

City Council Work Session Transcript – 09/20/2016

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>> Mayor Adler: So I think we have six folks. Today is Tuesday, September 20th, 2016. It is 9:16. We are in the boards and commissions room at city hall. This is our Tuesday work session. We have at this point four items that have been pulled. The lobbyist issue, the Zachary Scott, the fashion incubator and the grove. In addition to that we have an executive session with two issues and we have one briefing in front of us. We also have to consider calendar items. Ms. Kitchen is about 10 minutes away, and councilmember Gallo should be here about 9:30 for a couple of hours as well. There's been a request for a time certain in the evening for the cactus road Lennox issue, and I think we also have to decide how we're going to be doing the grove. I think those are the two really big things on the agenda. >> Houston: And mayor, St. James Baptist church I need a time certain for that once we figure out where all the other pieces land. >> Mayor Adler: Okay. So St. James, the grove, and the cactus rose. >> Pool: Mayor, I would like to propose a 6:00 P.M. -- I think item 73 is the grove. >> Mayor Adler: I think everybody wants it to be at the same time so since they all couldn't go at that

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point, we have to -- I think we should wait. >> Tovo: Mayor, I need to talk just for a minute about the villas and I can do that when the whole group is here too, a coalition of neighbors have requested a postponement on that item and I just want to hear if people have concerns or whether I can indicate to them that that's likely to be successful. >> Mayor Adler: Which one? >> Tovo: The villas. Who is asking for the -- >> Mayor Adler: Who is asking for the postponement on that? >> Tovo: A group of different neighbors who live in that area, unless there's late-breaking news. Yeah, it's the removal of the restrictive covenant at the villas. And I believe there was a formal request submitted to staff as well. >> Mayor Adler: So this would be the first request from the neighborhood group so it would be something we would customarily grant, and we just want to confirm that today that that happens. >> Tovo: That's the general sentiment. >> Mayor Adler: Okay. >> Houston: St. James is item 65. >> Mayor Adler: So we really can't do the scheduling things until we have more people here. Do you want to talk to us about the lobbyists? >> Pool: I'd love to, sure. Item 5, my staff will be -- let's see. I have -- I was going to say my staff will bring it down, but I have them right here. These are substantive changes made since last November on the lobbyist reform ordinance draft for you to look at. And as you know, we've been talking about it for more than a year, and I believe we've come up with an

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excellent lobby reform ordinance. It's fair and reasonable and it provides real public transparency. We worked with currently registered lobbyists, listened to their concerns. The league of women voters and other good government groups, legal experts, the development community and many others. There were a lot of folks who weighed in on this and recommended good changes to what we had originally pass the resolution since the council passed a lobby reform resolution in November, we've made 20 changes based on input from all parts of the community. And that's the backup that I just passed around to you. So I want to thank everyone, everyone who weighed in on all parts of the ordinance changes and for their willingness to stay at the table with us and work through some of the last hard bits, the last hard nuts to crack, mayor. And I really want to thank you, mayor especially for your help in negotiating the last of the several last-minute provisions. Thank you for that. So a little bit of the background before we get into the substance, you may remember last fall the ethics review commission unanimously recommended this major overhaul of our antiquated lobby law. And in November we overwhelmingly passed a detailed resolution with the items in the ordinance. The league of women voters, good government groups, community groups, many others across the spectrum, strongly supported the proposed revised ordinance. And the proposed lobby perform ordinance provides clear provisions on who is a lobbyist, who must register, meaningful reporting requirements, enhanced enforcement, grace periods for reporting the stakes, which is important. We lowered the registration fees. And we inserted provisions to make reporting easier for lobbyists. The proposed revised ordinance essentially follows state law, which state lobbyists have complied with for years without undue burden and

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which provides valuable information to the public. So I think there's a comparison chart also attached that shows you the proposed ordinance and the current city and state law. And that explains the differences. So key highlights, I'll just run through them really quick and you can look at them at your leisure. We eliminate the incidental lobbying exception. We eliminate the subordinate official exception. We clarify who must register and who does not need to. We expand reporting and we follow state law with that. We enhance enforcement. That's been a major problem. And it clarifies the penalties per violation so that that is very clear. So the lobbyists who looked at this helped us with their insights. The result is a fair and reasonable law for lobbyists. They provide a valuable service in our democratic system. The law allows large firms to file just one report for all firms lobbying employees and so that's how we dealt with large numbers of lobbyists working for one firm. And then we changed the effective date. We want to give our city clerk and her hard-working staff plenty of time to accommodate the needed changes and also to hire the staff that we designated for her office with our new budget for fiscal '17 so the effective date moves from the first of April to the first of June 2017. And then the last thing I would like to say is the ordinance allows the city and stakeholders until that same date, June 1, 2017, to discuss and make any mod in a indications to the ban on for profit and non-profit lobbyists sitting on city boards or to strengthen our conflict of interest provisions for board service. We don't take that up in this ordinance, but that is a promise to the community that we will work through that and so we set a deadline to spur that work

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and ensure that it happens. Thank you, mayor. >> Mayor Adler: Thank you. And again, thank you for your leadership on this. This is a really big lift. And you have been diligently taking a hold of this for a long time. And I think there were a lot of people that questioned whether you would actually be able to get to a place here that you could have something that seemed to have all the right balances. So I'm real

excited for you and for the city. I see that the staff's version of this just came out I think yesterday or so. And I know that it's circulating so if there are any last minute tweaks by anybody who is watching this in terms of execution, they need to get that in and get it to councilmember pool. And if there's anything like that or -- if you would post those on to the message board before Thursday, that would be helpful just so people could see that. >> Pool: Will do. >> Mayor Adler: And I will say that my hope is that the next lift that you pick up here is in fact that next stage, which is the conflict of interest stuff. I mean, there's kind of like a triumpher rate of things here. It's the secret money resolution which we've moved forward on. But the third piece, that third piece, the conflict of interest to strengthen the conflict of interest provisions, I hope and trust that's the next thing that happens, and I think you have opened the door. And basically just laid down the charge for the -- as the community I think wants is for us to really address that and deal with that. So thank you for that work. Mayor pro tem? >> Tovo: I really

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appreciate all your work as well. So thanks for all the work you've done with community. I want to ask a couple of quick questions. So the lobby fees are currently 300 a year. And they will actually be reduced? And I wondered is that accurate? >> That's right. What we have to do, you'll remember when we talked about this during the resolution phase, we are required to do -- we're not required, but we will do a cost of service provision study so that the fees that come in from the lobbyists pay for the efforts, the work that the city clerk's office does. And in order to align those we'll do a cost of service study. We're looking at \$100 per -- that's I think what it -- the city clerk can talk to us a little bit about that now, but we've never directly linked up how much it costs our staff to do this work with how much money we're bringing in. And our charter requires us to use this money for that. >> Tovo: If I could ask a question, though. That lobby fee has been in place for awhile, that \$300, and since we're adding staff and adding new responsibilities it's hard to see that the requirements for our staff have actually gone down and would really justify a lower fee. I'm concerned because number one I'm concerned that we're covering our cost. The other concern I have is this is part of how we fund our fair campaign contributions to those candidates. So it's really important for me to get it right. I apologize if we had a previous discussion about that. I didn't realize we were lowering our fees significantly from where they are now at the same time we're actually going to need to add some staff. >> Jannette good all, city clerk. The 100-dollar fee I will let councilmember pool address that because I didn't have any direct input into that fee. We're currently working with the budget office to do a

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cost of service study so we'll start moving forward on that as soon as we get the ordinance. It was kind of difficult to kind of estimate the amount of time when we weren't sure what all of the changes were going to be. And how much staff time would be devoted to the different responsibilities. So we'll -- we've started working on that and we'll get that going in this next week full force. Law may be able to explain. My understanding is -- >> So we're going to do a cost of service study to make sure that the money that is coming in matches up with the amount of north Austin is being required to pay. And we can talk about that further and revisit it once the cost of service study is being done. >> Tovo: I understood that message. I guess, again, I'm -- I'll leave it there. But I guess I would hope that as soon as that cost of service study is completed that we come back and revisit this issue. >> Pool: And I would also just offer that I am not vetted to lowering the fee. It was I wouldn't mind a friendly amendment if that's what you would like to do and if the dais would like to see that happen. But yes, we would be diagnostic the cost of service study and then we would true up what the fees are to capture the cost for handling this legislation through the city clerk's office. >> Tovo: And mayor, I had another question. >>

Mayor Adler: And it was picking up a lot of people who weren't registering and non-profit folks and there was a desire to keep the fee as low as possible. But you're right, the fees are set in relation to the cost of service and we have time to do the cost of service before this will be implemented.

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So we can certainly -- we can pick any number that would be now and trueing up as opposed to what the cost of service shows up. >> Tovo: And that may lead to my 11 on your list and thank you, this is a very helpful list. So the ordinance now requires that unpaid advocates for different issues, must sign in for their client. Where are they signing in? >> This was something we talked about at length back last fall. It was part of the resolution we would have a book like you do at the state capitol, when you go to a delegation there you sign a book when you go into that office and retain that information. Councilmembers also have indications of that on their calendars when we have meetings there. But we'll have a registry and I think the city clerk was putting together a form we could use and they could sign in. >> Tovo: They won't be required now to register as lobbyists. They just need to sign in at individual offices. >> Pool: Exactly. When we sign to say we need to get out of the parking garage for free, it's that kind of thing. You sign in in the office and that indicates that you were there and what subject you were talking about with them. >> And I had spaced on that, I guess, or it was a long time ago that we talked about it last fall. I didn't realize that was going to become a new requirement within the record keeping that will fall to each of us as councilmembers to make sure that we get -- I do keep track of people on my calendar and I deep notes, but people come late to a meeting or they pop in a room? There is a certain amount of coordination that we're all going to need to now adopt to make sure that every person who comes in and meets with us has signed the

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book and registered their affiliation and that gives me some pause. It's another part of record keeping that's duplicated. And they do that too for the parking. So there may be -- if we move forward with this provision perhaps they could do all of those things as they pass through the lobby they could sign in, they could do their parking validation, if they have a parking validation, and then they could pass on back because again sometimes we're mid meeting and three new people come in. And rather than stop the meeting, go back to my office, get a book, come back, sometimes you have multiple meetings going on, the book has to be passed back and forth to my staff, down the hall. It's cumbersome. >> So they have to sign in more than once. A lot of times they'll come in and visit more than once. >> I like the idea that we have a centralized location, simply when you get your parking ticket validated. We will work on it for sure. We haven't designated all the specifics and procedures and implementation, so that's out there. It does set a bar to try to record the people coming to talk to us here. >> And this requirement does apply to more than just the council offices. My understanding is it will apply to any city official that someone is coming to visit. And so we'll have to be a little flexible because that would be every department may have to keep a list. So we envision it being something very simple and flexible within each of those departments at a reception area or something so I'm sure -- >> >> Tovo: To me I think it's very appropriate to have that level of scrutiny for people who are being paid to come and talk. It's a different matter when people are coming to meet with their council or with staff about a project that's

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taking place on their block for which they may have been noticed or something along these lines. This is applying sort of the same level of record keeping for regular ordinary citizens who are exercising their

right to come provide us with feedback and not being compensated for those efforts. >> Pool: And I'll cap that by saying to the best of our ability we'll try to capture that information and try not to make it onerous. Trying to capture the necessary information. And I wanted to thank the city clerk and her staff one more time for all of the diligent efforts and also our law department and John steiner was really helpful. And league of women voters, the folks with the architects group who were very concerned and then my experts in state law, jack gullenhorn. It was a big effort. And I look forward to this coming up on Thursday. >> Mayor Adler: Ms. Garza? Mr. Casar? >> Casar: I really appreciate the work too. I will just indicate that I'll look at the staff's language to know how concerned or not to be about the mayor pro tem brought up just because I think about my weekend, which was I met on somebody's block with myself. No staff, no notebook about issues related to a creek. I went to another watershed meeting where people were talking about issues and it -- I know that sometimes we and our staff get put in situations where there could be gotcha moments. I understand that it's not what we're going for. I just want to make sure that everybody can feel as comfortable and nimble about going to meetings.

