

City Council Special Called Meeting Transcript – 12/6/2016

Title: ATXN 24/7 Recording

Channel: 6 - ATXN

Recorded On: 12/6/2016 6:00:00 AM

Original Air Date: 12/6/2016

Transcript Generated by SnapStream

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[2:23:05 PM]

[Mayor Adler:]

I'm going to call and convene the special called meeting that was set for today, December 6th. The time is 2:22, 301 west second street, Austin, Texas. There's only one thing on this special called meeting and that is the grove matter. As we discussed this morning in just a second I anticipate recognizing councilmember Gallo for a motion that is consistent with the mediation agreement as suggested and proposed by some of the neighborhoods and the developer. I will get a second from that. We've had the opportunity to discuss the grove a little bit this morning before lunch as part of the work session that we had in case anybody here wants to take a look at that. We're going to call this afternoon for people to speak this afternoon that are here so they don't have to wait until this evening. We will also convene here at 6:00 to call for public testimony, anyone who couldn't be here during the day and wants to testify this evening or is here and would prefer to testify this evening.

[2:24:19 PM]

It's anticipated that we will take a vote on this matter on second reading. It should be on the agenda next week for third reading and the council can decide then whether or not to vote on it. We're also going to give the opportunity to councilmembers to either lay out or discuss amendments that could be considered today, but can certainly be considered next week on third reading as well. We're going to lose some of the councilmembers before tonight, and some councilmembers, I think, are going to have to leave and could potentially come back. So councilmembers may be moving back and forth on the dais. So what we had talked about doing was starting off the grove discussion now by giving the developer or staff or the neighborhoods a chance to frame any issues for us that they think should be -- should be framed. And then we'll take public testimony. But as we do that, let's get a motion on the floor that we can be reacting to. Councilmember Gallo, do you want to make a motion?

>> Gallo: Yes, I do. I'm going to motion to approve on second reading the staff prepared ordinance in backup with the amended changes outlined in attachment a, aag and bc agreement, council amendment motion sheet. Let me just mention, councilmembers, that shortly is going to come -- there was one item that was inadvertently left off and that is coming back to you, but we can make the motion and then that will be attached to it. Okay, we need to wait --

>> Mayor Adler: You are going to add that amendment as later on if you don't have that now.

>> Gallo: Right. So I think what we're wanting to make sure of is this is the agreed settlement agreement between both parties.

[2:26:26 PM]

>> Mayor Adler: It's been moved to -- sorry.

>> Gallo: Sorry. The one you have in front of you right now is correct. We just confirmed that.

>> Mayor Adler: So the other sheets have been laid out for us. Has this been posted, do you know?

>> Gallo: Yes.

>> Mayor Adler: Where is it posted?

>> Gallo: On the message board councilmember Gallo has posted what she just laid out. It's to approve this on second reading. Ms. Pool, do you want to second this?

>> Pool: I'd like to second it, mayor, and I also have a couple things I would like to say.

>> Mayor Adler: It's been moved and seconded, obviously. No vote at this point. But let's begin the discussion. Ms. Gallo, do you want to say something first, then Ms. Pool, then we'll go to staff and then to the developer and applicant.

>> Gallo: Why don't you let councilmember pool since you recognized her.

>> Mayor Adler: Councilmember pool.

>> Pool: Thanks, mayor. I just wanted to say thank you to all the people who helped hammer this agreement out. To the community and the developer. I know this was a pretty heavy lift, especially for the neighborhoods, for the community, putting in lots of volunteer hours and on weekends but I was eager to see you come back with a negotiated agreement that I think improves the project. Back in September I offered some amendments and talked about rebalancing the grove more towards housing, affordability and mobility and I'm very happy to see this agreement puts nearly all of the things I was talking about into action and in my opinion really does help us rebalance this project and address these outstanding concerns. I think this agreement helps us reach better levels of affordability, increased parkland and improved mobility. And so I would ask that we as a council recognize that this compromise was reached very thoughtfully, and I believe we should support it.

[2:28:33 PM]

I know some of my colleagues had originally proposed amendments that at this point could significantly alter this carefully crafted agreement and I would just request that we respect the community's and the developer's hard work and move the pud forward with the provisions of the mediated agreement. I will also say there is a lot more work to do around the edges, but this agreement has moved us a great distance forward and I would like to acknowledge and respect that. The last thing I would say is that going forward I would like to discuss ways to improve our pud review process. We've talked about this generally over the last couple of years since this council has been seated. The community here put in many, many volunteer hours over the course of several years really digging into this project and now that we're almost done I'm sure their families will be happy to see them back home at the dinner table again. And they truly have done outstanding work. I recognize many of our communities may not have the same flexibility and I would like to look at ways to even the playing field for all our communities and all our districts. So again, thank you all so much. Thank you for being here today, and there's more work to do, but this mediated agreement moves us a great distance forward, so thank you all very much.

>> Mayor Adler: Ms. Gallo.

>> Gallo: And I'm going to mirror a lot of what councilmember pool said. I was so pleased and we were so optimistically hopeful that we could get on on -- get to a place where the neighbors and developers, the property owners could get closer together. You know, from the very beginning the property owners knew that they would not have my support unless they came to a plan and came to an agreement with

the neighbors that came up with a plan that was closer to what the neighborhoods felt like was appropriate for the area.

[2:30:34 PM]

And so I'm glad that they were willing to take part in this mediation. I really do appreciate all the neighborhoods and the neighborhood association presidents and board members that have been involved with this discussion for two years now. And it has taken a lot of their time, it's taken a lot of their effort. You know, one of the things I saw happening that was really uncomfortable and sad for me to see is this was a process that was beginning to pit neighbor against neighbor. We had a lot of really ugly conversations going on. We had neighbors saying things that weren't very respectful to each other and that was not a good place for us to be. We had to move in a direction to get to the point that we had neighbors working together, together again. And so I'm so appreciative of the fact everyone was willing to come together and come up with an improved settlement. You know, it is -- it is a place where we wanted us all to be. We all talk about approving puds, but only when they can gate superiority, when they gain a benefit to the community and I was thrilled to see this mediation agreement did multiple things. Number 1, it shrank the commercial, thereby shrinking traffic. It also increased the amount of affordable housing. As you hear me speak from the dais, you know affordable housing is really critical to our community. It's particularly vacant in my district of the housing units that we have affordable housing units that we have in Austin, district 10 only has 1% of those. So any opportunity we have to provide more affordable housing in district 10 is something I embrace and certainly would be a proponent of. I'm glad this agreement increases the amount of affordable housing over what we've been talking about before. The other thing it does is it's eliminated the proposed extension of Jackson avenue to 45th street, and it's also what's really important to all of us and the neighborhoods it's increased the parkland. So once again I just want to really say as we move into the discussion, as we hear from the community, I think how proud we all are on the council that the mediation has worked and people have moved into it with an idea that -- that sometimes we have to make compromises, but if it still benefits the whole community that's the place we want to be.

[2:32:53 PM]

Thank you for being with us today and we look forward to hearing the comments. Councilmembers, I want you to know how pleased I am we've come out with something that everyone has worked so hard on.

>> Mayor Adler: Staff?

>> Mayor, Jerry rusthoven, with planning department. A couple house keeping items. The item that councilmember Gallo referred to earlier about the change needed to the yellow sheet that's in front of the council, that turns out not to be needed. We discovered it's actually already on there listed under 2b. That will not be necessary. And also I would just like to throw out there that there are some additional amendments that the applicant has requested. Whenever the council feels appropriate, I can go through those, and they are different than the items on the yellow sheet that's in front of you. We have a list originally of 14 items. We've discovered three of them are actually covered in the yellow agreement so they are not necessary, which leaves nine. Two are typos, they are really easy. Two of them I think would bring it into compliance or would fulfill this but are not included in that. And then two of them staff actually has an issue with. At some point if the council would like to hear about those, I will be happy to go through those.

>> Gallo: I think so. As we go through this complicated process, that's going to be helpful. Mayor, I think also legal is going to -- are you including some of the items legal wants to discuss with us?

>> Those are in addition to those.

>> Gallo: Okay.

>> Mayor Adler: Yes.

>> Tovo: Can I just ask Mr. Rusthoven to clarify his last point? The ones you said already included and three of this and four of that, that's on the list of the amendments that the applicant has proposed some of them already in the ordinance and you are going to walk us through those and then there are some the staff have an objection to.

>> There's three I think already incorporated.

>> Mayor Adler: I would like to hear what those are so I know what it is that we have.

>> Tovo: Can we get copies of those? I know I have a copy because I asked a specific question earlier today about whether any other amendments had been suggested and so I have a list, but I think it might be useful as we talk about those.

[2:35:03 PM]

>> I'll get those on yellow. We just got those from the applicant last evening.

>> Pool: If I could ask, have both parties seen the additional changes and approved them?

>> I don't -- I don't know the answer to that.

>> Mayor Adler: If you could bring down multiple copies of that, that would be helpful. And when you have that, I'd like to have you go through those so we know what they are.

>> Will do.

>> Mayor Adler: Okay. All right. Then if nothing more from staff at this point, let's call up the applicant and the neighborhood if they want to respond. Anyone from the applicant want to speak?

>> Pool: How much time does he have?

>> Mayor Adler: What he needs.

>> Thank you, mayor. Good afternoon, council. My name is Jeff Howard and I represent the applicant in the case. There's been a lot of talk about the agreement --

>> Mayor Adler: He has five minutes, but then I'll ask questions to extend the time if you need more time in order to make your points. Go ahead.

>> Thank you, mayor. I just wanted to briefly run through the agreement for the benefit of the public. First of all, thank you very much for this opportunity to be here today. As reminder, we first came to council in August. We came back in September, we came back in October and November and we're happy to be here. And happy that the mediation was successful and I think councilmember pool your words are well put and councilmember Gallo, yours as well. We thank you very much for your support in this endeavor and mayor, yours as well. With that, let me just walk you quickly through the agreement we were pleased to reach. It covers these basic areas, entitlements, affordable housing, traffic and safety, drainage, parkland and noise. Specifically we changed the entitlements. We reduced the commercial, as we also included some additional compatibility standards for the oakmont heights neighborhood across bull creek road.

