

City Council Regular Meeting Transcript –9/22/2015

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[10:18:12 AM]

>> Mayor Adler: We about ready? Before we begin with the meeting, just a couple of quick things. The first is that I want to make an announcement. When we first embraced the music industry in a real way last February, we said that we needed creative solutions for the creative class, and today I'm happy to announce one such solution. Right now as of a minute or two ago in Los Angeles, they're announcing that Austin is a winner of the neighborly bond challenge. This is going to give us in Austin the support acknowledged the deputy to try something that really has never been tried anywhere else. Anywhere. This is going to give us the support we need to try to crowdsource in our community a 10-million-dollar fund to preserve and help preserve some of our music venues. This challenge that Austin won, one of I think five cities in the world to win this challenge, is going to provide us technical, legal, administrative, marketing and services worth in excess of \$100,000. This presents us with an exciting possibility. It is a way out of a challenge and a problem that Austin has faced for a long time because when we lose locations like the armadillo world headquarters or liberty lunch we lose a piece of our soul and these clubs are where the idea of Austin took shape.

[10:20:20 AM]

And we will not be the live music capitol of the world much longer if we continue to lose live music venues. So now thanks to neighborly, which is an entity which is trying in a disruptive kind of way to change the way that municipal challenges might be financed and addressed, we can do something about it. This is a creative solution for the creative class. I want to quickly add that a lot of the details haven't been worked out. That's part of this process, but this is being approached in a way that has no risk to

taxpayers, no guarantee by taxpayers. This is not funded by government. This is not a tax increment concept in any way. This is a crowdsourced fund. In fact, we're hoping that regular folks can get in the action to be able to invest in their community and for these forums. Our challenge presents us with the opportunities for transformative change. We can change the business model of music clubs and we are offering regular folks an investment vehicle to be part of this solution. It's not the only thing we're doing, the city has asked the urban institute to study music venues on red river. Not quite signed yet, but it's getting close. The budget that we just passed helped. We put a couple hundred thousand dollars against staff to add staff to implement one-stop shopping for permitting and code enforcement for music and arts venues. A couple hundred thousand dollars in emergency to help save arts venues. \$75,000 for training within the music ecosystem. So we are making progress. There's obviously a lot farther to go, but we are headed in the right direction.

[10:22:21 AM]

And because this was just being announced in la just a few minutes ago, I wanted y'all to be among the first in on the news. So thank you for that.

[Applause]. Mayor pro tem, do you have an announcement for us this morning?

>> Tovo: Thank you very much. I'm mayor pro tem Kathie tovo and I serve in city council district 9 and now I want to present a very distinguished service award to a member of my staff who is leaving us, Karen Perkins. I want to ask her and the rest of my staff up here to help me provide the presentation. She's surprised.

[Applause]. We surprised her. She didn't know this was about to happen. We lured her down on other pretenses. Soon after I got elected in 2011 I received an email with the subject head, I want to help you change city hall. And she has. For the last five years since we started, Karen Perkins has served as the city Lee say onin my office. She came after a teaching elementary students in Florida. She was a pretty new resident in Austin at the time she started working at city hall, but she had been active within her neighborhood to try to stop water treatment plant 4. We got to know each other through that effort and I was delighted to have her join my staff when we started. Over the years the role of the constituent liaison as you know is not an easy one. She answers calls and emails and visits from people who often call because they're upset about something or have concerns or are dealing with any number of issues.

[10:24:31 AM]

And whether they were crying on the phone or whether shouting or cursing or offering words of praise, Karen Perkins dealt with each and every one with the grace and compassion that has made her such an excellent public servant. She has also been -- this is really important in a council office -- just a calming and steadying force. No matter what was going on around the city that we needed to deal with, she was always there, always ready to help and always responsive. We are going to miss you terribly, but we really thank you for your service to the people of Austin. And so on behalf of the entire city council I'd like to present this distinguished service award for her untiring service and commitment to the citizens of Austin during her five-year tenure as a dedicated member of the staff of mayor pro tem Kathie Kathie, Karen Perkins is deserving of public acclaim and recognition. This certificate is presented in acknowledgment and appreciation thereof this 22nd day of September in the year 2016 and it's signed by mayor Steve Adler. Thank you.

[Applause].

>> Mayor Adler: Congratulations and thank you. All right. This is a zoning meeting, so we'll go straight into the meeting we have. And I call the meeting to order. Today is September 22nd W 2016. We are we are 301 west second street in city council chambers. Let's take a look at the consent agenda.

[10:26:32 AM]

We have some things to read into the record. Item 78, a public hearing set for 4:00 time certain. There's going to be a request to postpone item 78 to October 20th of 2016. I just want people on notice of that so they don't come down to participate in that public hearing. It will be called up at that time at 4:00 P.M. As I look at the agenda that we have today, I have item number 5 being pulled by councilmember pool. It's the lobbying ordinance issue. I have item number 6 pulled by the mayor pro tem. We have item number 9 pulled by councilmember kitchen. Set with a 1:00 P.M. Time certain. Ashed that looks fine to me. Item number 18 is champion related to item number 61. So 18 will be pulled to be discussed along with item number 61. Item number 45 is a motion with respect to paid benefits for the interim city manager. That's being pulled to be prepared to hand out on the dais so that we can handle that. The consent agenda goes between items number 1 and item number 47. Any other things for us to pull on the consent agenda?

[10:28:35 AM]

So number 21 and number 27 will be pulled off consent for speakers. 21 and 27 will be pulled. Is John Baylor here? Mr. Baylor? Okay. Anything else to be pulled? We have some speakers to speak on the consent agenda. Mayor pro tem?

>> Tovo: Mayor, I have an extremely quick question that I just need to have my staff ask our legal staff about item 20, and that relates to the sobriety center and also to the local government board. So if we could ask that for just a split second -- not a split second, a few minutes, that would be helpful.

>> Mayor Adler: Okay.

>> Tovo: And that would be the corresponding 37 as well. 37 and 20, but I think we can resolve them really quickly. I just need to check on something.

>> Mayor Adler: Okay. While we're waiting for staff to come forward on 20 and 37 --

>> Tovo: I'll just have my staff talk to them quickly about something so we can resolve it, I think.

>> Mayor Adler: Okay. Ms. Garza?

>> Garza: I have a question about 2. I believe this is the item that allows us to move any surplus in our own council budget to something else, and I believe we were told by staff that we could make final decisions on that by tomorrow. I just wanted to ask mayor pro tem if -- I know that there were discussions about there was -- there was extra money needed for one of your initiatives and I wanted to know if you were able to find that extra funding or I have a surplus in my budget that I'm willing to --

[10:30:37 AM]

>> Tovo: Thank you, councilmember Garza. So I'm allocating my -- the rest of my office budget to temporary restrooms. And so I will talk with staff. I think we still are short a little bit over what was needed, so if you have extra in your budget, I would -- that would be terrific. Thank you.

>> Garza: And I know other councilmembers had mentioned during the budget discussion. Since we're all here together I thought it would be something to bring up.

>> Tovo: Thank you. And mayor, if I may, I appreciate you're bringing that up because we had committed to the stakeholders that we would try -- we would do temporary restrooms on a pilot basis, but we didn't include money in the budget that we passed for those temporary facilities. So I think we will be able to patch together that pilot and fulfill our commitment through our office budgets and I really appreciate anyone who might feel persuaded in that -- persuaded in that direction.

>> Mayor Adler: Okay. Anything else? So I'm showing the items to get pulled are 5, 6, 9, 18, 21, 27 and 45. And then 20 and 37. And number 4 also is pulled for -- I'm not showing that. Number 4 is pulled for speakers as well. Okay. Mr. Zimmerman?

>> Zimmerman: You said 27 and 37?

>> Mayor Adler: 20 and 37 were also pulled pending questions that the mayor pro tem is going to try to answer, but they're pulled.

[10:32:41 AM]

Okay.

>> Tovo: It's resolved. 20 and 37 can go back on consent.

>> Mayor Adler: They are back on the consent agenda. Let call the speakers to speak to us on the consent agenda. Mr. Pena? I have you here to speak on 3, 13, 14, 17, 20, 21, 23, 29 and 32.

>> Mayor, did you say item number 21 too?

>> Do me a favor, run those items again, please, and I'll jot them down real quickly.

>> Mayor Adler: Sure. Let me look at 21 real fast. Okay. 21 has been pulled for speakers so you don't need to speak to that. The ones I have are 3, 13, 14, 17, 20, 23, 29 and 32.

>> Okay. You said item number 21 has been pulled.

>> Mayor Adler: 21 has been pulled.

>> Thank you. Mayor and councilmembers, Gus Pena, native night. Proud Marine Corps veteran. I'll start on item number 3, something that should be addressed long ago and that is for a sealed proposal agreement with whatever company it is for the expansion and renovation of the Austin shelter for women and children. I'm going to be honest with you, ladies and gentlemen, this never should have been held up, it shouldn't have been postponed for any length of time. We have too many single women with children who are homeless. Mayor, we have a lot of single women with children that are homeless that are veterans. I hate that quote that was said oh, just because we have the mechanism in place we've ended homelessness in Austin, Texas.

[10:34:47 AM]

No, ain't no way. It's not true. And I already had a call in to secretary hud Castro and his mom, I know her very well, I was very disappointed in that he was already here saying we've already ended homelessness. That's a bunch of bull. You don't have homeless people until nobody is on the streets, and to have single women with children who are homeless, it is undemocratic and unethical and any kind of verbiage that I forget because I am angry right now. I am angry. This should never have

happened here in Austin, Texas. You want to bring in music venues, funding from California, but yet we don't have enough funding to house the homeless women with children that are homeless and single female veterans with children that are homeless. So I don't want to hear that homelessness is ended in Austin, Texas. That's a big disgrace, even Washington -- I went to Washington, they paid for my trip over there. They said really? Anyway, item number 17, I'm sorry. Item number 3, I'm proud to say we're supportive a long time ago. Item number 17, it's funding for young adult program, peer positive peer project. This is very important, helps a lot of kids stay in school and not drop out. And the last one I have is item number 23, funding for austin-travis county integral care. This funding is very important for the youth services program. Anything we can do to keep students and youth in school is very important. And then we're going to have services provided for the youth to be successful in life is very key and crucial. Mayor, I'm going to tell you something, I'm very disappointed in all of y'all. Homelessness has ended here in Austin? I don't think so. And I say with all due respect, sir, because I am a proud United States marine Corps, I'm still dealing with people who are homeless.

[10:36:48 AM]

Let's not forget that. I don't need to be invited anywhere. I met the presidents before. I was decorated by a president in Washington, D.C. During the military, Nixon, as I told you before.

[Buzzer sounds] We need to do a better job of housing the homeless. Thank you very much.

>> Mayor Adler: Thank you. Mr. King on item number -- no, 9 was pulled. That's going to be set for 1:00 P.M. Mr. King, do you want to talk on that now or wait until 1:00 P.M.?

>> I'm sorry, mayor, were you talking to me.

>> Mayor Adler: Mr. King sitting behind you. And then you're also able to speak on item number -- no, four got pulled for speakers. I think those are all the people speaking on. I want to read into the record that Ms. Kitchen, late backup shown here for the boards and commissions nomination. Ms. Kitchen is nominating John McNabb for the bond advisory task force. Mr. Zonyboa invited to speak on number 19 - I'm sorry, Ms. Joseph.

>> Thank you, mayor. It's okay. I'm synobia Joseph. I had a question as to the library loan. It's ordinance 20150809001. I want to make sure that you do receive those funds. However in 2011 I actually wanted to receive an education cassette from the Dallas public library and I was never able to get it.

[10:38:55 AM]

It was Ross Perot's 1984 speech. So I just would like to ask you to actually look at what services are being provided through the interlibrary loan and if possible to supplement that money because what that particular grant specifies is that the monies are allocated based on usage. But if we're not able to get the materials that we want through incidenttter library loan then that is not going to be calculated into the funding. I'll actually tell you that I also used the interlibrary loan to do ghost writing so I'm writing papers for a registered nurse and I get the books through the incidenttter library loan process as well. So it's a very important for you to actually take a look at into it and not just pass the ordinance and get the money. And I did sign up for another item, mayor. Do you want me to speak on that as well?

>> Mayor Adler: Which number was that?

>> The elder care, 28. Family elder care. I just wanted how staff arrived at the 134,000-dollar amount. It just seems awfully low. I'm not really speaking on the aides issue, but I just see where the funding has increased so significantly for that. But I didn't see anything in the backup materials to justify \$134,000 unless that's simply federal government money, cdbg. Are you aware of why that amount is what it is?

>> Mayor Adler: No. I don't as I sit up here. We can see if we can find some staff that might be able to help answer that question for you.

>> Right. I am just concerned because it talks about the growing number of elders in the community. And \$134,000 just seems like a small amount of money to take care of that pool of individuals. It starts with 45 to about 65 or so, and so I just would ask you to recognize that on one hand you have an inordinate amount of money that's being funneled to like the AIDS project and you have monies funneled for other things, but for the elder care it just seems awfully low.

[10:40:55 AM]

So if you could look into it and see that our senior citizens are taken care of as well I would appreciate it.

>> Mayor Adler: That's good. And we have staff right here that can talk to you about that as well.

>> Thank you, mayor.

>> Mayor Adler: Okay. Is there anyone here to speak on an issue that was not pulled?

>> Renteria: During the budget session we pulled the

[indiscernible] Events. And it came to my attention that last year when we had the veterans parade there's a group that's called a Texas veteran commission, insisted on displaying the confederate battle flag in the parade. It's never been done before and I was very embarrassed to see what had happened there, seeing the -- that flag displayed, that confederate flag because it represents nothing but hate. And so I just want to ask my colleaes that this year when we're working with the fee waiver for that parade

that we discuss the item and having that veterans commission, let me understand that we have different values here in Austin and it has nothing to do with hate. So I just hope that, you know, when we negotiate that fee waiver that we bring up that item.

[Applause].

>> Mayor Adler: Mayor pro tem?

>> Tovo: I have two quick comments about items on the consent agenda. Item 38 is an item to allow an out of cycle neighborhood plan amendment.

[10:43:01 AM]

And I think it's clear to everyone involved, but I wanted to put on the record that this in no way-- I don't want the staff to feel that they are obliged to recommend this case when it comes back to council just because the council has initiated it. So in case there's any confusion about that, you know, we're initiating the amendment, but I expect the staff to evaluate that case as they do any other zoning case before providing us with a recommendation and not feel obliged to make a recommendation of support for it, if that's not the conclusion they would otherwise have reached. And then I just wanted to say really one sentence in 2000 the city council at the time passed a resolution to hire staff and to move forward with creating a sobriety center and I just want to mark this occasion that 16 years later this city council in addition to the commissioners' court who approved this earlier this week, are poised to actually create that sobriety center so I don't want to name them, but we have several really dedicated community members and leaders in Austin who have advocated for this concept for a long time and they have waited 16 years to actually see it get on the ground, but I'm so delighted to be at this moment here today. I think it's going to be a fabulous resource for the city of Austin and for Travis county.

>> Zimmerman: Thank you, mayor pro tem. I'll make a comment since you brought that up. I'm voting in favor of item 38 because it initiates the amendment. It's not taking a final vote on any changes to title 25. It's just to initiate the amendment so we can see what it looks like and evaluate it at another meeting. So thank you.

>> Mayor Adler: Yes.

>> I signed up for item 42.

>> Mayor Adler: Is that okay, Ms. Pool?

[10:45:02 AM]

>> It's on the consent, isn't it.

>> Mayor Adler: Item number 42 is on consent, yes. That's fine. You can come speak.

>> Okay. Thank you, mayor, councilmember, I'm bill bunch with save our springs alliance. I want to thank you for the support for Barton springs university day and to invite you and your staff and the entire community to come out to Barton springs next Wednesday for our second annual Barton springs anniversary event. It's a full day of outdoor learning from nine A.M. To nine P.M. If you can't make all of it, come out for part of it. We have the leading water experts from our region, teaching in four different venues in parallel programs most of the day, between about 10:00 and 3:00. The morning part of the program is mostly geared towards high school students. Last year, our first year, we had over 400 high school students there with their teachers. Mostly environmental science teachers coming by bus to the pool. This year we're expecting about double that actually. The afternoon is more of the policy programs, and more for college and the general public, but certainly for everybody all day long. And having the pool be free we'll certainly encourage people to come out and take a day off from work or from the classroom and really swim and learn at the springs. Just a couple more tidbits. Our noontime keynote address, we're very excited about it, Dean Hendrix son, who is the curator of igg theology at UT, there's an S.A.T. Word for you, he's going to speak on get eel Austin. The word about the weirdest fish in Austin. So if you've had any interest at all in the weirdest fish in keeping Austin weird, next Wednesday is your opportunity.

[10:47:05 AM]

And then in the evening our keynote address at 6:00 P.M. Is Andy Samsung, who is the leading water expert in our state. He is currently head of the meadow center and the environment. But he is the former director at Texas parks and wildlife and also at the Texas nature conservancy. And he will be speaking on how we protect our water here in central Texas while our population in the region sigh rockets. So that's -- sky rockets. So that's at six. And we have music at 6:00 with atosh, the band from Austin, to end the day. Please join us, spread the word. We really appreciate the cooperation from water protection, parks department and the Austin water utility, all of whom have experts who are helping to educate our community about our water resources. So thank you again for your support for this item.

>> Mayor Adler: Thank you.

>> Pool: I want to pull item 4, I have a question to ask of staff.

>> Mayor Adler: That's good and it was pulled by the speakers. The items I have pulled on items 4, 5, 6, 9, 18, 21, 27 and 45. Does anybody want to make any comments?

>> Zimmerman: I wanted to move approval of the consent agenda.

>> Mayor Adler: It's been moved to approve the consent agenda? Is there a second to that? Ms. Gallo?

>> Zimmerman: I'd like to read into the record some modifications from my consent votes. I'm voting for, with the exception of item 3, which is abstention, item 7 and 8 against. Item 10 against. Items 11 and 12 abstain. Items 13 and 14 against. 15 abstain. 17 against.

[10:49:07 AM]

Number 20 abstain. 22 through 26 against. 28 and 29 against. 31 against. 32 abstain. 42 abstain. And the rest in favor. Thank you.

>> Mayor Adler: Okay. The consent agenda has been moved and seconded. Any other comments? We'll take a vote. Those in favor of approving the consent agenda please raise your hand? Those opposed? It's everyone on the dais. Ms. Troxclair is not on the dais with us today. And Mr. Casar was not on the dais for this vote. I will not be repeating again that Ms. Troxclair is not on the dais. But the record will show on each vote that she was not present. That gets us then to our consent agenda -- let's just talk generally, to kind of refresh where we were with respect to scheduling and time egg today. We are -- timing today. We are going to call the public hearing on three items at 2:00 or as close to that as we can. That would be items 54, cactus rose, 65, St. James church, and 73, the grove. So that at least some of the people who might be here have a chance to speak. We will then not close the public hearing on any of those, the ability for the public to speak on those until later in the evening. It is our plan to also stop at 1:00 time certain as we've discussed a second ago to handle this Zach Scott matter, but we plan on taking a dinner break from between 5:00 and 6:00. And then at 6:00 we will again call for public testimony on items 54, 65 and 73 as well as the other items that are set for us to speak.

[10:51:16 AM]

And we've have a better idea of exactly how we're going to order that and the procedure when we get -- when we get closer to those times. But it's anticipated, I think, that the cactus rose discussion and the St. James church discussion will come relatively early in our evening. Okay? Let's work our way through the consent agenda and see if we can get through these. We had also asked staff to be prepared to give us a briefing on the -- on those three cases and and the hope -- and the hope is to do that this morning or prior to 1:00 so that when we start calling for public comment we've already taken care of the staff briefings. The applicants will speak as part of the public hearing conversation when we call that at 2:00 and at 6:00. Probably at 2:00. All right. So on the consent agenda we had item number 4 that was pulled by speakers. We have two speakers to speak, David king and Linda Bailey. Are you here? And you're giving your time to Mr. King? Okay. Mr. King, you can speak on optics.

>> Thank you, mayor. Mayor pro tem and councilmembers. And I won't use the full -- even the full three minutes, but I appreciate the donation. I'm speaking on this item because I was at the code advisory group meeting this past Monday and the members of of that advisory group asked for information about this contract around staff told them they really couldn't give them much information as all. It's surprising to me that this advisory group that's responsible for the codenext process cannot get information it needs beforehand to inform what should be in that contract, nor get information about what is actually contained in that contract because it's under negotiation.

[10:53:23 AM]

That -- that's not transparency. And that is not respectful to that group. So I would ask that we change that process going forward and explicitly say that they will be informed on the next round of negotiation of the contract. They will provide input, and their input and then they will be able to see the components of that before it goes into negotiation. I don't understand that. I hope someone can explain why we went through that process. And you know, as I understand from what little information that I've heard about this is it's about the mapping process and about the engagement process. And I have been through those codenext meetings, many of them. And many of the code advisory group meetings. And I can tell you that a large part of our community is not involved in that, a large part. And those are the folks that are going to be surprised when they see what's before them at the last minute with no background and no understanding of what this means. So I think our engagement process is woefully lacking and I think you need to support the advisory group and empower them to make that engagement process more proceed bust, to make it more effective and to reach out to the communities working everyday and they cannot spend time to come to these meetings. Why don't we do that? That is essential. And most of the folks that can't get involved are the low income folks and people of color. And their interests are not going to be reflected. And they're going to be blind side and left out. So it's essential. I hope this council will speak to that today when we're looking at this contract that you're going to sign off on and allow it to be executed. I hope you will ask those questions. And in terms of the mapping process, I've heard staff say in the previous code advisory meeting that it would be done all at once because it was done in one other city and so that's best practices.

[10:55:23 AM]

That's surprising to me that best practices is based on one city doing it. And we've already heard from the previous council bill Spelman talking about that process should be incremental. It shouldn't be all at once. And the neighborhoods who are going to be directly affected by this should have a seat at the table in that matching process and to have a consultant say this is what we should do. And I think I had

six minutes, but I may use more than three, I'm sorry. But for the consultant to say this is how we think the mapping should go for across the whole city, once we do that that becomes the baseline. That becomes this is what we need to do because we paid them millions of dollars to come up with this plan. And that's the back woods process. It should be the other way around where neighborhoods are involved in the process to help define what they want in their neighborhood. And where they want it in their neighborhood. So I ask that you please address the concerns now before we execute this contract. And thank you for listening to my comments.

>> Mayor Adler: Is there a motion to approve item number 4? Ms. Pool?

>> Pool: I had a question of staff. Good morning, gentlemen, how are you? So there's \$75,000 that the council has allocated for green infrastructure and that was -- it was dedicated for green infrastructure and there are two subconsultant's fees and they total will \$47,000. Can you help me identify the balance of the 75,000 or what happened to that? Take your time and if we need to do something else and come back, that's fine too.

[10:57:27 AM]

>> Greg Guernsey with the planning and zoning department. Regarding item number 4, it talks about functional green. And I think that's the item --

>> Pool: Yes.

>> Right now it's broken up into several components under that item. The total allocated we found is \$98,719 because there were some additional work that we wanted to make sure that was researched. And speaking with the consultant to be able to reach out to do some additional research and check the work that we've done and what may be best practice, but the parts of that are there's a kickoff meeting to go through the science, some of the review. There's a literature review. The consultant was actually doing the actual raw science of it, but looking at other practices, other studies have been done elsewhere. Looking at our existing programs that's under tab 7-c, looking at local conditions and their applications, which is under parts of that under 7-d. And then looking at technical and economic analysis of certain landscaping elements and communication and there's a follow-up approach report. Also determining the value of the landscape elements and then addressing a functional green system and waste as a draft. There's one more, creation and communication of tools and preparation of the public review draft. And -- excuse me.

>> Pool: The total that you said was 97?

>> 98,719. And we've worked with watershed protection on this also our development services department. It kind of goes beyond some of the things that council has asked for, but after looking at it and talking with our sister departments we thought that was the best approach.

[10:59:34 AM]

>> Pool: Thank you. That's the only question I had. Appreciate it.

>> Mayor Adler: Okay. Ms. Kitchen?

>> Kitchen: I had a question that follows up on -- the question that our speaker raised. And that has to do with if you could help me understand the -- what we're approving today with regard to the mapping process.

>> So first off, this does not include formal mapping. That actually would come in a later phase. We will be discussing mapping and there's not a predetermined route to take on mapping. I think it will be staff's opinion and I think I've said this publicly, that we would probably look at the entire city to do it in context. Codenext cannot actually be enforced until you really have mapped the city. And what I mean by map the city you're actually rezoning the city of Austin to bring it into compliance with the code. So you have the code and the mapping. This contract two take us through the end of January of 2017 and would help address the public review draft and a very important element would be the communication of how we would bring that to the public. Once the draft becomes public there's going to be an extensive dialogue with our citizens with boards and commissions. We would certainly engage the cag. Basically our advisory group on that because there are two main tasks or one to make sure that we can implement on Austin and imagine Austin and it's priority plans as well. But to reach out to the community and talking to the code itself. Part of that would be the mapping and we'll discuss that later on, but that process won't start until after this contract.

[11:01:38 AM]

We'll be going to probably several boards and commissions and ultimately the code would come back to the planning commission for their recommendation as required by code, they are required to give the council their formal recommendation before any action is taken. The mapping process would probably come up later in the year in the community. I'm sure that would be the most engaging process we have as part of codenext because that's really where the code would apply and people want to know what's going to happen adjacent to them.

>> Kitchen: Okay. So I think I'm understanding if I'm hearing you correctly that the mapping process comes later and I'm hearing you talk about various aspects of the public engagement process. It's sounding to me like the actual public engagement process is not entirely nailed down yet in terms of -- it's really my next question is I think it would be -- comment and question. I think it would be helpful

from the council perspective to actually see a public engagement plan I'm not asking for that today. I think it would be helpful to see that this fall, maybe in a month or so, whenever, but I think there's a lot of concern about -- a lot of concerns and questions about exactly how public engagement would be done and when it starts and how it's done, and I would feel better prepared to answer those kinds of questions if I could see a plan for public engagement. And I would also say that whatever related is a question then. So is there a consultant funding for public engagement?

>> Yes, councilmember, task 8 specifically deals with the creation of communication materials and tools in preparation for the public release that would take place in January.

[11:03:44 AM]

And so that is budgeted at \$114,000. It would involve creating certain deliverables that would be prepared -- deliverables that would be prepared before it's released and how we would approach that. So that is part of this phase of the contract that would take place before the public release of the documents. And we'll be working with our consultants between now and the end of the year.

>> Kitchen: So does that include a public engagement plan?

>> We would have a plan to go out. The interaction obviously would take place after plan is released, but prior to going out we will have a plan and we're working with the public information office, my office and the consultant.

>> Kitchen: Okay. So last question, I just want to make sure I understand. So part of the consulting engagement is to engage a consultant to assist with the public engagement process. Is that what I heard you say?

>> We are going to be working on how we are going to engage the public and the other stakeholders in this process.

>> Kitchen: Okay. So -- so if I'm hearing you correctly part of these funds are being paid to a consultant who will deliver a public engagement plan.

>> Councilmember, sue Edwards, assistant city manager. You're correct, I had an extensive conversation with optics several of their consultants and one of the things that we specifically asked them since we are fairly short on staff members at this time, is that they create for us a public engagement plan and that they carry that out and that they carry the major responsibility for that.

>> Kitchen: When from a timeline perspective can we see a public engagement plan?

>> I think I would have to ask them --

>> Kitchen: I don't mean an exact day.

>> Sooner rather than later, but that's something that is in this agreement that you're approving today.

>> Kitchen: So we would see that before January then.

>> Oh, yes, we'll bring it to you before January.

>> Kitchen: All right, thank you.

[11:05:47 AM]

>> Councilmember,

[indiscernible] With the capital contracting office. If I can back up with the rca you can see the break down of the subconsultant work so we're highlighting almost \$26,000 for public again. Work that would be provided by Diane Miller, civic collaboration, Austin, Texas. So we do have that as part of the process and moving forward with this amendment of \$26,000 and work on the public engagement part.

>> Kitchen: So that amount, that 25,000 is for a public engagement plan?

>> As of right now for this amendment that's what we've highlighted so far.

>> Kitchen: Okay. So far. There might be other --

>> Correct.

>> Kitchen: So that answers my previous question that that's for a plan related to what we've been talking about?

>> Yes. That is part of the 114 because they are one of the subconsultants so that particular part.

>> Kitchen: Okay. When I saw that the first time I thought it related to -- there's some other language in here about the transportation part of this. So I thought that the contract with Diane Miller was -- Diane Miller was solely for the transportation part but I'm hearing from you that it's not. That it's also part of this public engagement plan for the land development code.

>> That's correct.

>> Correct. In terms of this specific amendment we're asking this consultant to do this bridge engagement for us and allocating almost \$26,000. For previous amendments we've done on the contract, also parks are leading some of that effort for the mobility plan, the -- the transportation plan.

>> Kitchen: I'm sorry, I didn't quite catch that. The scope of the 25,000 includes the public engagement plan.

>> For the codenext that we're asking you to approve today as part of this amendment.

>> Kitchen: So it's not limited to the transportation part.

>> This one is solely for this part of the work, the codenext work.

[11:07:49 AM]

When you see it in other approved amendments, the scope was bigger. There was the codenext and there was also the transportation work. So at that time it may have been both serving on the codenext effort and also on the transportation part. Here today it's solely for this part of the work.

>> Kitchen: This part meaning the codenext part.

>> Correct.

>> Kitchen: Thank you.

>> Houston: Mayor, I have a question.

>> Mayor Adler: Ms. Houston.

>> Houston: Thank you. I would like to ask that you all work with at least in my office a communication person because my district may be very different in how your consultant wants to do community engagement. We've got a pretty good handle on that. And so if they could contact staff in my office who do community engagement, then hopefully we will be able to get more people to participate in the process and understand what this impact will have on their lives. Thanks.

>> Mayor Adler: Is there a motion to approve item number 4? Ms. Pool, seconded by Ms. Kitchen? Any further discussion? Mr. Zimmerman?

>> Zimmerman: I'd like to speak briefly against the motion if staff could put it up. I appreciate the backup information I got. It was very help. This was one instance where we got good backup information. If you could just confirm these numbers. We started this I believe here in March of 2013, is that correct, originally \$2 million.

>> The first item that council saw and approved was for authorize, negotiation with the opticos firm for two million dollars, correct.

>> Zimmerman: Terrific. And that was the original date that the elected council would be allowed to see a draft of the plan? When it was passed in -- there would have been some estimate for when we would get something to look at, the prior council.

[11:09:53 AM]

>> I think when we kicked off this process there was envisioned to be a two to three year process. We had -- along the way we've been asked to go back and work with neighborhoods, look at the character, did a character manual. We did diagnose of this. So -- there were some things that we had to discuss with council and had kind of come up along the way that had taken this process to be a little longer than we anticipated.

>> Zimmerman: So just to -- I sympathize with the people trying to work this out. This is one of the most extremely complicated things you could attempt to do. I've done a lot of systems engineering, a lot of complicated work. This is off the charts. In fact, I'm going to vote against authorizing this money because I think this is so complicated I don't believe it's going to succeed. Personal opinion. So I would like to just bring this to a close, see what we've got and assess it after three years, which now it's already after three years. So I'm going to be voting against. I just think it's almost too complicated to comprehend what you're doing and to try to make everybody happy. So I'm going to be voting no. But thank you for being here.

>> Mayor Adler: It's been moved and seconded. Any further discussion? Those in favor of item number 4 please raise your hand? Those opposed? Mr. Zimmerman votes no. The others on the dais voting aye. Greg, let's do the consent, zoning consent agenda that would enable a lot of people to be able to leave.

>> Thank you, mayor and council. Greg Guernsey with planning and zoning. I'll go through those items that I believe are consent. That we can offer at this time. Starting at item number 49 on your agenda. Listed as 10:00 A.M. Zoning ordinance restrictive covenant. These are the items that the public hearings have been closed. As discussed at the last council meeting, I was asked if we could provide a more abbreviated presentation, so bear with me.

[11:11:58 AM]

That's what we're going to try here. Starting off with item number 49, is indicates c-14-20160032 for the property located at 10400 north Lamar boulevard. This is to zone the property on second and third reading to cs-co-mp. Item number 50 is case c-14-2016-0046 for the property located at 7720 and 7800 south first street. This is to zone tract 1 cs-co and tract 2, gr-mu-co. Staff would offer this for second reading only. I'll left Mr. Rusthoven come forward. Councilmember Garza I think had some discussions and there might be some resolution to offer this on second reading only.

>> Jerry rusthoven, planning and Joan zoning. I received a sheet regarding the agreement. There would be no outdoor amplified device the outdoor entertainment will be limited. We would take out two prohibited uses that are at first reading, and a limitation on the number of driveways. So with that we

can approve it on second reading and bring back an ordinance on third reading that approve those conditions.

>> Let me continue. Item number 51 is case c-14-2016-0058 for the property located at 1911 and a half university avenue. This is to zone the property to go-co-mp zoning and this is probable on second 3dings. Item number 52 is case c-14-2016-0059 for the property at 2001 university avenue. This is to zone the property to go-h-co-np combined district zoning also ready for second approval on second and 3dings.

[11:14:02 AM]

Item number 53 and 54 is the Lennox or cactus road cases. These will be discussion. Item number 55 is case npa-2016-0010.02 in the holly neighborhood planning area for the property at 622 pedernales. This is to designate on the future land use map mixed land use and this is ready for first reading only. Item number 56 is case c-14-2016-0041 for the property located at 2416 east sixth street. This is to zone the property to cs-v-np. This is for approval on first reading only. Item item 57, zone to csmucomp and that is ready for consent approval on first reading only. Item number 58, case npa-2016- 0025 own 01, in the oak hill combined neighborhood planning area for 6701, 6825 1/2 and 7045 1/2 rialto to designate to mixed land use ready for consent approval on first reading only. Item 59, c14.

>> 85-288.8, restrictive covenant covenant, this is a postponement on this item to your October 13th agenda. Item 59 is a postponement. Item 60, property at 67012 and 68 25 1/2 and 7045 1/2, this is ready for first reading only.

[11:16:12 AM]

On item number 60.

>> We can bring those back.

>> Pool: I would like to keep the three of those cases together, if we can.

>> We can make that happen. Item number 61 is related to item 18. This is the champion case. I believe this is also a discussion item. That's item number 61 related to 18. Item 62, c14-2016-003 for the property at 135 foremost drive. This is to zone the property to mf-4-co ready for consent on all three readings. Item 63, c14-2016-007, the property located at 8400 and 8401delwau lane, to zone to gr and this is ready for consent approval on first reading only. Number 16, c14-2016-0020 for the property at 7717 southwest parkway. Staff is requesting postponement of this item to your November 10th agenda.

The commission has yet to act on this item. Item 65, c14-2016-0025, this is St. James missionary Baptist church, a discussion item. Item 66, c14-2016-0037 for various addresses on fm 1325 and 3001 Scofield drive. Staff is requesting postponement of this case to your October 13th agenda. Item number 67, c14-2016-0038 for the property at 1120 east Braker lane.

[11:18:19 AM]

This cast withdrawn by the applicant. No action required on item 67. 68, c14-2016-0057 for the property at 6101 Ross road to zone to sf-4 a. For consent on first reading only. The zoning and platted commission recommended gated access restriction, but if this is developed it would be a public street so we would recommend that this requirement be removed because we're not going to get a public street. That's item 68, 69 c14-2016- 0063. Sh. Staff is requesting a postponement of this item to your November 10th agenda. Item 70, c14-2016-0065 for the property at 623 west 38th street. Staff is requesting postponement of this item to your November 10th agenda. Item number 71, c14-2016-0074 for the property at 10728 burnet road. This is to zone the property to mi-pda district zoning. Ready for consent approval on all three readings. Item 72, c14-79-065rct for the property at 80 red river. Neighborhood request for postponement to October 13th agenda. And then finally item number 73, this is case c8 is this-2015-0074, known as the grove. And this will certainly be a discussion item.

[Laughter]

>> Mayor Adler: Let me see if I can catch up here. The ones that are on the consent agenda ready to be handled between 48 and 73 do not include item number 48, item 53 and 54, 61, 65, 72 and 73.

[11:20:40 AM]

Is that right?

>> 72 is a postponement. 73 is a discussion item. Mayor, I started my items at 49.

>> Mayor Adler: You started at 49. There's one person that signed up to speak on item number 72, which is going to be apparently postponed by the request of the neighborhood to October 13th. Is Susan Morgan here? Do you wish to speak?

>> [Inaudible]

>> Mayor Adler: We'll pick you up then. There's been a motion -- is there a motion to approve the consent zoning? Ms. Houston makes that motion. Is there a second? Mr. Casar. These are items

between 49 and 73 and the ones that are not included on this consent agenda item are 53, 54, 61, 65, and 73. Yes.

>> Garza: I had a question about 68. Was that because if it was zoned mh they could have put a gate to access it or -- and now it's not there won't be a gate?

>> Yes. Councilmember, in order for access to go through to the proposed I guess mobile home park to the rear, it would have to be zoned mobile home and there would be that issue might arise. If it's zoned sf-4 a, the only way you could take access to allow a mobile home use would be through a public street. They could take access from an adjoining tract that might be outside the city limits, also taken to that property.

>> Garza: Just for clarification, there's not going to be a gate.

>> There would not be that requirement for a gate because they would have to put in a public street to access the rear.

>> Garza: Okay. Thanks.

>> Mayor Adler: The zoning consent, it's been moved to approve the zoning consent items.

[11:22:46 AM]

Those in favor please raise your hand. Those opposed? It's unanimous on the dais. So thank you very much. Ms. Pool, do you want to take up the [inaudible] Item at number 5? Ms. Houston.

>> Houston: Before Mr. Guernsey leaves, you did a great job. That was really quick.

>> Thank you. It was at council's suggestion. I just followed your lead.

>> Mayor Adler: Ms. Pool, do you want to make a motion on number 5?

>> Pool: Yes. I would like to move approval of the amended ordinances you have in your backup and I think there may be a couple of friendly amendments that are Teed up and I would like to hear those.

>> Mayor Adler: Ms. Pool moves adoption of number 5, the lobbying matter. Is there a second to that? Ms. Houston seconds that. So that you have everything in front of you, I have handed out a motion sheet for number 5, lobby ordinance, which I think are just some cleanup items that my understanding is that you and all the people involved are good. Will you accept that?

>> Pool: I do, and thank you for those.

>> Mayor Adler: Is there any objection to this amendment being made? It's been seconded. Is there objection? That motion sheet, says motion sheet from mayor Adler, item 5, lobbying ordinance, is now part of the motion on the dais. Do you want to address this at all?

>> Pool: Sure. I would just say my deep appreciation and thanks to all the staff and the members of the community, the professionals and the volunteers who put so much effort into this piece of work. It's an important improvement to our transparency and good government portfolio. I also appreciate my colleagues on the dais support and input.

[11:24:50 AM]

You have helped make it a better ordinance. So -- so thank you all very much.

>> Mayor Adler: Ms. Pool, this is a heavy lift. This is a real good thing for the city. You were diligently pursuing this and battled several times when it looked like it could be falling apart. Thank you for delivering this to us. Ms. Garza.

>> Garza: There was some discussion at work session about lowering the fees and then there was added discussion there was going to be a cost of service study. And so after that -- my inclination would be to leave it at the 300 it is now. It is now because of the concerns that mayor pro tem expressed which include those fees fund the fair campaign account, but that being said, if -- if there's not the consensus -- it's not something that's that big of a deal, but I would prefer leaving it at the 300 and once that cost of service study is done, we could gauge it then rather than bringing it down and putting it back up again. So that's a friendly amendment I would make.

>> Pool: Mayor, I see it as a friendly amendment. Councilmember Garza makes a good point. We did talk about this at work session. We will be pursuing a cost of study -- cost of service study and we're required to use the funds that come into this account for the -- in the city clerk to support the program. Once we know what that cost of service is we'll be able to make adjustments at a later time, but it does make sense to me to leave it at what it's been for some time and we can adjust it later.

>> Mayor Adler: Is there objection to the amendment to keep the fee at 300 rather than decrease to go 100?

>> Zimmerman: Mr. Mayor, I object to that motion. Could I explain why while doing the second?

>> Mayor Adler: I would ask for a second.

[11:26:53 AM]

Ms. Tovo seconds that. We're now in discussion on the amendment. Ms. Garza, anything further you wanted to add at this point? Mr. Zimmerman.

>> [Inaudible]

>> Mayor Adler: I did. She was waived that. Mr. Zimmerman, your turn.

>> Zimmerman: The reason I'm not in support of this, I think there's some state law that specifies some restrictions on how fees can be spent. In simplified version, if you collect a lobby fee to register and monitor the activity of lobbying however you define that, those fees can only be used for that administrative purpose. The fees cannot be used legally to say subsidize a candidate who wants to run for office. Maybe we can get clarification from legal, but it was my understanding you can't just take lobby registration fees and give them to a candidate who promises to waive some of thundershower constitutional rights under the first amendment by limiting campaign expenditures or contributions, et cetera. I'm not convinced that what we're doing right now with the lobby fees is legal so I think lowering the fees was an attempt to say we're only going to collect fees consistent with what it costs to administer the lobby program. That's why I'm voting against this.

>> Mayor Adler: Any further discussion? Ms. Gallo.

>> Gallo: Could we have -- excuse me, could we have law address that?

>> We are going to do a cost of service study in connection to fees charged back to the work that's being done.

>> John Stein, law department. The only reason I come to the podium is to ask what the friendly amendment actually is. The ordinance that's drafted has a range of fees. Do you want to just go to one fee of \$300 or do you want to have -- do you want to continue to have the differential fees?

>> Pool: Thank you. We want to continue to have the differential fees.

[11:28:55 AM]

This is changing the \$100 leaving it at the \$300 which is what it was previously. We're not touching the others.

>> So the others would remain at 25 and 100 respectively?

>> Pool: That's correct. They are lower because they are nonprofits and I would just mention that is our intention and that's the next thing that will happen with this piece of the ordinance is a cost of service study will be conducted and those funds will go directly to the city clerk in order to administer this portion of the -- of our laws.

>> Mayor Adler: Yes.

>> Gallo: So I guess my question was at some point someone reduced it to 200 and I'm trying to understand the rationale behind that.

>> Pool: And I can speak to that. In the conversations that we had, there was suggestion that we take the \$300 down to \$100 so I approximate out that into -- I directed staff to put that into this iteration of the ordinance. And we talked about it on Tuesday. I am not wedded to it being 100. I am fine with leaving it at 300. Again, we are going to do a cost of service study in order to determine what the actual amount should be that is necessary to fund these activities in the clerk's office.

>> Zimmerman: Point of inquiry. Are we talking about page 19 of 20?

>> Mayor Adler: Yes. Part 6.

>> Zimmerman: Okay. And that shows 350 that was struck out and reduced to 100. Is the plan to move it back to 350?

>> Pool: 300.

>> Zimmerman: 300. Okay.

>> Pool: It's currently 300, I think.

>> Zimmerman: In my backup 350 is marked. Do I have the wrong version maybe --

>> Mayor Adler: Was 350 a change?

>> 350 was a change. It was 300, changed to 350, down to -- now it's back to 300.

>> Zimmerman: Thank you.

>> Mayor Adler: It's been moved to amend this motion to return back to the \$300 for the annual lobby fee for a business association making the election under 485b1.

[11:31:09 AM]

Also in the first sentence of part 6. Any further discussion?

>> Garza: Do we have speakers?

>> Mayor Adler: I was going to get -- there are speakers signed up. I was going to get the motion and then bring people. So is there any objection to that amendment being made? Mr. Zimmerman made his objection. Those in favor of that amendment please raise your hand. Those opposed to that

amendment? Mr. Zimmerman voting no. The others voting aye on the dais. That amendment is made. So is that the state of the ordinance? Motion? Before with egg to speakers.

>> Kitchen: I just have a question. It's actually a clarification. My understanding is that questions or issues related to people who will be registering under this ordinance about their participation on boards and commissions is an item that can be addressed later, if I'm understanding correctly.

>> Pool: That's correct. And I think there is a trigger in here to make sure that happens.

>> Kitchen: Okay.

>> Mayor Adler: And to that end, I think importantly my understanding, Ms. Pool, is that there's almost a triad of ethics pieces here of a lobby, the secret money ordinance, and then also one that deals with conflict of interest. And that the board and commission item were openly considered in the context of the [inaudible]. Ms. Houston.

>> Houston: Thank you, mayor. Thank you, mayor. And we talked about this on Tuesday. On the sheet that was handed out, number 11, about city officials must sign in and when you are meeting with advocates. Help me remember what we decided about how we capture all of the people that we meet with out in the community at various places.

[11:33:12 AM]

>> Pool: The city clerk can answer that. She has -- has been working on that.

>> I'm not sure we came up with a plan for addressing how you would log the folks that you met outside of city hall on the weekends or in the evenings. But at least for those that are coming to city hall, I know we can easily come up with some type of process where they sign in at the same time that they are getting their parking validated on the second floor. For those that are meeting outside, I think we would want to maybe have a short discussion on how we best capture those potentially afterwards or are those being excluded. I think that's a discussion -- a policy discussion for council.

>> Houston: Let me ask councilmember pool, are they -- is number 11 supposed to be captured everywhere we go and meet people or is it just for inside the building?

>> Pool: Well, I think as our city clerk has pointed out, we have not worked through all of the specifics on it. We are not intending to make this onerous at outline and I would welcome input from our excellent staff to give us suggestions on how to do it and I look forward to seeing what those recommendations are. We would like to make sure we do know who people are meeting with and we do that with our calendars. So we do already have a source of information. It may be staff can offer additional suggestions on how we can proceed with that and I look for that information in the future.

>> Houston: So, what I have concern about if we vote on this today, then it's policy.

>> Councilmember, the ordinance doesn't go into effect until next June. But the ordinance does provide that if a city office or department provides a sign-in sheet at the receptionist desk, that that is sufficient compliance with this provision.

[11:35:26 AM]

So I think that would take care of it and you wouldn't have to have something to record every person that came up to you in HEB.

>> Casar: Mayor? I guess my question, and I did have some suggested potential amendment language. I know this just came up on Tuesday and so I know this goes all the way through June so we may not have to get this sorted out today, but I guess my concern is if sign-in sheet at our desk seems to ensure compliance on the council side, but does that ensure compliance with the ordinance for that individual who may communicate with us, you know, walking into city hall which is happens to me if I don't go the back way.

>> The --

>> Casar: It seems to me it says a person who communicates in person with a city official, which could be our staff, on questions shall be disclosed in writing to the city department.

>> Yes.

>> Casar: My understanding of some of the work on this has been that a place where varies parties could agree just to have this as a person. There's so many people that communicate with us and our staffs and various officials at all times that it seems to me it would be easier if we just required that small group of people who we could educate in our community of lobbyists to be the ones that comply with letting city officials know instead of just all people.

>> It only applies for to people who are communicating to you on behalf of another person.

>> Casar: I understand. There are lots of people at HEB who are communicating on behalf of various friends and neighbors.

>> But your office satisfies this ordinance if you have a sign-in sheet at reception.

[11:37:31 AM]

>> Casar: But does that person who is worrying about bamboo creeping into all their neighbor's yards who stop me on my way inside this building, which does happen, are they violating the ordinance if they haven't signed -- if they don't send you an email? It seems to me again I'm not -- I'm not lawyers here, I'm not trying to make it complicated. As councilmember Houston said, I think one way of solving it might be just to require our people who are compensated to communicate on behalf of other people to a small group of folks to learn those particular rules and not require them of others. I'm not trying to make this complicated. I know there's been tons of work --

>> Pool: Councilmember Casar, I would be happy to accept that as a friendly amendment. We are not intending to make this a heavy lift for anybody. If you would like to work on that, if you have something you would like to suggest or work on it -- we do have time to make some additional changes before it's implemented on June 11th of next year -- June 1st of next year.

>> Casar: I can pass something out. Just set it up so if you you are a paid lobbyist and coming for a scheduled meeting that you check in.

>> Pool: And that is the majority of what is -- we hope to capture.

>> Casar: And I understood that as your intention and you had so much to work on and so this is not me trying to make it complicated right before you get this done. I just figure it may save us some time.

>> Pool: I appreciate that.

>> An earlier iteration of the ordinance did provide the -- C was written a person who communicates for compensation. So that would be a quick fix, but --

>> Pool: That would be a quick fix. Councilmember Casar, would you like to make that as friendly amendment?

>> Casar: Sure, could we do a person for compensation and then include for an in-person with city official for scheduled meeting just so the person who says something to you when you are walking out of work session, it's not in the legal gray area?

[11:39:45 AM]

Just if they are coming for a scheduled meeting and doing it for compensation. It just seems clear.

>> Pool: I don't know what the implications of that would be. I would like a little time for staff to think about it, but I would be happy to take the friendly amendment of a person who is receiving compensation. Would be fine.

>> Casar: Let's include that one for now and maybe sit on the idea of actually being a scheduled --

>> Mayor Adler: Where is that change made?

>> On page 12 of the red line draft. At line 16, you'll see the words for compensation struck out. We would just unstrike those.

>> Pool: And is that the existing language?

>> That was the previous language before your most recent iteration.

>> Pool: All right. So that returns it, Mr. Casar, to what it was previously.

>> Casar: Certainly I guess, but it still might seem unclear whether or not -- this is helpful because now the person advocating on behalf of their neighbors about bamboo, they don't have to go through a process. Now the question is somebody who is paid to compensate -- is communicating with compensation, is it any time they say anything to you or is it in a scheduled meeting?

>> Pool: So I think I can help you with that. If you look at the bottom of that same page, you will see red language underlined and it says each city department or office shall provide a reasonably practicable method for recording the information required by subsection C. So that is open for us to have our sign-in books, if we like. If a department or office has a receptionist desk where visitors routinely check in, the department or office may satisfy this requirement with a sign-in sheet at the receptionist desk that is designed to elicit the information required by subsection C.

[11:41:47 AM]

So I think-and Mr. Steiner can help me with this. Does this expand and extend to the example that Mr. Casar has given about the bamboo and the HEB?

>> I think it would.

>> Pool: Okay.

>> Casar: I understand. So we've covered that part. Now the question is if you are compensated on behalf of a municipal question, which for example workers defense project I was, would I -- when I was working for that nonprofit have to go to that sign-in desk just for meetings or if in between meetings I saw councilmember whoever, you know, councilmember Morris son and do I have to go in and sign in about that? This is not trying to be overly picky, it's just we're about to put together some law and it's great not to open it back up.

>> Pool: I think you are keying who is actually signing. I think it's sufficient for you to have noted you have seen and talked with people on your calendar. That could suffice.

>> Casar: The question is that person who works for public citizen who is hanging out here and talking to folks as they walk up from work session back up to their office, they also, my understanding, they could violate the ordinance if they do not -- if they do not comply with the section. I just want to make it really clear for them what compliance with the section is. And it seems to me if there's a sign-in book, they should sign in when they come for a meeting. That's why I think just requiring them to sign in, if they are getting paid to come to a meeting is kind of where we're all trying to get to I think unless we're trying to capture when they say something when you are trying to get the elevator.

>> Pool: Right.

>> Casar: Which I know happens to all of us all the time. That's why it's a real-world example.

[11:43:48 AM]

>> Pool: Right. I agree.

>> Casar: I'm just trying to help.

>> Pool: I think we have laid out our intent in this conversation today and it may be, mayor, is there a way I can ask that this discussion and the intent that was part -- that was included in it being somehow memorialized as attached to this item so if anybody ever wanted to go back and look at what our intent was in researching this item, they can -- they can have benefit of it?

>> Mayor Adler: Certainly our videos are linked to this as are the numbers. Let's think about this issue. Maybe some of the speakers might want to speak to it.

>> Casar: That might make sense.

>> Mayor Adler: I would suggest we get to the speakers and then come back to the dais. Let's go ahead -
-

>> Pool: If you have language you would like to offer that you can put together, please feel free.

>> Casar: I would just add for a scheduled meeting into that language.

>> Mayor Adler: Let's begin. Let's call some speakers to this. And any help on that question is still in front of us about whether or not there needs to be a registration for a direct -- a specific registration for a direct communication that occurs outside of an office, I think is the question. Let's call the speakers. Francis McIntire.

>> Garza: I just wanted to clarify that the friendly amendment does not raise fees, it leaves them the same.

>> Mayor Adler: That's correct. It leaves them at \$300. The document that was in backup has 350, but that was also in red because that was a change. So this is the -- it was changed from 300 to 350, from 350 to 100.

>> Garza: So my amendment actual lowers them.

[Laughter]

>> Oh, the details. Good morning, council and mayor. I'm Frances McIntire with the Austin league of women voters.

[11:45:49 AM]

The league has supported the revision of the rules for lobbyists for a long time. In fact, it was almost a year ago this month that we spoke to the ethics commission and to the -- later to the audit and finance committee and to council about this ordinance. We hope this will be the last time and we will have new rules for those who choose to lobby council. We really like this particular resolution and thank councilmember pool for all the hours that she's put into it. The league continues to support it because it defines clearly who must and who must not register as a lobbyist. Also who they may and may not lobby. Following state law, it also clarifies what is required reporting and it provides for electronic filing of reports. It also clarifies penalty violations. None of these stipulations are onerous but they do open the door to transparency. They don't make it more difficult for lobbyists to fulfill their duties to their employers. We appreciate the council's deliberations and hope that today will be the day when we can move forward toward passage. Thank you.

>> Mayor Adler: Thank you. Mr. Peña. Is Gus Peña here?

>> Still here, mayor.

>> Mayor Adler: Fred Lewis is on deck.

>> Mayor and councilmembers, I'm here to speak on my own behalf, not in any group or military organization. I'm Gus Peña, native east austinite and a friend of my said you are always talking about yourself. The only reason, I'm a former IRS investigator. Here's still my ID. I think transparency is very important, clarify the mission, what to do, register, et cetera, make it a good fit for everybody.

[11:47:55 AM]

I'm going to let you know that I know a lot of these lobbyists personally and a lot of them are honest, truthful and above reproach. I'm going to mention names and my apologies, but they are very good people. Armbrust, Mr. John Joseph, Laura tubes of urban design group. Alice Glasco who used to be on staff at city of Austin and Mr. Paul Juarez just to name a few honest people. You know, I can't say anything negative about them. But what you all are going to do is just to have something transparent so that the community feels comfortable as to what's going on, what's not going on, what should not have gone down. But I feel strongly that these individuals are truthful, honest, above reproach and I just want to let you know what our position is, veterans for progress and it's no longer 7,500, Mr. Mayor. I could give you a list of phone numbers. We're already 12,950 veterans, both male and female, and I didn't come here as the president and co-founder, I just wanted to let you know a lot of these people, a lot of these lobbyists are -- I want to thank you also, councilmember pool. It always good to have something there. But I just want to let you know these are good and honest people. I don't have shame about them, do know them personally. Had I known anything shady, I would bring up my instincts already from the department of treasury. Thank you for the hard work you do, I know it's tough. Greg, it's a good point you brought up, but you will do the right thing. I just wanted to let you know these are honest people and forthright and forthwith. I've said enough, but these individuals are okay in my book.

[11:49:57 AM]

Our book. Thank you.

>> How much time do I have?

>> Mayor Adler: Let's check that and see. Is David king here? Is Brad Rockwell here? Is Linda Bailey here? There you are. And Mary ingall. Okay. You have 15 minutes. And if you would address at one point that question that's come up.

>> I wasn't intending to. Let me just address it. Whatever language you come up with is fine with me. If you want to do it from the dais, it's fine. If you want to do it later, that's fine. The intent was never --

>> Zimmerman: Could you put the microphone closer?

