> Houston: And is that the governor's office or the controller's office?

>> Now it's in the governor's office. It was in the controller's but it's shifted to the governor's office.

[2:12:07 PM]

>> Houston: And I hate to ask you any more questions because your voice sounds so fragile.

>> Tovo: Councilmember Zimmerman, you were next and then councilmember pool and troxclair.

>> Zimmerman: Thank you, mayor pro tem I've got an over head to put up. Something that got my attention in the be it further resolved, it says this authorization in no way obligates the city so I got really excited about that. But my fiscal conservative side said why wouldn't it say the authorization prohibits the city from providing funds. And if it did to me that would be a very different conversation, but just to say the authorization in no way obligates is maybe to me -- feels a little misleading. At the appropriate time I would like to make that motion but maybe it's not the right time now.

>> Tovo: Thank you.

>> Zimmerman: Thanks.

>> Tovo: Councilmember Houston.

>> Houston: Has the city ever provided any funds to either the events mentioned in item 5 or 6?

>> No, ma'am. The event -- the circuit event local organizing committee pays the fee on behalf of the city. No city funds have ever supported any of the events.

>> Houston: Okay.

>> Tovo: Can I jump in here and ask a followup question? I thought there were at least fee waivers for Moto gp.

>> The fee waivers are in the ordinance but they have never been requested.

>> Tovo: Get we get confirmation about that? I thought I remember a council vote on -- maybe it was the next item. Maybe it was the next event for which the council had authorized fee waivers.

>> There was a year, mayor pro tem, when the council had authorized that and then subsequently you did not and so there are no fee waivers that have been requested by X games or for Moto gp. And the city has not granted any.

[2:14:08 PM]

>> Tovo: Ever?

>> Ever.

>> Tovo: So there were -- but there was a council vote to authorize them, they just didn't come back and seek them or what happened?

>> Correct.

>> Tovo: I see. Councilmember pool.

>> Pool: I think the reason why the dais keeps asking about tax moneys paying for Moto gp or f1 because it's sales tax revenue and that is the money that is reduced -- that money is not available then to be appropriated by the state legislature for other things. So I think there is -- if remove, there is a connection and it does have an impact on how the legislators distribute money at the state level. So it may be that specific money is not coming out of the revenue accounts at the city, it still is coming from those of us who live here and pay sales tax. And I'd kind of like to see the money that has been given to the folks at f1 and Cota go for things like public school finance to help with facility -- facility purchases

and maybe textbooks. At any rate, I feel like the money should be used in a different way so I won't -- I won't support this. I have one other question though for staff. What happens if this body refuses to endorse or -- what happens if this resolution were not to pass? Does that send a message to the controller and the governor that the city of Austin doesn't support them providing funds to Cota and f1 and Moto gp? Is that the message that goes forward?

>> That would be the message and they would not be able to apply without a nomination from a local municipality so it would either be the city or the county.

[2:16:10 PM]

>> Pool: So effectively we do have the ability to keep them from taking the revenues from the state by this vote. Is what I'm hearing you say. Is that correct?

>> Yes, although the idea behind this fund is that but for the event, those increases would not exist. So if you don't have the event, you don't necessarily have sales taxes that could go to other purposes.

>> Pool: Thanks.

>> Tovo: Councilmember troxclair.

>> Troxclair: I think you actually answered the question I was going to ask because somebody said the sales tax -- the money is being used -- as austinites we're paying for this incentive. And that is not the case, I understand. Can you explain where the sales tax comes from?

>> The funds that the local organizing committee receives come from the circuit of the Americas and it's the incremental increase that occurs that is being reimbursed.

>> Troxclair: So the idea is people from out of the city or out of the state come in, they buy food, they buy drinks, they pay hotel occupancy taxes, all that kind of stuff and it's revenue we would never receive otherwise and it's a portion of that revenue reimbursed. It's not that we have additional revenue that could otherwise go to school funding or these other things. The idea if it wasn't for the event, we would not have --

>> If it was not for the event, we wouldn't have the increase.

>> Tovo: Councilmember Houston and then councilmember Gallo.

>> Houston: I'd like to know a little about the circuit events local organizing committee. Who is on there and what city staff is there, who appoints them and do they have voice and vote?

>> I actually sit on the local organizing committee along with Wayne Hollingsworth, Sam Bryant, Mr. Ford.

[2:18:15 PM]

If I can find my -- Ford Smith and Julia Finnie. Ford Smith and Julia Finnie. And I am the city representative on the board.

>> Houston: A who appoints you?

>> I was appointed by the city manager.

>> Houston: And do you have voice and vote?

>> I have voice, no vote.

>> Houston: No pun intended.

[Laughter]

>> Tovo: Councilmember Gallo.

>> Gallo: That was good. So midding on both 5 and 6 is there is no cost to the city.

>> There is no cost to the city.

>> Gallo: That neither of these two events have ever asked or been granted fee waivers.

>> Exactly.

>> Gallo: And that there is an economic impact study somewhere that shows the economic impact to our city for this event.

>> There is an economic impact prepared for the application and then the state does its own independent analysis. But I also would like to let you know that another economic company has been employed that is developing the economic impact not only for the city but those that are employed and we hope to get that report at the end of December and make a presentation at the beginning of next year of the overall economic impact to the city. We just don't have that data right now and we are working on it because of the questions that have come about from council and community.

>> Gallo: So would we have any data that was available for the economic impact on past events?

>> Yes, the ones that were prepared for the application, yes.

>> Gallo: And from your memory, I'm sorry to put you on the spot, but could you share with us what the economic impact to the city was on both of those events?

>> I'm sorry, I don't have that but we can get that for you.

>> Gallo: But just even considering the employees that are employed for both of these events, you know, there certainly is an economic impact to the city.

[2:20:21 PM]

>> There is an economic impact only for transportation, but I'm sure you've seen the many charter buses, the charter pools that occur, the increase in mixed use beverage tax is definitely hotel tax. So we know that the Numbers are up during those events.

>> Gallo: Okay. Thank you.

>> Tovo: Councilmember kitchen.

>> Kitchen: I have a couple of questions. I'll start with the economic impact since we're talking about that. So I'm assuming that we're talking about a net because there's also a cost on the city also, correct, in terms of the use of our roads and other types of costs.

>> Exactly.

>> Kitchen: So at this point in time although we've got those economic impacts in the past, we don't have those available to us today, right?

>> [Inaudible]

>> Kitchen: Perhaps that was something you can get to us. The other thing just to understand, so it's a portion of the additional revenue that goes to the event. Is that correct?

>> Exactly.

>> Kitchen: Do you remember what portion?

>> We're estimating from both events currently about a million dollars for each event. That would be reimbursed from Moto gp and the X games because it declines every year.

>> Kitchen: But is there a percentage of the -- is it 100% that goes to them or --

>> It's -- it steps down to 85% at the second year and it keeps going down based on the overall eligible expenses such as advertising, certain costs. So we can get that. There is a formula in the state statute that we can get to you.

>> Kitchen: Okay. And that's the state formula, it's not something that the city ---.

>>> We're just the nominating municipality.

>> Kitchen: I have a different question. The speaker had made reference to that the -- there was a challenge on paying city taxes?

[2:22:29 PM]

Is that correct?

>> That is correct.

>> Kitchen: Can you tell me a little bit more about that?

>> Not at this time, but we know that circuit of Americas has challenged the property tax value of the property. I don't know where it is right now in the process but they have challenged it.

>> Kitchen: So we're in a circumstance where we have an entity that's asking us to approve their ability to apply for some funding from the state at the same time they are challenging how much they have to pay that would benefit the city.

>> That is correct.

>> Kitchen: I guess that's rhetorical. That causes me a great deal of concern and I'm not going to be able to support this item.

>> Tovo: Thank you, councilmember kitchen. Councilmember Garza. I know you have waited patiently.

>> Kitchen: Circuit of the America --

>> Garza: Circuit of the Americas is my district and I know there's a great deal of controversy that surrounds this. Whether I agree with the money they use. There is portions of del valle in my district who have huge heartburn over this. Sometimes they have to change their school schedule because of it. But I have to say it's -- it's there. I don't know if -- if there are people that want it to fail, I don't know if that's the right road to go down. I too share concerns about, you know, incentives and whether it's appropriate to provide those incentives, but I have to say it has provided jobs. They are not the jobs that I necessarily want members of my community to have, it has provided jobs that allow people that need a second income for some reason. So I understand this is very political and -- and people have concerns but I don't know if it's the path that we should be going down to be choosing that this fails.

[2:24:36 PM]

Again, I'm not here to say whether it was a good deal to begin with or not, but we're here and -- and I will be voting in favor of this, of this item.

>> Tovo: Councilmember Renteria.

>> Renteria: Thank you. I'm also going to be supportive, of course I seconded it, but del valle is also in my district and they are very concerned. You know, the last time that a big taxpayer supported facility was there was called Bergstrom air force base. And when they left, it devastated the school district there. I mean it just -- this school district really relies on the f1 being successful because, you know, even though they do contest their taxes, they do receive a huge amount of money from this facility into their -- it's a big tax base for them. So -- and they are really concerned about whether this facility fails or not. You know, I too would just love to say, hey, if I'm going to vote against this, the state of Texas is going to give us all this money for our school district, and if you believe that, you know, you are going to be in a shot when the next session comes in. But, you know, I see the vendors out there that comes in there and the jobs that it's creating. Even though it's -- you know, we do have companies that are vendors year round that hires these people so it is a big economic boost for our area. You know, unfortunately, you know, the way it's done do I agree with it? No, I don't. I wish the state would be more generous to our school district. I support income taxes rather than property taxes. I know the struggle we've been going through especially in my neighborhood, school closures and enough to pay our teachers.

[2:26:40 PM]

A lot of these teachers have left del valle because they pay more because they are able to generate more revenue through taxes. They are a poor school district so they don't have to give their money back. So I'm going to be voting to support this.

>> Tovo: Councilmember kitchen.

>> Kitchen: I certainly support the points that councilmembers Garza and Renteria are making. And I would have asked this earlier, but I'm thinking the answer is probably no. But do we -- do we have any authority to -- to say to an entity like that that wants our assistance that they need to be a better corporate citizen in terms of paying their taxes to us? I assume we don't have the authority to link these things or I would have suggested it, but I might as well ask.

>> Lena fireside from the law department. I don't know that there is a lot of law on that issue. We can't unilaterally ask for it.

>> Kitchen: Okay.

>> And the contracts that we currently have have a number of concessions in them, but that's not one of them.

>> Kitchen: Okay. I have a different question, but I can let someone else go for it.

>> Tovo: Why don't you go ahead and ask your question and then we'll go to the other --

>> Kitchen: It's specifically mentioned in 6 and it has to do with what we did in 2015 because we referred issues to two of our council committees. We referred issues to two council committees because we raised similar kinds of concerns when we had this discussion earlier in the year. And so I just -- at the appropriate time, I would like to ask if those committees had had the chance to weigh into this or not.

>> Tovo: Councilmember kitchen, which committees were they?

[2:28:43 PM]

>> Kitchen: It's saying the council referred --

>> Economic opportunity and audit and finance.

>> Kitchen: Right, and there were four bulleted items in particular there was a request these committees take a look at how this was separating.

>> Tovo: I can speak to audit and finance, it was the same month it appeared on the economic development committee. We had a very tight agenda. We had multiple things that had been referred to us by council so we opted not to have the full presentation since half of our committee sits also on economic opportunity and we agreed we would go back and watch the presentation which I know I did. So, you know, at least three of the four members had an opportunity to see the presentation that our staff were prepared to deliver to us but had been seen by most of our committee. I can't speak to economic, but I bet chair fox troxclair could.

>> Troxclair: We had a full briefing and [inaudible] By our economic development department.

>> Exactly. We walked the committee between the major events trust fund and the events trust fund and how it works, compliance, et cetera.

>> Tovo: I want to step in here and ask a question. Back to the discussion, and I wish I had the full history here, but I think there was an assertion a little while ago that neither of these events had asked for or received fee waivers. And, you know, just doing a quick -- I'm certain I remember conversations about them and I think Ms. Fireside you said earlier that they had requested them, received them but not used them. Again, just doing a quick Google search, I see immediately I see an article from May 23rd, 2013, that the city gave its approval for them for the summer X games to go forward and included within that was \$150,000 in fee waivers. They may not have utilized them but they certainly did ask.

[2:30:46 PM]

I want to be clear if we're talking about not having requested fee waivers they have, at least the X games had and I thought Moto gp had as well.

>> Just the first year the X games asked for the fee waivers, but they did not actually request them actually to be granted to them. So they didn't get any fee waivers.

>> Tovo: So they came to council and asked for the authorization, they received the authorization but in the end they didn't come back and say reimburse these or waive these fees.

>> Yes.

>> Tovo: Okay. Thank you.

>> Casar: May I clarify?

>> Tovo: Councilmember Casar.

>> Casar: That sounded like two different answers. They were granted the authorization to request the fee waivers from council but they never requested the fee waivers from council?

>> Yes.

>> Casar: What did they get?

>> What they got was permission to come back and ask for fee waivers to a certain amount. They never did come back and say we need X amount of fee waivers.

>> Casar: So it's accurate to say they've never requested fee waivers from council, what they have requested is authorization to ask in the first place?

>> Yes.

>> Tovo: I think that is really confusing. They came, there was a vote of council to give them fee waivers and in the end they ended up not wanting to use them is more or less what happened.

>> Yes.

>> Casar: Those sound like two different things again.

>> Tovo: I think in the end it's a reimbursement. It sounds like they ended up paying their fees.

>> They did end up paying their fees and they didn't come back specifically and say we need X dollars to be waived by you. So they did want the permission to be able to come back and get it, but they didn't end up using that permission.

>> Casar: But if they had come and asked for that reimbursement, it still would have been the discretionary choice of the city council whether or not to grant the fee waivers or was this something they already could just do?

[2:32:46 PM]

>> No, it's just like other events for which you may have granted co-sponsorship but you haven't necessarily waived particular fees for that particular event. They come back and say these are the fees that we want waived. And so it was a similar type of authorization, but they did not come back and ask for any fees to be waived.

>> Casar: For example, when we waive the fees for a parade on the council agenda, the folks don't come back to council and say, well now we had the parade so --

>> It's more like the events for which we have agreed to be city co-sponsored events.

>> Casar: Okay.

>> Tovo: I'm just going to ask if we could get staff to clarify that because I remember there being a vote at council to waive those fees and I sure may be remembering incorrectly, but I'm also hearing from former colleagues about that as well. So I think we just need -- if it's important to people to understand, I think we just need to clarify that. I believe that -- councilmember troxclair and Houston and back to councilmember kitchen.

>> Troxclair: Since it's on the same topic, my memory of the last time that this council voted on something that had to do with Cota, I had an amendment that actually struck the ability for them to come back to request a waiver. So that was a vote that this council has taken that we approved the amendment to take away the authorization and not -- at that time I remember them saying that they were fine with that because they had never actually made use of their ability to come to council to ask for a waiver.

>> That's correct.

>> Tovo: Councilmember Houston.

>> Houston: Mayor pro tem, Ms. Holerab, who is making this this request is it circuit of the Americas or is circuit of Americas the venue?

[2:34:54 PM]

Because I hear people confusing the venue with who is making the ask. Who is making the ask for 5 and 6?

>> The local events organizing committee is requesting authorization from the council to apply on the city's behalf.

>> Houston: Okay, so it's organizing council.

>> Yes. Committee.

>> Houston: It's not the circuit of the Americas, that's the venue.

>> That's the venue.

>> Houston: I just wanted to be clear about that.

>> Tovo: Councilmember kitchen.

>> Kitchen: Just another question, I just want to clarify, so this is asking for authority to apply from the major events trust fund. They do have existing authority to apply for the other fund, right, I'm for getting the name, ets. So if we did not approve this they could still apply for the ETF?

>> Events trust fund.

>> Kitchen: What is the difference? Is it the difference in what they get or --

>> The eligible expenditures is broader under the events trust fund.

>> Kitchen: By how much?

>> I don't have those details. 12-month window versus 30-day window. So they can go back 12 months to recoup the incremental increase.

>> Kitchen: So with the major events trust fund, they can go back 12 months prior to the event, I assume.

>> Yes.

>> Kitchen: And recoup dollars related to their costs 12 months prior.

>> Exactly.

>> Kitchen: Or not costs, but the increment 12 months prior.

>> Exactly.

>> Kitchen: Whereas under the ETF they go back 30 days.

>> Exactly.

>> Kitchen: Is there a cap on the amount they can recoup or is it just that time period?

>> Just the time period.

>> Kitchen: Okay. Okay. So under these funds, they can recoup for the time period prior but not -- I mean it ends at the event not going forward.

[2:36:59 PM]

>> Exactly. They end the last day of the event.

>> Kitchen: Okay. All right. All right. Thank you. I'm sorry, let me follow up and then I'll stop. So our vote does not determine whether they can continue to operate. It's only determining which fund that they can -- they can apply for.

>> Exactly.

>> Tovo: Okay. So we are on item 5. Are there any further comments or questions about this item? This

is the one that relates to Moto gp. Councilmember Zimmerman.

>> Zimmerman: Thank you. Mayor pro tem, I -- some years back I think there's some history with these funds and enterprise funds and I think it dates back to governor Perry who originally had some kind of fund he would use to entice businesses to move to Texas. We don't call it bribing, we call it enticing. I've been an opponent of this kind of subsidy and picking companies and showing favoritism and the vote I'm going to cast against this is -- it's not about our local, you know, Cota track, it's just I have a problem with the principle of these kind of subsidies. Whether the state taxpayers pay or local taxpayers pay. Again, I don't understand the factions here. We have a group, political faction that wants to prohibit growth and favor the stink bug, you can't have a race track because there's an endangered stink bug. Then there's a subsidized growth faction, we have to subsidize because we're going to get economic development and more taxes. Why can't we just leave people alone and let them build a track and fund it on their own, market it on their own and not have any of these subsidies involved? Let's just stop the sub I did cyst and let businesses pay for themselves. I think northwest Austin there's a lot of indifference. A lot of people don't go to the track, they don't have a strong feeling about it, not against it, not for it, just live and let live.

[2:39:07 PM]

I'm trying to find a place to do that and I have to vote against these two items because this is not live and let live. There is some kind of structural subsidy in place so I have to vote against it.

>> Mayor Adler: Thank you, councilmember Zimmerman. Councilmember Houston.

>> Houston: Again we keep saying taxpayer dollars and it's sales tax dollars that come in from people that are derived from people who come to see the motorcycle and the -- what's the other one?

>> X games.

>> Houston: And the X games for the skateboards. If they don't come there's no sales tax dollars, there's no fund for them to get reimbursed from. That's my understanding.

>> Tovo: Councilmember kitchen.

>> Kitchen: I appreciate that, but I'm not -- I need to understand better. Is it actually segregated that way? It's not, is it?

>> They look at the incremental difference of if it was just a Normal day or if the event was coming.

>> Kitchen: And we don't know if those are people coming in or live here, if they were buying for purposes of the event.

>> The state of Texas is responsible for certifying the attendance as part of their compliance.

>> Kitchen: That -- well, okay. This is not the place to dig into the details of the financing, but I would -- I would contend you cannot segregate it that tightly in terms of understanding that it's only people that are coming in that we're getting dollars from.

>> Tovo: Councilmember Casar.

>> Casar: I guess since everybody has talked I'm going to give my 30 seconds, two cents. For me if we were voting on a million dollar incentive for each of these races from our money I would put it probably to a different use. If it was up to me for the state to dedicate this money to something other than events funds, that would be great. But the situation that we're in is we're the city council and we're deciding whether or not we want these Austin events to be eligible for these dollars and the marginal goo that councilmember Garza has described while it may not be the best thing it is something and otherwise what we're doing is letting other cities know they can have our tax dollars that are getting accumulated into this fund.

[2:41:28 PM]

I'll be supporting it for that pretty simple reason.

>> Tovo: I'm not going to support east one of these items. I have concerns about the way the amounts are looked at and whether that incremental -- how much accountability there really is for looking over those Numbers that come in and I also think we should use incentives to -- very carefully and I think we should be careful about spending taxpayer dollars whether those are state dollars or local dollars and so I'm not going to support it. Any other comments? All in favor? Councilmember Garza, Renteria, Gallo, Casar, troxclair and Houston. All opposed? Councilmember Zimmerman, tovo, pool and kitchen so that motion passes. Let's take up item 6 and this is the item for the X games. Is there a motion?

>> Move approval.

>> Tovo: Councilmember Garza moves approval, councilmember Houston seconds that. Further discussion? All in favor? Councilmembers Houston, troxclair, Garza, Renteria, Gallo and Casar. All opposed? Councilmembers kitchen, tovo, pool and Zimmerman. Thanks very much. That brings us to item 15. Item 15 -- item 10. Councilmember Houston, you pulled that one.

>> Houston: Mr. Jones, I see you coming down very slowly.

>> [Inaudible]

>> Houston: We've been collecting this data since 2009. Everybody knows that smoking is a risk factor. So what are we gathering in 2015 or 2016 for \$100,000?

[2:43:35 PM]

>> Well, the [inaudible] We're getting is primarily focusing on the continuing assessment of what it looks like in Travis county. Though the Numbers are down, they are still not down to zero. So roughly about 17% of the population in our community that we've identified. Our goal is to make sure our efforts are effective and in order to do that our survey gives us a profile of what the smoking prevalence in our community looks like. Those dollars, 115 waiver dollars, the federal funds, are continuing those efforts.

>> Houston: So as the percentage of smokers decreases, shouldn't our contract decrease?

>> Well, yes, but also population increases so we need to make sure we have adequate resources and staff to continue serving the entire population, not the size that we saw five years ago.

>> Houston: So this is going to sound like I'm councilmember Zimmerman. 1115 waivers, taxpayer dollars.