[2:37:08 PM]

We also increased the amount of affordable housing, and I think you'll hear more about the affordable housing, there will be more discussion later on tonight, but -- or this afternoon. It was a 25% increase in the affordable housing. We also made the affordable housing broader so we tried to reach some missing middle by, as you can see, having 22% of the affordable housing units going to a missing middle. We also made some changes to traffic and safety. Councilmember Gallo mentioned the vehicle connection to Jackson that was removed. We also reduced the overall unadjusted daily trips to 23,000. It's not shown

in this graphic, but in the materials we handed out we also agreed to reduce peak hour trips as well. We also agreed, and this was something I think that was very important part of our discussions and will be something that will be very important going forward is we agreed to some additional sidewalk and traffic calming improvements in the surrounding neighborhoods. And the idea would be that the city would study the feasibility of a scope of those improvements, and arg would agree to build those improvements at its cost which could be potentially less than the city's and arg would contribute up to \$400,000 for those improvements and the city would also cost share as well. We made some changes to drainage, so we did three things on drainage. One of the things we heard was what if your drainage system doesn't work, and so we tried to address those issues. First we provided 10-foot drainage easement along the idyllwild boundary. We would provide for independent technical review of the grove's drainage system. And we would put a \$50,000 fund into escrow that would be to ensure compliance with the drainage standards. We did also increase parkland to -- by .35 acres, but I think what's significant there is look how far we've come since staff recommendation.

[2:39:16 PM]

The zap recommendation, which happened in July of this year we've increased the parkland by 1.6 acres, that's about 12.5% increase in the parkland since Z.A.P. And we're proud of that and we appreciate pard and the neighborhood working with us on that. We made some noise restrictions. You can see those there. And the neighborhood also wanted a couple provisions put into the parkland agreement and I sent the revised parkland agreement to staff this morning with those provisions in it. With respect to the access of the site, we did take out Jackson, but we've also had some additional discussions with cap metro. And cap metro has put in as part of their draft connections 2025 plan an extension of a transit route to the site and through the site. Our original discussions had involved having that transit go out Jackson, but we also did discuss with them the possibility of having it rerouted in other ways so that we could still respect the agreement. We're excited about that transit connection and think it's going to make the project excellent. Now, those traffic benefits are in addition to the traffic benefits that are already in the proposal. Over \$9 million of traffic mitigation improvements. We've also been working with staff on a tdm plan, traffic demand management plan, and we've been working out the details on that and think we've got those worked out. And so we'll be having those in place prior to third reading as well. And so, you know, I'll just close by saying some of the things we've already said. The grove is a complete community. It is the type of walkable, sustainable, multimodal community that I think this city has embraced. And so we look very much forward bringing this project to fruition.

[Buzzer sounding] And with that, I'll be happy to answer any questions you may have.

[2:41:19 PM]

>> Mayor Adler: What was the final number on the affordable housing?

>> So the affordable housing will go from 10% of the rental units and 5% of the for sale units to 12.5% of the rental units and 6.25% of the for sale units. And based on the prior assumptions on market rate units, that would be about -- it would go from about 108 units to 138 units. And with the increase in residential units, it could go higher than that.

>> Mayor Adler: And the increase in rental units? Original was 108 --

>> Mayor Adler: No, no, no, no.

>> Sorry.

>> Mayor Adler: That was with the original number of residential units.

>> Correct.

>> Mayor Adler: 138 was part and parcel of the total inies in residential units?
>> Because we would still have to be able to deliver, you know, physically and from a market perspective those additional units. So, you know, we feel comfortable with those market race assumptions. If we were to go higher, that would result in more affordable housing.
>> Mayor Adler: And did the cap of residential units go up as part of this?
>> Yes, sir, it did.
>> Mayor Adler: From what to what?
>> The northern Arkansas rate unit cap went from 1335 to 1515.
-- Market rate. I believe that's in your motion sheet.
>> Mayor Adler: Okay. What was the total number of anticipated residential units that was the 12.5%?
>> The total number of of affordable units estimated?
>> Mayor Adler: Rental. Affordable rental.
>> Affordable rental would be 93, and the projected affordable ownership would be 46.
>> Mayor Adler: All right. Any further questions for the applicant at this point?

[2:43:20 PM]

>> Thank you very much.
>> Mayor Adler: Thank you. Somebody from the neighborhood want to speak generally on this? I'll call that person up first.
>> Good afternoon. My name is Sarah spice, and I'm the president of the bull creek road coalition. Thank you for having us today, for giving us a chance to talk. One thing I learned is mediation is hard. So it's been a tough process. And I think for us the truth is that we didn't have anything to negotiate away. We didn't have anything to developer wanted except more commercial development. And so that's -- to get anything, that's what we had to give, was more commercial development. Even though I have to tell you as a person with policy background, I find that bad policy to put a gigantic commercial development in the middle of a residential neighborhood where there's no infrastructure for it. But that's what we had to do. So that's what we did. So what we tried to was to stay focused on what was necessary for our neighborhoods to survive and function with this huge commercial development. We don't have any problem with the residential stuff. And it's unprecedented traffic that it will put through our little neighborhood streets. We also tried to stay focused on what we think is in the best interests of Austin and the community as a whole and the policies as expressed by the city of Austin. So, for example, we accepted the denser residential that he wants to put on there and we encouraged and helped promote more affordable housing because those things make sense. They add housing where -- you know, toward the center of the city.

[2:45:23 PM]

So let's see, where was I? So what's our neighborhood like? I don't know how many of you had a chance to go there. These are considered pretty old neighborhoods. The streets there were built in the late '40s and houses built in the late-40s and late '50s for returning soldiers who had a gi bill so modest houses by today's standards. My house, for example, is 1100 square feet and one bathroom and that's all it's ever been. It actually is pretty big for the neighborhood. Most of the houses were smaller than that. They had car ports and single car driveways. So today where most families have two cars because both parents work and everything, you have cars parked up and down the streets. Now, these little narrow streets, that means we all walk in the middle of the street. That's where the kids walk to go to school and come home from school is in the middle of these little narrow streets. So the idea of all this new traffic and

60% of the new traffic is created by the commercial part of this development, that has no way to get in and out of this development except through our neighborhoods.

[Buzzer sounding] Already?

>> Mayor Adler: Go ahead and --

>> Yeah I had to --

>> Mayor Adler: I'll ask a question. Is there anything else you want to say that you think the council should know?

>> I want to go through the most important things.

>> Pool: Excuse me, really quick, I think Ms. Spice was about to say she had some people who had donated to her, is that right?

>> I have two people who have donated to me.

>> Mayor Adler: That's fine. Irregardless given the nature of what we have here and the people we have I'm giving her the time she needs to be able to --

>> Okay. I'll quickly go through the items that are most important to our neighborhood so you'll know in all of this. Item 18 on your sheet is the no extension of Jackson avenue.

[2:47:23 PM]

That is extremely dangerous and would create a whole lot of danger to these children walking in the middle of the streets and it's a jagged way to get in and out of anywhere. And you'll see later with other testifiers on that. The city never did a traffic analysis of that extension. And the developer has repeatedly said that he didn't need it in order to meet the traffic needs of the development because of his changes he's making at bull creek and 45th. Item 20, that's arg's agreement to construct that cost, the critically needed traffic calming features and sidewalks in the neighborhoods immediately up against the grove and Jeff Howard just, you know, mentioned those. I think it might be a benefit to the city that he can build it at cost, which the city, it would cost a little more. The city share, as I understand it, is likely to be as high as nine hundred thousand dollars. But I think if you're gonna allow development this large that it's gonna send that 23,000 vehicles a day -- or -- well, vehicle trips a day through these neighborhoods, we have to do something to make these neighborhoods livable. Item 5, arg did agree to drainage and flooding measures that are desperately needed by the people who live just down the hill of this project with all the new impervious cover. So that was good. We're pleased that arg has agreed to cut off amplified sound a little earlier in the evening at 9:00 on school nights and 9:30 on Friday and Saturday nights. And last of all, approval of a pard agreement that pard can accept and live with. We have had a lot of discussions with pard on this, and we're convinced that they know really and truly what is in the best interests of protecting the public interests and the heritage trees there.

[2:49:27 PM]

So that pretty much covers it. Again, thank you. I would urge you to please don't take this agreement apart. You know, it's sort of like a mobile, and if you wiggle one piece of it, all the rest of them are gonna wiggle. And I think that we as the neighborhoods have a great deal to lose if that happens. If you have any questions, I'd be glad to answer them.

>> Mayor Adler: I want to say my thank yous for the effort of the entire neighborhood participating with the applicant as part of mediation.

>> Okay.

>> Mayor Adler: Yes, Ms. Gallo.

>> Gallo: I want to say thank you also. I know it was a really difficult process, probably what I would consider similar to raising teenagers. That takes a lot of time.

>> No, I don't think it was quite that hard.

[Laughter]

>> Gallo: Good, that's nice to have that perspective. I do appreciate you mentioning, you know, one of the things that was really important to our office and we had a lot of conversations with both Ridgley and Oakmont, they are so directly affected and 45th street neighborhoods by this project and that we were able to get into the things we felt like were really critical and you mentioned some of those in what you said and I wanted to say thank you for highlighting those. Council, as we look through this list, I want to mention the things that both of those two neighborhoods worked with us on and that I'm so pleased that it made it into the final negotiated agreement. Number 11 with the increased parkland, you know, one of the things that I think we have a soccer coach that lives in one of the two neighborhoods, and, you know, a place that was level to be able to have kids and recreational sports was important to both I think the whole -- all the neighborhoods but particularly those neighborhoods. The amplified noise was one of the things that for Ridgley and Oakmont was important and obviously 14, which was the Oakmont heights development standards, the properties directly across Bull Creek from their existing homes. The number 15, independent drainage review, as we've talked to Ridgley and Idlewild neighborhoods, both the surface water and ground water have been of concerns and that would be 16, number 16 also, which is the 10-foot private drainage to the Grove property.

