

## **MEMORANDUM**

TO:

Anne Morgan, City Attorney

Peter Einhorn, Chair Ethics Review Commission

Thomas Clark

Council Member Sabino "Pio" Renteria

FROM:

Jannette Goodall, City Clerk

DATE:

February 19, 2016

SUBJECT:

Sworn Complaint

The attached sworn complaint was received on February 18, 2016 in the Office of the City Clerk. It was filed by Thomas Clark against Sabino "Pio" Renteria.

Per City Code, Chapter 2-7-41(D), this letter serves as the Office of the City Clerk's acknowledgement that the complaint was received and as notice to all those named above, as required in the code.

Attachment

```
Please file with the Austin City clerk

Physical Address:
301 W. Second St.
Austin, TX 78701
```

7 Phone: 512-974-2210

# ETHICS REVIEW COMMISSION CHAPTER 2-7 CITY CODE COMPLAINT

NAME OF PERSON(S) FILING COMPLAINT:\_\_Thomas Clark

MAILING ADDRESS: 3924 Balcones Drive, Austin TX 78731

PHONE NUMBER: 415.341.6388

EMAIL ADDRESS:

RECEIVED
2016 FEB 18 PM 4 50

PLEASE FILE A SEPARATE COMPLAINT FORM FOR EACH PERSON COMPLAINED AGAINST.

NAME OF PERSON COMPLAINED AGAINST: Council Member Sabino Renteria

CITY OFFICE, DEPARTMENT, COMMISSION: Austin City Council

MAILING ADDRESS:	
PHONE NUMBER [IF KNOWN]:	
EMAIL ADDRESS [IF KNOWN]:	

The Ethics Review Commission has jurisdiction to hear complaints alleging violation(s) of the following provisions:

- City Code, Chapter 2-1, Section 2-1-24 (City Boards, Conflict of Interest and Recusal)
- City Code, Chapter 2-2 (Campaign Finance)
- City Code, Chapter 2-7 (Ethics and Financial Disclosure), except for Article 6 (Antilobbying and Procurement)
- City Code, Chapter 4-8 (Regulation of Lobbyists)
- City Charter, Article III, Section 8 (Limits on Campaign Contributions and Expenditures)

PLEASE LIST EACH ALLEGED VIOLATION OF THE ABOVE CITY CODE AND CHARTER PROVISIONS SEPARATELY ON THE FOLLOWING PAGES.

SECTION OF CHARTER OR ORDINANCE VIOLATED: City Code, Chapter 2-1, Section 2-1-24

DATE OF ALLEGED VIOLATION: Beginning 2015 with first City Council delierations of amendments to Austin's Short Term Rental ordinances, continuing with City Council votes in late 2015 and upcoming City Council votes in 2016 regarding the ordinances (next scheduled for Tuesday, February 23, 2016).

# ACTIONS ALLEGED TO BE A VIOLATION:

Please see attached for further details and exhibits/evidence. In short, CM Renteria owns an operates a short term rental in Austin, as disclosed in his Statement of Financial Information disclosure filed in connection with his election to the City Council (attached). Yet, for eight months Council Member Renteria has voted, spoken and held policy-making meetings regarding the restrictions of Type II Short-term Rentals in Austin. These discussions, votes and meetings have directly impacted Type II Short-term Rental activity, and have resulted in policy discussions and votes to phase out Type II Short-term Rentals. During these votes, discussions and meeting Council Member Renteria has regularly disclosed that he is the owner and operator of a Type 1 Short-term Rental (in the public records of City Council meetings).

Council Member Renteria's Type 1 Short-term Rental is a different type of rental and his votes, meetings and discussions directly benefitted his rental activity and income potential to the detriment of the owners and operators of Type II Short-term Rentals.

Council Member Renteria should have recused himself from all these discussions and votes and should recuse himself from the pending proceedings due to his financial conflict of interest.

Furthermore, CM Renteria does not have a short term rental Type 1 license which is required by Austin Code. We also checked the City's website regarding the records of hotel occupancy tax payments. He has not filed or paid occupancy taxes as required by Austin during the period where he stated that he derived material earnings from his short term rental activity. So, CM Renteria is voting on changes to Austin Code for which he is not compliant and has violated.