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And I cover so many meetings without staff and not in my office that I just want to make sure that we're trying to capture what we're really trying to capture. And I know that's what you want too. Anyway, so I'll look at this language between now and Thursday. >> Garza: And just for the sake of discussion and the fee amount, I would have concerns about lowering it too. I understand if we're starting to ask different kinds of groups to pay and so -- if that includes non-profit I think we can make an exception for a non-profit, but I don't think we should bring everybody down just so it's more affordable for people who really can't afford it. I would prefer to leave it as is now, see what the cost of study -- cost of service study says, and maybe have an exception for non-profits. >> Mayor Adler: Anything else? >> Pool: Thank you. >> Mayor Adler: Thank you. Let's talk scheduling. We don't have Sheri here yet on the grove. So let's hold off on that and see if we can get her here. We have -- do we want to hear the presentation on the citizens communication via video conferencing, see if a couple more people arrive? Are we ready to have that presentation? >> Houston: Or do we want to look at some of the pulled items? Do we want to look at some of the pulled items? >> Mayor Adler: We can. And in the absence of them being here, do we want to talk about -- mayor pro tem, you pulled the Zachary Scott issue. Do you want to talk about that? >> Yes. And I think maybe some of my colleagues want to talk about that element of it. I actually have a different question for staff. So last week when we were doing budget direction I had some budget direction

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prepared for the capacity building gnts. And I think things got a little muddled. So I had requested a question in the budget Q and a on how we had the development facilities fund. I had a list of questions that I got back from the capacity building program. So when we included no money in our budget for the community development incentives fund, I thought that my points about the capacity building grants were moot and I red moved that from -- I removed that from my budget direction. And I see one of the things we are approving this week are the capacity building grants. So I guess my question really for staff is how and when and in what forum would it be appropriate for count to provide some feedback on this grant line in the future? Obviously it wouldn't impact the ones before us for consideration this week. I'll remind you of some of my budget direction. My budget direction, I'll just read, reserve for organizations that have not received cultural arts contracts in the past. It looks to me like several of those who are getting capacity building grants are getting -- have also gotten cultural arts contracts. They're getting capacity building grants for elements that aren't eligible for funding through the capacity building

program. And I would strongly encourage that we use the capacity building grants for organizations that don't have the capacity to compete yet at the level of the cultural arts contracts and not just use that as an additional source of funding for organizations that have already been successful with their cultural arts contract. So that was one piece of direction. One was a suggestion -- and this amount was really up for discussion, but that we limit organizations to one grant per year in the range of about \$10,000. Again, I was willing -- I mean, I really wanted to have a conversation about what that amount is. With all due respect to some of the organizations listed, one had I think about four or five different elements funded. And that was really out of scale with some of the other capacity building grants,

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which were more in the range of 10 to 12,000. Again, I think if we have -- this sounds like a great program. I read through the application that you provided us through the Q and a process and it sounds like a great way for organizations that again don't have the infrastructure and maybe the staff organization at this point. And that would be necessary to compete for Texas commission for the arts grants or cultural arts contracts to have a lower barrier grants application that allows them to get the funds to compete. If we're giving multiple grants to one organization that limits the amount of grants that can go to other organizations. And then my last was just a question to staff about whether fiscal sponsorship is really essential for the level three and level four organizations who are -- it just adds another level of stewardship, which is a great thing, but it may add another level of complication for organizations that might otherwise be able to compete. So those were -- that was my direction that I had hoped we would have a discussion about. Again, I thought it was a moot point because I didn't realize we were continuing this program through this year. And so my big question is sort of how -- in what forum would it be appropriate to provide this feedback? And then if you had any response to those specific suggestions. I know one -- some of these decisions had been reached by our arts commission as I understand. And I appreciate their perspective on it. I just disagree about the cultural arts piece, whether they should be able to get both. >> Good morning, synovia holt Rabb. You are correct we have completed the scoring process for fy17. If it is the council's direction that we limit the amount of funding we can take those recommendations back to the arts commission that drafts the guidelines and the scoring process to incorporate, but it is for those items that are not

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eligible for arts, hotel occupancy tax, such as strategic planning, board capacity building, evaluation of services. I'll just give you one example. We had one contractor who used the capacity building to analyze their services so that they could expand their venue and their offerings to other organizations to add elements of additional income offerings. So it's those types of grants that allow organizations to grow, but if it is the council's desire we will take those recommendations back to the arts commission to incorporate them. >> Tovo: Thank you. I appreciate that. And that would be -- would that be done through kind of an amendment on -- or some direction from the dais on Thursday about recommendations to take back to the arts commission? Yes, the arts commission. >> We have a guideline working group that we can take that back. It would be a direction from council to do so and we could do that. >> Tovo: Okay. I will just put this in another form then and do that on Thursday. But while we're talking about it, did you have -- >> Mayor Adler: Before you move off that topic -- are you switching topics within this area? >> Tovo: I'm not sure, but you should ask your question. Yeah, may be. I may be switching topics. >> Mayor Adler: I would really like to have the staff's recommendation on this element. I think what the mayor pro tem is suggesting is that this was money to actually build capacity. And if these are organizations that already are competing well, they don't look on the face as if they

need the money to build capacity. And I understand that. That makes sense to me. At the same time, I would like the staff to give us their perspective on it more than just saying we'll implement whatever you tell us. I would really like to have a staff recommendation on whether you think that is the appropriate or best use of those funds or if there's something that we're not

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thinking of in that context, recognizing that -- what the money is here. So maybe that's something that comes from a guideline committee or maybe some of those people could be here. I don't know who the guideline committee is, but I want more than just you taking direction. I actually want to have affirmative suggestion or advice on what you believe the policy should be. >> Well, we do feel that it is a great process. We are trying to approach capacity building from various aspects, but this is one that, as staff we feel is critical. We can come back with recommendations and work with the arts commission because it's not only for organizations, but individuals too. So we could come back and work with our working group to determine if there's some elements we could add for those, maybe a tiered approach, a certain percentage of the funding could go to existing, certain percentage could go to new. We could take a look at that. And we would appreciate if we could do that. >> Tovo: Mayor, and I thought I understood your response to be that you would take these really more or less as suggestions to the arts commission to consider as they do their process. And it looks to me -- I think I may have seen a slightly different list. It seems to me what we're approving on Thursday are not organizations that have gotten cultural arts contracts right now, so it looked to me from both of those lists like most of them are organizations that aren't currently getting funding. I think they really should consider maybe a harder and faster rule. And there were some budget question and answers related to this that might be useful for the arts commission in that regard. And then too, I would be interested in hearing your feedback about the others, about what the rationale is for having some organizations get six grants totaling \$45,000 when almost everybody else got 7500, 10,000. >> The applications are scored based on the

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requests, what the organizations feel is best for them to grow. So you have a wide variety of uses. It's up to you to recommend or apply for those aspects that you feel will help you grow and advance. >> Tovo: Okay. Again, I would be interested in all three of the things I said being considered for -- through the art commission and maybe they can report back. I and I see I do know the budget questions are 231 and 237 that responded to this. That might be helpful for that. And again, my intent here is not to -- you know, not to keep people from getting money that I know they can use well, it's really just to make sure that our really scarce funding goes to as many groups as possible who meet the requirements and can use it to try to build their individual capacity. >> Just as a reminder as you said, the requests that we receive are over \$300,000, so we were only able to fund 150. So the need is there. So we will take this back and forward the recommendations from the arts commission back to council. >> Tovo: Thanks. I'll write them up in a useful way hopefully. >> Thank you. >> Megan wells, cultural arts division manager. I wanted to just add on to what synovia. And mayor you asked about the working group. That's a subset of the commission. And we have the working group for our guidelines that are for each funding program annually. So this is a regular part of how we evaluate how our programs are working and to incorporate feedback that we might be getting from the community or from council or from any entity that feels like there's improvements to be made. So that process is happening with this particular program in the next couple of months so we can get to that fairly quickly. And make sure that we are giving them your ideas as well as kind of taking the feedback that we have from the groups that are participating or haven't participated so that we can structure this a little bit differently perhaps for fy18. >> Mayor Adler: Okay.

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>> Houston: Mayor? I have something else about cultural arts. Thank you all for being here this morning. This is my second a year now asking this question. Can you explain to me about the \$60,000 extra that Zachary Scott receives? Where does that come from and how do other cultural arts components access that money? >> Good morning, mayor and city council. Cindy crossby, assistant city attorney. There's an operating equipment between the city and Zach Scott that was executed in 1987. And as part of the Q and a it's been uploaded by staff so this is a financial requirement that the city has taken on under this agreement. Now, for the second part of your question I have to turn it back over to staff. >> Houston: So just a quick question on that. So once these agreements are drafted and agreed to, then they go on in perpetuity? Are they ever looked at again to see if in fact this particular organization or any of them that we have long-term contracts with are needing to continue? >> Under this particular agreement it's a 99-year term. And it was -- there are other items in there that the city takes on as obligation as well as the Zach Scott itself. So there is a provision to actually increase the amount, whether or not it's compared to other organizations is not necessarily something that's looked at within the scope of this agreement. >> Houston: And thank you for that. It's one of those things when we as a council always talk about equity issues, but the communities that some of us represent are never able to get that foot in the door because we have 99-year agreements with an organization that does good work. I go to Zach, I think they do great work, but they're

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also able to raisin credible amounts of money and pay their executive director incredible amounts of money. So it's an equity issue for me and it has been since last year. So not in our lifetime will this ever come up. In fact, it will just continue to increase in funding. >> Contract terms can always be negotiated and an amendment agreed by both parties. So that would be something that if directed by council could be initiated based on changes and conditions from 1987, if that's the desire of the council. >> Houston: So how many of these kind of contracts do we have that date back to '87 and go for 99 years? >> I'd have to check with the different departments. Most of them I would say are probably with pard because of the long-term capital improvements investments that are required. But that's something I'll check with staff and see if we can gather that information. >> Houston: Would you please? I'd appreciate it. Thank you for your answers. >> Mayor Adler: Okay. Anything else on this item? Ms. Kitchen? >> Kitchen: I just want to let my colleagues know that I'm looking at a potential amendment we've discussed that just relates back to -- it's more specific than what we have in the current contracts, but it relates back to more specificity around requirements regarding labor. And so I don't have language for you today, but it would be something along the lines just discussing the fact that these contracts -- the participants in these contracts since this involves city property need to be sure that they comply with labor laws. So I'll be happy to post and share that if it's something that we pull together. We're working with legal

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right now. >> Mayor Adler: Okay. Anything else? All right. Thank you very much. >> Garza: A quick question I just thought of, sorry. >> Mayor Adler: Go ahead. >> Garza: Does that come in the form -- >> Kitchen: That would be in the form of an amendment. The resolution as it's presented authorizes the city manager to execute -- negotiate and execute contracts and include the terms of those contracts so this would just be some specificity around those terms. >> Garza: Okay, thanks. >> Mayor Adler: Okay? Do we want to talk scheduling with respect to the grove issue that's coming up? We have three things or

several things that are looking for potentially a 6:00 P.M. Setting. We have St. James, we have the grove, we have cactus rose. All of which are looking to be brought up in the evening. St. James I think is going to go and I think cactus rose is going to go. Both those items. >> Renteria: Yes, mayor. I want to make a recommendation that we pass the cactus rose on first reading only. >> Mayor Adler: On first reading only? >> Renteria: Yes, sir. >> Mayor Adler: Okay. And then on St. James I think that was with us before and now it's coming back. Yes? >> Gallo: I think it would be helpful in the discussion too if we have any idea of the amount of citizen communication that possibly can be involved or would be involved with each of these as we talk about the timing. >> Renteria: I know that there's been a request to have an interpreter there on-site also so that's the