[2:51:44 PM]

The private escrow agreement with Ridgley for the drainage compliance fund. Some of the conversations and concerns were that if they had drainage issues it would require suing the property owners, and this would enable them to have the resources to do that. So I just as we've been involved in this conversation, it's good to see that the things that were -- some people consider smaller items but they really weren't to those two neighborhoods, they were really, really important to those two neighborhoods and I was glad to see that. The traffic mitigation that we talked about a couple weeks ago, we really have to realize that particularly with Oakmont traffic coming through their neighborhood as a result of this is going to be a reality. I was glad to see the additional opportunity and discussion about funding for traffic mitigation, particularly for the areas that are abutting this property are part of the conversation. So thank you --

>> I don't consider that luxury. It is -- we -- we'll accept higher traffic, but we've got to have the traffic calming and other things to keep our people safe.

>> Gallo: I agree absolutely with you, and I'm glad that component made it into the mediation agreement so thank you.

>> Mayor Adler: Thank you. I would point out to everyone we have parking validation if you want to come on up here, parking tickets can be validated. We're gonna ask for some speakers now if we don't call a name that person is not here, we'll call that person's name again later this evening. Francis McIntyre. And Regina Allen. Is Chris Allen here? Is Sherry Harard here? You'll be on deck next.

[2:53:49 PM]

Ms. McIntyre. Goad.

>> Good morning, council, Francis McIntyre representing the Austin League of Women Voters. I came today to speak to two issues both relating to the Grove P.U.D. In the first issue the league has been following the public hearings on the Grove and is dismayed at the lack of opportunities for the public to speak on this issue. One public hearing did not start until 10:00 P.M. And another which was supposed to be a first reading was scheduled and then postponed because of the late hour when the earlier time was taken up by testimony of the developer staff. When the first reading was scheduled, no testimony

was allowed. And it was identified as a placeholder. Today's hearing was scheduled at 9:00 A.M. When much of the public is at work. I'm not sure where the general public becomes aware of last-minute changes. The agenda still says the grove hearing is set at 9:00 A.M. Council can and should do better than that. Third reading is yet to come. It should be scheduled at a time at a reasonable hour for testimony to be heard. We would also encourage the full council to be in attendance for any votes on the issue. We are a government of the people. When people are marginalized our democracy is not working for them. The Austin league appreciates the time concerns council has to consider. We also believe it is very important in our world today to make sure our elected officials hear what their constituents are saying. You are our representatives. Second issue I wish to speak is about affordable housing, particularly in a new development like the grove which will more than likely set precedent for future developments. In this huge development council should make it known that real affordable housing is a major concern. This development is in the central city, in a residential neighborhood, just the kind of place that could contribute to the most important issue in Austin, affordable housing, housing for people that make less than the median income.

[2:55:59 PM]

The commercial properties on the streets near the grove employ many citizens who might be interested in living at the grove. For example, service workers who earn just over minimum wage may be making \$13 an hour which comes out to \$25,000 to \$30,000 before deductions. There should be an option for these folks in the grove at lower rents. Larger units that would be suitable for low-income families should have options they can afford. The league hopes you will seriously consider these two issues which we believe are in the interest of making Austin livable and vital for all our citizens. Thank you.

[Applause] Ms. McIntyre, thank you. In case anybody was watching and listening, it's important to know that people are allowed to speak now and for the rest of this afternoon as well as this evening. If we run out of speakers late this afternoon we're gonna take a recess and come back at 6:00 so if someone can just be here in the evening, they have the opportunity to speak. Next speaker, I'm gonna call here will be Willy Cecil -- actually, sherry you're next, and then Willy Cecil, if Mr. Cecil is here. Yes.

>> Good afternoon --

>> Mayor Adler: I'm sorry, before I do that. Did you want to talk, mayor pro tem.

>> Tovo: Mayor I'd ask maybe at a good interval maybe after this speaker, just before three -- I need to leave at 3:15 and I would ask if I could have five minutes to pass out and very quickly discuss the amendments. Obviously I won't be able to bring them but I would ask my colleagues to consider them so at an appropriate time if you'd recognize know do that.

>> Mayor Adler: We'll do that after this speaker. Ma'am.

>> Thank you, sherry Havard, chair of the Ridgley neighborhood association and resident and property owner on Idlewild road. We support this amended agreement that came about after many, many hours of negotiation.

[2:58:03 PM]

I want to say that these items in this agreement are critical to the neighbors and they are not small things at all. Traffic is very important to everyone in our neighborhood and other people will speak about some specifics, but it's not just traffic. It's not the amount. That's one thing. But the safety. We're very concerned. We live in a bikeable, walkable neighborhood, and we would like for it to remain that way for us and the new residents that come in to the grove because they will also be using our streets. So that's very critical to us. Drainage, I know y'all are gonna hear more about that later but as a property owner downhill, that's critical, and I've talked to my neighborhoods many times. And this is the

minimum that we can accept to make this P.U.D. Agreeable to us. Parkland and noise we're really pleased that pard has worked so hard on the agreement and the noise cutoff is very, very important for us living so close by. There was also a reduction in the bar square footage and that's also important for us because we are a residential neighborhood. We do live near retail. We can already walk to retail and cocktail lounges and restaurants but we didn't want a concentration of what would be called a bar district so we're happy that was cut down a little bit but there's still gonna be room for some entertainment. I'm sorry I didn't expect to speak until about 10:00 or 11:00 tonight. I wasn't really prepared for this, to speak so early. But I do want to say that we and I went a lot of time sawing -- spent a lot of time talking with neighborhoods, the developer, city council and as far as I appreciate the help and work everyone has put into this but these are not small things and they are critical to have the neighborhood support for this P.U.D. Thank you.

>> Mayor Adler: Thank you. Mayor pro tem, do you want to talk to the council?

>> Tovo:

[3:00:18 PM]

>> Kitchen: Ms. Kitchen.

>> Mayor Adler: Yes.

>> Kitchen: After she finishes I'd like to just take the five minutes on mine and then we'll have them all done.

>> Mayor Adler: Okay. We have one speaker who is injured and transportation is gonna leave so I'll probably call that speaker and then get back to you.

>> Kitchen: Okay.

>> Tovo: Mayor, if you want to call that speaker before, that's okay with me.

>> Mayor Adler: Okay.

>> Tovo: Up to you.

>> Is Tina Barrett here. Do you want to speak?

>> Yes.

>> Hi. Thank you for letting me speak now. I appreciate that. My name is Tina Barrett and I'm speaking as a member of friends the grove. Friends of the grove is a grass roots advocacy group. We have over a hundred voting members and over 700 members in our discussion forum. Our members are supportive of a vibrant mixed use development at this site. Friends of the grove supports the agreement between bull creek road coalition and arg bull creek. We support an agreement that maintains walkable bikable mixed use of the project. We hope the city and developer can work together to ensure at the very least pedestrian and bicycle connectivity to 45th street while full actors bike, pedestrian connectivity would be ideal and most in line with the imagine Austin comprehensive plan. We do not wish to complicate the agreement. We encourage the city and developer to explore options such as a stub out or crash gate which would allow for full connectivity in the future. Thank you again.

>> Mayor Adler: Thank you.

[3:02:19 PM]

Mayor pro tem.

>> Tovo: Okay. Thank you. I appreciate that. Obviously we're not gonna have a chance to really dig into these with the time, and I want to be sure that the public who have come at 1:00 have an opportunity to really discuss. So I'll go through them quickly. We've had a lot of discussion about bottom line throughout this -- baseline throughout this process. I presented my analysis based on a lot of careful work my staff did with the city staff and recommended a baseline of 1.36. The staff baseline was 1.89. I

am proposing with the first one that we split the difference and arrive at a baseline of 1.5 million. I would urge council, if you can't adopt amendment 1a, please I would urge you not to adopt what -- an amendment that it's my understanding the developer will bring forward to eliminate the baseline at all. So there's currently what we passed on second reading has a baseline set at 1.8 something, I don't have the exact number. 1.892 million. The developer is proposing to remove that. One other key point of the development agreement is that it no longer sets a cap. So where we've been talking about an overall cap on development, now the agreement -- and that's fine. I'm comfortable supporting no cap. But I'm not at all comfortable eliminating the baseline that would require anything that goes beyond that baseline to trigger the tier 3, which is how our planned unit development ordinance is structured. Again, I think there are two alternatives where 1a, one is to adopt the amendment I've suggested but, again, at a minimum I hope you will not accept the developer's amendment to eliminate the baseline altogether. One -- 2a talks about increasing the rental affordability period from 40 years to 99 years.

[3:04:24 PM]

We had some -- you know, we initiated some work on our density bonus program. The staff actually came back and recommended that that was a point that we could consider, extending the affordable terms. And I think this is a good opportunity to do so, and I -- one of the -- recommendation one, I'm not sure which page, but it's from the 2016 density bonus policy report reads explore the possibility- extending affordable periods. So I would commend that to your attention. B and C I'm gonna talk about together. And D is in essence related to 1a. If you remove the baseline, then we're really making it challenging to have that density bonus portion, which is part of our planned unit ordinance. I don't know whether there will be any protocols for waivers to the tier 3 section but I would encourage you to keep it as-is. If none of my colleagues want to make these amendments today I'd be happy to make them next week. B and C, this is a really challenging discussion. I really applaud the developer and the neighborhood for making affordable housing on this tract a priority. I'm thrilled that there will be some. I appreciate Francis McIntyre and others who have testified already and may testify later today about the need for it. But here's my concern. We have before us a protocol. This is -- let me back up and say affordable housing is included as one of the options a developer can come forward and use as an example of a superior element to get the planned unit development zoning and in fact that's what this developer has done and the application affordable housing is noted as one of the ways in which they are achieving superiority. My concern is fundamentally I don't believe those superiority elements should be funded by taxpayer dollars.