Council Member Renteria should be immediately asked to recuse himself from further votes and discussions until an appropriate investigation of this matter is concluded.

Furthermore, the votes and discussions held by Council Member Renteria should be investigated as they directly influenced changes, additional restrictions and bans of rental activity for Austin residents who have been compliant with the City regulations.

WITNESSES OR EVIDENCE THAT WOULD BE PRESENTED: Please see attached, plus Austin City Council transcripts of proceedings, voting records and witnesses.

ALL THE STATEMENTS AND INFORMATION IN THIS COMPLAINT ARE TRUE AND FACTUAL TO THE BEST OF MY KNOWLEDGE.

DATE: February 17, 2016

COMPLAINANT'S SIGNATURE

Thomas Clark

STATE OF TEXAS

COUNTY OF TRAVIS

Typed or Printed Name of Notary

This instrument was acknowledged, sworn to and subscribed before me by

THOMAS CLARK	
On the 17 th day of fthanny	, Zull, to certify which
witness my hand and official seal.	
July	MILLE MADE OVER THE
Notary Public in and for the State of Texas	JULIE MARIE OVERTON Notary Public, State of Texas
Dulie Overton	My Commission Expires June 14, 2016

THIS FORM MUST BE SUBMITTED TO THE OFFICE OF THE CITY CLERK.

To: Interested Parties

Re: Council Member Renteria Recusal Questions

Facts:

Council Member Sabino Renteria owns a home at documents)

(See attached TCAD

Council Member Sabino Renteria operates and earns income from a Short Term Rental -

Type 1 (See attached Statement of Financial Information)

Both Texas State law and City of Austin municipal code address the criteria for when a city official or elected official may or may participate in a vote (See attached links to

Texas State law and City of Austin municipal code)

Council Member Sabino Renteria has taken numerous votes on the short term rental issue including, but not limited to, votes on August 20, 2015, September 17, 2015, and October 15, 2015. In many cases, these votes were in support of proposals that would limit the number of short term rentals competing with Council Member Reteria's own short term rental. Most recently he voted for nearly impossible rules for Type 2 rentals, and lighter rules for Type 1 rentals. Mr. Renteria owns and operates at Type 1 rental.

According to the City of Austin Complaint, Licenses, and Permits online search engine, there is no active short term rental license for this property or property owner. (See attached link to City of Austin Complaint, Licenses, and Permits online search engine,

and an attached copy of the expired license report for his property)

 According to Council Member Renteria's testimony on the dias, he lives in his garage apartment and rents out his main home (See attached dialog during official council meeting)

According to TCAD, Council Member Sabino Renteria claims 100% homestead

exemption on his home.

## Questions:

1. Should Council Member Sabino Renteria have recused himself from votes on the short term rental issue?

2. Should Council Member Sabino Renteria recuse himself from future votes on the short term rental issue?

3. Is Council Member Sabino Renteria currently licensed with the City for his STR?

4. Is Council Member Sabino Renteria renting out his main house or his ADU?

5. Is Council Member Sabino Renteria renting it out for more than the allowable days for a Type I?

6. Is Council Member Sabino Renteria violating state law on his homestead exemption?

7. How is the homestead exemption situation similar to the trouble that CM Riley ran into last year?

http://www.mystatesman.com/news/news/council-member-chris-riley-billed-for-7k-in-unpaid/ng654/

AirBnB Listing - (Notice the October 2015 review. Most reviews reference "the house") https://www.airbnb.com/rooms/3720498

City law -

https://www.municode.com/library/tx/austin/codes/code\_of\_ordinances? nodeId=TIT2AD\_CH2-7ETFIDI\_ART4COET\_S2-7-63PRCOIN

State law -

http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.171.htm

City of Austin Complaint, Licenses, and Permits online search engine <a href="https://www.austintexas.gov/devreview/a\_queryfolder\_permits.jsp">https://www.austintexas.gov/devreview/a\_queryfolder\_permits.jsp</a>

# STATEMENT OF FINANCIAL INFORMATION

This Statement is made for the reporting period: **January 1 through December 31, 2014.** 

FINANCIAL DISCLOURE

Submit Date: 16-Apr-2015

Personal Information Name: Renteria, Sabino

Address:

Occupation: City Council Disreict3

**Spouse Information** 



1. List all sources of occupational income which exceeded 10% of your gross income or \$5,000 in salary, bonuses, commissions or professional fees; or \$20,000 in payment for goods, products or non-professional services per source.