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reason why we're requesting for a time certain because there's a lot of these homeowners that live there that don't speak English. They're all Spanish speakers. So that's why I'm requesting it. They've been negotiating now for -- since February and it's my understanding is that 20 residents there has already taken their offer and moved out. And we're dealing with 34 residents -- families there that. And my understanding that they're pretty close because the applicants said that they already have identified 34 lots that they could move them to. There's some concerns about whether the movers are going to have the necessary insurance to move. And if there's an accident -- we want to make sure that they're going to be covered. So that's basically what I want to hear from them and see if -- if they're going to be able to handle all the liability that come along with moving some of these older trailers. >> Gallo: But I guess my question was if anyone has a sense -- and I know we never know for sure, but how much communication or how much public input that will be there. I think it's just helpful -- as you're talking about scheduling, when we talk about these I think that should also or could also be part of this. We should probably assume in most cases I think with the grove that we'll see at least the amount of public conversation, which we certainly want to encourage, but that we saw at zap as part of that. I think it could be indicative of what we're

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seeing. I think if people have an idea on these zoning cases that they're more familiar with. >> Renteria: I don't see that many people showing up for the cactus rose. There are only 34 families there. And I -- I'm assuming that there are not going to be more than 30 speakers there. >> Mayor Adler: So where do we think we stand on the grove case coming up on -- >> Houston: Could I speak to St. James? Thank you. I have a meeting with the neighbors tonight. The neighborhood spoke last time when we asked for a postponement. I'm going to try to see if we can get it to where we can just pass it on consent except we've got a valid petition and I don't know how that entered into the discussion. But I'm ready to go ahead and pass it on all three readings. But I don't know if we can with a valid petition. We need nine votes, right? >> Jerry rusthoven, planning and zoning department. There is a valid petition on the St. James case. We did renotify that case and take it back to the planning commission because the area of the zoning case has expanded. So I do feel that there is a legal need to reopen the public hearing because we're treating it essentially as a new case. Now, if no one requires to speak at the public hearing -- wishes to speak at the public hearing -- >> Houston: I'm trying to decide that each side have three people to speak, three people from the church and from the neighborhood, the applicant to give opening statements and closing and then be through. >> Mayor Adler: If this is a statutory public hearing, then we can't limit the number of people that speak, but we could only limit the duration of the speakers. So everybody who wants to speak needs to be did given an opportunity to speak. Is that correct in this

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sentence? >> That is correct, but they can certainly limit themselves. But everybody has to be given an opportunity to speak. >> Houston: So that's my goal is to ask everybody when we meet tonight to limit to three speakers, but if eight people show up, then eight people show up. I understand that. >> Mayor Adler: My understanding is that they've gone away and have come up with an alternate access other than 17th street and that could be closed with a safety gate. Is that what's being proposed at this point? >> Houston: That's what's being proposed. The neighborhood doesn't even want the safety gate. The crash gate. So that's where the rub is at this point. There's another access point on martin Luther king, junior, boulevard and just put the crash gate on 17th street. But they don't want that either. So that's what the conversation will be about tonight. >> Mayor Adler: Have you taken a position on this yet, Ms. Houston? Do you want to tell us what your guidance would be? >> Houston: I'm still working. I'll try to see if we will be closer together so there's not the contentious kind of situation that we might have. >> Mayor Adler: Okay. Thank you. >> Houston: I'd like to talk with them tonight and see if we can come to some resolution. >> Mayor Adler: Thank you. Yes, mayor pro tem? Progress has been made looking at the site that some speakers believe might be on that property? >> Houston: The cemetery is directly east of ever green and currently going from Greenwood avenue. That's already been pretty much developed. >> Tovo: It's been developed over that piece? >> Houston: Uh-huh. And they have documented. I'll try to put it in. It's not anywhere close to the

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site we're talking about. >> Thank you. >> Mayor Adler: What about the grove? Somebody want to talk about where we are on the grove? I think the ground is very ready to speak to us on the grove. We've been getting lots of e-mails. We should be sure to have the conversation about whether or not to do the public hearing and listen to the community. The other question would be, you know, do we do the public hearing and take a vote on Thursday? Do we do the public hearing and wait to take the vote? I think we have been so intimately involved with this, that, you know, we have been part of this discussion for so long, but my concern, and I'd love to hear from the other council members, I know all of us have been involved in the last month and a half. The Boston energy rate case, certainly the budget that I'm not sure whether other council offices feel like they need for time. I think we should be sensitive to be able to meet with people in here. I've heard from some of the community that they had the full time setting appointments but we've all been busy and focused on other things. I would be curious to hear from the other council offices. >> The neighbors have been concerned about the development of that site since 2012 and have been working hard to explain the vision that they have for a mixed use development, and -- that has a lot of affordable housing. That has a sizeable park, that we address the clear ramifications of new impervious cover on the down stream residents and the work being done along the edges of the creek and the traffic itself, we don't have any certainty how that will be managed. So, what I would propose that we

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do on Thursday is hear from our neighbors. They're ready, and happy to come and talk to us, and I think we give them that opportunity. I would like to go to first reading on Thursday. I think that our neighbors deserve to know where we stand on this development, so that they have clear sense of how we view the impacts on them, whether they live close to the proposed development, or somewhat removed from it. There is no question that it will be impactful. I would like to see the development have more affordable

housing. We started out with about 180 units which wasn't very much, and the latest I saw yesterday was that number's down to 87. And that's unacceptable. We need to do something about that. So I would like many council to show the developer that this isn't sufficient for the entitlements that we are granting, for the massive development, and the profit that will be made from it. What is the community benefit that will spin off of this in the long term and how will we have our lives improved by having this development on this -- in this one little area of town with essentially one road, a two-lane road, to serve everybody coming in and out. So, I'd like to see more movement on the proposal, and I think we should vote on first reading on Thursday. And I'd also like to request a 6:00 P.M. Time certain. Thank you. >> Just a couple of other points. I know we -- council member

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Poole's office and my office has worked hard to continue the conversation with trying to get the parties closer together. I don't know that that conversation has been complete yet. I think we're all still working on that. I know our office has been very involved with the property owner, and has said very clearly, that we want to see them reach parkland superiority on this, and I think we're very close to that but we're not there yet. So, I think there's some pieces that are really important to the community, and really important to the neighborhood. We had the conversation about -- and a resolution that will be brought before the council on our office on the traffic mitigation plan, which will actually take funding -- or, get funding pr the increasing property values and increasing property taxes from this property to provide a long-term traffic mitigation plan. This is one of the things that bcrc was asking for, so that over the next couple of decades, that the neighborhoods actually have an ability to have a funding source and funding stream to address traffic issues that increase as the density and development of that property happens, and that's something that will be coming to the council as a resolution, probably the first part of October. So, I do think there are some additional components that are really important, particularly the parkland spear ority and we're working really hard on that. The affordable housing, it's my understanding that they were closer to 108 plus being able to do some that were at 120%, so that they still are meeting the superiority under the affordable housing. So, you know, I just think it's -- we're all really working hard and there's lots of pieces that I think all of the offices are still working on and all of the different groups are working on. Just as long as we continue to have those conversations and really work towards making sure we accomplish those. >> Mayor? >> Mayor Adler: Yes. >> I would say I would not be

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supportive of any plan that would place any additional tariff or tax that would happen to purchase or rent in the new development in order to pay for traffic improvements. The developer is the one, if we're going to be meaningful when we say development should pay for itself, any transportation should be born by the development. >> Perhaps I need to clarify that, I didn't say that clearly enough. This wouldn't be an additional tariff, this is allocaing a portion of property taxes that they would be paying towards this as a long-term negotiation and it's in lieu of what the developer is agreeing to pay. This is what the developer does and agrees to pay is the immediate traffic mitigation. I think what we've heard from the neighborhood there is certainly the potential particularly with the traffic demand management plan for additional needs and funding throughout next couple of decades to address traffic situations that increase and need to be addressed as the property that city increases. And as we have new options for being able to handle different traffic mitigation situations, so, it is not -- we're not proposing is not an additional tariff to the people that will be living there. >> Mayor Adler: Mayor pro tem? >> I want to say this has been a long-tim discussion, and I agree with the point that was made before, that I think it's

time for the community and for the development -- for the developers to have some sense of where we stand as a council on this issue, so that I -- obviously, we're not going to resolve it on Thursday but I think they need to have a sense of the work ahead of them. >> Mayor Adler: Yes? Miss Garza.

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>> Garza: As we met with different group on this, we've all been presented with different comparison charts and one side will say, this is -- my question is, can staff bring us some kind of comparison that says maybe what the original -- what the original plan was, what the change has been since that original plan, what the -- probably in the back, if I did my home work, but is there a simple like chart that we could have that shows us what the developer is investing in the traffic improvements and affordable housing component, all of that stuff, if that's possible? >> What we could put together, I guess, is what the original request was, what the staff recommendation was, and what the -- and then when we went to the zap commission, the snap was in agreement. The zap passed something different more than staff recommendation. Now they are saying they agree with the zap recommendation. I can tell you what the zap recommendation is of course. But I cannot tell you what has changed conditions the zap recommendation, because those have been discussions within the council offices. I'm not aware of any agreements that have been made or what has shifted, what the applicant has agreed to P W any individual council offices. I'm not party to those negotiations. I guess, too, as far as which parameters we would lay out or which variables have altered, I have a list of five or six most ten things, impervious cover, number of units, that kind of thing. >> Like affordable housing, where that number is, where it was, what zap recommended. Flood mitigation, improvements.

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Traffic -- I'm sure you know which are the big ones. >> I could do that, but mine would only go up to the zap recommendation, because anything that happened after the zap, we have not been -- the application has not been formally amended, but I know there's been discussions with offices. I hear there's been proposed changes but I'm not aware of what those are. >> Garza: Who can T be possible to send you what the changes are, so it could be included in that chart? >> If they're willing to share them, yes. >> Mayor Adler: Mr. Casar. >> Casar: Just on the timing question, I say that I know there's offices that worked really hard on this with a lot of people for a long time. So those offices might have an idea what might change between the first reading now and wherever it is we're headed. But I guess for me, if it's a first reading with some knowledge that there's going to be some significant amount of change before a future second reading, it might be -- I might feel more comfortable in some ways knowing what those changes might be. We're waiting for the first reading for when I know what it is. If things are headed in that direction, we could start there on first reading. That might be a more comfortable note than voting yes or no, or whatever on first reading with knowledge this is just a starting point, so, I guess it puts us sometimes in a bit of an uncomfortable position trying to make a decision on first reading if there are folks that acknowledge where things are going to shift and there's continued work to bring parties together on second reading. So, I guess it is just from my perspective, it may be easier if people know there's going to be a decent amount of change for us to take first reading up once the negotiation and that level of compromise has been reached. But I leave that -- >> I'm wrestling with the same thing. It seems to me there's two distinct issues with respect to Thursday.