[3:06:27 PM]

That's part of the planned unit development ordinance? N the elements they're including within their protocol and one of them here is affordable housing. We are poised with this agreement between the ordinance that was passed on second reading and the amendments that are gonna be contemplated -- well, I'm sorry, they're not amendments. The ordinance that was proposed for second reading here today includes by my estimation -- or by my information something, like, \$10 million of city money to create this affordable housing. So it's great to have affordable housing, but that is -- should be a component of the development. And I believe that there are about \$2.2 million that are fee waivers so the rest of that, you know, \$6.8 million is coming out of our affordable housing trust fund, tax revenue of that flowed to the affordable housing trust fund. Again, you may say it's being used for affordable housing so why is that a problem? It's a problem because they're checking the box on superiority by doing affordable housing, but then turning around and using the tax revenue that's being generated instead of for affordable housing in other places on that site. And so I philosophically I just am really

concerned about that. I think that if we were having a discussion about how to use \$6.8 million of affordable housing trust fund money we would want to use it in a variety of places and I think affordable housing should be a component that's required. We would need staff to confirm the numbers of the 6.8 and 2.2 because I don't think that's in the documents in front of us. What is in the documents in front of us is the total amount, which is to amend in 2e to amend -- change \$8 million to \$10.2 million and it's in the course of discussion and, again, I don't have these numbers in front of me that I believe the fee waivers -- actually, I think I'll ask Mr. Rusthoven to confirm. Am I right in thinking the fee waivers that we would -- that would be incorporated with this are in the neighborhood of \$2 million?

[3:08:32 PM]

>> For the dsd side? Just the dsd side? Not --

>> Tovo: I thought those were the only fee waivers that were being contemplated in this.

>> Actually let me take a look at the fiscal statement. I'll get right back to you, okay?

>> Tovo: Okay. Thank you. And I guess that's it. I guess my other question to you is the one I raised earlier. 2c and we would be doing is redirecting tax dollars and I would ask if that's even something we can achieve through a zoning ordinance. Again, I appreciate the community work, the developer work. I think the product we have before us is stronger as a result, and I would like to be able to support it on third reading. I would ask, though, that we take the city subsidies of that affordable housing, remove those from the equation. And I hear the mayors we not pleas that we not tinker with the agreement. We are at the end of the day stewards of tax dollars and it is appropriate I think that we consider that element. So I had signaled that there might be changes that even if there was an agreement there may be changes coming forward from council so I would just mention that. The other thing, too, is that the developer -- it's my understanding based on the fact that the developer is bringing forward a change -- an amendment to the baseline, to remove the baseline, that that was not a subject of discussion among the mediation because it's not present in the agreement. It would be something that has happened outside of it so I think that's another -- yet another reason to go ahead and keep the baseline in there.

>> Mayor, can I address the fiscal impact? The dsd fees would be about \$3 million, shy of \$3 million. There are no impact fee waivers at this point, but the \$10 million figure comes from the proposed reimbursement to the developer for what would otherwise be the amount of those -- would be the amount of those impact fees.

[3:10:34 PM]

So they would be reimbursed through that over time from the taxes generated by the project. So even though they would be paying that amount they had be reimbursed that amount and that's how we get to the \$10 million.

>> Tovo: If that component is removed from the ordinance, those tax dollars would flow to the affordable housing trust fund.

>> That's correct.

>> Tovo: By virtue of the resolution I brought last spring.

>> Your amendment would make it so all the fees would be paid to the applicable departments that would otherwise be required irregardless of smart housing and the add valorem from the property would go to the housing trust fund, yes.

>> Tovo: Thank you.

>> Mayor Adler: Mayor pro tem, I have a couple questions just by way of -- I don't know -- I want to identify the issues and give you an opportunity to be able to respond if it's appropriate for you to respond now or not. That's fine. But since you're not gonna be here and I just want to ask the questions.

With respect to the baseline in tier 3, what I understood from the conversation from councilmember Casar at the work session was that if we were able to decide what the obligation was of the developer, in this case for providing the parkland or providing the affordable housing, for providing those things, if we made everything a tier 2 requirement, then the developer would have to provide those benefits on the property regardless of whether or to what extent they built out the project. In other words, if they decided to only build half the project, they would still have to build all of the benefits. They would have to do all of the parkland. They would have to do all of the other things. So I had understood that perhaps the city was getting a better deal by not having tier 3 requirements where the developer may or may not ultimately have to do those things by just saying we're gonna put it all into the initial requirement and you have to do those even if that's the only thing that you do.

[3:12:38 PM]

And in that respect then we don't need a baseline because it triggers the tier 3 which are the optional things the developer would do in order to get more than the bottom line. Am I missing something there?

>> Tovo: Let me say when we were looking at those -- when that discussion occurred we were looking at a project that had an overall cap. We no longer -- that's one of the changes here. Now we've removed the overall cap. There's an office cap, but as I understand the amendments of that come forward as part of the agreement there's now not an overall cap so you could end up with considerably more development than currently contemplated and no increase in affordable housing because we've removed the baseline and removed tier 3. And so, you know, let me just say, I mean, I maybe -- I don't think I'm mistaken on that point, but please understand those of you in the audience we just got the pieces of all of this not even 24 hours ago, and so trying to line up what was in the second reading ordinance with the agreement and now the new, you know, ordinance is wildly difficult if not impossible. But as I understand it, the cap removal is now gone. That's .7. And so now we don't know the -- we don't know the scope of the project. So you certainly could lose out on additional affordable housing.

>> Mayor Adler: So what I'll try to do even in your absence here is to ensure that the requirements are in fact requirements whether or not they meet any level and that whatever it is that has to be done has to be done in proportion to whatever it is that's built. And it may be the appropriate thing to do is to put back in the caps, whatever, I don't know. But I think I understand the concern. The ultimate concern. And we need -- hopefully we'll be able to figure out the right form for that to be so that it meets that concern with respect to the
[indiscernible] You raise.

>> Tovo: If there's agreement not to have a cap I think the better way to manage it is to leave no cap but set a baseline so any additional development beyond what's proposed triggers an affordable housing component, which is what, you know, again, the requirements of the planned unit development ordinance, which we are diverting from.

[3:14:52 PM]

>> Mayor Adler: Second question with respect to the affordable housing and whether or not that should be considered as a benefit to the project or not, I've seen the numbers and look forward to the housing people talking about to us in a second to be able to confirm numbers, but my understanding is that two-thirds of the affordable housing that's on this property is being paid for the lost revenue -- the value lost by virtue of the affordable housing two, thirds of that value is being assumed by the developer. So if that's a \$20 million or 20 some odd million dollar function one way to do this would be to say the

developer doesn't get any money from the city and has to provide \$20 million worth of affordable housing. Another way to do it would be to say that we want more affordable housing than that and you have to do \$30 million of affordable housing, of which the city affordable housing fund will pay \$10 million of that. In my mind those two things would be the functional equivalence because the developer's cost is the same \$20 million either way. So that's kind of the first half of that question. Should he -- if he would get credit for 20 with none should he get credit for 20 if the total is 30 and the city is putting in ten? The second question I'm ultimately gonna have is the other question you asked, which is if there's money coming out of the affordable housing trust to make this happen, independent of this deal, if housing had \$6 million to spend, is this where you would spend it? Or would you spend it somewhere else on some other project would be the ultimately two questions I would ask with regard to that.

>> Tovo: If I may respond. I think, you know, the answer to that second question sure might be yes because it's a high opportunity area, gonna be a great location. That may be exactly where we want to invest our affordable housing trust fund money. But I don't -- I'm not privy to any of the data that would support that first thing about the two-thirds.

[3:16:55 PM]

I mean, this is not information in our backup of, you know, how much of that is being subsidized with our \$10 million. So that's certainly a conversation I hope that we get a lot more information about between second and third reading. Because, again, it is a -- it is one of the options for demonstrating superiority. And so to me that means you embed it as part of the project. You don't then ask for city support to do those superior elements. So understanding how much of the -- how much city support is going toward that would be very, very helpful. So thank you for asking it in that way. I think that would be useful data to have.

>> Mayor Adler: Mr. Casar.

>> Casar: I would voice that I think -- I would like to -- well, I know you're gonna be gone. I think the question I'm interested in asking on this component are in the same vein. What is the way that we can make sure that as the -- that we have as inclusionary of affordable housing requirements in this as opposed to on the scale of inclusionary to voluntary, as inclusionary as possible. Then second, for me, I would be against of course somebody making us pay for their superiority. But if ultimately what we are doing as a council is -- they are bringing superiority to the table with their own subsidy and we're bringing additional subsidy to the table to make it even better because as we know through so many projects if you get in on the ground it's much cheaper to get affordability than to go in and buy it later, then that's sort of where I'll be analyzing the deal on the table and other alternatives on the housing deal. There is a question and answer that we submitted on this project about comparing the price per unit, and my staff just flies in.

[Laughter] That does seem to indicate an offer to the council that we can maybe even make copies of this.

[3:19:00 PM]

>> Pool: We have it.

>> Casar: To show the cost of buying down affordable units here compared to other places. And it's -- on its face at least what's been provided by staff seems like a very good deal, especially given the place in town that it's at. But I concur, mayor pro tem, that it makes sense for us between second and third reading to really look at that because if it is such a good deal maybe we need to do more or if it's not as good a deal as it appears on this piece of paper maybe we shouldn't be investing as much. I would

indicate it's not a \$6 million transfer this year. It is -- it would be money this development would generate down the line, after this development is built. It would be an opportunity cost long-term to the city. It's not, like, it would empty out our affordable housing trust fund or any of other other programs now, as far as what I can see from the deal that just got put in front of us not so long ago. That's all to say that I think we're on the same line of thinking, that we want to prioritize inclusionary affordable housing as opposed to programs that may or may not materialize in units. We want to get the most units on the ground as we can from the developer's own participation. But then we want to leverage city dollars which we have designated from this site to go to affordable housing the best that we can anywhere in the city, and it seems to me that we have quite some opportunity here. But we should weigh it against what the other places might be we might want to invest that money. So it sounds like we're in agreement.