	Name of employer or source of income	Business address	Nature of business or occupation	Category of amount
1	IBM Pension	1701 N St. Endicott	Retired	II

2. If you are a self-employed solo practitioner or if you had at least 5% interest in a partnership, professional corporation or other entity through which you do business, list the names and addresses of clients or customers from whom you or this partnership, professional corporation, or entity received 10% or more of gross income or \$5,000 in salary, bonuses, commissions or professional fees; or \$20,000 in payment for goods, products or non-professional services during the reporting period.

Name of client or customer	Address	
	A PRINCIPAL OF THE OWNER OF THE PRINCIPAL OF THE PRINCIPA	

 List all sources of income which exceeded either \$5,000 or were in excess of 10% of your gross income received from interest, dividends, royalties, rents, trust disbursements or other non-occupational sources.

	Name of source	Nature of income	Category of amount
1	Social Security	Retirement	II
2	Eastside Cottage	Short Term Rental	Ι

4. Identify any source (person, business entity or other organization) of a gift of any money or other thing of value exceeding \$100 or identify any source who gave you a series of gifts the total value of which exceeds \$100. You need not report campaign contributions which are reported as required by other law and you need not report gifts received from the following relatives: Spouse, Children, Children-in-law, Parents, Parents-in-Law, Grandchildren, Grandchildren-in-Law, Grandparents, Grandparents-in-Law, Brothers, Brothers-in-Law, Sisters, Sisters-in-Law, Uncles, Uncles-in-Law, Aunts, Aunts-in-Law, Nephews, Nephews-in-Law, Nieces, Nieces-in-Law, First Cousins, First Cousins-in-Law.

Name of source of gift	Category of amount
N/A	

5. List the names of any corporation, partnership, limited partnership, or other entity in which you held, owned, acquired, or sold stock, or any other equity ownership having a value exceeding \$5,000 or equivalent to 5% or more of the stock or equity in the entity, at any time during the reporting period.

	Name of company or entity	- Annual Control
1	IBM Stocks, NY Life Annunty (spouse only)	and the second second

6. List and describe all bonds, notes and other commercial paper which you held, owned, acquired or sold, at any time during the reporting period if the combined face value of the bonds, notes and commercial paper exceeded \$5,000.

Description of commercial paper	Category of amount
N/A	

7. List all other income or revenue in excess of \$5,000 per source.

Source	Category of amount

N/A

8. List and describe all real property in which you hold any legal or beneficial interest, including real property for which you have entered a contract for sale. The description should be sufficient to locate the property, and include the street address if any, and the present use of the property.

	Street address of property	Description of property	Present use of property
1		house and garage apartment	Homestead

9. List and describe all real property held, owned, acquired or sold, or under a contract for sale, by a corporation, partnership, limited partnership, professional corporation, or other entity in which you own or control at least a 5% interest. The description should be sufficient to locate the property and include a street address, if any, and the present use of the property.

Street address of	Description of	Present use of	
property	property	property	

N/A

10 . List all loans and extensions of credit in excess of \$5,000 on which you are the lender or creditor, including the name of the debtor and the rate of interest, if any.

Name of obligee	Rate of interest	Category of amount
N/A		

11. List all loans or transactions in excess of \$5,000 on which you are a guarantor or co-signer, including the names of the borrower and lender.

Name of obligee/lender	Rate of interest, if any	Category of amount
ob.igee/ ieilee		

N/A

12 . List all loans, debts, and other financial liabilities you have which are

in excess of \$5,000 which are presently outstanding or which existed at any time during the reporting period.