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One is the public hearing component of it. Is it time for the public to address the council and say what they want. And I think the answer for me is yes. There's been a lot of conversation lots of different places and I think the community on both sides has earned the opportunity to be able to be in front of us. Obviously this is a really big case, involves lots of different things, not just this property but this city generally, so I think it's important that the community have a chance to come in and speak us to. Usually I will tell you that I urge against that kind of thing because it means we have a second conversation that will probably be as every bit as big later on. But in this instance, on this project, my gut tells me that's probably an appropriate thing to do. With respect to the vote or any vote that we will take on Thursday, quite frankly I'm not ready to take any vote but I think it's important that we keep this alive so we can continue discussing it. You know, ultimately there's going to be something that develops on this property and it can develop with regular zoning or with P.U.D. Zoning. Right now I look at P.U.D. As the best tool that we as council can help drive to whatever it is to ultimately work on the problem. If this is with regular zoning which is the default situation, I think we lose some control of it. We, as a group wish me may have early on. I think whatever happens Thursday, if we can keep the P.U.D. Option still alive so we have flexibility on the dais, I would like that. The truth is, there were several times in this process that I started to get involved in it and look at issues but they team to be moving. So every time I got in to where it was to change. It didn't seem baked enough for me to sit down and figure tt out

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and there's of course all of the other things I've been dealing on as a council. I have just begun to get into these issues, because things seemed to slow down a little bit after it's come back from the last recommendation, but even with that, there have been more meetings with staff over the last two weeks, and things still in flux and in place. My sense for me, it is not baked at this point and the honest answer, I don't know where I am with respect to the ultimate -- what I think the ultimate solution ought to be here. I have had the opportunity now, with a little bit of closure and understanding to meet with different major players involved in this, and have asked questions, and I'm trying to get more information. So I'm not sure -- we can take a vote. I'm not sure it's a particularly meaningful vote for me on Thursday just because there's too many things that are still up in the air for me. I don't know yet what I think the right trade-offs ultimately will be. Mr. Zimmerman. >> Zimmerman: Thank you, Mr. Mayor. Quick question for our colleagues, it's a very contentious issue, so could be a close vote. Is it the will of the council here that we would consult with council member troxclair and see when or if she might be interested in coming back to vote on this particular contentious item, because it's a very important issue an the vote could be very close. One of our colleagues sense about timing based on her availability to contribute to the debate and the vote? >> I have a similar question about the process. I want to say I agree with

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council member Casar and the mayor. Mayor pro tem said it's important to signal to the community where we are, and I don't -- I don't think my vote will really be signaling where I am right now, because I can justify voting -- because it's just first reading, I can justify voting either way at this point, and exactly what council member Casar said. If I can vote on first reading, knowing they are working on adding affordable housing with some direction, knowing they are adding more traffic mitigation. With regards to process. If it failed on first reading, can they -- is it over, or do they -- can they bring another plan back? >>> My understanding they can bring back either a regular zoning case, or, there was a question we asked yesterday, could someone bring back a new P.U.D. Case where they have to wait a year to be able to do that and I think it was your opinion they don't have to wait to bring back a new P.U.D. Case,

am I right? >> Yes. It's a little complicated. In this case the case was recommended by land use commission which it was. Was denied at council, then they may not return with the same or intense zoning for a period of 12 months. I think on the one hand you could argue they refiled the P.U.D., that it was the same zoning because P.U.D. Is P.U.D. It's also not in the hierarchy of zoning. There's a hierarchy that goes CBD to st-1. Pud is aside because every case is unique. If they submitted the same exact pud the week after it's denied. We would say no, that's the same request. You have to wait 12 months. If they file aid pud that was less intent, we could argue that met the intent of the law because it was less intense, but that's something I would consult

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with the law didn't on. But they could refile a gr and mu case within the 12-month window but could not file the exact case or something more intense. >> Mayor Adler: My sense is, if we vote no, we haven't gotten out of the soup. I mean, we are in exactly the same place. So, my hope is that we could hear from the community, and however we do it, we continue on where we are. We don't lose ground where we are, and we try to figure out what the right resolution of this is. >> If I may, mayor, the property doesn't have any zoning right now. So, you are correct. I think the city is obligated. If not in this case, to grant some sort of zoning to a lot of development on the tract. Right now they cannot develop a single thing. >> With that knowledge, and going back to the question council member Zimmerman had. I guess it's important to move forward with this process. If I had to choose right now, I would say yes on the first reading with the understanding that there's going to be a lot more discussions and a lot more discussion about affordable housing and traffic mitigation. I guess it's important for us to know where we are now. I guess otherwise it would be a close vote and it would be important to know if council member troxclair would be -- or, if someone should make a motion to postpone because of all of these moving parts. >> Mayor Adler: Mayor pro tem? >> I just wanted to say, while it's useful to see the changes that the project has gone through, for me, I'm approaching this from the perspective we require for them to hit of the superior. For them to prove they will be

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superior for conventional zoning. We kind of skipped a step when this first came before us and we declined to set the baseline but to let that happen later in the process or maybe take it up again later. I think we created a situation where it's made it really difficult to evaluate whether this planned unit development is actually meeting the requirements for superiority. I had asked the staff at the time to run the calculations on what the -- what the yield would be based on the zonings that are most closely adjacent to this tract, and I think in conversation, we decided maybe that wouldn't be as useful, but one of the things my staff has been doing is taking -- really taking the information that I presented around the time that we talked about the baseline, looking at adjacent zonings, and working with staff and with an instrument I never new existed which is a planometer. Calculating how much of the tract would be allotted. And we came up with a baseline that's supported. We'll refine that before I talk about what that number is. To me, while it's useful to hear the different permutations and how they are responding, I think it's ultimately a question for us of where that baseline gets set. All of their community benefits are triggered off where that baseline is. That number has been jumping around. The staff came up with one number, the developer came up with a higher number. Zap gave them yet another. It is of concern to me that the baseline seems to be becoming a sin anymore for what the density can be on that tract and not what it was really intended to be when the planned unit development process revised the ordinance, which is, what is the existing -- what is the existing zoning on that tract. It's more complicated

because there's no zoning but you can look at tracts that are adjacent and make assessments on what it would have been if that had zoning. We are really, in my opinion

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going to do a disservice to that community if we allow the baseline to be set so high that the community benefits are all, you know, a tiny fraction, where, really, under our zoning code, they should have been from the baseline on up to that plan for this site, so, that's really been my approach. I -- as I mentioned, maybe everybody is mentioning in the past. I was on the stakeholder process as just a volunteer citizen, so I sat through a lot of conversations what the baseline meant, what it didn't mean, how important it is to get it right. I'm concerned we didn't set it. I hope as we evaluate this case we would be mindful where it ought to not be set. So we can fairly value whether this proposal actually meets the requirements that we've said we're going to hold projects to. >> Mayor Adler: Miss pool? >> S it ate baseline that sets requirement as mayor pro tem said, the community benefit. I'm looking at that as below market rate affordable communities required to be on that site. It was numbers of units and then turned into percentages. So it's hard to know what that translates into. If you want to give us a number, I want them to be comparative so we actually know. What is 5%, what is 10%. We were at 108, maybe 87. The numbers are jumping around. The certainty to me is lots and lots of affordable housing on this site. That was the prime mover for the coalition that I was involved in, in even getting involved in what was going to happen there. And it was below market rate housing is what we saw the benefit. When the group came to council, I think it was in July of '13

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and Walter was with us and Mandy Dimaio, they spoke eloquently asking us to purchase this property. At that time it was \$30 million. The reason why Laura Morrison and others on the council at that time wanted to buy this property, so we could talk about and develop that land rather like what was done at Miller and we lost that opportunity and the mayor pro tem can talk about that much better than I can, because she was there and participated in that vote. But we worked real hard on one weekend trying to convince those sitting council members and I was on the phone with one of them for quite a while to find the money so we can buy the land. The vision was affordable housing and a park and not have too much damage done to the creek because that carries all of the water from that side of the city west down, and you remember what House Park looked like a few months ago. We had a swift water rescue of someone down there at House Park because of the water jumping out of the creek bed at Shoal Creek because of the flooding. If we add impervious cover of what was essentially Greenfield, about 75 acres with low density impervious cover, we significantly change the water coming downstream. We have to know the plan to mitigate it onsite. We have to do it right and it has to be sustainable. The developer has to pay for the changes because they are making the changes, the community, people who live there, people who live around it, tax payers, districts 1, 3 or 10 should not be paying for mitigation or improvements on this site. We should not subsidize this development. It should be strictly and solely coming out of the developer's funds. He's the one putting it on there and he's responsible for it. So, I just wanted to expand a little bit on the piece, on the

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baseline that's really important. Say it's 1.5 and developer talking about 2.6 a. That's in millions. Delta between 1.25 and 2.65 is where we get the funding. If our number is not 1.5 but closer to 2.65. That amount is much narrower and fewer community benefits are required. So I want to have that

conversation. I wish we had had it before but it directly affects what this is going to look like if and when it's approved and will actually mold and shape it which I think this council definitely should lay down some pretty strong markers on what we expect. >> Mayor Adler: In hindsight we'll know what ultimately the right calls are during this process but I agree the conversation about the baseline is real important. What would be help for me when we consider this is have staff present what the range of baseline is. So, that would be the range that would include how you looked at it, and it would include zap, it would include the neighborhood, it would include the applicant. If we can get a feel for what the range of baseline is for all of the reasons mayor pro tem suggested. I think that would be really helpful information to have. I'm not convinced yet it's important for us to actually take a vote and side what the Bice line is. Because that would be a hard vote and I don't know that it necessarily is -- I don't know that it's necessary in order to be able to make the ultimate decision, but it's real clear that the ultimate decision can't be made without the context of what it would -- what the baseline would be. So, without us at this point deciding what the baseline is, understanding what that range is, because I think that's the most apt comparison as well. I agree with council member pool

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that when we're looking at what this development is, we're looking to compare it to something. It would be that range. So, that would be a real helpful thing to have really in the conversation, the presentation we have. Maybe even before we have public testimony to get a feel for what that range of baseline will "B" mayor, we will include that as part of the staff presentation. What I have is the staff-recommended baseline. I have what the applicant thought the baseline should be which is two different numbers. The zap actually did not propose a baseline, nor have I -- I believe I have not received a neighborhood baseline. I have been working with council member mayor pro tem >> Tovo: Voe's office on the number she referred to earlier. But we will make that part of the staff presentation. >> Mayor Adler: If you could, mayor pro tem I'll undoubtedly turn to you in that part of the conversation if zap doesn't prevent what your view of what that is. If it's okay I'll undoubtedly ask you to share that with the council as well. >> Tovo: I would be happy to do that. I want to say thank you, council member pool, I appreciate you tying it back to affordable housing. That's the most significant community baseline we will lose if we set it beyond where it ought to have been set. You referenced that earlier conversation that council had, and I don't want to talk about it too much because I might weep, but one of the -- as we tried to make the decision of whether to go forward and at least to vote to continue the discussions with the state, though we had good indications, they would lengthen the time, but we lost that vote. One of the things I kept hearing, from some developers, from some of my colleagues, is that we can achieve the same levels of affordability, if this goes out on the open market, and

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is developed by a private developer, and so I'm awaiting a plan that meets -- that really meets that goal of hitting the same levels of affordability as we would have. I just -- and again, I think that's unrealistic, it's in private hands but they really -- they need to -- it really does need to be a superior development. When it comes in here if you're asking for a planned unit. >> Mayor Adler: In relationship. I think we move pass this. I agree to vote on pud approval on first reading on this matter almost without regard to what the first reading plan was so that the process moved forward. Because I also believe I'm not going to be ready to give an indication to anyone on this case where I ultimately will be on any of the issues, because I don't know the answer to that. Miss pool then miss kitchen -- sorry, miss Gallo. Then miss kitchen. >> Jerry, perhaps you can help me. Know when the housing didn't was calculating the bonus square footage, they used a 500,000 square foot amount. Is that based on the staff's calculation of the

baseline? I'm trying to understand where their bonus amount area amount of 500,000 came from. >> This is going to get a little complicated. Bear with me at the moment. What happened the applicant proposed a baseline number, and then Mr. Agancy and myself without working with the housing didn't. Working by ourselves, came up with a staff recommended baseline. That we're looking at total square footage here, not the break-up of individual uses. The number that Mr. Agancy and I came up with is 1.892 million.