>> Mayor Adler: Okay.

>> Tovo: And I think -- and I think the key is really to answer that question that the mayor raised about how much of the city subsidy is creating it.

>> Casar: That's right.

>> Tovo: I think we have some information that is helpful on your q&a, but it doesn't completely get at that.

>> Casar: We would want to know how much developer subsidy we're leveraging through our investment.

>> Tovo: Yes.

>> Casar: And to make that clear we do that consistently when we do deals with other nonprofit or for profit developers of affordable housing, we ask how much subsidy and equity those partners are bringing to leverage limited city affordable housing dollars and we regularly do that and so we'll ask the staff that does that to look at this just like any other deal.

[3:21:16 PM]

>> Mayor Adler: Makes sense.

>> Pool: Mayor.

>> Mayor Adler: Yes, Ms. Pool and then Ms. Kitchen.

>> Pool: So with regard to that piece there, can we also include a guarantee that if we do provide incentive monies or subsidies that it go to the group that's actually doing the development as opposed to the applicant who may not be doing the affordable housing segment, if that's how it turns out? I don't know if we have enough information on this, but I think -- I think what we want to ensure so that we ensure that all of the city tax dollars go to the development of the affordable housing, we want to make sure that we're not diverting it and then, you know, there's no middle man, that the money should go -- for example, if it's foundation communities, if that's who is going to do the building, I don't know that they are, they may not be, but let's just use that as an example, that then the city's transfer of funds goes from the affordable housing trust to the actual developer of those units, if that entity is different from the applicant. I just don't want to make the assumption that that money is going -- because we've done that in a couple of past P.U.D. Projects and it didn't turn out so well so I want to make sure we don't inadvertently make that same mistake, carefully look at that.

>> Mayor Adler: We'll call housing up here a little later to go through these issues for us. Mayor pro tem, travel safely. Travel safely. Ms. Kitchen.

>> Kitchen: I thought I'd go ahead and lay out this amendment.

>> Mayor Adler: Okay.

>> Kitchen: Quickly lay out this amendment, okay. This is -- you have a copy of the yellow sheet. This is for an employer assisted housing program, a pilot. Let me just say this works within the existing

agreement. It actually works within whatever agreement we end up with in terms of the number of housing units. It's not dependent upon that. So it's simply to address -- you know, I've spoken to this before on previous -- you know, previous meetings where we've talked about affordable housing at the grove and as we've all said the grove is located in a high opportunity area with a high number of low and moderate wage jobs, and we all know and have talked about the importance of connecting housing and jobs to create complete communities.

[3:23:37 PM]

And we've also talked about housing, how next to housing transportation is typically a household's second largest budget item. So if we can do something to have affordable housing in proximity to jobs, we are increasing household affordability. So what this does, and I will work with staff to make sure it's in the right form to go into the right agreement, we're thinking perhaps it goes into the developer agreement, but I'll work on that, it speaks to our opportunity to work on a pilot employer-assisted housing program. So basically it would -- the language would establish the city's intent to participate in a partnership to pursue a pilot program to connect housing and jobs through a voluntary program for local employers, to help match income qualified local employees with on-site affordable units. It would establish the city's role in locating funding for the pilot program, which would also be a match type program between an employer and city funding through which an employer would pay the difference between the -- difference between the employee's income and units at the grove. I would establish the intent that a developer would affirmatively market housing opportunities, including affordable housing opportunities, to employers or employees located within a two-mile radius of the grove. So I have talked in concept about this with the developer and with the neighborhood. I think this is consistent with their agreement. It doesn't change their agreement in any way. I'm putting this out today. I'll be happy to work on language between now and the third reading to bring it forward to adopt it on third reading. I think it provides us -- this is a tool that's used in other communities. We have not successfully used this in this community yet, but it's something -- it really is the opportunity for a very exciting pilot to see how we can engage employers to help us as a community and to help their employees, which, you know, supports affordability.

[3:25:50 PM]

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

>> Gallo: I appreciate you bringing this forward. I think that, you know, this property, this project, is an opportunity for us to try new and creative things and we've talked quite a bit, I've talked quite a bit, about the difficulty that many workers in the businesses around this property in this location really have a difficulty finding affordable housing and quite often have to drive great distances at a cost of both time and dollars to be able to work in these areas of that a lot of job opportunities. So I think that your intention is that both bcr and the applicants would have a chance to look at this and make sure that would be something they would both agree to. I think as long as that happens and both parties are agreeable to it, it sounds like a really innovative and good way -- innovative and good way to address the serious affordable housing we have for the employees that work around this area.

>> Kitchen: Mm-hmm.

>> Mayor Adler: Okay. I'm gonna call a couple more speakers to speak and then, housing, I'm gonna ask you to come up and talk to us about housing in just a second. Let's go ahead. Next speaker I think I said we're gonna call was Willy Cecil.

>> Afternoon, mayor, afternoon, councilmembers, thanks so much for having me. I appreciate the opportunity to speak. I'm here today in my capacity as one of the chairs of the Austin young chamber,

specifically the economic development chi. We formed this committee after doing some research into what were some of the issues that we thought the youth were not having an adequate voice in in the city, and two of the main ones that came up constantly were affordability and transportation. After coming up with these issues that we thought we needed to have our voices heard on we come up with a robust endorsement process in which we endorsed this particular project, the grove at shoal creek.

[3:27:54 PM]

We originally endorsed the original vision of this. Now hearing an hour ago that the two entities, developer and neighborhood came to a compromise, I don't want to step on any toes there. I think that makes sense. I'd encourage council not to further affect the financial viability of the project by adding tax amendments or reducing sizes of the units or size or capabilities of any further retail or residential units. That being said, even though we endorse the original protocol, I do want to read into the record what I brought to council before first reading. It was a letter that I brought to each of your individual offices, hopefully you got to read a bit of it but I'm gonna at least read some of the more salient points. It says Austin is one of the most culturally diverse and inclusive cities in Texas yet also remains one of the most economically and ethically segregated cities in the United States. It also faces what must be one of the most unique problems that any current American city has. People from just about everywhere want to be a part of it as well. Credit is due to the current and past leaders and citizen of the and I for fostering a culture of artistry, the Austin chamber believes it's final for those values to be integrated into housing supply. The professional community I've come to know as a leader in this organization are active, passionate, involved but remain constrained and that constraint comes from a lack of options on not just what kind of housing we can choose but also where that housing is located. Supply is the best and most direct way to combat this. The options and opportunities for all austinites must grow as the city grows and with the people that will grow along with it. We believe improve at shoal creek is a good start. Having -- I can also speak from personal experience. I have to currently live in affordable housing just to have -- be within a 20 minute bus ride of city hall and before that I was living north of Parmer lane and paying over a thousand dollars for a one bedroom. That's not something that can continue.

[3:29:56 PM]

Parmer lane for instance gave me an hour 15 minute bus ride just to get downtown in most cases and a car was not much better. That being said, the main points here are we need more supply. We need it everywhere. And that I believe and so does the young chamber will have the most impact on the affordability crisis here. We hope to work with you further down the road to --

[buzzer sounding]

-- Sorry, wasn't expecting that, hope to work with you further to address this issue of affordability. Thank you.

>> Mayor Adler: Next speaker is Regina Allen. How about amir chaket. What about Kathy Tyler.

>> Mayor Adler: Chris Allen. Joe Reynolds. Do you want to speak?

>> Sure.

>> I think I have donated time. Mayor and council, I'm Joe Reynolds, I live on 49th street. I'm here today to ask you to protect the health, safety and welfare of Austin an obligation that comes perfect your oath of office. I sent you printed background material about shoal creek and I won't repeat that here. It's too much paper. My association with shoal creek comes back to the early 1960s, when I first saw it flooded by the remnant of hurricane Carla. I was on the Allen daily neighborhood board do you recall the 1981 flood and worked the recovery that mechanical day. Two friends had houses damaged during that flood.

Water headed toward the creek that broke through Charlie's front wall, took out the back wall and kept going.

[3:31:58 PM]

My dissertation professor's son was swept off a bridge and killed, his body recovered on trees on great oak. Three close friends were then involved in setting resulting ordinance that's now require the limit on impervious cover and I was involved again in the neighborhood activity following the 2015 memorial day flood. Today I ask you to amend the P.U.D. Ordinance to require file on-site detention of stormwater. Austin required a flood task force because a series of councils with staff help approved the wrong projects in the wrong places with inadequate flood mitigation. Please break that cycle with this case. In my backup I showed the ineffective review of the drainage documents that we found with our pir and how this project requires full detention or downtown flooding will increase. I discussed real storms, not standard storms from a handbook, damage and resulting claims come from actual events, not computer models. I ask that you consider floods, Wimberley, onion creek, shoal creek, airport closure, San Marcos this September, and I showed a date in June when flooding events cover all the areas. Flooding storms are a common event. Today I ask you in a different vein to ensure safety in the new park by amending the P.U.D. So that safety paragraphs in the drainage manual are not deleted and that pond berms have safe slopes and fencing. Designs of ponds and other facilitates are only conceptual right now. Sometimes flood mitigation is combined with park use. The little league fields at northwest park an example. You must ensure that the final designs are safe by retaining a central -- essential regulation in the drainage manual and setting high standards for staff review. Today I ask you to require that bank stabilization at shoal creek along the P.U.D. And arrange for funding of that work. If you do not essential drainage features and the detention ponds will be impacted immediately.