	Name of lender/creditor/obligee	Rate of interest, if any	Category of amount	Date obligation was incurred	
1	Amplify Credit Union	5.740%	II	2003	

List all loans, debts, and other financial liabilities in excess of \$5,000 of any corporation, partnership, limited partnership, professional corporation or other entity in which you own or control at least a 5% interest, which are presently outstanding or which existed at any time during the reporting period.

Name of lender/creditor/obligee	Rate of interest, if any	Category of amount	Date obligation was incurred
------------------------------------	--------------------------	--------------------	------------------------------

N/A

13. List all boards of directors of which you are a member and the offices or executive positions which you hold in corporations, partnerships, limited partnerships, professional corporations, or other entities including non-business entities. ( Do not include positions on corporations or other entities owned by the City of Austin or created by the City Council.)

Name of organization	Position held
N/A	

# **Electronic Certification by Affidavit**

I swear or affirm, under penalty of perjury, that the facts stated in the above Statement of Financial Information are true to the best of my knowledge or belief and the Statement fully shows all information required to be reported by me pursuant to section 2-7-72 of the City Code for the reporting period indicated.

This electronically submitted Statement of Financial Information is considered to be under oath by the person required to file the Statement regardless of the absence of or defect on the affidavit of verification, including the signature.

I, <u>Renteria, Sabino</u>, hereby swear of affirm that I have completed the Statement of Financial Information on **April 16**, **2015**.

PUBLIC	FOLDER DETAILS									
INFORMATION	Permit/Complaint	Case lumber	Description		Work Type	Project Name	Status	Applica Date		Expirat Date
Public Search				Short		Eastside				
Issued Construction Permits	2014-035087 OL			Term Rental Type 1		Cottage -	Expired	Apr 7, 20	)14 Apr 10 2014	Apr 10, 2
REGISTERED USERS									Relat	ed Folders
New Registration	PROPERTY DETAILS									
Update Registration	Number Pre. Street		Street Type		uite Su /pe Nu		Si	tate Zip	Legal Desc	
Permit Assign and Pay									Lot: 5 Block Subdivision ADDITION	
My Permits/Cases	Lot: 5 Block: 1 Subdivis	ion: MAG	NOLIA ADD	ITION						
My Licenses	PEOPLE DETAILS  Desc. Organization	Name	Address	(	City	State Post	al Phone	e1	_	
Request / Cancel / View Inspections	Billed To								l	
My Escrow Accounts	Fee Description  Notification/Renotificati		mount Bala \$50.00 \$0	nce 0.00						
				00						
Reports	Operating Licenses Fe	e \$	235.00 \$0	0.00						
	Operating Licenses Fe									
Reports			TOD	Schedule Date	Sta	art Date	End Da		ssigned Sta	Atten
Reports	PROCESSES AND NOTES	3	TOD	Schedule		<b>art Date</b> r 24, 2014	End Da	2014 R	osa Cervante 512-974-6422	Attem
Reports Login HELP	PROCESSES AND NOTES  Process Description	Status	TOD	Schedule Date				2014 R (5 N	osa Cervante	Attemes