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Call it 1.9 million square feet. At that time the applicant was proposing 2.9 square feet of development. So there's a million square feet of difference between what the applicant was asking for and what we felt the baseline numbers should be. We, at that time felt the items that were being offered in superiority for the pud, the amount of those items what they were average in exchange for a million square feet of additional development that they get beyond a presumed zoning, that there was not enough superiority to justify that 1 million square feet. That's the reason the staff came out and recommended 2 point 4 million square feet number, because that took that million square feet delta and cut it in half. I believe that's the 500,000 square foot number you're referring to. That was the basis of the staff recommendation, regardless of affordable housing. That's where we felt the scales should balance out. Subsequent to that, we've been working with the neighborhood housing didn't, and they are here. I believe they can speak to themselves but to summarize, they are proposing what I would refer to as a tier 2 package because in the pud we have tier 1 every pud has to do. Peer 2 which is bbasket, if you will of items the developer is offering and tier 3, in the code it's called density bonus. That's the baseline discussion. So, the neighborhood housing didn't is working with the developer on an affordable housing package that would require, I believe, around 107, 108 units of affordable housing with the continues that they have worked out. That discussion has occurred outside of the realm of the baseline in the tier 3. My understanding is that the neighborhood housing didn't is satisfied with the agreement that they reached with the developer and that they are happy with that agreement in and off itself being total affordability required for the development. If that were the case, if

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council were to decide that's the package they want to take and that's it, then what we could do, what council could do, is to vote to include in the modifications that's being made in the code, tier 3, density bonus portion of the pud ordinance would not apply to this development. You would not, in that situation, even have to determine what the baseline is because it would become irrelevant. The positive is the bird in hand argument that you would know exactly what the required affordable housing is going to be. Because as we discussed last year, when we were discussing the whole baseline issue, baseline has some uncertainty to it. Or tier 3 as uncertainty to it because there's a difference between entitlement and what somebody may ultimately build. Council may decide they can build -- let's say council agrees with the staff recommendation and say they build up to 2.4 million square feet. Okay? Let's say council also agrees with the staff that the baseline is 1.9 million square feet. The developer may build only 1.8 million square feet of development for whatever reason. Market reason, who knows what. It's not uncommon in town for people to build less than they are entitled to other than the building in Lamar would be 60 feet tall and it's not. So you could have a situation where even though the developer -- even though we established a baseline and the developer is entitled to go above that baseline and trigger mandatory affordability requirements, it's also upon they may choose not to do that in the future however long the future may be. So, that's kind of where we're at right now, is the neighborhood housing worked on what I call tier 2 guaranteed affordability package. The code still

requires tier 3 and if the council establishes an allowable amount of development that exceeds the baseline that they choose to do, then there would be, in addition to the guaranteed

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affordable housing package negotiated by neighborhood housing, there would also be a requirement that if they exceeded the baseline amount whatever council chooses that to be that they would have to provide affordable housing. So, someone situation has the scenario having the baseline being irrelevant, because you agreed with the neighborhood housing package, the other option would be for council to also set a baseline and if the council allows development above that baseline, we could in the future have mandatory affordable housing trigger. >> So the baseline that staff calculated out was at 1 point 9? >> Yes. >> Gallo: Okay, thank you. >> Mayor Adler: Mr. Zimmerman? >> Zimmerman: Thank you, Mr. Mayor. So, one of the question, I think that was asked by troxclair's office had to do with where the subsidies were going to come from and to mayor pro tem's point, there's two places to get the subsidies, the subsidies can either come from a development itself with other people paying higher prices or higher rents. Subsidies can come from within the development with other people paying more so subsidized people pay less or those subsidies could come from subsidized housing bonds passed in 2013 so there are millions of dollars of capacity under the subsidized housing bonds that could be used to pay for the subsidies at the grove, right? Or those subsidies can come from other residents or commercial businesses paying more to subsidize the local residents, so that's really the question council is considering, who is going to pay for the subsidies. Are they going to come from the bonds of 2013 or another year or will they be paid by higher prices within the development? Isn't there a fair way we have to decide where the subsidies

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come from? >> Mayor Adler: I don't think that's necessarily true if you're asking the question. I think part of the system that we have did to potentially allow a developer to do more than a developer could otherwise do, thus generating additional revenue, and that revenue, with that additional revenue, because the developer is making more than what they wanted. It's an opposite of a subsidy. It's a benefit. It's a otherwise gratuitous ability for a developer to make more money than they would have otherwise in exchange for taking some of that more money and investing it into affordable housing. Under that scenario, there's no one paying more for anything other than there are greater densities and greater income that can then be used to provide other community benefits. So, I think that's another option that wasn't within the list of options you presented miss kitchen? >> Kitchen: I was going to add, I think everything's been said. But I was going to add that the affordable housing component is a key component from my perspective. With that said, you know, there's a lot of detail here about understanding what the difference is between what's being proposed and what is desired. And so I would be interested in hearing what our staff has to say about what's on the table. I think that whatever we do, I'm going to default towards the highest possible level of affordable housing that we can get and I don't think I'm alone in that. The devil's in the details on how to get there. So, perhaps we can help our staff speak for a few minutes about that. >> And may I interject real quickly before the staff speaks to give my set of context for what it is I think was presented and what I expect housing will

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present, part of the reason I thought it was a good idea for us to not set the baseline is because my reference, and I think a lot of people's severance has been to do things state law precludes us from from

having mandatory inclusionary housing mandates so we know what it is we're going to get and the baseline situation is a density bonus which, to me, is trickier, because it's -- it is -- it requires certain market conditions to trigger you getting the affordable housing. So I think that this council did a good job sending a strong message that affordable housing was going to be something we needed and wants for us to pass this pud period. So getting something baked in, to me, is more like the inclusionary housing requirements that other states allow, and in this case with pud zoning we can get it, compared to what we get in usual density bonus programs which is, we have to hope that the market conditions there for us to get the housing. So, I think it being baked in, seems to be my reference, because that's what I wish I could do all over town in all sorts of zoning cases. Not to discount programs and their capability of producing housing but it seems negotiating affordable housing in tier 2 all of the time in puds is a better way of going about doing it if we can get it. So, I don't necessarily think that -- anyways, I agree with you. The best deal that we could get, especially on the affordable housing side, even if that means other community benefits in the matrix of community benefit, that one rises to the top for me, is important, and I appreciate the staff negotiating something, and toughest negotiation we can get on the

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housing side in tier 2 seems to be the best opportunity we have with with puds. >> Can I add one more thing sf speaking with this, let me give more detail. I think certainty is important, but I also want to drill down a little bit. I think that -- and maybe we don't have capacity to speak to this, but I think that the location of this is just -- is just an opportunity that we do not want to miss. There are so many low wage workers in that area, health care workers at Seton, the workers that work at Westminster, as well as the other office buildings around there. It would be -- this is an opportunity we do not want to miss to do as much as we can for those workers, having the possibility to live there. And that means a couple of things. That means that the level which we set affordability, as well as the number of affordable housing that we get. The other thing is, the potential for additional senior housing. I know that that's something that Westminster is potentially interested in, in expanding senior housing, and also, you know, it's been brought to my attention that there are other cutting edge, innovative approaches to senior housing around co-op ideas that are interested in that site. So, again, I'm not -- I don't know how much detail we can get into in terms of what types of housing we could secure, but I think that, to me, it's not just affordable housing per se, I want affordable housing that actually ends up with the result that low wage workers that work in those areas, because they -- I mean, they can't live anywhere near and their transportation is impossible and there's a high turnover in those workers and that type of thing. I don't know if you can speak to any of that. We can explore that offline if necessary. >> Mayor Adler: Why don't you talk to us about housing.

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>> I'm joined by Regina Coppock, our real estate manager. I heard several things and very good question and concerns. I will say, and we're happy to do a little bit of due diligence and even provide a slide in our powerpoint that can do some -- that can provide some comparatives on where the conversation started when we very first began visiting with the developer. Part of what was being offered in terms of affordable housing plan was, for example, mfi's medium family income that were geared to work force housing at 120% median family income. Other components of the discussions also included a desire to codify a requirement that the city of Austin subsidize in general obligation bonds or other forms of funding sources to assist in the subsidizing of the units. I can think of other details that were brought to the table very early on, and when I say that, I'm honestly saying months ago, nine months ago potentially. We did push back quite a bit and conversations evolved where we were not willing to

negotiate any subsidies beyond smart housing requirement which, as you know in former memorandum, are coming in at about \$8 million in fee waivers. Those will assist in underwriting the levels of affordability that are being proposed today. We were not willing to accept any of the median family incomes in the affordable housing plan toward the accomplishments of our affordable housing goals beyond 80% median family income, although we agree that as low of rents that we can accomplish

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there is desirable as much as workforce housing is really desirable. Which is a fascinating dynamic of the entire tract. We are hearing as much of a need for workforce housing there as we are a desire to get our very, even potentially extremely low income with the housing goals in a high income area. The spectrum is as wide as it can be imagined. >> Sorry to interrupt. When you speak to workforce housing, could you describe what you mean by that? >> Workforce housing is specifically a desire for individuals who are working in the area, teachers, firefighters. You're talking income levels? >> I'm talking about personal care assistants at Westminster, I'm talking about health aides at Seton area. These are pretty low income -- I don't know what their wages are but could be below minimum wage. >> True. In that, the other component of the conversations we had early on, is a desire to -- when I say codify, I'm talking about the desire to have it in the affordable housing plan in the exhibit itself that the city of Austin would put forward a number of years, for example, to assist in the application process, providing technical assistance for low income housing tax credit applications, to the state. That we strongly encourage. We believe that if there was an application to the state, for this tract, based on the qualified application today, the gap, it would be highly competitive. We are not, however, willing to lay down language that would require the city's commitment in

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funding, technical assistance, aspects that would be cost factor for the city. Although we remain available to assist in that process as we do with all developers. So, there have been calibrations along the way in that. We have been told, and I think that these are really great conversations to have at first reading, so I think it would be prudent to have the conversation with the developer about the aspirations to submit an application for a 9% tax credit. In that, you can achieve the mfis council member, that you're considering for low wage workers. So, I'll kind of stop talking. The baseline for us was at a very early on set, a consideration, and why we vetted and went with the percentage, and the reason for that, we wanted to provide as much of a certainty, or a guarantee framework around what we were bringing forward, because we recognize the have shifted. We are putting together our power point slide. There will be one slide based on the latest, greatest numbers that we will acquire from the developer. We don't deny that the numbers can shift this early on in a planned unit development conversation, but we will ensure that any of the numbers that we provide to you on Thursday reflects the latest that we've received from the developer. I'm going to stop because I see people needing me to stop. >> Mayor Adler: Mayor pro tem. >> Tovo: I have 0 two questions in response to the information and thank you for walking us through your process. You just said something that I want to clarify. I think I heard you say that the baseline for you was about getting certainty for the