>> Yes, we understand.

[Laughter]

>> Houston: So he doesn't have to say it. But it's interesting that -- if the price has gone up.

>> Cost of doing business.

>> Houston: Cost of doing business has gone up. So what we're trying to track is the decrease in the smoking.

>> Is to assure that that continues and also to be adequate in terms of prevalence. It also helps us draw down funds from other resources to sustain the efforts we have underway.

>> Houston: For smoking cessation.

>> Smoking cessation, smoking reduction.

>> Houston: Okay. Thank you.

>> Tovo: Councilmember troxclair.

>> Troxclair: But this money is only for the survey. It's not actually being used to help people quit smoking.

>> Correct, right, exactly. But it helps -- the data helps us substantiate our efforts for getting additional cessation efforts in our community.

>> Houston: We can do this ourselves with less money?

[2:45:37 PM]

I mean if we put what you say there \$1,115, waiver dollars, right?

>> Yes.

>> Houston: So we don't have general funds to do this and we couldn't write a grant that would be our own survey that would be cost effective.

>> Not to demonstrate what we're trying to do, yes. We need to make sure we are effective and use evidence based practices in terms of our research.

>> Houston: Thank you.

>> Tovo: Councilmember Gallo. Gallon is this survey required for any grant funding that we do?

>> We use the money to pull additional resources, yes, ma'am. So as we go for additional funding, we use the results of the survey to substantiate that as well.

>> Gallo: And so how much grant funding do we get because we have done the survey?

>> Can you speak to backups?

>> Gallo: And the other side of that would we still get that grant funding if we didn't have the survey information to provide?

>> Actually we've been doing -- survey has been down by 1987. What we're doing is asking for an oversample survey so we can proof our intervention with respect to this 1115 waiver tobacco project is effective and working. If we do not meet the metrics and milestones of the project we will not get the draw-down we've been promised. So far we've brought down half a million dollar. If we are successful we will continue to draw down \$600,000.

>> Gallo: Hearing the concerns on the other end of the dais, I would agree. It seems like using the money to spend on helping with the tobacco and smoking would be more beneficial, but if the survey is necessary, I mean that's what I'm trying to understand. If the survey is necessary for us to be able to get funding to this community to accomplish that --

[2:47:38 PM]

>> Exactly.

>> Gallo: That's an important piece.

>> The oversample survey is the proof our interventions are working hopefully and so far it's proven to be correct.

>> Gallo: So we spend \$100,000 on a survey and get a benefit of what?

>> So far this project has drawn down half a million dollars. If we continue to meet we'll draw down additional funding. At the conclusion of the period of the 1115 projects, ten projects, to be is one, after five years we will probably draw down roughly \$15 million. The city of Austin.

>> Gallo: Over five years.

>> That's correct.

>> Gallo: If we spend \$100,000 a year doing the survey. Is it one time?

>> We continue to prove our interventions are effective. We have done this the last three years. I think this will be the fourth year we do the oversample survey. We have participated in the behavioral risk factors surveillance survey since 1987. The state of Texas conducts it.

>> Gallo: I'm trying to Walt the cost benefit. The costs over five years of doing the survey at \$100,000 a career is about half a million dollars. We bring in because of that survey what would be the total that would come to this community as a result of that survey?

>> Well, the moneys that we're using for the survey come from the drawdown, from the 15 million I mentioned earlier. There is -- in total funding for the ten projects comes from the 1115 waiver projects.

>> Gallo: Which includes the cost of the survey.

>> Exactly.

>> Gallo: So one way to get to that answer, so thank you. There's no cost to the city in doing the survey because it's paid by.

[Multiple voices]

>> The entire project is federally funded.

>> Gallo: Thank you.

>> Tovo: Councilmember pool, did I see your hand up? Maybe it was councilmember troxclair's.

>> Troxclair: I want to understand, the \$100,000 is for the oversample. It's not for the survey.

[2:49:38 PM]

We could still get survey results from the state, the \$100,000 that we're spending is for an oversample size.

>> That's correct, councilmember. We are -- we're participating in a survey -- they do it statewide. Travis county I think they surveyed 420 people or something like that. For the oversample there will be an additional up to 1,000 folks. 580, I believe folks surveyed in the city and in the county.

>> Troxclair: So is your assertion that if we just use the regular sample size, the 420 people, that we could not take that data and use that --

>> It wouldn't be sufficient enough. What the survey does is provide this information by various demographics, ethnicity, age, those kind of things we factor into, where interventions need to be. For example, the tobacco project is focused on 18 to 24-year-olds. The diabetes project is focused on African-Americans. The healthy families project is focused on young African-American mothers. The survey helps us promote and have interventions in particular areas of our austin-travis county population.

>> Tovo: Okay. Any further questions? Is there a motion on this item? Councilmember pool.

>> Pool: Move approval.

>> Tovo: Councilmember Renteria seconds it. Any further discussion? All in favor? All opposed? Councilmember Zimmerman and troxclair vote in opposition. Everyone else on the dais votes in favor. Thank you. Our next item is item 10 -- no, we just did 10. 12. We discussed this in executive session and now we are taking this item up. We have no speaks but I believe we folks who can answer questions if we have them.

[2:51:41 PM]

Is there any interest in a presentation or is there a motion from the dais?

>> Casar: I move approval.

>> Tovo: Councilmember pool seconds. Is there any discussion? Councilmember Zimmerman.

>> Zimmerman: Thank you, mayor pro tem. To reiterate, I believe the way this comes to us is the Austin police association voted on the package as is. It has a provision regarding a local residency incentive package so that's included in here. I like very much the idea of being able to bring in law enforcement from outside the city of Austin. Which is provided, and I support that very much. Unfortunately, I was hoping that these two items would not be put together, the local residency and some of the other employment [inaudible]. I'm not going to vote against it, but because I would rather have to come to city council and let us deliberate on something and then give that back to the police association, I would have rather seen it that way, but I guess this is the way the process works so I'm going to be abstaining from the vote.

>> Tovo: Thank you. Other questions or comments? Thank the parts involved, our staff and attorneys and the police association. I think these are some good

[inaudible] And I'm very glad to see the situation with spring festival being resolved in this manner and I think it's a very good thing for the city and all parties involved to have the option of at least discussion about [inaudible] The program and I know we've received a lot of feedback about that idea and I want to emphasize it is certainly nothing we have before us that requires the council to even consider such a question or requires any of our officers to consider participating. It just provides us with the opportunity to have that conversation.

[2:53:44 PM]

Councilmember Houston.

>> Houston: And I just want to thank the police association, APD and the [inaudible] For working together on this. I think this sets a new path forward, as the mayor says. So thank you all for all the work that you did.

>> Tovo: Thank you. All right. Councilmember pool.

>> Pool: And I just want to echo that too. I see some of the folks we worked with at the back of the hall and thank you for the good efforts in trying to achieve these changes. I was happy to work with you all to make this happen.

>> Tovo: Okay. All in favor? All opposed? Any abstentions? So councilmember Zimmerman abstains. All others on the dais vote in favor.

>> Casar: Mayor pro tem?

>> Tovo: Councilmember Casar.

>> Casar: We moved item 30 to table to come back. Can I move to pull it off?

>> Tovo: Sure. Is there a second? Let's have a vote to take that off the table. Councilmember Casar, I'm going to turn it over to you. As I recall we had a motion and a second. Had you made your amendment and had you gotten a second?

>> I'd like to just check in with councilmember Houston. I think what we were hoping to do is move with the amendments I had provided and if councilmember Houston has a an amendment she will do that separately.

>> Casar: Second expect's second amendment.

>> Tovo: We left things with the amendment on the table and a second. And you want to keep that as is and I see a hand-up from councilmember kitchen.

>> Kitchen: I have an amendment also. At the appropriate time.

>> Tovo: Great. Thank you. Let's vote on expect's amendment. Expect, it's been a while --

[2:55:46 PM]

>> Pool: I would be happy to. Given the conversation that we had and the fact that councilmember Houston is going to go back and handle her amendment separately, we are back to what the original language was on this yellow sheet without any additional wording.

>> Tovo: Okay. San so you are reverting back to the original motion sheet so any language about location and amenities is no longer in there and councilmember Casar, you seconded that amendment.

>> Tovo: Let's vote. Councilmember Gallo.

>> Gallo: I have a clarification question because I believe that councilmember troxclair had brought up the idea of adding environmental regulations and councilmember Houston had brought up the idea of adding city regulations to the list. And are those not to be included? Or --

>> Mayor pro tem, that's what we are talking about. Councilmember Houston is going to make a separate amendment.

>> Kitchen: Thank you.

>> Pool: We are reverting back to the original amendment motion that I had made at the beginning.

>> Tovo: Okay. Any further comments about councilmember pool's motion sheet that she has distributed with two amendments? All in favor? Any opposed? Any abstentions? Councilmember Zimmerman is off the dais. Councilmember Renteria, are you voting in favor? Okay, so that passes on a vote of 9-0 with councilmember Zimmerman off the dais. Councilmember Houston, I'm going to recognize you for an amendment.

>> Houston: I just sent down to get copies.

>> Tovo: How about if I recognize councilmember kitchen for her amendment first.

>> Kitchen: This amendment is just -- puts into the language what we talked about earlier, which I think captures everybody's intention.

[2:57:46 PM]

And so -- so let me read it just to -- it just says analyze options for the neighborhood planning processes that assist neighborhoods with planning for affordable and fair housing choices. So the concept was to just capture what I think they may already be doing, hopefully, and the idea there was to respond to one of our speakers and help the neighborhood make sure that they are considering and planning for fair housing choices as well as affordable housing.

>> Casar: I'll second that.

>> Tovo: That is motioned and seconded. Any discussion about that item? All in favor? All in favor?

Okay, so that is councilmember kitchen, councilmembers kitchen, Casar, reserve, Garza, tovo, pool and troxclair and Houston. All opposed? Councilmember Zimmerman. And councilmember Gallo is also going to vote for it. Councilmember Houston.

[Inaudible]

>> Houston: Here we go. You will shortly get this amendment in writing. I'm going to read it slowly. Add to the be it resolved, analyze the impacts including fiscal, public health and public safety impacts that are made to the city and surrounding jurisdictions regarding the city's ability to provide affordable and fair housing options for low and moderate income residents to include the following

[2:59:51 PM]

categories: Access to transportation and transit, proximity to other community services such as grocery stores, health care facilities, educational opportunities and other support services, land use regulations and requirements including but not limited to environmental regulations.

>> Tovo: Thank you, councilmember Houston. I believe it's now on the dais. Is there a second?

Councilmember pool seconds that amendment.

>> Houston: And so as I stated earlier, there's some -- there was some concerns that -- in the resolution that didn't really address some of the issues that we were faced with a couple weeks ago about approving something in another jurisdiction that was located in an area where there's absolutely nothing. So that's a policy issue and I would like codenext to be looking at that and making sure when we do provide opportunities for multi-family development for low to low to moderate people we're not making their lives worse than if we just emphasized on the high opportunity areas. And understanding that there are some, in fact, environmental regulations. In east Austin we've got some of the farmland that's being built over so those are some regulations we probably need to look at to make sure we're not -- impervious cover is not doing really negative things to our relationship with the Edwards aquifer. So I think those are some things that we need to revisit to see if there are any things on the books that are causing the prices of housing to go up, which is then passed down to the people who can least afford to live in the city of Austin.

[3:01:56 PM]

>> Tovo: Councilmember Houston, I'm having a little -- I wonder if you could help me understand this. You are asking them to analyze the impacts including the fiscal, public health and public safety impacts regarding the city's ability to provide affordable and fair housing options. I understand -- I understood the description of what you were doing. I'm having -- I'm trying to put these -- I'm trying to understand exactly what this sentence means. To analyze, what does that mean to analyze the impacts made to the city regarding the city's ability to provide fair housing options?

>> Houston: I'm not sure that we've ever analyzed as a city the placement of low to moderate income housing and what impact that has. I know we talk about it, but I don't know that we have any kind of analytical data that will say if we place these kinds of developments in these areas, this is the kind of negative impact -- where there is no transportation, no grocery stores. And yet as a city we keep placing people in those very isolated areas. So hopefully this will be a way to get some data to be able to say as a city we should not be doing that.

>> Tovo: So this -- in terms of that particular sentence, so you are asking -- you are asking the city to provide information about -- about how those -- how the city's provision of affordable and fair housing options could have fiscal public health and public safety impacts?

>> Houston: That's fine. I'm not wedded to the exact wording.

>> Tovo: I'm just trying to understand the relationship. But that's really the meat of that.

>> Houston: The intent.

>> Tovo: It sounds to me -- because I took seriously councilmember pool's the environmental and you are also asking the question about what the provision of housing and housing options means in terms of potentially environmental impacts.

[3:04:04 PM]

And so environmental impact, I wondered whether it was a good idea to include environmental in those impacts, fiscal, public health, environmental and public safety impacts, but I don't feel a need to add that in necessarily as long as that's the intent to see what our fair housing -- if I understand your intent, what the placement of housing could potentially -- what impact the siting of housing could have not just on public health and safety but also on environmental considerations as well as public --

>> Houston: Environmental regulations is in C.

>> Tovo: It is in C but it's not clear to me you are looking at the environmental impacts. It sounds more like we're asking the question of how do our -- how does our protection of the environment as codified in our code potentially impact where we build. That's what it sounds like to me in C. As you described it, it sounds like when you offered the example of farmland we're wondering how the impact of -- it's important to understand what do we really want to know. Do we really want to know what impact our code and its intent to protect environmentally sensitive areas has on the potential siting of housing or are we really concerned about how the siting of housing impacts our environment. Because I'm real supportive of the latter and I don't mind getting information about how our environmental regulations are restricting housing, but I'm going to say that in the end I'm probably going to say we need to do both. We need to have more housing but we also need to preserve and protect our environment.

>> Houston: I think it's a it's both and. We have enough protections in place to see if it's decreasing the ability of fair housing to be placed in high opportunity areas.

[3:06:08 PM]

I think we need to know that as a council.

>> Tovo: Would you be able to adding -- so that we're really clear that we're looking at both. We want to know -- we want to know how -- how it impacts the environment and we want to know how our environmental regulations impact the siting of the housing. Would that be okay with you? Thank you.

>> Casar: Can I ask the staff if they are clear about what this addition to the resolution would do?

>> Tovo: Not the one I made but the one councilmember Houston has brought forward?

>> Casar: Yes, the amendment councilmember Houston has passed out with the addition you suggested.

>> Director of neighborhood housing and community development office. I am confident that with the forecasting of the resolution, if we need clarification we can work with respective council offices. The beauty of these meetings are they are taped and so we will often go back and listen to the dialogue and through that we can obtain the spirit of the intent and then if clarification still needs to be made, we can certainly work with the respective individuals who have put forward specific language. I believe we can get there. I'm going to be very transparent. Initially, you know, I -- we are working with the planning and zoning department to ensure that there is funding for this study. As I'm beginning to hear additional components being built into this I'm becoming less confident we have a specific funding source identified. So I would only put forward I guess caution in some of these large aspirational amendments being made.

[3:08:08 PM]

My key concern, to be honest, is that we are going to deliver what you all want with clarity, recognizing that this is beginning to feel rather large.

>> Casar: Mayor pro tem, I think that's -- the scope of the resolution was initially pretty narrow which is that we want to know through codenext how to best further fair housing, which I believe is exactly what councilmember Houston has described, which is how do we get through market based solutions in the code as much housing that is available to folks of different incomes and different backgrounds in high opportunity areas and to preserve their ability to live in gentrifying areas. My concern with this is asking you to study public health and public safety and the environment, which while they are all important, the original drive of the resolution is just we want basically a fair housing impact statement where we can get families of different sizes in different means in different parts of town. I think that is my struggle with you all on the dais, while all these things are important we're discussing, this resolution was really thought of and conceived with a very specific purpose in mind that we worked with staff and the consultant on.

>> And that is correct, and again, I believe strongly we have in-house experts and certainly contacts in the fair housing community that can assist with that. When we begin to broaden that, I am not comfortable speaking on behalf of the many departments that I just heard that would really need to be contributing to this conversation. When I -- city regulations, that is very, very broad. And so I just would want the lens and the focus then now to be as broad as now the language has evolved.

[3:10:10 PM]

>> Casar: And so I think if we're looking at a broader conversation on household affordability in all city regulations, that's a conversation I'm interested in starting. I want to let you know I tried to do this well specifically with an eye towards codenext and what codenext is charged with doing and emphasizing certain parts of codenext around fair housing and giving us more details around fair housing and codenext. Once we start going out into the world of all city rules and how its impact is on affordable housing, I'm totally interested in that, I don't mean to sound like I'm against that. It's just this is one resolution with a particular purpose and I don't want to confuse it with all of the other work that we're

trying to do.

>> Houston: Mayor pro tem? Although I understand councilmember Casar's emphasis on this is that particular resolution that he's brought forward, isn't it our role as representatives of the city of Austin to be able to improve on those things if we see a way for that to happen and add some things that are not in there, or do we just have to take what people present to us with no comment? Because, you know, there's some things that -- all the things that we've tried to add, that I've tried to add in that are things that impact housing afford built and we need to look at it narrowly in a silo more holistically. There's nothing about a time. When codenext is having these conversations, they need to be thinking about something broader than what I think this resolution is addressing.

>> Tovo: Thank you. Councilmember troxclair, did you want to add to that?

>> Troxclair: I support councilmember Houston and her amendment so I don't want to confuse the situation, but I do think that it may be got a little confusing when mayor pro tem tovo clarified what we were analyzing.

[3:12:21 PM]

I think it's within the scope of the study if we're talking about housing affordability and the things that impact our ability to provide affordable housing, all of these things are important to that conversation and I think that's within the scope of the study and the scope of our housing department to look at. But when we're asking our housing department to answer questions about how housing affects the environment, when we're asking -- that seems to kind of turn the conversation into an expertise that maybe they don't have and that the study isn't designed for. So and I think that councilmember Houston's original intention was the former, was to look at it from the side of what things are impacting housing affordability and how they are impacting housing affordability, not how affordable housing is impacting all of these other things in our city. Maybe that would help to clarify or narrow the scope. Does that make sense?

>> Tovo: So the language, and councilmember tracks Claire, the language that -- troxclair, the language I believe would need to be addressed analyzing the impacts that are made to the city and surrounding jurisdictions regarding the city's ability to provide form and fair housing options. To me that sounds very clearly like we're asking -- we're asking for a report about the impact that our siting of housing is having on public health issues, public safety, et cetera. But maybe I'm misunderstanding. That's what I was trying to clarify in my questions. I'm not sure where to go from here except that councilmember Casar, you are talking about the breadth of it. Councilmember Houston, I think you've rightly said certainly anyone can make amendments.

[3:14:23 PM]

If we're concerned or if our staff is concerned that perhaps it's too broad, we could ask for you to report back --to do some thinking and talking individually with some of the council offices after hearing this discussion and then maybe report back to the housing committee about what -- what is a reasonable plan for addressing the concerns.

>> Houston: I think codenext is here and maybe that's something that they could address.

>> Tovo: Sure. Councilmember kitchen.

>> Kitchen: I think we just need to work with the wording because I think -- I support the concept. The concept, you know, we're talking about the codenext analysis and we're talking about the fact that the fair housing and affordable house ING is impacted by land development code and it's also impacted by all those things that are related to housing. That's part of the land development code analysis also. So I'm looking at it to see if I can help with the language I support what councilmember Houston is trying to

do. I'm not hearing her addressing in a huge, broad context what we do in affordable housing. What she's asking, if I'm understanding correctly, when you're analyzing the codenext, when you're analyzing the land development code, you have to think about fair housing and affordable housing, not in isolation, but in connection to all the things that should be part of it, and those are part of land use, too, because transportation, for example, we've already said that part of the codenext analysis has to consider the impacts of transportation, so they have to consider the impacts of fair housing and transportation and the other kinds of things here, together. So, I'll see if I can work -- help out with some language here.

>> Tovo: Councilmember Garza.

>> Garza: I just want to go back to my managing expectations comment, and I feel like this -- I agree with everything, every amendment that everybody has proposed here, but the whole point of the codenext process was to simplify the code, and we're adding all these little things, and I feel like when the code comes back to your recollection we can look at that code, the draft, we can look at that through the lens of all these different things, we can look through the lens.

[3:16:48 PM]

And I'm just -- I don't understand some of the wording on most of these. I'm voting for them because agree that affordable housing is good, and thinking about it with transportation is good, but I really feel like this has become extremely convoluted, and the whole process was to simplify the code, period. I feel like everyone is kind of like, what about neighborhood plans? What about this? What about this? And we can all -- all those different things we can look -- when we get the draft, we can -- all those things that are important to us, we use that lens to decide if we're going to approve whatever -- whatever revision we get from codenext.

>> Houston: Mayor pro tem? I'm looking at item number -- be it resolved by the city council, number 3, provide options and an analysis of ways to maximize the construction of below-market housing. I think where it's cited how close transportation -- transit is to that, what kind of environmental features are around that, what kinds of amenities are there for people to use, I think that's a part of how we get to that, about how we construct below-market housing. As I gave in my example earlier, the city has a requirement that said no peer and beam houses. That's something that the city -- is that true, or -- I see Greg not looking at me. He's kind of -- gave me an Anne Morgan look.

[Laughter] Is there something in code that says that people can't build peer and beam homes?

>> Greg Guernsey, planning and zoning. I'm not aware of a restriction against peer and beam houses.

>> Houston: Okay. That's what I was told because now we're building all concrete foundations. No? Okay. So -- but those are one of the things that maybe has an impact on why houses cost so much, which means that people who are low to moderate income can't afford to build them.

[3:18:55 PM]

But I don't know. And there may be some other things that are packed off in a code someplace that the codenext people may know about that have some kind of impact on why housing costs are so high. Just a thought.