[3:34:00 PM]

Erosions at 8 feet per year along the creek and that -- along the creek bank and that means large stormwater drains, the big pipes that carry the water to the creek, will be undermined and broken and citing of flood mitigation ponds can't be planned until that is stabilized. And since the ponds must be downhill from all development, site plans are impacted. Staff is -- has proposed that the creek be allowed to run wild. That opinion is not based on actual review of the creek or geology. There was no examination of soil borings or field notes. Our geologist with other 40 years experience did a thorough examination. His opinion is supported by material from environmental geology. Erosion must be retained if the P.U.D. Is to have more than a 20 year life. Finally today I ask you to support the agreement reached between bcr and the developer because that includes in its provision having suitable on-site drainage designs. The agreement includes a drainage easement to accommodate any injunctive relief, to mitigate flooding if that should occur. I thank you for your service to the city, especially with cases such as this, and I ask that you fulfill your duty to protect the public and the city. Thank you.

>> Mayor Adler: Thank you very much. Is Josiah Stevenson here? Ted sip here? Ken Johnson here? Would you like to speak, Mr. Johnson? Is Wendy salamae here? You have three minutes.

>> I have a couple -- I have at least one donated --

>> Mayor Adler: I have Wendy salamae. Is she here?

>> Mayor Adler: Okay. Six minutes.

>> Thank you. Can you hear me okay.

>> Mayor Adler: I can.

>> Good. I'm not getting very good feedback here.

[3:36:00 PM]

Thank you for having this special session, mayor, city council. It is definitely appreciated. I've spent several times, several nights down here until 2:00 and 3:00 in the morning and not even been able to speak and it's a long haul for all of us and I understand that. It's nice to be getting to the end of this. Just let me introduce you to a little bit to me so you know who I am. I'm a neighbor of the grove. I've lived in Austin many years, went to McAlum high school, had a long, long experience here. I'm also a Vietnam vet, have a J.D. Degree, also a mediator, so I understand the process extremely well. I have about 300 cases under my belt. The parties to this mediation have agreed upon many good points, affordable living, parks, commercial uses and others. And I have a slide show for you today, which is intended to show you some things that some of you may be familiar with and some may not. And I'm gonna emphasize one area which I think has not been emphasized today very much. Can anybody guess what that is? I'm gonna help you. Traffic. Traffic has almost been neglected to the degree at which it's almost ridiculous. I'm gonna show you some slides. Of traffic. Now, this shot was right in front of the senior citizen living center at Bull Creek and Jackson, and this goes roughly, I don't know, half a mile. Traffic is stopped here. Gridlock.

[3:38:01 PM]

More gridlock. Now, this is the actual intersection of 45th and Bull Creek. Now, this -- you can see the -- I wish I had a pointer that worked, but the road is approximately the same configuration that it's going to be after the changes are made by the developer. That's the way it's operating now. It's still gridlocked. I want to point out too, one of the entrances to the the grove is in this picture, the blue arrow to the right. It's gonna be extremely hard to get in and out of the grove with four times as much traffic as there is now. I want to show some more slides here. There was an ambulance coming down through this same area. He couldn't have made a left turn into the grove right here because the traffic was at a complete stop. Here's looking to the south. You can see the tower in the background. The grove goes roughly to the end of this line of traffic. This is -- starts at Jackson street here. I'm gonna -- this is Mopac. Of course this is the construction right now, but this is 45th street as it meets Mopac. Now, I need to talk about mediations for a second, and I'm gonna emphasize the proper weight which is appropriate for a mediation. First element of any mediation is always do could the parties have final authority to act? That did not happen here. BCRC was a wonderful organization. Is a wonderful organization. But it doesn't have authority to sign anything final. That authority is with you. So if there's something that needs to be changed, please treat the agreement as advisory.

[3:40:06 PM]

And it's not necessary that you agree with every single thing in the agreement. Now, okay, we're talking about traffic, which I consider to be the elephant in the room. This is a shot of the evening -- actually the morning news. You can see where the red is on Loop one. Well, the loop one is jammed right up to about where the grove starts from the south and about to where the grove starts from the north. Imagine putting what the new number is, apparently 23,000 new trips a day right at that point. What's gonna happen to Mopac? Okay. Now, this is something I roughly drew in. But I wanted to show you the surrounding areas, which are also affected by the traffic. Traffic is gonna be desperate to get out of this thing. We're gonna have Ridgely, Rosedale, Oakmont, Highland Park West, Balcones, even Camp Mayberry will be affected. We know what this is like because of what's happening to Mopac right now. We know that it affects Balcones. Balcones is gridlocked right now because of this. I would submit to you

that that's exactly what's going to happen in perpetuity if this grove is approved at the current traffic level that we're talking about. In other words, we -- the developer has said that they're anticipating 23,000 trips a day. It's my understanding that this agreement would reduce that by a thousand. So 22,000 trips a day.

[Buzzer sounding]

[3:42:06 PM]

And to me, that's just unacceptable. There has to be something that can be done beyond what this agreement says. Now, one other quick point I need to make. Talk about the same thing that Joe Reynolds just did too. This is a picture of the erosion that shoal creek is making. It's -- it continues. It's approximately 7-8 feet a year. It's one and a half acres per year of land that is disappearing.

>> Mayor Adler: Okay.

>> That is proven. It's measurable in -- anyway.

>> Mayor Adler: Thank you.

>> I'm about done. I want to emphasize this.

>> Mayor Adler: Anything else before you conclude? Your time is up.

>> I'm done. Thank you.

>> Mayor Adler: All right. Thank you.

>> Gallo: Can I ask a question?

>> Mayor Adler: Yes.

>> Gallo: How are you want to go lay this out from the standpoint that I think he addressed some substantial traffic concerns and I know that part of the developer's requirement is to do some improvements to the intersection of bull creek and 45th? Would you like transportation to come up at some point or would this be an appropriate time for transportation to come up and talk about what's gonna be done to that intersection? Because I think the council just saw what the traffic looks like now, close to that intersection, from the really good photos that you brought. Ask it may --

>> Mayor Adler: I'm concerned about calling staff up in between speakers because I'm afraid we won't be able to get through the day. But certainly we'll have transportation come up to speak about transportation. We can call up whatever staff members we want want to. The first group I'm gonna call up is housing to speak to that because there were questions that came up on the dais on that.

>> Gallo: If we needed photographs, again, we can pull those back up too.

>> Mayor Adler: That's correct.

>> Gallo: Okay.

>> Mayor Adler: Let's do a couple more speakers before we bring up the housing people. I'm now looking for -- is Jason meeker here?

[3:44:15 PM]

Not speak at this time or not gonna speak. Rob [indiscernible] Is Phil --

>> Yes, she is here.

>> You have six minute.

>> Mr. Mayor and councilmembers, I would like to talk a little bit about a number of these subjects, but first I'm a representative or I'm a member of Westminster. I was Westminster's representative to the bull creek road coalition for a few years until we withdrew a few months ago. The first thing I would like to do is congratulate the leaders of both organizations in coming to this compromise agreement. It's something that a great majority of the Westminster residents support, a compromise proposal, and I think congratulations are in order to all of them. It's hard getting compromise on one issue, but when

there's a dozen it's even more difficult. So hats off to all involved. I would also like to thank the city staff involved in this process. I witnessed a number of staff presentations and I thought they were all factually based, well thought out, good presentations and good logical conclusions. So my hat's off also to staff. And I'd like to thank the councilmembers, particularly those of you that supported the mediation effort, which was key to getting this agreement forward. And I would like in particular to say thanks to my councilmember, Sheri Gallo. Sheri had a difficult task in that this was in her district, there were people, constituents on both of the issue, had rather strong views, and I want to say that I think she did a very fine job in giving a fair and evenhanded assessment of the problem. She tried to get the parties to talk to each other, to bring information up for discussion.

[3:46:18 PM]

And finally I'd like to thank her for her leadership in getting the affordable housing project going at the grove. Sheri took that up early in the process. It was the first major amendment that was made by the grove plan, and that's a very important subject to Westminster. We did a survey of about a third of our residents responded, indicating an interest in affordable housing. These people, part time, some full time, range from 20,000 to 65,000, 100% of them indicated an interest in affordable housing because many of them drive long distances to get to work. And I hadn't planned to talk on the subject of traffic, but since this was just brought up, I happen to have a bird's eye view on the traffic. As yogi barra says you can observe a lot of things just by watching them. My university at Westminster is on the fifth floor on the west side. From my office window I can see all the way from to the bull creek 45th interchange. There's no problem during the daytime. I took 30 measurements at random over the last few weeks on the number of cars that were present, counting all cars going both ways between -- prior to 4:45. The range was from one to nine. The average was three and a half. So you could double or triple the traffic during the day, not a problem. The problem does occur at about 10 minutes to 5:00. Traffic builds up and it peaks at about 5:20 in the afternoon. On a Normal Monday to Thursday, it takes two light cycles to get the traffic through, which means a wait of four to five minutes. On some days it backs up all the way to Westminster. That doesn't happen very often. A couple of times a month. But I think the characterization of gridlock is a gross overstatement.

[3:48:21 PM]

The good thing about the developer's proposal is we currently have two lanes going north, one lane turning left out of 45th street, which is where most of the cars want to go. That's usually the long line. And another lane going straightforward. Under the developer's proposal there will be four lanes, two left turn lanes, which will double the capacity going left, one going straight ahead and a right turn only lane. I think this will substantially improve just simple arithmetic in saying you're doubling the capacity turning left and the traffic engineers say it will be a 70% increase in traffic overall through the interchange. The traffic was projected to increase about 35%, so this ought to provide adequate capacity to handle the additional traffic. And I just think to quote Mark Twain who said the reports of my death have been greatly exaggerated, I think the reports of gridlock based on my observation over many months have been greatly exaggerated. I hope the council will approve the agreement as currently planned. I share Sarah's view, I hope you don't try to make improvements to the agreement that would cause it to perhaps become unraveled, and that you will provide the funding needed to provide the safety and traffic improvements that are needed to fit this development compatibly and with the neighborhoods. Thank you.

>> Mayor Adler: Thank you. The next speaker I will call and then we'll go to the housing people, is Deann freedholm. Is Todd Shaw here. Would you like to speak? Is Amy wood here? Is Leslie fields here?

>> [Inaudible].