>> I said it doesn't matter to me. It was intended to be in there so that uncompensated people, the public could see who they are when they met with the council, but it doesn't -- it wasn't put in at my suggestion so I'm fine with it, whatever. Let me just say thank you to all of you all for your work on this. Thank you to councilmember pool. I wanted to thank jack gullihorn, Austin treasurer, and all the supporters. Thank you.

[Applause]

>> Mayor Adler: Mr. Lewis, can you come back up? Mr. Zimmerman, you have a question?

>> Zimmerman: I was hoping you would use some of the 15 minutes, but I'll just use a little bit.

>> I did use some of it.

>> Zimmerman: On page --

>> I'm sure you wish some of your witnesses used their team.

>> Zimmerman: I do, especially later today. On the affirmative defenses on page 17, this is the best part of it for me. An affirmative defense, you know, I've got rights to political free speech and I want to talk to my government officials.

[11:52:03 AM]

I don't want to worry if I'm going to run afoul of the law. It says it is affirmative defense for a prosecution for failure to register. I do appreciate those things, but I still have deep concerns. If I go back to page 3 under the new section 9, it says lobbyists means a person who lobbies. Pretty general. Let me very quickly read and get your comment on this. Under the Webster dictionary, definition of the lobby, an organized group of people who work together to influence government decisions that relate to particular industry or issue. That to me based on my 21 months of working here on the dais, that perfectly describes the city staff. A group of people who work together to influence government decisions, ours, the city council, on a certain issue. Years ago it was the northeast Texas biomass plant. A lot of lobbying went to -- convince council to vote for that terrible deal. More recently lobbying for the APD body camera. My question is how are the city staff people not lobbyists?

>> Well, everybody who tries to influence a decision at city hall is a lobbyist. The question is are they compensated and if it appropriate to have them registered and report. I'm aware of no place in the United States that requires staff to register and report.

>> Zimmerman: And the question would be why not? They are the most powerful lobby group in central Texas, the city staff. They are paid very well for what they do. They are very skillful at it and there are many instances where I get one point of view, one point of view. That's the position that the city favors and I don't hear any other interest or any other positions.

>> Mayor Adler: I think the point has been made.

>> Zimmerman: I'm going to vote against this because I think it should cover city employees and seems it doesn't.

>> We've had this discussion before. I understand your viewpoint.

>> Mayor Adler: The next speaker is bill bunch.

[11:54:04 AM]

Is bill here? The next speaker we would have would be Stuart samply. That's our last speaker.

>> Kitchen: I don't want a back and forth but I have to state my opinion and that is that I don't think it's appropriate to continue to cast staff in a light that is not their role. And that's my opinion and I don't want to get into a back and forth, but I think it's important to say because I'm -- you know, I don't think it's fair to denigrate our staff that way.

>> Mayor Adler: Okay. Mr. Samply.

>> Thank you, Mr. Mayor, councilmembers. I am past president of ai Austin and here as the coalition person for the following organization. American institute of ark sects, associated builders and contract oh,, Austin chapter of associated general contractors, American council of engineering companies of central Texas, greater Austin contractors and engineering associations. American society of civil engineers, American society of landscape architects. Home builders, real estate council, structural engineers of Texas and the Texas society of professional engineers. The hundreds of design and building professionals who

[inaudible] Represent must interact and communicate with city staff to do their job. It's nearly impossible to take a project permitting process without speaking at city staff to some compliance with codes. We do not believe these day to day activities should require these professionals to register as lobbyists and prohibit them service on boards and commissions. This was a key fact in negotiations that took place last year that resulted in a resolution supported by all parties. On our coalition has reviewed the lobbying ordinance and in support of the changes by expect and expect -- by councilmember pool.

[11:56:07 AM]

Thank you.

>> Mayor Adler: Thank you.

>> Pool: Thank you, Mr. Samply.

>> Mayor Adler: Any further discussion on the dais?

>> Casar: I've passed along what it is we've discussed. It ensure that the people that check in are those folks communicating for compensation on behalf of another person and so that excludes the bamboo folks and others. And during a scheduled meeting so that it is clear when folks need to sign in.

>> Mayor Adler: This would go -- which page would this go on?

>> Pool: Page 12.

>> Mayor Adler: Page 12 of something in subsection C of 488. It's been moved, this amendment. Is there a second to this amendment?

>> Pool: I can see it is friendly.

>> Mayor Adler: Any objection to this amendment being added? Hearing none, it's added. Further discussion on this motion as amended? Ms. Gallo.

>> Gallo: I really appreciate Greg for bringing this up because I think that we -- we become so visible in the public when we're out and about that people come up to us all of the time and we certainly all want to comply with what we're trying to do here. In my office we're really, really transparent. You know, we have sign-in sheets, we take photos, put the photos in our newsletters, on our social media. And so with the scheduled meetings, we really try to do that. I just appreciate your forward thinking about potential problems we could have as conflict and be perceived as not doing what we're supposed to be doing so thank you.

>> Casar: Thanks to everybody's hard work on this issue. I hate that we had to spend so much of the time discussing this part, but I think it was the last tweak to get my comfortable with it and thanks to the park staff for dealing with that very real bamboo issue.

[11:58:13 AM]

It's a real thing.

>> Mayor Adler: Let's keep moving. There are a lot of things we want to accomplish before we have the public hearing. Any discussion on this item? Those in favor of item number 5 please raise your hand. Those opposed? Mr. Zimmerman voting no, the others on the dais voting aye.

[Applause]

>> Pool: Thank you everybody.

>> Mayor Adler: Okay. That then takes care of those items. Item 6 is the convention center budget. Let's look there. We have 16 speakers on that item. The next is the champion deal, 18 and 61. We have nine speakers on that. We'll take up these -- yes.

>> Tovo: Mayor, I just wanted to point out we're just about at citizens communication. We're at two minutes.

>> Mayor Adler: Let's talk scheduling since we have people waiting for those two items. We're going to do the citizens communication, we have a full vote of that. That gets us to like 12:30. Do we want to eat -- do we have any executive session? We handled those. So lunch, do we want to -- that would be 12:30 to 1:15 or 1:30. 1:00? Could we get back in a half an hour today? Today is going to be a busy day. 1:00 work for people? Half an hour. We'll come back at 1:00. When we come back at 1:00, we'll have the convention center and the champions matter to hear as well as the --

>> Kitchen: Item 9.

>> Mayor Adler: Item 9.

>> Kitchen: We might -- we might be able to take care of that pretty quickly so we'll think about that.

[12:00:14 PM]

And we'll be prepared when we come back to give you an estimate of the time it might take.

>> Mayor Adler: That would be good. And I don't know if there's -- if there's a way for speakers to get together to combine. Obviously we always encourage that. That will be our schedule. We're going to go into citizens communication. The first speaker we have is Karen Flanagan. And Dani Tristan on deck. Is Karen Flanagan here? By video. Are we ready to try that? I'm sorry?

>> [No microphone on]

>> Mayor Adler: This is a pilot program. This is why we're testing this. How about Dani Tristan? You are up. On deck is Robert Corbin. Mr. Tristan.

>> I'm just here to speak in favor of the bull creek project that you guys are going to hear about later today. And I would like for you guys to consider opinions outside of people in the neighborhood because you will probably get a lot of opposition from people that live in that immediate neighborhood, but I think that project is big enough that you should consider the actual community as a whole and how that would benefit the community, not just impact that immediate neighborhood. The second thing that I would like to talk to you guys about is the relocation ordinance that you guys passed. I wasn't here for that and I wasn't -- I wasn't able to attend to voice my opinion, but I think it was a horrible idea for you guys to pass that.

[12:02:16 PM]

You know what, nobody up there is paying attention so that's all I have to say.

>> Mayor Adler: Let's go to the first speaker then. Karen Flanagan.

>> Hello?

>> Mayor Adler: Hello.

>> First off, thanks for making this happen. This is perfect. It took me ten minutes to get here and I didn't have any issues with parking. Thanks to you all and Zimmerman for helping make this happen. In May I addressed you all about our neighborhood's flooding problems. Anderson -- Angus valley had a number of homes that experienced flooding. Some directly associated with wall enough creek [inaudible] 7 and others due on lack of city maintenance on drainage ditches formerly maintained by Travis county prior to

[inaudible] 1976. Since annexation we have never had these ditches dredged. After a heavy rain, water runs over the roadways and into some homes instead of heading to the creek. Over our creek has also accumulated 40 years of sediment that could easily be removed to increase its holding capacity. Like all Austin residents, we pay a monthly drainage fee, more than 1.12 million has been collected from our neighborhood alone. Recently the watershed department sent some workers to repair a damaged culvert and widen an area between two homes prone to flooding. I appreciate them coming out and doing the work and I also want to see them again in the neighborhood. Single-member districts bring representation, but very few

[inaudible] Receive a fair share of the resources. Each district was [inaudible] To have a similar number of residents residing in each area. Using the same metric, the city should reallocate the resources to provide each district with one tenth of the moneys to be spent on projects specific to these districts.

[12:04:21 PM]

My neighborhood -- my neighbors are resourceful, we are a resourceful group of people. We don't call 311 for little things. Just recently we mowed a track, cut up pecan limbs. We're not going to call you all for that, but we will call you for the big stuff. Want you all to come out and dredge the creek and I want you to come dig the ditches out so the flooding might be eliminated. Thank you.

>> That is so cool. It really is.

[Applause]

>> Mayor Adler: Next speaker, Robert Corbin. After Mr. Corbin we have Volma Overton is on deck.

>> So Austin dog and cat owners receive subsidies of about \$50 million. I find these subsidies unfair and want the subsidies to end. \$4 million taxpayer money that support that city animal shelter misnamed no kill. That plan developed by that hypothetical critical religious cult and hoisted upon our city promising

compassionate and savings. Austinites got neither and now austinites subsidize -- that prohibits taxpayer funding of a religion. Second, \$2 million, taxpayer moneys that support dogs owned by people receiving government assistance for housing. City allows two 30-pound dogs. People who need assistance but find money for dogs should be reimbursing taxpayers or saving money to get off the dole. Not blowing it on dogs.

[12:06:23 PM]

Biggest subsidies are not handed out but moneys that are not taxed. \$3 million for taxes on dog food. Dog food is taxed unless it's prescribed by a vet. Since most up scale vets sell pricy, prescription needed dog food, the likelihood that up scale dog gets it prescribed. My vet tells me 90% of clients were on prescribed chow. No sales taxes. \$12 million for tax on dog lodging. Poor families staying in \$60 a night motel, only pansy taxes \$9. A rich guy pays no taxes. Applying same human based taxes that dog boarding would raise at least \$1 million. \$30 million for taxes on vet services. Why should sales taxes be applied to vet services? Because dogs around children, but \$30 million could pay for many good things children need. Lady living near me told me she paid \$13,000 to care for her daughter's middle aged dog, but dog bide anyway. Other neighbor kept his dog on oxygen life support for dog's last days. There's money for doggie dental braces and tooth implants. The wealthiest 20% reap 80% of all benefits. Eat your hearts out. There are.

>> Renteria: Reasons why vet services should not be taxed. \$2 million for taxes on doggie chirp, acupuncture and massage. But can you imagine this? I'm sorry, Ms. Rich, I know you spend \$2,000 every year with me, but I can't see any medical reason for prescribing massage for your perfectly healthy poodle. Also tax free is doggie training, sitting and walking. For profit business often down in taxpayer maintained parks.

[12:08:26 PM]

[Buzzer sounding] Almost. One walker boasted to me about good doggie taxpayer funded parks. Zilker, red bud and time creek. There's more but time's up. Get the \$50 million I've alerted you to into your city's treasury and spend it on our children.

>> Mayor Adler: Thank you very much. Next speaker volma Overton. On deck is Lillian young.

>> Thank you, councilmembers, for having me today. You look great up there. I don't know if you all know, but traffic is a bit of an issue in town. And one of the reasons we have such a bad traffic problem is we did not prepare our city for the unprecedented and unpredictable population explosion. No big

deal. We're good. But now we are facing another unprecedented, unpredictable disruption in mobility in the form of driverless vehicles. The introduction of the driverless vehicle into our culture is going to be just as disruptive as the introduction of the model T on the horse and buggy world. It's going to be big. Are we ready for this? What are we doing? A few things for us as a city to continue. Driverless vehicles are going to be the solution to the first and last mile transportation propose for mass transit. Let's welcome that. That's the solution. Uber, Lyft and Tesla these are people on the forefront of technology. With driverless technology there's no fingerprint necessary. What are we doing to come back to us? Their technology is the solution to our problems no more fingerprints. What are we doing? Will current multi-million dollar investments be of questionable relevance in five or ten years? Once this technology gets put on the road and its efficiency and road capacity are doubled are some of the projects going to be irrelevant in five or ten years?

[12:10:32 PM]

Lastly, let's get the public excited about this. The world is changing. Technology, we're a smart city. Let's get our city and the people of our city behind us and encourage them to be excited about this so once the legislation allows for the technology to be on the road, that we as a city are ready to implement whatever plans we have put forth. In closing, I know it's extremely difficult to act and move on a decisiveive issue as big as driverless vehicles, that's why it's necessary to develop a task force to investigate what the city is doing and the best avenues of doing so so when the day comes for driverless cars on the road, we're ready for it. Any questions about that? Are we doing anything currently for driverless vehicles, with driverless vehicles? Do we have a plan?

>> Mayor Adler: Isn't an opportunity to go back and forth, but we have driverless vehicles with Google so we're participating with an environment where they can and others --

>> Do we have a long-term plan for implementation? We're talking about restructuring parking and the revenue from parking tickets are going down and jobs lost and made.

>> Kitchen: Mr. Mayor, we don't normally do back and forth as part of this, but I would invite you to -- you know, I chair the transportation mobility committee.

>> Sure.

>> Kitchen: We've had conversations, be happy to have more conversation with you if you would like to get in touch with my office, we can talk about that.

>> Ms. Kitchen, I would appreciate that.

>> Mayor Adler: Mayor pro tem.

>> Tovo: Thanks for being here.

>> My representative.

>> Tovo: Constituent of district 9. I was going to say I believe there was a council resolution in the past about driverless vehicles and staff looking into that and so I will try to find that and get a sense of what we directed the staff to do.

>> Great.

>> Kitchen: And mayor pro tem, we've been talking about this in the mobility committee.

[12:12:35 PM]

I'll be happy to share that with you.

>> This is going to be huge for the city.

>> Tovo: There was a past resolution and it probably directed action of staff and so that's why I thought it might be of use in combination with the mobility county.

>> Zimmerman: Mr. Mayor, I want to second that agenda item to make sure we get it on there.

>> Mayor Adler: Lillian young. After Ms. Young rakiem Rashad Henderson Stuckey. Is Lillian young here? Is Mr. Stuckey here? Is frank Harren here? Mr. Harren. Latreese Cooke is on deck.

>> First I want to thank all of you for your service to the people of Austin. What you do is important. I want to speak very briefly about the notion of limiting affordability to certain parts of the city. I've asked to be distributed to each of you a couple of very short papers, a one-pager called erasing the lines that I presented orally some months ago. Some of you were absent that day. But it addresses the moral imperatives in terms of segregating parts of our city according to income and wealth. A second paper is called why all parts of our neighborhoods should embrace all traditional forms of housing. And it sets out what I believe are 15 very strong reasons consider that should come true in Austin, Texas. They include legal reasons, moral reasons, fiscal reasons, practical construction economics, and even what other cities are saying.

[12:14:41 PM]

Reason 15 on the second paper. And I wanted to read that very quickly. This is from Seattle. From the Seattle task force on affordability in 2015 in discussion of current single-family neighbors. Quote, in

short this means that our city will not look like what we used to. Our city's physical form will change so that our character and our values can stay the same. We

>> We can only hold on to our commitment for inclusion, opportunity for all and affordability if we let our city fill in with more housing. And again that's single-family, not corridors or centers or transition Zones. We need to face this issue of dramatic change in our neighborhoods. And we need to face it by doing what's right, what's legal, what's practical and effective. As one of your colleagues said a year and a half ago we need all price points in all neighborhoods. That's what's fair. Every citizen of Austin deserves to the extent the market will allow to choose what part of the city he or she lives in. The only way to accomplish faceness and effectiveness and to solve the problem is to do what I'm proposing. And you've got 15 very strong reasons to support that position. I hope y'all will take that seriously. Really read them and think about them. I've challenged many people from the cag to councilmembers and others to come up with some justification for not taking that position and so far I've heard nothing. Thank you.

[Buzzer sounds]

>> Mayor Adler: Thank you.

[12:16:46 PM]

Latresse Cooke. Is Rene Fuqua here?

>> I down tend to take my time.

-- Do intend to take my time. Peace and love. Right Mr. Renteria. I want to know where the city manager who makes six figure, where is the city manager? Okay. I'm going to speak to all of you. I don't know you. I feel very segregated in this city and I feel very segregated. I am the south Austin community gospel choir. Mr. Renteria knows why I'm here. I was in this office June sixth about this I don't know you. I can't vote for me. I'm not going to be able to vote for me because you're not running. Ann kitchen, I like you, but can I still come talk to you in your office? Leslie pool. Steve Adler, at the homeless memorial you was the one I was wanting to ask this question to. Did you leave after your sweet little speech before the singing began because I stepped up to the mic as the south Austin community gospel choir? Or did you already leave that sweet house the homeless memorial? You did because I didn't see your face in the crowd when I'm leading the singing. You were already gone, sir. I highly recommend -- now I'm going to tell you something right now, if y'all give that boondoggle convention center an extra two million dollars to the -- I've been looking looking into this for a long time.

[12:18:54 PM]

I'm not just speaking today. I'm hoping that some of my troops pulled out for me and got ahold of you online because I don't have a cell phone or choose to get entangled in the worldwide web. As far as I'm concerned, people might as well glue their cell phones to their heads because they're going to need it to think. Now, I want to tell y'all after I read this I hope y'all are all seeing why I'm here because Mr. Renteria knows and I want your back because this is very segregated to me. I voted against the convention center. I'll be danged, I'll sit in here and look at y'all if you get the chamber of commerce, give that boondoggle -- I know it's the city of Austin, but that's not why I'm here today. Number nine, and if it beeps I want to finish because there's some people that didn't show up and I've worked a long time to be here this morning, but I want to thank you for this -- me winning the lottery. Number nine, okay. I have a little verse from let it be from the Beatles but this is why I'm here.

[Buzzer sounds] To the city of Austin... I'm not going to get shut up yet. To the city of Austin parks director, though this formal request is handwritten, not in computer font, this is a formal request noticed to rename all of auditorium shores the people's park, so named and declared by the Austin city council in 1988 because they were going to put the convention center right there.

>> Mayor Adler: Thank you for coming and bringing this.

>> No, I'm not done. To Stevie Ray Vaughan shores. City code 14-1-39, before the proposed fee on the wood worm whisper. I will calm down. I want you to hear me from my heart.

[12:20:55 PM]

>> Mayor Adler: And I think at this point, and we did --

>> There's no one else here but to listen. Proposed fee of \$365 is enacted, sincerely Rene Fuqua.

>> To exemplify the spirit of America.

[Inaudible].

>> The good thing is you've handed out what's in your hand so we all have it here from you to read. We also have a lot of people here to speak as well.

>> [Inaudible - no mic]. So the next speaker --

>> [Inaudible].

>> Mayor Adler: We really need to get to the next speaker. Thank you so much for coming and visiting with us. So the next speaker that we have is --

>> [Inaudible - no mic].

>> Mayor Adler: Why don't you let the other people speak and then we can talk because I actually stayed there for the sipping too.

-- For the singing too.

>> [Inaudible - no mic].

>> Mayor Adler: Is there anyone else in the room that is still intending to speak at citizens communication? There were some people that we called their names. Why don't you come on up, please.

[12:22:58 PM]

>> [Off mic]. >>

>> Mayor Adler: We appreciate you coming.

>> I am not crazy. But I want to be able to vote for all of y'all.

>> Mayor Adler: Ms. Young, thank you. And you're here to talk to us about improving downtown. That would be great, thank you.

>> You don't listen --

>> Can you guys hear me all right?

>> Mayor Adler: Yes, we can. All right. So good afternoon, everyone. My name is Lillian young. And I volunteer downtown under I-35 overpass across from our police headquarters. I go down there one Saturday a month to serve coffee, help serve lunch or just visit with people down on their luck, I've noticed especially in the summer a pervasive smell of urine. I've talked to men who have gotten jumped in alleys when they've been trying to use the restroom and seen ladies who have wet their pants, and realized that there are no free public restrooms available 24/7 in this area. Most of you realize we have a lot of homeless people downtown. I think it's important to remember these are people, someone's mom, dad, son or daughter. The way we treat each other matters. If we treat people with dignity and respect, they respond in kind.

[12:25:06 PM]

Whereas when you treat someone like an animal, this reinforces they're a knob and nobody cares, so why should I? Going to the restroom is a basic need. You and I have money to purchase something if we find ourselves in a place where no public restroom and need to go. But others are not that fortunate. I feel bad for the police officer that has to arrest someone in an alleyway for public indecency when all that person was doing was just trying to use the restroom, but on the flip side the police officer is just doing his or her job enforcing the law. It would be different, though, if everyone had access to port-a-pots. Why port-a-pots, instead of the nice ones we have a town lake? The reason I feel this is the right choice is people are more likely to be assaulted and robbed in a room my restroom, two, prostitution, three the cost. I don't see people spending time in port-a-pots and you get in and get out. Traditionally Austin has been more tolerant of homeless people than other cities and I'm very proud of that. I would love to see places around south congress, downtown and the drag where people could get safe drinking water, say drinking faucets at popular bus stops, hand sanitizer and the use of tiny restrooms provided by our great city. But we have to start somewhere and I believe the parking lot across from our police headquarters is a great location. If we as a city do this I think it will be better for our visitors, our citizens and law enforcement officers.

[Buzzer sounds]

[12:27:06 PM]

It's also about dignity and doing the right thing. Thank you.

>> Mayor Adler: Thank you very much. Is there anyone who came here for citizens communication that has not spoken? All right. Council, we're going to stay in recess until 1:00. That's in 33 minutes. We're recessed. >>

[1:14:17 PM]

>> Mayor? I was gonna suggest we get a recess bell in our next budget so that means come back to the dais, councilmembers, at a certain time.

>> Houston: But do we need to have the quorum present -- just keep going? Why don't we keep going. Maybe people will begin to come back.

[1:21:45 PM]

>> Mayor Adler: All right. Let's pick this back up. We ready to move forward? We have the Austin convention center -- actually, first, Ann, is item number 9 in a place where that would move quickly, do you think.

>> Kitchen: Yes.

>> Mayor Adler: Let's move that one quickly then.

>> Kitchen: Okay. Colleagues, you have an amendment that's been passed out to you. It's the same amendment that we posted. It's in a folder. And it's the same amendment that was posted on the message board last night and one that we -- that I brought up to everybody that we were bringing forward at the work session. So what it does is it -- you know, the matter before us is a number of contracts to arts organizations and to approve those contracts and take them to the next step in the process, which is -- which is the back and forth completing a contract with them to approve their awards and then start the contracting process. So what the amendment does is it continues that process. It approves all the awards and doesn't make any changes in the awards. Is -- I see some confusion. People don't have the amendment?

>> Mayor Adler: It was in a notebook, Manila folder.

>> Kitchen: There's one down there. All right. So what it does, is that it continues the process. It approves what -- what we would be doing is approving the awards for all of these organizations, and then moving -- authorizing the staff to move on to the next step of the process, which is completing the contracts, which each -- with each of the organizations.

[1:23:55 PM]

It includes a policy statement from the council with regard to the contracts that involve city property. These are the larger professional organizations that operate on city policy. It limits the policy statement to those organizations with regard to their employees so it doesn't impact if they have relationships with other entities. It's only those organizations and their employees, and it applies to those organizations that use city property. The policy statement is simply that as part of the contracting process, language is included in their contract that relates to their compliance with federal and state labor laws related to the rights of employees to organize. So that's the policy statement. What you have in front of you is the entire inclusion red-lined so it's easier for you to see the changes that we're making. And then you have the attachments so you can see which organizations -- it's exhibit B is the organizations that fall into that -- is the organizations that our policy statement would apply to with regard to including in their contracts language that relates to compliance by those organizations with regard to their employees. And so I don't know if councilmember Casar wanted to make any --

>> Casar: One clarifying statement that I think may be important here is that this means that those contracts do come back to us.

>> Kitchen: That's right.

>> Casar: Once they are negotiated and that's why I think this is an important step and I think this is -- I would support this motion because the hope is that these contracts go and get negotiated. They come back, and my hope would be that we then hear from all parties, hopefully hear from workers and their organizers and advocates, as well as the organizations that they're all in support.

[1:26:01 PM]

And that would be my hope, is that through this process of some negotiation, that we get to a place where we have broad support in the community.

>> Kitchen: Okay. The other thing I would add for folks is -- for my colleagues, this is a -- the policy statement we're making we have made before with regard to other types of contracts that involve city property. So we are extending that policy statement to these types of contracts. So with that I would like to move passage of this amendment, of the amended resolution.

>> Mayor Adler: Item number 9 has been moved by Ms. Kitchen. Is there a second to that? Ms. Houston. Is there discussion? I think we might have had somebody that was noticed to speak. Does Mr. King want to speak on this? Okay.

>> Thank you, mayor and councilmembers. And, you know, this -- Zachary Scott theater is in my neighborhood, zilker neighborhood, mayor pro tem, and so from that perspective it's important. I enjoy going to their events and participating in their events. I think they're a great community, great for our community and for the neighborhood. But I do think this is important that they treat their stage hands and theatrical employees, stage employees, fairly, pay them a living wage and allow them to join a union or form a union if that's their desire. So I think this is important. And, also, you know, we've had some -- that area next to our parks and there's a shared parking facility there. They share with park users, and I just hope that they will be good team players when it comes to sharing those parking facilities with park users so that park users aren't crowded out when they need to use the parking lot that's there.

[1:28:02 PM]

So I'm just asking that they be team players and they work together with our community and with the park users as this resolution calls for with the employees. So thank you for bringing this forward. I think it's an important thing. And thank you for your support for this resolution.

>> Mayor Adler: Thank you. Does anybody else want to speak on this issue? We'll take a vote. We ready to take a vote? Yes, mayor pro tem.

>> Tovo: Mayor, I just handed out something on the dais I discussed on Tuesday. This is some additional direction and this is very similar -- well, almost identical to what I had proposed as budget direction in last week's budget but then pulled, as I mentioned on Tuesday, because I thought the capacity-building grants weren't moving forward. So as we discussed on Tuesday, this would just ask the arts commission to consider potential amendments to their guidelines. It's not man dating them. Just asking them to consider them. To reserve the capacity-building grants for organizations of that not received cultural arts contracts, to limit organizations to one grant per year in range of about \$10,000 and both of those items are intended to really -- to make sure that we're funding as many capacity-building grants as potential and I would say most of the capacity-building grants, it looks like -- it looks like most of those awards did go to organizations that are not receiving cultural arts contracts. I would say the majority were not. But there were some that were funding, as I understand it, pieces of programs that were not eligible under cultural arts contracts. So there were some organizations that have a cultural arts that were getting capacity-building grants and I would propose that they have a discussion whether they wanted to -- the demand exceeded the -- there were more organization who's applied than were able to be funded.

[Laughter] To really leverage our resources make sure they're going out to as many organizations as possible. One way to do that would be to make sure that cultural arts contractees are not able but some are not getting multiple grants but just getting one so we're building capacity in as many organizations as possible.

[1:30:14 PM]

[Buzzer sounding]

>> Tovo: Wow.

[Laughter] Then the last is just to consider whether fiscal sponsorship is really essential for those in the level three or level four organizations, which includes individuals because that is just another barrier for some of those, and it may be perfectly appropriate and really necessary, but just have a conversation about it.

>> Gallo: Could you put that up on the overhead just so people in the audience could see it too, please? Thank you.

>> Mayor Adler: My understanding is that the other speakers that had signed up are not wish to go speak. Is this an -- does this become like a further be it resolved clause?

>> Tovo: I really don't know. I'm happy to maybe it whatever mechanism moves it forward. Then I also need to recuse myself from voting on the cultural arts contracts that are related to creative action.

>> Mayor Adler: So this is a direction to the arts commission to consider the pros and cons -- pros is and cons of these three policies.

>> Tovo: Right.

>> Houston: Mayor? Mayor?

>> Mayor Adler: So --

>> Houston: I think that's two separate motions. This is to direct the commission to do some things and that's different. So I'd be willing to vote on them separately.

>> Tovo: That makes sense to me.

>> Mayor Adler: If it's separate, though, I don't know -- if it's not this then it hasn't been noticed and we can't do it. So if we're gonna do it, then it has to be germane and part of this if we were to do this now. If it's separate, then it hasn't been noticed and it just needs to be put on the agenda to be done.

[1:32:15 PM]

>> Tovo: Mayor, then I'm gonna revise my comment ask say I would add it as a further be it resolved in whatever order makes since. Since we are approving capacity-building grants today as I understand it it is certainly germane to the posting and I would entertain any ideas about why where did.

>> Mayor Adler: You're proposing that another be it resolved clause be added that says in the future the arts commission should consider the pros and cons of the following guidelines? Does that okay -- does that work? That's what I'm trying to get. I was reading this intent -- my concern they would see it as being prescriptive but the way you described it, we're actually trying to get back to them and say, hey take a look at this. I don't know what the implications would be. I'm much more comfortable with this understanding we're throwing them this issue and saying, hey, look at this and see whether this makes sense or not. And if it does, then apply it. But giving them the opportunity to decide whether it makes sense or not. Because I just don't know as I sit here because I don't know the ramifications.

>> Tovo: Mayor, would you be more comfortable if I added language in after the arts commission should consider the pros and cons of the following? I hate to say pros and cons in a formal resolution, but that's the gist of what we're asking them to do.

>> Pool: I have a question. Mayor pro tem, do you want them to recommend, make a recommendation as well as reviewing the pros and cons?

>> Tovo: Yeah, I'd like them to report back. I think that's what staff said they would do, take these suggestions to them and when they do their guidelines they would come back to us and talk to us about what their disposition was related to this and any other changes they may want to make to that grant program. But since it's not explicit in my amendment I would just say we'd love to have -- were this to pass it would be great to have a report back from the guidelines committee of the arts commission.

[1:34:27 PM]

>> Kitchen: Mayor pro tem --

>> Mayor Adler: So does -- shall we say whereas in reviewing guidelines for capacity-building grants arts commission should consider the and I have pros and cons in the absence of finding something better, pros and cons of the potential guidelines and make recommendations to council? Does that work?

>> Good afternoon, synovia holt-rabb, assistant director with economic development. We will take these recommendations back to the arts commission and our vice chair is ear in the -- here in the audience so we will consider those ready and bring back the recommendations from the arts commission.

>> Mayor Adler: Because the council is not making a recommendation other than if the arts council --

>> To consider these. So they will consider these.

>> Mayor Adler: To decide whether they make sense or not.

>> Exactly.

>> Mayor Adler: So be it resolved clause the arts commission should consider the pros and cons of the following potential guidelines and make recommendations to council. Is there a second to that amendment? Ms. Kitchen makes that. And then any further discussion on this?

>> Kitchen: Let me ask the question, these are -- I think we said these were two separate amendments rather than amendment on amendment. Councilmember Houston asked. We haven't voted yet on my amendment. So I would think we would vote on my amendment first and then consider the mayor pro tem's.

>> Mayor Adler: That's very true.

>> Kitchen: Okay.

>> Mayor Adler: So has someone moved this item?

>> Kitchen: I moved and it was seconded.

>> Mayor Adler: Ms. Kitchen's amendment is in front of us. It's been laid out. Any discussion on it?

>> Zimmerman: Pot of information or inquiry. What I'm looking at here, trying to figure out this was in the folder but it's not really marked, the written red-lined, this is councilmember kitchen's?

>> Mayor Adler: Yes, the red-lined shows her amendments.

>> Zimmerman: Okay. On the second page under the first be it resolved clause, so it references the exhibit a and a new exhibit B just for clarification people know what we're voting on.

[1:36:33 PM]

In exhibit B we're talking about some pretty familiar ballet Austin, 210,000, Austin symphony, orchestra. Got that. What I'm not quite understanding is exhibit a is listing a whole bunch of individuals on the second page or would that be the third page? Sorry, the pages aren't numbered. Looks like on the third page Austin film festival, film society of Austin, sponsored projects, Ann Lewis gets 13,375, Karen external gets 17,400. What are these?

>> Kitchen: The staff will have to speak to that.

>> Zimmerman: Looks like money going to individuals instead of to organizations like ballet Austin.

>> Kitchen: The difference between exhibit a and exhibit B, exhibit B is the larger cultural organizations to which our policy would apply. I have to look to the staff to explain the whole range of the types of organizations that they give -- that they give grants to. I'm not sure what all is on exhibit a.

>> Zimmerman: Just so I get a feel for, you know, who decided that the individuals would get those awards and how do we know that we get, you know, 13,000 or Colin McIntyre is gonna get \$1,700,000 under big medium. What does it mean? How do I explain this to my taxpayers.

>> Sure. I manage the cultural arts funding programs. So exhibit a is for all of the contracts over the city manager's authority of \$58,000. And so the individuals are named because we technically only fund 501c nonprofit organizations so any individual artists have -- big medium, for instance, fiscal sponsors is what they're called so all of those are listed if they in aggregate total more than \$48,558,000.

[1:38:35 PM]

The way they're arrived at, peer review process, we use that score in a funding matrix that's the parameters are voted on by the arts commission to come up with those final award amounts listed in exhibit a.

>> Zimmerman: So sorry. So did this exhibit a, this was approved by the arts commission?

>> The arts votes on it blind so don't know who is receiving what. They're voting on the process and when we bring it as part of the administrative limit today you get to see the individual award amounts by time and by the award amount.

>> Zimmerman: So the arts commission maybe would approve for instance 225,000 for big medium and then it would be broken down later and given to us? Is that how it works?

>> So they look at it Hol holistically, the big putting, so they see for the core funding programs this amount of money is going to be set aside, this amount is going to be set aside for capacity building and it's very interactive and they look at it, how it affects all of the contracts together as a whole.

>> Zimmerman: Okay, thanks.

>> Mayor Adler: Okay. Now voting on the kitchen amendment. Those in favor please raise your hand. Those opposed? Mr. Zimmerman votes no. The others vote aye. We now have the base motion. Mayor pro tem moves to add a resolved clause as said earlier in reviewing guidelines for the capacity-building grants, the arts commission should consider the pros and cons of the following potential guidelines and make recommendations to council. It's been seconded. Any discussion? Those in favor please raise your hand. Those opposed? Mr. Zimmerman votes no. Others voting aye. We now have the base motion in front of us. Any further discussion? Those in favor please raise your hand. Those opposed. Mr. Zimmerman voting no. The others voting aye. This item number 6 -- I mean, item number 9 as amended passes.

[1:40:36 PM]

Okay. That gets us to the convention center budget issue or the champions training. Items number 6 and number 18. Any strong preference? It's zoning day so we'll go with the zoning case. Champions here. Let's go ahead and do that.

>> Thank you, mayor, council, Greg Guernsey, planning and zoning. As mentioned, there are actually two items on your agenda. Item number 18, listed in the law department in regards to the settlement and then item number 61, which is the zoning case. Item 61 is the champions track c14-2014-160. It's currently being brought to you for consideration for first -- excuse me, second and third reading. We had to have first reading back in June for mf-4 with several conditions, limiting height to 53 feet, daily vehicular trips limited to 2100, number of dwelling units not more than 325, development would be

prohibited within 100 feet of the southern property line, and then an endorsement of staff for signal improvements identified in the tia, and additional improvements for signal timing at the intersection of west court route and route 360 not to exceed 5,000 and adding a turn lane on the city park road. I understand that there's some agreement among some of the parties to possibly go forward with second reading today on the zoning case. I might let -- turn this over to the applicant.

>> Mayor Adler: Okay.

>> And you can ask them questions of those in the audience that may have reached that agreement.

[1:42:40 PM]

>> Mayor Adler: Okay.

>> Excuse me. The other item, item 18, was the first amendment to the settlement agreement goes come back reflects some of the conditions stated previously and adds some that address environmental variances. I think our environmental officer is also present, chuck, and they can address some of those.

>> Mayor Adler: Ms. Gallo.

>> Gallo: If I can make a suggestion, couple of things on this. It has been -- I think we've had two other meetings that -- council meetings, the first one postponed to another meeting and at that meeting we passed this on first reading so we're here for second or third or none. And one of the things that we talked about at the previous meeting is that we would keep the public hearing open, and in this particular case, because there are so many things that have changed and would change between this hearing and the next meeting if we do second today and we wait and do third at an additional meeting is that I think we really want to be able to leave the public hearing open and also not limit it to people of that not spoken yet because I think it would be important for the progress of this to really be able to understand from the neighborhoods that have been involved with this what their concerns are today but still allow them to be able to speak at the next meeting to make sure that we've addressed those concerns. Respectfully I would ask we would keep the public hearing open until the next meeting and also allow people to speak both at this meeting and the next meeting. And I know that's something that we don't normally encourage, but I think in this particular situation it's going to be really helpful to hear from the neighbors that still have concerns with some of the environmental issues, that we allow them to be able to also speak at the next meeting.

[1:44:53 PM]

That's the first thing. Second thing would be peeve passed out -- we received a list. We had a meeting a couple of weeks ago with neighborhoods in this area and asked that they put in writing the concerns that they have and the things that they would like for the staff to address and the applicant to address. And so we've passed that out. Can we put that on the overhead? Really what I'd like to do, if we may, if we can put this up on the overhead and if staff could address and speak to each of the individual items because I know that staff and the applicant recently over the last one to two days have really been working together to try to get some of these resolved and I think that if we kind of go down this checklist it will be easier for the neighborhoods to understand what's been accomplished and have the discussion and then when they come up to speak they can address those particular items if they still have concerns. So just to structure the conversation a little bit in a way that I think will make a little more sense for everyone. So we have -- do you have -- chuck, do you have this list also? Perfect. I think if we could go through. I do think the neighbors and the neighborhoods for being so involved and putting down your concerns in writing so we could know where they are and know what we need to address and know that -- where we need to have staff help us with all of this.

>> Good afternoon, mayor, council, chuck, city environmental officer. Councilmember, yes, it's correct, we've been working pretty hard for the last week or so with the applicant and have been in discussions with the neighborhood folks as well. I've got Andy in from development services department that can address some of the non-environmental items. But if I may, I do want to say that it does look like we've reached an agreement in principle with the applicant and have addressed most of the issues that staff was concerned about.

[1:46:55 PM]

And their engineer is crunching numbers and so we don't have hard numbers right now, but I think that we have reached an agreement and we should be able to share the details of that agreement either tonight or tomorrow. And assuming we move forward as y'all have discussed, that it would give the council and the neighborhood a couple of weeks to consider the implications of the changes. One of the major changes is that this was three apartment buildings. They've eliminated one of the buildings, which makes some significant differences in terms of the environmental impacts and the making tied of the -- magnitude of the ordinance changes they needed. And with that, we'll go through these seven very quickly and I'll let Andy start because the first one is about traffic.

>> Thank you, Andy with development services. We have been in, as chuck said, a lot of negotiations with the engineer as part of this project and it's been a challenge on the traffic standpoints. I really want to speak to just item 1. Staff, this request from neighborhoods to only have ride in, right out access or gated access on city park road doesn't allow adequate access to a project like this. We would be forcing people effectively to make a u-turn at 2222 to enter the project. We've been in communications with the engineer and he's on recording as stating that he can create an adequately spaced and safe driveway

on city park road and meet the criteria we put in our tia memo. Excuse me. They've also agreed to do the initial analysis necessary,

[indiscernible] Site plan to approve that -- prove that point. Unfortunately, staff is not in a position to agree we would limit it to a fire crash gate or something like that at city park road.

[1:49:01 PM]

We definitely understand it's a challenge and will be doing additional analysis at site plan that's in the memo recommendation. From staff.

>> Speaker2: Could you share with us a little bit about the review that would happen at site plan to how -- how city staff determines whether a proposal is safe?

>> Yeah. Yes, ma'am. Happy to. In this case it will be a little more stringent than Normal. We're actually saying we want additional analysis. Once they get a preliminary layout that shows how they're treating the intersection at 2222 and city park road, once they do a topographic survey and give a little better design standard and say this is the stacking we need to make the turn lanes work, driveway, slopes, here's how we can accommodate storage bay for left turn into the tract if that's required, we'll be able to get those details and they're gonna give us an update of analysis that proves that that works as part of the site plan review. We don't normally get that level of traffic analysis at site plan but in this case, because of the challenges, we've asked them to do that and they've agreed to do so.

>> Gallo: And then what would happen if you determined that their proposal was not safe and not adequate?

>> If they can't prove that the driveway works, they wouldn't be able to use it and that's their risk. And, again, I asked their engineer to go on record saying you can make this work. I have an email back from him saying, yes, I can make this work, you know, with improvements if required. So they would have to make those improvements to have it function.

>> Mayor Adler: Okay. We trod hear from the public? First the applicant.

>> Gallo: No, no.

>> Mayor Adler: You want to go through the list.

>> Gallo: We're one of seven. Number 2 now.

>> Number 2, fill in the creek tributaries are critical environmental features.

[1:51:02 PM]

They have voluntarily agreed to set back from the critical environmental features there, several have been identified under the existing settlement agreement, they're not requested to either identify or set back from critical environmental features. They've agreed to do that. We've agreed to a distance we're comfortable with. The tributary that's coming down city park road, the original plan from applicant was to put in fill and a box culvert there. They've agreed to span that and we're having discussions with them about the 2222 entrance as well and hopeful we'll be able to address that as well. And on the construction on slopes, the agreement that we've reached, they've minimized or reduced quite a bit of construction on the steepest slopes. There will be a variance needed. They do exceed in a couple of areas but in exchange for setting aside the eastern half of the property I'm recommending some increased impervious cover on slopes than would be allowed by source code I think that's a reasonable trade-off for the eastern half of the property. We'll be able to provide those numbers to the council and the neighborhood.

>> Gallo: Chuck, because some of the other councilmembers may not be aware of what we're talking about setting aside the eastern portion, could you expand on that.

>> Sure. This is a fairly large tract that goes from city park road towards 360. It has an existing driveway onto 2222 fairly close to 360 that's a problem from a traffic standpoint but is usable. And there is some developmentable area on the eastern portion of the property that have an environmental standpoint has value. It's bird habitat. I've talked to the bccp staff and they've told me that setting that aside, not developing the eastern half of the property has value in terms of protecting bird habitat. So the applicant has agreed to not develop the eastern half in exchange for some additional development entitlements on the western half of the report and that's what we've been working through for the last couple weeks.

[1:53:11 PM]

So from an environmental standpoint, I think there's some reasonable benefit from preserving that eastern half of the property.

>> Mayor Adler: Ms. Pool.

>> Pool: Quick question on that. The eastern half and western half, is everybody agreeable on what that boundary is, what is in fact the eastern and western portion?

>> Yeah. There's a drainage way or sort of a small canyon or draw that bisects the property roughly in the and I would it's gonna be roughly that draw through there. Yes. Which is also from -- that's where

some of our cefs are, which also sets back development from that as well. The challenge on this property is that it's very steeply sloped. And trying to make this all work without getting too much on to the steep slopes. They have agreed to do their stormwater, water quality ponds to construct those first so that during construction all the runoff goes into those ponds and doesn't discharge directly to the tributary bull creek. That's agreed to. Plus a whole list of other construction phase environmental controls that would go well beyond what our standard criteria require. On the mechanical equipment, number 5, locating mechanical equipment at ground level or within a picture of design, the applicant is comfortable with that in concept and we're gonna work out the details over the next week or so. Number 6, they have agreed to not develop the eastern half and that will be set aside in a restrictive covenant and part of the settlement agreement amendment so that will be protected in perpetuity. And number 7, we are agreeing to some additional entitlements, essentially in change for protecting that eastern half of the property.

[1:55:15 PM]

We've been working on minimizing those and doing them in a way that makes the most environmental sense and protects the environment. As I said, one of the challenges of this property is it's very steep and during construction in particular you can have some pretty significant environmental problems with sediment runoff and that sort of thing we've experienced in that area, and I think we've got a plan to address all of those. And so that's kind of where we're at right now. As I said we can have the details to the council and the neighborhood sometime tomorrow. Thank you.

>> Mayor Adler: Thank you. Any further discussion before we call the public? The applicant. We'll begin with the applicant. So applicant opening us up, you have five minutes.

>> Mayor, members of the council, Richard settle, here on behalf of Joe Lamey, he has this piece of contract from the champions. I've never worked so hard for 325 apartment units in my life. We have reached agreement with the environmentists but I think it's good to set the stage as to where we are, how we got here, you're wondering why is this such a big deal? The champions property is a big piece of property and has 20 years of history like Jerry said last time, subject to litigation, settlement agreements, more litigation, and my client bought this -- has this piece under contract and he wanted to take it from go to gomu to make it a mixed use process. And we started -- we filed this in may of 2015. So year and four months ago. Under the old settlement agreement the fees are waived and they were waived but then the case expired because we weren't far enough again and had to refile it so been in the process a long time 37 we filed it to do two things, one get mixed use and get some residential in there and, two, to fix a potential litigation problem that the city may have on the trips.

[1:57:29 PM]

On the original zoning case of the champions -- let me boning. There was litigation over what rules applied to this tract. Then there was a settlement agreement entered into between the city and the champions and the Riles were set and it said you get these densities under these rules and then the city back came in later and rezoned it and put a low trip count on it which essentially got to where the city was trying to get to in the first place of putting stricter rules on it through the trips. There was another lawsuit filed and then there was another mediation settlement and then the council did not act on that. Long story short we filed this because if we could get 2100 trips on this tract, then this tract becomes -- takes it off the table for any kind of litigation. We thought it was a win-win. In talking to all the neighborhoods out there, it became apparent that everybody was tired of this property, everybody is tired of working on this, and there was some serious negotiation going on and what happened was the compromise was take the commercial out. Don't do go because you get more impervious cover under commercial than you do residential. Take commercial off the table, downzone it to mf-4, and limit the units to 325 units and we can all go home. That all sounded great except my client went to the champions and they weren't real interested in downzoning the property until my client owned it. My client wasn't anxious to own it and downzone it unless he knew he could get something built. Then in the middle of all this part of the negotiations was let's leave the eastern tract alone ways it does two things, nukes a driveway everybody was nervous about and preserves a bunch of green space. That made your lawyers nervous because under the settlement agreement you can't limit this tract further than it's already limited and by saying -- passing a zoning ordinance that says no development on the eastern tract you've done that. So that's when we got into the discussion of let's amend that settlement agreement along with the zoning case and get it taken care of at once so everybody knows what's been going on.

[1:59:35 PM]

That's what we've been discussing the last couple weeks. So the bottom line is we've agreed it will be down zoned to mf instead of gomup I can show you if you look on the map we're talking about tract three, almost at the intersection of 2222 and 360, same map. So that's basically -- now, that's not a site plan that y'all have approving because we have to go through the site plan process and we will go through that, go to planning commission, or come to you, but that's essentially how that site plan will set into that 45 acres. What we're talking about is the eastern tract, the stuff that is going down dyingly to the bottom, that's an enlarged version of what it looks like. That's how it will sit on that tract. That's a topomap and you can see one of the things that the neighbors -- there's multiple neighbors and neighborhood groups on this. Some wanted this pushed back from 2222 as much as we can. We're allowed to go within 25 feet of 2222. We're coming back farther than that but that meant we had to tuck it into the side of that hill and that's the stuff that you see at the bottom of that. That's basically the category map that shows you -- the white is the flat part and the graze are the varying degrees of hills.

That red outline is right now our best guess as what the undeveloped tract will look like. As you can tell, it's more than the eastern half. We're including a setback we've agreed to from Shepard mountain, the flat part on the bottom of 100 feet and through a mechanism of public restrictive covenant and then the neighbors also want a private restrictive covenant so that later it couldn't be changed by the unilateral action of the city. That's essentially what will be preserved with no buildings and development. Again, that's how the site plan lays out. Those are the cefs that are on the tract that we are not subject to but this is a good illustration because we are setting back from them even though we're not subject to those requirements.

[2:01:45 PM]

That just shows the hill country, low, moderate intensity Zones. These are some perspectives from 2222, looking back, what this will look like from 2222 at the various building elevations. And then looking over the top, we wanted to make sure we were not getting into the view corridor of the people that live behind us and up on the hill. So these show they will actually -- we went up there and actually got on their floor elevations and looked over the top. That's what these documents show. We can go over these more if you'd like. So a year and four months later, 45 acres --

[buzzer sounding] 325 units is what we're asking for today. Thank you.

>> Mayor Adler: Thank you.

>> Gallo: Makers.

>> Mayor Adler: Yes.

>> Gallo: Richard, help me with my memory on this. It seems like that part of the reason you're allowed to build closer to 2222 but it seems like part of the reason for pushing it back also was that it helped with the disturbance, helped alleviate some of the disturbance of the view from Shepard mountain. Shepard mountain is a higher elevation so it hid the development a little more from Shepard mountain, is that -- do I remember that correctly that was part of the --

>> If we push them out to 2222 and came up, they'd be more visible. But if we shove them back into the side of the hill, which requires a cut and fill variance because we got to cut that hill a little to shove them back, then there's less site disturbance to those folks on Shepard mountain.

>> Gallo: I think -- I don't know if there is someone from Shepard mountain here, but I know that was a concern for them and -- there is, okay, super.

>> In fact our engineer, Joe is here, our engineer and -- actually he didn't go out there but Joe Laney, my client, after one of our neighborhood meetings actually went out and got on the decks of several of those houses to make sure we are not sticking up into their view.

[2:03:46 PM]

>> Gallo: It's good we'll have someone from the neighborhood that can address that because, you know, it's the balance because, as you address the concern from that neighborhood, in trying to make it less visible then it also like you said pushes it back more towards the elevated part and then triggers the cut and fill.

>> Right.

>> Mayor Adler: Okay. Thank you.

>> Thank you.

>> Mayor Adler: David king. Brad Rockwell. Is Brad Rockwell here? Is Edwin Huber here? Okay. Mr. Rockwell, you have nine minutes. Take your time.

>> [Off mic]

>> Mayor Adler: Okay. Wasn't shown. Noted now.

>> Gallo: Mayor, if -- before we start, I know we have -- so we have multiple neighborhood associations that have been involved in this discussion that we've had many, many meetings with, and it's Glen lake, Lankan I don't know two and three, Shepard mountain, Westminster Glen, 2-yard, oak shores, ski shores. It would be really helpful, I probably know you all but for the council if you can mention which of the neighborhood groups you're with when you come up to speak. So thank you.

>> Mayor, members of the Austin city council, my name is Brad Rockwell. I'm here on behalf of some neighbors who live here the champion tract three. I ask you to vote against these ordinances proposed to you for the champion tract three for the following reasons. I'm gonna really focus on legal issues rather than, you know, the -- some of the details of what's advisable for this development. This tract and the proposed project for this tract should not be and cannot be arbitrarily exempted from the law.

[2:05:48 PM]

The manner in which things have proceeded so far it would appear everything is up for grabs and laws are free to be ignored when it comes to facilitating a development on champion tract three. The landowners have agreed to be bound by ordinances in effect in 1993 but in seeming arbitrary fashion contemporary ordinances or ordinance of other eras are applied and our city regulations are not good enough to get a development satisfactory to the applicant going then new regulations are fashioned ad

hoc with little consideration to Texas statutes or the city's land development code. By this letter I'll provide a few examples and the letter is being handed out to you of the ways in which the proposed ordinances contravene city ordinances, city charter and state law. Section 211.006a of the Texas local government code requires cities to establish procedures for adopting and enforcing zoning regulations. And there's some case law, court says the legislature, having provided that cities adopting a zoning ordinance must provide procedure for the amendment of such ordinance by implication direct so the city will follow the procedure it adopts. The city has adopted very specific general procedures and procedures specifically applicable here for rezoning, waivers, special exceptions, and variances to zoning regulations. But when it comes to champion tract three, these procedures enacted pursuant to state law section 211.00c local government code having ignored. To use one example, within all the moving pieces both hidden and discloses about what these ordinances are the draft ordinance released just yesterday purported to amend the settlement agreement would grant numerous significant waivers to the hill country roadway ordinance by without following its rules governing waivers, variances and exceptions found in the land development code sections 25-2-1105, 25-2-472 and the following sections 25-2-281 and those following sections, hill country roadway, ordinance variance procedures, Normal zoning variance procedures, and the board of adjustment procedures.

[2:08:11 PM]

Because the approval of these zoning waivers through this proposed ordinance would be through procedures other than those enacted pursuant to section 211.06 of the local government code they would be invalid. In addition it would constitute spot zoning. Alternatively if valid they would be superseded by the stricter hill country roadway ordinance and other zoning ordinances which were adopted pursuant to the statutorily mandated procedures. The new zoning category for champion tract three has been designated co conditional overlay but requires that districts consistent of more restrictive measures rather than exemptions. So in that case it doesn't comport with the Normal co process and ordinance. These zoning changes are illegal and void. In addition because they are not being adopted in accordance with the lawful comprehensive plan. Section 211.004 of the Texas local government code requires any zoning regulations to be adopted in accordance with a comprehensive plan. One of the more recent judicial opinions on this was a case that I brought to the San Antonio court of appeals, city of Laredo versus Rio grande where the San Antonio court of appeals ruled that a zoning ordinance is invalid if not enacted according with preexisting conditions of the comprehensive plan. For this attempt to rezone a tract here on fm2222 and a special element of the comprehensive plan, one required by the city charter is missing. Section 5 of the charter for the city of Austin defines the elements that must be in the city of Austin's comprehensive plan, among other things, the comprehensive plan must contain a quote future land use element, end of quote. This is what guides zoning decisions and it is zoning that authorizes particular uses.

[2:10:12 PM]

The city's comprehensive plan imagine Austin does not contain the requisite future land use element. The city's future land use map or plumb was not created pursuant to the imagine Austin process and only applies to certain limited areas of the city for the area of the city now seeks to rezone there is no Flum, no other prescriptive future land use element in the comprehensive plan that would guide zoning decisions because the city's so-called comprehensive plan lacks this essential element required explicitly by the city charter, implicitly by Texas statute the city cannot lawfully rezone pursuant to section 211.004 of the Texas local government code. Even the limited standards contained in the text of imagine Austin are inconsistent with the proposed zoning. City staff evaluating this zoning request was willing to overlook the absence of a Flum covering the tract but the reviewer pointed out that the tract quote is not located along an activity corridor or within an activity center, which the imagine Austin growth concept mapped targets for growth. The reviewer quotes imagine Austin as requiring new development to, quote, be connected by sidewalks, bicycle lanes, and transit to the surrounding area and the rest of the city to encourage walking and bicycling, end of quote. The reviewer notes, however, that, quote, this area of Austin is currently lacking safe routes for pedestrians, sidewalks, or public transportation stops available within several miles of this location, quote. The staff evaluator concluded that the zoning only quote partially compliance end of quote, with a comprehensive plan and this partial compliance was due only to the original retail component which is not now before the city council. Because the proposed zoning does not comply with imagine Austin it would be void pursuant to section 211.004 of the Texas local government code just as the San Antonio zoning -- the zoning in the San Antonio case was illegal.

[2:12:21 PM]

By this letter, I do not claim to have identified all the legal deficiencies in these hastily assembled ordinances. The city has already been advised about contract zoning and I have not addressed that here. Given the numerous legal regimes that have been defied in this tract and length of time it has remained undeveloped there would appear to be in reason to rush something through now that will create numerous problems for everyone moving forward. Thank you.

>> Gallo: Beleaves.

>> Mayor Adler: Thank you. Ms. He Gallo.

>> Gallo: Excuse me. Sir?