>> Tovo: So we have an amendment on the table. Councilmember troxclair.

>> Troxclair: I maybe have a wording suggestion that I think would simplify it. I mean if we just took out the first part and concentrated on the bullet points and just said how access to transportation and transit, approximated to other community services, and land use requirements affect affordable how many times that's when you're trying to get to. Right?

>> I'm very comfortable with that.

>> Tovo: So can you just be clear about where that's going in the existing resolution? Is it under item 2?

>> Houston: I think it would be better if you said councilmember
[inaudible] If councilmember pool is going and councilmember kitchen's.
>> Casar: I think they were just separate Numbers.
>> Houston: Four? Okay. Four.
>> Tovo: So four, currently -- because -- I'm asking in part because you've eliminated sort of the introductory sentence, so then we'll just be left with three bullet points without a sentence. Sorry. You can say analyze how access to transportation -- and it can be its own bullet point, number 6 or 8 or --
>> Tovo: So analyze how, then access, et cetera, et cetera, a, B, and C, and what was the last piece you had?
>> Troxclair: Affects affordable housing.
>> Tovo: Affects affordable housing. Okay. Very good.
>> Houston: Fair housing.
>> Tovo: What? Affects fair housing. Okay. So the motion to -- so councilmember Houston, have you amended your motion?

[3:20:58 PM]

>> Houston: I move -- I amend that to say what we just agreed to.
>> Tovo: Okay. So that is the motion sheet in front of us with elimination of the first paragraph, keep a, B, and C, drop the a, B, and C, and frame those with worked analyze how, boom, boom, boom, affect -- affect fair housing. Hews fair housing.
-Year.
>> Tovo: Okay. Any other discussion? All in favor? Any opposed? Councilmember Zimmerman is opposed. All others are in favor. Any other amendments?
>> Houston: I have one I'm passing out. If this has to do with number 3 on be it resolved, we've added a new term called attainable. I'm not sure how attainable means and how it's used in this document, and so -- and I don't -- do you know what attainable means? If not, I have a definition that might help us understand what attainable is from my perspective. Not from the staff's perspective, but from mine. Can you tell us what attainable --
>> In the context that it was previously used, I don't have a recommendation or a definition.
>> Houston: Okay. Let me give you this so that you can see this one. Ms. Gielo? Because I think when we put words in resolutions and we don't really know what we're talking about or what the intent of the authors are, then -- then the next time it comes up, somebody says what -- what is tangle? And so this is my attempt to say this could be a definition of attainable.
>> Tovo: Councilmember Houston brings forward this additional amendment, which I assume fits within 3 as --

[3:22:59 PM]

>> Houston: It's within 3, yes. What is affordable, because we know that's 80% mfi, but I don't know what attainable is so maybe the author of the resolution can tell us what that means.
>> Sure.
>> Tovo: So you did want this language adopted into the actual resolution, in and around 3. Okay. Is there a second for that item, for that amendment? Is there a second? Councilmember troxclair seconds that amendment, and councilmember Casar, I believe councilmember Houston asked you a question about your definition.
>> Casar: So the intent of the resolution is to look at full range of incomes. I believe in our housing programs, we can -- we're looking at using public subsidies that gets down below 50% mfi, which gets far

below what attainable is. 50% mfi for lots of households is less than 30,000 a year, all the way through 120, 140% mfi, because those folks contribute to our housing demand and we need housing options for them, too, in order to help folks that are only make \$30 or \$40,000 a year. So my hope was, when we wrote in range of housing options, that we mean the entire range of housing options that people need from folks that have zero income that are living on the street to folks that have lots of in we need housing options for everybody in the city. So that's why we wrote it the way we did, instead of trying to specify each individual mfi level or price point, because I think the goal of codenext is for us to try to achieve all those different price points. Of course, the new missing middle housing that is not subsidized, that we get hopefully through codenext, will -- will also speak to a range of incomes. It won't be as deeply affordable as subsidized housing, but also through the rewrite of our density programs and other such programs, we can get, you know, more deeply affordable housing.

[3:25:06 PM]

So my goal was not to stick a number on it because I wanted the entire ranges but if we want to include from zero -- you know, from 10% mfi all the way up, that's -- that's fine with me because that's the intent.

>> Houston: Thank you. In number 4, it says low and moderate income people, so that, to me, is not all ranges, but a very specific range, low to moderate.

>> Sure.

>> Casar: That's a different, be it further resolved. The hope is that codenext looks at a whole range of incomes, a range of family sizes, furthering fair housing, though, in particular, means trying to create enough housing options and enough housing in the city that low and moderate income people can live in the areas that they choose to live in. And so if we want to -- to explain that, that makes sense to me, but \$50,000 a year, I would be interested in knowing what we gain from including that specific number in the resolution.

>> Tovo: Okay. Councilmember Houston, would you like to address that?

>> Houston: One of the things we gain is we address those specific populations that make less than that, which are our industry, our musicians, our creative class, even some of our secretaries and my daughter who works for the federal government only makes \$37,000 a year. So that would -- that would be intensive care what attainable is, that they could, in fact, purchase or rent something that would allow them to stay in the city. Attainable doesn't have a meaning for me, so that's why I'm trying to get some clarification. This was my attempt. I'd be happy to take that out because I still don't know what attainable is.

>> Casar: I think the idea is affordable housing. A lot of times folks think about housing that has government subsidy, and so it was just wordsmithing to make very clear that we don't mean affordable housing necessarily only that which has government subsidy, but also market rate housing that, as it ages, because it is of a different type, tends to be cheaper than a lot of the homes that we have in Austin right now.

[3:27:17 PM]

So that's the gist of it. And if we want to get rid of the word "Attainable" and say affordable without subsidy, that's fine. Affordable to a range of people, including folks making less than \$50,000 a year without subsidy, that's fine. It's what I meant and I think it's exactly what staff and the consultant understand.

>> Tovo: Okay. Councilmember Gallo.

>> Gallo: I would -- I mean I think that's very clear. If councilmember Houston wants a better idea of kind

of the concept of attainable, I think I would put my mortgage broker hat on and say attainable is what you can actually qualify most of the time with a loan to get. So, you know, it could be under those guidelines, it could be a percentage of income, which is the guidelines that are used to qualify somebody for a loan. So attainable really is what you can actually attain and what you can actually qualify for if you're getting a loan. So to me, rather than a dollar amount, it's really a percentage of income because I think that's the issue, is that we want to make sure we have housing stocks -- housing stock in this community so that all income levels are able to acquire houses and be able to obtain houses.

>> Tovo: Councilmember Gallo -- I mean I'm sorry, Garza.

>> Garza: I understand the intent of defining it. I like defining things as an attorney. But I'm concerned how we got that -- how the number -- we got the 50,000 because if you had a married couple, and they're both working and each making 30,000, which is really low, then they would be outside of this, and we would still want a family making 60,000 to be able to be, I would assume, involved in -- or part of this. So I don't -- I have just -- I don't know if that's where we should define it, just setting a benchmark like that, because even if -- I think minimum wage is -- anyway, I'm concerned with the number.

>> Houston: And councilmember Garza, I understand that, but I don't think we -- I think when we -- when we draft resolutions here as policy, we need to make them clear so people who are reading them know what we're talking about and nobody knows what attainable is except our mortgage broker, who just described it for us.

[3:29:33 PM]

But general public doesn't know what we're talking about. And so what does that mean? Just like affordable has come to mean anything in the city, and it's very variable about when people say, well, it's affordable, well, then I say affordable for whom? Well, affordable for people who can't live downtown. Well, that's a very different definition of affordability than I'm using. So I think it helps. I'm happy to withdraw my motion, but I think we need to either let people know what we're talking about so you don't have to be a mortgage broker to understand what we're trying to get to, or we just take out the word.

>> Tovo: Thank you. So we have an amendment on the table, but also the suggestion that perhaps the word could be removed, but we need to -- we need to kind of put a close to this issue. I think we've maybe spent about two hours talking about this resolution. I know you all talked about it at the committee as well. So where do we want to go from here? Do we want to vote on the amendment? Do we want to make changes? Councilmember Houston? Did you want to propose any changes, councilmember Casar?

>> Casar: Yeah, if it's giving folks heartburn, I'm happy to take out the word attainable and instead, say housing that's affordable for people from a range of incomes throughout the city. Even a range of incomes including incomes less than 50,000.

>> Tovo: Councilmember Casar, can you repeat your language?

>> Casar: I'm happy to strike the words "And attainable," and instead, say that is affordable to people of all incomes, including incomes of less than \$50,000 a year throughout the city.

>> Tovo: Councilmember Houston, then it would be appropriate, I think, for you to withdraw your amendment.

>> Houston: I withdraw my amendment.

>> Tovo: And councilmember Casar, it would be appropriate for you to make that as a formal amendment, and I'll recognize councilmember Houston.

[3:31:35 PM]

Would you like to second --

>> Houston: I would love to second it.

>> Tovo: All right. So the language, does the clerk understand the language that we've added? We've got that captured? Super. Any other questions or feedback?

>> Zimmerman: I would love to call the question.

>> Tovo: Okay. Please -- we have to vote on it. Let's just move to the question, if that's fine. Okay. All in favor? Any opposed? And this is on the amendment. Thank you. Councilmember Zimmerman opposes the amendment. Everyone else votes in favor. Now we're back -- I'm sorry, councilmember Garza abstains. So we have councilmember Zimmerman voting against, councilmember Garza voting to abstain -- or abstaining from the vote, and everyone else voting in favor. Now we're back to the main motion. With no more amendments, let's go ahead and vote. All in favor? Any opposed? Councilmember Zimmerman is in opposition. Any absences? An -- any abstentions? councilmembers troxclair abstains. Moving right along, I'm going to suggest we take up item 26, which has no speakers and is simply to set a public hearing. Councilmember Houston, I believe you may have pulled this item.

>> Houston: I just think it's a question about -- of staff -- hold on just a minute. You went too fast.

>> Tovo: I apologize. So, let's see, item 26 is to set a public hearing to consider an ordinance creating a homestead preservation investment zone in the boundaries of the existing homestead preservation district a, and it's on our council agenda today to set that public hearing for next week at 4:00 P.M., December 17th.

>> Houston: And this is just a quick question. In these homestead preservation districts, do property -- do citizens have the right to petition, do valid petitions -- I'm trying to ensure that they still have the same rights as other property owners, although they don't own the property.

[3:33:54 PM]

>> Councilmember, we will get with law staff about that question in advance of the actual public hearing. Again, what this is doing is setting up a public hearing.

>> Houston: Yeah. Yeah, I know.

>> It is in essence, the tax increment financing zone, so --

>> David seraldo with the law department. Councilmember, as I understand your question, I believe you're referring -- when you say protest to petition rights, are you referring with respect to zoning cases?

>> Houston: Correct.

>> That would not be affected.

>> Houston: Okay. Thanks.

>> Tovo: Okay. Any other questions?

>> Casar: Isn't that right.

>> Tovo: Yes.

>> Casar: I may want to clarify because I think we clarified last time we were working on homestead preservation districts. Oftentimes folks confuse the tools within homestead preservation districts with the districts themselves. One of those tools is a community land trust where you don't own the land under the home. This is not setting up a community land trust. This is setting up a homestead preservation district reinvestment zone which would reinvest money from new property taxes, some portion of that back to affordable housing. So this is different than what sometimes folks talk about can't happen inside a homestead preservation district later, with another action, but that's not on the table, which is community land trust. This is a different -- a different thing.

>> Tovo: Right.

>> Houston: Thank you for that clarification.

>> Casar: No problem. Happened to me too.

>> Tovo: So next, we will again, if this item passes, be setting this item for next week. Is there a Alamo city motion? Councilmember Renteria makes that motion. Is there a second? Councilmember Casar seconds that. Any other discussion? Any other discussion in all in favor? Any opposed? Any abstentions? And so that passes with did unanimously with councilmember -- so that passes unanimously with councilmember kitchen off the dais.

[3:35:57 PM]

Item 14, we have six citizens who would like to speak. Why don't we have a brief overview from our staff. We have discussed this in the past. I believe we discussed it at our last meeting and postponed it.

>> Mayor pro tem, me, James Scarborough, purchasing. The item before you is to authorize extension of a contract for Austin energy for the disposal of industrial class 2 non-hazardous waste in an amount not to exceed \$264,820. This item was discussed at work session earlier in the week. There were a number of questions staff has had time to discuss with Austin energy, explore our options with regard to the contract. One of those involved the possibility of having a shorter term extension. We have discussed this possibility with the incumbent contractor and they are agreeable to a shorter period of time. So if there are further questions on this item, purchasing is here, as well as Austin energy, and Austin resource recovery.

>> Tovo: Thank you. Councilmember Zimmerman.

>> Zimmerman: Thanks. Well, I've got a whole lot of questions, but maybe we'll hear from speakers first, if we could.

>> Tovo: Super. Any other questions at this point? Okay. Our first speaker on this item is going to be John -- John Amsty, who is speaking in favor of the contract. You have three minutes. Our next speaker is going to be Michael Whelan speaking three minutes.

>> Good afternoon. John Amsty with public services. Thank you for tout express to the council that Republic Services values our partnership with Austin energy and we look forward to continuing this partnership with the extension. If the dais has any questions for me, I'd be happy to answer anything I can regarding this contract.

[3:38:05 PM]

>> Tovo: Thank you very much. Thanks for being here. Councilmember Zimmerman.

>> Zimmerman: Thank you. First question I have for you, quickly, and I hope you can answer this, but if not I understand. I'm looking at the idea of a holdover versus an extension. And the information I have here, there's actually been three amendments, for three holdovers of 120 days, 45 days, and 60 days, but the amount shows on the documentation I have of zero dollars. So has Republic been paid since May?

>> I believe we have. I couldn't answer that with a hundred percent certainty, but purchasing probably could.

>> Zimmerman: Terrific. Thank you.

>> Sure. Councilmember, as we briefly discussed at the work session earlier this week, the holdover is an action -- is an action to extend the term of the contract, so that staff has time to move on to the new contract, whether that be to complete the development of specifications, complete solicitation, or complete the negotiations of a contract that has not yet been finalized. In this case, the holdovers were to extend the term, but not to increase the value of the contract. There was residual value main thing on the contract that was not spent. So when we extended the contract, we did not increase the value, we just extended the term of the contract.

>> Zimmerman: Okay. So that's what was really confusing about this information, is it says action amount, zero dollars. So if you look at this, you think, really? So they've been working since may for zero dollars. But I guess what you mean by the zero dollars here is, there was no penalty or no interest or -- is that -- what's meant by zero dollars on the information we have?

>> Councilmember, the aggregate value of the contract was not increased. So the amount that was previously authorized remains as is.

>> Zimmerman: So that would mean -- from what you just said then, the original amount of money had not been paid prior to may and you're real indicating that money over the months since the contract expired in may?

[3:40:08 PM]

I'm trying to understand your language, I'm sorry.

>> Yes. The amount of money that was authorized for that contract had not yet been consumed. This is a requirements-based contract, so the individual increments of orders against the contract will determine the amount of work and, therefore, the amount of charges that will be applied. The amount of work and the amount of charges against the contract had not yet been consumed so there was sufficient amounts so that we could extend the contract without having to ask for additional authorization from council.

>> Zimmerman: So, in other words, the \$529,640, so all that money hadn't been used up by may 28th when it expired.

>> Yes, sir.

>> Zimmerman: Okay.

>> Tovo: Any further questions for this speaker? Okay. Thank you very much.

>> Thank you.

>> Tovo: Mr. Whellan? Mr. Gregory, Mr. Bob Gregory, you are our next speaker P. You have been donated time by Adam Gregory. Adam, are you here in and Ryan Hobbs. Mr. Greg refresh my recollection you have a total of nine minutes. You'll be followed by Michael whellan.

>> Thank you very much. I'm bob Gregory, president and principal owner of Texas disposal systems, with my brother jimmy. I thank you very much for your time here this week to delve into this issue and learn what we deal with on a regular basis on these solid waste bids. I have sent you quite a lot of information, and thank you very much for those of you or your staff that have had a chance to read it. It has gone into a lot of detail with background information. What I would like to focus on in the process of asking you to please do not vote to approve this item. Please do not vote to approve this item. , Not even for a day, is to focus mainly on three issues. One is the integrity of the process related to the city staff management of this contract and this waste; also, the environmental integrity; also the affordability issue; and landfill eversion through beneficial reuse, recycling and composting.

[3:42:20 PM]

The first thing I'd like to draw to your attention, which I believe in my opinion, totally excludes and disqualifies this item for approval, is the recommendation for council action. The rca. And if you read it, it's a very simple 12-month extension of a republic services contract. What it doesn't say by anyone who's out in the public, looking at an agenda item, what it doesn't say on the face of the caption of the agenda item, that it's also approving the waste to go to the waste management landfill next-door. The waste management Austin community landfill. Now, if you get into the back, the second page or a back page of the rca, you'll see where they mention that it's -- you're giving your approval for that waste to go to that landfill. You'll also see where they say at the time of the award, the council stipulated that this

and other waste disposal contracts be consolidated into a combined city contract, and they're saying they haven't done that, so they need more time. Now, the voluminous material I've given you was for a reason. One of those things I gave you were all of the transcripts from the city council meetings from 2013. The zero waste advisory commission, the electric utility commission, from 2013 and now 2015, so that you could see that that was never the case. That was not a position of the council to need to consolidate these contracts before this was rebid, although they've said in these meetings that that was the case. That is a false statement. That was not the case. We have asked through -- through open records act and received a number of pieces of information that are quite different from what you were sent yesterday. Very different. Even to the point of different amendments. We have copies of amendments 1 and 2 of this contract that are totally different than what you received yesterday and was posted on the website.

[3:44:21 PM]

This bid clearly states that to be eligible for this contract, the contractor shall at a minimum own or operate a landfill permitted to accept the city's waste listed under this task. And you will see in a few minutes that four years ago, when tds had this contract, that the Austin energy hauled directly to the landfill, so that that's hard to do, or harder to do, if that landfill is out of town. It also required in the bid, the contract, the original bid, that the contractor shall respond on bid sheets and summarize briefly how scrap wood would be recycled. Now, republic no-bid that item. So while the staff has gone in great detail to you to tell you that purchasing law now does not give them -- does not afford an avenue for them to bid these things out with less than nine months or a year in the work session on Tuesday, they've said it could be done now, maybe two months or three months to bid it out. But I'm here to tell you that back in 2013 when this was -- this contract was last bid, since republic did not bid those two items for recycling, the purchasing department immediately called tds and set up those accounts. And so we have, in our possession, and have been servicing those two accounts, the decker power plant and the sand hill plant on a service agreement. So the issue that the staff has told you is impossible to do because of state law is exactly what they did. They can set these up tomorrow through tds, through waste management, through bfi -- I mean republic, or whoever. The big, big issue on this rca, and what is not on the rca, but what has been submitted to both zero waste advisory commission, as well as the electric utility commission, is the presentation by Austin energy staff talking about the environmental integrity of the waste management landfill.

[3:46:31 PM]

Now, they come to the conclusion in the process of presenting a draft document that I'm holding up here, with three pages, that the landfill, Austin energy's professional staff made up of chemical engineers, scientists, and biologists, after reviewing the history, corrective action, corrective status of compliance, determined that the landfill did not pose an environmental risk now, that was reported even in the face of them saying that they had reviewed the Carter burgess report. Most of you have seen the Carter burgess report. This is it. It's a full-blown engineering study that the city did on that landfill, as well as the tds landfill and the republic landfill, when it was bfi. That landfill or that report was so scathing, it completely eliminated waste management from being considered for a 30-year contract. So I've given your office the environmental background information, and what I truly believe that you will see, if you approve this -- this rca, this agenda item today, is, this staff come back at a later date, just like they're coming back today and reporting what -- or misreporting what happened two and a half years ago, they're saying back then the council was concerned about something that they weren't concerned about. The council then was concerned about this landfill receiving the material. And I

believe that if you pass this item on this rca, this agenda item, they will come and say you passed it based on the waste going to waste management landfill, and subsequent to the study that Austin energy did, so I encourage, please, not to do it on this agenda item. With the closure of the bfi landfill last month, we estimate that there's about four and a half years remaining life on that landfill.

[3:48:36 PM]

Now, another avenue that you can deal with this issue without extending the contract is not only the service agreements that I've proposed, and we have in place right now with Austin energy on the two items that republic did not bid two years ago, is the section 252 of the local government code, clearly, clearly, clearly outlines how the exemptions that are available to local government for these -- for these choices. As a matter of fact, the city staff put out an rfp on the 20-year recycling proposal, the merf proposal. That was so botched up, the previous city council threw it out totally. And the 20-year contract went to two companies without an rfp process, without a procurement process. It was just based on directive of council under these exemptions. So not only can you do a 20-year contract, you can do a two-month or six-month contract. Our bids are in place. We're committed to the exact same bids for the next three years. In 2010, the city attorney at that time, David Smith, gave an opinion to the council, available to everyone because it says he wanted to make it available to use in the community, that said the council could do these bids without a competitive bid because of the circumstance. The third option, our company has a 30-year landfill disposal contract that also very specifically lays out, has sections available --

[buzzer sounding]

-- Is that my time?

>> Tovo: That is. Thank you, Mr. Gregory. Are there any questions for this speaker? Councilmember Zimmerman.

>> Zimmerman: Thank you. Could you just finish your thought? You sounded like you were in the middle of something, if you could just finish that last thought.

>> The contract we have now with the 30-year disposal contract allows us to take special waste upon negotiation without going out for bid.

[3:50:46 PM]

The city staff saw the need to do this a long time ago, which is the concept of the consolidated contract that they're trying to get. We have a very, very hard time getting contracts with the staff anymore. And it's -- we have contracts that allow these to be negotiated. And I have -- I have additional to talk about, but I know that my -- I'm going to respect the time. I'm happy to answer any questions, and Michael whellan is coming up to ask --

>> Zimmerman: I just have one quick additional question, if I could. You've been in the business for a while. I mean what is your understanding of kind of the practical difference between the holdover and the extension of the contract?