AUSTIN ENERGY AUSTIN WATER CONVENTION CENTER VISITORS BUREAU OPEN GOVERNMENT AIRPORT LIBRARY AUSTINTEXAS.GOV FOLDER DETAILS PUBLIC INFORMATION Section 25-11-94 Expiration and extension of permit (Active Permits will expire 180 days at 11:59:59 pm after date of last inspection posted). If you allow this to expire you will be required to submit a new application & pay new fees. Public Search Application Issue Expi Work Project Case Status Permit/Complaint Description Sub Type Date Date D Number Type Name Issued Construction Convert back Permits 2009of exst 1 story Dec 1 R- 435 Jun 1, Renovations/Remodel Remodel Expired May 29, 2009 2009-056980 BP sf res into 056980 2009 REGISTERED USERS BP covd patio. (13x24)New Registration Related Folde Update Registration Value Information Description Permit Assign and Pay Νo Smart Housing? My Permits/Cases TRCC registration required for No Owner/GC? less than 10000 Reason for Exempt TRCC My Licenses Yes Building Inspection Nο Electric Inspection Request / Cancel / View Inspections Mechanical Inspection Νo Plumbing Inspection No My Escrow Accounts No Energy Inspection Nο Driveway Inspection Reports Sidewalks Inspection No Environmental Inspection No Login Landscaping Inspection No Tree Inspection No HELP Water Tap Inspection No Sewer Tap Inspection No Web Help On Site Sewage Facility Inspection No No Fire Inspection FEEDBACK Health Inspection No Current Zoning for Building SF-3-NP Contact PDR Name of Neighborhood Plan EAST CESAR CHAVEZ Nο Is this property in MUD? Number of Floors 1 Number of Units Proposed Use sf residence Change of Use No Remodel/Repair Building Square 312 Footage 500 **Building Valuation Remodel** 0 Electrical Valuation Remodel 0 Mechanical Valuation Remodel 0 Plumbing Valuation Remodel 500 Total Valuation Remodel Certificate of Occupancy to be Issued Yes 2006 Code Year International Residential Code Code Type Hazardous Pipeline Review Required No Private Public or Private 435 Usage Category Street Suite Suite State Zlp Legal Desc Number Pre. Street Type Number Type Lot: 5 Block: 1 Subdivision MAGNOLIA ADDITION Lot: 5 Block: 1 Subdivision: MAGNOLIA ADDITION

Desc. Organization Name Address City State Postal Phone1
Applicant

## General Contractor (Sabino Renteria)

EDLOFE FEE

Fee Description Fee Amount Balance
Building Permit Fee \$23.00 \$0.00

PROCESSES AND NOTES

Process Description	Status TOD	Schedule Date	e Start Date	End Date	Assigned Staff	# of Attempts
Administrative Hold	Open					0
Permit Refund	Open					0
Red Tag Hold	Open					0
101 Building Layout	Pass	Jun 16, 2009	Jun 16, 2009	Jun 16, 2009	John Pace	1
102 Foundation	Open				Jesus Licerio (512- 576-9457)	0
103 Framing	Open				Jesus Licerio (512- 576-9457)	0
104 Insulation	Open				Jesus Licerio (512- 576-9457)	0
105 Wallboard	Open				Jesus Licerio (512- 576-9457)	0
112 Final Building	Open				Jesus Licerio (512- 576-9457)	0
114 Continuance of work	Open				Jesus Licerio (512- 576-9457)	0
Deficiencies	Open				Jesus Licerio (512- 576-9457)	0
BP Permitting	Open					0

Back

PAY ONLINE CALENDAR MEDIA CENTER FAQ CONTACT US SITE MAP LEGAL NOTICES PRIVACY POLICY 31

# Property Search Results > 187339

& for Year 2015

Legal Description: E 47.67' OF LOT 5 BLK 2 OLT 57 DIV O MAGNOLIA ADDN

#### **Property**

Account

Property ID: Geographic ID: 187339

0200050307

Type:

Real

Property Use Code: Property Use Description:

Location

Address:

E0124

Neighborhood CD:

Neighborhood:

E0124

Mapsco:

Agent Code:

615F

Map ID:

020201

Owner

Name:

Mailing Address:

SABINO PIO RENTERIA

& Owner ID:

1630571

% Ownership:

100.00000000000%

Exemptions:

HS, OTHER

\$0

Taxes w/o Exemptions:

\$6,240.96

#### **Values**

\$159,963 (+) Improvement Homesite Value:

\$0 (+) Improvement Non-Homesite Value: + \$200,000 (+) Land Homesite Value:

\$0 Ag / Timber Use Value (+) Land Non-Homesite Value: \$0 (+) Agricultural Market Valuation:

(+) Timber Market Valuation: \$0

\$359,963 (=) Market Value:

(-) Ag or Timber Use Value Reduction: --\$0

\$359,963 (=) Appraised Value:

\$95,269 (-) HS Cap:

\$264,694 (=) Assessed Value:

#### **Taxing Jurisdiction**

Owner:

% Ownership: 100.0000000000%

Total Value: \$359,963

Taxable Value Estimated Tax Tax Rate Appraised Value Entity Description \$2.501.36 1.222000 \$359,963 \$204,694 01 AUSTIN ISD \$774.68 \$168,812 0.458900 \$359,963 02 CITY OF AUSTIN \$136,755 \$624.02 \$359,963 03 TRAVIS COUNTY 0.456300 \$264,694 \$0.00 \$359,963 TRAVIS CENTRAL APP DIST 0.000000 0A \$136,755 \$172.85 \$359,963 TRAVIS COUNTY HEALTHCARE DISTRICT 0.126400 2J \$117.46 \$124,694 \$359,963 AUSTIN COMM COLL DIST 0.094200 68 2.357800 Total Tax Rate: \$4,190.37 Taxes w/Current Exemptions:

Improvement / Building

Improvement #1:	1 FAM DWELLING State	Code: A1 Li	ving Area:	672.0 sqft Value:	\$73,823
Туре	Description	Class CD	Exterior Wal	Year Built	SQFT
1ST	1st Floor	WS - 3+		1938	672.0
011	PORCH OPEN 1ST I	* - 3+		1938	24.0
095	HVAC RESIDENTIAL	* - *		1938	672.0
251	BATHROOM	* - *		1938	1.0
011	PORCH OPEN 1ST I	f * - 3+		2009	312.0
571	STORAGE DET	WS - 3		1938	16.0
Improvement #2:	GARAGE APARTMENT S	itate Code: A	1 Living Area:	805.0 sqft Value	<b>\$86,140</b>
Туре	Description	Class CD	Exterior Wa	l Year Built	SQFT
1ST	1st Floor	WS - 4+		2002	100.0
2ND	2nd Floor	WS - 4+		2002	705.0
012	PORCH OPEN 2ND	F *-4+		2002	15.0
012	PORCH OPEN 2ND	F *-4+		2002	45.0
041	GARAGE ATT 1ST F	WS - 4+		2002	575.0
095	HVAC RESIDENTIA	L *-*		2002	805.0
251	BATHROOM	* - *		2002	1.0
nd					*
# Tune Decerint	ion Acros Saft	Eff Front F	ff Denth M	arket Value Pro	d Value

# L

#	Туре	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	LAND	Land	0.1426	6213.37	0.00	0.00	\$200,000	\$0

## **Roll Value History**

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2016	N/A	N/A	N/A	N/A	N/A	N/A
2015	\$159,963	\$200,000	0	359,963	\$95,269	\$264,694
2014	\$154,732	\$165,000	0	319,732	\$79,101	\$240,631
2013	\$118,401	\$110,000	0	228,401	\$9,646	\$218,755
2012	\$88,868	\$110,000	0	198,868	\$0	\$198,868
2011	\$108,868	\$90,000	0	198,868	\$0	\$198,868

# Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	12/31/2014	SW	SPECIAL WARRANTY DEED					2014194181TR
2	6/25/1979	WD	WARRANTY DEED			06605	01879	
3	6/25/1979	WD	WARRANTY DEED			06605	01879	

# Questions Please Call (512) 834-9317

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# Eastside Artist's Cottage

Austin, TX, United States 食食食食食(7)









\$225

Check In Check Out Guests

mm/dd/yyyy 1 1 7

Request to Book

# About this listing

My 1920s one bedroom Eastside cottage is in a quiet neighborhood near fiesta gardens and town lake. It's simple and lovely with a huge backyard surrounded by trees. Downtown Austin is under a mile away and it's even closer to the thriving Eastside bar district. WindowUnit keeps things frosty.

Contact Host

The Space

Room type: Entire home/apt Bed type: Real Bed Property type: House Accommodates: 4 Bedrooms: 1 Bathrooms: 1 Beds: 1

Amenities

19 Kitchen

Essentials

Ď n

Shampoo

+ More

Prices

Extra people: \$15 / night after 3

Weekly Price: \$1000 /week Cancellation: Moderate

guests

Cleaning Fee: \$20

Description

The Space

This space is perfect for both solitude or city interaction. It is a quiet neighborhood within walking distance to the water and running/biking trails, or to liquid of another kind.