>> Mayor Adler: Mr. Rockwell. Ms. Gallo.

>> Gallo: Thank you. I'm gonna depend on our legal advice and expertise to translate what you just said.

[Laughter] I'm afraid. But you do say you represent neighbors. Could you share with us which neighbors you represent?

>> Yeah, Carol Lee and Linda Bailey.

>> Gallo: Thank you. And I know where they live but for the benefit of the council?

>> [Off mic]

>> Gallo: Thank you. And so I'm gonna ask our legal staff after hearing what you said if they could translate and let us know --

>> Mayor Adler: I'm gonna suggest that we have the legal review of that legal opinion somewhere not on this dais.

>> Gallo: Okay.

>> Mayor Adler: Probably in executive session would be a better place for us to ask that session.

>> Gallo: Obviously, I think we're looking at not getting to final reading at this meeting anyway so that would be one of the things that we could work with in the next couple of weeks. Okay it but.

>> Thank you.

>> Mayor Adler: Thank you. All right. The next speaker that we have is Carol Lee. Is Roy Whaley here? Okay. Ms. Lee, you have six minutes.

>> Thank you, mayor, mayor pro tem, councilmembers. My name is Carol Lee, and I am a resident of the Glen lake neighborhood.

[2:14:23 PM]

I've been involved in the activity, various applications for all five of the champion tracts that surround 360, city park road, and 2222 for almost 20 years now. The hill country roadway regulations are what dictate the compatibility for our area. Not only for new development to fit in, but also compatibility with the surrounding neighborhoods. We mcmansion ordinance doesn't apply to us, we have no Flum. That is our compatibility standards. The lake Austin watershed the lake Austin watershed ordinance although it provides quality protections compared to our current comprehensive watershed ordinance, this was the only -- the second watershed protection ordinance the city had ever passed and it was passed in 1980. That is what these tracts are grandfathered to as far as their development which we've accepted is a legal with the city. Many details are outstanding obviously for today is that Mr. Suttle has submitted a list of variances that he wants and it touches on every one of those hill country roadway protections, almost every one of the lake Austin water ordinance protections. So, you know, if this for settlement

agreement gets approved, the only expectation we have that it will meet some national building code for wiring and plumbing. Our local values will be totally dismissed, and that's what it is. The crux of the issue I think was expressed in a couple documents that are posted on Taylor commercial website.

[2:16:29 PM]

They have the listing for all five of these properties. And in it Kent Taylor discusses -- had a meeting with two kimly horn engineers and they said there's really only two buildable areas on this 45-acre tract. As you've heard, the eastern, which is like two and a half acres, and the western, 4.67 acres. They estimated that using both of those buildable areas you could fit 328 units. And you would have to maybe lose a few because of the impervious cover that would be required for a long drive and a bridge over that gorge to connect the two. And that's required because txdot denied the driveway, said you can't have a driveway to this eastern portion. And so their original mixed use application for clinic, office and 325 units was never feasible. That was smoke and mirrors. They are saying using both tracts you can get 328 units. Now they are offering to give up the eastern. This is the developer's choice. Because, I think, it's pretty expensive to build a big span bridge over that gorge. I suggested to them maybe they can put the amenity center and pool over there and have a foot bridge. Then you would have a really unique hill country apartment complex. Might have people betting to live there. But 325 units on just the western portion is overloading that and we're not willing -- giving up the eastern is fine, I appreciate that, but we don't want the western portion destroyed. And that's why they need the whole big long list of variances because of their choice, they only want to use the western portion and they have the set number of units that they want to get out of it.

[2:18:36 PM]

That's a developer's choice. The first settlement that's before you today, the first amendment to the settlement, extends the special exemptions that they were granted for these properties in 1996 along with these other new variances that are included and the '96 settlement said you should have a project come mensed on this in -- that was 2003. Take advantage of these special exceptions by 2003 or you are going to come under current code. What year is it now? And this first amendment gives them another ten years for that? Go into 2026 with 1980 water quality regs is wrong. And I appreciate staff saying that they've negotiated heavily with the engineers the last week or two, but the first settlement, the first amendment also proposes you get these variances guaranteed and you bypass planning commission, you bypass all other public input at the plan with details, that is wrong. In 2005 staff reached a mediation agreement with the applicant to settle their 2004 lawsuit, the second one, and it required the city to initiate rezoning on tracts 1, 2 and 3. The city did that and they had public hearing.

[Buzzer sounding] And after they heard our public testimony, they changed their vote, they called in three outside legal firms to give them outside advice and they never had third reading. The city was on strong standing. Stand strong now.

[2:20:36 PM]

Have the developer come in the front door for site plan variances. Thank U.

[Applause]

>> Mayor Adler: Susan Kimbrough. After Susan Kimbrough comes Marissa lipsure. Is it Harren?

-- Maissa?

>> Good afternoon, council. Susan Kimbrough, west park and city park road. As a newcomer to this process, what I have to say what we have here is appalling and insulting. However, my friends have told me it's Normal. The posted backup documents as of yesterday afternoon had 24 blanks. What is missing? The substance. Why so difficult? It's a forced fix. The crept listing holder on each champion tract back in 2006 recognized mf zoning would require high density with four or more stories as they are too small otherwise and density is required to justify paying the price is land is likely worth. So what cost is the neighborhood expected to swallow to meet this demand? The facts are evident this project can't adhere to 1986 water quality standards and most of the compatibility provisions of the hill country roadway ordinance. The neighborhood submitted as requested our list of compromise items. Nowhere, not even one item is in the draft backup material. This is a place holder document. All the key points are blank. How can you have a reading of a document with no substantial content? So please consider placing our concerns in the draft and take them out in due time, I'm sure. They were instructed to come back for second and third reading with these documents completed. If you decide to take a vote, please add an expiration date for the tia.

[2:22:40 PM]

The tia expires if the property is sold. Number 2, strike the existing covenant restrictions from city park road. If transportation has to work within that limitation when they go to site plan on driveway 2, who is going to get whacked first, an avid cyclist, a prius, a motorcyclist or just a neighbor headed to work or the grocery store. Number 3, the new extension for the 10-year term should be struck. The landowner's attorney outmaneuvered the city last go round. And number 4, at least for the city's sake, strike the gratis development fees. I could go on and on. Think twice before you give away the store and always look twice for motorcycles.

>> Gallo: Susan, just a second and I should have asked Carol this too. The presentation staff did initially on the environmental addressed point by point the concerns, the seven concerns that were in the memo from you guys. So it looks like, and I know that all of this has happened in a very short amount of time and I appreciate the neighborhood's attention to this and focus on this. But it looks -- and like I said, I meant to ask Carol this too, but it looks like that all of them were addressed in a positive way with the questions from the neighborhood. Do you -- except for three -- one they talked about that being transportation inside plan. Is your sense from the blanks that you saw a couple days ago to what you heard the city environmental department talk about, do you feel like we're making progress in the direction of addressing the concerns that you all put in this email that had the seven points?

>> This is the part I think is appalling. I haven't had time to look at it and think about it. I don't know. I can't answer that right here. Carol Lee is more the environmental expert than I am, but to hear his response and say, oh, yeah, those are all fantastic, I can't go there yet.

[2:24:49 PM]

>> Gallo: And I think that's one of the reasons obviously everything would not be complete and voted on completely today, that if we do anything it would just be a second reading and that would give us the time we needed to get to the point you guys would have the time to look at everything.

>> Right.

>> Gallo: Thank you.

>> Thank you.

>> Mayor Adler: Marissa lipsure. Is Paul wade here? Okay. Miss lipsure, you have six minutes.

>> Thank you. Good afternoon. My name is Marissa lipsure from the shepherd mountain neighborhood association. Here's my presentation. So our neighborhood includes about 80 households and we are the ounces most directly impacted by this zoning application. We are a still growing neighborhood association. We have about 35 households right now, but we're still growing. The one thing that was not addressed today so far was a big request that shepherd mountain had which was to take into consideration and to look seriously at west courtyard drive, which was omitted from the tract impact analysis on this application.

-- Traffic impact analysis. So I'm going to take a look, I'm going to go back for a second. These are the seven intersections that were examined in the tia. This is a map showing those seven intersections in green that were carefully assessed and examined as part of this application. However, again I said that our neighborhood is the most directly impacted, but our primary road was not assessed. So if you take a look at this map, the two red dots are the intersections that were not assessed, nor was west courtyard

drive, and I drew a brown line on it on this map. The yellow triangle indicates where the developer plans to put the primary apartment entrance.

[2:26:50 PM]

So you can see how close it is to west courtyard drive. Why was west courtyard ignored we were told it was an accident in a matter of words. And one of your traffic soldiers thought that was worth -- engineers thought it was worth criticizing. Word for word his quote. So this is the intersection, one of the intersections that were omitted from the tia and we talked about this at the zoning hearing back in may. This is west courtyard drive and 360. It is rated F by txdot. Here's another picture of that area at rush hour. You can imagine how fun it is to drive on that. And this is how that intersection gets backed up. Now we're going to add 2100 car trips per day to this intersection and to west courtyard drive and to west courtyard drive and city park road. And our smart -- going a little nuts because the trance description is going over my text, but I hope you can see. Smart phone maps are going to be guiding these new car trips through west courtyard drive. It already happens now. So apartment dwellers coming home from work, they are going to get this nice tidbit telling them to cut through our neighborhood. So at that hearing in may the city of Austin's solution that was recommended was to increase the left turn traffic light timer, the timer at 360 northbound and west courtyard, not to exceed \$5,000. To minimize congestion at 360. Well, that's -- the only image that keeps coming to my mind I'm potty training my puppy and this is a lot like potty training a puppy. You can clean up the mess over and over but the problem is still over until the puppy is potty trained.

[2:28:54 PM]

And we still have a major traffic problem. We still have cars, 2100 car trips a day if approved that will be coming through west courtyard drive. So great, 360 might be less congested, but west courtyard drive what are we doing for that and for the other intersection? So traffic strips were quietly laid down around may 23rd at west courtyard drive and 360 and city park road and west courtyard drive. The Monday before area schools let out for this tumor.

-- Summer. But what did the city of Austin traffic engineer say about that just one week prior? He said, I'm sorry to say but that's too close to the end of the school year. We don't usually look at the end of may as traffic data collection. Why did that happen? To appease us. I think council understands why we feel these small steps are being taken to placate us but no real remedies undertaken. So I just want to remind you all about some code that I'm hoping you will take another look at to take us more seriously, that you may approve an application if you determine an applicant has mitigated adverse traffic effects. The bottom line is, I think you are obligated to deny a request if a project endangers public safety and if

west courtyard drive and its intersections have not been taken seriously and analyzed in a tia or included in a seriously timed tia, how can we know, how can we know if we're being taken seriously? We're not. So our biggest concerns is that traffic analyses have been done in late July when school was out. Then that little band-aid in late may, which was not traffic collection data season, we have no credible data. We have had no traffic or safety mitigation for all of the homes and condos and apartments and office building workers who already travel along west courtyard each day.

[2:31:04 PM]

So my request to you today is to please not approve this zoning application until west courtyard gets a credible and

responsibly conducted tia: On a personal note, I just want to add many of our neighbors up to this point felt like we have been hurt but that no serious mitigation or actions have been taken to address our safety concerns and that's what we would like.

[Buzzer sounding]

>> Mayor Adler: Thank you. The next speaker is Linda Bailey. And then Carol [inaudible].

>> Councilmembers, my name is Linda Bailey. I'm with the Glenn lake neighborhood association. I'm also speaking for eight folks in eight other neighborhoods. We got the document today at -- yesterday at 5:00 P.M. So we've had no time to vet or understand what's really in the document and there are blanks in the document. Awhile ago we started with G.O., C.O., 30,000 square feet, 700 trips. Then we morphed to 300,000 square feet, 2100 square feet. We didn't oppose it. Now we've morphed to opening up the 1996 legal agreement with spot zoning. You've opened up a can of worms. When we were discussing with the other councilmembers, one of the councilmembers asked us to talk in terms of cost benefit. Well, we neighbors see a cost to our environment with further grandfathering environmental rules already grandfathered back to 1986.

[2:33:15 PM]

We see a cost to our neighborhood on cut and fill due to grandfathering and further restrictions and further variances on hill country roadway ordinance. We see a cost to our neighborhood because this developer already is grandfathered so they don't pay fees. We see a cost to our neighborhood because we have not participated adequately and appropriately and our concerns are not addressed. There are blanks in the document. We see a cost to our neighborhood on safety on city park road because they would further be grandfathered back to April, not including courtyard unless someone add minimum

administratively changes their mind. We see a cost to our neighborhood because of the cut-through traffic on courtyard. Vote no today. We ask you. And let us provide a compromise and a benefit to the neighborhood because we see no benefit right now. Only costs. Thank you.

>> Mayor Adler: Thank you. Is Carol torinson here? Is Peter torinson here? You have six minutes, ma'am.

>> Good afternoon. My name is Carol torinson. I live in long canyon, which is a neighborhood that take its access strictly from 2222, located just west of the currently proposed apartment complex development. I understand the concerns of the neighbors who live on city park road and I'm sympathetic with them. But the reality of it is that the main impact of the traffic generated by this apartment complex would be on 2222. And many, many neighborhoods are impacted by that.

[2:35:16 PM]

So we have a handful of people who live off city park road who are very upset about it and I understand that, but the reality is the other neighborhoods in the area are not. You don't see anyone here from jester or river place or long canyon complaining about this even though we will all be impacted by it. That's because most of us have had a hard look at this and see the reality of it. 45 acres, intersection two state highways, it's going to be developed. Given that -- what's the best thing we can get on that site? What's the least impact from both traffic and environmental that we can put on that site? And this is like the best bad deal we could come up with. It is what it is. It is going to generate traffic, but remember that for the -- at least the last ten years I've been doing this kind thing, every development could get 2,000 trips a day without doing tia. It's the bottom line, everybody gets 2,000 trips. So this is not a huge impact in terms of the number of trips per day compared with every other development that's been approved in this city for the last ten years. And a lot of what we are saying here is very focused on a very specific area. West courtyard drive is terrible. The cut-through traffic is caused by Glenn lake, Westminster Glenn and river place residents cutting through to 360 so they don't have to go out on 2222. This apartment complex will only be -- will only be reached via west courtyard drive if you are coming up from insurance 360. If you are coming southbound 360 or westbound 2222 or eastbound 2222, they won't go near west courtyard drive. No one likes the way this is being handled. No one would prefer that we do zoning or -- or any environmental protections by amending a settlement agreement.

[2:37:21 PM]

This is a champion case. Champion cases by their definition are complicated and messy and always have been. We need to look at this as is this compromise reasonable? Are we doing the best we can do for

this property? Is this a priority of the city to put housing in this area? That's your decision, but rather than get hung up on the fact that it's messy, let's see if it accomplishes what we want to accomplish. And it sounds like -- I've had extensive conversation with chuck, the environmental officer as have many other folks involved in this area, and I believe if he thinks we have reached a compromise of -- that's reasonable for developing on this property, that -- that that is the opinion we should all be going by. So I hope you will look at this as an opportunity to do something positive with that site which has the least probable negative impact of anything else we could do there. Not developing the eastern half of that property is a major plus for everyone in our area. And most importantly, it will be one less champion tract you will ever have to hear about again. And I cannot tell you what a benefit that would be to all of us if we never have to deal with champion tract 3 again. So I ask you today to move it ahead a little bit, keep it alive. Let's see if we can get all this stuff ironed out before it comes back for second and third reading and hopefully we can get something positive out of all this 16 months of work some of us have put in on this. Thank you.

>> Mayor Adler: Council, those are all the speakers we had signed up. We're now back up to the dais.

>> Gallo: Mayor, could I on he-I wanted to ask staff --

>> Mayor Adler: The only person -- the applicant also under our rules has the ability to be able to close. Do you want to close or rebutt? You have three minutes.

>> Gallo: I just wanted to ask staff questions.

[2:39:22 PM]

>> Mayor Adler: Do you want to do it before he rebutts?

>> Gallo: Some of the speakers brought up questions I would have of staff. The first one, let's start with traffic because there were some -- the neighborhood from shepherd mountain brought up some questions about traffic that I think it would be helpful to have answers to. One of them was the missing tia at court yards and 360, the concern that a tia was not done at courtyard and 360. She showed the list of the intersections that were evaluated, but both courtyard intersections on 360 and city park road were not part of the tia. Could you help us understand why that would not have been done or did not get done.

>> Andy, development services. This project has been in the works for a long time. That scoping was done -- I don't even know how many years ago, before we reformed our procedures to what we're doing today. That doesn't explain why they are not in there. The staff who were doing those scoping felt they weren't pertinent to the analysis. I given they are taking direct access I guess to probably 2222 and city park. I don't have a really great answer for you. I could certainly come back with a more complete answer at third reading if it's a question you would like for us to provide an answer to.

>> Gallo: I think it would be. I think that's obviously a concern to the neighbors that shepherd mountain's access is on courtyard drive. That would be helpful.

>> Be happy to do that.

>> Gallo: Thank you. And then the other question I had was I guess chuck would be the best person for this. So, you know, obviously the -- the dilemma that we have is that this property has a zoning that has an entitlement to it that can be developed.

[2:41:23 PM]

And helping to get an idea of what could be developed under the existing zoning and the -- the benefits that we can pull out of this if we do the residential, we do the multi-family. Do you have an evaluation if it were to be developed under the existing zoning what that picture would look like and your limited ability or would you have a limited ability to be able to negotiate on some of these environmental things you've been able to do with this particular case and with the multi-family? Just getting a sense of what we're looking at now, but what we could be looking at if the zoning is not granted and the multi-family is not done and it's developed under the entitlements it currently has.

>> The -- you know, as has been mentioned, the settlement agreement gives them access on the lake Austin watershed ordinance, the 1986, I believe. And that it doesn't have the kind of environmental protections that our current code does. It does have some. Primarily it's limitations on construction on slopes and amount of impervious cover on slopes. The property is kind of divided into two developable areas. The eastern portion and the western portion. The western portion has the largest developable area and the eastern portion does have the constraints of -- it doesn't have great access to 2222, but they probably could get access. Probably the -- I would say that most likely development for that eastern portion would be something that has a low traffic count, something like storage or something like that. Because it's in an area where traffic from 360 backs up pretty regularly. But, you know, as the drawing that Mr. Suttle showed you is they are willing to set aside a very large portion of this tract, and from an environmental standpoint and set back from the creeks, from these creek tributaries in a way they don't have to and set back from critical environmental features in a way they don't have to under the lake Austin watershed ordinance.

[2:43:39 PM]

And in my view, where we're at right now setting that -- those areas aside provides a significant benefit from an environmental standpoint and from -- even though this is not an an environmental issue, I

appreciate the aesthetics of the hill country. It preserves a big area near 360 and 2222 and leaves it heavily wooded and in a natural state and preserves it aesthetically. And so we would get smaller development in each of those two areas, but the overall amount of development would be greater. They are leaving a little -- about an acre and a half of impervious cover on the table that they would be entitled to. We would get probably less cut and fill, likely, very likely less cut and fill. And that's not something that I take lightly. That's a big deal to me. The construction phase. Constructing on these slopes has long-term considerations for erosion and storm water management and that sort of thing that I'm concerned about. And it also -- I'm very concerned about the construction phase, but they are willing to go well above and beyond to address those problems. We've had really significant problems with construction phase erosion and muddy runoff aniseedment runoff along 2222 and they are willing to address it in a way that -- in fact, very similar to what we did on water treatment plant 4 very successfully on similar slopes. So it's hard for me to say exactly what it would look like, but it would be more impervious cover over a larger area and would have significant -- I think greater environmental impacts and greater aesthetic impacts, particularly looking at it from 2222.

[2:45:40 PM]

Hopefully that answers your question.

>> Gallo: I think that's really helpful because it sounds like what you've been able to work out with the property owner or the applicant is some additional environmental protections that if it were -- what I'm hearing is if it were developed under the current zoning that it has, you would not be in a position to do that.

>> That's correct. And the development community, there are folks out in the development community that would tell you, Mr. Suttle would probably tell you, if you come with grandfathering entitlements and you've got entitlements to old regulations not as protective as what we have today, you better be bringing me a really good deal because my general philosophy is you have what you have, build what you can or do current code. And in my view this -- this is a reasonable agreement. Where we're at today.

>> Gallo: So one other question because we talked about -- some of the people that spoke talked about the concern with the cut and fill. If this development was built, if these buildings were built as close as they are to 2222, would that alleviate the cut and fill issue? Or would it address it in more of a positive way from not requiring as much?

>> Yes. Part of the problem is the hill country roadway ordinance requires you to break up the building mass facing the hill country road. And -- and the flattest areas, the most buildable areas are closest to the road. And so breaking up that building mass forces them -- excuse me -- to put the mass of the building towards the rear, which is where their slopes are. So there's sort of a push-pull going on between the hill country roadway ordinance and the steep slopes. And that's what we've been working

on for the last couple weeks is trying to balance that in a way that -- that minimizes the cut and fill as much as we can and the construction on these steep slopes, but still enables them to comply with the building massing requirements from the hill country roadway ordinance.

[2:47:56 PM]

>> Gallo: All right. Thank you.

>> Mayor, members of council, thank you. I'll briefly hit on a couple things that were said. The variances that we're asking for, cut and fill construction on slopes, those are variances routinely needed in this area of town. Four foot of cut and fill is just -- I can name tens of cases including city of Austin city's cases where there have been cut and fill construction on slope variances. Chuck mentioned water treatment plant 4 that was a city project. We were using the during construction mitigation techniques that the city actually used along those lines. There was some mention that we couldn't get a driveway on 222 on that eastern tract. We already have one. So I'm not sure -- I'm not sure what that means. We just felt like adding housing, working out a deal that is better than either probably current code -- I don't know about current code, we've never analyzed against it, but better than what we have today and making Mr. Lesniak happy, which is very difficult. We felt like it was a win-win for most everybody. On the issue of tia scoping, it is a function of our system, when you bring a project in, you get your scope from the city and they tell you what to study. And they don't -- sometimes you have the timing right and you are doing school and sometimes you don't. But if you count trips and school is not in, you add a percentage on to assume there will be more trips for school. In this case we actually went in and recounted, we counted once school was out, we counted -- and we added what I'll call a fudge factor or added on for school, and then we counted that last week of school and actually found out that our factor was more than what was actually existing during school.

[2:50:06 PM]

We think the traffic numbers are good. It's unfair to single Mr. James out because one, he inherited this case, and number two, he didn't have all the pieces of it. But we feel like the traffic -- you are not going to get anybody up here who says traffic is great on 2222 or 360. At 2100 trips, we almost have to do a tia and we're agreeing to a lot of improvements to mitigate traffic. With that we hope this would settle a long standing piece of the champion tract, take it off the table, and add housing stock and do it in an environmentally sensitive way. Thank you.

>> Mayor Adler: Thank you. Yes. Ms. Pool.

>> Pool: I have a question. You were talking about the improvements on the tia. On city park road, there's a turn lane. I think during zap you had agreed to fully pay for the turn lane on city park road. Is that right?

>> I haven't committed the tia memorandum to memory, but let me turn and look -- I've got my traffic engineer here.

[Buzzer sounding] What we've committed to do is safe and what's needed. City park road is constrained by the widening width, then you start getting into the tributaries and cefs that those that don't want to seeing anything out here, you end up encroaching on those.

>> Pool: Good point. If your transportation person could comment on this piece in front of the zoning and platting commission, that would be helpful. Thanks.

>> Mayor and council, Brian vandewalley. We performed the tia. Staff has requested during the negotiation process if we could consider on city park road that our driveway creating a left turn lane into that driveway so that traffic going south on city park road would not have to stop and wait behind a turning vehicle, and we have looked at that and found it is feasible and if it is warranted that site plan, yes, we would be building that.

[2:52:26 PM]

>> Pool: Would the applicant fully pay for it entirely?

>> Yes, the applicant would be responsible for 100% of those costs.

>> Pool: Okay. Thanks.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Mr. Vandewalley, you said you were a traffic engineer and we desperately need your help. Could you please leave a business card for the clerk so I can call you later? We need help. Thank you.

>> Mayor Adler: Does anyone want to make a motion?

>> Gallo: I'm going to make a motion but I want to make a statement also.

>> Mayor Adler: Make the motion, we'll get a second.

>> Gallo: First time going to say before I make a motion and then I'm going to say some more. But this is a really tough case. It's a difficult situation, as many of you that spoke today or some of you that spoke today, you've been dealing with these champion tracts for a long time and I appreciate your persistence

and little and oversight of those. I think we over the last 24, 48 hours have made, it sounds like from the environmental department's explanation, some really good strides in the right direction to address the concerns that the neighbors indicated with their email to our office that contained those seven items. So I want us to continue to move forward. I want to say that unless we can get to a resolution that addresses the additional concerns that the neighborhoods have, that we will look very closely at voting for this on a final third reading. But I do -- I am pleased that we've made progress at this point. I think that staff has addressed those seven items well and -- but I know there are still some issues that from a legal standpoint we need to hear about, from a traffic standpoint we need to hear about, and still some additional items that some of the community has.

[2:54:28 PM]

So I think what would be appropriate at this point because we are making progress forward and my concern too is we talk about affordability in this community. And we talk about the lack of housing and we talk about the fact that the lack of housing does two things. It increases rents and increases home prices. But what it also does is when we don't have enough housing in a particular area that has a lot of office and retail is that then we-hoe those employees don't have options to live close to where we work. And so those employees that could live right across the street from indeed and from some of these other businesses that are close by instead have to drive their cars on 360 and have to drive their cars on 620 to be able to get where they are going. I think this is a really important part of this conversation because if we can figure out a way to do the multi-family better than what could be done under the existing zoning and give the neighborhoods the protection they need and give our community the housing it needs, you know, that is really the direction we need to keep struggling with. So I think it's really appropriate at this point to keep this moving forward. I think we've made good progress over the last 24 to 48 hours, but certainly we need to give the neighborhoods time to be able to look at that and to make sure that it's addressing their concerns and that we are dealing with and addressing -- continuing to address and talk about additional concerns that haven't been resolved. So I'm going to move to approve on second reading only the revised draft ordinance provided by the city staff which includes the conditions council approved on the first reading and the additional new conditions recommended by city staff based on their negotiations with the applicant. In addition, I would like to have the public hearing remain open for the third reading and ask city staff to post the third reading to October 6, 2016 city council meeting. That would be my motion but included in that also is also being able to give the speakers that spoke today the ability to speak again on October 6th because I would want them to address whatever changes would happen between now and then.

[2:56:36 PM]

>> Mayor Adler: And with that motion also include approving on first reading item number 18?

>> Gallo: Yes.

>> Mayor Adler: Which is the companion piece.

>> Gallo: Yes.

>> Mayor Adler: It's been moved, is there a second? Mr. Zimmerman seconds. Discussion? Ms. Pool.

>> Pool: Mayor, I'm going to abstain on this vote and I so rarely abstain on votes but I'm not comfortable with the pieces as they are still out there, but I understand -- I also recognize that the work is progressing. But I'll register as abstention.

>> Mayor Adler: Ms. Houston.

>> Houston: I just have a question regarding practice or procedure by keeping the public hearing open for the third reading. Is that -- do we have any kind of history on whether that is something that regularly is done or is that something that's done rarely?

>> Mayor Adler: I don't -- I don't think we have a lot of history. We have kept hearings open when we thought that there would be movement or change so that people who testified publicly might not have been testifying -- had the opportunity to testify on what an evolution might be. But certainly we've done it both ways.

>> Houston: Just want to make sure that once it's done that can come up again. So I just want to make sure.

>> Mayor Adler: Yes, mayor pro tem.

>> Tovo: I agree. There have been a lot of -- there have been some changes, kind of very close up against this hearing and so while I'm going to support this today, I want to really understand better some of the variances that are embedded within this and really reflect on some of the concerns that some of our neighbors here today talked about between now and third reading.

[2:58:43 PM]

>> Mayor Adler: Any further discussion? Yes.

>> Gallo: And mayor pro tem tovo, I appreciate your comments because I feel the same way. I think that there are neighbors that have expressed concerns today. My support of this will be dependent on where we get to between now and the October 6th meeting because -- because I think we're working in a good direction and we have people that are really involved from the community. So I look forward to two

weeks, is that two weeks, I guess? Once again to those of you who came and spoke today and have continued to be involved I thank you and we'll work very actively with you to make sure once you have a chance to see where the negotiations are at this point, what's been agreed to by the applicant, what's still outstanding, just encouraging you because we are on a short time frame that if you can address those fairly quickly and work with our office so we still know the missing pieces that we need to get staff involved on.

>> Mayor Adler: Ms. Pool.

>> Pool: When this case come back for third reading, assuming that's the way the vote goes here, will the blanks that are throughout the ordinance [lapse in audio].

>> Yes, they will be --

[inaudible]

>> Pool: Great. I'm hearing a yes.

>> Mayor Adler: Yes.

>> Pool: And that definitive from Mr. Guernsey. Thank you.

>> Mayor Adler: If there's no further discussion, we'll now vote on the motion. Those in favor please raise your hand. Those opposed? Those abstaining? Ms. Pool abstains, the others voting aye. That gets us then to the Austin convention center. Budget issue. This will be item number 6.

[3:00:48 PM]

Staff want to lay this out for us?

>> Sir, thank you. Mayor, council, mark tester, director of the Austin convention center department here to discuss and request approval of the budget for 2017 for the Austin convention and visitors bureau given their official sales and marketing arm for the convention center and the city. I know there's been quite some conversation about their budget and the acbb is here prepared to get in detail and listen to what council has said through this past budget cycle. And I'm here to answer any questions about the bureau's budget or we're ready to dive in.

>> Mayor Adler: Mayor pro tem, do you want to raise your issues?

>> Tovo: Actually I have a quick question, if I may. So in looking through the -- in looking through the Austin convention and visitors center budget, there is a draw on reserve fund for conviction commitments of 2.240 -- a little over \$2 million. Can you tell me which reserve fund that is and what its balance is, please?

>> I'm not sure --

>> Tovo: Is that a question for acvb.

>> Julie hart.

>> Tovo: And I did through the Q and a request a detailed budget, more detailed.

[3:02:49 PM]

I hate to hold this up because I just spilled coffee on it, but this is the budget returned to me so that's one of the reasons why I'm asking the question in this format, but I was interested knowing what the reserve fund is, where it lives and what its balance is. Before and after the \$2 million withdrawal. Thank you.

>> Julie hart, cfo, Austin convention and visitors bureau. Those are from internal reserves, the balance about 3 million. As we discussed part of our process is making commitments for future conventions because we work on a long horizon so we try to save money and make sure we have enough to feather into our current budget.

>> Tovo: Thank you. That balance is 3 million and you are withdrawing 2.2 million?

>> Correct.

>> Tovo: How does that reserve build out? Just from the funds you get each year, you hold a little bit of that back into the reserve fund?

>> And we also have private funds we raise every year so part of those are private funds.

>> Tovo: So I would have slightly less than 800,000 in your reserve fund after the withdrawal and just so we're clear that was a planned withdrawal. That has nothing to do with the decision that we made on September. It looks to me like that was in the -- both in the original proposed budget as well as amended one.

>> We had hoped to replenish our reserve fund but we had to reduce that with the reductions.

>> Mayor Adler: Mayor pro tem, I don't know, do you want to lay out what you would have done and then have the public speakers so they can respond or would you have them speak first?

>> Tovo: Generally I guess I almost always prefer hearing from the speakers but I can give an overview. My apologies for the various versions of amendments.

[3:04:51 PM]

They are all very similar to one another. They are just a couple changes from the one I handed out this morning. I will be glad for the speakers to kind of talk a little about -- about the proposals I'm going to make today. On September 1st we considered -- we considered the five-year contract for the convention and visitors bureau and at that time council decided to keep the funding for the budget the same as previous year, over \$14 million, rather than increasing it to 16 million. As I suggested at the time, we hold that back and determine what are some other possible uses for that. During the budget process, we did ask our staff to go and look at what other elements within our current -- within the budget we were considering could be eligible for that funding. We did get back an answer. I don't believe it was all - in fact, I know for a fact we have other expenses within our budget that did not come back in that budget Q and a, but I can talk more about that as we go on. What I am going to propose today is we continue to hold on to a good portion of that funding and allocate it in some different ways. We know we have park cip projects that we believe in consult takings with staff fall -- consultation with staff would be eligible under state guidelines and that would be an appropriate expense. Then there are some other allocations. Some of the money would continue to be transferred for the Austin -- to the Austin convention and visitors bureau with the restriction they be used to increase our investments in heritage tourism. Under the state statute, we can spend 15% of our hotel-motel tax revenue, we can spend on heritage tourism. It's the same percentage set for cultural arts. That equates to about \$10 million. While back in 2000 about -- let me make sure I have this right -- I believe there was maybe -- let me check my information.

[3:07:05 PM]

Let me give you the before later, but the after is that when we asked through the budget C and a how much was being spent on heritage, it's 200,000. The marketing has been merged into more general marketing so there is some marketing for heritage tourism currently occurring but it is merged and can't be separated out. It appears to me our investment in heritage tourism has gone down quite significantly could be at \$10 million and we're spending much less. My motion will be multifaceted and also require a budget amendment. But it will transfer a bit more than we agreed on at our September 1st meeting, it will transfer some additional money to the Austin convention and visitors bureau, ask them to increase their work in heritage tourism. Then we'll reserve, I hope, reserve some of the other funding for some of the priority projects that I think are very much in keeping with community requests and other initiatives. I would say as I did when we discussed this on September 11th, the Austin convention and visitors bureau is doing a great job. They are great advocates for the city of Austin and I appreciate their work. The question is whether we want to continue to be in the cycle every time our hotel-motel tax revenue goes up, whether we just automatically assign it to the Austin convention and visitors bureau or whether we use some of that to fund additional priorities that we are allowed under state law. I think

it's an appropriate conversation to have. The Austin convention and visitors bureau was a creation of the city council in 1996 and continues to serve us well, but we do center a lot of need. We received email over the last days from individuals advocating for the red river cultural district. I believe that's a eligible area for funding under the H.O.T. Tax.

[3:09:06 PM]

Just to have that -- continue to have that conversation and find ways to fund east coast of those community priorities, I believe we need to continue to reserve some of that funding that would otherwise have flowed to the Austin convention and visitors bureau. They will and I know we'll have an opportunity to hear from them soon. They will continue to experience a budget increase this year without this extra funding. I think there's a balance here and I hope we'll be able to find it.

>> Mayor Adler: Okay. Ms. Kitchen.

>> Kitchen: I want to thank mayor pro tem for bringing this forward. At the appropriate time, I have a minor change to the amendment that you passed out that I think will be acceptable to the author.

>> Mayor Adler: Okay. Let's go ahead and hear from the public. Let's call first Tom Noonan. Is Tom sure here?

>> [No microphone on]

>> Mayor Adler: Is Andrew McCabe here? I'm sorry?

>> [No microphone on]

>> Mayor Adler: Is Joe Bolish here? No? Billy Carter? Is Billy Carter here? So I have two people donating time so we have I think nine minutes. I also -- actually I think I have you signed up twice. Is Steve Genevesi here? That gets you up to 12 minutes. Is Julie Hart here? You have 15 minutes.

>> Thank you, mayor, councilmembers. Thanks for having me back. It's great to be back in front of you for the second time. I'm here to talk about our original budget, revised budget and working with each of you trying to get to the best result in terms of growing tourism. What you are being handed was the original budget that was presented to you back I think it was on June 15th.

[3:11:13 PM]

And understand that I just arrived here in late may and this publication was put together, I looked at the letter, sent it off because it was based on 16-5. Since then you have come back and asked us to come down with a 14.5 budget. We see that tucked inside that publication. I want to walk through some of those items, I want to walk through those areas we're going to see reductions and tell you the unintended consequences of those reductions. If you'll look, you will see a revised budget plan included as well as a spread sheet that walks you through these cuts. A couple things. First of all, you know, we appreciate the opportunity to be here today and we're going to walk through -- you know, day to day we do two main things, convention sales and marketing and leisure promotion. I walked through and coordinated with all our department heads so they could determine from their perspective where they would like to make these cuts. This is the information they have flowed back to us and the recommendation we're going with. In item 1, convention sales, we're going to cut \$200,000, sales trips, trade shows, welcome signage for convention customers, site inspections and fan budgets for incoming customers. This will have an impact on future convention bookings because these were people we're entertaining trying to bring their convention to town. We're going to do less you Denver to these cuts. Number 2, about a million dollars out of marketing. 400,000 of those will be in purchase tourism ads that won't take place. I understand councilwoman tovo's desire to do more for heritage, but if you are going to carve \$2 million out and use for heritage, you are doing a lot more than what we were doing already. We would carve those two out only because you are doing someplace else. We don't want to make these cuts.

[3:13:13 PM]

We don't want to do less sales calls, less heritage funding. Additionally, plan for increased diversity marketing. You will see a brew sure that was a diversity brochure for the African-American community. I think this is a real need and diversity marketing and lgbt should fall in that heritage bucket and we need to fix that. You will see a copy of a brew sure I want to do -- brochure for the African-American community, hispanic, lgbt. You will also see that information reflected on our website as well. I think that's really important that we dive deeper into those communities and promote those communities. You will see in these publication churches, restaurants, businesses, festivals, events that are taking place. So when you come in town as an African-American visitor, you know where you the find the items you want to find in the city of Austin when you come to town. We need to do a deeper dive and I want to do this with these budget dollars. We also want to do new flight route support for the airport including Mexico City and -- one of the conversations I've had with Albert black, with teddy Mcdaniel, tam and a few other people, and I heard this from the council meeting that was -- the town hall meeting that Renteria and Houston had, and one of the conversations was why would we come to the convention center when we don't see events we want to come to. We are going to put together a diversity sales committee that is going to look at bringing those kind of events, naacp, urban league, hispanic NBAs, et cetera. We want to make that a new focus as part of that diversity marketing initiative

one of the things I was hoping is create an education foundation through the Austin convention and visitors bureau.

[3:15:15 PM]

It's a fundraising opportunity. You go to corporate community, hotel community, ask them to give dollars. What's is that you are creating a job training program, you are creating a scholarship program for kids that want to get involved with hospitality careers, music, film, the arts, sports marketing, marketing in general and we want to -- it's our opportunity as a tourism industry to give back and we want to do that. I will tell you in Baltimore we're probably going to raise over -- in Austin I talked to my hotel community. They are supportive of this idea. We have a person who raises private dollars and Mary Kay, a lot of times she makes those calls. People say if you have a 5013c, we give you 10,

>> Create the scholarship where we can do job training for tourism because it's growing so much as well as doing scholarship programs as well. The education foundation is one area where we have to cut back on, and I don't want to see that happen. We're going to do some finance and administration cuts, about 40,000 in terms of film festivals, music festivals, we don't do enough of this already. And if you look at the marketing that I handed out to you already, pages eight to 12, you'll see our travel calendar in there, we're having to eliminate a lot of those trips in those areas. These were the recommendations made by our film office, the cuts they need to make to operate. You'll also see we've flat lined our goals from last year. Our budget is very similar to what it was last year, and I have a hard time telling my staff, you know, you're going to have much higher goals even though we are is the same resources we had last year. So we're flat lining a lot of zero our departmental goals. We don't like doing that, we're going to do everything we can to overachieve in those goals. T our goal for sales last year was 600,000, I know we'll be at 625,000 this year.

[3:17:17 PM]

We're going to try to do that next year but it's hard to set that goal at 625 as the starting point when our budget is lower than or the same as it was last year. So, you know, in terms of heritage, you know, we've got a lot of work to do there, I agree. But we also want to make sure that they fit the nine uses of the hotel tax going forward. And that's been a challenge. I'll give you an example. Three times in the last couple years the German free school is a great example. They reached out to us in 2010 for a grant. We approved those grant dollars, they wanted to create an outdoor music venue for musicians and tourists to aj joy. The ACC approved these terms but heritage didn't. The dollars were never given, even though tourism supported that idea. It's not so much that tourism needs to do this, heritage has to do this and we have to look at both sides of that equation. They have different standards for their certification for

appropriate use. Public park is another great example. The grant committee gave full support of their grants but the heritage wanted a master plans, so they initially rejected that grant. Now as I understand in the last couple weeks they've come back with a master plan and shown these interpretive signs and now heritage is finally ready to approve this based on their standards. It always reached the tourism side of it but we couldn't give the dollars away. Mayfield park, another great example, it was given a grant, in 2013 they came back and asked for a second grant. It wasn't granted because they never completed the first grant. So we didn't want to give a second grant to somebody who already had an outstanding grant, so that grant wasn't approved. We had a meeting just yesterday with cate singleton and Daniel about three new tourists we'd like to create, historical tours, allendale and areas in east Austin as well as a historical parks tour.

[3:19:19 PM]

We're trying to work with preservation Austin to create these three tours, that then we could hand over to the firms in town here that do the for-profit tours of the city and they would administer these tours. To give an example, last year we had 120,000 tourists that came into the visitors center and 75% of those went on historic tours that we put together with our vendors that work out of the business center. So 90,000 tourists came to town that did historic tours out of the visitor's center. So those are some items that -- that we're working on. Additionally, -- oh, hold on a second. I lost my place here. So, again I went through the items I think that are going to be the hardest for us to cut. And, remember, that in this year, this is the year that we're hosting pma. And pma, as you noted earlier, is -- we have a \$2.2 million commitment in our future conventions fund, and a lot of that is the pma convention that's coming here. When I was walking through additional cuts we were going to make, I forgot to mention that when you look at the \$705,000 we're cutting out of our future and convention commitments, 250,000 of that will be pma already. This year, I know we've given away at least \$35,000 this way, it's a new program year, it's taking place this year and we're doing a lot more of it. But when convention groups make a commitment to the city of Austin, one of the things we offer is a cash incentive, music. If you book 10,000 nights in the city, we're going to give you tn thousand dollars to use to hire local musicians. We're going to offer this --

[lapse in audio] -- Qualify for this program, and we're using that as a cash incentive. So one of the ideas that we had, because we're hosting pma this year, is anybody that comes in for pma this year, and makes a commitment to Austin before pma next year, which by the way, happens to be in Nashville, and they kind of have a music thing going on as well, we wanted to paining sure they got a commitment from us in terms of a cash incentive, it would all be music-related if they made a commitment to us before Nashville next year.

[3:21:40 PM]

We think that's 100, to \$150,000 in terms of the 700 thousand dollars. Additionally we're looking at probably \$400,000 leftover that we won't have to use. I think that will have an impact in terms of the number of conventions we have coming here in the future, we're going to be at a disadvantage because we don't have the cash to make those offers. I'd love to take my questions that you have or let other speakers come up.

>> Mayor Adler: Mayor pro tem.

>> Tovo: Thank you, Mr. Nunan. I do have some questions for you. You talked ant -- about working with a very similar budget. It looks to me from last year to this year after the amended budget, your increase would be 2,269,300. I want to be sure that that's accurate?

>> It is accurate. I was taking into account the fact that \$2 million is going to pma. So we're going -- because of that commitment we have, we're going to have make cuts in other areas.

>> Tovo: But it is still accurate that your budget is increasing by 2 million, it's just not increasing by four because we've reserved 1.9, some of which I'm proposing actually to flow back to you this year. But it is -- but your budget is actually increasing by 2 million, it's just not increasing by four?

>> If you look at the budget by programs and how we're operating, you'll see there's a lot of the departments that are getting less dollars. Sales is getting more only because of the pma. Our marketing and music and film our business center, a lot of our departments will be operating at less.

>> Tovo: And I want to -- I know you mentioned that in your talk, and I wanted to zero in on that, too. They're operating with less than they would have been if you got that 1.9 million, but they're not operating with less than they were last year, as I see it. And I -- with one exception, for example, your fiscal year 2016 budget for music and film is 486,509, and it will be 568,804, so that's an increase of 82,000.

[3:23:52 PM]

Finance and admin is going from 1.8 million to 2.3 million. Marketing is the only exception, you've actually decreased it from 5.6 to 5.1. Convention and sales is going from 6.5 million to 8.36, so in almost every budget category, it represents an increase over the previous year.

>> Let Julie --

>> Just to kind of be clear, those increases are being funded from what we have reserved internally, that we had reserved to offset what it was going to cost for having to have pma. It's not new revenue that's coming in, it's using our reserves to fund those, so I wouldn't really say that our revenue budget has

gone up, the way that we have to present it to the city to show where that money's coming from, it's money that we already had that we've Smithson valleyed for pma, now we're using it for other programs. Obviously our city revenue has gone down significantly.

>> Tovo: It stayed the same. The city revenue has stayed the same.

>> From the 16.5, it's gone down.

>> Tovo: Right, but today is the day that we actually approve that budget. So...

>> The number that we originally work from the city office.

>> Tovo: It is a lower number, but it is the same amount that you received from the city last year.

>> Yes.

>> Tovo: We've gotten some e-mails that are -- that show a little bit of confusion and I want to be sure we're really, really clear, that the city amount would remain the same. I'm suggesting we hang onto some of the increase in hotel/motel taxes and, yes, I see what you mean, that some of -- a big portion of the increase in the Austin convention and visitors bureau comes from your reserve fund, which we talked about before.

>> Right.

>> Tovo: Is created through the increase in hotel/motel tax. I mean, that comes from the same pool that you've been getting, I understand you've held it back, but it is -- it is, you know, the same pot of funding. And then the other increases, and I think we see this on our sheet, there have been increases in partnership revenue of 100,000, a little bit in the sports commission revenue.

[3:25:54 PM]

I mean, there have been increases in some other areas as well. But the big chunk is coming out of the reserve fund, but, again, that was funding that came through the hotel/motel tax that was given to the Austin convention and visitors bureau. Can I ask, I guess, a more specific question. I see, you know, as I said, all of your budgets are increasing, but you have --

[lapse in audio] -- especially since we're, you know, in the position of approving your budget, I wanted to ask why, for example, you were increasing the funding in the visitor center by 141,000 and not just putting all of that into music and film?

>> That's just revenue that's derived from the visitors center operations, if I'm not mistaken. Julie, is that correct?

>> Tovo: I was talking about the increase from last year to this year. You know, in looking at how you've revised your budget from June until now, if marketing is the big need, I guess I would wonder why, then, you would increase the finance and admin budget by 435 and decrease marketing by 523. Why not just not increase finance and admin and put that money into marketing. And likewise, you have increased music and film by 82,315, but the visitor center is going up by 141,448. So if music and film is the priority, why not keep the Austin visitor center level and increase the music and film?

>> And the visitor's center is a little bit of a unique situation for us, because it's actually a retail operation, which some of you may or may not know, which derives a lot of revenue. In any retail situation, when you create more revenue, your cost of goods sold goes up. If we're selling a tour ticket, for instance, we make a little money on that but then we still have to pay the tour operator. The revenue will go up, the cost will go up. On our other items we're kind of looking at, we've been woefully behind on our technology, trying to really get our technology up to speed. So that's one of the things that kind of falls into that bucket but supports everybody else in the organization to ensure that it all ties with that.

[3:28:01 PM]

On the music and film, I'm glad you brought that up, historically we received about \$125,000 from the city to support those efforts and that funding did go away. So we're still funding those, supporting those, doing everything we can to make sure those are as effective as they can be, but we do not have that additional support.

>> Tovo: Thank you. And I wanted to say, I appreciate your interest in starting some of those really particular heritage tours. I think those are really important, and I think those will be a great addition. I think it's very in sync with the direction I provided in my amendment. That was exactly the kind of thing I envisioned when I talked in the emotion city about a marketing plan for city-owned resources, but also trying to create some educational programs and tours with a strong emphasis on historic buildings and spaces. I think we're very aligned in our mutual enthusiasm about seeing some of those tours happening.

>> Okay.

>> Mayor Adler: Okay. Any further questions at this point? Yes, Mr. Zimmerman?

>> Zimmerman: Thank you for that information, again, but I would be a lot more excited about the possibility here of these budget adjustments if we had the ability to move the money into public safety. One of the things we learned from the matrix report was that all cities, you may agree with us, all cities have an additional police presence in the downtown area, a lot of noncommittal time, because tourists, when they see police officers on a bike or standing around talking, gives them a general sense, hey, if anything goes wrong, there's an officer right there. It kind of lends to the security feeling of the city, and

it sounds like it's done everywhere, not just in Austin. But I would love to see some of the money here going to that public safety need, and also to crowd control when we have the really large events, because something about south by southwest, the hotels fill up, but that means we've got a huge influx of people, which means we need additional public safety crowd control.

[3:30:02 PM]

>> This -- the council and, mayor, you've tasked the idea of creating this hotel tax commission that we want to work with next year, and that's why we're hoping to get to that phase and work with the commission to find those great solutions. Currently if you looker look at state law, you can't use -- it's not one of the nine uses. You can't use it for that right now. But as we have this conversation with D commission, could there be other dollars we find that could be, potentially, but we've got to start getting that commission together and start meeting.

>> Zimmerman: We do want state law changes to allow that, because it just makes so much sense, right, you should have crowd control when you have a big influx of people coming to your hotels.

>> I think the concern the hotel industry would have and folks like me that run cvbs is that pretty soon that would just become a fund to pay for police and the marketing dollars to the city would go away because there would always be a greater need for police, and that's important, I get that. I think that's the concern, those dollars would all go to police.

>> Zimmerman: Understood.

>> Mayor Adler: Yes, mayor pro tem.

>> Tovo: Sorry, I did have one question I forgot to ask. I know the pma is a very big event coming down the line. I also noticed in looking at the Austin convention center budget that part of their cost increases for this year -- [lapse in audio] -- associated with 2pcma events, radios and then the replacement of radios and software. So can you help me understand, I see -- I understand there has to be money in your budget and there has to be money in the convention center's budget for P cma. It looks to me like there's quite a bit of money allocated for this.

>> I'll really have Marc weigh in on his budget.

>> Marc, tuste erk, convention center budget. Our big commitment for pma is providing all the space complimentary, a number of different services within the facility complimentary and some really big food and beverage functions that our responsibility to feed 5,000 people, opening reception, lunches, are our responsibility.

[3:32:16 PM]

So his significant in marketing and welcoming and the limousines and taxis and all kinds of other things in getting our vips in, and then us really -- and the convention center and in palmer, we're going to be using both facilities for pma.

>> Tovo: I see, and the spaces is free?

>> Correct, as part of the --

>> Tovo: I understand that. So that's part of the --

>> Correct, yes.

>> Tovo: All right. Thanks.

>> Mayor Adler: Okay. Mrs. Garza? Hang on, guys.

>> Garza: I just have a question, and it's not really germane, I guess, but on page 11 of this book, it says the top 10 countries of origin, and then it has a little asterisk, and it excludes Mexico, which is the no. 1 country of origin, and I guess just has it as a footnote. I'm just curious why y'all chose to do that.

>> I think it was set aside -- remember, I got here when this publication was put together. It was just set aside, we know Mexico is our biggest market and we work it hard and heavy and we're involved with it a lot. I think this is the next 10 that we should look at, if I'm right, the way it was put together.

>> That's absolutely right. Mexico is kind of a Normal natural for us, we spend a lot of resources there, so we're trying to open up other international markets.

>> Garza: Okay.

>> Mayor Adler: Okay. All right. The next speaker that we'll have -- thank you, Tom, you may be back up. David king? Is Linda Bailey here? Linda Bailey? You have three minutes?

>> Thank you, mayor. And I don't need any extra time. Thank you, mayor pro tem and councilmembers. Mayor pro tem, I agree with your proposed amendment to not allow hotel revenue tax to not flow into the Austin convention and visitor bureau so we have an opportunity to look at how we might want to use some of that funding in other ways for our community.

[3:34:18 PM]

You know, my point here today, my main point is going to be that this marketing budget is -- you know, a lot of it is about, you know, filling up our hotels, which is good. We have folks coming to our city, spending money here, that's really good. But, you know, those hotels, they have workers, housekeepers and maids who in Texas, earn about \$9.41 per hour. You know, that's not a living wage. And so my point is, if we're going to use that money to fill our hotels, then I think we should ask those hotels to pay a living wage to those workers. And I was at that public hearing back in August about the expansion of the convention center and learned there that a lot of the workers in the hotels and tourism live in south and east Austin. So those are people who live in our community, and we know how hard it is to live in this community with housing costs going up, and yet they're faced with these low wages. So I think that we shouldn't ask that they promote \$15 per hour, if we can require that, I wish we could. I don't know that we can, but I wish we could put that stipulation in. So those folks can make enough money to stay in our neighborhoods and stay in this city. And, you know, a quarter pounder with cheese cost about foif .49 dollars so they can barely even -- \$5.49, they can barely buy two quarter pound -- two quarter pounders with cheese. That's deplorable. These luxury hotel, they charge two or \$300 or more per night, especially when we've got lots of conventions going on, lots of tourism going on, it's more than that. So I think it's only fair that they share some of that revenue and that money that they're getting with their workers that are working so hard. And also, that these workers are allowed to join unions and they're not inhibited from doing that if they choose to do that.

[3:36:23 PM]

And then to ask them to promote environmentally sustainable -- [lapse in audio] -- I think that's important, if we can encourage that and inform them about hour valuables in terms of our environment, and give them information about our requirements, particularly for events and to protect our environment so it's sustainable over the long-term, and it's a beautiful place for them to come back to. Thank you very much.

>> Mayor Adler: Thank you. Next speaker is Lance stump. Is Lance stump here? What about Steve stemption? Gone? I'm sorry. Come on down. Jason Mcneilly is on deck.

>> Good afternoon. My name's Steve sternshine. I'm the president of the red river emergency situation, the owner of empire garage in the red river culture district, and I'm here in opposition of the ACC V budget as it stands. I'd like to see -- and we'd all like to see additional funding for heritage and music tourism specifically in our district, but also around the city as well. The red river cultural district is a cornerstone of the music echo system that we have here -- ecosystem that we have here and that we're also proud of. The venues on red river need help, they need the help of our council and our city to continue to exist and continue to do what they've been doing for the past 20 years, I guess I would say.

[3:38:32 PM]

And I just hope that -- I agree with the comments that mayor pro tem made earlier, and I hope that we can sit down with the acvb as a community and try to figure out some ways to direct some funding and some resources towards bringing more tourism and more visitors to our district, and I think I'm going to donate the rest of my time to shocka Mahoney when he gets up here in a few minutes.

>> Mayor Adler: You have to use up all your time. You don't have to, but you can't use part of your time and then give it to somebody else.

>> I would say thank you for the announcements you made earlier today, hopefully that will be a help to us in the red river district.

>> Steve, nobody's perfect, but I want to thank you for what y'all do at empire, because I do think there aren't enough places that showcase our local Latino talent and hip hop talent, and what y'all are doing in Austin, I think, is really important for a lot of young folks that are having trouble finding the kind of music that they want to see highlighted in the city. So thanks for what you're doing.

>> You're welcome. Hopefully we can continue to do that for the foreseeable future.

>> Mayor Adler: Thank you. Is bill bunch here? Is Jason Mcneilly here? And then Chaka Mahone is on deck.

>> Hi, I've never spoken before the council before, so I'm a little bit nervous, so bear with me.

[3:40:36 PM]

I'll try to be quick and to the point. My name's Jason Mcneilly. I'm a member of the red river association. I'm also an owner and operator of two music venues in downtown Austin, bearra bearra -- bear -- baricuda club and others. I'm here today to oppose the acvb budget as it currently stands. I believe it's important that at this point there's more support in live music tourism sector, and more attention is given to the red river district. The cluster of music venues on red river are vital to the arts ecosystem in Austin, and it attracts tourism to our city. I hope that this -- [lapse in audio] -- Thank you.

>> Mayor Adler: Thank you. Chaka Mahone? And skeeter Miller is on deck.

>> How y'all doing?

>> Mayor Adler: Good.