>> Well, the extension of the contract is a very, very different things. If you extend the contract, you formally extend the time frame of which that contract is going to continue, and there's funding issues on both things. But a holdover is not extending it and just keeping the contract alive like it could be done for another month or two on this contract without voting for this item.

>> Zimmerman: That's -- mayor pro tem, kind of my understanding, I want to make this point later, it looks to me like staff is in complete control of scheduling the holdovers. You know, they can set them for a certain term so that the holdover expires, say, the day after we have a council meeting. So it looks entirely possible that staff could take the current situation and say we want a holdover to go to January

29th, then put it on the agenda for January 28th, and come up and say, got do this because the contract expires tomorrow. And I've made a point of this on the dais, many times. Right? We keep getting to this situation where it seems as if staff is a victim of circumstances. We just -- we ran out of time and we just have to have this decision done. And I'm seeing some evidence here that I'd like to show later where we've had numerous extensions that are curiously timed right when you have to make a decision.

[3:52:47 PM]

So a holdover gets written, and it expires just a day or two after when a decision is being asked for. So I want to highlight this a little later. But that's all I have for now.

>> Tovo: So you're going to get back to that point in a bit?

>> Zimmerman: Yeah. I want to keep going.

>> Tovo: Okay. At that point I think it would be important to have Mr. Scarborough, who looks like he has additional information. Any other questions for this speaker, or witness, as the mayor likes to say? Okay. Thank you very much, Mr. Gregory. Our last speaker of the day -- oh, I'm sorry, Mr. Whellan. Then our last speaker of the day is going to be Andrew Dobbs.

>> Yes. I'm going to be specific about -- this is Michael whellan on behalf of tds. I want to be specific about what the request is from tds so we're very, very clear about that. One, tds would like this council to deny any extension of the current Austin energy contract -- with republic services as set forth in this rca. I think extending even for a day under this rca validates a paper review of the tceq file and in some way sanitize a landfill that I don't think you want to necessarily support and I'm going to show you why in a moment. The second thing is that council directs staff to immediately enter into a temporary service agreement -- agreement or agreements with one or more qualified haulers to transport or either recycle, compost, or dispose of the Austin energy class 2 the has did you say solid waste, without any waste being disposed in the waste management, inc. Austin community landfill. I'm going to show you the way that has been done already, once, in 2013, the law that supports that, and why that's the right solution here. You can vote no on the rca, catonight they can have service agreements with republic, tds, or waste management to go to any landfill in central Texas other than the Austin community landfill. They can actually do that this afternoon. Then finally, that staff be directed to competitively bid or negotiate contracts related to the Austin energy class 29 hazardous solid waste and scoring and evaluation consideration given to the cost of service, diversion of the waste from landfill disposal through beneficial reuse, composting, or recycles, and the environmental integrity of the landfill that will ultimately receive the waste.

[3:55:08 PM]

So those are the three things, vote no on the rca, direct staff to do a temporary agreement with any hauler in the area to take it to any landfill other than Austin community landfill, and then third, that you competitively bid it, including environmental concerns or environmental integrity of the landfill that ultimately receives the waste. I'm going to walk quickly to the overhead they're going to turn on and I'll show you what I'm talking about with regard to these three items. The first item -- the first item -- hello? I think he's going to give me back 30 seconds? 40 seconds? 15 seconds? Okay. Here we go. I'll yell. The first item is this Carter burgess report, and it's dated February 16th, 1999. And on the last page [inaudible], it has specifically that Carter burgess team, team's opinion, former site poses a substantial environmental risk to owners and users of the site. It goes on to recommend removal and disposal evident waste at the former site, to reduce the risk associated with the site. This has never happened, to our knowledge, it's still there.

[Buzzer sounding] If I could have 15 seconds back, your honor -- or excuse me, mayor pro tem.

>> Tovo: If you call me your honor, you may.

>> You know how much I love this venue. The last item is the paper review that Austin energy did where they said -- I don't doubt that a chemical engineer, scientist, and biologist reviewed the paper file for the compliance history, corrective actions and current status of compliance, but there is no evidence that this has did you say waste has been removed from there.

[3:57:12 PM]

Finally, as Mr. Gregory already showed you, this is the bid sheet, this is the bid tabulation that was done, and you can see for scrap wood right here, this was for allied, for republic now, there was no bid, no bid, no bid. This was done in 2013. Immediately after it was awarded.

>> Tovo: Mr. Whellan, I'm going to have to stop you because now we are beyond that. If a councilmember had a question about that, certainly you could answer it. Councilmember Zimmerman, were you going to ask Mr. Whellan a question?

>> Zimmerman: Just to finish the thought here. Sounds like this is affirming what we had heard before, there was a no-bid on that particular waste in 2013? Is that --

>> There was no bid on the scrap wood, and literally, days afterward, for the sand hill plant and decker plant, service agreements were done on a no bid basis to send it to tds. It doesn't need to go to tds. There's other services nearby.

>> Tovo: Any other questions for Mr. Whellan? Okay. Welcome, Mr. Dobbs. You have three minutes.

>> Andrew abduction Texas campaign for the environment. Thanks for having me. I wanted to quickly outline our position which is sent to you in your e-mail, is that this contract should not be extended, so please vote no on extending this contract. It should be rebid, and the problems we're facing with this right now is the fact this was not competitive two years ago, that, you know, only one bidder was qualified, was allowed to bid on this in the end, and that's why we have a bad contract now. And that we -- and in the interim, you can use any number of the -- of the mechanisms to find a place to send this so that Austin energy can continue its operations, and the city is not plunged into darkness. So I want to talk about the environment because that's who I am. I'm the environmental guy. I want to talk about this facility. The internal review of the department of the waste management landfill is insufficient and sets a terrible precedent for this city.

[3:59:14 PM]

We should not be saying that a tceq permit equals environmentally okay. Because the tceq, Texas commission on environmental quality, is a captive agency that is controlled by polluting interests and serves the interests of polluters. We have polluters that our city chooses not to do business with, and we do not want one in our city that would get and have tceq approval. We should set a higher standard. If you approve this, we're ratifying that very low bar. That's something that I think needs to be taken seriously. This is a facility that was called Austin's love canal. Love canal of course is an iconic environmental disaster where hazardous waste was being stockpiled in -- I believe it was new York, and caused health problems for a community. For us, this was -- this waste was stored before the EPA existed, before the clean water act existed, at a time when we had almost no environmental regulations in this state, and it's still there today. If we are doing business with this we're exposing ourselves to liability, and under this contract, because we don't actually have a contract with that facility, you have all the liability and almost no accountability. That is not something we should be engaging with. This is something that I know that the councilmember Houston, who's district this is in can tell you that the constituents there have repeated complaints about this facility. It is a burden on them. And we should not be saddling your constituents with more of this waste. And we know that waste management as a

corporation spends a lot of their time and energy undermining environmental regulations, in doing harm to the public interest, in this state and across the country. We should not be doing business with that company, with that facility. So -- but what we do need, we need a new contract and we need it to be competitive and we need environmental standards in this contract. With my last 13 seconds, it needs to have diversion as a standard, needs to have a carbon footprint so we're not shipping this thing halfway across the state, it needs to have a facility that has no hazardous waste on site, it needs to be -- we need to look at the lifetime compliance of the facility, not just in the last few years.

[4:01:23 PM]

[Buzzer sounding] And we need to look at complaint history as well. I think if you do this, that will -- that will suffice. I'm happy to answer any questions.

>> Tovo: Councilmember Zimmerman.

>> Zimmerman: So I think we just got an e-mail -- it just came in my e-mail box about 10:30th this morning from the chair of the zero-waste advisory commission. Let me just read it if this sounds right to you. It says the commission believes this item should be rebid at the earliest possible date. So I think -- can you -- it's kind of unusual, isn't it, to get a 9 to 0 vote against city staff?

>> Yeah. Thanks to the 10-1 council, we now have a great opinion on the zero waste advisory commission and there was no daylight between the commissioners on this. When it was brought up, it was a straight 9-0 vote. It was ambiguous, they wanted to see something different.

>> Zimmerman: I don't agree with you on everything, but we're in amazing agreement.

>> I won't tell anybody if you don't.

[Laughter]

>> Zimmerman: Fiscal conservists immediate environmentalists. It's a weird day, you know.

>> Tovo: Well said. Okay. Thank you, Mr. Dobbs. So, council, it is 4:02. I believe we're probably going to require some substantial discussion on this, but I think there are three items on our 4 o'clock agenda that are scheduled for consideration or postponement and probably will not require rush discussion if any. There are others that I think will take some time. If it's all right with everybody, I would suggest we pause before beginning our conversation about item 14 and just consider the staff's request for postponement -- or applicant's request for postponement on 79, 80, and staff's request for postponement on 74. Is there any concern about that? All right. So let's consider 74.

[4:03:24 PM]

This is a staff request for postponement. Mr. Rusthoven.

>> Jerry rusthoven, planning and zoning requirement. Item 74, conduct a public hearing and consider an ordinance amending city code title 25 to limit redevelopment of existing small substandard lots that are developed as single building side.

>> Tovo: I see we have four speakers scheduled for that I apologize, item 74, so we probably will need to hear from them as far as the postponement.

>> We're asking for a postponement to January 28th.

>> Tovo: Super. I didn't mean to cut you off. I appreciate that. We'll take that up in a little bit. Item 78 and 79 and 80 also have citizens who wish to speak. The applicant is requesting a postponement so they can be afforded the opportunity to have a full council since this is an sos variance and requires a super majority. Charene fisher has not been here all day. Is she here now? Do you need to speak if the item is being postponed? Okay. Mr. Lezniak.

>> Good afternoon, mayor pro tem and council. City environmental officer. The applicant is requesting to postpone both of these items until December 17th.

>> Tovo: Thank you. Is there a motion to postpone?
>> What items?
>> Tovo: These are items 79 and 80. These are the items that would require an sos variance. Councilmember Garza.
>> Garza: I make the motion to postpone till December 17th.
>> Tovo: Thank you. Councilmember Garza moves postponement. Councilmember Gallo, were you seconding that?
>> Gallo: Second.
>> Tovo: All in favor? That postponement passes unanimously. So after we conclude 14, we'll come back and take some of those other postponements up. All right. Back to 14. So we're back to the dais. This is the item for which we heard speakers.

[4:05:31 PM]

>> Zimmerman: Mayor pro tem, I'd like to be recognized for a motion if I could.
>> Tovo: All right. Take it.
>> Zimmerman: I'd like to move that we deny the extension of the contract in item 14.
>> Tovo: Councilmember Zimmerman moves to deny item 14. Councilmember pool seconds that. Any further discussion? Councilmember Houston.
>> Houston: I'm going to be voting to deny item 14 as well. We talked a lot today about the environmental issues, but it's a quality of life issue for the people who live in Harris branch and all the way over to north acres, which is over near dessau road. And so for their health and safety, for some equity, quality of life issues, then I will be voting to deny the execution of the contract. One of the things that I would like to see in the contract, once the scope of work is developed, is to not only talk about the environmental justice, but the equity issues that are posed when the waste is put in the landfill that is still open and active off of Giles road.
>> Tovo: Thank you, councilmember Houston. Other comments? Councilmember Casar, did you -- okay. And so I'd ask the maker and second of this motion, is it your understanding that the action the staff would take would be to immediately rebid that contract?
>> Zimmerman: Well, if they would like to speak to that, I'd like to hear what they would do.
>> Tovo: Mr. Star borrow, if -- Mr. Scarborough, if we deny this extension, is that the path you would take to immediately rebid this contract?
>> Mayor pro tem, councilmembers, yes, we would proceed with the solicitation as soon as we receive the -- the city's requirements.

[4:07:35 PM]

So as of tomorrow, the contract will expire and Austin energy will go without these services until the new solicitation can be completed, issued, proposals received, evaluated, brought back before council. So for that period of time, we'll need to figure out how we can cover the -- the needs of Austin energy to dispose of these materials.
>> Casar: Mayor pro tem? I have a question, either for city legal or Mr. Scarborough, but I imagine it's for city legal. If -- do we have the ability with this posting language in this action to suggest or direct that that -- that that bidding process, if this contract is denied, include requirements that future landfill be analyzed for its environmental compliance, it's diversion rate, some of the things that have been suggested to make sure that we don't wind up in a situation where the winning bidder from such a -- from such a solicitation puts is back in this position again? Are we we able to do that under this language or would that have to be a future action?

>> So what you're posted to do is vote on this particular contract. I think you're giving direction from the dais about things that you are concerned about so we will certainly incorporate that in the future but you're not posted to take that action today.

>> Casar: So we can make that suggestion, but that's not a directive, we are just voting on the contract.

>> That's correct.

>> Tovo: Any other thoughts? Councilmember Zimmerman.

>> Zimmerman: So I put up a couple of -- there's a couple of overheads I have here that are agenda items where this has been posted. I believe this has come to the utility commission at least twice, if we could get those up on the overhead, before it came to the zero waste advisory commission.

[4:09:38 PM]

Yeah. So very quickly, I wanted to call attention -- maybe it's hard to read -- at the bottom, I've highlighted blue and yellow, and pink, and if you -- can you scroll that do you know? Because there's actually three exhibits here numbered a, B, and C. If you slide the paper down so we can see the top of it. Because I'm not seeing the top of it here. Physically pull the paper down just a tad? The other way. The other way. I'm trying to get the top of the page, the top of the page is very important. To keep going. You're almost there. A little bit -- there. See the date on the top, where it says 19th of October? Okay. So I think what happened here at the 19th of October -- I'm sorry this doesn't fit on the page -- if you look down on the bottom -- now scroll it back up. This is when the utility commission heard it. See where it says the contract expires October 10th? And so according to what they were looking at, the contract expired nine days before they were asked to discuss it. Now I want you to flip to the last one, which -- it's exhibit "C." Here it is. See where December 11th down at the bottom there? When it came to the zero waste advisory commission, it had been extended there, I guess, to December 11th. The reason I want to highlight this is I don't -- I'm not happy with the way these things are being brought. The dates are not accurate. Because I think what happened on the 19th is, you had already put in one of those holdovers and extended it. Right? There had already been a holdover put in place. But the backup information for the commission said that it had already expired. So what I gather from this is, you know, if you're not confused, you haven't been paying attention.

[4:11:39 PM]

When I started to pay attention to this, I thought this whole process was really confusing. And then the last thing we see here, when the holdover was extended to December 11th, which is the day after we were going to hear it, okay, so I guess I'm objecting to this process. It seems like we've had three holdovers and they almost seem to be timed to coincide with, you know, council or commission action. Oh, you have to do what we're telling you to do because it's going to expire. And we've been -- I've asked, councilmember Gallo has asked, we keep asking for this practice to stop to where we're given stuff right in front of us, you have to act today because it expires tomorrow. It seems like staff is in control of that. And I'm asking again for that to stop.

>> Tovo: Mr. Scarborough, can you address some of those assertions?

>> Councilmember Zimmerman, I can certainly appreciate how -- your perspective and your interpretation of the data before you. However, you can assure you certainly it wasn't staff's intention to somehow strategically time these holdovers. Rather, going before successive bodies of review and the logistics and timing of doing so makes it difficult for staff to always estimate how much time is going to be needed or how much additional time. The first holdover is 120 days. That's a unilateral provision in the contract where when the city needs additional time, they execute the 120 days. The additional periods of time were for -- to allow Austin energy to take the item before their commissions,

and oftentimes the amount of time needed is something that is estimated so that we can get the authorizations necessary to go before these committees or commissions or boards and then take the item before council. This particular item was actually brought to council last month, and this is a continuation of that item.

[4:13:42 PM]

So I understand the perception that the proximity of today's date and tomorrow's expiration of the contract looks odd, but I can assure you that the extension was done only so that we could have time to take the item to council for their review and approval.

>> Tovo: Thank you for that context. Other questions? All right. So we have a motion and a second on the table. I would like to just add some direction to staff that they continue to work with, a, to see if they can divert the polls which look like account for 40% of the waste we're talking about, but if you could -- especially given the action, we may be prepared to take here today. Of.

>> Houston: And mayor pro tem?

>> Tovo: Yes.

>> Houston: I know we can't direct anything today, but my concern is community benefits and the quality of life for the people who live in that area. So hopefully they can work something in there around this scope of work.

>> Tovo: Thank you. Okay. Any further comments? So all in favor of denying this extension, please signal by raising your hand. And that is unanimous on the dais. So that takes us back to our other 4 o'clock items. I haven't forgotten that we also have 44, but I think we can probably hit a few more 4 o'clock postponements. Mr. Rusthoven, would you like to come back and talk about the item you were discussing when I --

>> Sure. The item did go to PC on Tuesday night, but we are asking for postponement because we believe the council would like us to take it to planning and neighborhoods neighborhoods committee. We talked to some people that signed up.

[4:15:43 PM]

They do not have a problem with postponement.

>> Tovo: We have four speakers signed up to speak. I want to go Tuesday --

>> We're planning to take it to P and C January and asking to have it postponed till January 28th.

>> Tovo: Okay. Thank you. Okay. We have four speakers. I'm going to call them and if they choose not to speak at this time certainly we understand that. Mr. Stewart Hirsch who has signed up for? I don't see him in the chambers. David Whitworth, signed up against. If you wish to speak, just come forward to one of the podiums. Charene Fisher who not been here, and David King. All right. So, council, is there -- you heard staff recommendation to postpone. Is there a motion to that effect? Councilmember Houston moves to postpone. Councilmember Pool seconds that.

>> Gallo: Could you clarify the date that it's postponed to, please?

>> Tovo: Thank you.

>> Houston: January 28th, 2015. Of.

>> Tovo: Councilmember Renteria.

>> Renteria: The speakers signed up today, are they going to be allowed to speak? They might not have showed up today.

>> Tovo: Certainly. We opened the public hearing. We haven't closed it, either. Thanks. Councilmember Casar.

>> Casar: A suggestion. I'm fine with setting the date on the 28th, but if in our committee meeting, it

looks like there needs to be some sausage-making and we need to pick a date for it to come back, I don't know how the conversation is going to go. I haven't really looked into the issue much, but if the committee picks January and February, I would -- I wouldn't mind just having the committee send it to council when it's ready. But if we want to pick the 28th, that's fine, too.

>> Tovo: I think this has been on our agenda, gosh, I don't know, nine months.

>> Also for reasons of notification, if we can keep sending it to a date certain, we don't have to notify everybody.

[4:17:49 PM]

>> Casar: So I'll pick January 28th.

>> Tovo: I hope we can get around to hearing it. Every time it's on our agenda, I get e-mails about the need to move forward with it. I sure hope we can consider it soon. Any other comments? All right. All in favor of postponing this item to January 28th? Any opposed? Any abstentions? Okay. That item is postponed. Next, we have item 75. And I believe our staff are going to provide us with a brief overview to provide the context for our consideration of a postponement.

>> Thank you. Elaine Hart, chief financial officer. Last month the council took action with respect to the estancia hill public improvement district to approve an ordinance setting their special assessment rate and a proposed assessment role for that rate to be applied to, approving a resolution that had their service and assessment plan attached to it, as well as setting the public hearing for today. That assessment role was based on early November information from the Travis county appraisal district. We've since learned from sending out the notices to the parcel owners that one of the parcel owners had subdivided their parcel and has sold portions of the parcels, 74 new parcels, and so we need to bring back next week to council a revised assessment role and to set a new public hearing for January 28th, so you do not need to hold this hearing unless there are some parcel owners here that did get the notice and would like to speak today. But we've got those actions coming to you next week, and we're looking at our processes to see if we can prevent this from happening in the future.

[4:19:54 PM]

>> Tovo: , So Ms. Hart, is staff asking us to postpone this item, or simply pass on it and you're bringing us something new next week?

>> We're asking to you just pass on it. We are bringing you a new public hearing because we have to renotice, just as Mr. Rusthoven said, we have to renotice all of the parcel owners of the new public hearing date on January 28th.

>> Tovo: I see. So the action that you would ask us to take today is nothing. No postponement, nothing, just move forward. Forward. Okay. Any questions on that? Okay. Thank you. And that corresponds to item 7 as well, so it's the same non-action what staff are requesting, we just pass on that?

>> Yes.

>> Tovo: Okay. Very good. Well, that brings us to item 76. And it's my understanding that we have two -- we have a postponement request from some of the parties involved? Could you speak to that, please?

>> Yes. On the Indian hills public improvement district, which is item 8 and 76, as well as the whisper valley improvement district, which is item 9 and 77, there is one landowner for each of those pids and they've asked for December to December 17th, so we're asking for that postponement on behalf of the developer.

>> Tovo: Councilmember Houston.

>> Houston: Ms. Hart, do we know why developers are asking for a postponement?

>> They would like for the full council to be in attendance.

>> Houston: So they miss the mayor?

>> Yes.

[Laughter]

>> Tovo: Colleagues, any other questions? It's going to be a very full agenda. Councilmember Gallo, are you moving to postpone -- is it fine to take up all those items at once?

[4:22:00 PM]

Councilmember Gallo, why don't you clarify what you're postponing. Why don't you take them up separately, 76 and 8 first.

>> Gallo: I was not confused until you just confused me. What would you -- what's appropriate?

>> I think you want to move to postpone item 8 and item 76, which both concern Indian hills.

>> Gallo: Thank you. I would move to postpone item number 8 and 76 to December 17th.

>> Tovo: Is there a second? I think councilmember Renteria, did you second that? Any other discussion? All in favor? Any opposed? Councilmember Houston is opposed. Any abstentions? So that item is postponed until next week. That brings us to 9 and 77. Is there a motion on that item? Councilmember Renteria, your motion is to postpone those items to 12-17?