>> Is she outside? That's okay. You have nine minutes.

[3:50:24 PM]

>> Thank you, mayor and councilmembers. My name is Todd Shaw. I am an executive committee member of the allandale neighborhood association and live nearby the grove. Thank you. Well, I had my initial slide was moving the ball forward, tribute to the mayor's last objective when we spoke. That was the goal and I think we've done that. I support the mediated terms that the neighborhood and arg have come up with. I just do want to point out that, you know, it is so good when you can get folks negotiating. I'm glad arg finally decided to come to the table. Also just to point out I think they fared very well compared to the first read, they were able to get a 52% increase in office and a 40% increase in retail. So I think they fared very well in that deal, just point that out. My presentation, a little bit on how -- emphasize the importance of neighborhood capability and pay attention to that I think as you're approving this pud. I brought this to your attention at the last meeting, but I thought it was a great -- the code advisory group, Paul Digiuseppe spoke and said yes, imagine Austin does allow for infill development to provide missing middle, outside centers and corridors, but he did point out that it's very important that we take neighborhood context into consideration and also that this is not a free for all for developers. When we go into these areas we have to be conscious of the neighborhoods that surround them. I'm not going to read all these, but I just noted there's so much about neighborhood compatibility as it relates to infill. It's brought up over and over again. So you hear a lot about compact and connected.

[3:52:28 PM]

There is just about paying attention to the neighborhoods where we're bringing this density to, especially when it's not in the corridors and the activity centers and this is one of those areas, so imagine Austin, comprehensive plan asks you to pay attention to that and I think context will be the next -- codenext will be the next platform where we have a very robust discussion about these issues. But you're having to deal with this right now, so I think some of the -- Sheri Gallo's point about neighborhoods pitted against each other, this is very real and I think we'll have to pay attention to that when we're moving forward into the codenext, we're going to continue to see that. So moving along, just areas to be -- paying attention to is capability issues that I think you're already aware of, but we've gotten the red circles some areas and I'm glad to see finally highlighted the oakmont agreement that was penciled in a long time ago kind of brought to the forefront of these mediated settlement. That those recognition of its setbacks and height limits were put in there. Glad to see that. Also, I would ask you to pay attention to the -- at the top of the screen, there's some compatibility issues there with height near those existing sf 3's, we've addressed Jackson and 45th in the mediated settlement, cocktail bars, density I think we're still working on that, and lastly -- well, that's it. So I think we've moved this ball forward quite a bit with regards to compatibility. This was the settlement that was back in February, and again I'm glad that hopefully will be brought up to the surface and you guys will approve that with the mediated amendments. Parkland, I would like to talk a little bit about that. Big parks advocate.

[3:54:29 PM]

I've been tracking how the parkland numbers have been shifting back and forth. It's a very hard thing to track with the increase in residential units, but again, imagine Austin calls for -- speaks to the response of parkland and open space. And in several places. But one concern I have and the previous speaker

pointed out the erosion that's occurring. I don't know exactly when that stream bank is going to go away, but the grove zone was given about two acres of credit for parkland, credited parkland. It suspected that that will go away. You know, it may be gone by the time the developer gets done. Do the math and subtract out what they've offered gets them to 12.48. We're really not talking about superior level of parkland. We're really not even meeting the minimum so I think you really do need to pay attention to the erosion that's occurring there and I know 14.48 sounds like a good number. That's what's in the mediated settlement, but boy, I think again the developer is getting a pass there on the minimum code requirements. Next we -- oh. Councilmember Gallo talked about a soccer field. I just want you to look at this park and tell me where you think that soccer field will go. There's no room for a soccer field. You look at the tree root zone, the wet pond, all that other -- the lighter areas, the less than 10% slope, but the other areas, the red and the darker yellow, are all -- you can't put a soccer field there. So I would say any additional parkland we need to find a clear space for active play. Don't have that with the current layout of the park. But I'm sure that parks and the developer can find space so that they can play soccer.

[3:56:34 PM]

I was -- I removed this slide, but my ears perked up when I heard Jeff Howard talk about additional changes to the parks improvement agreement. I really like what's been done, what we're all seeing in the rca. Those are good terms. I think those are very favorable. I don't know what changes are being contemplated, but I wouldn't change what you have too much. It looks really good. And bridge, I know there's been a lot of advertisement about the bridge and how it will bring so much connectivity to this area, and that's important, but I just want to point out the letter from the library and the state, there really hasn't been a lot of work done to see if this will really happen. The concern I have, and I've done some work on bridges overshoal creek, I know how much they cost. I've heard there's a 750,000-dollar kind of cap put on that bridge. I would say you need to double that. That is not near enough to build a bridge over shoal creek. So I just think that it's not enough to build a bridge and what it really does is it's an easy out for the developer. Please put a higher number on that bridge cost. 750,000 is not going to get you that bridge. And lastly, something I found-- you will need the traffic experts to help. I couldn't figure this out. This is a new change in the design guidelines because I use bull creek a lot for getting downtown. Bull creek is going to be a main corridor for bike traffic, but I didn't understand how this new slip road proposal that -- I think it allows for parking in bull creek and how that aligns with the figure on the left side, which is for their design for the bike path. So again, something -- I think you need to ask about is how these two things are compatible.

[3:58:37 PM]

That is the end of my presentation and again I thank both the developer and bcrc for coming to -- going through the mediation and coming to terms that hopefully the council will approve. And then we can spend more times with our families like was mentioned earlier. Thank you very much.

>> Mayor Adler: Thank you. Does housing staff want to come up and talk to us? Talk to us generally and then with respect to the questions that were raised, if you could.

>> Sure. Rebecca giello, assistant director with the neighborhood housing and community development office. I just want to say first that I think all of the questions are excellent questions. And we have been working with the developer for quite some time. The developer brought on community wheel house several months ago and I believe they put forth an excellent effort to really begin to hear a lot of the concessions and the compromise around the desire for affordable housing and in that how the mix, the product, the affordability periods, how we really diversify our tools that we've got to get delivered what

council was saying. So I think that a lot of the questions that I'm happy to take just individually, but I would like to say just starting off is a philosophical stance that's really come up of late around the affordable housing trust funds and the funding allocation or the incentive payment back to the developer through that funding mechanism. One of the things that housing staff contemplated in introducing that and concurring with the developer that that was a mechanism that we would be willing to explore is the idea that the incentive to the developer remains the same as would have been contemplated through the capital recovery fees.

[4:00:45 PM]

And so I would want to bring to the forefront of the conversation that this is not being treated differently than the other planned unit developments that have been brought forward to council that have received a superior recommendation by staff and a concurrence in policy adoption by council. I think what is different here is the financial delivery through the funding mechanism of the housing trust fund. This was for us an idea that we felt was a viable policy discussion and consideration, particularly for two recent policy discussions and resolutions that have been adopted by council. One as you recall, and was mentioned by mayor pro tem, I believe it was June 2016, was the concept and the policy recommendation that the revenues that were generated from the parcel itself, the bull creek parcel, would be dedicated at 100% back to the housing trust fund. That was certainly something that we felt had a solid platform to make the mechanism recommendation that we did. The other was a fairly recent -- and I don't recall the resolution, but I believe it was December, where a portion of the housing trust fund would be dedicated to high opportunity areas. And this for us is an excellent example where we can evidence the funding from the housing opportunity going to as what I think all of us would concur is one of the highest opportunities in Austin. So for those reasons we believe that this is an delivery of the incentive to the developer, but at the forefront of the conversation I do want to ensure that for the public -- and I certainly know you all understand, but for the public this amount of the incentive does not deviate from the other planned unit developments that staff has brought forward and that we've seen recommended and adopted by council in other planned unit developments.

[4:02:57 PM]

And I'm happy to take questions. If it's appropriate, I may call on Kelly Weiss, who is the development expert, falls into the affordable housing circle, and certainly our staff who has run a lot of the calculations and analysis that we were able to provide you in the last couple of days.

>> I'm fine with Kelly coming up too if that's helpful. Would you go to some of the questions that I raised with the mayor pro tem? That I've heard on the street and I would like confirmation.

>> Sure. I can confirm that you are correct. So two-thirds of the program, the affordable housing program, which is about \$33 million, is being delivered by the developer and so that leaves a third that is being delivered by an incentive payment and/or payments that would be paid to the developer after the delivery of the units. And I apologize if I don't remember the other question. I wanted to -- I wanted to address some of the questions about the philosophical approach.

>> I think one of the questions. I think it leaves about six or seven million dollars coming out of the housing trust fund.

>> That's correct. That's the delta --

>> Which you can spend anywhere in the city. If you could spend that money anywhere in the city is this where you would spend it? You've said it's a high opportunity area. What about the return on the unit?

>> Yes. Well, to answer your question, absolutely. We believe that this is an opportunity that but for developments such as this and the opportunities to partner with the private sector we would not realize

units. So I want to say that absolutely we would recommend it. We have seen previous subsidies and we through the Q and a provided you all some analysis where we have entertained community land trust units that have more of a subsidy of about an average of \$239,000.

[4:05:09 PM]

We believe that through the million and a half additional increment that average cost per unit of being \$50,000 per unit is an excellent return on investment for the overall portfolio that's being recommended on the other program, we believe that roughly 83,000-dollar at a cost per unit is an excellent return on investment.

>> Mayor Adler: Any further questions on the dais right now with respect to housing before we go back to the public? Ms. Pool?

>> Pool: Thanks, Ms. Giello for that information. Can we also make sure we have a mechanism in our agreement to ensure that the money goes directly to whoever is building the affordable units.

>> Yes. We made sure that language would be included in the developer agreement.

>> Pool: That's great. Thank you so much.

>> Mayor Adler: Mr. Casar.

>> Casar: So to clarify on the dollar figures, you're saying that two-thirds of the 33-million-dollar program -- the total program is \$33 million. So two-thirds of that is subsidized by the developer and one-third of that is the city's participation in the deal?