>> I represent 1/2 of riders against the storm. Austin chronicle band of the year the last three years in a row. I moved here six -- almost seven years ago to pursue my passion, pursue my dream of being a musician and being an artist. The red river cultural district is important to me because it was the first place where I received opportunity to perform downtown when I first got here. A lot of the venues were not available to my genre, which would be hip hop, and we struggled to find places downtown where we could perform. So we took our talents and our abilities to the east side.

[3:42:36 PM]

There was a space called the arune center cultural arts on Austin's east side, on cedar avenue and we slowly began to develop our community there. That building is no longer in existence, but a place called plush gave us an opportunity, James Taylor, a place called the beauty bar also gave us an opportunity that's no longer there that's now what's called the -- what's it called? Something house. I forget. Scratch house, pardon me. And these are the places where I was allowed to create my community and create my opportunities for myself. As ann 10ty as riders against the storm, we have received funds from the city to create our own festival. Over 800 people attended our festival this year on Austin's east side. Our party body rock atx which is now housed at empire control room and garage, would not have the opportunity to grow if it was not for empire. Unfortunately a lot of -- there's not a lot of spaces on the east side where a party of six to 800 people can come together. This party is not just a party, it's an opportunity to celebrate life, it's an opportunity to celebrate freedom, a lot of people come there and experience -- have healing experiences Beuse our intention is not Justo have people come out and drink, but our intention is to actually build community through music. And the red river cultural district, for me personally, has meant that I can live here, has meant that I can survive here as an artist, and I agree with what mayor pro tem was saying, that we need to figure out some ways to be creative. Now, I've also done events, I've been hired by the Austin convention of visitors bureau as well, so I don't want to act like they are not doing things for artists such as myself, but I also do feel like we have to be creative and find ways for the red river cultural district but also the heritage and culture that is not as represented in this city to find ways to find money for them, for those organizations and attar -- artists as well.

[3:44:50 PM]

Greg, it's good to see you. Greg was one of the first people to come to our parties, we don't see him as much now that he's on the city council, his hair used to be more wild. He thank you. I appreciate you.

[Laughter]

>> Mayor Adler: Honorable mayor and councilmembers, my name is Skeeter Miller. I've owned and operated the county line restaurants for 40 years and I'm pretty proud of that fact, and I'm the immediate past president of the Greater Austin Restaurant Association which I served from 2012 to 2016. The Austin Convention and Visitors Bureau is a driving force behind, and a big reason behind this city's hospitality industry and the reason it's thriving today, bringing new visitors and conventions to Austin supports our businesses, creates thousands of jobs, and in turn tax revenues which support this great city. The ACVB works not only to bring visitors and conventions today, but they're working now to bring conventions and visitors in five years from now, 10 years from now, and 15 years from now. Any slowdown in ACVB promotion because of budgetary shortfalls may not be felt today but will be felt in the future, which is detrimental to our business. I've closed 15 county line restaurants in 41 years, so I certainly understand what that impact is. I approve agenda item no. 6 today, and I hope that you would fund it in full and leave it to the task force that you've talked about to decide how that money is going to be split up. Thank you.

>> Mayor Adler: Thank you.

[Lapse in audio]. Is on deck.

[3:46:57 PM]

>> Thank you, mayor, councilmembers, I'm Zanobi Joseph. My comments are specifically related to tax code 351. I want to call your attention to the definition, at least there are several items that specifically relate to the requests that I want to make as it relates to literacy, education and creating a book for the Dietrich Hamilton house. And one of the definitions is in section 351.101, and one of the uses of the tax revenue are the hotel occupancy taxes is no. 4, to encourage the promotion, improvement and application of the arts including instrumental and vocal music, dance, drama, folk art and creative writing is specified, so I wanted to point that out. No. 5 is historical restoration and preservation projects, and I wanted to ask you to recognize that that specifically relates to actually creating a book of some sort. And one of the reasons this came to me, mayor, is because on Sunday, it was Austin Museum Day. I went to the Austin History Center and met one of the descendants of the Dietrich Hamilton house. And as we started to talk, we actually were there for the mini series, it's the East Zone, the Sixth Zone, I'm not familiar with them all that much, but I did watch the four mini docs, and specifically, it's too contemporary. I actually worked on the Austin Past and Present project in 2006 with other educators, and that DVD exists in every Austin public library, but we do not have the materials, the books, the go with that particular DVD. And if you're familiar with State Board of Education, you know that in 2010, when it came to the social studies textbook adoption and African-American history, we were venerated there as well. It was so contentious that they didn't even want to put President Obama's name in the book. And so what I'm trying to get across -- you to understand, and I do applaud your efforts on September the second, I know you promoted students going to school, but one of the reasons they're disconnected is they do not see themselves in the textbook.

[3:49:17 PM]

I can tell you specifically in the grade 4 textbook, there are only three African-Americans. So when you're trying to teach the students about their history and the books are not there, then that is problematic. And so I'm simply asking you, and my opposition is because we don't want to be cloaked into some category with advertisements, we need to have monies ear marked and specified for the Dietrich Hamilton house specifically because that was eminent domain. I'll just read specifically from the backup materials, the marketing plans specifies reduced media outreach for -- it will minimize the ability to directly target key opportunity segments like the LGBTQ African-American and hispanic audiences. And without seeing the actual dollars that go along with what they did in the past, I can't support what they say they'll be diminished in doing in the future. If you have any questions I'll gladly answer them at this time.

>> Mayor Adler: Any questions? Thank you.

>> Thank you.

>> Mayor Adler: Maggie Lee and then faddy Mcmann will be next.

>> Hi. Thank you, mayor Adler and mayor pro tem and all the councilmembers for hearing our concerns today. My name is Maggie Lee, I'm a board member on red river cultural district. My partner, Tamera Hoover and I own the venue chair of charlies located on red river. I've been part of developing the music scene since I was in my second year of college at UT, when I joined the radio station club at the university. I don't perform live music, but I'm fluent in a few instruments and I love to keep up with local live shows. I've attended at least a show a week since I was 19 years old, so that's a good almost 15 years of doing that, and I came here to go to school, but I stayed here because of the live music scene. The rest river cluster has been incubating bands for 40 plus years.

[3:51:21 PM]

Chair of charlies ourselves, we started as a small bar with live music in east Austin, and Tamera started the bar because she wanted a safe place to blend her love for live music and lgbt spaces. We were -- sorry, I just lost my place. Sorry about that. We had to move -- we were forced to move -- [lapse in audio] -- Spot on red river, which we felt was a safe district for us to move to. But running a venue on red river downtown is not always as lucrative to pay all the bills. Our cost management are at 95%, tab taxes, production costs and paying musicians fairly. And we feel like we need people to hear on the radio or TV commercials or other Austin city avenue that red river is destination just like sixth street and

other places downtown, and we're open and we offer local quality live music nightly. Sometimes I feel like there's a lot of promotion on the new fancy high-end restaurants or ads for the tourism section, but I think the city should be making red river a prime destination for visitors outside of the south by southwest festival. This sounds like a madeup story but it's not. We actually have customers come up to us, to our venue, chair of charlies, they stumble upon it and they're like wow, I can't believe I accidentally stumbled on this street or this place, I wish I had known about it. Why isn't this in the tourism section so I can look for it. That's happened to Tamera and myself a number of times at the venue at night, so Tamera and I feel like it's very difficult for us to build upon our work when we don't know how long we will be at a space each time we are at a space. We don't want to waste money bringing in touring acts if we aren't sure how much longer we will survive as a venue.

[3:53:29 PM]

It's difficult for us to promote towards our lbgt community when we want to raise our prices. Sometimes we just want to raise our prices a dollar, and they'll say it's become too expensive. Basically, we oppose the acvb budget as it stands because we would like to see avcb support music and tourism on the red river. We'd like to see them work with the economic development department on initiatives department on issues that support existing music and heritage.

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Thank you very much. And then Scott Johnson will be the last speaker up.

>> Good afternoon, it's niets to see everybody again. So I am here, of course, as a cofounder of Austin justice coalition along with the executive director of counter balance atx. I've been listening to everybody and I just got back into town earlier this week and some of the things black business owners are talking about is the fact of them being on the website. There's not a really big push for the lack of invitation for back people to come into Austin. I just went to the visitor's website to try to see if I could find a barber or someone to do my hair if that was something that I wanted to do as the African-American person, that's really, really hard, right? If you're going to talk about putting money into the heritage fund, I would really like to see organizations like the black women in business which is an org saights in Austin that -- organization in Austin that houses a lot of black businesses here. I listen to the individual talk about who he's going to reach out to, I heard the NCAA, they're a political organization, they're not a business organization. They don't know some of the black individuals that exist and some of the black individuals that would love to have people come visit them from different places when they come into Austin.

[3:55:33 PM]

So being able to actually have funds that will go to the heritage part that is specific and works with individuals in the community that do the work and will be affected the most, sometimes it seems to me a disconnect when we start talking about how we're going to get money to those groups and organizations, so it's being able to look at not just the Dietrich house, but like the victory grill, right? That could be considered a historic site, and that's the one site on the east side that actually has a stage, it has a restaurant in it, it's a place that would love to receive money and could actually be on one of the historic tours, but, you know, having people think about, you know, who is out there doing the work, what organizations are connected to all of the other organizations would be awesome, thinking about the 12th -- the east 12th district, they actually have a business group, because they're trying to get more businesses to be alive on east 12th street and Chacon, so, to me, yes, having money is amazing. But what do you do with the money and who are you talking to about who needs the money and how that money will be spent is also important. So not just saying you're going to give this money to these sectors, but being able to say what organizations are you reaching out to? Are you reaching out to Latino chamber of commerce? There's so many organizations and -- [lapse in audio] -- To get these demographics in this city. I think should absolutely be taken into consideration just based off of the conversations and the information that I heard today. Thank you.

>> Mayor Adler: Thank you. Scott Johnson?

[Applause]

>> Good afternoon, mayor, mayor pro tem, councilmembers. It's occurred to me for some years that the convention and visitors bureau has an opportunity to do what other cities have done such as San Francisco, we tend to chase them instead of chasing us on sustainable initiatives. They have a sustainable tourism plan that's in place for several years since mayor Newsome was there.

[3:57:34 PM]

What we have right now are different plans and strategies such as the climate plan, and I can't tell you if that plan connects directly to tourism or not, but it's a question for the office of sustainability. What I do know is that there are opportunities for people that come here or people that are leaving here and coming back to know that we care about this effort. And back six years ago, I reached out for the aviation department, and we used kiosks within the airport to put the carbon calculator that existed at that time, so people could offset or actually calculate their carbon, then they have to go to another sight to offset it. That doesn't exist anymore. It does exist on boingo which is the wifi program you can reference in it, but the calculator is not as good as the original one. Next slide, please. Or next website, please. So other cities in other countries have cared about this, there's a global sustainable tourism

council criteria. If you scroll down and look, there's one for hotels, destinations, there's different criteria that the city of Austin could adopt through one of their partners, the ickley partnership or another partnership that we have that will help us do better in this way. And believe me, I'm a big fan of the convention center, which the city owns. They're a shining star in terms of green building standards, and there are other initiatives that could be tied to this directly. Next website, please. So what this does, you can't see it too well with that scrolling there, but if you look down at some of the objectives, you want to appreciate the benefit and problems arising from various forms of tourism under objectives, especially in terms of social equity and the environment to develop critical awareness of the ways in which tourism can enhance the welfare of people, and San Francisco directs some of these dollars to projects within the community.

[3:59:42 PM]

Enhance the welfare people and protect our natural and cultural heritage which I know they're doing through music based on what was said earlier, trying to do through music. Also trying to promote a personal connection to tourism. Environmental quality and finally to plan ways of teaching about sustainable tourism. We're going to try to do that through the park task force, the park event task force, to try to message more robustly than we're messaging now, and I've been involved in those discussions. So there's opportunities. And what I'd ask is if you could suggest to those folks before this contract is finalized to consider sustainable tourism to incorporate that into what they're trying to do now. Thank you very much. Questions?

>> Mayor Adler: Thank you. Thank you very much. Thank you, councilmembers. That gets us back to the dais. Maybe in the comments that you make, you can -- let me tell you what my -- go ahead and make the motion.

>> Mayor Pro Tem: I was going to make a motion, and then I'd love to hear your comments and then I'll speak to my motion, if that's all right.

>> Mayor Adler: Yeah

[inaudible speaking.

>> Mayor Adler: Go ahead. Make your motion.

>> Tovo: Are you sure? I'd like to approve the resolution adopting the acvb20 between-17 budget setting the city's contract payment with direction to allocate the additional 3,000 as outlined in my motion sheet, though I'm going to make one change when I read that and authorizes the city manager to file the approved documents with city clerk.

>> Mayor Adler: That was 300,000 as outlined in your motion sheet.

>> Tovo: Yes, but I'm going to make a change based on the commentary where I start. That's where we start I may amendment that.

>> Mayor Adler: Is there a second to this motion.

[4:01:45 PM]

>> Zimmerman: You said.

>> Tovo: If I said thousand, I meant million. 14,007,733, thanks, councilmember Zimmerman.

>> Mayor Adler: Is there a -- [lapse in audio] --

>> Mr. Mayor, could I ask a question?

>> Mayor Adler: Yes.

>> Kitchen: I'm trying to understand the sheet that you passed out. Is your motion the entire sheet or is the language below what you just read, is that part of your motion?

>> Tovo: My motion includes as much of the motion sheet as we're allowed to do today.

>> Kitchen: Okay.

>> Tovo: Let me just apologize, I know I've sent three sets of documents down the dais, and it's a little bit different than the budget direction I introduced last week. Part of what's going on here is that there are -- this is a really complicated issue. And the funding and our agreements exist in a lot of different places, and my staff has -- have worked with Mrs. Stephens of the convention center and multiple people, we've been going back and forth really some last week and then all week, and we only determined today that some of this can be achieved today, some of it really needs to be achieved through a budget amendment. It's my understanding that the last two bullets have to be achieved through a budget amendment. That we would be prepared to come back with. But I would ask that my motion at the moment is really specific to the allocation for the acvb, but it does certainly include one, two and three which are specific to the acvb. So I guess I would ask that my motion -- and I'd be happy to read that, but the motion that I just made be expanded to include the entire motion sheet understanding that the final two bullet points are -- will have to come back as budget amendments, and that three and four -- excuse me, four is direction to the city manager.

[4:03:49 PM]

>> Kitchen: Okay. Then Mr. Mayor, my proposed amendment is to number three. And I would just be suggesting that the semiannual update also be -- also be provided to the full council.

>> Mayor Adler: Do you have a problem with that --

>> Tovo: I'm happy to set that. Councilmember Kitchen, do you think that it makes better sense for the discussion to happen at the full council, but you won't want everybody to receive a copy.

>> Kitchen: All I mean, all I want is everyone to receive a copy of the update.

>> Mayor Adler: With that, the amendment is made. The first thing this is accomplishing is it's saying that all of the increase in the hot tax money shouldn't automatically be swept and go to the acvb. And that there ought to be a discussion each time on how that money gets used, rather than just being assumed that it goes to the acvb and I agree with that and I think that would be an important thing for us to do as a council, so we can wave priorities. This sends that message. It also does two other

things: This decides, then, how much of the hot tax this year should be diverted, and then it does a third thing, which is it decides where the money to be diverted should go and what its use should be. And as we sit on the dais, I -- I have trouble doing the last two of those, because I think those are really big lifts and involve lots of issues and lots of different kinds of choices. And as I sit here, I'm -- I'm not prepared to be able to say of the extra -- of the additional 2 million or \$4 million, where that should go.

[4:05:56 PM]

I don't remember who it was that brought the resolution up to have the commission that would have a group of people meeting and we talked about a wide group of people that would be on the commission that would look, I would think, at that question in terms of how much should be diverted and where any money diverted should go. I guess it could even look at direction to the acvb on the money that wasn't diverted that they kept, how it should be spent, what the priorities should be. And I'm really anxious to see the work of that commission and that wide group of stakeholders to weigh in and give us advice on the question of how much should be diverted and where should it go. The second reason -- and I would like to wait for that commission to do the work. The other thing is that the -- secondary issue is that we're doing it kind of midstream. So we have an organization that was operating under the rules, which said that the money that gets swept would be money that you would get, they could look at their revenues coming in and they could make decisions and choices -- [lapse in audio] Audio] -- They would take half of that increase or more and invest it in this pma convention, which we hear is the mother of all conventions and brings tremendous things, but having made that decision then, now we're coming back in and making a significant cut in a budget when they've already made the decision and made decisions associated with that decision. So I guess, for me, I really like the main point, that I think you have championed and shown leadership on with the council, which is to say that this is a fund that shouldn't just automatically go one place, that we should have input in that, and we can weigh priorities.

But I'm -- but I'm not with you on the next two, which is to make a decision on how much should be diverted and where it should be diverted, probably until we hear back from the body that we set up to do that.

[4:08:10 PM]

>> Tovo: May I lay out my motion, mayor? I appreciate those comments. I would -- I don't want to be a broken record on this, but I just want to be really clear, today is the day that we approve their budget. I appreciate that they looked at their revenues and presented a proposed budget back in June, but today is the day we approve their budget, so it is not, again, as I've indicated, we are not cutting their budget. They are getting -- they are getting the same amount they got last year. So it's not clear to me whether you were suggesting that in the absence of the task force's work that that money flow to the avcb this year or not?

>> Mayor Adler: Well, at this point, I think that's what I would do.

>> Tovo: I just wanted to clarify that.

>> Mayor Adler: That's already been set in motion and I would do that pending the work of the commission. Leaving open the possibility of when the commission came back from their work, there might be something alternative that we might do at that point, but, yes.

>> Tovo: Okay. Thank you. So my motion, again, is to do what I've said, to allocate an additional 300,000 over what we determined on September 1st, and we can certainly talk about that number, if it makes sense to allocate a bit more, given the testimony we heard, I think that's -- I think that's certainly a discussion we would have. It would allocate that 300,000, though, to the tourism and promotion fund for heritage, tourism and marketing. I'm really here to hear Mr. Nunan's intention to really create some new tours. I don't see that in the marketing plan, but I understand as he explained, he's new, these are new initiatives, I think they're right for Austin and exactly in line with the discussions we've been having with the parks and recreation department. We definitely want to see some of those -- some of those new tours. I would add to the language that is on my motion sheet, I think I heard Mr. Nunan say that if we do not allocate the full \$1.9 million, that they would be cutting the 200,000 they currently spend on heritage tourism, so I would add the language in addition to the existing 200,000 that is already in their budget.

[4:10:17 PM]

Under no. 2, it talks about the acvb working with expvik development department to explore hot funding opportunities for existing or future heritage districts such as the red river and the African-American heritage districts, I see the funding for that coming out of no. 6. So those efforts, and I would hope that they could happen quickly, would come out of no. 6. And I would just say, you know, these are not new needs. The red river cultural district was a resolution that started several years ago at council, and we still are lacking the funding to really bring that to fruition, so I appreciate that we have a task force soon to be set up, and that they're going to do some work and make some recommendations, but in the meantime, I think we should put this money to work for -- for the community in some of the ways that have already been identified. The next is about the audit. The city manager, no. 4, the city manager being directed to work with park to identify projects. As you know we talked on September 1st about looking at our city budget to look at what is currently being funded through general funds or other funds that could be eligible for hotel/motel tax. We got back information that suggested there was very little in our existing budget that could be funded through hotel/motel tax. So I think we need to continue really pushing on that discussion. But just in looking at the cip budget within pard, it is my understanding that, for example, the oakwood cemetery, which we funded -- we appropriated \$1.3 million, that that would have been an eligible expense, pard cip plan includes work, and I'm happy to put any of these documents up on the screen, includes the Elizabeth nay, the Susan -- [lapse in audio] -- These have dollar figures attached to them, at least a portion of which would be eligible for hot tax funding.

[4:12:30 PM]

This would not result in dollars being displaced from our general fund, but it would displace cip projects. So here we've got -- we've got this money that we believe is eligible, that we could spend in some of these areas, and I'm asking for us to go ahead and do that. Pard, in going back and forth, we did -- could not land on an exact number which is why the language in my motion that the city manager is directed to work with pard in the cip plan. That's work, were we to pass my motion sheet, could happen in advance of the task force. We know there are projects, we know they are eligible for funding, or we believe they are, and this is money that could be put to work on those projects. There are so many very confused faces up and down the dais. That I think I'll stop there, though I have some more to say about this.

>> Kitchen: So on item no. 4, so I'm just wanting to understand the scope of that, I absolutely support identifying additional projects through pard that could potentially be eligible, but is the intention here to both identify them and fund them, or to identify them, bring them back to us and have them choose from them to fund? That's -- in other words, I'm -- I'm not sure -- by this motion, are we actually funding them? And if we are, I would like to know what they are.

>> Tovo: They'd have to -- mayor?

>> Mayor Adler: Go ahead.

>> Tovo: It's my understanding, really, that anything -- all we're posted to do today is determine an allocation for the acvb. Any other actions require budget amendments. So any of these things would have to come back. So 6 is really -- we have \$1.999200 million. \$1,999,211. 300,000, I'm suggesting, we allocate that to the avcb to increase their heritage tourism for this year.

[4:14:36 PM]

I can see next year increasing it a good deal more and having that flow through the acvb. But I think the increase what they're currently spending to 500,000 is encouragement this year which the direction that they work with pard. I'm going to allow councilmember Casar to talk about 5, that's something he's prepared to speak to. That would take us down a little bit more. And then the remaining monies would be putting into what I'm calling a historic preservation fund, but it's really intended to fund projects such as the red rifer -- river cultural districts and other opportunities that will come up. We know that Travis county has indicated they want to look at the fate of the palm school, for example. And that's a process they have underway. That is an expense that I believe would be eligible through motel/hotel tax. If we have no money in this fund, we wouldn't have the opportunity to potentially move on that.

>> Kitchen: Mr. Mayor, can I follow-up or -- I just have more questions, but --

>> Mayor Adler: Okay. I -- okay.

>> Kitchen: So if I'm understanding what you said correctly, the math comes out to -- we're starting point is like 1.9 or so. You're talking about -- about 500 going back into the budget, which leaves approximately 1.4 or so, which is the amount that would go into this fund under no. 6? Did I get that part right?

>> Tovo: Not exactly. The motion that's currently on the table, though it's up for discussion, is to allocate 300,000 back. That takes us to 1.699211.

>> Kitchen: Okay.

>> Tovo: And then 5 would allocate a specific portion of that for a specific project. But basically, we're talking about 1,699,211.

>> Kitchen: Okay. And that number 6 includes nsh four?

>> Tovo: Yes.

>> Kitchen: I would -- if that's what we're going to do here, or -- if I'm understanding correctly, we may have to do that later.

[4:16:39 PM]

>> Tovo: Yes.

>> Kitchen: Because it's a budget item.

>> Mayor Adler: Right.

>> Tovo: That's right.

>> Kitchen: My concern right here is similar to the concern that the mayor raised, if we're going to allocate additional money, I think we need to know what that's for and have the opportunity to discuss it.

>> Mayor Adler: So I would

do this: I'm going to propose an amendment to what you have, so that we can just surface this issue quickly and then we'll know which fork down the road we're going. And I would propose that we take -- of the 1,999,211, we take half of that and give that to -- [lapse in audio] Audio] -- Budget that they had prepared, recognizing it's going to require a million dollars in budget adjustments. Then we take the other half of that money, the other just under \$1 million, and we hold that in reserve at this point, pending the work of the commission. So we could come back to us around it could say spend the money on historic preservation primarily, as this does. Or they could come back and say spend it on heritage preservation, as this does. Or they could come back and say spend it on community grants to fund the projects, or it could come back and say spend more of it on the tourism and promotion fund. I'm just not comfortable doing that now. So I would propose we give them half the money, we reserve half the money and we look at what the commission comes back in terms of recommendations to do that. So is there a second to that motion? Mrs. Gallo seconds that. Is there discussion on the amendment, Mrs. Kitchen?

>> Kitchen: I'm -- I'm a little bit ag not tick about how much we reserve and how much we -- agnostic about how much we preserve and how much we hold back. I do agree with the rest of the process. I don't remember when that task for is supposed to come back to us, so I don't have an idea of the time frame.

[4:18:39 PM]

But I do think it's important to put the dollars in reserve, because I don't feel prepared to determine where it should be spent at this point.

>> Mayor Adler: Mr. Casar?

>> Casar: So at this point, I don't think that the mayor pro tem's motion is necessarily to spend it yet on those things. Your motion, if it's my understanding, is just really setting the acvb budget and how much we hold, is that correct, mayor pro tem?

>> Tovo: Yeah.

>> Casar: So I think just from the back and forth of y'all's questions is my understanding is we ak actually -- it seems to me that really what we're debating is the question you said you're am biff leapt about, which is Darren -- am biff lant -- ambivalent. We're actually not moving that, is that correct, mayor pro tem?

>> But we are.

>> Tovo: We've talked about both of those things. And I'm happy to do it either way. But I will speak to why I think we -- anyway, it's not my turn to speak. But I'm happy to do it either way.

>> Casar: That was the question.

>> Tovo: The main thing is to allocate the money to avcb.

>> Casar: That seems to be the primary question and I'm comfortable at the amount the mayor pro tem listed. I think the ideas on this part of the sheet are useful to me to know what things we might dedicate the money to. It's always useful to kind of compare and balance idea, and if some of these dollars could be -- go towards parks that fit into the use of hot, could go into -- you know, we spend a lot of time in his budget trying to think about what we could use hot tax. An interesting idea from the community was why don't we put some of this out there for community members with creative and innovative new ideas to come up with instead of just our limited council staff. And then finally, you know, what's been brought up by folks in the red river district and other cultural tourism, I think is important.

[4:20:44 PM]

So if it's -- I feel comfortable for now with the amount laid out by the mayor pro tem and then not necessarily designating those budget dollars today, but if it's for these sorts of things as described, then I think that's a good starting point, and I don't -- I would -- and I don't -- and I already feel comfortable with that, because those are already existing council priorities. And if this task force comes up with new interesting priorities for us to pass resolutions on, that's great. But it seems to me that red river and the African-American culture district and these cip things and community pilot probabilities, I already feel -- projects, I already feel comfortable with that. I'm not necessarily ready to designate a certain amount of funds to each of those

things. >> Mayor Adler: Mr. Zimmerma N.

>> Zimmerman: Thank you, Mr. Mayor. I'd like to speak in favor of your amendment. As I understand your amendment, it's pretty straightforward. We're going to put a million dollars back in the acvb budget and the rest of the money, we're simply not making a decision. The version 3 of the mayor pro tem's motion, I am looking at version 3 and it says specifically in 4, city manager's directed to, and 5, it says the city manager shall set aside, and in 6, it says the city manager is directed to. So it's that specificity that I'm taking out at this point and saying we put a million dollars back in and we make a decision later about the rest. And as a time check, I think it's 4:21. We've got a long night ahead. So I -- [lapse in audio] --

>> Mayor Adler: A million dollars goes back. When you first asked me the question, what would my preference be, my preference probably would be just to pass the resolution that was in the book because that's what they based their budget on, that's what they've done their planning on. And I recognize we approved the budget now, but they planned the budget based on the rules that I think it was reasonable for them to assume would be in effect, and they've made business decisions based on what I believe was a fair presumption for them to make.

[4:22:58 PM]

But by way of compromise on that, I would give them half of that, or a million dollars back, and I would say, this is a million hit to what you presumed to be correct, I believe fairly, you have a million dollars back, and then let's hold the million dollars until we can give that direction, as you describe, or not, depending on what information that we get. But if we pass this the way that it is, we're taking \$2 million, not just 1 million. We're taking \$2 million out and we're reprioritizing with at least with respect to \$300,000. So it -- and it may very well be that's the right place for it to ultimately go, I'm just back to where we were in the budget process, too, and it just doesn't feel right to me. So I had thought what I offered was a fair compromise. They don't get the \$2 million back, they get \$1 million back, deal with that as best you can. I would say, and then put a million dollars -- but not direct it until we had more different people coming to us with competing priorities, I guess. Further debate or discussion on my amendment? Mrs. Garza?

>> Garza: I would be open to the mayor's amendment, if the million that we give back is specifically used for music and the cultural heritage marketing. If we could direct that million, I would prefer that, than just -- because I think -- I guess my frustration with acvb is it's -- I feel like it sells a picture of Austin that many of us don't see. We see a different picture of Austin, and so I think this is where we control those priorities with the purse strings, that's how we control where we think the priority of the budget should be going. It's interesting to hear about, you know, tours in rosdale, and I'm just thinking of like double decker buses there, and I don't think that neighborhood wants that, but I think there needs to be a

reprioritizations of our music industry in this budget, and our cultural, so I would be open to that amendment if we can direct that million.

[4:25:26 PM]

>> Mayor Adler: Tom, would you come up and explain how that might -- what the practical effect would be, or the ability to work with what it was that councilmember Garza suggested.

>> Well, first of all, I'm a little confused because I know we have a big music cultural hotel tax fund already, \$10 million already that's being dedicated towards those uses. I came up here today to talk about the additional diversity marketing and LGBT marketing that I wanted to do, if you're telling me you're going to include those into that buckets that you're talking about, that's where I want to spend those dollars. I want to do this increased diversity and increased LGBT marketing. I look at what might happen this next year if you think about our state legislature, what happens in May if they pass a bathroom bill? What do we do then. It's a real concern I have and a real concern the tourism industry have. I'd go to think about how I'd create a larger more robust LGBT campaign in midstream this year that our reputation could be damaged like North Carolina, like Georgia has been, like Indiana has been. So, you know, again, we talked earlier about PMA. So I will spend dollars on music. So come back and offer a plan.

>> Mayor Adler: Here's the question, because it wasn't telling you how to spend the music -- how to spend the money on music, it wasn't telling you you had to spend it on the things that the \$10 million is eligible for, and it wasn't telling you you had to spend it all on cultural heritage or how you spent it, and it didn't tell you how to divide that. I think what councilmember Garza was saying you get the million dollars but we want that million dollars to be spent on music and cultural heritage. And I want to know if that's something that gives you flexibility within your -- if you were already going to spend it on those kinds of things, then it becomes a very easy answer to the question.

>> Well, again, I do want to spend more on diversity advertising and marketing for Shur, and LGBT marketing for sure, and we have a plan to spend more money on music, absolutely.

[4:27:27 PM]

>> Mayor Adler: Is it to the tune of -- [lapse in audio] Audio] -- So the question is within the universe of music and cultural heritage monies, if we said we're going to give you a million dollars, you decide how you're going to spend it.

>> Mayor, if that's what this council wants me to do, I'll find it and make it work.

>> There is a 15% cap on those cultural dollars so we'll have to work within the state law confines.

>> Thank you.

>> That is our issue, with some of our funds is that there's 15% that's already dedicated to cultural art, so we have to be very careful how we spend our funds because we're all right at the state maximum for those. So a lot of the things that have been brought up are things that we want to do but we might not be able to do. But I think we absolutely want to work with the council to determine the best priorities and how do we do it legally.

>> Yep, that's right.

>> Mayor Adler: So I'm almost tempted to say again because we're now doing this from the dais and he's now adjusting his budget from the dais, I would almost be inclined to give him the direction to say if we gave you a million dollars and held it in reserve a million dollars, what would you do with that, and then let him -- you can spend it all on music and cultural heritage. I mean, I'm just uncomfortable with that -- I don't know where to go really. Mrs. Houston?

>> Houston: Thank you, mayor, and I appreciate the conversations. I keep hearing money going back to the music. And we've got a big huge pot of money going to music already. I don't hear anything about performance bases and creative arts kinds of things and association, and so that's -- those are the off-center, which is going to close pretty soon, rude mechanical, those small cultural performance spaces need to have some of this advertisement, and they're not in this book. And so if we can put a million dollars back in and they look at cultural heritage tours or -- and including those kinds of creative arts things that are not ever mentioned as a part of the heritage -- I mean, of the Austin visitors and conventions bureauch I would be willing to support that.

[4:29:46 PM]

But I can't have it go back as just a million dollars back in your budget because I'm seen what the advertisement looks like now and I can't support that

>> Mayor Adler: Is there a description for how million dollars would be used that the council could direct that's consistent with the conversation on the dais that works for you?

>> Well, I understand there's a need for more grant dollars to be spent, correct.

>> Yes.

>> I would ask councilmember tovo to ask have either here chief of staff or committee members to serve on that, because now I've got to figure out how to spend \$5 million. We're not saying we won't do. We have to work on that. I'd like to spend additional dollars for diversity, including collateral for all

those different segments. I want to do that. I will work on generating more dollars for music that fit within the legal limits of the law so we'll definitely commit a plan and come back to council with that, how we would do that. It's just hard to do it today. I'm doing this from the dais today. This is brand-new information for me today so I have to look at my team and figure out how we do this.

>> Mayor Adler: Mayor pro tem.

>> Tovo: So if I could, I want to clarify the 300,000 -- this is where I think my motion sheet is helpful in providing some direction. I too am willing to support allocating a million back to -- or a million two, allocating a million beyond what we agreed to, to the acvb with direction on how to spend it. And so I would just point to one and two on my motion sheet for some guidance. I understand and part of why this talks a lot about historic preservation and preservation districts is because cultural arts is at its max. However, we're 9,800,000 away from being at our max for heritage tourism so we could absolutely bump up our marketing the heritage tourism which I think fits very well into the diversity marketing mentioned.

[4:31:50 PM]

So I would suggest we do ask them to intend that 1 million on I'm sure one and two, which I think captures a lot of what we talked about here. It talks about working with the economic development department to look at the heritage districts. It talks about creating a coordinated marketing plan and tourists for city-owned resources, for other resources, and I would, you know, add the additional direction particularly to diversity marketing lgbt marketing as well, I think providing those are the kinds of things we really want to see. I would expect known see in that audit in the report back to audit and finance really some congreect details on how those -- how that money is being spent, the new towers that are being generated, the ways in acvb is directing visitors to other businesses and directing people toward those businesses. We had great suggestions from our audience here today.

>> Mayor Adler: Mayor pro tem, let me see if you and I -- maybe we could agree -- suggest something to them. It's a million dollars in additional fudged above what we had said before, million dollars to be held in reserve pending the review of the commission. Your point number 1, by way of direction, is included. Your point number 2 by way of direction is included. We're including new three or 2a that speaks to diversity marketing along the lines that has been discussed. We keep in number 3. We keep in number 4. And for our purposes right now, we drop 5 and 6.

>> Tovo: I thought we were simply talking about the allocation to the acvb and I wasn't suggesting we necessarily keep that in reserve. I would be comfortable allocating that funding today with that direction and asking for some report back at midyear as to what their plans are for spending it.

[4:33:54 PM]

>> Mayor Adler: What were you thinking in terms of the \$2 million.

>> Tovo: That's the 1 million I thought your motion amended mine to allocate not 300,000 but a million to the acvb for their work this year. And it would encompass 1 and 2 on my sheet with the additional direction we've provided about diversity marketing and lgbt Q marketing.

>> Mayor Adler: Can we --

>> Tovo: I wouldn't hold it in abeyance. I would actually make that allocation today and --

>> Mayor Adler: I'm just not following quite yet. We have \$2 million. We have a million 999. You're saying --

>> Tovo: I'm just talking about a million of it. I wanted to talk about the 999,211 in a few minutes.

>> Mayor Adler: Okay.

>> Tovo: My motion was about the acvb allocation.

>> Mayor Adler: Okay. We can divide that question. We have a million dollars that goes back to the acvb. What I would like would be just to give three -- I would take out the three hundreds number so they could take a look at what the appropriateness of that was and we can tell them there are three things you can spend this on, tourism and the promotion fund, second is what was in number 2, which was the heritage activities, and number 3 would be diversity marketing. I would say you have a million dollars more and you have to spend it on these three things. Does that work.

>> Tovo: Mayor, it doesn't. The tourism promotion fund is where all of this money lives right now. I think maybe you meant heritage tourism from the first bullet.

>> Mayor Adler: One point mine \$000,000.

>> Tovo: Is in the tourism and promotion fund. We don't want to use that language as one of our three bullets. I think it's heritage tourism, it is cultural heritage, diversity marketing, lgbt marketing.

>> Mayor Adler: Heritage tourism, the --

[4:35:56 PM]

>> Tovo: Diversity marketing.

>> Mayor Adler: And diversity marketing. Heritage tourism and diversity marketing. Is that -- help.

>> Tovo: Let me just say, too, while we are talking about heritage tourism our investment in that area has dropped wildly over the years. And so that is one reason why I was trying to set some specific targets. If the council is not comfortable having 300,000 specified, I would just offer the extreme direction that we really need to see our investments in there increase significantly. And I don't want to -- and I want that in addition to the 200 that they currently spend.

>> Mayor Adler: Ms. Kitchen and then -- actually, Pio.

>> Kitchen: Let's see. I have two questions about that.

>> Mayor Adler: I'm gonna -- did you have your hand raised?

>> Renteria: Yeah. I'm totally confused about -- I mean --

[laughter]

>> Renteria: How y'all are just Wheeling and dealing out here on the dais. You know, I hear things just going back and forth from heritage touring and, I mean, what are we really trying to accomplish here? I mean, are we gonna, you know -- I hear we're gonna get the million back and then -- put stipulations on the million. I just don't understand exactly -- what the whole total outcome is gonna happen. There's a lot of other needs there in the historic district there in east Austin, where there's just a lot of need out there and we don't know exactly where we're gonna spend it at. Are we gonna spend it on the Rainey historic district? Red river? 11th street, 12th street? Once you start doing that, you're not gonna have any money left, you know? So I hope that, you know, we can, you know, get something that's gonna make sense.

[4:38:04 PM]

Right now here, I don't know, I'll just be abstaining on this issue if it's left the way it is.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I also have concerns, again, about -- I appreciate what mayor pro tem is doing, and I really appreciate the leadership she's shown on this issue. But I'm not clear on where this money should go. And I'm not prepared to say that a million of it should be used for -- I'm hearing that the types of use that the mayor pro tem is talking about, but it doesn't sound to me like she's picking up the use that's councilmember Garza suggested so it sounds like it's different and perhaps I'm not understanding what councilmember Garza meant. But I'm not hearing music in there and I'm not hearing the other kinds of things that were raised a minute ago. So I'm not sure that this dais is of the same mind or even clear on what we would direct the money to be used for. So I -- you know, particularly since now it's gone from --

and I apologize, I may not be understanding, but it sounds to me like we're going from 300,000 to a million, all in the same thing we were talking about before. Again, I may not understand what we're talking about but I think the problem here is we're trying to set direction on where funds should be spent and we're not all clear on what that should be.

>> Mayor Adler: Ms. Garza.

>> Garza: I guess I'll just -- in the presentation that was given, when you outlined the marketing, it's about 1,885,000, and what you pointed to you were things like this and LGBTQ and African-American culture districts and hispanic culture districts. That's what you outlined when you were making the argument for this million dollars. I'm saying if we give -- the mayor asked if we give that back, you said, yeah, yeah, that's what I was gonna do anyway.

[4:40:11 PM]

I'm trying to make sure I understand. You said this is what we were gonna do anyway. Then the mayor asked can you do all of that. You said well that's a little more than what we were gonna do for that. So my amendment was use all that million for that.

>> I will use that million dollars.

>> Garza: If you can't, we understand if there's some state restriction that says you can't do that, then obviously you can't do that, but it would be for this and any kind of music promotion is what my friendly amendment was. This idea of making decisions from the dais, I don't understand that that's -- why that's a bad thing. That's our job. It's an open government. It's okay for us to have this discussion.

>> Mayor Adler: Can you spend the money on that kind of program.

>> Yes, sir.

>> Mayor Adler: If it's okay, I would allow my amendment to be amended by what Ms. Garza said. Is there any objection to that, on my amendment? Yes.

>> Tovo: I just want to confirm with councilmember Garza that heritage tourism is a piece of that, both in heritage tours but also in grants as well, if that falls into it. Okay, thanks. How about the item I described in number 2, about cultural heritage districts? I think that's important because I think what we've heard is spending it on music may not be an option because we're already at our max on that. We are not at our max on at the, so it -- heritage tourism, it may be that we're directing the acvb to spend it on increased marketing for music and they're not going to be able to do that because we're already at our cap.

>> Mayor Adler: So my sense --

>> Tovo: I'm comfortable with that motion as long as it's clear it contains the things I described in 1 and 2.

>> Mayor Adler: I think the priority is to spend it on diversity marketing you described to us and if there's money left over that's available you can put it in the buckets that were just described. Does that work?

>> Absolutely.

>> Mayor Adler: Okay.

[4:42:12 PM]

That's the amendment at this point. Any further discussion on the amendment? All those in favor of the amendment please Reyes raise your hand. All those opposed.

>> Zimmerman: I'm abstaining.

>> Mayor Adler:.

>> Mayor Adler: Mr. Zimmerman abstains, others voting aye. Now back to the main motion as amended. Mayor pro tem.

>> Tovo: I would like to make item 3 as a specific amendment if it wasn't included in the base motion, there be a semi annual update to the audit and finance committee with the additional language councilmember kitchen said of providing it to the full council. Then I would like to speak to 4, 5, 6.

>> Mayor Adler: I understand number 3 to be part of what's in front of us now.

>> Tovo: I would be happy to come back and include 4, 5, 6, in a separate motion. I'm really very pleased we're gonna have an opportunity to have a discussion about how to prioritize those funds but I don't believe any one of us -- I don't believe any one of our committees has yet appointed anybody to the vision task force, the visitors task force, rather. That is a group that hasn't started meeting yet, so they are going to, I would guess, take months and months to do their recommendations, and I want to put this money to work this year. I don't want to have it sitting in a reserve fund. So I will return to council with a proposal directing staff or a budget amendment if that's more appropriate because we do -- I do know we have items in our pard C.I.P. -- Am I wrong that we do have a visitors task force? I didn't realize they had started meeting.

>> I think what we were trying to recall -- I don't know that we are appointing those people.

>> Tovo: The committees that are, the council committees that are making those appointments I don't believe have yet appointed anyone. So that group is not meeting yet. Meanwhile, we have reserved

\$999,211 minus the 5700ish that we allocated during the general fund budget so we have that money that would be able to go to work in some of these areas.

[4:44:12 PM]

Again, we have C.I.P. Projects. We have the possibility of number five that councilmember Casar described. And we do have some other preservation projects that we could start considering. So I think it's appropriate to at least have that conversation and see if some of that money can get out there and start addressing these community needs.

>> Zimmerman: Mr. Mayor.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: I want to find out where we are and call the question. I don't know what the question is. Could you tell us where we are right now in the motion that's on the dais? So I can call the question and ask for a vote.

>> Mayor Adler: You can certainly -- let's check and see. I think the mayor pro tem was making one last note she was gonna come back for further council's information. I think it's well-taken. My hope is you guys will also be in competition for those dollars as well as would anybody else for that additional. And I've asked my office to do a pushing weekend to get the commission up and going so that it starts work. What in front of us now is the motion as amended with those amendments. Anybody have any discussion on that? Ms. Kitchen.

>> Kitchen: As a follow-up to what mayor pro tem said, I would just ask if I'm understanding correctly that mayor pro tem is letting us know that she'll bring back a separate item related to I think it was 4, 5, 6, which I think is good. I would ask that that motion include the opportunity for the council to vote on exactly what we're talking about in terms of what those projects are because I think -- that maybe what your intention is, but, you know, this is -- we're redoing -- I mean, we're taking a step that we took during the budget process, which is fine. It's just that I may have different priorities than others have so I want to know what we're talking about in terms of what dollar amounts for what projects.

>> Mayor Adler: I guess we could have a concept menu.

>> Kitchen: Councilmember kitchen, I appreciate that.

[4:46:13 PM]

There aren't any projects identified in here, just areas. That was part of why pad needs to let us know. Any of those would have to come back for a council decision. The resolution I intend to bring forward isn't gonna be much more than what's in 4, 6, just directing our city manager to work with pad on eligible projects, potentially set aside some from historic preservation, any particular projects would need to come back through.

>> May I clarify something? Item 3 is something you're gonna bring back? I'm asking that question because then the contract that you've -- the council has entered into with acvb, there's a performance reporting requirement. It's not what you have listed here but they come back with monthly reports. So I think that you could direct the city manager to come back to the audit and finance committee but I think their obligation about reporting is actually in the contract already.

>> Mayor Adler: Does that work for you, mayor pro tem?

>> Tovo: I guess I would ask, do you have any concerns -- we would need to amend your contract to affect that provision of having a semi annual report to the audit and finance. Would you have any concerns?

>> I want Julie to weigh in just because of the impact on our board schedules and those.

>> Tovo: Sure.

>> I think, you know, contractually we are required to do a monthly report, which we provide, it's actually on our website so open for public. I think for this -- what I'm understanding what you want to see is specific to what we're talking about now not our general operations so I don't know, I guess I would defer to city attorney if we need them in our contract for that or if that would just be an understanding that this is an expectation of this budget year.

>> We could just add a note in there if that was important to the council.

>> Okay.

>> Tovo: If that's something that would be [overlapping speakers]

>> Mayor Adler: Did you want to talk?

>> Casar: Mayor, on behalf of --

>> Mayor, on behalf of staff, the convention center would be happy to work with acvb in reporting back to audit and finance.

>> Mayor Adler: Sounds good. Those in favor of the -- Mr. Zimmerman.

[4:48:15 PM]

>> Zimmerman: I'm still trying to figure out what it is. Are we approving a budget of \$15,473,733?

>> Mayor Adler: Yes.

>> Zimmerman: Okay.

>> Mayor Adler: With the instructions that we talked about relative to the -- it was putting a million -- it was half of the 1 million --

>> Zimmerman: Yeah, 15,473,733, yeah.

>> Mayor Adler: Million dollars back. The rest of it undesignated at this point. Those in favor please raise your hand. Those opposed. It passes with everyone on the dais.

>> Thank you.

>> Mayor Adler: Thank you very much. Item 45, let's skip there real quick, item 45. There have been yellow pages handed out to everyone on the dais. This concerns the starting date and the compensation for the interim manager. There are some blanks on the resolution. The first one is that's we appoint Elaine hart as interim manager of the city of Austin effective and I would propose we fill in that blank with October 1 of 2016. The next be it resolved from that and fill in the blank, October 1, 2016, city manager Marc Ott will relinquish his authority but remain on paid leave in a consulting role to the interim city manager. The next be it resolved and the final be it resolved would set the annual acting salary of \$269,937.20 and as it reads deferred compensation of 24,000, executive allowance of 7200, cell phone data at \$1,845 and annual device allowance of \$225.

[4:50:37 PM]

Those last four items being the same as the current city manager gets. Is there a second to that motion?

>> Zimmerman: I'll second that, Mr. Mayor. I've got an overhead if you can put that up so everyone can see what we're talking about. I do have an over head with one of the values filled in for what the motion is.

>> Mayor Adler: Okay. I don't recall offhand but I think the total of this was about --

>> Zimmerman: 303.

>> Mayor Adler: \$303,000. Okay.

>> Zimmerman: Should come up here in a second.

>> Mayor Adler: It's been moved.

>> Zimmerman: Here we go.

>> Mayor Adler: Moved and seconded. Any discussion? Those in favor please raise your hand. Those opposed? Passes with everyone voting unanimously. And our soon to be interim manager is good with this and is on vacation after the budget is over so she's not here.

[Laughter]

-- This week or today but I'm --

>> Gallo: We should have followed her lead.

>> Mayor Adler: We should have followed her lead. Mayor pro tem, I need to leave the dais for a couple minutes. Can you pick up and handle items 21, 27.

>> Tovo: Sure.

>> Gallo: Mayor is our intention still to break at 5:00? For dinner?

>> Mayor Adler: Yes.

>> Houston: Mayor?

>> Each of these items were pulled for speakers. I don't know if they're still here. Stewart Hirsch and Gus Pena on one and Gus Pena and David King on the other.

>> Tovo: I'll go ahead and call item 21. Mr. Hirsch, you're the first speaker.

>> Pass.

>> Tovo: Thank you. Gus Pena. Is Mr. Pena still here?

[4:52:37 PM]

All right. Is there a motion on this item? Item 21. This is the negotiation execution of a one-year contract with the Austin housing finance corporation. Councilmember pool moves approval. Councilmember Gallo seconds that. Is there any discussion on that item? Mr. Rusthoven, did you have something you wanted to say? Okay. All in favor? Any opposed? So councilmembers Garza, Renteria, pool, Gallo, tovo, Casar and Houston are in favor. Councilmember Zimmerman is opposed and mayor Adler is off the dais. It's my understanding there's some zoning postponements I can take care of right now.

>> Actually, mayor pro tem, we have 4:00 public hearings we can go ahead and postpone before you take your break that's okay, three of the four. The first one is item 78, to conduct a public hearing regarding outdoor music venue 1308 east fourth street. Staff is requesting postponement to 10/20 agenda. Next, 79, conduct a public hearing regarding a code amendment relate to go historic landmark and demolition permits. Staff is requesting opinionment to 10/13 agenda. Skipping one, going to 81, conduct a public hearing regarding a [indiscernible] Farms property. There is a postponement request on this one to 10/6 by sos and the applicant is in agreement. For that we can aoffer those three for acquaint.

>> Tovo: Anyone want to move to postponements? Councilmember Gallo, and councilmember Zimmerman seconds that. All in favor. That is unanimous among those present with mayor Adler off the dais.

[4:54:42 PM]

Item 27. Mr. Pena. Mr. Pena is not here. Mr. King? You are signed up to speak on this item. Would you like to speak?

>> [Off mic]

>> Tovo: I think it has a good chance. All right. Linda Bailey. Okay. Looks as if we have no speakers. This is the item authorizing negotiation, execution of the contract with the Austin tenants council. Councilmember Renteria moves approval. Councilmember Garza seconds it. Any discussion? All in favor. And those are councilmembers Houston, Casar, tovo, pool, Gallo, kitchen, Renteria, Garza. Any opposed?

>> Zimmerman: Opposed.

>> Tovo: Councilmember Zimmerman is opposed and mayor Adler is off the dais. How about item 48. We have no speakers. Actually it's closed for sign-up. Anyone want to make a motion regarding this item? This is the item to approve second and third readings of an ordinance amending our boat dock, some cleanup items for the boat dock. Councilmember Renteria moves approval, councilmember pool seconds it. Is there any discussion on this item? Councilmember Zimmerman.

>> Zimmerman: Quick question. Does anybody know why there were -- there was 8-2, two members absent. Nobody voted against this. I'm look testifying backup information for boards and commissions. And -- okay, never mind.

>> Tovo: Any other discussion? All in favor? Councilmembers Garza, rather, kitchen, pool -- that's unanimous on the dais with councilmember Casar off the dais.

[4:56:50 PM]

>> Mayor Adler: Atoning care of 21, 22?

>> Tovo: And a few more.

>> Mayor Adler: Few more? Good job.

[Laughter]

>> Tovo: We're up to 53.

>> Mayor Adler: What are the other ones.

>> Tovo: Now they're gone from my screen. I can't remember we did them so fast.

>> Mayor Adler: Blowing through.

>> Tovo: Maybe item 65.

>> Mayor Adler: Do we want to knock out Austin housing and finance corporation so we can let those people go? Let's do that. Let's call up -- we're gonna recess the regular council meeting

[4:58:51 PM]

So what I'm seeing is -- it's now -- it's after 4:00. The item number 78, do we want to postpone item 123478? That's the scoot in issue. Is there a motion to postpone -- oh, you already did that one.

>> We took care of those mayor. We did all but number 80.

>> Mayor Adler: Okay. So we have the three cases that are left, cactus rose, St. James church and the grove. The executive session item 7 -- 74, 75, 76, we're withdrawing because they don't need to be handled now. 77 we just did. Did you do 81? You have not done 81. 81 was postponed? Did you vote to postpone 81? That was postponed. That leaves us then just those three items that are left.

[5:00:51 PM]

>> Tovo: Mayor, I don't believe that we postponed 81 and it continues to appear on our speakers.

>> Mayor Adler: Okay.

>> Tovo: Did we intend -- we have a speaker signed up to speak to that.

>> Mayor Adler: Richard

[indiscernible] To speak on --

>> Item number 80 is the historic item. We postponed 81, which I was was the [indiscernible] Farms item. Is that correct? So number 80 is the one 4:00 item we have not done yet. I think there's one speaker for that.

>> Houston: Would you repeat why we postponed the 81?

>> There was a request from sos and the applicant was in agreement.

>> Mayor Adler: Okay. So that's showing up wrong on my board. Which it showed as having -- okay. They're both up. 81 we postponed. When did we postpone that to? Was that just withdrawn.

>> October 6.

>> Mayor Adler: October 6. Thank you. That gets us to number 80. Do we want to try to -- we have a public hearing set here on number 80. This is the historic zoning question. Do we want to try to handle this before dinner?

>> Zimmerman: Yes.

>> Mayor Adler: Okay. Why don't you take us through this.

>> Jerry rusthoven, acting assistant director of planning and zoning department. Item 80 is to conduct a public hearing amending chapt -- historic age combined district zoning and historic area or HD also known as local historic district providing district zoning to comply with the Austin compatibility standards outlined in the Austin city code. Today there's an exception that says properties zoned H and properties within a local historic district are not subtle to article 10 which is the compatibility standard, compatibility section of the code. There was recently a case over on I believe it's 34th street that caused some contention regarding this. So, therefore, the council passed a resolution earlier this year to recommend you take that exception out. The staff has processed that.

[5:02:52 PM]

We are recommending approval of it. We have taken it to the landmark commission, they recommended approval and the planning commission recommended approval of it. With that I'm available for any questions.

>> Mayor Adler: Okay. We have some people of that signed up to speak on this number 80. David king, do you want to speak? Okay. Mary ingal, do you want to speak? Take your time, take your time. Joyce [indiscernible] Is on deck.

>> Good evening. Mary ingall, north university neighborhood resident. This case involved my neighborhood on 34th street and we went to the board of adjustments and we were denied an interception and a reconsideration. But the board of adjustments asked us to come to the city council and to get this provision changed as quickly as possible because it's a loophole that some people have been exploiting. Loosening -- not having compatibility standards on historic properties and historic landmarks as well as historic districts can put some properties at risk and particularly my neighborhood will suffer from the lack of this. And I'm just hoping that you will see the light and change this part of the code. Thank you.

>> Mayor Adler: Thank you. Joyce, do you want to speak? Okay. Then the last speaker that we have is Leon Barsch.

>> Good afternoon. My name is Leon Barsch and I also live in north university. I live across the street from the property that was subject of the board of adjustment case, historic steakhouse on 34th street.

[5:04:54 PM]

That property is probably unique but -- because it involves an acre of land with a historic home on it. And what happened in that case is that a developer saw to -- sought to redevelop the property and sought to excuse the application of compatibility standards. The board of adjustment heard the case, frankly was sympathetic to the neighborhood's position but they felt that they were tied by the language of the code. And, therefore, they denied our application and denied a motion for reconsideration. That's why we came to the council, to request this exception -- excuse me, loophole in the code be corrected so that if there are any other historic properties in the city that are similar to the situation we had in north university -- and, frankly, I don't know that there are but there could be, that that loophole in the code could not be taken advantage of again. So that is the reason for our request, and able happy to answer any questions if anybody has any.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: Wait. Before you go. So I looked at the backup material and we are -- we're striking part one, section a, number 2. So something is being struck and so that -- when you say loophole, usually it implies to me something was left out that was intended to be included but left out providing for a loophole. I don't understand why striking something means there's a rope hole. Do you see the difference?

>> Pool: Mayor, I don't know if the resident is the right person to ask. Maybe Mr. Rusthoven can answer that question.

>> Zimmerman: The word loophole was used.

>> Mayor Adler: I think the created language created the loophole.

[5:06:57 PM]

>> Councilmember, the existing language exempted historic properties from compatibility. This would take away that exemption, make them subject to compatibility like everything else.