>> Renteria: Correct.

>> Tovo: Is there a second? Councilmember troxclair seconds that. Any other discussion in all in favor? Any opposed? Councilmember Houston is in opposition. That is also postponed until next week.

>> Thank you, council.

>> Tovo: Thank you. Okay. We have two more items, but we skipped over 44, which was on other zoning earlier. No one signed up for 44, so let's move to -- let's go back to 44. This is the hopper Finley contract in district 7.

[4:24:00 PM]

C14-2014-0186. Councilmember policy, while we're waiting for our staff, maybe you could lay out some of the comments you were addressing earlier this morning.

>> Pool: Sure. I just -- I will -- I've been thinking about doing an indefinite postponement, but what I think we'll do instead today after talking with the neighbors and the developer is -- I'm sorry, not the developer, the neighbors, we'll go ahead and I'll just move to approve on second reading with some additional changes. I wanted to point out that -- well, I think what I'll do is I'll wait until staff has made their presentation. Is staff ready?

>> Mayor pro tem?

>> Tovo: Councilmember Zimmerman.

>> Zimmerman: There might be an amendment coming that I'm interested in supporting from councilmember pool as well when they get done.

>> Tovo: Mr. Guernsey.

>> I'm Greg Guernsey with the planning and zoning department. I'll introduce the item very quickly. 44 is case c14-2014-0186, for the property located at 2500 south hetter wilde implemented this is a zoning request on this property to single-family residence, small conditional overlay, sf-4 a Co zoning for contract 1, community property or gr zoning for tract 3. At first reading there were some conditions that were placed on the property, in essence, what was approved with that reading by council would have provided for a public struck restrictive covenant, to allow one vehicle connection to be determined to a designated roadway to the north, thereby prohibiting vehicular access and permitting only pedestrian access to the other streets to the north.

[4:26:23 PM]

I think the draft ordinance that you may have speaks to spring hill and staff would suggest -- would actually suggest Dela hunt lane. We have staff from APD and from development services that would also I think like to address the access issue.

>> Tovo: Okay. All right.

>> I think the changes I read just now are changes we wanted to bring to your attention.

>> Tovo: Very good. Thanks. Councilmember pool, were you --

>> Pool: Yeah. So I'm passing out an amendment to the ordinance that was in the backup, and --

>> Tovo: Do you want to begin by moving approval of something?

>> Pool: Let's see, we're looking for item 44.

>> Item 44.

>> Tovo: Why don't we start with a motion. Councilmember pool, did you want to make a motion on this a item?

>> Pool: Yes. So I move to amend the ordinance in the backup to add a trigger to allow full access if the roadway meets Travis county or city of Austin standards, and the ordinance language, the one change is in part 2a, add, after de la Hunte lane, springhill lane, vehicular access from tract 1, de la Hunte lane, is prohibited except for pedestrian ingress and egression all vehicular access to the property shall be from other adjacent public streets or through adjacent property.

[4:28:28 PM]

And I want to talk a little bit about --

>> Zimmerman: First I'd like to second that if I could.

>> Tovo: And let me just clarify that you are moving to approve this on second reading.

>> Pool: On second reading only. Yes. Thank you.

>> Tovo: With this --

>> Zimmerman: Amendment.

>> Tovo: Amendment embedded in that motion. And, councilmember Zimmerman, you're seconding that had.

>> Zimmerman: Seconding.

>> Tovo: Councilmember policy, do you want to explain the proposal?

>> Pool: Yeah. A couple different things are happening with this case. You may remember seeing a video that the neighbors put together and showed last month when we had this case on first reading, and we've been having a lot of discussion recently about transit safety from the residents and the media and here on council as well, and I think there's a broad consensus that we've got some pretty big issues related to transit safety in this city, but a lot of discussions seem to be focused on what we do after the fact. So I would like to recognize that when we weigh decisions like the ones we have here today, we take the opportunity to address some of the transit safety issues at the front end. When people travel around our neighborhoods every day in a million different ways, and when we make land use decisions, we don't just add a road here or there, but we inherently change the transit system in the neighborhoods. So I think our decisions on these types of cases have big implications for pedestrian and bike safety in this city. Whenever the decisions come up, I feel like we always hear a lot about how we need this or that immediately because imagine Austin envisions a compact and connected Austin. And it's true that our city plan does envision that, but we never talk about why we envision that. It's not about connections for the sake of connections, it's about connections for the sake of the people, the people who live there. We're not a city of cars, even though sometimes we feel like that when you had it that rush hour traffic after work. We're a city of people. So, yes, we should have connections. But they

should be connections that help our residents walk and bike safely alongside cars when they are on their way to park -- to the park or to school.

[4:30:29 PM]

I think we as a council should be willing to look at a worthy project and say either the infrastructure is there for this connection, so let's do it, or, you know what? The infrastructure isn't there yet to do this safely, but it will be sometime in the future, so let's get everything ready first and then move ahead. So I just want to get that out there in advance of our conversation because it will be one of my guiding principles on these types of cases going forward. So I think the general idea of having a trigger that sets clear

>> It's a good step in the right direction and I hope that this lays the predicate for a strategy to continue considering going forward and help us make some strong steps toward meeting imagine Austin's vision of safe, walkable, bikable connections that actually serve our residents. I have also five cases, one of them we actually passed today, where connections in addition to -- connections were not forced on a development because the neighbors didn't want it. That was the district 3, which was 1900 Burton drive and 1911 mariposa on consent tonight, the neighbors doesn't didn't want the additional entrance, we pass that on consent. The light sea solution, I worked with councilmember kitchen on that one a few months ago where we had an emergency crash gate in district 5. We had a couple in district 8, chap rel road near oak hill lane and some lapped holdings off of oak hill lane, two different cases and another Davis rezoning on two coast drive in district 10. I've also noticed that we've talked with staff about having different tools in our belts to deal with trying to control traffic, and I perm don't like Gates.

[4:32:35 PM]

I prefer having roads, narrowed by chicanes or sidewalks and ballards installed but staff have advised that they don't like those so they generally come to us with a recommendation of Gates. So that's an item that I want to talk about further with probably the mobility committee in the future so we can have a little bit of clarity on all of the tools that are available for use in those parts of the city that are transitioning from essentially rural, which is what is happening in this particular case. This goes right up to the edge of Travis county and the edge of the city of Austin. Pflugerville is on one side. Travis county is on the other. We have some support letters here for restricting or -- eliminating connections. You'll see a letter from the county executive of transportation and natural resources at Travis county. That should be in your packet. And I think that's -- let's see. We have Janie zobranick, she lives in pflugerville and she's saying that we're not opposed to the zoning that's being requested but we are concerned about vehicular access. I think there was a student -- yeah, we have some reports that students have been injured and one child was killed walking to spring hill elementary along these county roads, and this is the situation without additional traffic coming from this development. So I'm hoping that we can pass this on second reading with the amendment that I've offered up that councilmember Zimmerman has seconded and that the parties involved can work closely with pflugerville and the city of pflugerville and the county so that we can possibly, by third reading, have some additional sense of how best to get the connectivity and the access in this development.

[4:35:08 PM]

And then I should also mention that at this time, to the best of my knowledge, there is no builder for the development. I think that the person who did the site plan and laid it out has walked away from this development.

>> Tovo: Councilmember kitchen.

>> Kitchen: Just by way of information, not on this particular item, but by way of information, the mobility committee has, on a future agenda -- will have on a future agenda the issue of connectivity. Our staff has requested the opportunity to speak to the mobility committee about the way those processes work right now. So it will be -- it's already open the list to be on a future mobility committee agenda.

>> Tovo: Councilmember mayor Adler.

>> Mayor Adler: And, Ann, colleague kitchen, I'm glad you're bringing that up because, you know, we sell a plan to Austin and the whole city, and then slowly by slowly, you know, we just pick on it and pick on it and bleed it to death up? It's really disappointing to me that we're doing these kind of things. And if we really want to put Gates for safety purposes, I think we should put them all up and down frontage road at 35, especially in my district, district 3. You know, we have cut-through traffic. We have every kind of traffic that comes through there, and here we are slowly, slowly doing what we say we need to do. The connectivity, but we always find a little excuse, you know, just -- well, not my neighborhood, not my district. Because we're concerned about safety. And we don't care about nothing else. And here we are in the minority community, we have all kinds -- we can't even get stop signs. We would love, you know, these crash Gates. We would put them all over there and maybe keep all the people out of my neighborhood too.

[4:37:18 PM]

>> Tovo: Councilmember Garza.

>> Garza: Yeah, I would echo councilmember mayor Adler's point. It's no secret that I don't like crash Gates. My understanding now is that we're -- where we were going to allow connectivity on one road from this neighborhood, we're now allowing none. We're going to -- the proposal is to put crash Gates on every road. I find it interesting that we have a letter from Travis county basically giving their advice that goes against what our own staff has given us. Our own staff has told us there needs to be at least one. And now we have a letter from Travis county saying, you know -- making the case that why we should go against our own staff proposal. I'll also mention, it's interesting that this Travis county staff wrote this letter because their own code requires two access streets and each of the two access streets must connect to a different exterm street, which I think is in line -- suppose to be in line with our code as well. So this Travis county staff person wrote a letter of recommendation that goes against their own policy. You know, I vote for this on first reading because we were going back to staff and ask them which is the best road to connect to. I don't like that there's crash Gates on any of these. I understand the community concerns. I also want the community to know that I live in a cut-through street so this is not something -- for me, this is not something I want in my neighborhood but I think you should do. I live on a cut-through street, that traffic cuts through my neighborhood all the time. So I will not support a proposal that basically reverse what's we did on first reading. My understanding was on first reading we said we'll allow one street to cut-through and now it appears that this is saying we're not going to allow any of these streets to cut through. And I guess I'd ask for staff to come up and give their -- unless there are other questions, to give their recommendation -- or transportation on why they propose the one street that they did.

[4:39:26 PM]

>> Pool: If I may, before Mr. Rusthoven starts, we're not trying to keep the streets close forever. As I said in my opening remarks, what we're hoping to do is to phase in the access. This is a part of the city that's out at the farthest northeast reaches of district 7. It's at the county boundary. The streets don't align. They don't match up. There are bar ditches on the county side that are really unsafe. At some

point, the streets -- I fully expect the city of Austin will probably annex out that direction at some point and then we'll have the ability to go in and provide the infrastructure that would be needed for safe access for the students to walk to school, which is not too far from here. It's a pflugerville school. There is a stub road out to the east that staff will require on this tract, so there will be a connection to the two arterials. But right now, all I'm -- all I'm suggesting is that we recognize the facts on the ground and help this -- and I don't know if -- when or if this development will get built, but when it does or if it does, I want to make sure that -- that it's safe for the people who live there, the people who go through there, the children who are walking. There are no sidewalks. And until that happens, the traffic needs to be minimize. So, again, I'm not saying -- this is not a -- we're not gating it off at all. I'm trying to phase in the ability for the access to occur when the facts on the ground, the infrastructure on the ground, is in place and ready to create a safe environment for -- there's some elderly folks, too, I understand who use their walkers on one of these roads to get some exercise.

[4:41:32 PM]

I wouldn't like to think that, if we opened up the roads immediately, that there might be some injuries or accidents in that case. Or this folks who are accustomed to getting exercise in this area would have to go somewhere different and may not actually be able to get outside to do what they're doing. So, again, I want to make the point we're not saying this will never happen. It's just the infrastructure isn't in place yet for it to be 100% open at this time. Zimmerman, it looks like you've got a comment to make and then I'll come back to councilmember Garza so she can remind staff what her question is for y'all.

>> Zimmerman: Sure, just a quick comment. I want to read a couple sentences from the engineer at Travis county. And, again, we're not opposed to the connectivity. It's just that the engineering on that road right now, it's too narrow, the pavement is too thin, there are no sidewalks on it. We want the road improved so we can connect it. And he writes Travis county believes the existing county roadway cannot safely accommodate additional traffic and pedestrian volumes associated with the connectivity. The county roadways are only 18 feet in width, bar ditches on both sides and have no sidewalks. Until these roadways are improved and brought up to county or city standards, the gate should remain in place. So it is the intention to have these eventually improved as funding is allocated, in which case we could open the gate and have a through way.

>> Remove it.

>> Zimmerman: Remove the gate.

>> Tovo: Councilmember Garza, you have a question for our staff. Would you like to summarize that please.

>> Garza: , I wanted to ask staff why their remittance -- their remittance and I would just -- remittance, I would respond we've had this discussion about triggers, these triggers will make this gate open. I think, the number is we need \$800 million in sidewalks, and so it's, like, we're asking for -- when this road -- when we have these perfect roads, then we'll open this gate.

[4:43:38 PM]

And we all know the reality, that the funding is not there to improve every single road the way we need it to be improved. So I'm not saying that this is the intent, but if -- if I knew in a year from now that we were going to have the funding to improve that road, then maybe. But the reality is the funding is not there to put these roads in and we're creating situations where the current residents are probably -- the residents that move into these neighborhoods -- and I believe this is a case right in councilmember pool's district, people living there now are mad about that crash gate. So I hope we're not creating -- we're creating more situations where we have neighborhoods fighting against each other over crash

Gates. I think we should stick with our imagine Austin compact and connected. So if staff could answer why they recommended what they recommended.

>> Sure, councilmember. The short answer is due to existing city policy and imagine Austin and I'll defer to Gordon to speak to why they chose specifically the one street. I'd briefly point out that at the time of zoning, where we're at right now, it's not a matter of city council forcing access. The city code already requires subdivision code already requires these streets be connected. Rather what's being considered right is to preempt that at the time of zoning and say that, no, these streets cannot be connected so that at the time the subdivision where they normally would be they would not be because of the zoning ordinance. It's not a matter of we're saying you have to connect these. Rather, we're saying, no, you cannot connect those because by code they're required to be connected. Our understanding at first reading, as Mr. Guernsey mentioned, we were directed by council to go out and consider one of the four streets, if we had to choose one of the four, which would be the one we wanted to connect. We had a meeting with the property owner, Travis county, Travis county engineer whose letter is referenced and some of the neighborhoods and the city transportation staff and talked about it. We could not come to agreement because as you mention the proposal was to wait until those streets were built to city standards which would probably never happen.

[4:45:42 PM]

It may but would require a long time. It would require storm sewers, lights, curbs, et cetera, we kind of left that meeting without an agreement. But the staff with regard to which road, it would be Delahunt if we had to choose one out of the four and the other three we would like to maybe have a trigger in there if the decision was closer to three, if the roads were improved maybe those would be opened up in the future but to have at least one opened up at this time and I'll let Gordon speak to the reasons why.

>> Gordon Derr, assistant director, Austin department. We've looked at this particular situation, and we do feel it's important to have the potential connectivity. The existing infrastructure in the county is not sufficient to handle a large amount of traffic, so that's why the discussion that's occurring now about we set triggers that when the Gates -- when -- when we would have free flow of traffic, that's why the discussion has moved in that direction. Asphalt over coliche is not imposing to stand up to construction trucks. We also need to understand the subdivision to the north is half acre and acre lots. If that was? Central Austin those would be under development right now. So I would anticipate that in the not too distant future probably the character of the area to the north would change, be very piecemeal. I think we need to put in place a plan along with Travis county so we can get the infrastructure put in place so as those individual pearls get redeveloped -- parcels get redeveloped we bring it up from a rural standard to urban standard.

[4:47:42 PM]

Probably the most important to get the connection made to the elementary school. Travis county has built a sidewalk on the east-west pattern from a subdivision that's to the east -- west of the neighborhood to connect up the elementary school after the incidents that occurred in the past there. So we need to work with the county to find solutions so that we can make it it safe for people to walk, and so we can get a street in there that will support the traffic.

>> Pool: And those future plans are what I'm looking forward to as well. We just don't have the ability yet with pflugerville, the city of pflugerville and the county and the city to make these connections in effect at the level that they need to be at this time. So I think we are actually closer in alignment with what staff is trying to do. It's a matter of timing and -- and poise -- having the city be poised to make these further connections but they just cannot happen at this time.

>> Tovo: Did I see a hand? Councilmember mayor Adler, it looked like you had your hand up.
>> Mayor Adler: Yes. Basically you're saying when this development happens, the kids, the children there going to school, going to go to the school there in pflugerville.
>> That's our understanding they're zoned there, yes.
>> Mayor Adler: Yes. So, you know, I could see where they could block it off while construction is going on, but I don't think we should put it in resolution here saying, hey, you're going to have -- when the developers come in and is ready to build, then we can say, hey, that will be your last thing to do, to open that, connect that street with the other street. Because these people are going to have to drive their kids. The weather is not always perfect here in Austin, and I would hate to see these kids having to go all the way around just to have to go to school. You know? And that's what we're really going to be facing with, if we keep doing these kind of things.

[4:49:47 PM]

>> Right.
>> Mayor Adler: We're going to make it so inconvenient for people. So that's why I -- you know, I push for the continuity from -- because of the concerns of what's going to happen in the future. If we set it -- write it down here saying it's not going to be -- it's going to be a crash bar there, then this gate is not going to -- then, you know, we're committing ourself that, you know, we're going to have to come back to the city council here and say, hey, y'all need to open that gate. And do the street. So I can't support this.
>> As we said, we've talked to --
>> Mayor Adler: We already had it set with one road and compromised but now they're saying no roads.
>> As we talked with councilmember kitchen, we'd like to come, sit down with the mobility committee and eventually with the council to talk about the whole range of issues related to these topics so that we could have automatic triggers and could have, but there are -- we need to acknowledge there are some situations where we may need to do an intermediate, but we also may needing to invest outside the city or in some areas the city to really make those connections work, where we have some standard, and that would be to me part of the discussion with the private developer, the city and the county.
>> Pool: Mayor pro tem.
>> Tovo: Just a second. I'm going to ask Mr. Derr a question. I just want to be very clear. So your recommendation, would you recommend the change that we have before us on the motion sheet or is staff's recommendation to leave at least one street open as we passed on first reading?
>> I believe, based on current policy, the previous staff recommendation is consistent with the policy as it's been in the past. And I think that's where we stand at the moment. But we're willing to look at options moving forward into the future.

[4:51:49 PM]

>> Tovo: That would end in terms of what you've just said -- would that be more closely aligned with what we passed on first reading than what is before us as a motion right now?
>> Let me confer. I believe it is.
>> Tovo: Okay. Thank you.
>> Casar: Mayor pro tem?
>> Tovo: Councilmember Casar.
>> Casar: Remind me, I think I asked this question but just to be really clear, so in the staff zone needing transportation to balance pedestrian mobility, bikability, safety and traffic connectivity, your recommendation was how many streets being opened?

>> The recommendation that we made was based on the -- the -- council's previous action, which was Delahunt would be, we think, the one that would be best connected if one is connect right now.

>> Casar: Sure. But my question is regardless of custom's actions, in your own professional weighing of the issues, the not -- the ideal number of streets that we would connect immediately, would it be one, two, three, or four?

>> If this was an ideal world with resources --

>> Casar: I mean, in our world.

>> But for.

>> Casar: Sure, I understand.

>> If the streets were sufficient.

>> Casar: I mean in the world that we are in and if you were to be making this decision administratively rather than the council doing it, would the number of streets you would recommend being open, come from your transportation department, which balances all different kinds of mobility, would we pass one, two, three, or four immediately open streets?

>> I would say one immediately and that we work with the county and everybody to get one of those streets up to a sufficient standard with the sidewalk so that we could have emergency access both in and out of this neighborhood in addition to general connectivity.

[4:53:50 PM]

But, again, over the long-term, the more connectivity we have, the traffic spreads out over a number of streets instead of being on one street so that's part of the long-term consideration.

>> Casar: So one immediately, a second one medium term and all four of them long-term?

>> Tovo: Mr. Rusthoven, did you want to add to that answer?

>> I'd like to reiterate that the existing city code requires when they to a subdivision that all four streets be extended. Because we're doing a zoning case there is the possibility of preempting that requirement and saying this discreet should be closed and not connected. The original staff recommendation did not recommend closing any of the four streets, rather to comply with their current code and current code would require them to be ended. At first reading we were told to kind of if you have to pick one which would you pick so that's what we've done since then but I'd point out original staff recommendation did not recommend closing any of the streets.

>> Casar: I'm trying to get clarity on this because that's -- I've heard you both say different things. Is it a different staff recommendation from planning as from transportation or is there -- or are we getting a unified non-siloed recommendation? It sounds like the first was all for being open and now Mr. Derr has laid out sort of one and a second and eventually the four. I'm just trying to get a feel on what staff's professional opinion which has to balance both connectivity and safety is.

>> So, council, Greg Guernsey, planning and zoning. Normally this would come up at the time of subdivision, look at all the connections. I think what engineer -- Mr. Derr is basically saying, that we would try to work with the county to make sure that we would improve them in a manner that they would be the safest possible for the motoring public, bicycling public, cycle cycling public but our roads does state that -- these type of connections exist all over Austin.

[4:56:00 PM]

In my neighborhood, to get through to 290 from my house in oak hill, I have to go through a 17-foot street and a lot of people go through just to get to the Starbucks which is right on 290 but it's a safetyway to get through my neighborhood. If you were able to disperse the traffic through those four connections, then one street would not have to suffer all of the traffic. In addition, if you come out of

the subdivision and you get on Parmer lane you have to make a left onto palmer, I think it's on heather wild, another left to get to that elementary school. A mother or father trying to get their child to go to school could also make a right and cut back through that same neighborhood where the child was injured to try to get to that school without even having to get on to heather wild or deal with that intersection at heather wild and Parmer lane. Our subdivisions regulations say they all connect. Normally this would be done at the time of subdivision rather than trying to engineer at the time of zoning but we would try to certainly work with the county to provide the safest connection that we possibly could at that time.

>> Casar: I understand the complexity and the arguments for and against there. I'm still just hoping to -- and if there isn't one, that's okay but just a is there a unified staff recommendation on how many of these streets should be open immediately versus medium term and long-term?