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percentages. >> Well -- >> Tovo: Certainty about what would be built on the site. >> I'm not sure that's what I said. Imalley tell you what I mean. Not having the specific number ourselves, we began looking at a methodology, whereby we would be presenting you all with an approach that could provide certainty, so

we weren't so much focused on numbers. We focused on overall percentages. >> Tovo: Okay. Thanks. That's helpful. I heard you talking about fee waivers. And did I hear you say -- could you tell me what you said about fee waivers as they would be applicable to the site? >> Right now, they are -- they would be certified for smart housing fee waivers for an amount roughly at 8 million. >> Tovo: So, they -- because the smart housing continues to apply to all of the housing, fee waivers or all of the housing constructed on the site. They are receiving -- are they receiving fee waivers for all of the housing? >> That's correct. >> Tovo: Okay. >> Now, one thing that I will say -- >> Tovo: I continue to believe we need to relook at the smart housing program that we have. >> Understood. >> And I would agree, I don't want to give fee waivers and -- I don't want to give fee waivers or any other cost shift to market rate homes. That's just not what that program is about for me. I would not -- if that's what you were hearing they were saying. >> Sounds like it must be based on housing as well and not just the affordable units but does mean they are receiving -- they are receiving that subsidy for the affordable units that are within the plan. I heard several colleagues say they don't believe the affordability -- that the amount of affordable housing that's currently in the plan is adequate. Thank you for making us aware that we are also contemplating

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\$8 million worth of fee waivers to enable them to do -- to help offset the cost of building the affordable housing they've committed to at this point. >> Mayor Adler: Isn't that a question of how much. The more fee waivers you give, the more affordable housing that you can get. We can cut the available tool for us in terms of how much money we can, in essence, say has to be spent on affordable housing? We either say we have this much at play or this much at play. Ultimately doesn't that determine or shouldn't that ultimately determine how much affordable housing we get? >> I think that will be a lively and interesting conversation when we actually take up the conversation of smart housing. Maybe after flushing it out we agree that the current plan is -- or, that the current requirements and what not are exactly where we want to be going forward. I just think we need -- I want to Mack that I want to have that conversation, but I think it's particularly relevant to note the amount of the fees right now, because a lot of our conversation here today is talked about affordable housing and I heard several colleagues say they don't believe what is proposed in the plan unit development is adequate and I want to be clear, in addition there will be \$8 million worth of fee waivers in response for constructing what is -- has been declared by several of us to be inadequate in terms of meeting requirements of the pud. I don't want to have that conversation about smart housing right now, but I do want to remark at the size of the fee waivers. Is that part of what we are approving within the planned unit development? Do we have an opportunity to say we're not going agree to the fee waivers in this planned unit development? I assume since it's a planned unit development we have that flexibility or do we have a write under the smart housing program as currently written to receive those fee waivers absent

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any weighing in of the council. >> I would say and I defer to law. I would say what is being negotiated is at the will of the council. I will tell you how we're getting to the \$8 million is per the program guidelines, what is triggering the broad application of the fee waivers is the proposal to provide long-term affordability through the community land trust. >> Mayor Adler: Would you explain what is the affordable housing at this point and why you think that that is a good -- you said you thought it was a good package? >> So, in the memorandum we presented yesterday, we feel it's important to present why we are indicating levels of superiority and that is laid out in the memo and specified to embrace more -- the development currently embraces more than what would be required in smart housing. We are receiving long-term affordability through a community land trust model. We are receiving family-

friendly units. There is, although not guaranteed, there is a recognition that the development would be a high opportunity area for the 9% tax credits, as well as unit mix. The developer is recognizing that there is a desire to achieve two bedroom units, family-friendly units, so that has been included in the plan itself. I'm just looking through here because that was an important part that we wanted to lay out for you all. I believe that pretty much summarizes it. Oh, well, ownerships. Ownership units, a percentage of them being permanently affordable. Yes, sir. >> Mayor Adler: Thank you. Miss Gallo? >> Gallo: Would you also -- I

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think it would be really helpful in your presentation, if you could, to give us an idea of what market rents would be for the different unit sizes and under affordability agreement component those would be in relation to the sale properties? I know it's a guess on sizes but I think we have to remind ourselves how much the difference is from the standpoint of dollars between market and what would be subsidized and being the affordable packet. In our high-cost areas, that's certainly the conversation, too, and the fact we can help move that needle down to allow the workers that walk work across the street to be able to afford. I know when we did the press conference to announce the affordable housing component, we immediately -- because it was geared to help teachers who teach in surrounding schools, to be able to live there. Immediately the school district was getting calls from teachers. One of the things you mentioned which I think is important knowing the income levels which are 80% and 60%. Because that really ties the type of person, type of family that can qualify, but what we found is a lot of teachers didn't qualify to the 80%, that they really needed the 120% to be able to qualify for an affordable housing which would still be substantially below the market rates. I think that would be help. Ful. >> Mayor Adler: Okay. Any further discussion on the grove? >> I just want to give some -- a little closing comes based on discussion here. It sounds like there are some moving parts on potential investment in traffic mitigation with the future resolution that council member Gallo indicated, I would say, that while I might be open to some of that conversation, I'm reluctant in some ways because right now we

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have a resolution that dedicate property tax revenue from this development into the housing fund but at the same time, if we can't figure out how to get a decent development on the site, that it can be zero so if it's part of what's necessary to fund the infrastructure to get this done I would be open to it but P moderate to dedicating this to affordable housing. I would suggest we look at sales tax, I think a lot of traffic would be generated more from the commercial side which is we'd be generating sales tax. I want to mention that. And then sounds like there are conversations about parklands, superiority and and while they're very both important to me, I think I concur with my colleagues who have been speaking today that the parkland part is important. It seems like there's a good amount of parkland here and I would tilt more towards taking advantage of housing as much as possible if it comes down to between the two. But that's just where I'm at right now. >> Mayor Adler: Ms. Kitchen. >> Kitchen: Just from a process standpoint, did we set a time certain? And testimony wouldn't be limited on this one? >> Mayor Adler: That we could limit it if we wanted to by way of duration, but not by the number of people. >> Kitchen: I'm not suggesting it, just trying to understand what we've got. >> Mayor Adler: That would be something that I would be willing to consider since we know we're not going to close public debate at this point. And as the moving pieces become more in line, the public's still going to want to come. That will be more focused at that point. I think this is an ability for the community to be able to touch base with the council and I'm not sure

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that it would be constructed to have four hours' worth of testimony at this point. So I would be for one willing to consider putting a shorter duration but giving everyone the opportunity to speak. Yes, Ms. Garza? >> Garza: I guess I just want a broad comment to all of this is that there's a lot of state land that I think we're going to see more of these kinds of puds and I think it's important for us to remember this conversation as we consider the city investing in that property. And mayor pro tem touched on this and how important it is for us if we're really going to make an impact on affordable housing and being able to control all the levers, the way to do that is for the city to buy that land. Otherwise we're dealing with deals that are made before we have any control over them. So my understanding of how these puds work is private investors are told, you know, you're going to get this kind of return on this if you invest in that. So that's why we get into these discussions on where we ask the private developer to pull the levers. And the options are waivers or density. And we keep hearing we don't want to give you waivers and we don't want to give you density. And so either we -- you know, we make sure it's important to buy these kinds of properties when we have the opportunity or I don't know how to do this, but I know there are Progressive banks and Progressive investors out there. And part of the deal will be, you know, the investors understanding what their rate of return. And maybe it's not as much as they're getting now. Maybe it's a little bit less. But I'd be interested to have that conversation on how we move forward because again, we're dealing with something that the deal's already been made really and now we're just trying to get as much as we can in there

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with the deal already made. So hopefully we can have a broader discussion about -- I don't know if we can require in these puds that they use a certain type of bank and investor that understands the goal and the vision for the city is to have as much affordable housing as possible and that's what we value. And if you want to build here then you bring us a package that allows us to put as much affordable housing as possible. >> Mayor Adler: So we could do this at 6:00 and do this on top of the cactus rose and the grove. We could stagger the hours, but I don't know how we could predict that. >> I was just going to suggest that since we don't have music and proclamations on zoning days that we just set now - - don't have a it on Thursdays. >> You have a lot of items that might go on consent on your zoning agenda so I just want to put out there you may not want to put everything at 6:00 and have a big gap in the day. I'm always optimistic that you try move quickly. >> Tovo: That's a good point and I think we should take that into consideration right now as we set the time certain. I also wanted to put in a plug that we set -- if we can since we don't have proclamations and we don't have live music that we tell the public what our anticipated dinner break will be so that people don't come down and expect to be participating in the meeting say if we're going to break from 5:00 to 6:00. We might as well decide that now or tentatively decide that now and just have that be known. >> Are we comfortable putting St. James or cactus rose at a start time earlier than 6:00? Ms. Houston? >> Houston: Folks have to get off from work in the

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neighborhood. So -- so earlier would not be helpful. >> Mayor Adler: Is there some universe of grove speakers that if we set it earlier might come earlier in the day to speak? >> Gallo: I think so. I think it would be helpful too because the boards and commissions and the land commission and zap also had different ways of hearing the speakers. I think it would be good for you to say to the community how

you're going to call. I mean a lot of the zoning cases you do one for, once against and alternate the two. I think that would be helpful. But I do think you have members of that community that would be able to come early to be able to start the conversation and it may be that part of it is before the 6:00 and part of it comes after the other two, but I think that would be helpful. Leslie, you might have a better idea, but I think you would have part of the community that would be able to do that. >> Pool: I'm hearing that they would be willing to set it at 4:00. And I agree that we need to clarify how we would take the comments, the neighbors had to wait until after the applicant spoke and he spoke for a really long at most of the citizen commissions and it was difficult. And some of those meetings went until 2:00 in the morning. So I want to make sure that the neighbors who are coming down who don't have the ear of council the way the applicants do that they have plenty of fresh ears and open minds to listen to what they have to say. >> Mayor Adler: Is there any interest on the council, my sense is that this will not be the last public hearing that we have on the grove. Is there any sense in giving both sides a certain number of speakers that can speak for three minutes. >> We can't do that. >> Gallo: Mayor, I would not do that. >> Pool: We can't do that. >> Mayor Adler: No, you can do a certain number of speakers speaking for three minutes and then have everybody else speak for a shorter period of time. >> Gallo: I think Leslie and I are actually agreeing on this. I think this community has been so involved and really

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wants to this venture voices heard. -- Their voices heard. One of the things that zap did that I thought was creative that we may want to consider and this may not be the time to do it. So first, I think we need to not set limitations, at least on this first meeting. But one of the things that zap did is they limited the amount of time -- they limited the number of people that could give their time to a speaker. I think what we want to do is give individuals the opportunity to come and speak before us, but I don't know necessarily that, you know, we need to have individuals showing up just to give their time to somebody else to speak. So this may not be the time to decide that, but I thought that was really a creative way that they're moving pa forward and trying to make sure that they don't have to limit individuals. I didn't say do it here. I just threw it out as it was something that zap was considering doing. I agree that I think we should not put any limitations on the speaker or the times they want to speak. >> Pool: So I would propose 4:00 and then we can signal to everyone that we'll have a dinner break and that might be 6:00. >> Tovo: Or let's say that -- I just want to make a plan here today so that we don't -- on zoning days we tend to have no dinner plan and then nobody knows if we're leaving or not. >> Mayor Adler: The sense is we start one at 4:00 and then take dinner from 6:00 to 7:00 and set the others at 7:00. My sense is that we'll probably have multiple hours, and my concern is, you know, we'll start at 4:00, we could go from 4:00 to 6:00. Then we'll have three cases that come back at seven. We'll probably have lots of speakers associated with that. We could say we're not going to start grove back up at 7:00 and we'll do the other two cases and then we'll return back to the grove after the other two cases have been heard. We could stay in grove, but it could mean that then the St. James case and the cactus rose case get heard at 10:00 or 11:00 or 12.