>> Zimmerman: That's my point. It was put in there for a reason. I guess the rationale is country that a loophole so the loophole was added originally but the person that put it in probably didn't doll a loophole, they probably called it something else.

>> Correct. We've done some research to try to find the reasons why this was done and we cannot find anyone who knows.

>> Zimmerman: Thanks.

>> Mayor Adler: We're gonna go ahead and take a vote. Is there any further discussion on this.

>> Pool: I'll move approval.

>> Mayor Adler: Ms. Pool moves approval. Ms. Houston seconds it. Those in favor please raise your hand. Those opposed. Mr. Zimmerman votes no, others voting aye. This passes. All right. So that gives us the final three things that we have on our agenda. We can -- there's about an hour, if no one else signs up, which is not a good assumption because we've told people to get here at 6:00. We have about an hour's testimony on both the cactus rose case as well as the St. James church case. We have about 70 people signed up thus far on the grove case. I would point out to council that with the ordinance that we passed earlier, we can think about this while we're eating dinner if we want to, the ordinance that we passed earlier about testifying tells us that the applicant gets a chance to speak first for five minutes and then we have the rest of the group and then the applicant has a chance to close for three minutes. It also says that the first 20 people will speak for three minutes each and then people after the first 20 speak for one minute. It had a prescription of no more than 90 minutes, which of course cannot apply in a case like this because we have to give everyone here the chance to speak. So I just point that out to everybody that that's what our ordinance rules would have us do.

[5:09:05 PM]

Okay? So it's ten after. Can we still meet back here at 6:00?

>> Houston: Will we alternate.

>> Mayor Adler: Generally speaking, roughly, I'll do it the way I've done in the past without objection from council. Okay?

>> Casar: I was going to ask if we can do an hour break but if folks can get here at 6:00 that's okay but --

>> Mayor Adler: 6:00 or 6:15.

>> Pool: Mayor.

>> Mayor Adler: Seems to be a group that wants to do 6:15.

>> Pool: When we come back and start when more people are here, can we walk through the timing and order again so everybody has --

>> Mayor Adler: I think that would be good. I think we're gonna start probably with cactus rose because we have an interpreter here so we'll probably do that one first.

>> Houston: One other thing, there were a lot of people earlier so a lot of those people may be gone now.

>> Pool: They just went to dinner.

>> Mayor Adler: Good try though. We'll be back at 6:15.

[Recess]

[5:32:24 PM]

>>> >> >>> >> >>> >>>

[Recess] >>

[6:25:54 PM]

Ler >>> >> >>> >> >>>

[6:29:19 PM]

>> Mayor Adler: All right. Good evening, everybody. So tonight's zoning case, we have three zoning cases tonight that we're pretty -- that are pretty high profile cases. And cases that have been to the council on more than one occasion. And are now coming back. One of those is what we call the cactus rose case. And we've arranged to have an interpreter here so we're paying an interpreter to be present for this first one. The second case we have is St. James Baptist church. And then the third case we have is the grove case. Our rules right now in ordinance say that the first 20 people in a case speak for three minutes and everyone else speaks for one minute. We do that for a case kind of like, for example, the grove case now has 384 minutes of speakers signed up, which is obviously a little over six hours. The council can choose to limit debate or not limit debate. And quite frankly, since I think since we called these cases the two oak, but we were dealing on other city business that we had to do, there were a lot people that were here this morning through 2:00 and I see that some of them have now left just because they've already been here for six hours. So I just wanted everybody to understand where we were. We have those three cases and we'll look at testimony and discuss that on the dais. But as we had discussed previously, the first case we're going to call up is going to be the cactus rose case because we have an interpreter present.

[6:31:22 PM]

And we have 30 citizens who have signed up to speak on that case. Is staff here to -- let's lay out that case.

>> Thank you, mayor and council. I'm Greg Guernsey from the planning and zoning department. The cactus rose case are listed on the agenda as Lenox oaks. These are items number 53 and 54 on your agenda. Item 53 is an amendment to the neighborhood plan and item number 54 is the actual zoning case. I'll read these both together. Since they're dealing with the same property. Item 53 is case npa-2015-005.04 for three addresses on poncho pass and various addresses on bastrop highway southbound. This is for a 23.01-acre tract of land. This is to change the future land use map for this area to a mixed use. Currently it's designated single-family commercial and office. The planning commission forwarded this case without a recommendation. They could not achieve consensus on this, however the staff did make a recommendation on this case and didn't make a recommendation to approve it. There is an area that --

>> Translation is not working.

>> The translation is not work, I'm told.

>> Can we have the I.T. People look at that?

>> Mayor Adler: Hang on a second, Greg.

>> I can repeat.

[6:33:43 PM]

>> Mayor Adler: Did the folks miss what we said so far? They missed it? Why don't you start back up.

>> Thank you, mayor and council. My name is Greg Guernsey with the planning and zoning department. The items that relate to cactus rose are shown on the council agenda as Lenox oaks. These are items number 53 and and on the council agenda. Item 53 deals with the neighborhood plan amendment and item 54 is the zoning change. Item number 53 is case nph-2015-005.04 for various addresses on ponca street and bastrop highway southbound. It's for a tract of land that's 23.091 acres in size. The request by the applicant was to designated property for mixed use under the neighborhood plan and the planning commission did not have a recommendation and forwarded it to city council without a recommendation. There is a staff recommendation which is to keep the mixed use commercial -- mixed use, office and multi-family uses. And staff recommends that the commercial land use portion of this property that lies within a particular area known as the airport overlay zone, and that is an area where you cannot build residential, that that designation remain. The zoning case, which involves the same properties, is case c-14--2015-0104. Again it's for the same area, the 23.091 acres of land. And the zoning change request is to cs-mu-np, which is a commercial, mixed use zoning district. The applicant is proposing on this property to construct approximately 356 multi-family units and have a mixture of retail fast food and restaurants.

[6:35:48 PM]

Currently the use is occupied by cactus rose, a mobile home park, had some manufactured homes. There are approximately approximately families I think that reside on the property. Some of which have moved away. The planning commission on this case, the zoning case, also forward this to you without a recommendation. However, there is a staff recommendation as well on this case, which was to recommend cs-co-comp, go-comp and mf-2-mu. And where you hear the mu that is adding a mixed use component to a commercial zoning that would allow for residential or commercial uses. It also included with that prohibiting and including as a conditional overlay the following 13 uses, adult oriented businesses, agriculture service and bail bonds, construction sales and services, camp grounds, dropoff recycling facilities, kennels, laundry services, pawn shop services, residential treatment, scrap and salvage and vehicle storage. And these uses will be prohibited on the property as part of the staff recommendation. Also to dedicate a 12-foot pedestrian bike trail along the south boundary of a property to connect to a proposed future bikeway along 183 to the east with the adjacent property owned by the city of Austin to enable the connection with proposed tributary trail to the south. Also to dedicate right-of-way to an extension of ponca street and to provide a vegetative buffer on the north

boundary to existing single-family along Valdez street and a 75-foot buffer along the south property line adjacent to the existing cemetery.

[6:37:53 PM]

At this time I pause. I know we have a great number of speakers. If you have any questions now I can answer them or I can answer them later. After you've heard from the speakers.

>> Mayor Adler: Okay. Let's go ahead and call the applicant. Is David Hartman here? Is Hal beaver here? Is Mac mileka elworth here. Is Steve Portnoy here? You have 15 minutes.

>> Good evening, mayor and councilmembers. Alice glasgo representing chase equities, the owner of the property and also the seller of the property. And Jim any nsaaous is the representative of chase equities, inc. Staff went over the request that has been requested on this property so I will just try to be very brief.

-- The slide in front of you shows the subject site in yellow and it's directly owe for locational purposes it's across from Callaghan general store and it's on south 183 bastrop highway. This is the map that shows the existing zoning. Mr. Guernsey went through that so the area if you have a slide in front of you, it's the area highlighted in red and with hash lines of the areas being rezoned and most have commercial zoning so staff has recommended adding mixed use or changing some of the tracts. This is the future land use map that shows the areas that are currently colored in different colors. And those are the colors that are being changed to brown to reflect mixed use.

[6:39:54 PM]

This is a map that shows the area that is in yellow is under your airport overlay zone and that overlay that is called ao-3 overlay prohibits residential development. This is where the majority of the mobile homes currently exist. But they were grandfathered because they preexisted before this overlay was implemented, but as of today the site cannot have residential units built brand new. This slide just shows you the constraints of the site. Trap trap there are a lot of -- there are a lot of trees. There are setbacks that are applied under the current code and it shows you the location of the buildings and other features on the site, utilities, power line and other water and wastewater location easements. The site comprises approximately 23 acres and the intended project is for apartments and mixed use. The 3.25 acres will be retail, and that's currently zoned cs on the frontage off Bergstrom highway. The developer proposes to develop 360 multi-family units. That's the number that was identified in the traffic impact analysis. And with that 16,900 square feet will be retail, 4100 square feet restaurant and

associated parking. The -- since the plan was submitted, the number of units have been reduced to 340 and that is due to a buffer that has been created with 120 feet from the cemetery to the west of the site. Additionally the proposed Bergstrom expressway is adjacent to the site and is planned to be widened to an eight-lane freeway with three-lane frontage roads in the immediate vicinity. Also a bicycle lane and shared use path on proposed on the southbound Bergstrom expressway frontage road and this map illustrates the location of the proposed roadway improvement.

[6:41:55 PM]

It also shows the location of the trail path that is going to be connected throughout the site to connect with other city pathways that are currently in place. This slide speaks to the attempts and our ongoing relocation assistance program that we've been exploring. In 2015 the site had approximately 57 households of mobile %-úhomes, rvs and renters in single-family homes. In the last 45 days through coordinated relocation of nine households, the property owner has assisted and provided residents that have asked to move because of the uncertainty as school was starting, and those residents have moved out with the landlord paying all their needs to relocate them, and each individual's needs were met and tailored and they do not have to pay anything to relocate to their new selected locations. Seven households are in the process of obtaining relocation assistance from the property owner. Again, these are folks who want certainty and don't want to wait for a lengthy time to make decisions. Currently there are 41 households who remain on the site. 20 of them are mobile homes, 14 are recreational vehicles. Two duplex units. And five cottages/single-family homes. Every single cactus resident can be accommodated at nearby new locations and families and residents that wish to remain together can do so. For example, mobile homes and rv spaces are reserved at Thompson lane mobile home park, mobile homes that are 3.9 miles away. Rv park mobile homes, that's within 10 miles and multiple other nearby location options at other operating sustainable mobile home parks exist.

[6:44:01 PM]

This light shows you -- this slide shows you the nine locations that are available, and most of them have been reserved by the developer and landlord for the residents of cactus rose that wish to move there, Andrew Harris they can all be -- and they can all be accommodated at these locations. Most of them are within the del valle ISD. There's a bus stop or grocery store, at least the first four have 47 available spaces that can accommodate the 41 that are still looking for spaces. This slide compares the assistance that -- the developer and landlord wish to offer. We've offered to the residentresidentses the first one has to do with renters, those just live in just the duplex or single-family home. They can get a a 15-dollar stipend plus the last month rent is free. They will get advanced notice per the relocation ordinance,

flexible moveout time between now and the end of the year. They will get the security deposits returned without reductions or offset. Bill relocation assistance will be provided by a real estate professional. The same benefits apply to recreational benefits. They get relocation assistance of \$2,000 and the mobile homeowners including rent to own get the same options, plus up to five thousand dollars towards down payment for a new mobile home or assist them to relocate. This chart compares to what you recently adopted. You adopted a relocation ordinance. And in addition to that the neighbor housing and community development department issued a memorandum addressed to city council indicating or at least recommending dollar amounts that should be considered for tenants who are displaced. And we've provided a comparison that shows what the developer and property owner are offering, and it compares to what the memorandum from staff shows.

[6:46:11 PM]

For duplex rental, the neighbor housing recommend ran dumb does not -- memorandum does not present any funds. We are proposing \$1,500 for recreational vehicles. The memorandum from neighbor housing does not recommend any dollar amount. We're offering 2,000. For the mobile homes, 5,000. That's consistent with the neighbor housing development department recommendation. These are the locations of the current mobile homes. I will now switch topics to a request that the transportation staff has asked, a street named ponca street is located on the site and terminates at the subject site. The land development code does not allow local streets to cross. Ponca street and the other are classified streets and the code says that only arrest materials may cross a water quality zone in very limited circumstances. Therefore ponca street cannot be connected to the other street per the code due to negative water quality and also to effect on streets and other improvements on the site including heritage trees and protected trees. This slide shows you ponca street. It terminates in front of Ellison elementary school, so the proposal would be extending a street that really would not go anywhere or serve any of the residents effectively and the code does prohibit the connection at where the floodplain is located. And therefore we ask that you not allow the extension to occur because the code does not allow the extension to occur over a floodplain or critical water quality zone. This map shows the extension coming from Allison elementary school, which currently experiences traffic problems, and an extension would have to -- would require relocation of protected trees and the heritage tree that is right in the middle and also relocation of an existing easement that provides wastewater.

[6:48:30 PM]

Councilmembers, I will pause here so you can proceed to other speakers. Staff explained what the zoning request was and I'll be glad to answer any questions you might have. Thank you very much.

>> Mayor Adler: Thank you. Any questions at this point? Susana Almanza. Do you have people giving you time? Ms. Almanza, do you have people giving you time?

>> Yes, [indiscernible] Almanza.

>> Mayor Adler: And I have Joyce, is she here?

>> Right here.

>> Mayor Adler: And then Danielle?

>> [Inaudible - no mic].

>> I probably won't need the time, mayor.

>> Mayor Adler: Okay.

>> Good afternoon. My name is Susana Almanza and I'm president of the montopolis neighborhood plan contact team. The montopolis neighborhood plan contact team first reviewed the Lenox oaks project on September the 9th, 2015, and thus began the journey for the protection of the residents that call cactus rose mobile home park their home. The montopolis neighborhood association helped the residents to form their neighborhood association and to become members of the montopolis neighborhood association and Austin neighborhood council. Colonialism the control by one power over a dependent area of people. Also a policy advocating or based on such control.

[6:50:32 PM]

Many people of color describe imagine Austin comprehension plan as a plan without people of color, the poor and the working poor. Colonization, an unborn process by which a central system of power dominates the surrounding land and its people. Money is clouding our humanity and our sense of compassion and fairness. Some residents have lived at cactus rose for over 30 years and they love their neighborhood. How would you feel if your entire community was uprooted and separated? On November the 17th,,, Odon Hughes presented a relocation assistance program. There were several stipulations in their proposal. The monetary compensation including

the following: After moveout, provided the tenants has paid their last month rent and produced evidence of payment of their final utility bill, their agreement will guarantee compensation of \$1,000 for relocation expenses to each mobile home and \$500 for each recreational vehicle and in addition an additional 300 would be paid to any qualified tenant over the age of 65 and/or having disability. The community rejected that offer. On may 15 they presented a new relocation assistance program, 5,000 for mobile homeowners towards down payment for new mobile homes or towards relocation costs. Recreational vehicles \$2,000 plus last month's free rent. Renters, \$1,500 plus a month's free rent. All

assistance was based on flexible moveout between now and the end of the year. The majority of the residents which include the poor and working poor, own their mobile homes and recreational vehicles. Most of the mobile homes were built in the '70s and '80's and can't be relocated without falling apart. Even though the owner said he has located several companies that will relocate them, there is no liability coverage if the mobile home falls apart.

[6:52:38 PM]

It is an injustice to have to start all over, owing for a home when you already own one. The residents asked that Oden Hughes, one, set aside three acres of land to rebuild the new cactus rose mobile home park at the current 23-acre site. Their request was quickly rejected. Two, the residents then proposed that the city allow the new mobile home park to be built at the six-acre tract at 7201 Levander loop known as the gardener tract. This land was set aside for affordable housing in in and is under the department of housing finance. The montopolis contact team and montopolis association worked on trying to get the city of Austin to provide the land for about six months. The residents also requested that Oden Hughes provide new or used mobile homes, models 2006 and above, the nhcd submitted a report that it would take approximately three to five years to build the new mobile home park at Levander loop. Of course, we questioned the city's timeline and gave alternative recommendations. And on September the 9th we were informed by community development commissioner chairman Gilbert Rivera, that he had been informed by nhcd staff that the Levander loop site was off the table. Three, on August the 19th Ms. Gonzalez came forward with a draft proposal to build the new mobile home park on her land on decker lane. We were just informed that her proposed project would take at least three years to build. Four, if there's no signed agreement for building a new mobile home park and provisions for new and/or used mobile homes the residents, we request that the city deny the zoning request. With the approval of this project, east Austin will lose some of the most affordable housing that exists. This project will continue to displace people of color, the poor and working poor, from the urban core.

[6:54:43 PM]

Austin will be known as a city that speaks with forked tongue, talking about the needs for affordable housing and mitigating gentrification, but doing the opposite. Lenox oaks project zoning request is an entitlement. It's not unusual to request compensation for displaced residents given the entitlement that they will receive. What will they build -- be building at the 23-acre cactus rose mobile home park site? One, approximately 356 multi-family residential units, no affordable units. 258 one bedrooms, 88 two bedrooms, and 10 three-bedrooms. Two, mixture of retail fast food restaurants. Three, 12-foot bike-

pedestrian access pad. Four, atd is recommending right-of-way dedication for ponca street. Again, if there is no signed agreement for building a new mobile home park and provisions for new and used mobile homes for the residents, we request that the city council deny the Flum and the zoning request. Thank you.

[Applause].

>> Mayor Adler: Next speaker will be Sal medaro. Is drew de la Santos here? Is drew de la Santos? Okay. You have three minutes.

[6:56:46 PM]

>> Well, I have to speak in Spanish, but I guess it's time to try to speak in my broken English. My name is Sal medaro, president of the cactus rose neighborhood association. Mr. Mayor and city council, everybody know our situation. Like you know our community is a hard-working people. We're not high educated person or politics. Whereeive in this part of the city for a long time. I know you can build beautiful things in this part -- on this corner of the east side. I guess it's time to leave, but we want to live like -- together like community. For that reason we want your help. I know you are a wise city council, are human and you have a good heart. But I don't want to live this home to wonder if you are living in our own city and we are asking for help from the wrong city council. The fate of our people are in your hand and the fate of this hard-working community is in your hand. Thank you very much.

[Applause].

[6:58:56 PM]

>> Mayor Adler: Cynthia Martinez?

>> Good evening. My name is Cynthia Martinez. And my family and I live at the cactus rose mobile home park. We are members of the cactus rose neighborhood association. We want to thank the councilmember Renteria and his staff for their assistance. We also want to thank the montopolis neighborhood association. Montopolis contact team and the community development commission, for trying to help us get relocated to the 7201 Levander loop. It is obvious that the city of Austin did not want us living at the Levander loop site. We are very disappointed because it was the city of Austin that created this problem with its new zoning, commercial service mixed use, and now it doesn't want to help us relocate to the Levander loop. The poor, the working poor and the communities of color make up cactus rose neighborhood association. And we all have the right to live in this city. Another resident, Ms. Gonzalez, has offered us and the city of Austin to use her land to build the new cactus rose mobile

home park. On decker lane. All of you have received Ms. Gonzalez' draft proposal. We hope that the city council can help the residents and Ms. Gonzalez build the new mobile home park at her property. Also, also, to make sure the developers provide funds to purchase new or used mobile homes for the residents. Our mobile homes are too old to be moved. Please, we do ask all of you to help our families and not make us homeless because we will be without homes. And if there is no clear plan for the relocation of the residents, we ask that you deny the zoning request.

[7:00:58 PM]

Thank you.

[Applause]

>> Mayor Adler: Francisco Nunez.

>> [Speaking in Spanish].

>> My name is Francisco Nunez. My family and I have lived in cactus rose during many years.

>> [Speaking Spanish]

>> We have lived in peace with no problems with our fellow residents.

>> [Speaking Spanish]

>> Until the time when we learned that the property where we live was for sale.

>> [Speaking Spanish]

>> From that -- from that time onwards, we have lost our peace of mind without knowing if we are going to have a place to live.

>> [Speaking Spanish]

>> Throughout this year, we have had the same questions, will we be allowed to live here?

>> [Speaking Spanish]

>> And if we're not allowed to live here, when will be asked to move out from here?

>> [Speaking Spanish]

>> The next question is the same. Where are we going to live?

>> [Speaking Spanish]

[7:02:58 PM]

>> How long are we going to have to move out from this place?

>> [Speaking Spanish]

>> And the question, would the city be helping us?

>> [Speaking Spanish]

>> Does the city care about us?

>> [Speaking Spanish]

>> We're not asking for much. We're only asking for a place to live.

>> [Speaking Spanish]

>> Today we will -- we would like to hear the responses to these questions, if possible.

>> [Speaking Spanish]

>> And we ask on behalf of -- and I'm asking in behalf -- on behalf of the community if there's not a relocation plan that it is clear that the rezoning request be denied.

>> [Speaking Spanish]

>> Thank you so much.

[Applause]

>> Mayor Adler: Sesandra Renteria.

>> She's right here but you can't see her.

>> There's a mic.

>> [Speaking Spanish]

>> Good evening. My name is Sandra renterias. I'm part of the cactus rose community.

>> [Speaking Spanish]

>> Please, don't leave us homeless.

[7:05:06 PM]

[Applause]

>> Gracias.

>> Thank you.

[Applause]

>> Mayor Adler: Gracias, Sandra. Next speaker we have is Oscar Garcia.

>> [Speaking Spanish]

>> Good evening. My name is Oscar Garcia.

>> [Speaking Spanish]

>> My family and I have been living in cactus rose then community for almost eight years.

>> [Speaking Spanish]

>> About a year ago, we heard that the property or the land was going to be sold.

>> [Speaking Spanish]

>> And from that onwards, we have lost our peace of mind with the uncertainty.

>> [Speaking Spanish]

>> Many questions have arisen from it.

>> [Speaking Spanish]

>> Where we going to live as a community?

>> [Speaking Spanish]

>> I invite you to look at the children, the families.

>> [Speaking Spanish]

>> We need to provide for them a safe place, a dignified living place.

>> [Speaking Spanish]

>> And, therefore, that way, to provide the tools to the children so they can have a better city, state, and country.

[7:07:09 PM]

>> [Speaking Spanish]

>> One of the questions is if we, as a community, really -- if the city cares of us as a community.

>> [Speaking Spanish]

>> On this point, if we don't have a secure plan of where to go ...

>> [Speaking Spanish]

>> We request that -- we ask that the request of rezoning of cactus rose be denied. Thank you so much.

>> Mayor Adler: David king.

>> Thank you. Thank you, mayor, councilmembers, mayor pro tem. As the previous speaker said, there's no secure plan to relocate these families together, then please deny this we zoning case. The council is not obliged to approve this discretionary rezoning project. It will dislocate about 50 low income families in east Austin to make way for luxury apartments. These families will be first -- forced to move farther away from their jobs, they will have to spend more of their money and time and their limited income on transportation costs. They will be scattered to various other mobile home parks outside the urban core, and their community will be gone forever. The project will provide luxury housing for more affluent newcomers and more gentrification in east Austin. The urban density policies plainly favor newcomers over existing residents. For what good?

[7:09:11 PM]

More profits for investors and developers? More property taxes for the city? The relentless strategy to build more market rate and housing is a manifestation of market urbanism. Market urbanism is based on trickle down supply side economics that has enriched and empowered the affluent, decimated the middle class and reduced living standards for low income families, young families, and people of color. Granting the developer lucrative entitlements knowing full well that low income families will be displaced to make way for more affluent newcomers sends a clear message. The living standards for low income families are less important than higher profits for developers and more property taxes for the city. It's interesting that reasonable alternatives to develop the mobile home park on nearby city property on Levander loop was determined to be infeasible despite the fact that it was intended to be used for affordable housing. Somehow, the city can find a way to create expedited review process for market rate projects, but not for a new mobile home park for these low income families. In treaties by

those who profess to care about low income families ring hollow in the daylight of business as usual. Please do not continue business as usual. Please deny the Lenox zoning project one year in east Austin -- in Austin that are rapidly gentrifying. If you somehow do approve this, please make any approval contingent on compliance with the better builder standards recommended by the union, defense project which include paying living wages and providing workers' compensation to construction workers. Thank you.

[Applause]

>> Good evening, councilmembers.

>> Mayor Adler: Just reading your name into the record.

>> Oh, excuse me, my name is Daniel Ygane; I'm here to support the cactus rose position on this issue.

[7:11:18 PM]

I want you to know that I'm the chair of the Govalle Johnson terrace neighborhood contact team. Many years ago, we identified over 90 acres of city-owned property zoned single-family zoning. So we are -- we try and move affordable housing to that place. Levander loop is one of those places, exactly what this is about. Haca can do this much, much faster than the three years. But you know what? I want to say to y'all that what

--David King -- if he has that written down, you should read that and study it. Because what's fundamentally happening here is a classism. Classist. Right? It's the rich against the unrich. And that goes to the trend in Austin of housing, of renters versus property owners. We are moving by policy to make more and more renters who have no voice, no political voice, we're moving to have fewer and fewer people own the land. I'll give you an example. On Lake Shore, there were 17,000 working class apartments with black, brown, and working class white people, 17,000 of those apartments lakeshore between Pleasant Valley and Riverside. Those were rubbed out. The property owners were like seven property owners, and 17,000 households of renters. So, they rubbed all them out. Now there's all these condos. You know those -- those apartments used to be four, six, eight hundred dollars at the most, with a variety of configurations. Now the cheapest thing you can get there is \$1,500. There's this trend. Maybe it's legal and -- this is the epitome of gentrification. Maybe gentrification is legal, but it is immoral and unjust, and this is what is happening here in Austin.

[7:13:19 PM]

[Applause] So you, as our city mothers and fathers, you know, the ball's in your court. Are you going to do the right thing, the just thing, or are you going to continue the gentrification, the classism, and as it relates to this area and east Austin, not only is -- look, gentrification is not legal, but racism is ill legal. Gentrification in zilker, tarrrytown, anywhere else, not illegal. But when it's to the east side, we're -- I'm just letting you know that if we continue to way, something is going to have to give. And this is -- this is tied to a broader issue of people of color in white America. Thank you so much for your time. I hope your hearts open up.

[Applause]

>> Good evening, mayor, city council. My name is frank mural, I'm president of the neighborhood association, I serve on the montopolis contact team, on the executive board and executive board of the neighborhood association. I own property, me and my neighbor own a block, two blocks down from this property that we're talking about here, and most of the students -- most of the people that I've talked to that are there at Allison school are really against this project. Mainly, you know, because they talk about wanting to use ponca street that goes right by the school, which is not a good idea. Another thing I want to mention is that not long ago, when Austin experienced that 13, 14 inches of rain that put -- stopped our airport down there and bastrop highway right where we're talking about was flooded under water.

[7:15:21 PM]

Traffic was stopped there. You could not cross either way. It stopped. It was deadlocked. And we're talking about right in front of this property here. There's a lot of issues there that have not been addressed here, like that flooding plan where everything just came to a stop, rigs, tractor/trailer rigs, cars, everybody -- I mean nobody could cross, east or west there. Everybody was sent somewhere else. There's -- there's a lot of other issues here going on with this property that a lot of landowners that I've spoke to -- that are against. They're not here to speak to you tonight. They have asked me to -- to speak to you about this. I ask that you do not vote no against this thing. Thank you.

[Applause]

>> Mayor Adler: For the clerk, the names that I see, susanneal almanzaa has spoken, Francisco Nunez has spoken, next speaker I think I have would be MARIA saralano.

>> She's not here.

>> Mayor Adler: Not here. Okay. Alice Glasgow has spoken. Cynthia Gonzalez? Would you like to speak? Are there more people in your group, Susana, that were signed up to speak?

>> No.

>> Mayor Adler: Okay. Then everyone can go ahead and sit down. I'll call more people to the podium.

[7:17:22 PM]

>> Tovo: Mayor, may I please ask Ms. Almanza a quick question? I'm having trouble locating it. Can you tell me if the letter came by mail or e-mail?

>> E-mail.

>> Tovo: Do you know when?

>> The date that you e-mailed all the copies of the proposal, if you didn't get it.

>> Tovo: I may have. It may have gotten lost.

>> I'm not certain, I would say a couple weeks ago, but I do have copies for you.

>> Tovo: Oh, super. I appreciate that. Thanks.

>> Mayor?

>> Mayor Adler: Yes, Ms. Gallo.

>> Gallo: Is the translator still here for a second? Could the young children that were here, could they come forward just just a second, or have they all left? I just want them to make a promise. It's a good promise. So we want to translate it, too, if we need to. And if you come right up to the table and stand right by the table, utilize yourself on TV. And so if we could show them on the monitor, please. Perfect. So it is wonderful -- does anyone need a translator? Okay. So it's wonderful that you have taken your time to come down here to talk about something that's important to you. Because that's really important to us. The other thing that is very important is, when you turn 18 --

>> Mayor Adler: Pause between sentences.

>> Gallo: Is that good? Am I good? What's really important is that when you turn 18, that you will promise that you will register to vote so that you will be able to vote, and you'll be able to elect the people that sit in front of you right now that make the decisions on what happens in Austin.

[7:19:23 PM]

So if you will promise to vote when you turn 18, will you raise your hand?

[Laughter] I don't see many hands. Raise your hand up high. There you go. And I think your parents will make sure that that happens.

[Applause] Thank you.

>> Mayor Adler: Thank you. Gracias.

>> Green, mayor Adler, mayor pro tem tovo, and councilmembers. I'm Cynthia Gonzalez. My husband Jose and I have come today in hopes of presenting a viable solution to the displaced cactus rose residents, developer and for the industry. About three months ago we read of the problem facing the homes at cactus rose mobile park. Being a native austinite I have seen it grow and prosper by leaps and bounds. We're a vibrant city and it seems everyone wants to move here. But we also know with growth, there are challenges, especially with displacing of the poor and finding ways to house the poor. We are aware that in many ways, we know that many of your own districts are facing and seeing the same thing occur. My husband and I live in district 1, Ms. Houston's district. We own two tracts of land on Decker Lane in the city limits of Austin. One tract is 3.279 acres, and the other is 3.282 acres. We currently live on the land. In our proposal, we are offering at least approximately five acres to the city of Austin to relocate the displaced residents of cactus rose. This location has amenities of bus stops, a grocery store, the beautiful Decker Lake, and the soon to be new John Trevino junior metro park. We also have the opportunity to meet with cactus rose families and made the disparity we face as a city even more real to us.

[7:21:32 PM]

In our meeting with the families, we saw that they were elated with our proposal and they voted unanimously to relocate to our proposed site. We feel this could be a feasible and viable solution for all the families, a way for them to have a new location to call home. We know that both you and I, if we choose to move from our homes, we can get and you up and move at any time. Unfortunately, these families do not have the means to do that. So we all want our beautiful city to continue to prosper and grow, but in doing so, we want to take care and find solutions for the affordable housing, challenging -- challenges that we are facing today. We do not want to displace in order to replace. Buildings cannot account for people. So we're asking for your consideration and your support in the proposal that you have before you. It might be out of the box thinking, but we feel that it can be one viable solution to the affordable housing that we are so seriously in need of. In speaking to several city departments -- city of Austin departments, we have been directed to reapply for rezoning from SF 2 to MH. We have contacted a site plan engineer and a developer who is very familiar with building mobile home parks, and we are prepared to move forward with the rezoning application and the site plans, once we have your acknowledgment that this is a real and viable solution, for the displaced residents, the developer, Lenox Oaks, and for the city of Austin as a whole. We are aware that it will take approximately 20 months for these residents to be out of their current home. Therefore, we're looking for your assistance

in making the property at 7302 Decker Lane a new home site for the residents of Cactus Rose. I truly appreciate your time and hope that you will consider our proposal. Thank you.

[Applause]

[7:23:34 PM]

>> Mayor Adler: Thank you for making the offer. I said thank you for making the offer.

>> Renteria: Mayor, can I ask a question?

>> Mayor Adler: Yes, Mr. Renteria.

>> Renteria: Has the staff told you how long it will take to go through that process?

>> When I've spoken to our developer, once we get the approval, we're looking at about nine months.

>> Renteria: Nine months?

>> Yes, sir.

>> Renteria: Okay.

>> Mayor Adler: Ms. Kitchen?

>> Kitchen: Just so I understand that timeline, you said once you get the approval, you mean approval from the city?

>> First, the developer is not going to start anything until we know that we have your acknowledgment to move forward.

>> Kitchen: Right.

>> Then the developer -- we would start the rezoning application, the site plan, and so forth.

>> Kitchen: So nine months from that point what is the city telling you it would take.

>> Our developer is telling us that it would take to go through the whole city process.

>> Kitchen: Okay. If we weren't able to expedite it in some way.

>> Mayor Adler: Okay. Thank you. Mayor pro tem.

>> Tovo: Thank you very much. For the creative proposal. I have a couple of quick questions for you.

>> Oh, absolutely.

>> Tovo: As I understand the proposal, you would also be asking the city to pay for the cost of the infrastructure --

>> Correct.

>> Tovo: -- And the development, and then it would be a lease back to the city for a period of 20 to 40 years? Is that right?

>> That's correct.

>> Tovo: Do you have any estimate of what the infrastructure would cost on that site?

>> I had a consultant come out a few years ago. I did not bring that particular form with me, but at that time it was about 270,000.

>> Tovo: And was it for a comparable project?

>> Yes, ma'am. It was for a mobile home project as well.

>> Tovo: But it was for the infrastructure for a mobile home park?

>> Yes. That was about five years ago.

>> Tovo: Okay. Thank you.

>> You're welcome.

[7:25:34 PM]

>> Thank you,.

>> Mayor Adler: Thank you. What about -- is Cary -- Cary Arant? Jerome Whaley is on deck.

>> My name is Cary Arant, and I've been a resident of cactus rose for a few years, and I'm coming out today to expedite, as well as possible, this proposal because, quite frankly, we're wrung out like an old rag. We keep talking about it but doesn't it seem to be moving anywhere. And I know that everything always comes down to change. Metamorphosis is the law of nature. I personally feel like I've got an old rhythm I could put a truck on it and pull it out, I told the mayor last time I could move it in an hour if I had to, but the problem is that there's a lot of people who are displaced. It's a lot harder for them to move. I understand that. But my own personal position is that I've been through this in my mind over and over again, and that's problem, is that there's so much time being spent on this that we just need a decision. We need an up or down vote, and let us know if we're going to be able to stay there, and how long we're going to be able to stay there. I personally feel like that I could move somewhere else and be just as happy. I've been living in a trailer quite a while and, you know, camped around all over different

places, and was a construction worker before and now I'm kind- of a handyman, so I just make my way as best I can every day.

[7:27:43 PM]

But it is stressful because there hasn't been a decision made so far. And that's really what I want to put forward, is that one of the reasons that I come out for this is because I feel like that when I move, I'll at least get a stipend to move, and I'll come out better on the end because I'm going to get away from this ten-lane highway that they're putting in right now. And that ten-lane highway is going to kick a mountain of dust up and going to get harder and harder for us to get in and out of there. So I'm ready to move on. I thank the council for your time.

>> Mayor Adler: Thank you. Next --

[applause]

>> Mayor Adler: -- Is Jerome Whaley? And Cindy Marciel is on deck.

>> Good evening, councilmembers. My name is Jerome Whaley, and I've been living at cactus rose for going on a little over ten years now. And my experience has been quite well living there, but I'm also a single individual. But I do have a concern for the families and the children that are involved in this particular issue. I'm just like the last speaker, you know, I'm just -- just waiting for a decision to be made. You know, as far as myself, I'm not too concerned about myself because I'm single, but for the families, I think a decision needs to be made quite quickly. Thank you very much.

>> Mayor Adler: Thank you.

[7:29:44 PM]

[Applause]

>> Mayor Adler: On deck is Mr. Wising are.

>> My name is be Cindy. I'm here, same as the speaker said, we want to know what -- like we have to move, what -- how long do we have to move, for families, too, you know, concern, you know. We need questions, you know, we want to know what's going to go -- what's going to happen. That's what I've got to say.

>> Mayor Adler: Thank you.

>> Thank y'all for your time.

[Applause]

>> Mayor Adler: Hershell reissinger.

>> I've been there five years, six years, and the owners of this property, you can't find one person to say they've done them wrong, and I think they've got a good deal. Let's get it on. I'm ready to stay or go, whatever y'all decide. They're good owners. Those are good people. They ain't done nobody wrong, these people can't tell you they done nobody wrong. That's what I've got to say.

[Applause]

>> Mayor Adler: On deck is frank morea.

>> All right. Hi, council, good to see you. Dave Cortez, resident of montopolis district 3. I'll start by saying I'm proud of people in black lives matter because you can laugh at that as much as you want, but my neighbors are black in montopolis. They've been living there for 60 years. We live right at the bridge, two houses down from where you hit the montot bridge and 183. These folks in cactus rose have been talking, they're our neighbors too. We live in a multiracial community, an old plantation town, and it gets harder every day to continue living there.

[7:31:49 PM]

We've got the new programs moving in right behind us. We've got people driving the ships, colonizers bringing in the new development right there on 183, charging all this money to live in this community that was originally segregated from Austin because people like my neighbors, the Roberts family, they were the did he objected, deplorrables, they didn't belong. We're all being pushed out, whether it's my house or the next house, a house being bill for 500, everywhere hundred thousand dollars, this is just what happens. It's the status quo. I moved here in 2002 to go to college and moved over to where Danielle Llanes mentioned, east Riverside. I moved there because it felt like home, a lot of working class families, bingo halls, pool halls, chicanos, black people, you name it. It's all gone. It's all gone. So my question to you is when is enough enough?

[Applause] I want everybody in this room, though, to know that as we continue to stop development -- first, I heard you talk about the convention on the radio today, because I listen this stuff for some reason, but --

[laughter]

-- We're trying to bring in tourists, we're trying to bring in money, weaver growing as a city. If we don't build another part of the city, it lands in my backyard, in the Roberts family backyard, in the yards of

these people in cactus rose, and we don't have the power, with all due respect, that people in this room do, many of the people in this room do, to fight. All of to do, all you have to do -- I don't know, I don't know the policy, I don't know the law, I don't know what you have to do here on this, but you are prioritize justice and get these folks in the back of the room who are going to make a lot of money on this project to fork over more.

[7:34:04 PM]

I'm sure there's a way to do that because they're going to make a killing.

[Cheers and applause] I appreciate the work that you're putting into this --

[buzzer sounding]

-- All y'all whose staff has been working on this councilman Renteria, I know your staff has worked really hard on this. All are trying, but at some point, my god, you've got to stop this thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Is [inaudible] Here? Frank momreal? Is Daniel corpus here?

>> All right. Daniel corpus. Where do I start? Why are y'all bashing on these guys here? I don't understand it. Had he helped me move. I've got a 1972 trailer. I put the tires on myself, everything, and they moved me. Don't tell me that y'all trailers can't get moved. Don't say that. Any one of them can get moved. It's easy. They'll move you. Talk to them. Talk to them. Talk to them. But y'all don't. Y'all just stirring up a ruckus. I don't know why. Why? Because I'm telling the truth?

>> [Speaking Spanish]

>> I don't know why they're doing this. You know, they moved me to a nice place. I lo the place. You know, it's good land, everything. That's all I've got to say is just they've got to stop bashing the people, you know. Thanks for hearing me.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Council, that gets us back up to -- no. Jesus Marez?

[7:36:06 PM]

I'm sorry about missing you.

>> Hello. My name is Jesus Marez. I'm here to speak against items 53 and 54. The proposed construction would disproportionately affect minority and low income households and non-english speakers, not considering alternatives that would mitigate the negative impacts to the environmental justice populations would violate executive order 2 -- I'm sorry -- executive order 12898, and would also violate code of federal regulations title 49 part 24. There is also a Negro cemetery located on the southeast edge of the property area, recorded in Travis county clerk deed records volume 967, page 140. The proposed project has potential impacts to the cemetery, over century old, which would violate the health and safety code and also violate restrictive covenants in the Travis county clerk's records, document number (200)603-7728. I'm also here to tell you that if this project moves forward, it will displace old and disabled people on a fixed income. They would likely be homeless if the project is built. I also sympathize with the families in cactus rose because they're like me. I'm an immigrant that grew up poor on the southeast side of Austin. Today I have a good job and a good education, and I'm a U.S. Citizen. I came to this country with nothing, and I attribute my success to having good parents and a stable home. If you approve this -- if you approve -- if you approve this you will not only be displacing disabled people, poor people, and immigrants, you will also be displacing children.

[7:38:09 PM]

Please vote against the rezoning ordinance.

[Applause]

>> Mayor Adler: We're now back up to the -- to the dais. I would state parenthetically, everyone got a chance to speak for three minutes here because the total number of speakers were less than the 90 minutes. We have two different sections of our ordinances, one that says that we limit the total amount of time to 90 minutes. That, of course, does not apply to a zoning case because we can't and shouldn't limit the number of people that can speak. However, even in a zoning case, we can limit the time if we want to, and our ordinance right now has the first 20 people speak for three minutes and everyone else speaks for one minute each, and that can apply unless we change it to a case. But we didn't apply it here because there weren't that many people, there are not that many people I think on the St. James case, but something we're going to have to consider on the grove case. We're now back up to the dais on this matter. Mr. Casar.

>> Casar: So as a manner of opening statements on this because I think there will be some continued discussion, I, and I think probably I speak with the majority of the council on this, am against anyone being displaced at this site.

[Applause] I'd prefer if everybody was left in peace and that this project would be better built somewhere else. That is, I think, most people's preference, and I don't think anybody should be left on the street because of this, and the council should do what it is that we can do to help. We also know that what we have in front of us is a zoning case, and we can vote several ways.

[7:40:15 PM]

One thing we can do is vote to deny the zoning case, and that might slow things down a bit, but it's no guarantee, as was stated at the podium earlier, it is not -- even if it's wrong, it is not illegal for this site to be developed and for people to eventually be evicted, and that's wrong, but it's not illegal. And I hope the owner wouldn't do that, but it's possible. Another option is for us to approve the zoning case, which would, as the majority of residents that are still living there who are here with us today, don't want to see that happen because they haven't negotiated a deal that they think is right and just, and so I can't vote to approve it. And I would assume the majority of this council can't vote to approve it because of that. And so we're walking a very fine line. The council, to some extent, but you all who live there even more are walking that -- a fine line, and so I think as you hear us discuss today what we're trying to do, I think, is to keep the chances and opportunity alive for those tenants to fight for the best deal that they can get, and I will largely leave it in your hands to work with us to try our best to decide the fate of this area, the way the majority of you feel like is right. And so we stand in solidarity with you, and we'll keep on walking this fine line on this zoning case with you because if I could vote today to just have this be built somewhere else and everything was left the way it was, I would certainly vote that way. But we all are in a much more complicated situation than that. And I'm sorry about that, but we -- but we will do our very best. Our hearts are open.

[Speaking Spanish]

[7:42:21 PM]

[Applause]

>> Mayor Adler: It was pointed out to me that we did not let the applicant rebut. Do you want speak first, Mr. Renteria, or do you want me to let the applicant speak?

>> Renteria: I'll go ahead and let the applicant --

>> Mayor Adler: Does the applicant want to close? Ms. Glasgow? Do you want to close? Or rebut, rather?

>> Thank you, mayor. I just wanted to have the technician just pull up a slide so I can just go to one couple of slides to show the sites that are available. Slide number 10, please. If we can go to slide number 10. Slide number 10 shows that there are several mobile homes located within less than three miles that can accommodate up to 47 residents, and there are 11 at frontier valley because some residents had indicated to us they wanted to move together as a family or with friends, so that's 11 right there, and it's at approximately .79 miles from the current site. The second one is at comfort park, Riverside drive, with 13 slots available, 1.3 miles from the cactus rose site. You have Bellaire site with three minutes and Austin pecan park with 20 spaces available. That's all within 2.9 miles of the site. And if we could go to slide 11 -- 12, please. I just want to end with this slide, I guess, indicating that we are willing to work with the residents, starting with this proposal that is from the city staff, the neighborhood housing department, that recommends the amounts in the neighborhood memorandum that was accompanying -- that accompanied the relocation ordinance you adopted recently, and these are the amounts that were suggested.

[7:44:39 PM]

Some were not available, as indicated. And we would like the opportunity, if you could approve the case on first reading, so at least the residents have an opportunity to negotiate going forward as to which of the options that are available, including -- you heard from Ms. Gonzalez about the site that she has, if you are inclined to pursue that, then we are willing to work with council. If you have ideas of what the developer can do to work together with you and the residents, give us that opportunity and we'll step up. Thank you.

>> Mayor Adler: Ms. Glasgow, can I ask you a quick question, Ms. Glasgow?

>> Yes.

>> Mayor Adler: The area of land where most of these folks live --

>> Yes.

>> Mayor Adler: -- What is it zoned now and what would it be zoned under this request?

>> The -- the -- let me go to a slide. Give me the -- I'll get -- it's just easier to go to a map that shows -- slide number 3. Slide number 3. There we go. The property that is in yellow along bastrop highway is zoned cs, and that's where the airport overlay prohibits residential. The property to the rear is also commercial. Then sf-3, being changed to cs mixed use. The area that is zoned go-np, will weep the go, general office, and get a mixed use overlay so you can build offices today. The front in yellow you can build commercial use there, just not residential without the mixed use overlay, a portion of it outside the airport overlay. Then to the south zoned sf-2, staff is recommending multifamily zoning, and the zoning districts as shown on that map.

>> Mayor Adler: Most of the folks that are living there now are living on land that is zoned to allow commercial uses.

[7:46:40 PM]

>> Yes.

>> [Off mic]

>> Correct. Let me show the sf-3, the area that has -- if you can go to slide number 13, please. Slide number 13 is the area close to Bergstrom highway, the yellow -- the mobile homes in yellow in the area that is in the airport overlay zone, zoned cs, and then towards the back, I believe this is

[inaudible] -- I'm going to the map, zo-np, zoned for single-family uses.

>> Mayor Adler: Thank you very much.

>> Thank you.

>> Mayor Adler: Mr. Renteria?

>> Renteria: Mayor, you know, I'm leaning to vote against this project, but I know that if I did that, then the residents there won't have any protection at all. You know, it's zoned already. If we -- they can develop what it's zoned now, you know. They can develop commercial and ff 2 housing. So that's why I'm hoping that -- and I hope y'all can understand that, is that if we turn this down, we're not going to be able to help y'all out. It's out of our hand. It's -- the developer can just allow you to stay there, or he can just kick you out, without giving y'all anything.

[7:48:45 PM]

So I'm hoping -- I'm going to make a recommendation that we support passing this on first reading, with the understanding that y'all need to sit down there and work it out. And if y'all come back to me and say y'all cannot do it, then I will recommend that we don't approve this project. So that's -- and -- but I just really want y'all to really understand that there's some risk by turning this project -- killing this project right now. But I have no problem of doing it if I'm not committed to anybody, I will vote it down, I'll make a recommendation and not approve this. But by hearing Mrs. Gonzalez and her offer, it gave me new hope because I know the Levander loop was going to take over three years to develop, and we're going to see if we can find funding because, as you know, if you follow the recent budget process, money was really tight, and we had to cut back on a lot of programs. We didn't -- you know, we didn't

hire 12 police officers. We delayed the implement of the 42-hour work week for ems. So just to finance the social service programs that we were pushing for. So I'm going to make that recommendation. If there -- if the leadership there don't want to and tell me to vote against it, we're ready to vote against it right now, but if y'all want -- you know, if y'all want me to pass it on first reading and give you the time, then I'll do that.

>> Houston: Mayor? Mayor?

>> Mayor Adler: Ms. Garza, then Ms. Houston.

>> Garza: I guess this is a staff question. The way it's currently zoned now, if we denied the zoning, they can build what?

[7:50:54 PM]

Can you just like give examples of what could be built on the different tracts of land?

>> On the portion that's currently zoned cs, they could build warehousing, they could build most retail, office type uses. Civic uses would also be permitted. Interestingly enough, cs also permits campground, which is used like a koa type campground, but it would not allow mobile homes. The portions of the property that are go that's a little bit further to the south allows office uses, medical office, administrative office, professional offices. Does allow some types of professional services, like a dry cleaner, nail salon, that kind of thing. The portions of the property zoned sf-3 allow duplexes, single-family, garage apartments. Those are uses that are permitted. The portion furthest to the south I think are zoned sf-2 by the cemetery. That would allow single-family homes.

>> Garza: Okay. So one scenario could be, we deny the zoning, and they could build any of those other uses and essentially evict the current tenants. Is that one scenario?

>> Yes. With or without the zoning change, the property owner would have the ability to go forward and develop under the current zoning. If you rezone, it could go into the proposed zoning. But in either case, the property owner has the ability to send an eviction notice to the existing residents after they file due process by state law.

>> Garza: Okay. I'm willing to follow councilmember Renteria's lead on this. I -- I would be inclined to deny as a statement that when you build in Austin, Texas, you have -- we could be displacing our residents.

[7:53:04 PM]

We can't be pushing them further and further east. It happened on Rainey street.

[Applause] Thank you. Rainey street used to be a hispanic neighborhood, and now it's a bunch of bars. And I really hope the developer can come to some kind -- or the owner can come -- can give a better package of some sort. I don't know why we can't just build something that the current residents could stay there. Why could we -- why can't you build an affordable housing project there that allows -- move them some -- move them somewhere while you're building and then build some units for them, bring them back. I think it's important that our community stays diverse in color, in income, and I really hope we can get some resolution. So I would be willing to follow councilmember Renteria's lead in that we approve on first reading with the hope that there's a better package for these residents, and if there's not, I would vote to deny on second and third.

>> Mayor Adler: Ms. Houston was networks then Ms. Kitchen.

>> Houston: Thank you, mayor. First of all, I want to thank everyone for coming out this evening and sharing your testimony and participating in the process. This is a really difficult situation, and it feels like we're caught in a -- in a vice. But I want to thank councilmember Renteria's staff for working very hard on this. I want to really applaud Mr. And Mrs. Gonzalez for stepping up --

[applause] Thank you. That one of the most creative solutions that I've heard come from this city in a long time. Of course, some people don't want mobile home communities in the area, but my value is, who is my neighbor?

[7:55:09 PM]

And my neighbors are the people in cactus rose. And if that is the only place we can have them come together as a community, then that's what I'm going to support. So I, again --

[applause] I would welcome you into district 1 until you all find some other place to go, if councilmember Renteria is able to work out something in the meantime, then I'm willing to, again, as councilmember Garza said, follow his lead. But I want everybody to know that you're welcome in district 1, and I want to thank you again for offering this as an option. We have got to think about, as we erase these lines that we keep talking about, they're people's lives at stake here. They're people's lives and they're children's lives at stake, and we continue to push people out and replace them with new people, and we think we're doing a great job. So please know that you're welcome, and thank you.

[Applause]

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I, too, I want to let you all know that I will follow councilmember Renteria's lead here. I think that if we pass it on first reading today, with the understanding that we're providing additional time to

see if something can then be worked out, and with our stated commitment that we will not approve going forward anything that displaces you, that sends you away, breaks you up, means that you can't live together anymore, and can't have a neighborhood. So I can make that commitment. I do have a question. I want to ask -- I also want to say that I appreciate the -- the proposal that was brought forward by the gonzalezs, and it says that there's no -- cost estimates are not available at this writing?

[7:57:15 PM]

I'm just curious about the order of magnitude. Is there no order of magnitude that we can understand at this point on the cost of that proposal?

>> Councilmember, before this item could come back, I could work probably with the water utility and development services to figure out what the city's cost would be. We get the information from the property owner, I guess, to look at the estimates that they have and take a look at those, but that's the best I could do, is just see if we could take a look at that information.

>> Kitchen: Okay. Thank you.

>> Perhaps get the packet that we shared with you this evening.

>> Kitchen: That would be helpful. Thank you.

>> Mayor Adler: So is the proposal that the city would contribute to it to help become a mobile home park, then it would be put into like a land trust so it would be permanently kept for that use? If the city were investing in the tract to do that?

>> Mayor?

>> Mayor Adler: And I didn't mean for you to have to commit. I'm just more -- in fact, I'm uncomfortable putting you in a position where you have to commit on a deal like that --

>> No, no. We are currently researching that. I'm meeting with Mr. Mark Rogers, who you know is familiar with the Guadalupe neighborhood community land trust, so I've been working with him as to what we can do, if not a community land trust, what we can do to mirror what he has -- currently at the Tillery site.

>> Mayor Adler: Okay. Thank you.

>> Mr. Mayor?

>> Mayor Adler: I interrupted you in the middle of your question so I apologize.

>> Kitchen: No, no, you asked a good follow-up question so thank you very much. Where I was going with this I think the proposal that you have put forward, while there's absolutely no guarantee that there's anything that we can do with that, I think it's worth further discussion to see if we could.

[7:59:16 PM]

Mr. Zimmerma N?

>> Zimmerman: My question was, what about the other option that was brought up by several people about city-owned land in the area, Levander loop? What happened with that? Can somebody tell us what happened with that proposal? I was jus

>> Zimmerman: I was curious when and how it was proposed and I guess why it was not feasible.

>> Rebecca giello, director of community housing and urban development. I do appreciate the opportunity to respond because it's very important certainly for us in housing to be able to go on record and say that the circumstances here are not lost and the importance to try to find solutions is not lost on the staff. When we were asked about the feasibility, we were asked about the feasibility of a move on to Levander loop to coincide with the need of the transition out of it was our understanding that that would be somewhere around may 2018. That particular tract, Levander loop, would require several different transactions to occur to be even developed. And it's worth spending just a few minutes if I can just kind of walk you through what those activities are. Certainly just taking aside the public engagement process, which I do believe that the expectation of that neighborhood would be that there would be a public engagement process, but setting that aside, a zoning application to change the zoning from public use to residential land use would need to occur. The design team request for qualifications, although the site is owned by the Austin housing finance corporation, we would want to obviously pursue that activity.

[8:01:18 PM]

The design phase subdivision application, submittal and review, the construction plan submittal and review, site plan and site plan construction submittal, a construction contractor, a request for a proposal certainly would need to be factored into that as well. I'm sorry, I try to look at everyone here. Infrastructure construction would need to occur. And then likely a request for proposal for the management services of the property itself. Austin housing finance corporation doesn't currently have a business model to actually manage the site and recognizing that the board, Austin housing finance corporation board, would have a certain liability, we would certainly want to find a management

company to do that. Those activities we felt it was very important to signal some concern about the timeline because we, frankly, don't want to do any disservice to the residents and create a conversation that makes it sound feasible to meet a timeline that would be required really to see a seamless transition for the families. That felt like a disservice not to be honest about all of that.

>> Zimmerman: So if I could, Mr. Mayor, it's mostly timeline from what I'm hearing. And I appreciate the recitation of those problems because there's no irony here, everybody faces those incredible bureaucratic delays, which is part of the problem in the city. It takes so long to get stuff built that the prices of what's here are being driven up because of the bureaucratic red tape. So I can appreciate that, but I guess the frustration is everybody deals with those delays. It's not unique to your situation. So I think even if you committed to and started that process today and had this done at some point, there would be a demand to quickly use that up. So I don't understand still why you wouldn't do it because you know the demand would be there, right?

[8:03:21 PM]

If you started today and you have it ready in two years, the demand would be overwhelming to take advantage of it.

>> Well, I want to be very clear. With the council direction to do the development on that tract, Austin housing finance corporation, certainly the staff, we will pursue development on tract. However that said we would also be looking at some fiscal constraints due to fact that there isn't a budget for it. I am not at all signaling that these are barriers that cannot be overcome. I do want to say that the may 2018 timeline was something that even from a development standpoint staff felt we needed to signal a clear message that that was not going to be feasible overall for the development.

>> Zimmerman: Understood, thank you. Thanks for that clarification.

>> Mayor Adler: Mr. Renteria, do you want to move approval on first reading?