>> I'm hesitant to answer because normally he would look at this at the time of subdivision and you'd be looking at all those connections because we don't know exactly what the layout is going to be but it would be in the long run certainly four and we could work with the county in making one safe to try to appease the county now.

>> Casar: We are here right where dinner looking for your expertise on this so if you can't provide it that's all right. It would be helpful.

>> If you'd like to table this I can talk with our engineer. We can talk with development services staff and try to get you I guess a more -- clarity in that answer.

>> Pool: And I think --

[4:58:00 PM]

>> Tovo: Just one second, councilmember pool, we have several people who have been waiting a while, councilmember Gallo among them. I think you were next.

>> Gallo: I think what I'm understanding is the original staff recommendation at the gypping was in order to comply with code was all four streets would have vehicle traffic and vehicle traffic would not be prohibited on those four streets, connections.

>> That's correct. Actually staff was silent because the code already requires it.

>> Gallo: The code already requires it. So if we do anything other, we are circumventing the code that currently exists?

>> Council has that prerogative.

>> Gallo: I want to make clear because I think there was some confusion about the original. So there's been other conversations as this has progressed through the different boards and commissions and come back to us. When this property would come back, if we were to pass something without prohibiting vehicle access, which would be in compliance with current code, when this property comes back for site approval, would that be an additional time that staff could evaluate the road conditions and the road access? Depending on the subdivision and site plan that was being proposed?

>> Gallo: Yes, we would look at it at that time.

>> Gallo: So staff would have additional times to be able to address that issue.

>> Right. However, it it would not come back to custom.

>> Gallo: But staff still could address that issue at that point.

>> Yes.

>> Gallo: Thank you.

>> Tovo: Councilmember kitchen.

>> Kitchen: Well, I was going to suggest that perhaps we might want to take up Mr. Guernsey on his offer to table this while he gets more information but I'm not certain if that's something that the rest of the council is interested in. So I would defer to our councilmember who is bringing this forward on

whether that would be helpful or not.

>> Tovo: Councilmember pool.

>> Pool: Thank you, councilmember kitchen. I do want to say that we're not prohibiting access on these four roads forever.

[5:00:06 PM]

It's a matter of phasing it in over time. And in order for the infrastructure to get in place, it's a phased-in implementation, which I think is what Mr. Derr said and also Mr. Rusthoven. So we have the neighbors sitting out in the audience here listening in, and I know that they're concerned that their ability to walk these streets with safety is at risk, and we know that the city is developing out in that direction. So what I would like to assure these residents is that we won't create traffic hazards in their neighborhood until the -- at all, ever, and that the connections to the roads that are existing, spring hill, delahunty and the forth one that I'm escaping just right now -- thank you -- will at some point be open, which I think addresses the concerns of some of my colleagues here on the dais. And it tracks with the city traffic engineer's concerns about safety. I have some statements from Mr. Spillar about recognizing positive effects of increased connectivity but whenever there are concerns about controlling vehicle speeds and with vehicle volumes we need to make sure that we have sufficient safety conditions in place and that the roads can bear the traffic and that we have sidewalks. And we don't have those right now. I would like to have the ability to work with pflugerville -- the city of pflugerville, the ISD and also Travis county further before this is -- even if it is finally approved.

[5:02:14 PM]

Again, there isn't anyone lined do this development so we're really talking prospectively. I had asked that that map be put up on the overhead just to demonstrate where the -- if you wouldn't mind, to demonstrate where the stubout is. You can see at the top there, stub out including sidewalks is anticipated. That is pflugerville on the road. Future sidewalks are anticipated by pflugerville. And then the county back here, those roads where you can see the substandard roads, they're much narrower. You do see the roads are there. It's a matter of are we going to let cars pass. The students can still go past there. They can ride their bikes back there. And they do have easy access to the school, especially when the additional stub-outs are done, whenever that may be. There's also major ingress and egress, as you can see on the bottom there. There are two entrances to this development and then pedestrian midblock path, the estimated location, and that goes over a marshy field. There's water table issues in that part of what's pasture land right now. So that's what we've got. We're just trying to phase in the changes for this essentially rural -- this is a piece of pasture land that's becoming a development. I'd like to do it carefully and intentionally so that we don't -- so no one gets hurt in the process and that we don't close off the access and the connectivity for the future. So that's what we've got on this one.

>> Tovo: Thank you. Councilmember Houston.

>> Houston: Thank you, mayor pro tem. I guess for councilmember pool, why don't we wait until we get site plans.

[5:04:17 PM]

Why are we doing this now?

>> Pool: I had considered doing an indefinite postponement and if that's the desire on council to do that, we can absolutely do an indefinite postponement and keep working on it and bring it back. I think that would give us about six months. If that's -- if that's the sense of the dais, I'd be happy to move that

direction.

>> Tovo: Councilmember Garza.

>> Garza: I thought the response was it wouldn't come back to us. If we indefinitely postpone this, it wouldn't come back to custom, is that right?

>> If you indefinitely postponed this the zoning change would not happen. The staff would be concerned about indefinite postponement what that means there's no date it's set to and the staff has to renotify to people know when to come down. Usually almost always it's because an applicant has requested indefinite postponement so when he's ready to come back we renotify and come back. The issue we have with a council initiated indefinite postponement the question would be when do we come back? We would not know when to bring it back. Certainly the applicant couldn't say bring it because because he's not the one that asked for the postponement and it was uncertain from who or when would the city council want to see it back. So I think that that would be a -- I have never to be honest with you seen an indefinite postponement request from the council, not from the applicant. So what would normally happen in this, if the city council chose not to deny access to any of the streets, a subdivision would be submit, go to the planning commission or zoning and planning commission and if the applicant at that time wanted to not connect any one of those four streets he may ask for a variance to not have those streets connected and that would be up to the planning commission and the decision would stop there.

>> Tovo: Councilmember kitchen, it looked like you had a question. Then councilmember Zimmerman and we're nearing our scheduled break time, and I was hoping we might get to one other item so --

[5:06:30 PM]

>> Zimmerman: Point of inquiry.

>> Tovo: I recognized councilmember kitchen.

>> Kitchen: I'll be quick. I wanted to follow up. I didn't hear an answer to councilmember Houston's question and her question was the -- why can we not wait until the site plan process, if I'm understanding correctly?

>> This would actually be a subdivisionish and subdivisions go to the planning commission and are not required to go to the city council.

>> Tovo: Councilmember Zimmerman.

>> Zimmerman: Thank you. My inquiry is the applicant or property owner present that could speak to the question? Oh, they are here. Good. I just threw that out.

>> Michael --

>> Tovo: There's no problem with calling somebody up for an inquiry?

>> Michael on behalf of the applicant. We met with the neighborhood. We're with the neighborhood on their desire, and in regard to postponement specifically, we spoke with them. They would like this heard tonight I believe on second reading. That was the discussion we had earlier with two of the councilmember aides. So they would like it heard on second reading tonight and take that and continue to work on the restrictive covenant that would be necessary with the tia, the tia memo and have it ready for third reading. They'd like some direction. We've been waiting. And the owner would like direction as well.

>> Tovo: Thank you. Okay. We have a motion and a second and if there's no further discussion, I think we should go ahead and vote.

>> Kitchen: Excuse me.

>> Tovo: Yes, councilmember kitchen.

>> Kitchen: This is for second reading, right?

>> Tovo: Correct. The motion was on second reading with the language in front of us. Did you have another comment?

>> Zimmerman: As amended, right? The second reading as amended.

>> Tovo: Yes.

>> Zimmerman: Okay.

>> Gallo: Could you state what as amended means for clarification? This conversation has kind of changed.

>> Tovo: Sure. I believe councilmember pool, with a second from councilmember Zimmerman, is moving passage on second reading with the ordinance language changed as has been distributed on the dais.

[5:08:32 PM]

Councilmember Gallo on the yellow street. Is that correct?

>> Pool: Yeah. Is simply adds spring hill lane.

>> Tovo: Okay. All in favor? All opposed? So that motion fails. Is there another motion? Can we make another motion? Yes. Is there another motion on the dais?

>> [Off mic]

>> Mayor Adler: Councilmember mayor Adler, when you say move staff recommendation, do you mean what we passed on first reading or --

>> Mayor Adler: Yes.

>> Tovo: Something different? Okay. So councilmember mayor Adler moves passage of the item as it appears in our backup as it was approved on first reading.

>> Zimmerman: Mayor pro tem, can I ask for a point of order on what the vote was last time to know who was for, against? Could we do that.

>> Tovo: The one we just took?

>> Zimmerman: For the record.

>> Tovo: Sure. So just for the record, let see, those hands again, I believe those in favor were councilmember Zimmerman, pool, and kitchen. Those opposed were the remainder of the dais.

>> Zimmerman: Thank you.

>> Tovo: Thanks for that clarification.

>> Mayor pro tem, if I may clarify, I believe councilmember mayor Adler's motion would be to approve on first reading, however, there would be a slight modification because the first reading staff was asked which of the four streets we would prefer to keep open so it would be to approve the first reading motion with delahunty one of the four streets and the other three streets would have the trigger.

>> Mayor Adler: And if we approve --

>> Councilmember pool's motion was to have all four closed right now until such time as the other streets were improved the staff modification, would be to choose delahunty as the one street opened right now and have the other three streets wait until improvements are made.

[5:10:42 PM]

>> Tovo: Councilmember mayor Adler is --

>> Mayor Adler: I'm going to take that back. I wanted to recommend what is written on the staff recommendation from.

>> Prior to first reading the staff recommendation was simply not address the issue at all, meaning all four streets would be --

>> Tovo: Councilmember moves to pass on second reading the ordinance with the modification that it goes back to the original staff recommendation rather than what we passed on first reading. Is there a second to that motion? Councilmember Garza seconds that motion. Councilmember kitchen?

>> Kitchen: I'd like to speak -- to amend that motion.

>> Tovo: Okay.
>> Kitchen: Can I do that.
>> Speaker2: Sure.
>> Kitchen: I would like to amend that motion that we move forward on second reading with the same thing we voted on on first reading, which I think the staff has mentioned to us that that's acceptable to them. It is something we voted on on first reading, and I think that we should move forward with it on second reading.
>> Tovo: Is there a second for that. Councilmember Zimmerman seconds that. I'm going to look to staff for a nod. I assume you understand exactly what that direction would be.
>> We do understanding. First reading we were taking direction from council council at first reading.
>> Tovo: We don't need to further clarify -- I'm sorry, go ahead.
>> Kitchen: I understand our transportation staff is acceptable, that that is acceptable to our transportation staff, and that's why I want -- I'm putting that forward.
>> Tovo: Thank you. Is there further discussion about councilmember kitchen's amendment? Is it an amendment or is it a substitute motion?
>> Kitchen: I don't know which is -- if we just --
>> Tovo: If there's any . We'll treat it as an amendment. Councilmember troxclair.
>> Troxclair: Okay, I just want to clarify that councilmember Renteria's motion was all four roads open in in this substitute motion is one road?

[5:12:48 PM]

>> Kitchen: My substitute --
>> Tovo: I think we're treating to -- which would you prefer, councilmember kitchen.
>> Kitchen: I don't know if it has any practical effect.
>> Tovo: It doesn't.
>> Kitchen: Then I don't care.
>> Tovo: Okay.
>> Kitchen: So -- but to clarify, what I'm moving is what I'm considering to be the staff-supported approach, which is what we passed on first reading.
>> Troxclair: Thanks.
>> Tovo: Councilmember Gallo.
>> Gallo: It looked like staff was coming up to you address that question. Did you -- were you imposing to say something about that -- going to say something about that? I think there was an original staff recommendation and a second based on council discussion.
>> My intent was to say as little as possible.
[Laughter]
>> Kitchen: Sorry.
>> But I think we -- again, I think we need to work with the county to find a solution for the substandard streets and providing sidewalks and it's easier to do that with one as opposed to try to do it with four. So I'm -- I'm reticent because as has been said before, city code says all of them need to connect. That's the direction we have right now from the council, and I hear staff saying no, we don't need to do that and I don't really like to do that but I think in this case there's some practical reasons why we need to find a middle ground.
>> Houston: Mayor pro tem.
>> Tovo: After consulting with our attorney we're going to treat your amendment as a substitute motion if that's fine because if it pass it's seems silly to go back to the original motion. So that fine with you? I think you seconded it. Is that type with you? Okay. Councilmember Houston.

>> Houston: Mayor pro tem, I'd like to ask another question. So if we vote for this proposed substitute, we would be waiving part of the code that's already in place?

[5:14:50 PM]

Is that correct? The code says all four.

>> As long as all four of the street segments are connected, Jerry could probably speak to that better, as far as what modal connections are made, I think that's probably a point to discuss. But Jerry could probably speak better.

>> Councilmember, yes, the code requires if you have a stub street that runs in your property, as the case here, our obligated to extend that unless you have a variance. However, if the city council passes a zoning ordinance that says no access to that we do not force that person to get a variance because the council, you know, made that decision. So the answer to your question is yes, the code requires all four streets to be extended into this property, and if the council today said don't extend one or more of those streets, yes, that would not be complying with the code but it would be okay because the system allows that.

>> Houston: Thank you.

>> Tovo: Councilmember Kitchen.

>> Kitchen: Could I ask another question about that?

>> Sure.

>> Kitchen: So this circumstance is a little different. I'm not sure if it's that black and white with regard to the code because we are talking about phasing that in.

>> Right.

>> Kitchen: We aren't talking about -- so can you tell me the code section you're talking about?

>> I'd have to look it up. I don't know the number off the top of my head, the same section --

>> Kitchen: I know. I've seen that section before. That's why I'm not sure if it -- I'm not -- I would have a question just that there might be some -- there might be some gray area in terms of the interpretation as to this fact situation. I'm not saying that you're wrong about that section. I'm just saying that as we all know, when we apply sections of the law to the facts, sometimes it's not that black and white. So that's what I'm curious about.

>> I'm saying that basically the way I understand it, it ob imitate the extension of the street of stub street into the property and if the council without -- unless there was a variance, if the council chose to not do that connection or chose to defer that connection, we would not require that variance because the council spoke prior to the -- but I do not have that language in front of me.

[5:17:02 PM]

>> Kitchen: Is legal here to have us -- to give us that language?

>> I don't have it.

>> Kitchen: Or give us a citation?

>> Tovo: Yes, sir.

>> Council, Andy, development services. Sop as part of this whole discussion, council was not acting to not extend the streets, as I understand it. I want to clarify the motion. That you would be actually asking, go ahead, build the connection, we're going to limit the type of connectivity to emergency, pedestrians and bikes.

>> Kitchen: For a certain time period.

>> Yes.

>> Kitchen: Not for.

>> Not forever. But the code actually says extend the street and I think that's -- we're still saying that.

>> Kitchen: Okay.

>> What council is debating do we limit the type of connection you're allowed to have until a certain point in time. Just to be clear about that.

>> Kitchen: Okay.

>> You're clarifying the code. I don't know that you're necessarily completely waiving it when you're doing that. The code says connect the street if you have a substreet connected into your property and by your action you're still saying yes, do that applicant. What you're saying is council chooses to not have that be a full vehicular connection until such time as you improve it.

>> Kitchen: Yeah.

>> It's a real distinct balancing act, I guess. I don't know if that answers the question.

>> Kitchen: The reason I'm asking the question is because I'm not interested in violating our code, but that's not what we're doing. So I just want to make it real clear for our -- for the councilmembers, of course we have the discretion and everybody has the discretion to vote as they think is appropriate, but I don't want people to take a vote thinking that they're violating the code because that's not what we're talking about, I'm understanding correctly, if I understood you correctly, that in this particular instance, we're applying that language to a particular set of facts, which is not prohibited by that code section.

>> Yes, I believe that's correct. These are discussions as Jerry has mentioned that normally would take place at the planning commission, just this has been brought to council as part of the zoning consideration, where, you know, in past that has been a limitation.

[5:19:04 PM]

We've seen a lot of this where the council's discretion they say as part of the zoning don't connect that. As Jerry mentioned we follow staff -- we follow that subdivision so normally this type of discussion would happen with a subdivision, they would follow their plat application with our staff and we would say you have four stub streets, you need to connect them per code and if they ask for a variance that's considered by planning commission's app.

>> Kitchen: But we're not asking for a variance.

>> No.

>> Kitchen: This is connecting.

>> Yes, ma'am, correct. You're saying please build the connection, just limit that until a certain point in time.

>> Tovo: Okay. We ready to vote? Okay. So we are voting -- we are voting on the substitute motion proposed by councilmember Kitchen and seconded by, I think, councilmember Zimmerman. It was a long time ago.

[Laughter] All in favor?

>> Troxclair: I'm sorry.

>> Tovo: Oh.

>> Troxclair: So we are voting one road with a gate?

>> Pool: No.

>> Three roads.

>> Troxclair: Three roads with a gate?

>> Kitchen: What this is --

>> Tovo: Let me make the maker of the motion clarify so we're clear on what the motion is.

>> Kitchen: So I would like councilmember Pool to speak to is that.

>> Pool: First off we're not talking about Gates. We're talking about the roads being narrowed down so that the passages for bikes and people on foot, and I would prefer that to be ballards and chicanes and I

think that conversation is one that hasn't happened yet but I'm asking please eliminate the word gate from the conversation because that's not what we're doing. We're not gating anything off. We're simply prohibit cars at this time in councilmember kitchen's motion on three of the four streets that will be connectioned and one of them will go through so that cars with pass. That is what the -- what we passed on first reading. So we're not closing anything off. We're simply saying cars can't drive on these three streets but otherwise they are passable by bikes and by people on foot.

[5:21:12 PM]

>> Tovo: Councilmember troxclair.

>> Troxclair: And the remaining street will have vehicular access with no gate, including all vehicles --

>> Pool: And there are no Gates.

>> Tovo: Thank you. Councilmember Zimmerman.

>> Zimmerman: Point of information here. In your backup material under item 44, part two, section a, I'll read it quickly, this is what I thought we were going to vote on, it says vehicular access from tract one to Hor burn lane, delahunty plane is prohibited except for emergency ingress and egress. That's the original language we got, is what I thought I was seconding.

>> Tovo: Right.

>> Councilmember, for clarification, after considering that, after first reading, what we were asked to do we would take delahunty out of that list and he replace it with spring hill.

>> Zimmerman: So that's the information we had. Did that come in yesterday or was that late backup?

>> No. We presented that information to you today.

>> Zimmerman: Okay.

>> Tovo: Councilmember kitchen, is that -- are you -- your street is consistent with the staff's street.

>> Kitchen: Yes.

>> Tovo: You're fine with that too, councilmember Zimmerman.

>> Zimmerman: Yeah.

>> Tovo: Okay. So we're voting again on the substitute motion. All in favor signal by raising your hand. Ayes are councilmember Zimmerman, troxclair, pool, tovo and kitchen. Those opposed? Councilmember Houston, Garza, Renteria, Gallo and Casar. And so the motion fails. So we go back to the original motion. And that is the one as proposed by councilmember Renteria. Anyone want to discuss?

>> Casar: Mayor pro tem? I think supporting this on second reading makes sense bas we still have some time but I would really like to hear on third reading, if if possible, what -- I understand this is different, it's not at the place in the process staff usually makes these sorts of decisions or calls but I would like to know from a balancing of safety concerns based on conditions of the road and people's professional experience working on that and connectivity, what the number of open streets out of the four staff recommends, if that's possible.

[5:23:32 PM]

>> Tovo: Okay. With that further discussion, let's vote on the main motion. Councilmember Gallo.

>> Gallo: Sorry. I just want to explain why I'm supporting all of the streets being open instead of limiting. I think if you -- if we had passed the previous motion, that would have meant all of this traffic in this neighborhood would have funneled into just one road, one street in the existing neighborhood. And so when we talk about capacity it seems like spreading that out to all of the streets is a safer way to do it. And I do look forward to the staff coming back with some additional recommendations too. So thank you.

>> Tovo: Thank you, councilmember Gallo. Councilmember Houston.

>> Houston: And I want time for staff to talk with the Travis county folks and see where they are because I don't think we've had that time yet so I'm going to be voting -- oh, Jesus.

>> Tovo: On the main motion.

>> Houston: On the main -- yeah, yeah. It will come up when it happens.

[Laughter]

>> Tovo: We're all going to be voting on the main motion here in a minute, I hope. Any other further comments? Any other comments on the -- on the main motion?

>> Renteria: I call the question.

>> Tovo: All in favor? Signal by saying aye. Casar, Gallo, Renteria, Garza, tovo, troxclair, Zimmerman, and Houston. All opposed? Councilmembers pool and kitchen. So that passes on second reading only on a vote of 8-two with the two in opposition councilmembers pool and kitchen. Colleagues, I would suggest if we can do it relatively quickly, I would suggest before we break for our dinner that we take up item 78. It's a 4:00 time.

[5:25:40 PM]

It's an item for which we have no speakers. If we have a short staff preparation it may be something we can handle before the break. I would suggest that on item 81 while it sounded from our discussion earlier this morning-- sure, I'll start again. So we had two items left on our 4:00 time certain. One is the public hearing related to short-term rentals, the other is the public hearing related to downtown public improvement district, item 78. We have no one signed up for item 78. I think we'll have a brief presentation from staff and so we could -- my hope is that we could dispense with that before our dinner break. We did tell the public we were going to try to come back as close to 6:00 as possible. I would say we probably with looking at more like 6:15 at this point. Item 81 is going to require a little bit of discussion because while seen from our earlier discussion as if we're in agreement about postponing 81 there were differing opinions about when to postpone that to. I would say we take that up right after we get back from the break before we go to item 68. Is everybody okay with that plan? Councilmember troxclair.