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If the turnout is like it was on the others, we're looking at a really large block of time. >> Tovo: I'm glad we're having this discussion because inc. Preplanning is helpful. The St. James missionary church advocates and also the church members, church representatives also got behind something that was long. We took that up quite late as I recall last time. And so I'd hate to do that again. I think if they come up after the grove they likely won't come up until midnight or so. And so I think we should -- I think we need to be realistic about what we have the opportunity to do between 6:00 and whenever we all say

we can't stay any longer. I think that may be taking up the other items and then going back to the grove is a fair way of doing it or suggesting that we take one of those up at our next meeting and not Thursday. >> Pool: Would it be at all supportive to say that if we have dinner that we slip away and come back so that we can continue to hear in the hour -- because our breaks tend to be longer than what we actually set them for. And I know that -- but individual councilmembers could step away. >> Kitchen: But then we miss things. And if we do -- if we do that. >> Pool: We can make sure the TVs are on and so forth. We could make sure that we don't miss things. But I'm concerned that if we take a break it will be longer than what we say it will be and the people who are in the audience aren't taking a dinner break. They're sitting there waiting for us. >> Mayor Adler: Let's give some other people a chance to talk too. >> Kitchen: The purpose of the dinner break is not so that we have a break, it's so we don't miss things. So the public understands that we didn't just leave. You know, so that's what always concerns me about going and listening in the back because it looks like we're not there and if it's someone that we have a relationship with and we're not there to listen to them,

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the impression it leaves. So as long as we make it clear that that's what we're doing, that we are listening, I'm okay with that. I just think it needs to be clear to folks that it's not that we're just leaving. So the other thing I would just say is that there's another item that -- I mentioned earlier that I expected to have an amendment on item number 9 and I wanted to set that for a time certain, but that will be earlier. So whatever we decide here -- and I don't expect it to be long. We just have a few people that might want to testify. So it's I wanted to let you know when you finish deciding when this is going to be then I'm going to suggest maybe an hour before that a time certain for item number 9. >> Mayor Adler: Could we set the number 9? I think there were some people that have been here a few times to talk about the labor issue. >> Kitchen: Yeah. There's not a lot and they can -- >> Mayor Adler: Do we want to set that for like 2:00 in the afternoon. >> Kitchen: 2:00 or 3:00 or 4:00. If you don't start these as 4:00 -- I would like to state it as late as we can. >> Mayor Adler: My thought is we would start the grove at 4:00. We have to figure out how we will dovetail it with the other cases. Let's start it at 3:00, the Zachary Scott no later than 3:00. Let's get back to -- we're going to start the grove at 4:00. Wall Street get a couple -- we'll get a couple of hours of grove in. The question is do we break for dinner and how do we overlay with those other two cases? Yes, Ms. Gallo? >> Gallo: Leslie, do you think there's a problem if we time certain it for two ticket-to-work so we can get more hours? I think there will be a big part of the community that could be here at 2:00. I think at zap it was six hours, eight hours? How many hours of zap? >> The entirety took 15 hours over two meetings. >> Gallo: So be prepared.

[11:13:42 AM]

>> The look on your face, mayor, says it all. [Laughter]. >> Mayor Adler: Did I suggest limiting the time a speaker could speak since we'll do this more than once? >> Gallo: It seems like if we have the opportunity to get to some of the speakers earlier, then we might, Leslie, want to consider doing it at 2:00? And I can tell you that the people that have talked to us would be happy to come earlier. So I think this is so important that there is a large portion of the community that would start it earlier. Let me put it this way, I think you would have plenty of people to call on at 2:00, to start the conversation at 2:00. And there may be people that can't come until 4:00, but the conversation will still be going on so they can -- it's not that they're going to miss anything. >> Pool: 2:00 is too early. So no. 2:00 is too early. >> Kitchen: For everybody? >> Gallo: It is not too early for everyone. I'm just saying that we -- if you don't have people there at 2:00, we can always take something else up, but it might give us the opportunity to get a couple of hours. But it's -- >> Mayor Adler: Ms. Garza and then Ms. Houston. >> Houston: I just

wanted to weigh this with other important issues that have come before us and we have often asked other very important issues to combine their comments. So as I absolutely -- I'm always the one advocating for people having their three minutes, but there are other issues that we have asked folks to combine, and so I think it's a fair request for us if we ask other groups from other parts of the city about other issues to combine their comments or make them more concise. We should ask this group as well. >> Mayor Adler: Ms. Houston. >> Houston: Thank you, mayor. I think we should set it at 2:00. Those people who can come we can hear them and begin to hear the process. If we only have three people, then we take a break

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and listen to other things, but if there are people who can come at 2:00, I think they should be allowed to come because I suspect we're going to have at least three, four hours of testimony. And the later we start the less we're able to hear everything and then that pushes cactus rose and St. James, that puts them in a crunch. So hopefully we'll be able to have some positive news on numbers R. Thursday about St. James, but if people can come at 2:00, I think they should be allowed to come at 2:00. >> Pool: I would just remind everybody that these are working folks too, and everybody has to work for a living. So that's -- to say that the people who are coming down to comment on a development that is right next to their home in their neighborhood can come at 2:00 because they have the afternoon free, I'm sure that's not what you were -- >> Houston: I didn't say that. I said those that can come at 2:00, please come at 2:00. There are people who contacted us that are retired. They could come at 2:00. Those that can't come at 2:00, please come at 4:00 or when you get off from work. That's a compromise kind of position. >> Pool: And so I would suggest that we also open that door for any of the zoning cases that are -- could be that some other people can come earlier as well. My point is you can't say it about one case and not about the others. I am checking to see if we can limit how many minutes per person. We cannot limit the number of people who speak unless they voluntarily limit, but we can't reduce how many people who want to speak. Maybe what we do is say time certain for 2:00 in the afternoon and we will just start moving on the zoning cases with the people who are there, whichever ones are there. When we get to 6:00, we try

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not to be absent from the dais, all of us for very long, so that we can continue to move through the evening so that we don't end up with really late nights. This group on the grove case, the neighbors have gone to all of the commissions that have been Teed up, parks, environmental and zap, and some of them more than once. And repeatedly the neighbors have been given the less advantageous speaking slots. They have come in after the developer has been at the mic for a considerable period of time so that by the time they were called up everybody was tired. And from my viewing of the commission meetings, it wasn't a fair shake. So the reason why I'm asking for something earlier for this group is because they have been in last place repeatedly. And it's hard on everybody. >> Mayor Adler: How about if we do this: At 2:00 we will call all three cases based on who signed up. And anybody who can be there and wants to be there because they don't want to be there all night sitting there, it might be more efficient for them to speak earlier in the day and then they can be with their family rather than spending five hours down at city hall. But we will not close the public hearing at that point. We'll take a dinner break between 5:00 and 6:00. At 6:00 we will call all three of those cases again. We'll take a look at the number of people that have signed up. It may be that we do an hour of grove and then take a break, take St. James and take cactus rose and then come back to the grove again. It's my intention to limit

amount of times so it's not open for the applicant again because we're going to be doing this yet again. So I would anticipate calling for a limit on that. And I would probably call

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the testimony the way that I generally do, which is not to have all on one side and then all on the other side, but to intersperse it so that people have similar time slot opportunities. Does that work? Mr. Zimmerman? >> Zimmerman: Mr. Mayor, I think that's a great idea. That could be quantified to make it fair. We could look to a clock and count the number of people signed up on each item and divide the time proportionally depending on who's there. >> Mayor Adler: We can take a look at that. Let's see how many people show up, reserving the opportunity for us to make adjustments on time based on the number of people who are there or the default time to give everyone three minutes. >> Kitchen: Then can we set number nine at 1:00. >> Mayor Adler: Yes. Let's set number nine at 1:00 so it's not in the middle of the rest of that. >> Marks can I ask a question, please. >> Pool: I do have a legal question. >> I would like to know for the purposes of staff preparing for the meeting, the typical order that we do a zoning case, my understanding, is to have the staff presentation and then the presentation from the applicant and then those in favor and then those opposed. So for these cases would you like to have the staff presentation be at the start of each case or would you like that to be later or -- do you understand what I'm saying? >> Mayor Adler: I do. In fact, I would love for you to come in prepared in the morning to make the presentation to the cases because if we have time, breaks in our calendar, separate and apart from the public hearing, we may have you come up and brief the council. >> Okay. And would you like to also have the applicant follow the staff or -- >> Mayor Adler: No, we will call the applicant at the same time we've talked about. So no sooner than two on any of the cases. But you may well go before 2:00 for your briefing to us. >> Okay. >> Mayor Adler: Ms. Pool? >> Pool: So just real quick, are we able to hear

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the staff presentation before the time certain? >> Yes. Right now the staff presentations are all set for 10:00 A.M. So as long as it's set for 10:00 A.M., that's fine. >> Pool: And the second question, normally the city clerk closes the sign-up on a case when we bring it up. So that the people who have signed up, that's the deadline. How shall we handle this if we want to keep sign-up open? Is it simply to alert the city clerk we're going to keep sign-up open until we're done with the evening. >> Mayor Adler: I think we pretty much have been keeping sign-up open. We have not had a practice of shutting down sign-up when discussion happens. >> Pool: And then what I have is we will call up the three zoning cases at 2:00 after having staff presentations in the morning, then we will call up public comment for the three cases at 2:00. We will -- depending on how many of each are there, we will do them in some order. We will take a dinner break at 5:00. We will reconvene at 6:00 and we will return to the three zoning cases, should there be additional public present for comment. >> Mayor Adler: That's correct. >> Pool: And are we staying with the three-minute per American with no limit on the number of -- I know we can't limit the number of people who can speak, but on all of the cases we'll permit the three minutes? And they can voluntarily speak for fewer than three minutes? >> Mayor Adler: I would say that that would be my default, but I would like for us to have flexibility to take a look at that when we see how many people there are and how much time it is. Again because we're going to do this twice. And at some point it becomes really unfair if a speaker -- their opportunity to speak comes at 12:30 or 1:00 in the morning. I feel very uncomfortable setting up a system where that's when that person gets a chance to speak. And I know it's unfair to limit it for three minutes, but at least they get a chance to speak at a time when people are still most awake. So I would like for us to be able to make that call

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tomorrow when we see the number of people that are there. >> Pool: And one last detail. I think councilmember Gallo had brought up limiting how many people can donate to each speaker. But if you didn't -- >> Gallo: I just was mentioning that as something to think about in the future that it was something that zap was thinking about putting in place. Not that we should do it here because that would be something new and I think this needs to work under the existing process. But it certainly could as we talk about lengthy nights of hearing public testimony, it could be a resource that we use to try to manage that. >> Gallo: Yeah, I'd be interested too to know if we're able to do that. >> Councilmember, for me, there is an existing rule that says a person is limited to receiving time from four other people, including their three minutes, so the existing rule caps it at 15. Of course, that can be adjusted, as we're discussing right now, but there is an existing rule no more than 15 minutes per person unless there's an adjustment in the rules. >> Pool: Okay. >> Mayor Adler: That's helpful. Yes, Ann? >> One further wrinkle from the clerk. We do have interpreters coming from the cactus rose, so if there's more not uncertainty for the interpreters, that would be helpful. >> Mayor Adler: I think given the logistics at 6:00 when we come back we'll start with the cactus rose case. Okay? All right. So we've moved off this one. I think ACC is here and the fashion incubator was pulled. Let's hear that. And then we'll go back to executive session. Thank you. This was an item that was pulled by you, mayor pro tem? >> Tovo: Yes. I had a couple of relatively quick questions. So when this and on our agenda the first time I submitted a question -- >> Mayor Adler: By the way, I misspoke. We also have the citizens communication video conferencing. So if this goes quickly we may have that briefing before we go back to