>> Renteria: Yeah. I really want to move to pass it on first reading with the understanding that there are going -- I want the residents to sit down and meet with the developer and see if y'all can work it out. I don't want to -- what I don't want to see is, you know, -- we hope the help with the staff here that we can sit down with y'all and really work out something and -- that everyone can agree on #. There's going to have to be some give and take and I hope that we can work out and make sure that this becomes a positive output, turnout, because, you know, it's very easy for us is to just deny the zoning change request, but, you know, is it really going to help y'all out by doing that.

[8:05:25 PM]

>> [Inaudible - no mic].

>> Renteria: What's really going to help y'all out is what I'm saying. So we're willing to wait. We're going to pass it on first reading and I want y'all to sit down and talk and work it out and we'll help you out. I'll commit my staff to sit down with y'all to help out. So that's not going to be my recommendation, mayor.

>> Mayor Adler: Thank you. It's been moved. Is there a second to that motion? Ms. Garza seconds that. Is Mac mcelwright back there? Why don't you come. Do you mind coming down for a second? If we pass this on first reading will you work with these folks?

>> Yes. And for the last 17 months we have been seeking to work with them. And we understand the situation that they're in. We understand that, you know -- we don't want any individuals to be rendered homeless, none. That's not a desire and that's not something that we would accept. And that's why we've been speaking with councilmembers, we've been speaking a great deal with councilmember Renteria's office and we've spoken to many of the residents. There have been residents that have over the last 12 to 15 months been exhausted with the situation and have decided to move on, but there are other residents that we realize still have uncertainty, and they want to know that they won't be scattered outside of Austin. That is not our desire. That's why we have reached out to a dozen mobile home parks and identified dozens of spaces that these people can relocate if that's the direction we need to go if we need to relocate these people with relocation assistance there. Have been people that have moved in the last 45 days and we have helped them with their relocation assistance and helped them to move into a different mobile home or relocate their mobile home.

[8:07:31 PM]

And if these individuals live in a mobile home that cannot be moved, we want to work with them on that. That is our desire. We see the situation, we think that it's serious. We're not taking it for granted. If we were, then to councilmember Renteria's point, the landlord could consider current development and he hasn't done that. For 17 months he's allowed people, despite month to month leases, despite some of their leases lapsing, he's allowed them to continue to stay there. We've tried to come up with alternative means to help them. And that won't stop between 41st and second reading. We'd love opportunity to talk to them again. I'll be candid to you, it was today the first time that we heard about the most recent offer between the Gonzalez tract and what the cactus rose park association has most recently brought forth. So give us that opportunity, councilmembers, to talk to these individuals and the community as a whole, and let's come up with a strategy that's best for all.

>> Mayor Adler: Okay, thank you.

[Applause]. Hold on, Mr Renteria?

>> Renteria: When we had a discussion earlier this year, you were mentioning that you had a location there where you could move some of these mobile homes out of the way where you want to start the construction. And they could stay there for almost a year there. And if it took us that long to build a new mobile home park, would you still be able to do that offer that you were offering?

>> Well, I know that there's been differing discussions and timelines between whether it would take -- I've heard I think 12 months and I think I've heard 41 months throughout the course of the dialogue.

[8:09:37 PM]

What I can say is first and foremost, we at present have located enough mobile home and rv spaces within the city of Austin, within the del valle ISD, near a grocer and/or near a mode of transit, so that immediately these people could be relocated and we have reserved those spaces for these individuals so that if a community -- it sounds like a number of the individuals would like to live together because they're families and they live in multiple mobile homes. And we can accommodate that at two of these different parks. So we do have some flexibility in terms of an area that's adjacent to the property, but there are superior means and locations that we would like to discuss with the community and with the residents.

>> Renteria: Thank you.

>> Mayor Adler: Ms. Garza?

>> Garza: I just -- over here. The Gonzalez offer of a piece of land, do you think that's something that -- are you the developer or the owner? I'm not sure --

>> We're the developer so we're the applicant that has the property under contract and are seeking the zoning, the rezone.

>> Garza: Okay. I thought we were talking to him if he's representing --

>> Sorry, councilmembers. The property owner, Mac MCHE willwright, is the developer, and I'm representing the landowner. Mr. Nassour said that -- if you would go to slide 13, it will give a better picture. I know what councilmember Renteria is asking and that slide will help show what he's trying to communicate. And the slide is going to show you 13 has the yellow mobile homes, that's what he's asking.

[8:11:39 PM]

That's a property zoned cs in the aoa zone and the answer to your question is yes, they can stay there for the year that you've asked until something is worked out. So he wanted me to convey that to you.

>> Mayor Adler: Thank you. Mayor pro tem.

>> Tovo: Ms. Glasgo, until what date could they stay there?

>> We can negotiate all of that after first reading. And until -- whatever we work out

--

>> Tovo: You were saying for a year. It wasn't clear to me what you said.

>> Councilmember Renteria asked earlier if that spot could be reserved for about a year while we work towards another solution, I think the reference must be to the Gonzalez tract. But the answer is yes, we can work towards an agreeable time frame to accommodate whatever resolution we come up with together.

>> Tovo: Okay. And I don't mean to keep putting you on the spot, but when you were talking about the year, were you talking about a year from now?

>> I believe we were talking about a year from now. Was that your expectation, councilmember Renteria? I don't want to put words in your mouth.

>> Renteria: Well, the discussion we had earlier you were saying that if -- to get that -- there was another location that y'all were building mobile homes.

>> The Ross road. That's the case you approved this morning on first reading on Ross road in district 2.

>> Renteria: But you also mentioned it would take you about a year to get all that developed. And there was a way where they could stay there until you had finished that project. And I'm just wondering if it's possible also for them to stay there if we do the Gonzalez development.

>> Yes, that's possible. It's available. It's one of the lists that we have on the available sites that -- if the residents desire to locate there, then that's another available site that is in progress, is a site plan that is almost about to be approved.

[8:13:43 PM]

It has a few more months to go. So it's further ahead than anything else. It's just the front portion that was 10 acres that you just zoned today, but the remainder of the property is in the county. And I see councilmember Garza raising her hand.

>> Mayor Adler: Ms. Garza?

>> Garza: Is it even an option for the developer to apply for tax credits and so there could be an affordable housing project on this site? So these families could stay?

>> I'll let Mac answer that question since he's the developer.

>> We have not gone in that direction, and the reason in large part is because a lot of the individuals in this community have voluntarily preferred to live in a mobile home or an rv or an alternative means of housing, one. And two, the focus for so many of these families has been on relocation, it hasn't all been to one place, it's been to a number of different scenarios and not -- we can't fit everyone into one box. It's a case by case situation. And so that has been discussed in the past, but the focus for a year now has been on providing adequate relocation assistance so that no one is rendered homeless so that everyone can either maintain the mobile home or the rv in which they dwell or can be put into a situation in which an adequate mobile home or rv can be afforded to them. And with relocation assistance along the way.

>> Garza: I think the biggest concern for all of us is the space. So if -- displacement. So if that option could be on the table, maybe it's not something they even considered that was possible. So I hope that you'll continue -- and I know, and I believe that you will continue in good faith a conversation with them and maybe one of those is we can apply for tax credits and we can build an apartment or condos and they could take advantage of it.

[8:15:56 PM]

I don't know if they've even offered that. Anyway, just an idea.

>> Mayor Adler: It been moved and seconded to pass this on first reading only.

>> Mayor? Just to get clarification, there was not a recommendation by the commission. There was a staff recommendation on this or you have the applicant's request. So just to get clarification, if the motion on items number 53, which is the neighborhood plan amendment, and item 54, if that was just the staff recommendation, or just the applicant's request. And the second is what would you like to do for the public hearings for both of these items? You can certainly close them, you can approve on first reading or approve on first reading and perhaps leave the hearings open you to come back?

>> Is it your recommendation -- your motion, is it the staff recommendation? Or the applicant's request? What's the difference?

>> The applicant is actually in agreement with the exception of the ponca extension. So if you were to go forward with the staff recommendation where we're asking for ponca, the staff is agreeable with the staff recommendation with the exception of ponca going through. And that would be in the zoning portion of the case.

>> Renteria: Is there a problem with building that street throughout?

>> We can certainly get with the applicant. It was part of the original staff recommendation so revisit that at second and third readings before you make a decision.

>> Mayor Adler: So your motion is a staff recommendation or the applicant's request?

>> Renteria: I want to do the staff recommendation.

>> Mayor Adler: Staff recommendation. Okay. Ms. Garza, you understand that with the second? Any further discussion? Mr. Casar?

>> Casar: Mayor, I wanted to get a question in for Ms. Giello he will low, but we moved on pretty quick.

>> Mayor Adler: For you we can bring her back.

[8:18:01 PM]

Very briefly, funding sources and funding got brought up in the context of decker potentially Levander, et cetera, has staff looked into what the funding possibility might be if we have to get to the point of relocation, and that's what the majority of residents want, and we approve the zoning case, have we looked at funding options in that sort of scenario?

>> We are exploring options around funding and I should say we are scheduled to meet with Ms. Gonzalez around the proposal that's being brought forward as well as members of the colony park neighborhood association next week. So we're doing some due diligence on several different angles to include funding.

>> Casar: Okay. It sounds like this is a pretty quickly moving issue. We heard from several residents that they want it resolved fast so if we could do diligence, but quickly. I think councilmember Houston's words were so powerful. In district 1 she sees this as a place for folks to call home. Know that I will work with anybody in district 4 and will speak for myself that anywhere in district 4 folks can fit, if that's where people want to live, that we'd be ready to champion that. I know there is lots of funding a that we dedicated to various housing projects in this budget. I know there's just-- I want to make it really clear to the staff and the community that what you're hearing from the majority of this dais is this dais wants to be supportive of solutions and that we are not in the way. So whatever it takes let's just hear the options.

>> Understood. As the proposal stands right now and certainly should it even be modified, I would imagine that we would be coming back for either Austin housing finance corporation board action or city Austin, whatever was most appropriate, due to the funding constraints certainly the department has or the funding requirements that it would take to fund the proposal.

[8:20:09 PM]

>> Casar: Thanks. I'll let the mayor pro tem take it from here, but I would also say that we handled several sort of zoning cases related to mobile home parks here on this dais in the the past year or so. And if we start getting to a place of resolution, I would mention that it can get kind of complicated legally, so get ready for that portion too, but whatever strong legal protections y'all can get to make sure whatever we do gets you the anticipated results, I would strongly urge that.

>> Renteria: Mayor? I also would request that you do the land survey before the second reading. Is that possible to do the Gonzalez lot? Have you done a survey yet?

>> You're referring to the proposal submitted for the tract on decker?

>> Renteria: Yes.

>> No, we have not. We have not engaged the office of real estate services around that proposal currently. So no, sir. If we are directed to do so, we would need to do some due diligence with multiple departments.

>> Renteria: Mayor, I would like to make that recommendation.

>> Mayor Adler: Make the recommendation for the survey?

>> Renteria: Make the recommendation before we decide on our second reading.

>> I apologize. I don't know when second reading is. I can certainly say that the direction that I'm receiving, and that I'm hearing, I feel does warrant a fairly quick follow-up to council. We can certainly do that and I think that I would value the exercise of getting a number of different departments involved. And being able to report back what the next steps would be.

>> Are you okay doing the survey question?

>> I am not sure that we can get a survey done that quickly, but let us quick and we can get back to you if that's all right with you.

>> Renteria: Yes.

>> Mayor Adler: And is your intent to keep the hearing open or to close the public hearing?

[8:22:16 PM]

>> Renteria: I would leave it open.

>> Mayor Adler: Mayor pro tem?

>> Tovo: I have a follow-up question or just suggestion to our staff. If -- I would suggest that it would be useful to ask real estate if there are any other tracts that are owned by the city that could also be appropriate? I'm not sure that that would gain us any time. It sounds like the time frame -- the timeline you were outlining would apply to any tract of city-owned land, but I don't know that for sure. So if the council is agreeable I would just suggest that we ask real estate to consider that as well, whether there is another tract that would be for some reason faster. Or more appropriate for this purpose.

>> Mayor Adler: The motion is to approve on first reading only, keep the public hearing open. It's the staff recommendation. Any further discussion? Those in favor please raise your hand? Those opposed? You are an aye or abstain?

>> [Inaudible].

>> Mayor Adler: Opposed. Ms. Tovo is opposed. Others voting aye. It passes on first reading only.

>> Houston: Mayor, when would it come back? When would second reading come back?

>> Council, we would probably need to look at the proposal that was submitted this evening, check regarding the survey information, follow up with housing and talk with the respective departments because I think there's some questions asked about the costs before we would come back. And certainly we would ask the question of the residents and the owner of the property have they had any further negotiations and have they brought forward any proposals because I think if we come back with just the same answer, you probably don't want to hear that and you would like to hear at least something else.

>> Mayor Adler: You'll bring it back as soon as you can with the information, when you have the information. All right. Let's move on. Thank you very much. We're done with this matter then.

[8:24:18 PM]

Let's move to the St. James Baptist church.

>> R.

>> Mayor and council, item number 65 is case c-14-2016-0025, this is the St. James missionary Baptist church. Again, this property is located at 3417 Martin Luther King, Jr. Boulevard. Since your last meeting the applicant has looked for additional ways to provide vehicular access to this site. And has included additional land into the rezoning request, which adds about 2.86 acres of land to the existing site. The area you've reviewed is now the site 1 point -- 9.1 acres in size. If you recall the planning commission's recommendation before and now since September 13th was to grant the --

>> Mayor Adler: Excuse me, one second. Excuse me, could everyone please keep it down a little bit? We've moved on to the next matter and it's hard to hear. Thank you.

>> Thank you, mayor. The planning commission's recommendation on September 13th was to grant the single-family f-6-comp district zoning with a conditional overlay with limiting it to units and to limit vehicular access to east 17th street to emergency access only. Emergency access would be probably in the form of a gate that could be locked and and unby an emergency service unit, fire or E.M.S. And you can kind of see towards the bottom of the tract on the south side, that would be the access point. The little polygon to the north along martin Luther king boulevard, this is that is the 2.86-acre tract that was added.

[8:26:24 PM]

It would then allow for a bridge to cross the creek and so direct access could be taken to east martin Luther king boulevard. There are existing single-family homes to the west, existing church to the east, cemetery to the south, and I think I'll pause at this time because I think you have speakers. There is a valid petition against the new larger area that's requested for rezoning. And it stands at 23.37%, so it would take a super majority to override the petition at third reading. So I need to make you aware of that as you consider this for first reading today.

>> Mayor Adler: Okay.

>> And Laura tips is here representing the owner.

>> Mayor Adler: Ms. Houston, do you want to hear from the applicant first? Please. Thank you. >>

>> Good evening, council, I'm Laura toops, and I'm the agent for the church on this case. Waiting if I could for the slide. This slide -- I won't dwell a lot on the first part of it, but it does show where our neighborhood meetings started in January of this year, but I would remind you of August 11th when we came to the city council and you requested that we find a way to add the connection to martin Luther king through the church lot. We immediately did the field notes for the additional zoning because that would be required for that joint access. We went to the planning commission because again that was required to go back for that new area to allow this additional driveway.

[8:28:30 PM]

And here we are today requesting the sf-6 zoning with the requirement to access mlk.

>> Mayor Adler: Thank you.

>> This is a graphic that shows you -- so the long piece was our original zoning case. The new piece was a little bit larger because we will have to make a traffic circle at the church driveway to allow what you see in blue is the additional crossing. I will point out the darker white to the south within the creek, that's the critical zone. So to the north the critical zone ends. So there was some discussion about possible variances to cross it. And it would not be required. And it shows the access to 17th street as well. The area issue that came up was some discussion about possible grave sites. The pastor of St. James went to the history center and there was an article from the late '90's which talked about some grave stones and actually bones that were found in a creek downstream. And it points to what was the highland park cemetery. So at the history center you also see the two tracts, one on my right is the highland park cemetery, to the left is evergreen. And what we've highlighted there is where 17th street is. So you can orient yourself. And put it on where the tract is today. And what were those cemeteries are actually today evergreen. So there's no indication of grave sites on the church and the historical information indicates that that story was about the old highland park. This just goes back -- ultimately what we're asking today is for you to grant the sf-6 zoning and go back to our previous -- the reason that we're requesting the sf-6 is it allows us more flexibility with this site.

[8:30:41 PM]

There are a number of trees. The idea is to cluster the housing, the ability to do a different housing type which can be more affordable. It will be condos. It's the ability to do smaller units. And we are requesting access to 17th street as well as mlk. We are aware that there's been discussions from the neighborhood with the council as the planning commission for restricted access to 17th street. Our desire and our preference is to have unrestricted access, but we are prepared to go with the council's desires on this tonight.

>> Mayor Adler: Thank you. Do we want to just go into the speakers? We have less than the 90 minutes of speakers than your 22 speakers, so we'll go for the three minutes. The first speaker we have is penalt gaush.

>> You screw up my name all the time.

[Laughter]

>> Mayor Adler: That's because the type is way too little for my eyes.

>> I need to become more famous. I have a presentation. I think somebody gave me also three minutes, but it's okay.

>> Mayor Adler: Yes. Is donni here, slaysbaugh? You have three minutes. So my name is penaci gosh and I'm by chance the chairman of the -- east mlk neighborhood contact team.

[8:32:41 PM]

My stance here today is neutral, but I would like to show a few things, which not only concerns district 1, but also concerns the other districts. So I have created a small presentation. You see, what you see in the map is the same picture as the lady was showing here. The important thing to notice here, there is a creek in the middle. Now, the important thing about that creek is the creek brings the water, the water from the Mueller development down to the Colorado river. So if you look -- if you look at the same area and if you look into the floodplain maps, this is how it looks like. We have four or five important creeks, very important creeks. And why these are important is that we have black clay. The water takes time to go. And there is no pumping station here. So pleased in the water flows to the Colorado river with gravity flow and a lot of these areas are pretty flat downstream. So when we are downing downstream, flow from Mueller downstream, we have to think about downstream, what we are going to do with the downstream. We have to engineer it. We just cannot just say that we are going to take emotional decision or anything. We have to engineer it. So if Luke into this whole situation, this is a perfect situation where we have on one side single-family homes, and I have marked them. Number two, we have a greenbelt, which reduces the flow of water. Then we have a very large parking lot, which is used once a week. And you will see codenext always talk about multi-use of parking lots. We have a community washing place. We also do have a new condo complex coming up. If you see number 5, the old nursing home is being transferred into a new condo complex, and I actually personally requested how they can use the -- charge parking lot for easement to go to mlk.

[8:34:54 PM]

That discussion did not go anywhere. Then we have our creek, which is a very important thing, and then there is martin Luther king, junior boulevard. So if you see it's a confluence of a lot of things working together and I believe kind of isn't the spirit of east Austin. The spirit of east Austin is not an event. This is how we live. This is our way of life. So one of the thing is the church is not suffering from penury, which means it's not that poor. It's not going bankrupt. And we are here talking about development, we are not talking about the planning.

[Buzzer sounds] What I'm requesting, let's take -- do I get six minutes?

>> Mayor Adler: The person that was giving you time was not here.

>> Okay. So to just -- if you would allow me to just --

>> Mayor Adler: Finish your thought.

>> What I'm requesting here is that we have a larger are problem is our Flum is 27 years old and we have this cat fight for every development. I am requesting, and to my esteemed councilmember also, if we can involve codenext team to create a more detailed description for land development on the east side and use it as a template that we can use in all our other developments as a best case, this is how we develop because I showed you the seven reasons. Then that would be very helpful for the entire community for this site.

>> Mayor Adler: Thank you very much. Vera givens is the next speaker.

[Applause]. Is rose Scott here? Is Joyce bashoni here? Okay. You have nine minutes, Ms. Givens.

[8:36:59 PM]

And Andrew bucknall is on deck.

>> Mr. Mayor and council, I may not need all of those nine minutes. May I donate them to someone else if I'm short? Short of the nine?

>> Mayor Adler: If they're signed up. No, no, it would be hard for you to do that. I would say give it back to the dais and we'd be most appreciative.

[Laughter].

>> Okay. All I wanted to say is that we've done what councilmember Renteria, councilmember Houston suggested, that we come together and talk about it before we came to talk to you. And we have come with some reasonable -- what's the word -- compromise that we can try to live with. So all I can say is thank you for listening to us, thank you to helping us. The community that I had to refresh my memory about, you know, airport boulevard was a border and east avenue was a border. So where my sister lives is the first African-American suburban community.

[8:39:00 PM]

And I don't want my sister, who owns her home, to be flooded out, to be -- her backyard is beginning to erode. And all of those kinds of things. And I don't want to seem like the people who spoke before Austin, lose people who look like me. Because we're on the side of Austin where I lived all of my life. And I want to be able to have my grandchildren come back and enjoy the portion of Austin where I grew up. And I just want to thank you.

>> Mayor Adler: Thank you for your effort in trying to work this out. Andrew bucknall. Is Bobby Jones here? Bobby Jones? Thank you. Is Victoria Blakey here? Thank you. Mr. Bucknall you have nine minutes if you want it, and Bambi goldmark is on deck.

>> Mayor, councilmembers, thank you for the opportunity to address you today. I'd like to point out the hug that just happened. We've gone through a very contentious process. We've had a lot of really raucous debate and gone through a lot of issues. We appreciate our councilmember Ora Houston coming and meeting with us and helping us through this process. It's not easy to experience all the change that's happening in east Austin, and it's happening so quick. We hardly have time to stand up and make a response, to understand the issues in time to work with people to come to a compromise. But we've done this in a way that's helped to reestablish a sense of faith and hope. Faith and belief that we can connect together in ways beyond touch, taste and feel, but through spirit and hope that we can create a better tomorrow.

[8:41:09 PM]

This is a neighborhood where people have lived for generations. Some people for 10, 20, 30, 40 years, and more than one generation. Home is where the heart is, and this street, calido and east 17th street, has a lot of heart. We want to save that heart in east Austin and in an area that has been historically African-American. So we're here to ask you to support the recommendation from the planning commission. There's two issues here. There is a lot that is zoned sf-3 and they're proposing sf-6. So it is for usually large lots with a minor residential street. East 17th and calido are minor residential streets. Right now that's the only access that's there. So we went to the planning commission and up to council, back to planning commission and a lot of meetings in between and then came up with an idea that the church supports. And we appreciate their support. And we support the church in their efforts to sell the property to retire their debt. We want to help them. We want to support the church in a way that also sustains and protects this -- sustains and protects this neighborhood. So the church proposed another access across the creek over to mlk. Mlk is not a minor residential street. It's appropriate for sf-6 zoning. But we still have the issue with 17th street connecting to this neighborhood. On the other side not too far away is airport. We don't want this to become a cut-through either. So we had the proposal that that owe and St. James has supported this connect over here. And they also wanted connectivity through 17th. So our proposal that was helped through the process and learning more about options was to have a crash gate on 17th street with only emergency access. I understand that there's some hard feelings about a crash gate. There's been some contention over this before, but it's been done in west Austin.

[8:43:10 PM]

And I think if it's good enough for west Austin, it's good enough for east Austin and we should be able to do it there too.

[Applause]. It's worked for west Austin, it should work for east Austin too. The topography of the area and the reason we need this, is because there's a creek and it's very narrow at the mlk side and gets wider as it gets over to 17th street. That building is going to get pushed towards 17th street. Even if you have two access points if you live on that property you will go to the closest access point that will be 17th street through to calido. So the other option that we have is no option at all through 17th street, only through the other side of the property. The third option that we have is just say no to sf-6 and keep it sf 3. We don't want to do that. We want to support the church. We want to help them retire the debt. We want to be good stewards of our neighborhood and not create more problems. Connectivity is the problem. Connectivity of 17th but over here to the butt over here is over a quarter of a mile away going over a creek. It's not a feasible connectivity place. We're not losing connect by creating a crash gate at 17th street. So I would like to ask you to please help us. With this spirit of hope and faith as we move forward, and coming up with the solution that works for all of us and support the recommendations of the planning commission. Thank you very much. I yield my time to the next speaker. Thank you.

>> Mayor Adler: Thank you. Is Bambi goldmark here?

>> Yes.

>> Mayor Adler: Good. And the next speaker is Debra Murphy.

>> Hi. Is there a picture of the area that we happen to have that can just be put up there? It's not necessary, but I thought it might be helpful.

[8:45:11 PM]

Okay. So I have lived in east Austin for 30 years and I've lived on Loreto drive for over 10. I agree with Andrew that any kind of access on 17th is going to negatively impact the neighborhood that's already there, and I think that's bad. I don't think that -- I think we have enough traffic problems with never the world moving to Austin. And I think that just what Andrew said is true, that an access point at 17th street is going to be a hardship for those of us who live on Loreto drive and in that area. My understanding previous to today was that there are laws preventing development in areas that have certain size trees and bigger. My feeling was that if we don't want development then by -- less is better than more of something you don't want. And by holding to the sf-3 it gives the developers less flexibility. And my thought was that there would be places that are zoned for development, but wouldn't be able to be developed because of the trees. I was just informed, and maybe I'm wrong, that even though it's illegal to cut down the bigger trees, it's just a fine. So it's something that's routinely done anyway. So if

that's the case, if it's just put into the cost of doing business, in that case changing to sf-6 might not make that big a difference, and I agree with Andrew that probably we would be willing to compromise. If they're just going to cut down trees anyway then I would be better a I would feel that it would be better to give them the flexibility to change the shape in such a way that they won't cut down bigger trees.

[8:47:19 PM]

And so I would agree with everything Andrew said that the best thing for us would be to agree to this compromise -- agree to allow them the sf-6 under the condition that we do not have an entry point on 17th street because there's no way to have that, that will not significantly negatively impact the beautiful neighborhood that we already have.

[Buzzer sounds] Do I have another moment? I think that Andrew just donated his time to the next speaker? Do I have one minute?

>> Mayor Adler: No. But you can finish your thought.

>> Well, thank you very much. I am inviting all of us to think about continuing the renovation of the jj Seabrooke part of the creek that's across mlk. I think it would benefit the parties, including the developers, I'm just throwing this out there, while we're making the plans, I think it's important that we should make the creek a better place for people and wildlife.

>> Mayor Adler: Thank you.

>> And I just want to put that out there. Thanks, everyone.

>> Mayor Adler: Next speaker is Debra Murphy. And is Dan -- is Dan laky here? Is Brenda Alexander here? Is Edwin hard inhere? Is David king here? You have 15 minutes, Mr. Murphy.

>> Thank you. First I want to say that I have a different take on the legislative grave -- slave grave site issue and I'll speak to that later. We have had a lot of spirited dialogue and discussion with the pastor and Mrs. Houston over the past few weeks. At this point both sides now agree that the residents of Laredo, and on the very short east 17th street cannot bear any additional traffic going in and out.

[8:49:24 PM]

And it is unsafe. It is against code for east 17th street, the very short east 17th street, to be a traffic access point. It is a minor residential street. The traffic access point should be on the church side, which

the planner originally said could not be done. Which we now find out can be done. Thank you to the church for agreeing to do this. We had expressed our concern about the homework grave sites, although the planner was dismissive of this -- dismissive of this and said there was no evidence and is continuing to say there's no evidence. This 1998 "Austin american-statesman" article about the slaves graves raises new questions for me. I'm not dismissive of it. The article speaks to remains of persons buried in old highland park cemetery, which has now morphed into evergreen cemetery. Some of these were slaves and some had hispanic sur names. Their remains or some remains were apparently washed downstream or eroded into the creek. Even though by the way the planner says that area does not flow downstream, but we have experienced that the water does flow in our direction. And apparently the city of Austin did not act to retard this erosion because most of the 170 some-odd graves are no longer where they once were.

[8:51:36 PM]

Graves represent the history and the legacy of a people. This is a cultural tragedy. The city must pay attention to this going forward. Can you really go forward until the issue of the graves is resolved? Would you be digging up graves in west Austin? If your foreparents were buried over there, would you vote for this? When -- wouldn't you want to know for sure whether or not there are graves there that you might be excavating? There needs to be a study commissioned so that we can know for sure before any building begins. Just because you can does not mean you should. Wouldn't you want to know for sure. Does anyone have any questions?

>> Mayor Adler: Questions? Thank you very much. Next speaker is Gerald Murphy. And after Gerald Murphy it's Billy McClendon.

>> I'm Gerald Murphy. My sister stole my thunder and a whole bunch other. But she takes this to heart as do the neighbors. One thing she didn't talk about was the valid petition issue that we addressed last time around. For you all that don't know, the neighbors took their time and their diligence to validate a petition with the numbers that are required by percentage. When we first came here. And they did that even with the added hurdle of evergreen cemetery, ie city property being part of the boundary.

[8:53:37 PM]

So within that boundary, evergreen cemetery, ie a city-owned property, we found, was also included in the calculation as part of the denominator, which made it more difficult for the achievement of a valid petition. And I think that's something that should be addressed for the entire city. I said that the last time I was here, not just this issue. And the issue becomes if you have city-owned property within the

boundaries of an area where you're trying to seek a valid petition it's unshare of the residents to battle against the city when the city's property is part of the denominator. It just doesn't make clear sense. But even with that they toiled and were able to achieve the necessary percentage. I think it came out the first time around 22%. And it would have been 46% or so were it not for the city-owned property, ie, evergreen cemetery, tied to that denominator. When we are now looking at the new zoning proposal, the new recommendation, the reason that we're here tonight, they -- we had to go back again and get another valid petition because the first one became invalid with the new boundaries that were set. Guess what? The same thing applied. Even with the new boundaries being saying the property is still in the boundary, so we had to still fight the battle of achieving over 20% when the city's property was part of the denominator. We were still able to do that again, get over the 20%. And the reason I'm bringing that up is because it's very significant to understand where the pulse of the neighborhood is. And the pulse of the neighborhood by those efforts should mean something to you as you consider whether to approve or to reject this proposal. East 17th street as a corridor, we were told at one point it was standard in terms of street width. It's not. It's found out to be less than standard. It is too narrow. If you look at the article that we referenced on the grave sites, you'll see in there where they talked about in the old days there was actually a road.

[8:55:42 PM]

The road they're talking about, that narrow road that they talked about in that article that feeds into that old grave site, was east 17th street. It's the same extension that we're talking about, that we're fussing about, that we're rallying for to be closed, not opened. It can't be opened. As Debra said little while ago, when you look at the boundaries that are identified --

[buzzer sounds]

-- And I'm recognizing your patience with everything that's happened tonight, I'll close with this final thought if I could conclude. You look at the area that's been identified on the chart for the cemetery. What we don't know -- it will be argued whether there are burial sites in there or not, whether they're upstream or downstream, whether they're over the greenbelt or not. But the thing is that there's an uncertainty and I would hope that you would consider that. With due respect to all of you, thank you so much for your time.

>> Mayor Adler: Thank you.

[Applause]. Pastor McClendon?

>> Good evening to the council. Again we thank you all for hearing us tonight. We still have the same platform that we had before, as we have met with the community, that we plan to be good neighbors. All along we knew that a possibility would we'd have to have another access point. So if my last meeting we have met and we now have a major access point from our property. And again, I cannot say enough.

I went to the library, the city, the historical library, and discovered that the highland park cemetery was used from 1891 to 1893, approximately approximately 59 and then somebody else came in with an extra gave, 160 people were gathered there. So there are no graves, according to the city, the the site has now became evergreen.

[8:57:48 PM]

So we still have the same intentions of working with this community because we're a part of this community. Brother Murphy is one of our members. We have approximately 2500 members. And to correct one other brother, we use our campus more than just on Sundays. We have something going on all the time. We are very busy congregation, but we plan to work with the community and work with the council as we go forward with this. And we are very sensitive to the heartbeat of the community. So again, thank you for hearing us. We look forward to moving forward on this because we plan to do exactly what we said we were going to do to be good stewards. We've been in that area of St. James, organized in 1927 on midway street. 1969 they moved out to where we are now. We built one building in 1986. Present sanctuary was built in 2006. So we plan to do what we said to work and be good neighbors from now on. We plan to be there and be good neighbors. As I say, thank you again for your time and for your consideration of this proposal. Thank you.

>> Mayor Adler: Yes, mayor pro tem?

>> Tovo: Reverend McClendon, thank you for being here again. Can you -- we've heard a lot of different testimony this time and last time about the cemetery. And I remain a little concerned about it even after the article and some of the maps we've seen. Do you have any intentions of doing a survey? Is that something that you -- that you would be willing to do before the property sells or before the third reading?

>> Again, yes, because now I'm getting confused. If I cannot go about what the city has in in the historical library, but we're willing -- we're willing because we don't want to do anything to disturb historical graves or any of that. But the maps showed that evergreen cemetery became from highland park.

[8:59:53 PM]

So sure, we wouldn't do that. Yes. We're not going to do anything that would disturb historically the neighborhood. So sure, by all means.

>> Tovo: Yeah. I agree with you that you've done the research. My sense is sometimes they're accurate and sometimes they're not. I'm just wondering how do we get to the question of how that's resolved. If it's possible to get somebody at the site to do a little looking at it between now and third reading, or maybe we were hearing this on second and third reading, but if your commitment is to have that -- to have a professional out there on the site even after the zoning is decided, then that would also be useful to know.

>> Well, sure, because again, before any kind of building take place, when we bought the property that we have our current building on, there was a lot of trees there then, and the city is going to make sure that everything is done according to code, so, sure, by all means. I mean, I believe that probably it's been walked before by the city, and if there had been any kind of graves found then, it would have been brought to our attention. But we're willing to do whatever we need to do to be good neighbors.

>> Tovo: I appreciate that. Yeah, I don't know, and that's, I guess, a question for staff. I'm not sure that our staff really look at sites during the building process. I'm not sure any of our inspectors would be looking and watching -- looking at the site for evidence of graves. I just -- I think that maybe a different kind of professional that you would have to bring in, particularly to look at that question.

>> Again, this wasn't brought up -- again, this is the map, the highland park and the evergreen cemeteries. And so this has never been an issue since we've been there about any graves being on -- on our property. So, again, so we're willing, we're open, I mean.

[9:01:55 PM]

>> Tovo: Thank you.

>> Mayor Adler: Thank you. The next speaker is Daniel Strendon. And then Thomas Owens. And then Charles Adams, and those will be all our speakers.

>> Good evening, council. I'm Daniel Strendon. At 1700 Laredo drive. Originally when this zoning request was put through, I was opposed. Now, I register as neutral. I'm conflicted, really, though. My main concern has always been the -- the detriment to an established single-family neighborhood, historic neighborhood in east Austin, with access through the neighborhood via east 17th street, so I respect the right of the church, of course, to develop the property, and I hope all the best for them, but for me, I don't want to harm the existing neighborhood with access through east 17th street. I would -- I would -- I do think that the -- with the planning commission proposal represents a pretty good compromise, and I would be in support of that, but I'm also -- I would be remiss to not point out that many of my neighbors would prefer no access through east 17th street, even -- even no emergency access through there as well. And keep it as it is currently. I would also be remiss to not point out that there are many other issues that are being brought up that will need to be resolved during development and during site.

[9:03:57 PM]

Hopefully we can get some good surveys to determine whether there are grave sites and to determine about the erosion from the water runoff and the problems with the trees and the wildlife in the area as well. So like I say, I don't know when those will be resolved, when those need to be resolved, but I'm sure many of my neighbors would -- will continue to show up and be involved in these discussions. That's really all I have to say. As I said, I was opposed to this, and now I'm fairly conflicted, but I do think that the planning commission's proposal represents a fairly good compromise, so thank you.

>> Mayor Adler: Thank you.

[Applause] Thomas Owen.

>> Mayor and council, good evening. I want to reiterate what pastor McClendon and Laura has indicated regarding this proposal. I'm in favor of this and ask that you consider it positively. I want to also reiterate that in previous discussions, we have acknowledged that we have been very up front and willing to work with our neighbors, and we continue to have that commitment. We were not trying to do anything underhanded from the very beginning. We have always been up front with our neighbors, and we want to continue to be good neighbors with them. We heard the issues and concerns from the neighborhood. We went back and prayed and studied on those matters, and we made a real hard decision for the church, which was to modify that entrance and make that entrance available for interest to that section of land.

[9:05:57 PM]

That was a real adjustment that we had to do internally, but we knew that being a good neighbor, that was part of the process, and we did that. We just want to make sure that everyone understands that we're not trying to sneak anything or do anything underhanded. We've been very up front on all of our efforts. We've been very -- from the very beginning, back at the beginning of the year, we reached out to all of our neighborhood associations and explained to them what we wanted to do. We're retiring some debt. We're not paying off all of our debt, but as a Christian organization, we want to be able to be good stewards and not have a lot of debt holding us back from the ministries that we're in place to do, and by reducing that debt, we will be able to expand on our ministries throughout the community and throughout Austin. And that's our ultimate goal. We've been very up front about that, and we're willing to continue to communicate and be good neighbors with the neighborhood associations and the neighbors that are affected, and that's the key reason why we made that decision to make that, second, what we consider to be a second entryway which is now changing to the project, coming through the St.

James properties. So, again, I just want to indicate that we ask that you study and give us favorable consideration on this decision that's before you tonight. Thank you.

>> Mayor Adler: Thank you. Charles Adams.

>> Good evening, mayor, council. My name is Charles Adams, and I've been a member of St. James for 15 years and I also echo what our pastor has said, that we want to be a church of the community.

[9:07:59 PM]

We want -- we have extended all of -- everything that we could do to help with the neighborhood in their -- in their requests, in their desires. We want to work with them and I think we've done that, but on our part, we -- we would also like to have a vote. I'm in favor of going forward with our zoning change, and I've asked that you could consider it so that we can go forward. The neighborhood, I'd like to thank them for all that they've done. They've been through a lot and they've studied a lot. So have we, but I thank that neighborhood for -- each and every one of them. And I just feel that we need to go forward from now on, sir. Thank you.

>> Mayor Adler: Thank you very much. Those are all the speakers that we -- that we have. Does the applicant want to conclude?

>> Laura thoop. I'll just keep it brief. The next process would be subdivision and then site plan, and at the site plan stage is where we would propose that the church will partner with the developer, will get a developer involved, and that would be the point -- I think all this question about the grave sites, they can do x-ray surveys to verify that at site plan. None of the creek is actually on the part that's being zoned, so I would just note that, and we are upstream of what is shown as the historic grave sites. We will also do a tree survey. We will comply with city requirements for all the site plan, so I just -- unless there's other questions, I wanted to reiterate that.

[9:10:02 PM]

>> Mayor Adler: Thank you.

>> It has been a great process with the neighborhood, and with all the stakeholders on this project, so we would like a favorable vote from you tonight for the sf-6.

>> Mayor Adler: Okay. Thank you. Ms. Houston? Do you want to make a motion?

>> Houston: I posted on the message board this morning -- thank you. But just in case people didn't see it, I'm passing out a copy today, I mean this afternoon.

>> Mayor Adler: And if Ms. Kitchen is within hearing range, it would be good if -- I just want to let her know there could be a vote coming up.

>> Thank you.

>> Mayor Adler: Okay.

>> Houston: So my motion is, I move to amend the density cap in part 2a, which is on page 2 of 3, which was added as a conditional overlay by the planning commission from 60 units to 72 units. So part 2a would say: Development of the property shall not exceed 72 units or 7.886 units per acre. And if I can get a second?

>> Zimmerman: I'll second.

>> Mayor Adler: Mr. Zimmerman seconds.

>> Houston: Thank you, councilmember Zimmerman. This has been a very interesting conversation with both the neighborhood and the church property. The issue for density in this town for communities of color are very serious issues. And so it's understandable that the neighborhood does not want the density there.

[9:12:07 PM]

I would prefer not to have any development at all there because it's been pristine and kind of a wildlife preserve for the 50 years or so that neighborhood has been there. But the church also has a right to make -- to sell the property and have development on the area, and so because the church agreed to the one entrance and exit on mlk, they're going to have to increase the number of units in order for the developer to be able to make some profit because they're going to have to put the street in. They've also agreed that even though it would be preferable for me and for some of the members of the church -- and I'm sure some of my fellow councilmembers -- to have two access points, one on 17th and one on mlk, they understand that the neighbors, because of the size of the street, are not willing to have that access point, and so they've compromised with a crash gate. If somebody could put up that schedule of a crash gate so none of us are really familiar with what that looks like. I left it over there by the ... The neighborhood also had some questions when we met on Tuesday night that I sent to members of our -- do you see it? Okay. To staff to try to help us understand some of the issues because Loretta street is very small, so they wanted to know if -- from the fire department, whether or not ems and fire apparatus could get through. I haven't heard from anybody from fire, so if it's anybody from

transportation here that could tell us whether or not fire and ems apparatus would get through 17th street, even to get to the crash gate, that would be appreciated.

[9:14:20 PM]

One of the neighbors wanted to know if a crash gate is developed on 17th street, does it go both ways. So if there is a -- an emergency situation on 17th and Loretta, can the ems vehicles come through the new development and go through the crash gate the other way, so that was one of the questions. They were concerned about, again, the erosion, but as we just heard, those kinds of things would be taken up at a later date, site development plan. And so that's what a crash gate looks like. Is that correct? Could you explain what -- what we're seeing there, please, Mr. Spillar?

>> Councilmember Robert spillar, director of transportation. Yes, this is the crash gate that we proposed and planned to install at the Lightsey development to minimize through traffic on that road.

>> Houston: Okay.

>> So it works by having either a special lock that the police and fire can unlock and get through or as the name would imply, crash gate, they could go through it in an ultimate emergency.

>> Houston: Can you tell us what it's made out of? What is the material that it's made out of?

>> Well, we've never made one before. This is the first one. So we're anticipating it would be steel with some kind of chain connection or lock connection.

>> Houston: And how tall is that crash gate? What's the height?

>> Well, it's probably lower than my shoulder, so five feet.

>> Houston: Okay. Okay. So I think that answers all of the questions that they had for staff about that. There was one other question for staff before you leave, because we hadn't done this before. If there was an emergency, and emergency vehicles do have to go through the crash gate, how quickly does the gate get replaced?

[9:16:27 PM]

>> Well, I can only speculate on that. If it is a lock, I would assume that after they leave the emergency, they could relock it. If it were -- I think when we were thinking about this particular gate, that we would contemplate being out there within the next day or so to relock it up if it were a chain that had been cut.

>> Houston: Okay. Thank you so much.

>> Uh-huh.

>> Houston: I appreciate that. Again --

>> I had a question for Mr. Spillar but I can ask it later.

>> Houston: Go ahead while he's still here.

>> I can be here --

>> Garza: I was trying to remember the Lightsey crash gate, and if I remember correctly, staff was okay with this because the number of units was small.

>> Yeah. I think, if I remember right, councilmember, there were about 12 homes there, and it was a rather short drive, new drive, and so --

>> Garza: And so what is the staff's recommendation on this crash gate?

>> Well, the crash gate here I believe was recommended by the planning commission, not by staff, or not by my staff, at least. I would not necessarily recommend it here, simply because of the length of the development from the front of the mlk front and the 72 homes. Now, that's -- because 272 homes is much larger than the 12 over here. That said, I think that the developer's engineer will tell you that we've probably made that error all over town where we have developments of 200 homes or 200 apartments entering off a single driveway, but during the fires at steiner ranch where we thought we had two exits and they ended up at a single point, we learned that the value of having multiple entrances and exits to larger developments like this.

[9:18:31 PM]

>> Garza: Okay. So staff doesn't recommend this crash gate.

>> I would not recommend it to you.

>> Garza: Okay. Thanks.

>> Mayor Adler: Ms. Houston has moved to approve on second and third readings with the amendment contained?

>> Houston: With the amendment, yes.

>> Mayor Adler: Okay. Is there a second to the motion to approve?

>> Houston: He seconded.

>> Mayor Adler: We already did that. Sorry.

>> Houston: That's okay. It's been a long day and I --

>> Mayor Adler: It's not over.

>> Houston: It's not over.

>> Mayor Adler: Further discussion on the dais? Ms. Garza.

>> Garza: Were you done, Ms. Houston? Because I thought I interrupted you.

>> Houston: I was just trying to clear up some of the questions that the neighborhoods had asked on Tuesday night when we met.

>> Garza: I -- I'm a little -- this is a tough one for me because I am fundamentally against crash Gates and I have voted against them in west Austin, too. I voted against every time a staff said that it's not a good idea. I think if this -- if we're not going to have this connectivity, I would be almost inclined to just not vote for the development at all. It's -- and then we're essentially putting -- I understand needing to add additional units so the developer can pay for the bridge, but then we're putting more people in an area with less access. And I always qualify my -- I don't like crash Gates, with I live on a cut-through street. I understand what it's like to live on a cut-through street. People cut through my street to go from south first to south congress, all the time. So this is not a situation where I don't understand that situation. So I -- I'm inclined to vote against this amendment because I don't think we can keep building -- keep adding development and then saying we're going to close this off, we're going to -- we're not going to follow our connectivity mission.

[9:20:32 PM]

And so, yeah, I would be inclined to vote against the amendment.

>> Houston: And I understand that because I'm one of those people that have said I voted against them as well, because I think that it's -- it's a safety issue for me, and I have too many places in district 1 where there's just one way in, Craig wood on 969, regency is one way in, I'm fearful when that one way is jammed up. If nothing else happens tonight, if everybody votes against it, the developer, the person who they sell the property to, can still build 60 units without getting any other -- without having any other conversation with us on the dais. And that means 17th street goes through, and we'll have the two access points. We were trying to come up with something where each said could get a little bit without everybody being at odds with each other. The neighbors don't want the through street on 17th street as a secondary access. The church has said, okay, we'll build another road out, and we -- you

know, but that's going to cost some additional money. And so that was the compromise position in order to make this work. But it's the council's decision. My motion is to amend that to increase it to 72 and add the planning commission's recommendation to have limited access through -- I mean emergency vehicle access only. Ms. -- Councilmember kitchen had her hand up.

>> Garza: I just have a follow-up. I was wondering if there was a discussion of an exit only. So would the neighborhood be open to an exit only spot at that --

[9:22:36 PM]

>> Houston: I think the neighborhood -- and they're here to speak for themselves, but I think the concern is, if we have an exit only spot, people can still go in. I mean, you know, you cannot -- you can't make 17th street one way only out of the development.

>> Garza: I think -- Mr. Spillar, can you speak to that? Could it be constructed as exit only?

>> Councilmember, I think we actually do have the ability to only do one direction in and out. Of course that would allow pedestrians and non-motorized vehicles the access, but for cars I think we could manage it. Additionally, I think we have some other tools. If this were a concern, if speeding were a concern, we could certainly put a number of traffic cushions on that road, in the development, and I think there's a variety of things we can do there. But as I said before, certainly there are examples all over town, as councilmember Houston mentioned in her district, where we have only one entrance into a development.

>> Garza: That's likely because there was not another option.

>> I don't know.

>> Houston: Well, they have stubouts. They have stubouts, the city just never corrected them. But the interesting thing about this 17th street is, it's going east. The exit from the developer would be going west, so the people who live on that street would be going the wrong way to get home, or they'd have to go around to martin Luther king to come into the development to get into their home.

>> Yeah.

>> Houston: So I'm not sure how that would work as a one way out.

>> Right.

>> Houston: Or how you would control for that.

>> I believe the question was, could it be done. The answer is yes. Could it be done is a study --

[9:24:36 PM]

>> Okay.

>> Houston: I see Mr. Bucknell here. He could probably speak more to the neighborhood side.

>> This is definitely unanimous. The preference is for no access. The secondary preference is for emergency vehicle only access. So it is for emergency vehicle access, so the argument for two points of access is for emergency vehicles while protecting the neighborhood. So that's what we're asking for, preservation of life, safety, and neighborhood. Thank you.

>> And I appreciate that response, but as a former firefighter, I can tell you if someone's house is on fire, you don't want your fire truck having to stop with somebody fully geared with their air tank on and have to get off, cut through a gate, get back on the truck, and pull in there; or, if somebody is having a heart attack in that -- you don't -- there's like a rule of cpr. You need to get to somebody as soon as possible, and so to me it is a health and safety issue, for -- for that minute, that two minutes of having to wait and jump off and open a gate could -- could be life or death. So, I mean, I'm trying to think of all the different scenarios here. But as I said, I have voted against crash Gates in we westaustin, too. This is not just this part of town.

>> Thank you for your service.

>> Mayor Adler: Did somebody want to bring an amendment on that issue? Ms. Kitchen?

>> Kitchen: I just want to say that I -- you know, these are -- you know, there's pros and cons on all sides of this. I understand these are difficult situations. I have to support councilmember Houston, and I know that there's been efforts on the sides of the church and the neighbors and they've reached an understanding of something that will work for their community, and -- or their neighborhood, and I have to respect that, so I will support councilmember Houston's amendment.

[9:26:48 PM]

[Applause]

>> Mayor Adler: Any further discussion? We have a motion on the table.

>> Casar: Mayor?

>> Mayor Adler: Mr. Casar.

>> Casar: I think the challenge that I didn't think through until I think I heard councilmember Houston's comments is that if -- since there's a valid petition, if this zoning case doesn't pass, then this could be developed with just one access point now on 17th street. And so if we can pass the zoning case with a crash gate, it's got one access point and one crash gate access point, if we can pass the zoning case, if we can't pass the zoning case, we'll likely have the development there with just one access point. So we're in a challenging spot. So given that, and given the hard work done by folks in the residential units, I'm inclined to figure out if there's a way we can pass the zoning case, but at the same time I would be open to hearing if there is some alternative instead of a crash gate like speed mitigation or roundabout or whatever else at that spot. But ultimately, not -- this failing to get nine votes to pass, we would wind up with a development, most likely, that's less residential units and still one access point on the street where the neighborhood wants the access the least. So -- so in the end, I'm inclined to figure out a way to get past the zoning case, is what I would say.

>> Renteria: Mayor?

>> Mayor Adler: Do you ever -- do you ever -- I don't know if it was signed, the petition. The petition may have been signed before the agreement was reached? Are there people in here that could change their signing of a petition so as to change whether we had a valid petition?

>> Yes, mayor. As of, I believe it was late last week, the petition became valid again. And we have a list of all the people who signed the petition.

[9:28:50 PM]

We have what percentage they contribute toward the 20%, so if somebody told me they wanted to take their name off and they were here, we could take their name off and tell you if it was no longer valid. We have a spreadsheet.

>> Mayor Adler: Okay. Mr. Renteria?

>> Mayor, this is only ready for first reading, so we could remove their name after tonight and we would come back at second and third reading and then have that information available to you.

>> Mayor Adler: Does it take nine people tonight to pass it on first reading?

>> Yes.

>> Mayor Adler: Mr. Renteria?

>> Renteria: Yeah.

>> If there's a valid petition, it takes nine affirmative votes. Oh, on first reading, no, it's only on third reading.

>> And it's only up for first reading.

>> Mayor Adler: Okay. Mr. Renteria.

>> Renteria: I'm the same way. I really don't support the -- those crash Gates, but I'm going to make an exception this time. I know I've been on the losing end on the ones that have requested one, and I was losing, because I don't support them either, but I think for safety reason, we shouldn't be doing that, but I hear that it was a hard-fought compromise, and so I'm going to go ahead and support it this time around.

>> Mayor Adler: Okay.

>> Mayor and council, I too have an ordinance. Law department prepared a draft based on, I guess, the commission's action at last reading, so under part 2 of the ordinance, on line 52, the amendment that was proposed by councilmember Houston would change that number from 60 to 72, and then also affect the units per acre as -- I guess it was suggested in that.

[9:31:01 PM]

So we could take three readings tonight. It also contains a provision in here that the public roadway connection to east 17th street would be limited to emergency access by a standard traffic management device, so if you would like to take first reading, you can, and that would just take the six votes, or you could consider this for all three readings, but that would take nine votes.

>> Mayor Adler: Okay. Let's -- Ms. Houston, if you make your motion to approve this on first reading, and then move to amend it to pass it on all three readings, we can take a vote on that amendment. If nine people pass that amendment to move it to third reading, then that would be an indication that there would be nine votes to pass it. If there were not nine votes to pass it, then what would be pending before us would just be a motion to approve it on first reading. Ms. Tovo.

>> Tovo: Mayor, I think if councilmember Houston moved to pass it on all three readings and it didn't get sufficient votes, it would just pass on first reading rather than do it with an amendment. I would look to legal counsel.

>> We could do that way, too.

>> Houston: I thought I already had a motion on the floor and a second.

>> Mayor Adler: You did. I was going to --

>> Houston: Okay. Excuse me.

>> Mayor Adler: That's okay.

>> Houston: It's 9:30.

>> Mayor Adler: That's okay. So the motion on the floor is to pass this, pass this on all three readings.

>> Houston: Okay.

>> Mayor Adler: If it doesn't get nine votes and it's seven -- less than that, but still a majority, then we'll interpret that vote to approve it for less than all three readings.

>> Houston: So that's the ordinance as amended.

>> Mayor Adler: That's as amended.

>> Houston: Okay.

>> Mayor? May I add one thing real quick? I just had a quick conversation with the applicant. They're agreeable to the overall unicap but they would prefer not to have the units per acre. The staff is okay with that I think the only time we need the units per acre is if there's a fear the property may be cut up in the future, we want to make sure the density overall stays the same.

[9:33:03 PM]

They don't intend to file a site plan that covers the total acreage, so if we said 72, but then the units per acre, and they do less acreage, it would be off. So they would prefer that we just do the number of units and leave it at that, and not have units per acre, and the staff is okay with that.

>> Mayor Adler: Okay. Are you okay with that change?

>> Houston: I'm all right -- I'm okay with that.

>> Mayor Adler: Okay. And I'm okay with taking the vote the way we're setting it up. But strictly speaking, there could be somebody who was in favor of voting for this on first reading but didn't want it to pass on all three readings, and the way that we've set this up to vet, that would not trick that out. In other words, there may be nine people that wanted to pass it, but not nine people that wanted to pass it on all three readings. That's the reason why I suggested the other way, but my sense is, it's not the case on the dais now, so I'm fine doing it. But we have to check because that possibility could always exist on a vote that was in front of us. The motion before us is to pass this with the 72 units with the crash gate, and we'll let the vote number determine how many briefings it is. Is, without objection. Okay? All those in favor, please raise your hand. Those opposed? Those abstaining? Ms. Garza abstains, the others voting aye, passes on all three readings. Ms. Houston.

>> Houston: I want to thank all the members of the neighborhood for coming out tonight, for participating in this process. I know that you are probably not as happy as you would like to be, but in

this kind of development pressure, we all have to give a little bit. I want to thank the church for their ongoing commitment to be good neighbors to the neighborhood, and I trust that you will do that and you will continue to walk with them through the rest of this process as you sell the property and move toward development.

[9:35:06 PM]

So I appreciate all that you've done. I appreciate the staff who have been helping us try to figure out how to get this done, and be safe going home.

>> Mayor Adler: Okay. That gets us to the last item on our agenda, which is the grove case. Do we want to talk about how we want to do debate and discussion on this? So -- and as people leave, if you could -- excuse me. As people leave, if you could keep it quiet, please. We've moved on to the next item. So help us out. So, we have 177 people that are signed up to speak. 179. The number has gone up. If we were to -- the ordinance that we have says in this situation 20 people, the first 20 people get three minutes to speak, and then everyone else gets one minute to speak. If we were to do that, we would be leaving here approximately 1 o'clock in the morning. If we gave everyone three minutes to speak, we could be here until 6 o'clock in the morning, depending on what we wanted to do. In the absence of being instructed otherwise, I'm going to give three minutes to people, 20, and then do one minute for the people after that. My sense is, you know, we can check at the end, but my sense is that we're probably not going to have the ability to be able to consider the amendments that were posted by Ms. Pool. We could certainly decide that later, but I'm not sure we want to be making a decision at 1 o'clock in the morning on this, on those amendments, but I think it's important that we hear the people that have come to speak.