>> Troxclair: I understand that we might have a discussion about which day we postpone item 81 to but if it means our attorney can go home and doesn't have to sit here for another couple hours I think it would be good to go ahead and have in a discussion now.

>> Kitchen: I think there's multiple staff members here still for 81.

>> Tovo: We can try to do that for the dinner break. Understand it will push item 68 later and we have an interpreter showing up at 6:00 and is only available for three hours. So those are the time constraints we're under but I'm happy to do what the will of the council is. If we think we can get through both, have a brief different break and get back in a relatively timing fashion we can certainly try to do that. Why don't we think about 81 for a minute and move on to 78 in the meantime.

[5:27:44 PM]

Mr. Knox.

>> Economic development department, item 78 is a public hearing on the assessment roll. On November 19 council approved the 2016-17 budget for the district and also approved the assessment rate and proposed assessment roll. The hearing this evening allows property owners to challenge the proposed assessments for individual properties. Following public hearing council will consider the approval of an ordinance adopting the assessment roll and levying of assessments. If there are any questions I'd be happy to answer them. Otherwise we're ready for the public hearing.

>> Tovo: Thank you, Mr. Knox. Are there any questions for our staff about this item? Does anyone wish

to propose a motion to close the public hearing and take an action of some sort? Councilmember Garza?

>> Garza: Motion to close the public hearing and I'm not sure what action we're --

>> Tovo: Approve the ordinance regarding the Austin downtown public improvement district as posted in our agenda.

>> Garza: What she said.

>> Tovo: Is there a second? Councilmember Houston seconds that. Is there any other discussion? All in favor.

>> Zimmerman: Hang on a second. I don't know what I'm voting on it say it again, what I'm voting on.

>> Tovo: Item 78 and this is the item related to the downtown -- the Austin downtown public improvement district. I'm checking your sheet. I don't have a vote registered for you on your draft sheet. I'm not sure if you submitted a different one.

>> Zimmerman: Okay. I'm going to be abstaining from that time vote. I know where I am now I'm going to be abstaining.

>> Troxclair: I'm sorry, my computer is frozen so I can't pull it up. Is this the same tax rate as it was previously?

>> Yes.

[5:29:44 PM]

>> Troxclair: Okay. Thank you.

>> Tovo: Any other questions? Okay. All those in favor? Councilmembers Houston, troxclair, tovo, Renteria, Gallo, Casar, and kitchen. Any opposed? Any abstentions in councilmember Zimmerman and councilmember pool is off the dais. So that brings us to item 81. It sounds like there's some interest in potentially having a discussion now about postponing. Or what our disposition of this is. So why don't we --

>> Gallo: Would you like a motion?

>> Tovo: Sure.

>> Gallo: I've got too much stuff my lap here. I would like to honor the mayor's request to be present at the -- both the public hearing and the discussion of this -- this item, and he will be at our next meeting on the 17th, so I would -- I would make a motion to postpone this to the 17th, but I also want to just put a caveat in there, I think I would also like us to discuss at our work session on the 15th and get from legal the -- whether there will be any problems with legal's ability to hear and work on this for the 17th, or whether it would need to be postponed into January. So my motion would be to postpone it to next Thursday, but with the understanding that on our work session on Tuesday we would circle back around with legal and just make sure that is not an issue for legal to have us hear it on the 17th.

>> Tovo: Is there a second on that motion for us to postpone until next week? Councilmember Zimmerman seconds that motion. Is there further discussion? Councilmember troxclair and then councilmember Houston.

>> Troxclair: I mean if there is any interest from the rest of the council, I would be open to postponing it till the end of January just because we have so much already on the agenda for the 17th, and I would hate to put it back on the agenda and then postpone it then.

[5:31:49 PM]

So I'll do a substitute motion and see if it passes. But I think January 28th would be more probably realistic.

>> Tovo: Councilmember troxclair makes a substitute motion to postpone until January 28th. Is there a second for that? Councilmember Garza seconds that motion. Is there any discussion?

>> Houston: It's the same thing I said before, is that this has been going on for a long time, and people are wanting some relief. And I know we all love our mayor, but he's one part of an 11-member council, so although I appreciate you all wanting to delay this until he gets here, there are enough of us on the dais to be able to go ahead and take action on this. I'm willing to delay it till the 17th and then at that point, if staff needs additional time, we can consider delaying it till January.

>> Tovo: Further thoughts? I'll just concur with councilmember Houston. I'm supportive of delaying for one week, with the additional just piece of information that I'm going to continue the discussion with staff about if -- about how we could take up a piece of it if necessary next week, but I'm not supportive of delaying the whole discussion and action until January 28th. Some of these issues have been pending really for months and months, approaching almost a year, and we know -- we know some of the action that needs to be taken right away, and I'm anxious to get there, so -- okay. Any other thoughts?

Comments? All in favor of the substitute motion to postpone until January 28th, please signal by saying - by raising your hand. Councilmembers Zimmerman, troxclair, Garza, Gallo, and Casar. And so that -- all those opposed? Councilmembers Houston, tovo, Renteria, and kitchen.

[5:33:52 PM]

So that motion passes. It's postponed until January 28th. Okay. We are going to now take a break -- I'm sorry, we did have citizens -- yikes. We did have citizens who were here to speak on that item. So, council, I'm going to invite those citizens to come up if they wanted to speak to the postponement, specifically, and then we would have an option of reconsidering, if necessary. I don't see some of these folks in the chambers. Susan Moffett is signed up for wishing to speak, but I don't see Ms. Moffett. Stewart Hirsch, I think we called him earlier. Mr. Cribbs, Greg Cribbs is against wishing to speak. Judy Walsh, charene fisher. David king.

>> Thank you, mayor pro tem, councilmembers. Would it do any good for me to ask for you to vote to just postpone it to next Thursday's meeting? If it won't, I'm going to shut up and let you get on with your business. Thank you.

>> Tovo: Thank you, Mr. King. We have one last speaker who had signed up on this item, and that is Jose -- Jose Carrillo.

>> I'll speak on the 28th.

>> Tovo: Okay. Very good. Thank you. Okay. Apologize to the speakers for not taking you up before we took action on that. Okay. Council, you would have to have been on the winning side of that vote to want to reconsider. Based on the public comments, if there's no interest in doing that, we will go into recess.

>> Gallo: Mayor pro tem?

>> Tovo: Yes, councilmember Gallo.

>> Gallo: I just want to say you've done a great job of managing this meeting today. Thank you for that to have seen well, thanks.

>> Gallo: I'm wondering if you could summarize what we have left to discuss after dinner.

[5:35:53 PM]

>> Tovo: Sure. I'd be happy to. Because I believe we have completed all of the business that we can take up until this point. Our next and last item is item 68, and that is set for time certain of 6 o'clock. So we'll take -- what do you think? Can we be back here at about 6:10? Would that work? As close to 6:10 as possible? For members of the public who are coming or expecting that to be a time certain of 6 o'clock, so we'll get as close to that as we can and still have an opportunity to take a brief break. So we stand in recess until about 6:10.

[Council in recess.]

[6:19:33 PM]

>> Tovo: Okay. Welcome back. It is 6:19. I'm going to call the meeting back to order. Clear, we had a bit of a glitch in the vote we took immediately before going into recess. We took up item 81, and there was a proposal from councilmember Gallo to postpone that item until next week to 12/17. There was a second to that, then there was a substitute motion made by councilmember troxclair, and seconded, and that motion got the most votes but did not get 6, which is what it needed to pass. We counted too quickly and it did not pass. Now that we have 10 members on the dais again we're going to need to take a revote on the substitute motion. Councilmember troxclair, would you like to just recap what your substitute motion was?

>> Troxclair: My substitute motion was to postpone item 81 to January 28th because I think we're going to have a long council meeting next week and because our attorney who has been working on this issue has some other conflicts.

>> And we did have a second. Somebody will have to remind me who that second was. We had discussion. Is there any further discussion about the motion to postpone until January 28th? Okay. All those in favor? For January 28th. Those members in favor are councilmembers Zimmerman, troxclair, Garza, Gallo. Councilmember Renteria, this is a motion to postpone the str item until January 28th. So, councilmembers Gallo, Garza, troxclair, and Zimmerman vote in favor. And Casar. Those opposed, councilmembers Houston, pool, tovo, Renteria, and kitchen.

[6:21:34 PM]

So that is five-five, and that motion fails. So now we're back to the main motion, which is councilmember Gallo's motion. And, again, this would require six votes to pass. Councilmember Gallo's motion is to postpone the str item until next week.

>> The 17th.

>> Tovo: The 17th. Any questions? All right. All those in favor. Those in favor? It is -- councilmember Renteria, are you voting in it is unanimous on the dais. That item is postponed until next Thursday, December 17th. We'll take it up then. So, colleagues, we have one more item on the agenda. I understand the members of the community who have been involved in this are outside trying to reach an agreement, and they're quite close to that. I'm not sure whether -- we might need to take a pause in our deliberations to allow them to conclude but why don't we start with our staff presentation from Mr. Guernsey.

>> Thank you, mayor pro tem and council, Greg Guernsey, planning and zoning. Item 68, case c14-2015-0127. This is for property located the northwest quadrant of Ross road and Pearce lane. It is change to mobile home residence or mh district zoning. The planning commission recommendation was to grant the mh district zoning. They approved the zoning as recommended by staff. Part of this would also to have 57 feet of right-of-way should be dedicated from the existing center lane of Ross lane. The property is approximately 181 acres in size, and the proposal is to construct mobile homes on this undeveloped tract, so the north and east portions of the property are currently zoned single-family small lot, sf-4a, multifamily, and mf-3 category.

[6:23:37 PM]

There was a notation directed to staff to provide a memo regarding the existing state of Pearce lane, which I believe you have backup information. In addition, plan improvements and their time frame, and

there are none, but that information is your backup. Also direct to the applicant to submit a template for manufactured home park regime that will specify the rights of residents and landowners, organics, and operations. I too, if I'm understanding, there is an agreement that we be able to go forward and offer this possibly as a consent item for first reading with some additional conditions, but I don't know what those are because I think the parties are about to bring those to you, or they may be ready now. So I'll pause and let the agent for Lexington 281 come up and she can make her presentation and perhaps reveal what those may be.

>> Tovo: Thank you, Mr. Guernsey. So I don't yet see Ms. Meade here in the chambers, so we'll wait a minute or two.

>> She is just about to enter the chambers.

>> Tovo: Welcome, Ms. Meade.

>> Apologies.

>> Tovo: We just got started, and you have five minutes.

>> Okay.

[6:25:39 PM]

I'm with Husch Blackwell on behalf of the applicant. We've got some powerpoint issues going on so I'm going to ignore that. Really, I think most of you know the basics of this case. We are requesting rezoning from mf-3 and sf-4a to manufactured housing. The properties in district 2, at the intersection of Pearce lane and Ross road. We originally were requesting rezoning of 169 acres, roughly -- I'm sorry, 180 acres roughly. We've actually scaled that request back in some negotiations with the immediately adjacent neighbors, to 169 acres. We will -- we have committed to a maximum of a hundred -- of 855 home sites, and three to four development phases. And what we're doing -- and I wish I had the powerpoint to show you, but that's okay. What we're doing is adding to an existing manufactured housing development, to expand it. Of I don't have a pointer, but it's coming. Okay. I'm still going to ignore it. There we go. So what I want to do is not take too much of your time, but to go through some of the highlights. This case has taken a lot of work on the part of a lot of people, but did you understand, and I'm not sure everybody went into it confident, thought there would be able to be an agreement reached, but at the end of the day, I think we have a much better project. The highlights of the zoning case itself -- then I'll get into another issue that we're dealing with, but we, in negotiation with -- and I'm just going to highlight things we've added to our application since we filed it. In negotiation with the folks who are in the neighborhood immediately adjacent to us, we, as I spoke about, have agreed to keep sf-4a all around them so they have a buffer. We have also agreed to add an additional 50-foot buffer adjacent to them with veg -- with a trail.

[6:27:45 PM]

We are going to create a pocket park for them and we're going to give them access to and use of all of the amenities that exist on the site in the existing part of the development today, and all the amenities that will be added to the development as we expand. With regard to community design, some of the things that we've agreed to is to have a minimum of two parking spaces per home, increase the lot sizes to be bigger lots than we would have had under sf-4a, to have a minimum separation between homes of 10 feet, a minimum 10-foot rear yard, minimum 15-foot front yard, to agree to a maximum block length, which the exact number of that is still being worked out, around to phase our development with traffic improvements on Pearce so we don't overburden Pearce before Pearce is redeveloped. With regard to green space amenities, we have agreed to connectivity to Barclay meadows park, it's a fabulous park that we see as a real amenity for our residents. We have also agreed to an internal pedestrian trail

system. We've agreed to have a park or green amenity wasn't quarter mile of every resident, and we've agreed to having a new amenity center for the residents because of a concern we heard from the zoning and planning commission members that the existing amenity center was really too far to be usable by anyone. Quality of life amenities will sort of take me to another topic so I'm going to skip over that for the time being just to show you, this site plan is a conceptual plan that has -- is supposed to depict what we've agreed to. So you see the green spaces, pocket parents you can see the trail system. Lexington Parke 1 is the area in white to the right side of the screen, and you can see the brown area around them is the area we actually took out -- we amended the zoning case to take out. The area that goes sort of through the center of our property where it says pond is the area that we will use as a connection from Ross road up to Barclay meadows park.

[6:29:53 PM]

We're in discussions with Travis county and city of Austin about exactly how Travis county would like for us to do that, but we will have a connection in roughly the same area that you see there. And it may actually end up that Travis county may actually acquire that area for public park space. So the quality of life amenities, I'll go back to. We actually don't have much opposition or never had much opposition to the folks who actually live immediately adjacent to us, nor from the folks who are already homeowners in the existing development. All the opposition we heard came from a group of very passionate residents in dissect 1 that live in a development that my client, Roberts communities -- they purchased existing home sites. So we -- at the time they purchased this development, this subdivision, about -- now, about eight months ago, there was a lot of concern among the folks who lived in that neighborhood that we were going to change things and not change things for the better, but change things in a way that may price people out or could be seen as predatory toward the folks who, in some cases, have been there 30 years. So we have been negotiating literally up >> We had about negotiating literally up to a minute and a half ago, which is why I ran down the aisle. We have negotiated a very robust, comprehensive agreement with them. They've organized as the hidden valley high meadow neighborhood association, and they have -- we've been working with them with the help of Texas Rio grande interaid and Austin interfaith and come up with an agreement that I think really touches every area of possible concern with regard to making sure the folks who live there have a great quality of life ongoing and that new residents also have a great quality of life. I wish I had copies of that agreement, but it is literally being signed.

[6:31:54 PM]

But I also want to make clear that -- and I think we're just being heard on first reading tonight but I also want to make clear we've agreed with those residents -- again, I said they were passionate.

[Buzzer sounding] We've agreed with them that all of the conditions we've agreed to with regard to their neighborhood we are also agreeing to with regard to the neighborhoods that the subject of the rezoning. So I'm sure you'll hear lots from them about the things that are in that agreement. We also will once it's signed make copies for all of you. Again, it's been a long, really difficult process. I think most people haven't slept much in the last, you know, couple weeks, but I think at the end of the day we have two projects that are a lot better than they were. So we would request that y'all support a first reading approval tonight and we are all available here to answer any questions that you may have.

>> Tovo: Thank you very much. That's great to hear. Are there questions for Ms. Mead at this point?

Okay. Well, let's move on to the other speakers. George o'connor speaking for. Your first. Next up will be sherry o'connor and after will be Virginia melger.

>> Thank you. I just wanted to mention the fact that we are recent -- we've been in oak ranch, the

reserve, for about a year. It's a very unique situation. It's probably -- it's affordable retirement situation for us that is unlike any that we were able to find in the austin/travis county area. It is clean. It's secure. It is just a wonderful place for us to live in in del valle. And if it's any indication -- and we've been assured that it is, any indication of the type of development that Roberts is going to be expanding into, then it will be a show place.

[6:34:05 PM]

And anyone would be very proud to say that that is their home. And we hope that you will allow that to move forward. Thank you.

>> Tovo: Thank you very much, Mr. O'connor. And I should say all the speakers from this point will have three minutes.

>> Okay. Thank you.

>> Tovo: Sherry o'connor is next and after is Ms. Melger and after Ms. Melger is Abigail Mueller.

>> Thank you very much for hearing me. My husband already pointed out a lot of the attributes. What he didn't say, and it's important to know, is that since we've been there -- and we've been living there nine months -- improvements are constantly being made. New plants put in. Just improving the land. Landscaping. Things that make our home even more so. Scott Roberts, when he tells us he's going to do something, he does it and he does it in a way with heart, and I think it's important to know that. Thank you.

>> Tovo: Thank you very much. I wanted to mention if anyone needs a translator we do have services available if you would just approach.

>> Good evening, I've been a resident at oak ranch for two years along with my husband and beautiful family. Where by most people's standards, the American family. My hope both work are raising incredible children. My husband plays the base git far at church and I sing with the worship team. We have close affiliations with [indiscernible], a 501c3 nonprofit where we help plan, organize and participate in large women's conferences and concert events for the spanish-speaking community.

[6:36:09 PM]

We also have plan for events and serve with the f7 group, also a 501c3 nonprofit, assisting military families and veterans alike. We've been at ranch for almost two years and couldn't be happier. We decided to sell our site built home and simplify our lives. Our desire was simply to live within our means and have zero debt. By purchasing a manufactured home at oak ranch we were able to do just that and in less than two years, we live debt free. Now we can actually focus on our children and the quality of life that make our family a priority, not a \$1,500 mortgage and two car notes. I truly believe that Scott Roberts has an amazing vision and is passionate about helping people. He's providing affordable homes to hard working Americans paying -- excuse me, paying \$1,200 in rent for an apartment for two -- for, excuse me, 10 to 15 years is just wasted money. Scott is allowing families the opportunity to realize homeownership in approximately ten years. There's definitely a sense of pride that goes with homeownership. Personally I'm very proud of where I live. Oak ranch is beautiful, it's gated. We have a 24 hour gym, a nice pool and a clubhouse to celebrate my babies' birthdays. Thank you, Scott. He's doing whatever it is in his power to make positive changes for so many people, which is what his father did before him. At oak reaffirming we initialed as part of our lease the rules and regulations when we agreed to live there. Personally I don't mind them at all. Just like any other hoa, I guess it's just the same way, I suppose. If we dependent have these rules in place and didn't comply we would no longer be a gorgeous manufactured home community. We would simply be another trailer park.

[6:38:10 PM]

Councilmembers, I would never presume to strongly urge you to do anything but it's my sincere wish would you consider rezoning this area so that Mr. Roberts could continue with his mission of helping the average families like mine achieve their dreams of homeownership. Thank you.

>> Tovo: Thank you very much. Our next speaker is Abigail muller and after Ms. Muller will be Yolanda Fernandez. Councilmember Casar, would you make an announcement regarding the translation?

>> Casar: [Speaking non-english language]

>> Gracias, good evening. When I first came to Roberts communities for a job interview, I drove on Pearce lane and I had another offer and I said I'm not even going to go there, but then I decided to give it a shot and I entered the community. I was impressed. What impress me the most is that the mission from Mr. Roberts to help other people to have an affordable home and more value for their money. The first house I sold, I never forget, was for a younger couple. The wife was pregnant and she's a nurse and he works in construction. And when they -- they never dreamed they could have a house because they are 24 years old. When they achieved their goal and I -- sorry -- I was able to give them the house key and I drove them to their new residence, I remember Mr. Scott was outside and he told me, please convey them my happiness and tell them it's not only a house. I want them to be happy here. So that really -- always Mr. Robert is there to support the homeowners. I recently -- yesterday I had a closing with a lady that works for 27 years on the IRS, and Ms. Ruth Young, she never thought she would be capable to buy a house because she went through a divorce and raised her children by herself.

[6:40:24 PM]

When she came to me the first time she was just looking because she never thought she could buy a house. Then one month later I thought of her and I called her and she came again and mailed her papers and until yesterday, three months later, she had to save the money. We helped her to save the money to buy the house. Yesterday when she came for the closing, she could not even speak. She was so, like, emotional and she told me, "I still don't believe I can have a house." Three hours later when we did all the close being, she was -- closing, she was literally crying. She was calling her grandchildren to come and visit the new home. It was 7:00 in the evening and she was really happy, and I was -- I'm so happy to be in that community because we're not only selling houses. We're providing people affordable homes and it's a great commission and a great vision from Scott Roberts. Thank you.

>> Tovo: Thank you very much. Our next speaker, I believe I called Ms. Fernandez but inadvertently skipped over Mr. Oakrin, you are next, Jim Oakrin, then Yolanda Fernandez.

>> Good evening --

>> Tovo: You have three minutes.

>> Thank you. My name is Jim Oakrin, leader with Austin Interfaith. About six months ago, two parishioners approached, a father from San Francisco Episcopal Church about a 26 page rulebook that had showed up on her home. Alicia approached a councilmember expressing the same concern. They had learned that their community of 450 homes had been sold to a new -- sold to a new owner, Mr. Roberts and there was a new set of rules that accompanied this transaction. The residents had conversations among themselves.

[6:42:27 PM]

They engaged Austin Interfaith, Texas Rio Grande legal aid, clergy and ultimately they formed an association of over 200 members. Two sides learned about each other in this process and held out hope for the democratic process that they could reach an agreement. After several rounds of

negotiations over the last couple months, I'm happy to announce that Mr. Roberts and the association probably ten minutes ago reached an agreement.

[Laughter] So this agreement is acceptable to both parties. An agreement like this is unprecedented. Mobile home residents have very few protections, and we'd ask council to take a look at this as maybe a blueprint or a foundation to provide protections for mobile home residents all across the city. I suspect all of you are aware of what's going on in north Lamar, in the community there. Using this as a framework will show that Austin interfaith -- the city of Austin is really serious about affordable housing. It gives mobile home residents some of the protections that apartment dwellers have, that condo owners also get access to. And in addition I think sort of an important piece, zoning can also be used to protect some of the most vulnerable populations in Austin. So we applaud Mr. Roberts for engaging the association, for his willing to compromise, and Austin interfaith would like to ask council to support his zoning request change. Thank you.