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executive session. >> Tovo: The question I had asked through the budget -- excuse me, the question I had asked when it was on the agenda and I'm not sure it ever actually happened on the Q and a because the item was pulled, but was this -- was this item included within the fy2016 budget? And if so, if you could help point to us where that was in the budget? And if you need to do that through the Q and a process, that's fine, but I'm just curious. >> Good morning again. Sinovia holt-rabb. That was refused under volume 1, page 2 six 66 as one of our initiatives that we were exploring. This item was as a result of a resolution from last council to explore the fashion industry in Austin. And we have been working on various potential partners for this endeavor and it just so happened that in October there was an inner city trip with Toronto, ACC has some information and so this came together as one of our many initiatives. As you recall, fast forward, it wasn't specifically mentioned, but it's also a small business starts-up program that was approved by council. This would be our second initiative that we were considering. It was brought forward by the opportunity committee this year along with stakeholders giving testimony as to the benefits of the incubator. >> Tovo: Thanks. I'll look at the February ninth as well as the budget document. I didn't require in the budget process of last summer actually talking about this. And in looking back I remember the resolution and I remember the report it generated. In looking back at that report it talked about -- I guess I just have to be clear. I think it's an interesting idea. I'd like to see the work go forward. I was a little surprised to see that we were looking to lease space at this cost from ACC because I remembered the fashion report and when I went back

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and looked at it, it talked about some language in particular, preliminary conversations with ACC have been positive with the possibility that the city may be able to participate in providing equipment and

other technical resources. So that was the nature of the partnership I was envisioning. I didn't envision that our partnership with ACC would actually entail us leasing space from them. And so I'd like to talk a little bit about that element because if we're partnering I really thought we were bringing city resources. ACC was bringing their resources. One of which is space, not that we were renting. >> Exactly. ACC is providing the space for free. It is an interlocal. We are participating with retrofitting the incubator space as well as staff support for small business counseling in terms of business strategy and how to grow your business and then Gerber technology is providing the 13 million dollars' worth of equipment so it is a true partnership. ACC is providing the space for free. We're retrofitting the space and providing business consulting services as well as Gerber technology providing the equipment. And I have ACC here if you would like. >> Tovo: May I ask a follow-up question about that? This is listed under our real estate and you're saying that our costs, the 355,000 are all for renovating the space and for hiring the staff. And I -- >> Of the 355,000, 190,000 will go towards retrofitting the space. The equipment requires maintenance because it's very technical and the calibration of the equipment will require an annual review and so that's \$55,000 that we will be providing assistance to ACC. >> So the annual equipment costs are 55. The buildout is 190.

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Is ACC paying any of the costs associated with the buildout? >> Sheri Ann Jenkins, executive director for campus planning and operation with quality assurance. And ACC will take on the other \$190,000 or whatever money that is needed over the 190,000 that the city has given and made sure that it is renovated in a way that we can all -- that the city can use the property. >> Thank you. So is the -- thank you. Is the buildout estimated at 380,000 or -- >> With electrical. As you all know, highland mall has a ton of electrical issues and the material that the machinery that we're using we'll have to completely tear out all electrical that's in there and rewire all of it so that it fits. And the quote that we got in just for the electrical was \$190,000. Everything else that has to be done ACC is contributing to that. >> But I guess what is the estimate for everything else that needs to be done? >> We have to renovate the space completely. We're furnishing it. It's an open space right now. We're putting three offices in. Furnishing the entire space as well as making the bathroom handicapped accessible. It has to be torn down and rebuilt. >> Tovo: Is that all specified -- maybe it would be helpful if we actually had the interlocal agreement. Is that all specified in the interlocal agreement? >> Yes, it is. >> Tovo: I didn't see that in the backup, but if you could make that valuable in the backup that would make me -- I know you probably answered the questions in that document and that would be helpful to have. Thanks for being here. >> Mayor Adler: Okay. Can we have the staff briefing on the extension communication video conferencing?

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>> >> Mayor and council, I'm -- mayor and council, I'm Steven Elkins, I'm the I.T. Director for ctm, communications and technology management. This presentation is in line with some of the things we've been talking about recently about how we're leveraging technology to provide better service delivery and today we're going to present one of those solutions today. In summary the council approved a resolution back on August the 4th directing the city manager and the city clerk to develop a plan for a three-month pilot program on utilizing video conferencing for general citizens communication. Working with a district office. So today what the director said is we needed to report back to the council on September 1st, which we sent a memo to mayor and council the end of August time frame with the plan and the pilot program. And then the other bullet here talks about that we're going to report back to the council no later than December 15th on the results of our pilot and any recommendations that we have.

Based on our findings from the pilot. Joining me today is Chris Stewart, who is the I.T. Manager for city hall technical support here. So Chris is going to -- he's leading the effort on behalf of the city and he'll be talking about what the pilot looks like. >> Thank you, mayor and council. So what this pilot covers we think it's pretty important is it is pretty specific to the regularly scheduled city council meetings. And the general citizen communication portion of that, which usually is the

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noon to 1:00, 10 speaker max time of your council meetings. Right now it's specific to the district 6 local office. As for the pilot, it had to be a district local office, that's the only one currently so that's where we're doing the pilot for this. What the pilot does not cover are citizens times for anything other than general citizen communication so speaking on a consent item, things like that, that's not something we can do right now. The pilot is specific to just those 10 speakers at the council meetings. Any kind of remote location other than district 6 is also not part of the pilot. Or remote council meeting, which would be a councilmember being away from the dais. These are things that we're not covering under this pilot right now. So to date some of the things we've done is we had to set up some accounts. We installed a camera in chambers. We wanted a wider view so the citizens can see the entire dais. That's already been done. We have an iPad that we've prepared and have been testing with. We've been doing testing with internal software, the new equipment, we've done a couple of tests from the district 6 office. We've worked with our staff on the needs and getting it set up so that where the citizen is is actually an appropriate position, that the lighting is okay and that we can actually -- that council can see kind of what's going on. And what you will see from the dais is we will be able to present the video wall behind you will have the speaker and on your front monitors when you look out from the dais you will see the same thing. So you will see the presenter from right now the district 6 office and they will be able to see the entirety of the dais. So our initial findings on testing to date were obviously that internet and wireless connectivity are pretty key, so internet

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connectivity, this is all cloud solution software so we obviously need internet connectivity. The wireless portion is the end point right now. It's a wireless iPad. So we're making sure that we have plans in place in case something happens to the local wireless. We can mitigate that and we can still run these meetings and not have citizens show up and not have the ability to speak to you. The video and audio quality were something obviously we're looking into. We really want to make sure you understand what is available and what's not. The video quality, it's a Skype session. It's a webcam a. So that's kind of -- that's what your experience is going to be when you do a Skype session like you would do on your own computers, phones, tablets. It's the same experience that you will receive here. The citizen looking at the entirety of the dais, it's pretty far away. They can see the dais. They really -- it would be difficult for them to tell who's who kind of thing. That's what they'll see. What you'll see is a pretty good experience from the citizen. It's close up, the camera is really nice, the audio is great. So far in our testing we've been seeing really good results especially on the audio side we've not had any jittering and issues where you will lose the speaker. It's a very, very clear you will hear them and they will hear you. Support is a big issue that we want to make sure we're able to explain to you the level of support needed. Part of our testing with these pilots is what it takes ctm and other resources to make sure this works so a ton of support work is definitely necessary, but we'd like for it to be something where the solution we bring to y'all requires the least support possible so that we don't have city employees running all over town perhaps and just keeping people essential. It makes it much more expensive the more staff we have and

to support. Obviously it would drive up costs. One of the things we're really trying to make this an inexpensive, but really

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widely used solution for you all so you can provide it to citizens. >> So in closing just want to make sure that I'm clear that the partnership is between ctm, the clerk's office and district 6's office. So we've been working together to run some preliminary testing and right now we'll offer this at six regularly scheduled council meetings starting September 22nd. So starting this Thursday we'll have video conferencing capability and then we have the dates for the remaining five, October 6, 13th, 20th and a couple of dates in November. And then again we're going to come back before the -- before December 15th to presented out our findings from the pilot program and the council at that time can decide how to go forward with this. Are there any questions for us? >> Mayor Adler: Any questions? Mr. Zimmerman? >> Zimmerman: First of all, thank you guys for a great job. I'm very impressed with the way you've approached it and the speed that you've gotten it done and tested. A couple of really, really quick questions. That particular district 6 building has this old copper AT&T -- I don't know if it's good for U verse. I think it's a dsl connection. It's asynchronous. Were you able to use that or have you brought in different hot spot wireless with 4G? Tell me what's going on there. >> In our initial testing we wanted to test out both. We understood there was a dsl connection there that wasn't really, really fast, but a lot of these -- most if not all, they're geared towards more of a lower speed, high latently kind of environment. So the solutions are good with that. We took a mi-fi out. So it would be a cellular carrier that we could have the wireless activity on. The initial testing showed the dsl solution to not be very good. That we did have jitter, we

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were seeing some delays. A simple reboot of that router and everything was working pretty well. So we are pretty confident in the solution that's in place right now and we also have a backup with a mi-fi that we also test and a great solution for both. >> Zimmerman: So we're going to start with the cop E the land cable, and if it fails we'll go with the mi-fi. >> Yes, sir. >> Zimmerman: Terrific. And I know that councilmember troxclair's office, of course she's on maternity leave and she had a lot of interest in that, but this is limited to for now the district 6 office. Do you have any thoughts just looking ahead if this is successful would individual councilmembers like on maternity leave, could they take a laptop and maybe do the same thing to participate in council meetings? >> I can speak to that. >> Actually, so from a technology standpoint, everything you're asking for is possible. It's just a matter of if that's a priority. And the cost of setting up another station. But from a technology standpoint, all of this is possible. >> Zimmerman: Final question. So we had I believe about \$25,000 left in our budget. Do you you have any idea of where we are costwise? Because it looked like we could cover this out of our regular budget, you know, expenses, the budget for our office. Is that reasonable presumption? We're not talking tens of thousands. We're probably talking thousands of dollars here? >> For the pilot? We definitely wanted to make sure it was as cost effective as possible. We used existing iPad. We had to buy the webcam. We spent maybe a couple hundred dollars to date on this pilot. We'll bring to you before December 15th a solution -- several solutions and options where this can be spread out across the city and it will bring costs associated with that as well. >> Zimmerman: Again, great job. Appreciate it. Terrific. Thanks. >> Mark Washington, assistant city manager. I do want to add to -- first

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of all thank Mr. Elkins and Mr. Stewart for a great job and all the supporting departments, but just to clarify about the capability for councilmembers. And Mr. Elkins spoke to the technical capability, but I don't want to make the cost of doing that sound equivalent to the cost for citizens communications because I think there's some added complexity about having that capability at the residence of a councilmember if they were not going it from the district office. So that would add some cost. And I think there may also be some other issues around the conducting of a meeting in the event that there was video disruption that would require the meeting to cease. And perhaps Ann can speak to that as well. >> I think the point is it's a lot more involved if the councilmember is going to attend by video conferencing, which is allowed under the open meetings act now, but it's a much larger project if somebody wanted us to explore that later. >> Mayor Adler: Okay. Anything else? All right, council, we're now going to go to closed session to take up two items. Pursuant to section 551.071 of the Texas government code. We'll take up E 2, electrical associates with legal associates I think and the city of Austin. And pursuant to 551.074, compensation benefits for the interim city manager. If we could go back to handle this, if we can get out of there in 30 minutes, I have a place I need to be at 12:30. So I'll have probably until about 12:20. If we could go back pretty quickly, I'd appreciate that. That says, without objection we're now going to go into executive session on the items announced. >>

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[Executive session]

[1:07:46 PM]

>> We took up and discussed legal matters related to item E 2 and personnel matters related to item E 3. We now stand adjourned at 1:07 P.M.