[9:37:14 PM]

Yes. And with both sides -- I mean Ms. Gallo also has amendments for us to consider. So the way we're going to do this is we're going to ask staff to come down. We had some questions, we asked you to talk to us about the range of baselines. I want that to be included in the opening of the conversation, and then we'll start calling people for the first 20. I'll take them in the order of the people that have signed up. Staff, you want to talk to us about this case?

>> Mayor and council, I'm Jerry rusthoven, acting director of the planning and zoning department. Item 73 is grove at shoal creek, C 81420150074. The property is currently unzoned. The requested zoning is pud or pud zoning. It is 75.74-acre tract that was previously owned by the state of Texas. The proposed pud has a tia that has 2.9 million square feet of proposed development as broken out here, it is

obviously a mixed use project with multifamily residential, condo, retail, office, et cetera, restaurants. The proposed conceptual land plan presented to us by the developer is shown in this slide. It is important to note that this is a zoning case and not a site plan, and that this proposed conceptual plan is not a legal document. It is just an illustrating document. This is the land plan that would be attached to the ordinance and is enforceable by code or by the city. As I said, the tia proposed 2.9 square feet of development. The staff is recommending a grand total of 2 opinion 4 million square feet of development, within both the Stapp and applicant's recommendation, there are differing breakouts, limitations upon individual types of uses. Writing into those unless you ask me to. They are already located within the backup. The applicant is proposing 27 modifications to the city code. We may possibly need to do 28. I'll get to that when we have our baseline decision.

[9:39:16 PM]

It is important to note that the total numbers -- total amount of development that is allowable under the land plan may actually exceed the amount of development proposed in the tia. This is because in the future, if this pud were to be approved, the applicant could actually amend the tia to change the uses that were presumed -- that are in there today, and as long as those uses do not generate more traffic and as long as they stay under the amount proposed in the land plan, that would be acceptable. The land plan divides the property into seven areas. Each one of those different areas have different permitted uses and different site development regulations. Some high level highlights, the impervious cover is limited to 65% across the whole pud. Certain tracks are limited on how much impervious cover they can have within them. It does utilize a bucket system so that one individual site could have more impervious cover than 65%, but then of course that would come off of the grand total to keep it at 65 overall. The height would be limited to 35 feet and 40 feet on most of the tracks. I did leave one off of here saying the height would be limited to 65 feet on tract B. It would be an allowance to go up to 75 feet if it were to -- it were to provide affordable housing. The [inaudible] Would be limited to .75 or one and a half to one. Again, the maximum square footage is 2.9 million, and the staff recommendation is 2.4 million. The staff, however, did include a provision that the first 130,000 square feet of affordable housing would not count toward the grand total so theoretically it would be possible to get up to 2.53 million square feet under the staff recommendation. Every pud, of course, requires, if it were to be approved by the council, then the council has made a determination that the zoning would be -- that the proposal would be superior to that which would be allowed under standard code. The applicant in this case, I'm sure they'll address this in more detail than I'm about to, is proposing a number of different items and areas for superiority.

[9:41:18 PM]

I will also allow -- I'll be followed by the affordable housing staff, as well as transportation, parks, and environmental staff, and they will speak to the superiority items that are in each of their own restrictive areas. Overall, the pud is superiority in these areas. The case was submitted in 2015. It's been under review ever since. It did go before the park, the parks board who determined that it was not superior. The same thing went to the environmental board, who made the same finding, it was not superior with regard to environmental. They were both recommending only their respective portions, for the parks portion and environmental portion. It did go to the zoning and planning commission and they recommended the staff recommendation, however, they added some additional square footage, as well as several other conditions, but namely the square footage would increase to 2.65 million square feet up from the 2.4 million square feet. With regard to the baseline, mayor, the staff recommended baseline -- the importance of the baseline in this case is what the baseline does is it determines the mandatory affordable housing under what we call tier 3. The code actually calls it the density bonus section of the pud ordinance, which requires mandatory. When you exceed the baseline with regard to Houston rockets far, or building coverage. So in this case, because we -- normally the baseline is the existing zoning, unless determined otherwise by the council, as you recall last year we had a discussion about baseline and no decision was made. It was decided to put off that decision until the time that the pud actually came through. The hope was that the baseline discussion would be made somewhat irrelevant, if the council was happy with what we called the tier 2 affordability proposal, the tier 2 affordability proposal -- frequently under tier 1, tier 2, did I hear 3, 1 are things every pud is required to do. This pud is meeting those requirements. Tier 2 is the basket of goods, if you will, that the applicant is proposing to try to convince the council that the pud is superior.

[9:43:20 PM]

And tier 3 is the mandatory affordability provision that says if you exceed height and far, that you have to provide affordable housing. So in this case, the baseline is a difficult thing because we do not have existing zoning to fall back on. So the staff took a look at the site, made a presumption about what kind of zoning we felt was reasonable on the site, if it did not have a pud, and we came up with a total of 1.892 million square feet, which included lr, mf-4, and sf-6 presumed zoning. So we had a total of 1.892 million square feet. The applicant felt that 2.4 million was more reasonable, but we stuck with our 1.892. What this would mean, if the council were to grant an entitlement that exceeded -- if the council were to determine that this is the baseline that they want to go with -- let's just call it 1.9 for a moment - - and let's say that the applicant got to 2.65 million square feet as recommended by the zoning and planning commission, when they reach 1.9 million square feet, anything above 1.9 up to the maximum allowed of 2.65 would trigger a -- either a 10% at 80% mfi or 10% at 60 60% mfi rental, 40% for eastern occupied or above that baseline it would be \$6 a square foot. So the city would not be collecting on that until they actually took advantage of those entitlements above the baseline. I will now hand the presentation over to the affordable housing staff and after that we'll be hearing from the environmental staff, then the parks staff, and then finally the transportation staff.

[9:45:20 PM]

>> Tovo: Mayor, did you want to handle questions at each individual staff break?

>> Mayor Adler: That would be good.

>> Tovo: Because I have a couple for Mr. Rusthoven. Mr. Rusthoven, I just want to double-check or verify something you said. So the tier 2, the tier three -- it is really late. The baseline helps determine what the affordable provisions would be within the tier 3.

>> That's correct.

>> Tovo: In addition to whatever an applicant might have proposed as part of -- as part of the planned unit development proposal, they may have also proposed affordable housing to try to meet the superiority element.

>> Correct. As we talked about on Tuesday morning, if the applicant -- if the council wanted to accept only the tier 2 offer of affordability, which I believe [inaudible] In a second, it would be -- a requirement would be to add a 28th modification to the code to say that the tier 3 provision does not apply, because right now in the pud ordinance, tier 3 exists, and any developer who exceeds the baseline is required to comply with tier 3. So if the council wanted to just take what's on the table right now -- we can get details on -- then you would say I want to waive tier 3, modify the pud, which they're doing 27 other ways right now, and to not require tier 3, you would not have to establish a baseline if you did that because the baseline would become irrelevant.

>> Tovo: Thank you for explaining that because I don't think we had that discussion on Tuesday, that this would actually require a waiving of the tier 3 affordability provisions.

>> Yes, it would.

>> Tovo: Which would be a significant departure from what I think the planned unit development ordinance revision process was intended to effect in terms of really superior developments. And then I want to ask you a question about the baseline, how you set the baseline. I think I heard you say, because it was unzoned, the staff made a presumption about what a reasonable zoning would be on that tract.

[9:47:24 PM]

And I think that's really critical for us to understand what that means, a reasonable zoning based on the sounding zonings? A reasonable zoning based on what they would get if they went and got a zoning

change? Because that's kind of the crux of the matter of why your number differs from mine and may differ from the developer's as well.

>> Correct.

>> Tovo: In terms of the baseline.

>> And it's all a presumption, of course, because zoning only happens when the council approves it. So Mr. Guernsey and I sat down, took a look at the property here and said, okay, if they were not asking for a pud, what type of zoning -- frankly, I guess what you would say is what kind of zoning would the staff recommend. So we would recommend sf-6 adjacent to the single-family on 45th and adjacent to the ridge ley neighborhood. We'd recommend mf 4 for the heart of the project and lr-mu along the bull creek road frontage. So what we had to do was, we said, okay, this is about how much of each of these zoning categories we would recommend to staff, if they were weren't doing a pud, and what would be the square footage of that. It's a very gross estimate, without a lot of detail involved. So we simply took these, determined the area within each one of these lines, and multiplied it by the allowed far under the code and came up with that 1.892 baseline. But, again, it's a very raw number and a presumptive number.

>> Tovo: Thanks. And I don't know that we're going to get to the bottom of actually setting a baseline this evening, but I would, at the appropriate time, like to -- and it may not be tonight -- present kind of my -- my reasoning for why my baseline differs from the staff. And it really has to do with what I talked about Tuesday, the original planned unit development discussions. There was a lot of discussion about baseline and what a baseline was going to mean and there was a lot of interest in making sure that the baseline wouldn't be set at a level higher than the existing entitlements on the site because that was really not the intent of a baseline.

[9:49:25 PM]

It really was supposed to reflect what the zoning was at that time, not what they would get if they went and sought a zoning change. And so I appreciate that with an unzoned tract, it's difficult. I thought that I remembered that when we had those discussions, there was a lot of sentiment that if it were an unzoned tract, the zoning on the tract that was used to set the baseline would be similar to what -- well, it would be identical to what is adjacent to the site. And so that's why my calculations really look at the zoning that is currently adjacent to the tract --

[applause] And it doesn't differ from yours by a lot, but it does differ to some extent. But I think you could very easily -- the whole tract is surrounded by single-family. I think there could be an argument that single-family is actually the appropriate baseline zoning for that tract.

[Applause] But in my calculations, we didn't use single-family for all of it. Used single-family where it was Jason to single-family, we used lo where it was adjacent to lo. It ranges from mf-4 to mf-6 in one portion, we used mf-6. We did some pretty elaborate calculations and I know you oversaw the calculations and math to make sure we were doing it properly. So, again, at the appropriate time, I'd be happy to have that conversation. But I just think it's really, really critical that at the outset, when we're talking about baseline, the understanding always was that it was going to be what the existing zoning was, not kind of what it would be after it got as an up zoning, because it is just so critical to determining what those community -- what reasonable community benefits are. And I know it will make a difference in terms of the affordable housing that's part of this proposal.

>> Ma'am, this section of the code was changed just a few years ago so what it says right now is that the baseline is the existing zoning, unless the council says otherwise.

[9:51:27 PM]

Of course, in this case, where we had no zoning to go off of, that's what makes this so difficult.

>> Tovo: Yeah.

>> Mayor Adler: Got you. Mayor pro tem, just two quick questions so that I can better understand. If we -- if the plan moves everything into tier 2, as opposed to tier 3, what's the -- what's the repercussion of that, other than it's required, as opposed to optional if the developer wants to exercise it?

>> Tovo: As I see it, the developer is presenting that as the planned unit development proposal within the tier 2 pud. Their baseline, once set, would determine what the bonus square footage. So anything beyond what they've already -- anything beyond, if you use the staff's member, which was, what, 1.8?

>> 92.

>> Tovo: 92, or my number, which is lower, anything above that would be additional affordable housing, and I believe that's really what we should be looking at. The proposal is -- their proposal for tier 2 pud, but if they're going to exceed that, the additional housing benefit should accrue, which would be considerably more than is currently in their offer. So I think it's a good start.

[Applause]

>> Sometime it would be helpful for me to see and understand what your baseline was.

>> Tovo: Sure.

>> Mayor Adler: So that I could see what the difference would be if it was considered tier 3, as opposed to getting the guarantee in tier 2.

>> Tovo: Well, I think just as a serial principle -- again, I'm happy to -- I just don't know that this is -- we have so many people here to talk, I don't know that this is the right time for me to walk you through how I calculated the baseline, but the basic principle applies, whether you use the staff's number of 1.89 or my number, anything they about the they build beyond that would be -- you would be looking at, if they build a 2.4, you'd be looking at point -- you'd be looking at, what, 500,000 square feet, the affordable benefits on that additional 500,000 square feet, so that would be more affordability than -- than is currently in that proposal.

[9:53:44 PM]

>> Mayor Adler: And what I don't know is how much they've included in, so I don't know if -- I don't know -- I don't know if you want to share what -- your corresponding number to see what the range would be.

>> Tovo: Sure. My corresponding number, again, it makes more sense if I show the calculations, it results in a 1.361354 baseline, and that is the go and lo tracts, pieces ending up at about 288,000. The mf-6 at about 139,200, and I should say mf-6 does not have an associated far so what we did was we looked at the adjacent tracts, which have been built out as an F 6 and look at at what their far was and applied it to the portion within this tract, and then the remainder would be single-family 3 because that is adjacent on that side to single-family 3. Again, it's almost entirely surrounded by single-family 3. And be, you know, if you'd like, I'd be happy to put this up on the overhead just to show you there was a method to how we got to those numbers. I'll just flash it up there and not talk about it.

>> Mayor Adler: Okay.

>> It would be cumulative, Yo R, so if there's an existing tier 2 offer, you would have the 87 or so units right now, as tier 2 required affordable housing, and then if you didn't modify to get rid of tier 3, if you set an entitlement that exceeded a baseline that you established, they would also have to add to those and provide more affordable housing under tier 3.

>> Mayor Adler: So it's both having the lower baseline as well as whether they get credit for the affordable housing that would otherwise be considered part of tier 2.

>> Correct.

>> Mayor Adler: I understand. Mr. Casar?

>> Casar: And I actually may want to wait for the mayor pro tem to be back on the dais because --

[9:55:54 PM]

>> Mr. Mayor? Can I ask a quick question while she's --

>> Mayor Adler: She's talking.

>> Oh, I didn't know she was talking.

>> Mayor Adler: Then I'll come to you. Mr. Casar, then Ms. Kitchen.

>> Tovo: Yeah. Just very quickly, this is the mf-6 portion, and again it ranges -- the existing adjacent zoning is mf-4 to mf-6, so we use the highest with the most entitlements. Right here is go so that piece was calculated at go with the associated far, then the lo was the remainder, doesn't have 2 and doesn't have 3, we

-- sf-2 and sf-3, we calculated as sf-3 far. I don't think anyone really wants to go through these calculations but you can see how we got to -- we have really high tech methods in our office. This is how we got to the baseline. The doesn't have 3, 934,000 square feet. We did deduct 20% for parks, things of that sort. 288 is the GOLO,

[inaudible].

>> Mayor Adler: Okay. Thank you.

>> Casar: So,

>> Casar: Mayor, my first question was related to tier two. Right now it's 10% of the rental, 5% of ownership under the proposal, I think we're at 108 units. If the council wanted to, could we just vote to say you know what? Instead of 10% and 5% we want 8% and 3% or 15% and 20%? We could just vote and do that?

>> Yes, thank you, councilmember. I misspoke. It was 107. I think, yes, provided you get six votes, whatever the council wants to include in the ordinance will be included in the P.U.D. Ordinance and you have that latitude to vary the affordability requirement, you can write a hard number of units, provide a percentage, use different mfis, it's your prerogative.

[9:58:02 PM]

>> Casar: My question may be better understood after the housing department's presentation, but what I'm concerned about, mayor pro tem, is -- and you may be able to answer this best also after the affordability housing department's presentation because you were part of that P.U.D. Task force but why would we try to -- if we're trying to increase affordable housing on the site, why would we rely on the density bonus, which is a uncertain way of getting affordable housing, as opposed to trying our best

to get the most effective and feasible plan in tier two, which is just certain? My understanding is that your reasoning for setting a bottom line at -- baseline at some level is because you want to get more affordable units. But I don't know if the baseline -- the baseline doesn't make sense to me from an affordable housing perspective as the best way of getting more affordable units because you can just set them at tier two at whatever you think -- and this council thinks the developments can bear. The 2003 affordable units are in some ways uncertain because they have to build out to that level of density and if you wanted more affordable units we could require whatever we want in tier 2 as the affordable housing plan regardless of how many square feet they build that's what they've got to do and then the discussion really becomes what's the right number of affordable units and the best that we can get on this site weighing all of the complexities and pros and cons and costs. So I just -- I think it gets a little complicated for us to try to do both tier 2 and tier 3 if tier 2 seems like the mandatory affordable housing, no uncertainty, we know what we're getting. Then that number we can set it at a thousand, ten affordable units two, hundred. I'm somebody that would like to see as much as we can get given the constraints. So I guess you did a lot of math, and so maybe there's a really good reason for it.

[10:00:03 PM]

>> Tovo: I'm good at it.

>> Casar: I can tell. I see it all happen here on the dais. Y'all are missing the show. So I -- that's just my concern, is it seems like tier 2 is just a much better place and doesn't constrain us on the ceiling of affordable units nor the floor. It kind of is up to us. Tier 3 seems like a good backstop if nobody is offering anything in tier 2 that in the end if you go above your existing entitlements you're gonna have to do something but in the end we can put whatever we want in tier 2 so then we have to have a clear debate of how much we think we can really get.

>> Tovo: To some extent it gets back to what Mr. Rusthoven was explaining. Their proposal is a tier 2 level proposal. I guess if the proposal that came forward includes as much affordable housing as would be in a tier 2 and that would be generated by that additional bonus square footage, but we're not even close to that, I would say, with the existing numbers we're looking at. I mean, you mentioned a thousand, you know, I suppose I would think that was -- do I want to put a thousand square feet in tier 2 --

>> Casar: I mean, that would -- yeah that would be great if I -- with a good conscious thought they would utilize P.U.D. Zoning with the thousand required.

>> Tovo: Anyway --

>> Kitchen: May I ask a question?

>> Tovo: The tier 2, they are presenting a case that the community benefits are beyond what would be contained within a conventional zoning case and so that was the reason that we have a zoning

ordinance that has asked that there be significant community benefits and those could include affordable housing within that tier 2.

>> Mayor Adler: Okay. Let's go -- proceed. Ms. Kitchen.

>> Kitchen: I wanted to ask mayor pro tem a question. Thank you for doing the calculation that's did you. This is relevant to the conversation we're having right here.

[10:02:04 PM]

Did you calculate the bonus area -- under the baseline that you calculated, did you then go through the whole calculations and come up with the bonus area required for affordable housing under tier 3? Using your decline -- baseline? If did you I want to know what that number was?

>> Tovo: So the bonus square footage would be let's see the entitlements that I think staff recommended were 2.4 million. So it would be 2.4 --

>> Kitchen: I know how to do the calculation. I just thought you had the number.

>> Tovo: The number of affordable units?

>> Kitchen: No. The bonus -- under the staff's approach to baseline, it comes up with 37,500 square feet is the total bonus area required for affordable housing. Okay? I was just wondering if you had done the calculation for that number using your baseline. If you haven't, then we can get that later.

>> Tovo: Yeah. In terms of the units that would be produced through the bonus square footage between mine and the 2.4, no. But the question and answer that happened -- the numbers that the staff provided in the question and answer process to, I think, councilmember pool offered some indication of what the affordable units --

>> Kitchen: I'm not asking for the units. I'm just asking for the calculation of the square footage but we can talk about that later.

>> Tovo: Okay.

>> Kitchen: So then -- well, we'll have -- I'll wait for the presentation. I have some other questions, but I'll wait for the presentation from the housing.

>> Ms. Kitchen, if I could add, the question you're having, I hate to muddy this up, it's a difficult difficult to lot, lot difficult to answer. There are a lot of varieties of uses within the P.U.D. It would matter what they had built up until the time they hit the baseline. For residential we would do a percentage of affordability. So if they had already burned up all their commercial then it would all go toward residential units.

[10:04:08 PM]

If they built out -- some reason they built all the residential first and didn't do commercial until after they crossed the baseline threshold we would receive money in addition to units. I cannot give you a solid answer.

>> Kitchen: That's fine. I was trying to get at the conversation that councilmember Casar and mayor pro tem was having was the one -- what was going through my mind too and I was trying to understand the difference. Obviously, if under a tier 2 approach we got certainty at the same number that we could get using the tier 3, then we're there but I don't even know what that number is, you know, so that's why I was asking. I was trying to compare what that number was but we can come back to that kind of detail later. Mr. Dissimilar.

>> Zimmerman: Mr. Mayor, I need to make a motion to extend the meeting past ten. I may -- 10:00 P.M. I may abstain from the vote but I'll make the vagues.

[Laughter]

>> Mayor Adler: Those in favor of continuing past 10:00 please raise your hand. Opposed.

>> Gallo: I always do. It's not particular to the message.

>> Mayor Adler: We've extended. Do we want to hear from the next staff group, housing. I'm gonna listen to this, mayor pro tem, but could you take the helm here for just a second? Thank you.

>> Good evening, Rebecca, assistant director of neighborhood housing and community development office. I'll be joined by Regina, or real estate manager leading the negotiations on the affordable housing plan. She can make her way up here since I know there will be a lot of discussion. The proposed affordable housing plan does have 10% of the total number of rental housing set aside for pianist by households with income at 60% mfi or below for 40 years. You were issued some backup earlier today that has a median family income chart for reference.

[10:06:15 PM]

The affordable rental units must contain a product of mixed studio one, two, three bedrooms, and accept housing choose vouchers. The owner-occupied residential housing, 5% of the total number of ownership units shall be sold to households at 80% or below and will be permanently affordable, substantially similar architecturally design as non-affordable units will be required and product mix with no fewer than 50% shall have at least two bedrooms. The numbers we did verify with the developer,

and the numbers, as you see them, are the numbers. So ownership 721, total affordable 36, rental 722, total affordable, 72, with a total of 108. 108 affordable. The rationale for affordable housing superiority, the housing staff does believe this exceeds tier 3 requirements, affordability requirement based on percentage of all units not a percentage of just the bonus area. We've already heard some discussion there. Will provide a proportional mix of units currently not required by code it exceeds the smart housing requirement by providing 10% instead of the 5% noted due to urban core. Provides family friendly units in both rental and ownership. The location of the development is in a high opportunity area. The ownership units will be permanently affordable. 35% of the affordable units must be provided once 325 rental units are constructed. This was to ensure disbursement of the units throughout the property and not in one particular area or one particular phase. We certainly stand ready to answer any questions.

[10:08:17 PM]

I will also say that the developer has been working with an affordable housing consultant, which has been very helpful. So mechanisms and particular approaches kellywise with community wheel house is here as well.

>> Tovo: Councilmember kitchen.

>> Kitchen: Thank you very much. Hi. Thank you very much. The questions that I have relate to -- I'm trying to have an understanding of the ability of the relatively lower wage workers that work in this area would have to actually participate in the affordable housing. And I have some concerns. So I'm trying to - I appreciate what you provided, but I have some concerns about I'm trying to do the math. From what I can tell, it looks like it would be difficult for many of these lower wage workers to participate in this affordable housing. I see the employment information that -- let's see, there are 11,317 jobs that pay less than 30,000 a year, around 30% mfi, not 60%, much less 80% mfi. So I'm just want to go understand and perhaps this is information that we need to work on offline, which we can do. That's fine. I don't expect anyone to do all the math right now. But I just wanted to let you know that's what I'm trying to understand. Is I think that this is a huge opportunity for us to really look at the workforce surrounding this area and at least have some -- some level of opportunity for those folks that are working near there to -- to participate in the affordable housing.

[10:10:19 PM]

And at 60% and at 80%, I'm concerned that none of them could. And so that's what my --

>> I'd like to respond to that just to ensure that the information is put forward. So the developer does intend to -- or has stated an intent to apply for the 9% low-income housing tax credit, and certainly as far as the application process with the Texas department of community -- Texas department of housing and community affairs with the state, their program as it stands now certainly the site would be highly competitive to score well with the 9% tax credit program. That said, to your point, it is not within the codification currently. I want to be transparent in -- to be transparent in that the earlier conversations with the developer, we had -- their proposal was to anchor some codification around the language that they would be applying for the tax credit. That obviously was also being requested with a commitment of funds with the proposal. We ran into some concerns around enforcing that, to be quite frank, in that it was for us getting a little tricky in enforcing it because it was embedded in code. I'm not really opposed to looking at language that the council would be comfortable with seeing to put that back into the plan. I just -- I think I would require working offline possibly with the law department and seeing how we could make that intent more embedded and vivid.

>> Kitchen: Yes. This is a much longer conversation that we can have offline. I appreciate the work -- this helps me understand a lot better the work that you've put forward, but I just want to state again my concern and my intention that at least some of this affordable housing be affordable for, you know, the personal care attendance working at Westminster, the workers at the -- in the medical complexes around there, not to mention the other workers because if we have affordable housing and it's not even within reach for a lot of those workers, then we're missing a major opportunity.

[10:12:45 PM]

So --

[applause]

>> Mayor Adler: So I'm going to suggest with your indulgence only because we've done this a lot that if we applaud this will extend us by half an hour, 45 minutes, which will be really valuable to us about 2:00, 2:15. So my suggestion would be -- and I would please let's not applaud. And then I tell from you experience that able happier later. Thank you. You'll be happier later. Thank you. Yes, Ms. Gallo.

[Laughter]

>> Gallo: Councilmember kitchen, thank you for the points that you were making. I -- and I do --

>> Mayor Adler: Go ahead.

>> Gallo: Councilmember kitchen, thank you for the points that you were making. I think we all, as we talk about people being able to live close to where they work and that helps in so many different places, number 1 puts less people on the road because perhaps they can walk or bike to work rather than get in

their cars but it also helps from an affordability standpoint because they're not having to pay the expense of gas and auto maintenance for driving so many miles and those workers do, in that area, have to drive far to be able to afford. One of the things I was gonna ask, I think that Greg was starting on the conversation of if you took mayor pro tem tovo's none at the 104 and calculate -- 104,000 and calculating her baseline, I think that the baseline -- the calculations that you have done for the affordable units have been based on 500,000. So is it too simple just to say if you doubled that amount that you would be doubling the estimated total at the 500,000 difference in the baseline resulted into 38 total units? Is it too simple of a math calculation to say if you went from 500,000 in bonus density to 100, it's actually 104, I think, that you calculated out, that you would be doubling is that that did.

[10:14:56 PM]

>> Tovo: I'd have to take a look at the calculation. We're happy to take a look at any baseline proposal and run those calculations. And I will tell you this is one reason why we value first reading because I think there's gonna be time to get numbers out there that y'all want to see. Is that too simple?

>> Gallo: No.

>> I'm saying is that reasonable, that you just double it?

>> Gallo: It probably would just double it.

>> Gallo: Actually, if you took it to the 104, I think we got us to 79 but I think that Greg was asking to kind of figure out what that tier 3 would be with the calculation of mayor pro tem's -- or somebody was, with mayor pro tem's calculation of the baseline, and so we're looking at the 500,000 difference in the density bonus at 38 than you'd be looking at -- 75 to 79 at the 104. And that is compared to the 108 that's being offered under tier 2.

>> Mayor Adler: Okay. Anything else for housing? All right. Next staff group, please. Thank you. I'm sorry, Ms. Garza.

>> Garza: I was wondering if there's -- if we've ever balanced -- so councilmember kitchen suggested going lower in mfi and my experience with these P.U.D.S is we have to find a financial source to do that. So I'm wondering if there's a way to balance going lower with it also adding a little bit higher so then having some units at 100 to 120 because I think this is a good opportunity for families, because even families at the 100% mfi could not afford to live anywhere in this area. So I'm wondering if that's an idea that we can pursue.

[10:17:02 PM]

>> Kitchen: So that you can have some lower but balancing by some higher.

>> Garza: Yes.

>> I'm hearing that you might want to see different mfis at a different numerical mix.

>> Mayor Adler: You might get more of the higher mfi than you can get at lower mfi.

>> Understood.

>> Mayor Adler: What would that option or imitation look like.

>> Pool: I have a question about that.

>> Mayor Adler: Yes, Ms. Pool.

>> Pool: Are we able to ensure the lower mfi units are dotted throughout the whole P.U.D. And not all put in one area by themselves?

>> So if indeed -- if indeed the lower mfis more at 30 were achieved through a 9% low-income housing tax credit development, I would envision that to be in one multi-family development. But I'm not gonna say no, necessarily, because, you know, every deal is so creatively different. It would be an interesting question to pose. So we're taking notes on all of the different aspirations that y'all would like to potentially visit with us about at second reading and we'll make note of it.

>> Pool: I think that would be something we'd like to see. The other piece I think has already been talked about, that is the two and three bedroom units should certainly be part of the lower mfi units as well. There needs to be a really good mix of larger units for families. Thanks.

>> Mayor Adler: Anything else from housing? Ms. Garza.

>> Garza: I just want to get clarification. That wouldn't mean that the entire complex was affordable. It would be that there would be one complex possibly with the affordable in addition to some market rate as well?

[10:19:07 PM]

>> That's correct.

>> Garza: Okay, thanks.

>> Mayor Adler: Okay. Anything else for housing?

>> Casar: Since you -- during the conversation you said you wanted to get some take-aways, I think the 9% tax credits are a way of adding to the pie, right? I think, councilmember Garza, what we've experienced with some P.U.D.S, right, is you have to take some parts from this part of the pie to add to that part of the pie, 9% tax credits actually add to the amount of available funding and so that might be one way of getting to lower levels of mfi without necessarily having to make too many adjustments. I think ideas about adjustments are also interesting. I just would like to indicate my continued interest in being able to get a tax credit deal here because we could really drive down to those lower levels. Again, I do think that even some employees that are low-wage workers could get a 60% unit but they would probably have to get a housing voucher.

>> Right.

>> Casar: Or they would have to have a second -- somebody in their household that also makes that much money and not be single-earning household. So it's complicated, right? I think it's clear from some of the survey data I've been sent for, for example, employees at Westminster, yes, having 30 or for the or 50% mfi units would be a huge benefit. I guess I just don't want to, because we do work so hard not just on this project but all over the city to get 60% mfi units that there is something to those units as well and it would be great to get lower ones too. I just want to --

>> Kitchen: Could I -- one other thing. I think we could also -- it would be very interesting to have some conversations, and you may have already done this, or someone may have already done this, with the employers in the area. Because, you know, basically you're talking -- we're talking about how do we make it possible for these workers to live nearby.

[10:21:12 PM]

There's a financial interest, those employers have a financial interest related to turnover in their employees, in helping make -- helping make sure that there's affordable housing nearby. So that's another set of conversations that I'd like to have.

>> Mayor Adler: Okay. We can have the next -- mayor pro tem.

>> Tovo: Quick question for our housing staff. Can you remind me if there is anywhere in this planned unit development document that has codified bedroom count or unit size among that -- among those percentages? In terms of the affordable units. Has that been codified.

>> What we were proposing was a proportional mix of units.

>> Tovo: Where can I review that proportional mix?

>> I don't think it's been determined yet.

>> So that would be a question to ask of the developer, if that level of detail is available. We wanted to be sure that that language, so whatever was available and being offered in the market rate units, was -- it mirrored what the mix would be in the affordable housing 37 but I don't know that the level of detail is available. We can certainly check on that.

>> Tovo: And I did have a little bit of that conversation with the developer this week. You know, as you're aware of the discussion about whether the affordability should be expressed in terms of the percentage of square footage or the percentage of units, there are advantages and disadvantages, I think, either way. But my concern would be that you could end up with units that were really quite small and that, you know, wouldn't meet our -- would house -- you know, would basically -- what I want to prevent is if we agree to go with some kind of percentage of affordable units, I really hope that we can get around to some level of specificity to make sure that all of those units that are gonna be create ready not efficiency units but really are gonna serve families with kids, seniors with caregivers, you know, the others who we know are having such a struggle to live and stay in affordable housing.

[10:23:31 PM]

>> And that is our intent so we'll take a look at the language and if we need to strengthen that language to ensure that outcome we can take a look at that.

>> Tovo: Thanks. I wonder about the proportionality element of it. To me it would be really compelling if I were making a case for a superior P.U.D. I would find it very compelling to say a disproportionate number of those units are going to be units with extra bedrooms because we know part of the unit here -- opportunity here is to have housing for families with children because they are within, you know, great school zone and this is a high opportunity area in part because of the good schools in the area. So housing for -- housing for families with kids would be a high priority.

>> Mayor Adler: Okay. Next staff group. Thank you very much. That was helpful. Environment. Then I think parks is what we said.

>> Good evening, mayor, council, city environmental officer. I'll cover the environmental superiority elements and the environmental code modifications that have been proposed in the P.U.D. The P.U.D. is proposing 60 -- just over 7 acres of more open space than is required, about 65% more than is required. The proposed P.U.D. Exceeds the minimum code requirements for landscaping. They're including larger trees and placing trees on streets where those trees are not normally required. Almost all of the non-turf plants will be native or adapted supposeys. They are proposing superior water quality controls, proposing to use a wet pond and/or green controls to treat at least 50% of the required water which provides a much more effective stormwater treatment, very high nutrient removal with those control types and at least 10 acres of that impervious cover on the site will be treated by controls that infiltrate water, which we have proposed in the codenext process.

[10:25:41 PM]

This is -- I'll go over this very quickly. This shows -- I point your attention along the characterization upper right of this map. This is where most of the environmental issues are. There's a wetland critical environmental feature there. We've protected that with a critical environmental feature buffer, the critical water quality zone, very narrow because of the width and depth of shoal creek has been expanded with a riparian grow zone, which will provide water quality and flood benefits. With more -- moving on with more superiority elements, the proposal clusters development along bull creek road and interior of the property and away from bull creek, which is -- or shoal clear, is the most environmentally sensitive area of the property, they've agreed to preserve at least 75% of all the protected size native trees, prepare a tree care plan, protected size trees, increase mitigation rates for the removal of the heritage trees in poor condition. Normally mitigation is not required for removal of heritage trees that are in poor condition. And the signature grow with the -- what the applicant is calling signature grove which I think everybody is familiar with, they've increased the protection of the critical root zone of all of those trees. They've agreed to direct stormwater runoff to 100% of the required landscape area, which both reduces the use of potable water and reduces the amount of runoff from the property as a whole. They've agreed to provide flood detention or mitigation for the existing 9.4 acres of impervious cover on the property, which current code does not require. That currently has no detention at all and they've agreed to provide detention or mitigation for those nine plus acres.

[10:27:43 PM]

They've agreed to grant the city of Austin the authority to choose the most effective flood mitigation option for the site, either on-site detention, participation in the regional stormwater management program, or a combination of the two. And relative to the idle wild properties they've agreed to direct up to hundred year storm flow surface water away from those properties, which will significantly reduce the surface water impacts those reports are seeing today in the undeveloped condition or partially developed condition. This is just an aerial which I'm sure you have seen before but it does highlight the wetland area in the upper right being probed and not only is it being protected with a buffer but the wet pond is being designed so that a portion of will that -- that will infiltrate additional water to keep that wetland alive for the long-term. So they proposed a couple of environmental code modifications. They've proposed a modification to the heritage tree ordinance so that heritage trees identified on the exhibit J may be removed without an administrative or land use commission variance as required by current code -- they have identified 11 heritage trees for removal, ten peek ans -- pecans, one American elm and four have been rated poor by the arborist and that has been confirmed by the city's arborist staff. That's it for environmental. I've available for any questions if you've got any.

>> Mayor Adler: Questions?

>> Kitchen: Thank you. My questions relate to the -- to shoal creek and the risk of flooding.

>> Go ahead, yes.

>> Kitchen: Okay. My questions all right to shoal creek and the risk of flooding.

[10:29:45 PM]

I'm not sure exactly how to ask that question. I'm simply asking from your perspective do you feel like there's sufficient protection for the risk of flooding on shoal creek over the years has had serious issues around flooding so --

>> I do. And this is something that is not, I think, intuitive to -- necessarily to the layperson and really was not initially to me. But we looked at this very closely because of the flooding all in shoal creek, particularly downstream, the area downstream of this flood. This project is located in the lower third of the shoal creek watershed. Typically when we look at watersheds and look at flood mitigation and where you should have detention and where you should have the most detention we generally look at the you were two-thirds of the watershed and especially the upper third of the watershed. What happens in a large rainstorm -- remember we're trying to control for the hundred year storm event, generally large watershed wide type rain events. When that happens in shoal creek it's basically a gig funnel with the widest part at the top. When that rainfall event happens you have a very large volume of water coming from downstream at the same time the water is running off of this property. If we put detention on this property, there's a very good chance that as that detention let's water out, it will be letting it out as the -- at the same time that that flood peak comes down so we're gonna defer the final decision to site plan. But we feel like, likely, that we will want either little or no detention on the site because most likely the initial models indicate the best thing is to get the water off the property and into town lake, lady bird lake, as soon as possible so we're not adding to the peak as the peak comes by. There's about a 45 minute lag according to the models from the time the rainfall falls to the time that it actually reaches the grove location.

[10:31:52 PM]

So we really want to get that water off the property and downstream. Now we're deferring that decision to the site plan stage, when we've got more detail about how they're modifying drainage on-site. And they have agreed -- normally the decision about whether to do on-site detention or request to participate in the city's rsmg program is up to the applicant. In this case, they're gonna give the city that

authority to make that decision and we will be able to choose what is most effective for flood detention regardless of the economics, even if it costs them more money to participate in rsmp or to provide on-site detention we will make that decision without considering the economics to the project. So we'll do what's in the best interests of the city and in preventing flooding.

>> Kitchen: Okay. Thank you.

>> Mayor Adler: Okay. Yes, Ms. Gallo.

>> Gallo: And I really appreciate you addressing that because we've received a lot of emails from the surrounding neighbors that seem to prefer having the on-site detention. So I think walking all of us through that I think is very helpful. But the take away from your comments is that the city is in charge of making that decision. It won't be a developer's charge and it will be a decision that the city makes and regardless of the cost which way is less expensive or more expensive, the city will make that decision.

>> That's right. This kind of flood management is very similar to how you try and manage traffic for rush hour time periods. You try and get people to leave earlier so that they get on the road and off the road before the peak rush hour traffic hits. It's the same kind of thing with flood management.

>> Gallo: So I have one other question. Because the neighbors along idle wild obviously have been very concerned about flooding on their property, and there was some discussion early on about asking the property owner to put in a French drain.

[10:33:56 PM]

Could you talk to that a little bit and just give your opinion from the standpoint environmentally, is that something that would be a benefit to those residents that back up to this property they're on idlewild or does it serve a purpose? Is it an advantage? Is it a benefit?

>> The French drain would provide benefits in terms of reducing the ground water flow flowing from this property and popping out into the yards just adjacent to it along idlewild. We think that just the development itself, where it's gonna put a lot of impervious cover and redirect stormwater flow, surface flow, away from those properties shall it should pretty dramatically reduce the infiltration into the ground, and that -- and should reduce the ground water flow going to those properties. The French drain would present sort of a belt and suspenders approach. I think that it's likely -- and we don't know how much, but we think it's likely that there will be a reduction in that ground water flow just by the development itself with the impervious cover on the property. And normally with -- from an environmental standpoint, protecting that ground water flow is what we try and do and preserving that ground water flow is what we try and do because we know when you cover the ground with impervious cover, you significantly reduce infiltration into the ground. In this case that will actually provide a benefit to the idlewild properties. The French drain is a common technology used to manage ground water. This

parking garage, building has a French drain around the building to address ground water. Many buildings downtown do and around the city. It's a technology that's been used for decades, if not hundreds of years.

>> Gallo: Thank you.

>> Mayor Adler: Okay. Thank you very much. What is it, parks, next?

>> Pool: Mayor, I had a question.

>> Mayor Adler: One more question.

[10:36:01 PM]

I'm sorry.

>> Pool: Sorry. Thanks for coming banning up. The shoal creek consequencesy has a govalle no new -- goal of no new net stormwater in shoal creek. Can you maybe speak to that.

>> To be honest, councilmember, I can't. I haven't spoken to them about that. I could certainly reach out to them, have a discussion with them about it.

>> Pool: That would be great, whatever information you can gather would be really helpful. Thank you.

>> Glad to.

>> Mayor Adler: Mayor, mayor pro tem, council, I'm Randy Scott with sparks recreation department -- parks and recreation department. Pard has been working with the applicant for over a year now to get the development to superior as it relates to parks. We have had three areas that we have focused on. Our efforts on. Street froth -- frontage, so the park feels safe, open to the public, additional parkland outside to protect environmental features suitable for active play, park improvement agreements -- agreement which includes construction and maintenance of parks and park investment of \$750 per dwelling unit. Council, as you can see from this table, parkland dedication requirement are triggered by the number of dwelling units. The number of dwelling units include market rate community

[indiscernible] With kitchens. It does not include affordable units. Council, this last table is a side by side comparison of traditional zoning versus P.U.D.S as it relates to parks. The column on the right with the bold numbers, 10% parks department would get 10% more parkland. Would get \$750 per unit for park development, for park amenities, and would get trail construction from Jefferson street to 45th and bull creek road.

[10:38:11 PM]

The next issue is transportation, unless y'all had any questions.

>> Mayor Adler: Ms. Gallo.

>> Gallo: So could you decipher that a little bit for us? Because the other departments have talked about superiority and so are we talking about parkland superiority here?

>> We've been working with the developer to get to superiority. The park exhibit that you'll be reviewing later today, there's one that was updated yesterday, September 21 it's dated. It is superior as it relates to parkland and if that -- that document is attached to the park improvement agreement and signed as it has been provided to them by our law enforcement, fireside, Ms. Fireside, and it includes a 705 linear feet of street frontage that we've worked with the developer on and includes the requirements of -- for the deed to be placed in escrow, then the park is -- would be superior.

>> Gallo: I appreciate that. You know, I know that it's been a really important conversation for our office. We've been very clear that we are not negotiable on even considering this without achieving parkland superiority, and we really appreciate how hard you've worked on this and your interaction with the property owner to get there. I mean, we heard very clearly early on from all the neighborhoods that parkland superiority was critical and important, and, you know, we don't have many opportunities in particularly the central part of Austin to be able to be in a situation where we gather that much additional parkland to be able -- to be considered superior. So I just want to thank you for that and we will hope that that process continues so that it's a resolution that gets finished and I just want to say that's a really big accomplishment.

[10:40:13 PM]

[Applause]

>> Gallo: This would be a time to clap, I think. So thank you.

>> Thank you. Thank you.

>> Mayor Adler: That's how it starts. Ms. Pool.

>> Pool: Mr. Scott, you can come back. Thanks. I have a couple of questions.

>> Yes, ma'am.

>> Pool: The 2 acres of flex space, did the applicant place that?

>> Signature park.

>> Pool: Okay. Great. Does the negotiated credited parkland number include the total of three additional acres of active recreation space that everybody wanted?

>> It includes 1.25 acres of active recreational space.

>> Pool: Okay. I'd like us to look for three. And you talking about the total street frontage?

[Applause]

>> Yes.

>> Pool: Can you talking about why that's important?

>> Parks -- to feel safe and open to the public, street frontage is required and preferred for parks to have off-street frontage, hundred% street frontage.

>> Pool: Doesn't it also help us -- us to identify it's a park.

>> Helps people able to see in them, A.P.D. And police officers able to drive by and see into the parks. Our original proposal in March of 2016, I believe we were somewhere around 325, 350 feet of street frontage and we are now at 705 feet of street frontage. Pard had originally requested 950 to 1100, and given five, I believe, drawings with how to get to that. We are -- the way they've laid out the 705 feet, we feel it meets the need and 95% of the park is visible from the street.

[10:42:14 PM]

>> Pool: And the topography of the site, it slopes down to shoal creek.

>> Yes, it does.

>> Pool: And bull creek road is up here and the creek is down here, so the street frontage helps to identify because you really can't see the park from the road.

>> Not from bull creek road, you would not be able to see the signature park. But you would be able to see the signature park from the proposed road that would be going in. I think it's Jefferson.

[Laughter]

>> Pool: I don't think anybody has determined that there's a road going through.

>> No? Okay. Well, that's what it's showing on the land use, I guess.

>> Pool: [Indiscernible] Let's see. Let's talking about the parkland agreement. Can you tell us why it's so important that the parks and rec department retain programming control over parkland.

>> So it acts like a public park for all the residents.

>> Pool: And for the entire city.

>> And for the entire city, yes. All the residents of the city, yes. That's correct.

>> Pool: Okay. The reason I'm asking these questions is so that the folks who are here can have a fuller appreciation of all the things that the city is requiring and also to kind of educate.

>> Okay I do not have a copy of the park improvement agreement with me. Some of the things that I've outlined that we've required is the programming of the park, that the programming of the park be done by the city. Reservations go through our reservations office. There is an agreement that it -- don't have it exact, but if they wanted it for -- they could outline their reservations for six months, in other words, we could do that on one time and they wanted it every someday for some event, that we could do that through our reservations office though.

[10:44:18 PM]

Other items were park naming, they wanted the right to name the park. And we had removed that. So those were some of the sticking points of the park improvement agreement.

>> Pool: Council passed some new restrictions on park naming just earlier this year in fact.

>> That's correct. Naming ordinance was approved earlier this year.

>> Pool: Right. Let's see. Has the applicant committed to the \$750 per unit parks amenities contribution?

>> That is in the park improvement agreement. It is mentioned on the September 21 parks exhibit, but it references the park improvement agreement.

>> Pool: Ongoing. Thank you. And is there an opportunity for us to include language in our agreement that allows for more parkland to be included at site plan? If there are more residential units added, for instance, if we have more housing, can we -- at site plan increase the amount of acreage for the park?

>> Yes. We've included some language on the park exhibit that refers to if additional units are added that are not affordable but if units -- market rate units or congregate living with kitchens are added, that additional parkland would be provided by the existing parkland dedication ordinance.

>> Pool: So we could --

>> Including that formula is -- was key, and it's on the exhibit dated September 21.

>> Pool: Okay. Good. So we can say, like, a minimum of X number of acres will be deeded as public parkland when we get to site plan.

>> That's correct, yes.

>> Pool: Great.

>> If it goes above and beyond what I guess the number that is approved in the P.U.D., yes. So if -- the acreage on the exhibit is for 1,335 market rate units and 150 congregate care units with kitchens.

[10:46:31 PM]

>> Pool: Okay.

>> That's what's outlined and that's what we're basing park superiority and the amount of parkland being dedicated on.

>> Pool: Just to cap it all off one more time the amount of acreage and the signature -- in the signature park piece?

>> The amount of credited acres in the signature park was, let me see, 14.13 acres.

>> Pool: That includes the 2 acres of flex space?

>> That includes the 2 acres of flex space.

>> Pool: Great. Thank you.

>> Mayor Adler: Okay. Next -- thank you very much. Next staff is transportation.

>> Thank you.

>> Mayor Adler: Thank you. Can you move the captioning up high

>> Mayor, council, Roberts spillar, transportation department. I'm here to review the transportation issues related to this proposed development. This development was subject to traffic impact analysis. You might hear people call that the tia. There were actually five updates submitted over the course of the review of this process. The tia goes in depth into trip generation estimates, disabilitying that traffic and assigning to the area roadways so we can then determine or estimate what the potential impacts would be and then therefore what appropriate mitigation measures might be. The latest tia and the one we're working with was submitted March 28, 2016. My department, Austin transportation department, has reviewed it for safety and mobility. And we concur that the traffic impacts are adequately mitigated.

It assumes that the proposed improvements are completed and we sent some tia comments pertaining to detailed design issues that will be reviewed again by my department during subdivision and site plan.

[10:48:32 PM]

There was a proposed amendment, I'll show you this on a future slide, that was subsequently withdrawn by the developer and so the tia submitted on March 28 is the controlling tia. Staff recommendations. We've recommended the right-of-way dedication of street improvements are dedicated and created prior to the generated trips. I know the right-of-way was a major question. The developer has informed us that they do now have under ownership or contract all properties necessary to provide the appropriate or required right-of-way as promised. Fiscal surety for construction costs of the bridge and other identified improvements connecting over to the shoal creek trail, the developer willing it do about additional traffic studies prior to phase two development. Remember this development is divided into two phases allowing them to develop up to the 2,000 trip basic development that doesn't require a tia and then to go beyond that they have to do additional traffic studies. Right-of-way dedication of the Jackson avenue extension, they have -- equate there is the Jackson avenue be a public street since it is a collector that goes through the center of the development. We thought from a city perspective it was better to be able to control the long-term maintenance and operations of that is street as opposed to a private drive. Street designs are in accordance with city of Austin standards. Revised tia no more than five years after the project is approved. So they would be going through another tia to make sure that they're on track and to determine if there were any additional efforts needed. So some of the attributes, there's a connection of Jackson street.

[10:50:32 PM]

We know this is highly controversial, but they have acquired two properties between their property and 45th street, which they would straddle the property lines of those proproperties to create a new street. And then they would dedicate that for public right-of-way. Jackson avenue would be under public ownership as mentioned mostly because it's a collector street through that proposed development. Conceptual design is acceptable as ride in and right out intersections. We heard from the community that they didn't want left turns at the Jackson street intersection so we can design it now that they have two properties there so that we can control it for ride in and right out. Transportation department believes this provides connectivity benefits for all modes, especially with the pedestrian trail that is going to parallel to 45th behind that row of houses. This corridor, this new street, would give access back into the sidewalk network of the surrounding neighborhood, as it turned towards the south to go down to the new multipurpose bridge. The bridge and path across shoal creek would connect this

neighborhood greater park system in this area and provide access to pedestrian routes to schools and shopping and other activities connected up and down shoal creek. And the applicant is responsible and committed for the full cost of the bridge. I think that's pretty significant since we don't know what the design and cost of that bridge might look like. And the city is required to work on the easements from the state to get across to shoal creek boulevard. Other things, trip generation and transit reductions. I know this is as -- has been a concern since cap metro provides service along bull creek using their route 19. Capital metro has recently published a new transit plan that could possibly eliminate 19.

[10:52:39 PM]

I got a text from them today reminding me that has not been approved yet. They are increasing significantly the capacity of transit along 35th and 38th street. Capital metro has indicated that they believe that this development is -- the majority of this development is within the transit shed of a -- up to a mile from the transit, given some of the new technologies that are being implemented to serve that last mile. Transportation demand management plan, to reduce overall generation trips. This is actually new. The developer has submitted a transportation demand management plan. That is not typically required of developments. And is new, a new requirement that we're trying to build into the residential mobile plan. One of the questions -- let me just go on further there. The transportation demand management plan would set goals and milestones for the developer to meet in terms of trip production. We would survey the trips actually being created by the development, much like we do with Mueller. And then increase the tdm actions if we saw trips going beyond where we estimated. We were asked the question, is the transportation plan for this development superior in terms of P.U.D. Superiority. Prior to the tdm plan I could tell you that I thought it adequately mitigated the impacts created by the --

>> What!

>> Which is the standard that -- from a traffic perspective I'm required to do. We think that the development could become superior if the developer were willing to enter into an accountability contract based on the tdm plan. Again, the way we would envision what that accountability performance agreement would look like would be a contract between the developer long-term and the city.

[10:54:48 PM]

And it would hold the developer to increasing the actions necessary to achieve the trip goals. So what does that mean? You know, at the earliest stages of a tdm plan you typically start with education and making various options available. If you're not achieving those demand management levels you might

add private shuttles or electric bikes or bike share or car share into the community. If that doesn't work, you might add the requirement that the neighborhood association and/or the residual manager of this development would buy transit passes for all the employees of the grove. And my point is those aren't the exact things, but you would keep escalating them to try to meet your goals and expectations. My department would certainly commit to be the municipal partner through the tdm program. Obviously if you're having a contract you need a city management entity to partner about and we would be willing to do that. So my knowledge no other development has done something like this in accountability development. Other states and other jurisdictions have state laws or municipal laws that actually establish requirements of tdm plans but we think this is an innovative way to begin that Prouse here -- to begin that in central Texas. As I said earlier there is a tdm addendum submitted but subsequently withdrawn by the applicant now that they had the right-of-way necessary for the full intersection as proposed at the 45th and bull creek intersection. I think -- bull creek intersection. I think that's the last slide I had.

>> Mayor Adler: Thank you. Questions from transportation. Ms. Kitchen.

>> Kitchen: Thank you, Mr. Spillar. So the tdm plan or the tdm process, do -- have we done that in Austin at all anywhere?

[10:56:51 PM]

>> You know, we've certainly worked with organizations downtown to develop tdm plans. They're very specific to the location. Those have been focused mostly on majority employment destinations. But certainly there's other places around the country that have done them for new developments and so forth.

>> Kitchen: Okay.

>> And this is -- I think it's something that we need to create an opportunity for here in central Texas. I think that they are very usable. There's good examples from the west coast where I think tdm plans have been used on development to create the desired outcome.

>> Kitchen: So one other question. So when you do

>> Kitchen: One other question. I apologize, you may have already said this, but in doing this kind of plan, basically the developer commits to a plan, commits to accountability, which means the decision about whether they're accountable -- in other words, they don't get to say that they tried and they just couldn't do it, and so we're stuck. I mean, basically, they're held accountable for achieving results? Is that the concept behind it?

>> That would be the idea. We would still need --

>> Kitchen: Okay.

>> -- To negotiate that, in terms of --

>> Kitchen: What the metrics are?

>> What the metrics are. Yes, thank you very much. Again, the successful plans that I have seen require a certain trip characteristic, and then require that the developer and the property owners to continue to add elements to their plan, if you will.

>> Kitchen: Uh-huh.

>> To achieve that goal, or achieve that trip-making character particular.

>> Kitchen: And it sounds like those elements are all designed for alternative ways for people to get where they need to go so they're not adding cars to the road, essentially.

>> It could also be adding various retail opportunities that attract local trips.

[10:58:53 PM]

>> Kitchen: Okay.

>> You know. Delivery opportunities, et cetera.

>> Kitchen: Okay.

>> I think there's a -- there is an opportunity to succeed there.

>> Kitchen: Okay. Thank you.

>> Pool: Mayor?

>> Mayor Adler: Ms. Pool.

>> Pool: Thanks, Mr. Spillar.

>> Uh-huh.

>> Pool: Could you talk a little bit about traffic mitigation in the surrounding neighborhoods and why that is not part of the plan at this point?

[Applause]

>> Well, I guess I'd have to --

[applause] I guess I'd have to ask you what you mean by mitigation in surrounding neighborhoods.

[Laughter] We mitigated -- in their plan, they proposed mitigation on the major streets surrounding the development to access to the major arterials, to access the network system.

>> Pool: So can you name the streets that the mitigation is planned on? Jackson avenue and bull creek road?

>> Yes.

>> Pool: There are at least --

>> And 45th street.

>> Pool: Yeah. There are at least three neighborhoods that are right there, oak Mont heights, shoalmont, probably all three will be affected by the traffic coming in I guess my question is, if we don't have a mitigation plan or have looked at those streets, I would request that that be a consideration. I think that would be helpful for every one so that they could see what the impacts will be. Jackson avenue, which is where Westminster manor is, for example, is planned in this proposal to run from 38th street right where mopac -- where the entrance to mopac is, now all the way through this development, if it happens, onto 45th street, and that will increase the traffic on that street in front of Westminster manor, and then there's also -- and that is one of the edges of oakmont heights.

[11:01:05 PM]

And then there are the interior streets that connect up Jackson over to bull creek road. And then there are -- there's chapero, north of 45th street, which would be the straight-through street with the new exit of Jackson avenue extension, with or without the ride in, ride out, that would be a straight shot, so there would be cars driving in there that aren't there now. So the whole -- the plan on the streets changes, and there are -- I think the applicant says about 19,000 more car, vehicle trips.

>> Vehicle trips, yes.

>> Pool: Coming to that area. So those cars will be somewhere.

>> Uh-huh.

>> Pool: So what do we have, as far as an idea of how to mitigate for that?

>> So on Jackson street, of course, the new Jackson street, I believe it has a roundabout in the center of it, plus a ride in/ride out, as you said so I'm not sure it is as straight a cut-through as you might think and that it is a slower street even though it is a collector in that area. In he remembers the of the traffic, we know that traffic tends to take the least resistant route, and that's why we make improvements on bull

creek and 45th to direct people to mopac there. We know that some of those folks are going to filter south to 35th and 38th street, but the analysis that we have been provided to evaluate, that we think is a reasonable analysis, suggests that with the improvements proposed at the major intersections, that those intersections operate better than they will in the future if nothing is done under today's traffic conditions.