>> Tovo: Thank you, Mr. Oakrip. Next is Yolanda Fernandez. You have -- is Margaret Morgan here.

>> I'm Margaret Morgan with high meadows. I'm going to pass my time.

>> Tovo: I understand you'd like to pass. David king has also donated his name to you as well.

[6:44:30 PM]

You have a total of nine minutes if you need it.

>> Thank you. Good evening, my name is Yolanda Fernandez, I'm a member of the catholic church, resident of hidden valley mobile home community, located off decker lane owned by Mr. Scott Roberts and I'm an officer of the hidden valley high meadows residents association which consists of over 200 members, households, excuse me. I am hear this evening because I imagine Austin as a place where community needs and values are recognized, where leadership comes from its citizens and where the necessities of life are affordable and accessible. To all. Austin's greatest asset is its people, passionate about our city, committed to its improvement and determined to seat vision become a reality. If these words seem familiar, it's because they were adopted as part of imagine Austin. Our city's comprehensive plan. Tonight, I believe we're witnessing our comprehensive plan coming to life. My family and I have lived at hidden valley for 27 years. This year, Mr. Scott Roberts became the owner of both hidden valley and high meadows. The residents and myself were concerned by new rules, new enforcement, and new representative prices. More than anything, we wanted to be heard and wanted to be treated with respect as homeowners in a mobile home community in the city of Austin. So we formed a residents association, which has grown to over 200 households. Our purpose is to be an organized voice for our families, femmes who are frequently -- families who are frequently left out of the public process and decision-making, but not tonight.

[6:46:32 PM]

Our association has been working with Mr. Roberts since the zoning and planning commission recommended approval for Mr. Roberts' zoning change as well as instructions for him to work with the association, to provide a model document creating rights and protections for homeowners in mobile home communities. It's been hard work and required through -- and requires tough choices on both side. But we have come to a mutual agreement to present to you which will benefit future mobile home communities is and possibly even existing ones. Protections include the right for residents to form an association, for the property owner to meet regularly with the association. We have reached agreement on maintenance, rent schedules, parking and towing, and green space and recreation spaces. In short, we have worked to ensure that our pocket of Austin is livable, sustainable, interconnected, and, most importantly, that Austin values and respects its people. This is the most important thing because Austin

is its people. We are Austin. We are aware Austin needs more affordable housing and, therefore, we stand beside Mr. Roberts. We feel he has shown himself willingly to negotiate and provide key protections and rights to his tenants. And as -- and has set a standard and precedent for future mobile home communities. And so we are here tonight to ask you to support the zoning change for Mr. Roberts. Thank you.

>> Tovo: Thank you very much.

[6:48:33 PM]

Our next speaker is James Casario. Mr. Casario, thank you. And after that speaker will have three minutes.

>> I'll need two and a half. I moved into the community 12 days ago and in the last 12 days I've been watching all the different things that people are doing to improve the community and if they do the same things in your community, you're going to be very, very happy. Two days ago, there was a man in a cart spraying for all the weeds that may grow out of the little cracks that come by sidewalks or by the street and all that. Then to keep adding new plants and new things throughout the whole community. I grew up in the inner city of Chicago. I saw the city of Chicago fall apart because people could not afford to take care of their properties. The rents went up and up and up and up. But no one ever took care of the apartments. They're taking really good care of this community. They'll take care of your community. And anything that they build I feel they'll do a good job. Austin does have a problem, like a lot of other major cities. Affordable housing is a difficult, difficult process. Georgetown had a -- in the Austin paper this morning, there was a story about Georgetown. They were going to do a feasibility study. It was going to cost \$195,000 and all they were going to do is just say we need affordable housing. They know they need affordable housing but nobody wants the housing in their backyard.

[6:50:34 PM]

This affordable housing looks good. I'm so happy that I moved into it. And I can afford to live in other places. I've lived in condos in Chicago, condos here in Austin, I've lived in a house here in Austin. It's a great community. They do a great job of taking care of it. That's it.

>> Tovo: Thank you very much. Ms. Grenados. After Ms. Grenados will be Kurt [indiscernible].

>> Good evening, my name is Lisa Grenados, I'm a member of internal faith Baptist church in Manor. I've lived in the former hidden valley community over 20 years and am an officer of the residents association which represents over 200 households in Loma Vista. Earlier this year, Mr. Scott Roberts purchased our community along with our sister community High Meadows and made them into one community that he christened Loma Vista. In June, the residents received a Loma Vista rules and regulations via mail, a booklet of 23 pages that include items that numerous residents found arbitrary. So many were concerned that we formed a residents association to fight for the rights of the homeowners. For months, we relentlessly pressed Mr. Roberts to work with us. Our persistence eventually paid off. We have held several meetings with Mr. Roberts to discuss the residents' concerns and issues with the new rules, the financial hardships of home repairs and keeping our community affordable for the residents, many of whom are on fixed incomes. Both he, Mr. Roberts, and we, the officers of this association, have had moments of being hard-headed and inflexible, but none of us gave up. I believe we have learned greatly from each other and have come to better understand the other's position. Today Mr. Roberts has agreed to recognize our association and work with us on many of the residents' concerns regarding the rules.

[6:52:39 PM]

He seems to understand now the financial challenges many of the residents of this community face and has agreed to work with each resident in developing a time line for repairs that won't be a burden to their family's finances. He has even agreed to structure future rent increases in a way that keeps Loma vista affordable for our residents. We feel that he is making a good-faith effort to work with our association and so we ask that the city council pass this zoning change so that Mr. Roberts can help more people realize their dream of homeownership in Austin. Thank you.

>> Tovo: Thank you. Kurt [indiscernible] Mitchell. Is Brendan long here? Mr. Long, is it accurate that you'd like to donate your minutes to Mr. Mitchell? So you have a total of six minutes.

>> Good evening, mayor pro tem and councilmembers. My name is Kurt, I'm a member of wildflower unitarian universal church and Austin interfaith. I want to echo the statements, Austin interfaith has been standing with the residents association and supports their exposition the work they put into this agreement as well as the zoning change requested by Mr. Roberts. Austin interfaith is a broad-based, multifaith, multiracial organization that works to allow ordinary citizens to participate in the democratic process and I think that's what we're seeing this evening. For us affordable housing is one of the priorities adopted by our members and this case came before us because a member of one of our congregations went to this is pastor and said I'm facing difficulty at home and out of that process we began to work with them and support them in their efforts and we're very happy with the agreement reached. We believe that it's important for us to make land use decisions that protect our most vulnerable residents and citizens who have worked hard, who live here, who have sacrificed to be able to have a home and place to call home and we believe that's what this agreement ultimately produces and it's important to recognize that affordable housing doesn't just come into place out of good intention.

[6:54:51 PM]

It doesn't just come into place because of the market or because of the property owner but actually requires a balance of citizens, of community groups, property owners and government. And so we look forward to your decision on the zoning case and to your tipped work and our continued work together to create affordable housing, good policies, good regulations and protections for tenants. Thank you.

>> Tovo: Thank you.

[Applause] Sandy Miller. Tammy Miller is our next speaker. After Ms. Miller will be Elvira.

>> I live at the first community that Roberts purchased in the state of Texas, chateau at onion creek down off of bluff springs road not too far from the flooding homes, and I guess what I want to say is when I moved here to Austin I spent my first year living in an apartment, I'm a first grade teacher now, nonprofit founder, and it's a great place to live. They've really done a great job. They purchased the community I live in after I had already moved there, and they've done amazing improvements. I can understand the concerns, and I don't know what exactly went on but I can understand the concerns when somebody comes in because they purchased the -- a community after I had already lived there. And it can be intimidating and overwhelming, but I just wanted to express that what I have experienced over the past six years has been a lot of improvements done to our community. Our community is very safe. And with the affordable housing struggles that we have in Austin, it's not always an -- affordable is always up for negotiation on what that actually means because affordable to one person is very different than what affordable means to someone else.

[6:56:53 PM]

And so I do think that a manufactured home community is going up in value, which is not necessarily

how it always has been in the past, but in the city of Austin, I feel that my home has increased its value in the time I've lived in my home. And so it seems as though we're all in support of this, and I just wanted to further state the same, that I really think that this provides a great opportunity for so many people and so many families to not necessarily feel they have to live in an apartment. There's other options other than living in an apartment in Austin and this is a great way to go about it. If you only choose to stay five years you have something to show for that. You can sell your home and get something back for it, unlike living in an apartment. So thank you so much for your time.

>> Tovo: Thank you, Ms. Miller. Ms. Saldiarna. You have three minutes.

>> Honorable councilmembers, my name is [indiscernible], I currently reside at oak ranch MHD. As the proposed development to the community, I am for it. I moved into the community over three years ago. I had just started my family and we were going through a financial strife due to the loss of my husband's business. In desperation to get out of the rut my husband decided to move to Austin to find a better paying job. For over a year my daughter and I would only see my husband every other weekend. I was working as a cna and decided to take a second job to help with expenses. By this time I was expecting my second child. After all of our hard work, we were able to come up with a down payment and started looking for a home so we could live together as a family. I was a little concerned about qualifying for financing being that this would be our first home investment. Someone told me about oak reaffirming and I decided to visit the community.

[6:58:57 PM]

I immediately fell in love with the community. I thought right away this is the perfect place for me to raise my children. We looked at several model homes and immediately fell in love with a particular floor plan and decided to leave a deposit. A week later -- after about a week of paperwork I received a call from our salesperson informing us of our preapproval. I could not believe it. We were going to be able to homeowners. I love oak ranch. I feel like the staff is like my family and I truly appreciate the cleanliness of the community. I can now proudly say that my family owns a home in a clean, safe, beautiful community and that gives me great sense of accomplishment. I don't see why anyone wouldn't want the same for their family. I completely support Scott Roberts and his plans to expand the community. I agree with all the rules and regulations of the community because they are established to make the community a great place to live and make a home for my family. I'm not sure what other amenities the expansion will include, but I trust that Scott Roberts will only improve our community and continue to grow a place where anyone can raise a family. Thank you all for giving me the opportunity to voice my opinion. Sincerely.

>> Tovo: Thank you very much. Carla Saldana is our next speaker. You'll have three minutes and you'll be followed by Richard valarial.

>> Pleasure to be here. I've been here many times before. I'm director of a nonprofit organization, 501c3. I worked with public access television for many years so it's something very familiar to stand up here and ask for support.

[7:01:00 PM]

I want to tell you a story, tell you my story. Years ago, I got married about five years ago and since everything has always been very organized in my life we knew that after a year of marriage we were going to move into our own house and then have our children at two years and then maybe have another one at three years of marriage and another child and things weren't going the way we thought. We were living -- you know, we got married, living in an apartment, suddenly I get pregnant and my first little baby comes along and I'm not in the house that I wanted. We started looking around. Everybody

said no. There was not a sufficient credit. And my husband one day says, I heard about a manufactured home community. And it's called oak ranch. And we should give it a chance. We should give it a shot. And I said you are not taking me -- taking me to live at a trailer park. I do not want to live at a trailer park. I have always lived in a house. I've lived in Austin all my life and my parents purchased a house when I was a little girl and that's what I want for my children. He said nobody is saying yes so let's try it. So we went. I was nine months pregnant. We went to go see and I immediately fell in love with the community. It is beautiful. It is clean. It is -- it has beautiful homes in it. And suddenly three months later, December 22, I had the keys to my new home. I could not have done it anywhere else. And now it's going to be three years of living at oak ranch, living happily at oak ranch. Yes, living happily with 20 something pages of rules that they have that make our community so beautiful. I am so grateful there's a 10-mile-an-hour speed limit in the community because when my one and a half year old runs into the street I want that car to stop, to be able to stop, and not hit my child. I'm glad that the lawns have to be mowed and I'm glad that, you know, signs have to be taken off, you know, at a certain time of the year or what have it is.

[7:03:08 PM]

I am glad for all the rules because my children are going to know, one, how to follow rules and that will make them, you know, beneficial adults in the future, and they will grow up in a clean community. And I hope that my story is repeated many, many, many more times in the new community that Scott Roberts is going to build. This new community will give homes to hundreds of new -- of families that hopefully will have a story to share one day when maybe they have to fight for their community also and say that they are -- they're also very thankful for Scott Roberts.

[Buzzer sounding] And his vision. Thank you very much.

>> Tovo: Thank you. Richard velarial.

>> Distinguished council, good evening, my name is Richard velarial and I'm a proud resident of chateau at onion creek for over three and a half years. And in these three and a half years I've enjoyed a wonderful, supportive relationship with Mr. Roberts and the chateau management, as pastor of the springs community church or congregation does meet in the clubhouse and we have received numerous -- on numerous occasions support of chateau in Roberts' communities in helping make our community a better place. I'm here this evening to share my tranche support of Roberts' communities and their plans of expanding affordable housing in Austin. With the influx of so many residents coming to Austin daily coupled with the states highest or most expensive living, one of our biggest challenges going forward as a city is that of affordability. Because this is just a critical issue, viable options need to be made available for Austin residents to fill the inventory short fall to ensure that prospective homeowners are not priced out of the local market.

[7:05:08 PM]

This is critical especially in light of yesterday's report put out by peer research, indicating an even deeper erosion of the middle class. Because of the influx of new residents and the growing economic polarization, we as a thriving city need all kinds of homes for all parts of town that fit all types of lifestyles. We can't expect to thrive as a city if we're not committed to carving out a better future for our residents by providing affordable housing that doesn't stretch households budgets' to exasperation. Noted Austin economist stated in his Austin economic forecast for 2015 and 2016 that our home prices have gone up way too fast, too quickly. We need more supply to take care of that. In addition he notes more than 40% of Austin residents pay more than 5% of their income on housing. 35% of their income on housing. That's a huge percentage. Roberts community provides a viable solution. In our search for a

home over three years ago, two of the biggest issues that we looked at were affordability and quality of living. And in that search we discovered that there were very few homes that met our economic price range. While we didn't want to compromise quality of living. So after a lengthy and frustrating process, we almost resigned the fact that we were going to have to move out of Austin to meet the demands that we were looking for in housing. Then we came across Roberts' communities. Roberts' communities there at chateau at onion creek provided the issue to our solutions.

[Buzzer sounding] And I know that our story is the same as many people's story looking for affordable housing and looking for quality of living that Roberts' communities provides those options and those answers.

[7:07:13 PM]

Thank you.

>> Tovo: Thank you. Shereen fisher. Okay. That was our last speaker. I do have Ernesto, I see you donated time but if you wish to speak you're certainly welcome to do so. The person to whom you donated time --

>> No. I actually donated time to --

>> Tovo: Very good. And Jim masto, same situation. Very good. So Ms. Mead, we're back to you. You're entitled to a rebuttal.

>> Mayor pro tem, that means I've got an extra 20 minutes? Is that what that means.

[Laughter] I actually would like to give Stephanie Tran and Robert dog et from legal aid to say anything they may want to say or answer any questions that y'all may have so I'll defer the rest of my time to them and then I would also like to give Scott Roberts an opportunity to just address y'all very briefly.

>> Before I do I'd like to also thank council. It's been quite a lot -- Stephanie and Nicole and I have worked quite a lot over the last couple of weeks, got to know each other through midnight last night.

>> Some would say too much.

[Laughter]

>> I want to thank her and Mr. Roberts and of course the residents. One thing I would like to point out for purposes of the record is that there was one provision that was slightly askew and it was fixed between an email between -- Nicole and I this afternoon. It's printed and highlighted and all part of the agreement this gentleman has, I don't know who he is but I'm going to tackle him if he doesn't give it back.

[Laughter] But I wanted to say that for the record. That's correct, ma'am?

>> That is correct.

>> Thank you very much. I do appreciate y'all's time and attention. It's been a pleasure and I'm glad we could get this worked out.

>> Tovo: Thank you, Mr. Doget, if you would make sure our city clerk has your name for the record.

[7:09:15 PM]

>> Zimmerman: Mayor pro tem.

>> Tovo: Would you like to add any additional comments?

>> I just want to say I'm really excited about the document and hope that, you know, we can see this put in place for a lot of other residents. We have 43 mobile home parks throughout the city of Austin, over 5,000 residents live in mobile home parks and they could all really benefit from some of the provisions that we've put in place today.

>> Tovo: Thank you for your work. If you would introduce yourself for the record and make sure our city clerk has your --

>> Stephanie Tran.

>> Tovo: Make sure the city clerk has your information. Councilmember Zimmerman.

>> Zimmerman: Thank you, mayor pro tem. I want to say the love fest is great. Maybe while everybody is feeling good could we go ahead and consummate the deal?

[Laughter]

>> Zimmerman: This is terrific here so let's do it.

>> Tovo: Welcome.

>> Zimmerman: Yeah.

>> Councilmembers, Scott Roberts. I really, really appreciate the time that all the residents had to come down here and to support this project. It makes me really feel honored that what we're doing really is making a difference in the city. And I really look forward to hearing a positive outcome out of this and creating homes for another 855 Austin residents. Thank you for your time.

>> Tovo: Thank you very much. Councilmember -- if you too would make sure before you leave the city clerk has your information. Councilmember Garza.

>> Garza: I want to move approval on first reading, close the public hearing, and with the agreement that the residents are talking about and I'll wait for the second to make a few comments.

>> Tovo: Councilmember Garza moves approval and councilmember Casar seconds that.

Councilmember Garza.

>> Garza: Yeah, brief thank yous to the residents. I feel like a proud mama up here. I mean, just seeing you come together and I'm always really -- it always feels so great to see residents speaking up for themselves. And I want to thank Austin entity faith for their organizing.

[7:11:18 PM]

I want to thank Mr. Roberts for the -- for working with the residents. And all the attorneys involved. And I understand the trial attorneys are pro Bono attorneys for the most part so thank you for your work on this. I also want to recognize former mayor pro tem Jackie Goodman who at zap was the one that initially suggested going forward with some kind of agreement like this. So I want to thank her for her work on zap.

[Applause]

>> Houston: Well, hidden valley, high meadows, I first time I met also Fernandez she was so quiet and I was so proud of her today when she stood up and made her statement. Sammy hall, whenever he is. I mean people -- this is what in my mind community organization is about. You get some support. You find your voice, and you come and use your voice. I'm so thankful. I also want to thank Austin interfaith for guiding this process, and this is going to be a first for me. Ms. Mead, you did an excellent job trying to coordinate all those issues that we had. Mr. Roberts, thank you for schlepping to me chastise and guide and kind of encourage and -- the neighbors in the particular area in district 1, thank you so much for showing up tonight and I am so glad that we've come to a good resolution.

[Applause]

>> Tovo: Councilmember Casar.

>> Casar: I think it's really important and a great thing for this whole council and for me to say that I'm for manufactured home and mobile home zoning. I think that's actually a really important thing for so many years and in so many cities that something being pushed out of cities and I think it really says something about this council in a time that we're in and the constituents that are here, that we see this as a great affordable housing option.

[7:13:28 PM]

As y'all -- many of you know, if if not all of you know, there have been serious struggles in my own district to keep mobile home communities intact and to keep folks there that have been there for decades. They are still fighting for some of the things that the folks in the new community in district 2 and those folks at Loma vista are about to win and achieve. I mean, protection of first amendment rights, appeals for fines and fees, rights of first refusal, relocation protections, two-year leases, caps on rent increases, green space and so much more. It's really amazing how much has gotten done. I think that it's a model, as folks have said, and what's really amazing about it is the amount I've seen done just over the past four or five days. I've watched council very closely for a handful of years, and I've never seen so much get done for low-income folks on just one case. So quickly. It's really amazing, and so I won't extend the thank yous again because I think they've been extended quite a bit, except Mr. [Indiscernible], I know you're the junior partner on the deal and I know you've been working with Mr. Roberts on this, so thank you as well. And [speaking non-english language] And last thing -- [applause] So I'll shut up now but this is how you negotiate a zoning case for affordability, respective neighborhood associations with understanding of the developer's financial limitations and time lines and really making it happen. So thank you all.
[Applause]

[7:15:29 PM]

>> Mayor pro tem, councilmembers, the only thing we would request, which is a little bit out of the box and I want to make sure everybody is on the same about page, is that we be permitted to come back next week. What we have to do outstanding is get the changes that are in this document handwritten, typed in. It's not very much. And then get our street deed and the public restrictive covenant recorded, which we think we can accomplish, jerry rusthoven doesn't, but I think we can accomplish by next week if the council would allow it.

>> Tovo: Councilmember Garza.

>> Garza: I'd amend my motion unless jerry thinks otherwise that we come back for second and third.

>> I'm not stepping in front of this train.

[Laughter] I would just like to say that we will do our best to try and get them next week. I'd like for a little latitude, I think there's a few things in the agreement that will actually be in the ordinance so just to let you know it will probably be minor tweaks to the ordinance as well as a public restrictive covenant.

>> Garza: Okay.

>> Tovo: So councilmember Garza, would you like to amend your motion to include the direction that it return for second and third reading next week?

>> Garza: Yes.

>> Tovo: Super. Councilmember Casar you were the second. Any further discussion? Okay. All those in favor? And that is unanimous on the dais. Thank you all so very much.

[Applause] Okay. So thank you. I believe that is our last item on the agenda, and so, council, city clerk, am I right in thinking that is our last item. Colleagues, we stand adjourned at seven -- councilmember Gallo.

>> Gallo: I just want to say again thank you so much for running this meeting. I think we've taken all the votes now, but thank you. I think you did a great job.

>> Tovo: Thank you. I appreciate it. So I'm going to use this gavel. Council, we stand adjourned on December 10 at 7:17 p.m.