[11:03:05 PM]

We believe that the traffic will continue to deteriorate, and that with the improvements, the double left turns going to the north and some of the other improvements, that we can actually improve traffic in that area. It is an increase in traffic. It is an increase in number of trips to this area that is currently an empty parcel of property. There's no way to get around that.

>> Pool: So if we decide to include that in the requirements, then that would be an option.

>> Then we'll follow your lead, yes.

>> Pool: Right. Okay. How about those northbound bicycle lanes? Have they been put back on bull creek road?

>> I'd have to look at the specifics. I believe one of them is to the north but with a path adjacent to the roadway that we thought was sufficient.

>> Pool: And --

>> But I'd have to look at the specifics on that.

>> Pool: That would be good. It would be great to have some more specifics.

>> Uh-huh. . >> Mayor Adler: Hey, come on. Come on. Come on.

>> Pool: Then the feasibility of adding an alley behind the homes on west 45th street, there was discussion of that. What is the feasibility of that?

>> I think you would have to ask the developer that. I do believe it is an option that they considered at one point, but it was not in the tia that we could evaluate.

>> Pool: And I think I also want to ask the parks folks because I don't know if that gets in the way of the connectivity and the visibility from the street.

>> Uh-huh.

>> Pool: Thank you so much.

>> Uh-huh.

>> Mayor Adler: Thank you. Transportation questions? Yes. Ms. Gallo.

>> Gallo: And just to follow up a little bit on the ability to provide traffic mitigation solutions to surrounding neighborhoods, particularly as this project is developed and the density increases, I think it's really important to do, it's probably been a month now, maybe, we put -- we posted on the message board about the idea of developing actually a traffic mitigation fund that would capture resources for the neighborhoods to be able to work with the city on programs that would definitely address the off-site traffic mitigation, and I think my impression from the work session -- and that would be captured from the increasing property taxes from this particular development.

[11:05:40 PM]

There was an ordinance, a resolution that was passed by council not long ago that was going to direct the additional property taxes from this area into the affordable -- the housing trust, and so I think on Tuesday Greg kind of indicated that he felt he might be able to work with us on that so that some of the money that perhaps is already being allocated out of the general fund but into the housing trust could go into a traffic mitigation fund for this area so that there would be a fund that would continue to grow and be available for the neighborhoods to use and work with the city on. So that resolution could -- should come before the council in the next -- next handful of weeks, so we're looking forward to working on that and actually coming up with a fund that addresses those off-site mitigations for the surrounding neighborhoods.

>> Mayor Adler: Greg and then --

>> Casar: Not to be contrary, but I think what I was trying to make clear on Tuesday, I have some reluctance towards pulling those dollars out of what would be designated to the trust fund, but I would assume there's some sale tax increments being spun off the commercial developments, which would be driving more of the trips in the first place, so I'd be more open to considering those one-time sales tax dollars for a one-time use that's more dedicated to commercial rather than recurring general fund property tax dollars whichever dedicated to affordable housing, if that makes sense. But that's another resolution for another day, but just to clarify what I think I was saying on Tuesday.

>> Gallo: And I think all of us are going to work towards figuring out a solution to that. It was one of the bull creek road coalition requests which was to dedicate 3 million to an off site traffic mitigation and multimodal improvements, and tax increment funding so it's something that I think we all can work on up here to try to figure out a way to do that. But I think long-term funding for the ability to mitigate traffic issues within the neighborhoods, I think is really important, in this particular case.

[11:07:50 PM]

>> Mayor?

>> Mayor Adler: Yes. Ms. Pool.

>> Pool: I just wanted to take a moment to thank you and your staff for the additional work that you've done on the traffic. It's -- I mean I know you guys do it a lot, and that's your job, and -- but it's been a really complicated case, so just wanted to let you know I appreciate it.

>> Thank you.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: I have a really quick question. You mentioned on the last slide on one page some assessments from the state of Texas. What was that again?

>> One of the proposals is to have a bridge from this property across the creek to connect with the trails along shoal creek. There's a significant north/south movement of folks in the park along there. However, to do that, to get the landing on the -- if I get my directions right -- east side of the creek, there's a state building there, I believe it's archives or libraries, something like that, where we need to go through the edge of their property to get to actually the street right-of-way.

>> Zimmerman: Okay. And you don't see any problem with that, or has anybody made that inquiry or do you have any feeling about what would happen?

>> I think we've made some initial inquiries, real estate has, but really, without knowing what's going to happen with the bridge, it's hard to get anyone's interest or attention. So as soon as we have the direction from council, I think then we have --

>> Zimmerman: It's one of those chicken and egg problems; right? We don't want to do it until we know if they'll let us do it. I get the idea.

>> Yes.

>> Zimmerman: Thank you.

>> Mayor Adler: Anything else? Thank you very much. Is that the extent of the staff matters?

>> Yes.

>> Mayor Adler: All right. So my sense is, and I think to be fair to the folks in the room, I think it's going to be impossible for us to work on this substantively, to go through the stack of amendments from both councilmembers pool and Gallo and perhaps from others.

[11:09:56 PM]

The public hearing here, we're going to give people a chance to talk, but before we do, that means that we will be back here again, and there will be a public hearing opportunity when the issues that are actually being dealt on are more defined than they are today. We're going to give people a chance to speak, but I want everyone to know that while they have the opportunity, their testimony might actually be more directed and more helpful the next time we go through this because the issues that are actually in controversy are going to be more in play. It's 11:10. We have, if we do the first 20 people three minutes and everybody else at one minute, that's about three, three and a half hours' worth of testimony, which would have us all here until 2:00, 2:30 in the morning. And I want everyone to know that you don't have to speak if you don't want to.

[Laughter] If you do speak, don't you have to take the full amount of time. It would be okay to say I feel the same way that other person does. It is really helpful for us, not only -- it's helpful for us to see the community here and to see the visual expression of the interest and importance of this issue, and that, obviously, and this issue has come across loud and clear. I hope the conversation we've just heard from staff is helpful for us, and I hope that it was helpful for everyone here as well. We're going to start with the applicant on this, as per the ordinance, and then we'll go to the people that have signed up. And, again, you can come up and speak or wave off as you feel appropriate.

[11:11:58 PM]

But am I right, council, that we're really not going to work on this substantively today? I want to give folks fair notice if I'm saying that right. So that's the consensus, it appears, on the dais.

>> Tovo: Mayor?

>> Mayor Adler: Yes, mayor pro tem.

>> Tovo: I guess I'd like to understand what that means, and if that is the consensus, I understand that councilmembers have amendments and it sounds like there may not be a will to go through those. Does that -- does that mean there's a will among council not to vote on this even on first reading tonight?

>> Mayor Adler: That's my sense because I'm not sure that people are going to vote without amendments being considered. Because I think people are going to want to have actually amendments in something that they were voting for. That's my sense. So I would imagine that at the end of the testimony from the community, we will just postpone this matter. Unless there's a will to vote on this in the absence of considering all the amendments, because if we consider all the amendments, we're probably here until 10:00 in the morning. Ms. Kitchen?

>> Kitchen: Could I make --

>> Mayor Adler: Yes.

>> Kitchen: I frankly think that it's very important to hear from everyone here, and I want to take our time doing that. And then when we finish that, whether it's 2:00 or 2:30 in the morning or whatever time it is, I don't think it's -- I don't think it's good for us to be deliberating at that time on these complex issues. I also would like time, as I mentioned before, you know, there's a number of issues here that are very, you know, critical from my perspective that I will probably want to bring some amendments about, but I need to do -- have some more discussion. I signaled some of those earlier when I mentioned the affordable housing questions that I had. So that would be my perspective on it. I think we'd be doing a disservice to everyone if we tried to work through these complex amendments at that hour.

[11:14:05 PM]

>> Mayor Adler: It would also be helpful, and I thank councilmember pool for having posted on the message board, some of the amendments or thoughts you have, and if other people also are developing amendments, it would be helpful to have them posted as well for all of us and for the community to be able to see.

>> Thank you, mayor. Jeff Howard for the applicant. Before I begin, how much time do I have? My understanding is that I have some folks who donated time to me, but I'd like to clarify how much time you'd like me to have.

>> Mayor Adler: You have five minutes as the applicant, but if people have donated time to you, you get credit for one minute for each person who's donated time for you.

>> Okay. I think I have four people.

>> Mayor Adler: Okay. In which case you have nine minutes.

>> Thank you, mayor. Again good evening, councilmembers, my name is Jeff Howard and I represent the applicant. Let me begin with some context. When we considered what zoning to pursue, we had initial fundamental question, do we pursue conventional zoning or a pud? Puds are notoriously difficult, and I think that's proven. Doing a conventional zoning is very compelling. People still wonder today why we didn't go that route. So it's important to know, I think, that while we are absolutely, absolutely, willing to work with you on realistic improvements to the pud, I think we have to understand that conventional zoning is the real alternative here. Not something that's unattainable with extreme amendments, because we've seen those amendments prosecute bcrs, and frankly, they do not work and we cannot make them work. So what would conventional zoning look like? Alternative traditional zoning -- again, you heard Mr. Rusthoven talk about this based on staff baseline -- we'd lose so many of the public

benefits that this project will provide, there would be fewer, more expensive units, unlikely to have retail, much smaller park, no mandatory affordable housing.

[11:16:21 PM]

The discussion about baselines and unit mixes and all that is very interesting, but there would be no mandatory affordable housing. You couldn't have that discussion in a conventional zoning context. The conventional zoning is quicker, less expensive, less risky given city's obligation to provide some zoning. So that's the alternative. Now, we didn't choose that path. Because we want to do something better, and so we hope conventional zoning is not where this case ends up, and that we stick to trying to make this pud work. And we chose to do a pud for two simple reasons, first, we were encouraged to do so. Second, we developed a plan within the pud model that is economically viable, and I would say that both those things are critically important. City support and economic viability are critical to the success of this pud. So why is it important? Why is this project important to everyone in Austin and not just my client or those nearby? And it has to do with imagine Austin, when it talks about complete communities. What it says is, these communities will be for austinites of all ages. They will provide environments that support children at every stage of their development, young adults beginning their professional lives and families, and seniors, aging gracefully in the neighborhoods where they raised their families. These places will be safe and affordable, promote physical activity, community engagement, and inclusion, and make amenities and services easily accessible to everybody and contribute to Austin's unique community spirit. That's the aim of this project. To do that by offering diverse mix of housing, great places to live, work, shop, play, eat, and connect with nature. All -- whoop, excuse me. All in a location that is already well-connected to the center of Austin. And with a neighborhood commercial scale that is consistent with the area.

[11:18:23 PM]

We'll have design guidelines and ensure safe, walkable streets, and provide meaningful reasons to walk and connect with neighbors. Now, the grove doesn't aim to create this complete community in and of itself, but it aspires to connect with the established communities around it, adding value and vibrancy to them. That's really the promise of imagine Austin, with complete, connected, inclusive communities. The grove offers solutions to Austin's affordable housing, or housing crisis and affordability crisis. The grove is over 86% residential, providing 1,335 market rate residential units, 108 affordable units, and 300 congregate living beds and units, which include an array of housing types. Of those, only -- of that 1,443 total residential units, only 61 are single-family. The rest are townhomes, condos, apartments, et cetera. And so it provides much-needed housing supply and options that really don't exist in the area.

This housing will provide homes to approximately 2500 residents in central west Austin, which hasn't had to bear as much of the burden of our housing crisis as maybe some other parts of town. This will help ease the burden on east Austin, north Austin, south Austin, which have all seen increasing gentrification and displacement. Additionally, the grove is the first of its kind, a mixed use, urban pud that actually provides on-site affordable housing instead of merely pay fees, and it does so in an area with the highest need for these units, and the highest cost for providing them. This is a very unique opportunity. Staff has gone over the proposal. It's 108 units, and that's the breakout.

[11:20:23 PM]

What I will say about this is that this truly does exceed any of your requirements. And it truly is a superior proposal. We're providing twice as many affordable units as staff's baseline. And I'd like clarify that a little bit. If you view a tier 3 proposal as something that's, say, that, and we do that, a delta can be the tier 2. And so the delta can satisfy tier 2 and have tier 3 met, if you wanted to do a baseline, but of course I think maybe there's some wisdom to councilmember Casar's approach in evaluating what sort of affordable housing do you want to have. In any case, we provide 50% more than staff's baseline, and we -- twice as many affordable units as staff's baseline, and 50% more than the smart housing requirements. And we do that because smart housing has 5% for sale, 5% rental, and ours is 5% for sale and 10% rental. Not only that, our smart housing has 5% rental at 80% mfi and our proposal is 10% rental at 60% mfi, so we have that deeper level of affordability. And we do so without any go bonds or housing trust funds. And the affordable housing benefits go far, far beyond the site, stretching to all parts of town and far into the future. And that has to do with the council resolution to allocate money to the housing trust fund. If council adheres to that, that means that the incremental taxes by the development for the grove could fund up to \$66 million over a 20-year period. That's a huge amount of money to the affordable housing trust fund.

[11:22:25 PM]

And we do that without displacing a single resident, relocating a tenant, or demolishing any existing house. Now, briefly on parks, the grove does -- will provide 20 acres of parkland -- and this is per the new parks plan that Mr. Scott referenced, 20 acres of parkland, including a 16.25-acre signature park. And those numbers went up because we're very happy and pleased that we've been able to reach parkland superiority. Here's how that increased parkland breaks out in terms of looking at code minimums. We have -- we have more parkland than the code minimum and more parkland than the code minimum using congregate care. When you look at our percentages, we exceed Mueller and we exceed the 2006 parkland dedication ordinance cap. Traffic. Traffic has been highly considered. The

bottom line is, our traffic actually improves congestion by making substantial improvements at the key intersection that will reduce average wait times considerably. And it does this not with magic or anything like that, it's just simple math. If you increase lane capacity at this intersection by 78%, and you only add 35% more studied vehicle trips, then you're going to get --

[buzzer sounding]

-- Improvement. And then I have a whole lot more information to share with you and I'd be happy to answer any questions you may have, but we're excited about this project. We have conducted over 54 community meetings and we've been through 50 hours of public hearings and discussions, and so we have all of our consultants here at your disposal. We have not only the slides in this presentation but we have many, many other slides to share with you, and I'd be happy to answer any questions you may have at this time.

[11:24:30 PM]

Thank you.

>> Mayor Adler: I want to know -- I want to know what -- with respect to the parks, I don't know what people have seen or not seen. There's a chart that you have in here that shows where there's been flat acreage added to the park.

>> Yes.

>> Mayor Adler: Has the community seen that yet?

>> I don't know if they have, and that was part of our presentation.

>> Mayor Adler: Would you call up that slide?

>> Is that it right there, sir? Yeah. So we have -- we have added acreage to the signature park, and it's in those areas that are shown, and those -- I guess in kind of a turquoise blue, so that will increase the signature park to a total, and this does include the flash flood warnings but it's 16.25, that's an increase from 13 acres to 16.25. And we have put that along roadways so there's increased frontage and that's that frontage image there. And those areas are also flat and open and highly usable for active recreation.

>> Mayor Adler: Any more questions for the applicant at this point? Thank you very much.

>> Thank you.

>> Mayor Adler: Okay. Is Benjamin cross here? Is Marianne coffee here and Peter cross, either? You have three minutes. You're the first of the 20. You don't have to take it all.

[Laughter]

>> I'll move quickly. Thank you, mayor and councilmembers for the opportunity to speak. My name is Ben cross. I live adjacent to the site. My first point I want to make, I strongly support the grove pud. And I'm not the only neighbor that does. I'd like to dispell the notion that the neighborhood is united in opposition. There are many different groups that each have different opinions of the grove.

[11:26:32 PM]

Everyone deserves to be heard, but no one group speaks for the neighborhood. I've been able to find many like-minded people in groups in my neighborhood and all over Austin. This brings me to my second point. There are always going to be neighborhood groups that oppose a zoning case. There's nothing surprising about neighbors opposing a nearby development. What's unique about the grove is there's a large and diverse group that supports this project because of all the benefits it's going to bring to our neighborhood and all of Austin. Before you, you'll see supporters that are homeowners, renters, young, old, rich, poor, from directly adjacent to the site and from all districts in Austin. You know, this doesn't happen in every zoning case and I should tell you something that this is a special case. I think the grove proposed is really good but I know you want to make it better. On possible amendments to the pud, I want to address several of them floating around. There have been calls for more affordable housing, to add more parkland, and to reduce the amount of office and retail square footage. My third point is how intertwined these items are. Take parkland, for example. In a vacuum, more parkland is great, but we live in a world with tradeoffs and every acre of park that you add means an ache of less of something else, such as housing that we desperately need. I live adjacent to the site. More parkland would be great for me personally but it's not worth the trade-off. The same goes with reducing commercial and retail. The density is what makes some of these community benefits we want, like affordable housing, possible. Not only that retail is an amenity to the neighborhood. We met more places we can walk to, and the office there supports retail and makes the grove a complete community. What the proposed -- the not proposed is not neighborhood scales, not much more than is already in the neighborhood, and I think it's very appropriate for the site. It hasn't ruined the neighborhood yet, and neither will the grove. The traffic impact analysis has been vetted by the city's best and brightest traffic engineers, so traffic should not be something that would mince the developments.

[11:28:37 PM]

My final point, the project has to be economically viable or it's not going to get built. The developer will walk away from pud zoning and we'll lose out on all of the community benefits. So as you think of ways

to improve the grove, I urge you to add to the project, not subtract from it, and please make sure we don't lose out on this extremities opportunity to build a better Austin. Thank you.

>> Mayor Adler: Thank you. Is Mr. Hirsch here?

>> Mayor and members of the council, my name is Stewart Harry Hirsch. Like most in Austin, I rent, and hopefully tonight will be the last time I say that. I want to reiterate what Jeff Howard said earlier. I signed up as neutral at zoning and platting. I signed up as neutral here. I have a handout for you tonight that I hope you won't read till you're more alert that provides a financing mechanism to get to deeper levels of affordability, which is who I work on since I stopped working for the city, people at 30% or below, many of whom make \$800 a month. So I think I have a little more experience than other people on that issue. What's before you is three choices. You can approve the pud the way the applicant recommended with hopefully some suggested changes that I'm offering you tonight. One choice. You can deny the application and then you will get nothing either in fee in lieu payments or in affordable housing, or you can add some amendments that make it totally unviable.

[11:30:47 PM]

And if I were a developer, and I certainly worked in building inspection for 20 years and have a lot of experience with developers, I would come in and ask for an sf-2 zoning case with large lots and houses, and make a much greater return on investment than these folks are, and we end up with no affordable housing or any of the community benefits, and we make a clear signal to our Austin community that, as my title to my presentation says, we want the grove to align with our economic segregation goals. That's what's before you tonight. It's real simple. It's the kiss principle, keep it simple, Stewart, as my best bosses used to say. You can do whatever coach royal used to say. There are three things that can happen when you pass a football, and two of them are bad. And what's before you tonight is three decisions. Not tonight, necessarily, but at some point in the future. You can -- you can approve it and make it viable and get the community benefits you seek. You can disapprove it and get nothing except conventional zoning, or you can approve it with so many amendments that make it totally economically unviable, and then this doesn't contribute to the 35,000 affordable unit goal for the next ten years. You have a lot of good feedback tonight from a lot of people who really care about this, who we've sat together through the zoning and planning commission hearings and other hearings, and their voices need to be heard. But at the end of the day, your choices are easy. Make two -- two of three decisions, and we don't get to the goals we're, I think, all trying to get to. Make the right decision and we start moving in that direction, and I know you want to do the right thing, so that's why I'm here to urge you to do so. Thank you very much.

[Buzzer sounding]

>> Mayor Adler: Is Amy Shaw here? Amy Shaw? Is Betsy Greenberg here?

[11:32:53 PM]

I think that there were several people that were here earlier from Westminster I think had signed up and are not with us now. Is Ann Chris here? And by that, I don't mean there aren't people from Westminster here now, there was just a group that was sitting over there all day that is not there now, that I think had signed up. But is Betsy Greenberg here? Are you --

>> No, I'm Ann Chris.

>> Mayor Adler: Okay. Yes. Come on up.

>> I'll make it short.

>> Mayor Adler: Okay.

>> I agree with councilwoman kitchen about the need for affordable housing for the working poor or the working hard but very low income. And the reason I'm -- I live at Westminster. I've been there eight years. The reason I've come to say this, when most of my colleagues are proposing the developer as is, is because I purchased my own little house when I was earning \$15,000. I borrowed some money from my family and then paid them back later, and I worked two jobs for ten years to cover the house, but that brought me to Westminster. That's I didn't think it's extremely important to buy property because it's your retirement. It's your future. Thank you.

>> Mayor Adler: Thank you. Is Luisa hoberman here? Luisa hoberman? Is David king here?

[11:34:53 PM]

Is Mary Mcallister here? Mary Mcallister? Is Edwin Huber here? Is Laura Matthews here? Is Brad parsons here? Mr. King, you have three minutes. Since this was a difference in time, three minutes, one minute, I'm just going with the first people that signed up.

>> Well --

>> Mayor Adler: But I will let any one of those people swap out with somebody else if they want to.

>> You want to swap out with me?

>> Okay.

>> Good evening. Just making sure it's still evening. We actually wanted --

>> Mayor Adler: Introduce yourself for the record.

>> Grace and Cox vice president of the Bull Creek Road Coalition. The reason we wanted to squeeze in here early, and I don't know what the sentiment is behind me about this idea, but we've kind of polled some of the BCRC leaders, and you all aren't going to deliberate the substantive issues on this PUD tonight. This is actually, I believe, our fourth or fifth time testifying, and that testimony has gone well into the wee hours of the morning. As you know, the Zap Commission went for a total of 15 hours. This isn't fair. This isn't the way the process should go. The neighbors are here to try to build a better PUD, and we absolutely want to make that case to you, but we don't feel like we can make that case to you after you've been sitting in meetings for -- how long?

[11:36:55 PM]

12 hours? I don't know what it is. Mayor, you said that if we keep going, this is going to end at probably 3:00 in the morning. No one wants to be here at 3:00 in the morning. Y'all are going to have another public hearing where you hopefully have time to actually deliberate the amendments that are being proposed, hopefully some of which match the proposed BCRC amendments to this PUD, and we feel like we would much rather have that conversation with y'all at that time when you'll want to deliberate those issues instead of sit here, put you through three hours of testimony, and then just go home feeling like we didn't accomplish anything. So, again, we've got a whole bunch of people here that want to speak, and I don't want to tell them they can't. Obviously, y'all aren't going to tell them that they can't, but as far as the kind of BCRC leadership who is here, we feel like we'd rather just come back and talk to you when we're all fresher and we're actually talking about the issues and y'all actually make decisions. So thank you.

[Applause]

>> Mayor Adler: And we'll certainly give people a chance to talk, but that makes sense to me. It seems to me that we probably need to take a look at the calendar and make sure we can get this on a time when we don't have competing things, number one.

[Applause]

>> Mayor Adler: I think -- I think it would also be helpful if we could have a work session perhaps so that -- so that we would have a chance to be able to talk, everybody could watch us talk, but I think that might also narrow down the issues, as well as give people a sense of where people are so that they could more tailor their comments. So if there was a way for us to set up a work session before we had that, I think that might also be helpful as well.

[11:38:57 PM]

But, I -- people are here and they have spent the day, so I want to make sure that I give people a chance to speak if --

[buzzer sounding]

-- That's something that they want to do.

[Laughter]

>> Can I ask one question?

>> Mayor Adler: Yes.

>> Will the public hearing be open for the second hearing when the pud ordinance is actually drafted?

>> Mayor Adler: Yes.

>> Okay.

>> Mayor Adler: We want to make sure people have the ability to comment on what's really being considered. So, how many people in the room who are here and have the opportunity to speak want to take advantage of the opportunity to speak now? Okay. Why don't you all come forward, and we're going to give everyone who raised their hand the opportunity to be able to speak. It looked to me like there were about a half dozen people or so, so I'm going to give everybody three minutes that wants a chance to speak. And I appreciate that, and I think the dais appreciates that for the process. But we'll limit ourselves to the people that have come forward to speak. Sir. And make sure you identify yourself for the record so that we -- we know who's speaking.

>> Frank Herron.

>> Mayor Adler: Frank.

>> Mr. Mayor, council. Several things. One, I want you to be completely confident that this project as proposed complies precisely with imagine Austin. There's a specific paragraph on page 107 that I'm not sure you've all read. I know you've read 207, but 107 relates specifically to redevelopment within the city limits outside of corridors and centers. And it contemplates under imagine Austin all forms of housing from single-family up to small apartment projects, up to large apartment complexes, plus commercial, plus office, plus institutional, which is not included.

[11:41:08 PM]

But this is exactly the kind of project that imagine Austin contemplates where this piece of property is located. It is also the perfect example of erasing the lines between our distinct forms of housing. You have everything from 60% mfi rental units up to and including properties that cost more than a million dollars, all living together in one 75-acre neighborhood. It's what we need to be doing. Think back to the cactus rose families earlier this evening. That was the human face of the economic segregation that we've been talking about for months, that we talked about years ago in the imagine Austin process. I am sure that the men, women, and children of that community would, in a heartbeat, trade their problems for the ones that this neighborhood says are going to be presented by this project, even if every one of those suggested problems comes to fruition. That's what's wrong here in this city. That's why we're the most economically segregated. Our residential zoning policy, 88 years ago, was less restrictive than it is now. We used it back then to exclude people from Austin's neighborhoods, and we're still doing it, just in a more sophisticated way. The grove is what needs to happen, and on a small scale, needs to happen in all of our neighborhoods. We don't need these lines that separate a diverse receive the housing options. They don't serve any useful purpose, and I will guarantee you that the people who choose to live in this new community will get along fine, and the neighborhood will flourish, for generations to come.

[11:43:20 PM]

If we pass up this opportunity that clearly complies with imagine Austin --

[buzzer sounding]

-- We should be ashamed.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: And we'll use both podiums if people want to line up at each one. Please.

>> Mayor, councilmembers, thank you for staying late tonight. I just want to first say thank you very much to Leslie pool. She is not my district representative, but I really appreciate your support in asking the question about 45th street. I am a resident right on the street itself, adjacent to the property, so it's the first time that I've heard the two properties in between are going to be sold, and a street is going to be brought right through. A complete safety issue. You know, if we could just save a few lives by doing whatever mitigative measures for this, I hope everyone in the district will vote and figure out to support something to protect the residents there. Overall, I think we all recognize that there's going to be a development here, but we really need to protect the residents surrounding the development. And, you know, if I was in your district, I'd vote for you. So thank you very much for asking the question.

>> Mayor Adler: And your name is Steve [inaudible]

>> Yes. 2613 west 45th street.

>> Mayor Adler: Okay. Thank you. Introduce yourself as you begin talking, please.

>> Mayor and city council members, my name is Susan Charlotte. I live at Westminster. I live right on bull creek road, so every window in my apartment faces directly a panorama of sighing onto the grove.

[11:45:26 PM]

No one is closer to the grove than I. I think that people seem so skeptical of this developer. I here Snickers from the audience. Every time the developer talks about some good change that he wants to make. This is a phenomenal opportunity as people have said. How often does this happen? 75 acres in west Austin that you can decide what to do with. And why don't people believe when the developer says that he could just junk this tomorrow and go for commercial zoning? Nobody thinks that -- they think they're so rich. Well, if they were that rich, why wouldn't they just give in right away? Why wouldn't they say, okay, we'll do another 80 affordable housing, instead of the 108, which is a very nice number. I have a little experience with affordable housing myself. I was on the board of family elder care when someone said at a board meeting, why don't we build some senior housing. And you know what? It's the anniversary this year. I'm proud of it. Nothing more satisfying than living your life, knowing that sometime in the past you've built some affordable housing. The developer has said that east going to disburse this housing, the affordable housing through the community. That's not an easy thing to do. It's risky. Are rich people going to want to live next to poor people? It's expensive. It's cheaper to build one apartment, block them all off and be by themselves, and have them disbursed throughout the community. Okay. I understand that you want this to be better, and you're all asking good questions, but the perfect is the enemy of the good.

[11:47:30 PM]

If you just want perfection, you're not going to get it. Perfection does not exist. The developer has made all these good changes, and people snicker at them. It just amazes me. No one trusts them, of some of the people in this audience, and perhaps some of the people on the dais. Okay. That's it. Thank you.

>> Mayor Adler: Thank you very much.

[Applause]

>> I'm destroying this now because I've been here since 2 o'clock today and I'm afraid I won't make it back another day.

>> Mayor Adler: Your name is?

>> Helen Spear and I'm urging you to vote for the shoal creek plan, the grove at shoal creek, because the grove will include a level of affordable housing. The first in the 78731 zip code area, which would enable young teachers, nurses, office workers to live in the area who couldn't otherwise afford it. I know there are a lot of other needs for low income people that we should be considering, but right now we also have to consider the middle income people who can't -- who are being forced out of west Austin. So this is a first step, not the last, I hope, but it's a first. The grove offers a new vision of mixed development community with dedicated parkland, a bike-friendly, walkable environment and a healthy mix of homes, apartments, and neighborhood friendly businesses. The grove is an infill project which helps to prevent urban sprawl. The grove has been rated as environmentally superior by the watershed protection department and has been improved -- has been approved by the zoning and planning commission. The grove has been lauded by Jeff spec, a nationally noted city planner, urban designer, and advocate of smart grove. The grove worked with neighborhood groups for over a year which resulted in a better plan. The grove has a wide variety of supporters such as the director of mobile fishes and the director of shoal creek conservancy. What confirms my recommendation that you support my project is my background.

[11:49:32 PM]

Since moving to Austin in 1953, I've been involved in community affairs, the pta, league of women voters, long time member and chair of Austin public library commission, originally appointed by the honorable elm a long, many development projects, most of which I opposed. Monitoring the grove project has given me an appreciation of a civic-minded developer with a vision and respect for community input. Though I, like many of my fellow Westminster residents, may not be around to enjoy the completion of the project, we lend our support not for personal gain, but for those who come after us. Please support the grove project which will enhance the community and the city we love. Thank you for your attention.

>> Mayor Adler: Thank you.

[Applause] Your name, please.

>> My name's [inaudible]. I live less than a mile away from the development so it affects me and my neighbors a lot. One of the main problems that affects me is the traffic and that's because it's a huge problem. Traffic in general in Austin is a huge problem. And so the grove is saying that they have goals, but what's going to happen if those goals are exceeded? And you can't be too accurate when you're planning traffic. There's tons of numbers and variables that just are up in the air. And so if and when

those traffic goals get exceeded, what's going to happen to all of those cars that are supposed to be on that road? Well, they're going to go into the neighborhoods outside of the grove, which is going to affect so many people. So it's just not safe for the neighbors. And that's why I am opposing the grove, in part. Thank you.

>> Mayor Adler: Thank you very much. For being here. Sir.

>> I'm Bob, a resident of Westminster and a supporter of the grove as it's currently plan. As 288 of my fellow residents signed a petition urging the council to approve the plan as it currently stands.

[11:51:41 PM]

The issue I'd like to address is one of financial viability. The original plan called for 2.9 million square feet of construction. The recommendation that emerged from the environmental commission cut this by 28%. The developer said, this is not financially viable, and I believe them. I was a financial officer for 20 years in corporate America. I never saw a business plan that could withstand a 28% reduction in revenue and still be viable. The plan that emerged from the zoning and planning commission had a 9% reduction, and this was apparently acceptable to the developer. And I had high hopes that we could coalesce around this compromised plan. Apparently this is not the case. The bcrc would like another 6% reduction, focused primarily on retail and office, which are probably the most profitable parts of the project. The problem is that if the developer ends up with a marginal or submarginal project, he greatly hurts the opportunity for getting his investors to finance any project in the future. A developer just can't afford to do that. Investors don't like big disappointments, and they have long memories. So I'd like to urge the council not to adopt amendments which would make the project financially inviable for the developer. The developer does have another alternative. He could flood the grove with single-family housings, which would probably be profitable. So if the issue boils down to a choice between a mixed use development that's marginal profitability or less, or a all-residential unit, which none of us want, which is profitable, every CEO that I've ever worked with would say scrub the mixed use plan, go for the profitable plan and take care of our investors. So I hope the council will approve a plan that is financially viable and one that will be with us for a long time.

[11:53:45 PM]

And I think that's the plan that's currently on the table. Thank you.

[Applause]

>> Honorable mayor and honorable members of city council, I'm Kevin Lucas. I'm member of the original neighborhood executive committee, 20-year resident of ridgeley. If you're wondering what kind of civic minded person I am, my wife manages a food pantry in Austin. I was volunteer of the year at a local elementary school, very interested in making the community better. I'd like to talk with a little data here about why 95% of the ridgeley residents were highly concerned about traffic, what that means to us, from the perspective of being a neighbor. So just as a background, if you know from the plan -- I'm sorry I didn't bring a map, but bull creek runs down from 45th to Jefferson. That's the first light that people will run into if they're trying to cross safely for elementary school students going to their assigned school, for people who live in religionley and the grove, both of those, going to the express lanes O 35th and 38th to go into town, it's going to be a corridor for safe traffic or for safe walking and biking. But that interception is not as it appears in terms of safe. So I did a 30-minute study today. I filmed this. I -- if you could go to the next slide real briefly, that's me. I filmed myself going back and forth across the street here with a baby carriage and a bright Orange shirt. I'm about six feet tall. I'm very visible. And if you go back to the previous slide. And what happened in those 30 minutes, if you just look at that intersection, it's sloping downhill, it glides to the right-hand side, it's not built for people to look at pedestrians, for people to stop for pedestrians. In 30 minutes, 14 vehicles ran the red light without stopping, through the crosswalk, while I'm standing in a bright Orange shirt with a baby carriage.

[11:55:51 PM]

So what I'm asking the city council to consider is, why are there no improvements planned downstream of this? We're about to increase the traffic going through that intersection. Some estimates are more than three times the total traffic. Maybe it's slightly less here. Also, as we add so many new residents to the grove area, many more residents will be sending their kids to school, walking them to school, going to buses. So we're going to be greatly increasing the people who should be crossing safely there. You multiply those together, that's the risk of an accident happening in that intersection. It's already high. I really, really think it is just -- it's just dangerous to consider this development without making sure that you do safety improvements. I'm not asking you to ignore any of the nice benefits, but every construction project in Austin puts safety first. It has a big sign. You need to put safety if firston this development by making sure it's safety in traffic. The slides here, just keep going through them. These are different cars that ran through this intersection, in the intersection, crossing, every one of these is a red light.

[Buzzer sounding] So thank you for your consideration of that issue.

>> Mayor Adler: Thank you.

[Applause]

>> Hello. My name is burjess griesenbeck. Preston is my first name. I go by what my parents call me. I was here bright-eyed and bushy tailed like almost everyone else at 2 o'clock this afternoon. I'm now near delirium. I wanted to make it conversational, I doubt if I can even read it now. But please be patient with me. Many, many moons ago, 1967, I, an undergraduate at UT, became Texas's first full-time paid environmental lobbyist at the state capitol.

[11:57:56 PM]

Because we only met as a legislature six months out of every two years, I felt it necessary to justify my existence to speak to anyone, anytime, anywhere about what that new thing called a college meant, what is environmentalism, and here's what I tried to communicate then and what I'd like to repeat now. There are three basic laws to ecology and environmentalism. Number one, there's no such thing as free lunch. Nothing comes from nothing. Whatever you or we may do, there will be a cost that someone or something will have to bear. This is also the first law with thermodynamics. Yes, real physics. The question becomes, do the benefits outweigh the costs? Number two, diversity and stability. The more different kinds of participants you find in any system, the more likely that system will prosper and not suffer whiled fluctuations. This is true for wildlife populations as it is urban planning and for your investment portfolios. In other words, don't put all your eggs in one basket. Number three is, surprise, surprise, the second law of thermodynamics. Every time you transfer energy from one form to another, some of it, if not most of it, it necessarily lost and/or degraded into heat. Efficiency matters. Now as concerns the grove, of course there will be a cost. Environmental and otherwise. There has to be. Because like all plans, it is the product of mortals. It cannot be perfect. But it is my opinion that zap, zoning and platting did their job and did it very approximately. Unusually well. I ask city council to respect their recommendations. And then there's imagine then there's imagine Austin.

[11:59:59 PM]

Please don't imagine Austin, not in Terry town, not in Hyde park, not in Barton hills, not in Allen daily. Imagine Austin for Austin. As long as we continue to grow as a city, as we have grown for the last three decades, we really need to grow up, and I mean that vertically, not out. The grove is consistent with imagine Austin. The grove adds genuine diversity to the neighborhood.

[Buzzer sounding] And it includes the spreading of diversity throughout the community, and we need it. We need affordable housing so badly. Folks, support the diversity. And appreciate that the benefits outweigh the costs. Thank you.

[Applause]

>> Good evening, my name is grant Clifton. I work on Idlewild road. One thing I'd like to point out first is I would say most of the people or at least a lot of the people I know in the neighborhood surrounding this I would consider middle income. These are people who worked hard to own these homes. I don't think any one of them is trying to keep low-income people out, but they all have serious concerns about this new development. Personally, I think there are a lot of good things that seem to be going on with it, and I think that there could be some great improvements with the neighborhood. But I've been waiting for the developer to come forward and provide real explanations on how they're gonna handle traffic where the streets surrounding this piece of land have been built and have been built around so that you can't really extend them. And so how are they really going to add 20,000 new vehicles and adequately keep the traffic going?

[12:02:06 AM]

People in favor of it had said listen to our government. Our government knows what they're doing. City government is going to provide some oversight and tell us what is viable. In three city -- and three city engineers apparently rejected the developer's plan, and now all of a sudden the transportation department of the city is approving it. And those three engineers have not signed off on it. I'm wondering why not one person has come up here and questioned that and have asked the city, has asked you, to explain that to us. Not only does that to me put a cloud on the developer and on this development, but it puts a cloud on every development that's gonna go forward for the rest of the time in this city until that kind of behavior can be explained. If I went into court -- I'm an attorney. If I went into court and the other side was able to show I hid evidence or I tampered with evidence or I changed testimony, my case would be thrown out. So I'm frankly pretty upset about that. What I'd also like to point out about traffic is, these lots, these houses sit on small lots, oftentimes the children play in the street. I live in Ridgely. I don't know how much traffic is gonna be coming through my neighborhood but across from me is Oakmont. Already there's lots of traffic coming through those streets every day that are drivers who don't actually live in that neighborhood. There's gonna be a whole lot more if this development goes through, and I don't see how that neighborhood over there is going to be absorb all that traffic.

[Buzzer sounding] Thank you.

[Applause]

>> Evening, councilmembers, my name is Evan Gill.

[12:04:08 AM]

I'm a renter. I live in crestview. I had prepared some remarks but I figure since we're going to have another public hearing after the amendments, after we have a better idea of what the amendments are, I'm just going to make a few quick, off the cuff remarks. First of all, I wanted to have a chance to talk a little bit about traffic concerns. I know that traffic is always a contentious issue and people don't want a few more cars to be on their street. You know, they fear for their safety. You know, as a renter in Austin, I've lived on interstate 35 frontage road because that was the best I could afford and I still paid \$1,300 a month for a one bedroom apartment. I understand everybody's fears for traffic but we need to keep things in perspective, and, you know, I don't know, a lot of people live off of east Riverside who can't afford to live on a quiet street. It costs more to live on a quiet street and, you know, I think we just need to keep everything in perspective. Second of all, I just would plead with you please do not amend this P.U.D. To death. Let's pick a priority issue and perhaps try to work towards a solution, but if we're attacking on multiple fronts, then I have a strong feeling that this whole deal is gonna fall through and we're gonna be struck with conventional zoning. Finally, I would like to thank councilmember Gallo for working towards a parkland superiority arrangement. I know oftentimes the people who work the hardest do not receive the credit they are due, and I know how hard councilmember Gallo worked, meeting not only with various neighborhood groups, but, you know, working towards that parkland superiority agreement.

[12:06:15 AM]

So thank you again. That's it.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor Adler: Three more speakers. Four more speakers.

[Laughter]

>> Hello, councilmembers. Mayor pro tem, tovo, and mayor Adler. My name is Ryan mill. I'm a member of the friends of the grove and I want to provide context on how -- housing is very important to me as it is to all of us and I want to point out context on kind of the movement that I've seen occur. First of all I want to kind of speak to what the goals of the friends of the grove were in regards to affordable housing when we wanted to make sure that there was affordable and attainable housing for a diversity of income and stages of life and we thought we could do that by maintaining or increasing the total number of units from the originally proposed unit count of 1,515, the originally -- to maintain or increase the originally proposed 180 units and to develop creative solutions for affordable housing types such as cooperatives, microunits, accessory dwelling units and other things. This map will show you some of the success we've had in advocating for a diversity of housing types. On the left you'll see that there are three housing types and on the right you'll see that there are eight housing types nearly

tripling in diversity of the housing types. We've also been effective in advocating for more affordable uses and not just housing types and forms. We've advocated for the inclusion of the cooperative zoning use in the plan and at the zoning and planning comings the developer agreed to include that in the plan that is included in the zap recommendation, to have a cooperative use in there. And I know they couldn't be here this late but there is a group seeking to have space in this project, known as boomer cooperative.

[12:08:19 AM]

And, you know, they -- with this zoning use they'd be able to operate in here or any other co-op at any other point in the future that would seek to have the space at the grove. Where we've been less successful is in maintaining those unit counts, and I think it gives us a very clear lever for the community for how we can achieve more housing. It is very strict ratio. And that by increasing the number of units, we can increase the number of affordable housing on this tract. We can increase the number of units by pushing for a number of things in any of the combinations, and you can do that by getting smaller units, taller buildings, buildings with larger footprints or having more space allowed for housing. And the zap recommendation also includes that final point they asked to see 500,000, that's half a million more, square footage of just housing space in general. So I would like it if y'all would approve the zap recommendation. There's a lot of good things in there, particularly when it comes to affordable housing. Thank you.

>> Mayor Adler: Thank you.

[Applause]

>> Mayor, councilmembers, my name is Jeff mayo. First I just want to thank you for your time and attention at this late hour, after you've been here for a file working day, so I do appreciate that. I had a few points. I'm just gonna zip to a few unanswered questions and concerns that my wife and I have. We live on 45th street, adjacent to the property. And as you go to your working groups and consider this at later meetings I hope that some of these topics/concerns will be on your radar. First, is the Jackson avenue extension or the road house as we like to call it. So the Jackson avenue extension has pretty much been a dud since day one. After some media coverage this past spring and there were questions raised by concerned citizens arg claimed the city employed the road house and the city claimed arg requested the road house.

[12:10:35 AM]

When standard how this project was legally allowable the city's answer had four components, one the land will be donated to the city and the city does not have to honor restrictive covenants that private owners would have to abide by. Even if this was legal is this good policy for the city, for the city to accept donated land for the purpose of circumventing restrictive covenants that a developer would not be able to vital themselves -- violate themselves. Number 2, the land zoning will not change. It will just be a different use of the land so the road house will still be on sf-2 land. If I understand right there will be a house on top of land zoned for single-family homes. Earlier Austin transportation staff said that this would be a public right-of-way so that the city would maintain the road. However, at zap, when a commissioner asked why was this out of all the six access points to the property the only public right-of-way, city staff Brian golden respected it was because of the subdivision requirements. That is no plainer answer than that. City staff admitted this is a public right-of-way not a right of access so we can circumvent the restrictive covenants of this subdivision. Third, the land will not be part of the -- the city says the land will not be part of the P.U.D., not trigger petitioner's rights for the entire development. Arg is asking for two code modifications. The city has stated the road house is necessary to mitigate increased traffic. If the code modifications are in the P.U.D. Application and the city says it's a requirement to mitigate traffic, how is this not part of the P.U.D.? How do neighbors within 200 feet not have petitioner rights on this issue. Fourth the developer will make all improvements to the land prior to donating to the city so the city does not incur the costs.

[12:12:40 AM]

[Buzzer sounding] That is the most, oh, even ifive part of that component and you're trying to get around restrictive covenants but the improvements have to happen before the city received the land so the developer has to violate the restrictions before donating it to the city. The Jackson avenue extension does not make any sense. I haven't received one clear answer why this is being allowed. It's not safe. And the tia even says that with the improvements at bull creek it's not necessary for traffic improvements. Thank you.

[Applause]

>> Mayor Adler: Hang on one second because we have more people that keep come into the line. The people that are standing up, these three people are going to be it because I feel it's unfair we had a lot of people leave when they thought there were gonna be six to eight people that spoke but it's turned into twice that. These three people stand regulation the last people we're gonna have speaking.

>> My name is William miler, I live at Westminster. One of the great concerns about everybody -- everybody has is parking. And it's like the bus is gonna disappear tomorrow and the 19,000 cars trips are gonna be tomorrow. That's not true. We need to think about this in the long-term. It will take ten years to finish this development. That's when the large number of trips might be needed if they're not some mitigating circumstances. I can't imagine that even if the 19 bus was taken off now that it won't get put

back, especially if all the people here that are concerned about that petition the city. And that will take a lot of trips off the street. So and there are other mitigating factors that can be introduced as we go along in terms of the diversity of the transit mix that's coming down the road.

[12:14:43 AM]

So I'd say, yes, traffic is gonna be a problem but we have ten years to experiment, to work out, and find -
- fix this so that we can accommodate them.

>> Mayor Adler: Thank you, sir.

>> Hi, my name is Theresa Holms. I live in Rosedale. I just had a question, actually. This will be short. I've sent a few emails but haven't heard back from any of you about the ordinance for P.U.D. Requirements. If you want to scribble this down 2008061-8098, the requirement that the project has to be three star requirement or better and they've only committed to two star. I'd like to ask you to find out why that is they're able to do that and ask for them to build better quality homes with higher energy efficiency. In the long-term that will up the resale value of these homes over time.

>> Mayor Adler: Thank you. Last speaker.

>> Todd Shaw. District 7. I'm gonna spare you my long presentation but there's one quote that I just couldn't -- that Paul [indiscernible] Brought up at the land development code advisory group on the 19th. And I thought it kind of spelled out the challenge for y'all, the balance that we're trying to strike here because he cautioned that in these infill areas, the challenges -- you see that circle preserve neighborhood character that's on his land as -- list as the second thing we've got to be cognitive of. He said promote different types of infill development like missing middle outside of centers. The plan was very explicit about the word "Context." It is important that this is not a free for all for developers. So, you know, I just thought there's a balance there.

[12:16:45 AM]

It's a challenge that we're presented with but just wanted to leave with you that quote. Thank you very much.

>> Mayor Adler: Thank you very much.

[Applause] Council that gets us through all the public testimony. We'll try to put this on a work session for us to be able to talk about it and we'll get this back on the agenda for us to deal with. If there's nothing else -- yes, mayor pro tem.

>> Tovo: Just to clarify, and at the time that it's back on a full council agenda, anyone will be allowed to testify again as part of the public hearing.

>> Mayor Adler: I think that's true.

>> Tovo: Even if they spoke today.

>> Mayor Adler: That's correct.

>> Tovo: I just wanted to make sure that message was clear.

>> Mayor Adler: We should make sure next time we invite the public to come we've narrowed the issues or discussed the issues so it's more focused. I think it's fair to most of the people that will be here. Sure.

>> Mayor, council, without being required to renotify we would actually need y'all to postpone it today to a date certain. It would be okay if at that date certain to postpone it again if we needed to a future date. I would ask if it were possible we can choose a future council meeting to set it to. If that needs to change we could change at that time. The other possibility is to indefinitely postpone it now. I'll have to mail out a notice to everybody within 500 feet again and I'd need three weeks notice beforehand in order to make that notice.

>> Mayor Adler: Which should we postpone it to.

>> I think your next leg council meeting is October 6.

>> Pool: Mayor, I think if we put it on the 13th we may run into a similar situation we had today where there are other big zoning cases so I'd like to just know what zoning cases might -- because we postponed a number of things to October 13 today on zoning and I don't want to have a collision of the important zoning cases coming up against one another again.

[12:18:46 AM]

So main October 6.

>> My goal is to make it through the same thing. I haven't looked at October 13 yet. I don't anticipate, you know, just anecdote AI, I don't it anticipate it being as booked as today because we had a build up of cases because of the budget but I honestly have not started looking at what we have on the 13th.

>> Pool: We do --

>> Any day you choose. I'm just trying to pick a date.

>> Kitchen: Mr. Mayor.

>> Mayor Adler: Yes.

>> Kitchen: Jerry, Mr. Rusthoven, did I understand correctly that we have to name the date? Otherwise you have to -- you have to renotify everyone?

>> Yes.

>> Kitchen: Okay.

>> Pool: And we can postpone -- we can name a date and then postpone it on that date too, right.

>> Yes, you can, yes.

>> Kitchen: I would just express my interest in making sure that we have the time to have the discussion at a work session. So I would caution us not to try to set it too early. I think October 6 would be too soon.

>> Pool: I agree.

>> Kitchen: I have the same concerns about the 13th. Which gets us after that, which I think is okay, because we're gonna continue to work on this. It's not like we're ignoring it. But I think we should not be too soon.

>> Mayor Adler: We okay for the 22nd? Or --

>> October 20th, mayor.

>> Mayor Adler: Whatever that -- yes.

>> I think the applicant would be fine with October 20. Our preference would be October 13 but we'd be fine with October 20. John Mayer, just to clarify, when I was thinking of a date I was thinking next time we would have this conversation so there's really two different things we're talking about. The next time we're gonna have the conversation, next time we'll have the first reading of it, right?

>> Mayor Adler: So we have a work session on the fourth and 11th because we have city council meetings on the sixth and 13th. We could talk about it both on the fourth and 11th if we were setting it for the 20th we could talk about it again on the 18th.

[12:20:47 AM]

We could set it for the 13th and ask Jerry to not schedule -- if he was looking at his schedule and saw a meaty zoning case he could just set those for the 20th so we weren't on top of each other or we could just do this on the 20th.

>> Pool: Mayor, I've got another suggestion. We could hold a salesperson called hearing -- meeting on the afternoon of the 27th. The morning is our oversight committee meeting for Austin energy. Anyway, there's a number of different -- we can pick a date how does may end up changing it, but there are a number of options in October.

>> Mayor Adler: Mayor pro tem.

>> Tovo: Mayor, I'd like to suggest that we postpone it to the 13th. I agree that we may have that situation that we came up to today and that's one reason why I hope we'll have a conversation about zoning meetings going straightforward whether we want to continue with that. We do end up with usually a couple -- that's a longer discussion. Here's my reasoning for taking it up on the 13th. There's a fair -- it's pretty complex. We've had some pretty in-depth presentations tonight and heard some testimony, but the longer we wait I think between meetings where we're discussing it, the more opportunity there is or the more need there is to kind of go through the issues again to remind ourselves of them. So I just think there's some utility to having it on the 13th even if it means some of the cases on the 13th have to slide a bit.

>> Mayor Adler: Ms. Gallo.

>> Gallo: Just to remind, I think we've now moved the Austin energy meetings off of that fourth Thursday because we've kind of kept hitting roadblocks with council meetings getting scheduled so actually whatever that last Thursday is should be a free Thursday.

>> Mayor Adler: Yes, Ms. Kitchen.

>> Kitchen: Mr. Mayor?

>> Mayor Adler: Ms. Tovo.

>> Kitchen: I appreciate the -- I think the 13th or 14th date whatever it is is too soon.

[12:22:52 AM]

I appreciate what mayor pro tem is suggesting in her interest in moving it, but that moves -- that means we have to move pretty fast, and it only gives us those two work sessions and one of them is like two days before we'd be having it. I think this is something that we need to spend the time it takes to talk about it and work through it. And I think we would do better if we spent the time at a work session to really have some conversation. So I would respectfully suggest that the 13th is too soon.

>> Mayor Adler: Mr. Zimmerman.

>> Zimmerman: So I just want to get a sense of our colleagues here. Are we gonna commit to make a decision? I think we owe everyone a decision, and we need to commit to a time. Because this has

already dragged on more than a year. So I just think we owe them an answer. So I wonder would it be better for us to work through the amendments and kind of see what the council thinks?

>> No.

>> Zimmerman: No? Tell me what you'd like to do. We go back and forth, hear a lot of testimony, make amendments, hear more testimony, make more amendments 37 I don't want to get in this circle.

>> Mayor Adler: Mayor pro tem.

>> Tovo: One of my concerns is that we had a room full of people and we heard a fraction of them. So I just -- I'm a little concerned about -- I think it's a good idea to have the work session now that we've had the staff briefing and heard some testimony, but I'm not gonna be preod really make decisions about some of those amendments until we really heard the rest of the public testimony and we really heard just a fraction of it tonight. It concerns me a bit, delaying the public testimony so long. It's clear it's gonna take us a while to get to the end of this case. I agree. And I'm not suggesting we try to hear it on three readings when it comes banning to council. But in terms of hearing the public testimony, I feel compelled to schedule that sooner rather than later.

[12:24:54 AM]

>> Mayor Adler: We're talking between the 13th and 20th and I'm not sure I see a real material difference between the 13th and the 20th because we could make sure we've cleared whatever calendar it is we need to to be able to do that. I think I would probably err on the side of the 20th because that increases the amount of time that we have. That's a more substantial increase because it increase -- gives us one week, then three weeks, that's like a third more time. But I think I agree with mayor pro tem, online we're not gonna make decisions until we hear from the public but I hope we can narrow the issues or daylight a lot of issues for the public to be able to see. But I am -- either the 13th or 20th would be fine with me and I think we need to make sure we're setting things to free up that day, recognizing that we're gonna have a long day with testimony. Mr. Zimmerman.

>> Zimmerman: Yeah. Just wasn't quite done. The frustration and my view for the public, they don't know what to talk about if they don't know what we're really serious about proposing. It seems like a chicken and egg problem. All the people that were here they don't know what the council may end up doing with amendment and might change their testimony depending on what, you know, we had agreed through amendments. So it's a chicken and egg problem and I think we need to say is it the chicken or is it the regular? What are we gonna put before the public for them to comment on.

>> Mayor Adler: I could go either way on the 13th or 20th. Anyone else want to express a preference?

>> Garza: Mayor, only thing I would add, it sounds like cactus rose is coming back on the 13th so that would be again and we left the public testimony open for that.

>> Pool: And we talked about having a conversation in work session about this and so we will have a meeting and discuss it before we get to resuming the public hearing for first reading so I think the 20th or the 27th, and I think the chair of the Austin energy oversight committee, councilmember Gallo, was gonna look at that schedule and it may that be we don't have -- and vice chair, the two of us will check on that and it may be that the 27th is completely open and if we book this quickly enough then we won't put other things on that date.

[12:27:09 AM]

What I want to do is make sure we have enough time to work through everything and also hear from the community. I have posted my amendments on the message board so they're out there, and I would appreciate any feedback that people could give. And then that will inform the conversation that we have in work session. Then we'll have enough time to schedule that and then have first hearing.

>> Mayor Adler: I'm gonna ask the staff to put this on the work session agendas for each Tuesday between now and then so it can come up and we can discuss it. Hearing that people want to go anywhere from the 13th to the 27th and we have to pick a day right now and we don't know I'm gonna recommend we do the 20th and I'll put that to a vote if we need to.

>> Kitchen: I was gonna suggest the 27th.

>> Mayor Adler: Let's just do the 20th. It's in the middle. Is that okay with everybody? There's a motion to postpone to the 20th. Those in favor please raise your hand. That's the deal we're gonna go to do it on the 20th but every work session every Tuesday until then. Let's start talking about this to help people. With that I think that is all of the business we have today. This meeting stands adjourned.

[Adjourned]