>> Yes, that is correct. And our portion of that being the one-third would have been delivered through incentives in the past just through another funding mechanism.

>> Casar: Right. And then the 80 something thousand dollar subsidy per unit is for the beginning portion of the program if we invest less and then if we continue to invest an additional increment of tax dollars, that's when we start being able to buy-down units at the 50,000-dollar range.

>> That's correct. The \$50,000 is what gets you to the increment that gets you to 12 and a half% rental and six and a quarter ownership.

>> Casar: So essentially the more the city participates the more developer subsidy the city leverages for affordable housing.

[4:07:20 PM]

>> What we recognize is when you begin to move through a more dense residential equipment it skews other aspects of the performance so we only did the one and a half million with the developer.

>> Casar: The long story short, if we chose not to invest that million and a half we would be getting less from the developer in affordable housing subsidy on their end of the balance sheet as well?

>> That is correct. And for a million and a half the subsidy per unit decreases.

>> Casar: And the reason that I bring up that point is just that as the mayor pro tem's amendment sheets, which we wanted to have some discussion with her about, which reduce the amount of subsidy that we provide, but it sounds like not only would that result in fewer potential affordable units, but we would be missing out on cheaper affordable units on the margin.

>> That's correct.

>> Mayor Adler: Ms. Pool.

>> Pool: Wouldn't there be a way to substitute those dollars if they weren't coming through the mechanism that the mayor pro tem was discussing if we wanted to do general revenue and we just assign it to that? And I think that's the clean piece that we were looking for, but it is specifically directed toward this activity and it's not taking from somewhere else. It's going from general revenue.

>> Casar: And I guess that brings up my last question, which is is the ordinance currently structured such that we can fund this with the dollars that were going to go to the trust fund and that instead are being reinvested here for the very purpose that they're supposed to, or could we talk potentially to city legal if this isn't currently in the ordinance or some other mechanism if we so choose, if we passed another house bill bond between now and then and -- affordable housing bond between now and then and we wanted to substitute some dollars there and move our affordable housing trust fund dollars elsewhere or do we have that flexibility in the ordinance as drafted?

[4:09:23 PM]

>> So the proposal of the ordinance as well as the development agreement will contemplate the council's discretion to use other funding sources.

>> Casar: Okay. Thank you.

>> Mayor Adler: Over time.

>> Over time.

>> Mayor Adler: Yes, Ms. Gallo?

>> Gallo: You touched on that your department is attempting to come up with a plan that would allocate for the higher opportunity areas. How far along are you on that? Could you give us some idea of what you're thinking and what kind of dollars that translates into? I know as that fund grows, which it will grow as the future property value of this property that's being directed to the housing trust fund, I'm wanting to get a sense of where you are in that discussion.

>> Sure. One of the important things that some of the very direct policy influences to our department has brought forward is the need to be acutely transparent with the housing trust fund. So on the project list which is beginning of 2017, is a website that will reflect the balance of the housing trust fund policies that direct any influence to the fund and/or direct investment. And where we're at and where we're meeting those policy directives. So the housing trust fund opportunity, the opportunity to invest in high opportunity areas, which I consider not moderate or the highest opportunity areas, we really through capital investment don't see a lot of those opportunities as you can imagine Austin. So this is one way we get there, but not being able to give you a specific dollar value, I would like to say we are working on a policy page on our website. That will give the public and certainly policy leaders a space to go to so you can see how those investments are meeting the policy direction we've been given.

[4:11:34 PM]

>> Gallo: Will this also include -- I know housing works does an analysis of the affordable units without the.

-- So that we see as we make policy decisions and determining where those limited funds are going to go that we're also addressing making equitable the percentage in all of the districts so that we are making sure that we made the decisions to allocate funds in the districts that are lower percentages of affordable housing?

>> Absolutely. I think it would be ideal to take their analysis and through their analysis show which of those districts are high opportunity areas per the indicator or the tool that we are utilizing and then of that where the housing trust fund dollars are being invested. I think that would be very easy to do and would be an interesting lens to look through.

>> Gallo: So we're looking at having that information kind of available on the website first part of next year?

>> First part of next year, that's correct.

>> Gallo: I think that is a wonderful tool and wonderfully transparent. And will be extremely helpful in making policy decisions as we have more needs than we have funds for.

>> Casar: Mayor, I thought of one more question related to what we discussed with the mayor pro tem, which is so under the new deal that we have before us, the affordable housing component, is it still based on a straight percentage of the units that's going to be built?

>> That is correct. So I don't make light of the concerns that mayor pro tem raises. What I would want to say is we too would want to ensure that the language does not conflict with our policy objective and the policy objective and the language still is that 10% of the overall development, the overall residential development, would be affordable. So as the residential units would success 10 percent of those units would be affordable.

[4:13:37 PM]

So those numbers could change just recognizing that the percentage remains static or 10 percent or 12 and a half percent or whatever the percentage is that's ultimately adopted through the ordinance.

>> Casar: And my understanding of the deal that was originally recommended to us, part of what was appealing to me was that let's say for whatever reason there's a dip in the housing market and the developer only chose to build 100 housing units for a period of time, we would still get a percentage of affordable housing units even if they had not gone into a density bonus area. Does that still hold in this version of the agreement?

>> That's correct.

>> Casar: So ultimately whether the developer builds a lot or builds less than anticipated we're still going to get a percentage of the -- we're still going to get that personal of affordable housing the way we currently have it structured rather than the separate tiers of superiority configuration.

>> That would be codified through the housing exhibit.

>> Mayor Adler: And in this case the percentages, as I understand it, were 12 and a half percent of the rental units and six and a quarter percent of the owned properties.

>> That's what's being contemplated, yes, sir.

>> Mayor Adler: And that goes beyond what the number city standards are for this kind of city participation.

>> That's correct. Ful.

>> Ms. Troxclair.

>> Troxclair: Do you know what the balance is of the 2016 housing bonds and whether or not the council can earmark or set aside money from that bond for this project.

>> I can get you the exact number because I would want to also look at what is to be encumbered in the near future. And what I will say that it is within council's purview to do so. It would break from precedent. It is something that is not outside the purview of council.

[4:15:38 PM]

>> Okay. We'll continue on with the public hearing. Thank you very much. Is Deann freedholm here. Is Karen frost here? Is Kevin Lucas here? Would you like to speak?

>> Yes.

>> Mayor Adler: Is Meda barber here? You will be on deck. Then we're going to go to Jill losey and Della loseyier and Jim loseyier.

>> I will pass. Jill losey.

>> Mayor Adler: And council, we didn't get as much done as I thought. I'm prepared now to release the auditor's office and we'll reschedule that report if that's okay. Which we can't do on Thursday because it

wasn't set so we'll pick that up next week if we can get that set, if that's appropriate. So I'm going to recess the meeting of our special called. I'm going to convene the meeting of our work session. I'm now going to adjourn the meeting of our work session today at 4:16 P.M. That meeting being recessed, I'm going to call back to order our special called meeting here, also at 4:16. And we will proceed. Sir, thank you.

>> Thank you, honorable mayor and councilmembers for your time. My name is Kevin Lucas, a member of the ridgely neighborhood association and also a long time volunteer at breaker woods elementary school. So this presentation will focus on traffic safety in particular, safety for children getting to local elementary schools. Next slide.

[4:17:42 PM]

So. I'd like to show a view from the air, googlemaps, but also what we see as a neighborhood, this is -- this is our neighborhood. The red line is bull creek road. I don't know -- I don't know if you -- let's see if I can do this here. You can see mopac and 45th street and 35th street. I would like to point out breaker woods is here in the -- brykerwoods is in the green box. So this is the road that I think you should see this data to understand our traffic concerns. One caveat, bull creek is one lane each way right now except for the intersection where it expands to three or four. And it's less than 50% covered by sidewalks. If you ask the question is bull creek road a residential neighborhood, I think the answer is yes. If you look here I just colored in in purple the areas which are or will be houses, townhomes, complexes, small apartment complexes or condos to bull creek road. These are the places that are facing bull creek road or are basically accessed via bull creek road. So far it's a residential collector street. The city of Austin defines it as up to 4,000 trips a day. Obviously he will be above that, almost six times above that with the latest numbers. And if you look where kids will be moving from, from the neighborhoods in order to go to their school, 45th street is the dividing line. So on the right-hand side the children will be, if they're going to walk or bike to school, which was recommended by the aid specialist, was a way for participation and focus in the school. So it's not just as a matter of saving gas and things like that.

[4:19:44 PM]

Really it can make a difference in education. Can you see the arrows are where kids will cross through. On the left-hand side you see things are arrowing towards bull creek road and then down to Jefferson on the left. Scream road is -- bull creek is important for kids going to school. I'd also like to put into comparison what would be the traffic on bull creek road. This is the cam pose website that you can download this form.

[Buzzer sounds]

>> Mayor Adler: You can finish your thought.

>> Real quickly, all I did was sort on volume. If you look at where bull creek road is based on the numbers I heard today we're at the 224th or so most busy street in Austin. That's equivalent to martin Luther king, pleasant valley, Cesar Chavez, in terms of traffic. These are two lanes each way or more, busy connector streets. It would easily become the busiest residential street in Austin. I went through googlemaps and looked at all the streets above or below that to see if they really were residential. The next busiest Lee lane is Duval road. It's a major connector between 183 and mopac highways. Bull creek would have 35% more traffic than this street.

>> Mayor Adler: Thank you.

>> You said I'm done? Thank you. So in conclusion, please make sure that traffic safety is an important part of any agreement such as in the mitigated agreement. Thank you.

>> Pool: Mayor, I have a question. I think your presentation is very important and the angle, the perspective that you are giving it to us has not been offered that way with the children and the direction they're walking, highland park off to the northwest and brykerwoods to the southeast.

[4:21:50 PM]

If you could send us an electronic copy of your presentation and if there's a possibility that there's some other people who could give you some time, maybe you might be able to come back and finish the presentation. I don't know how close you were to being finished.

>> Probably one or two minutes away. But I would be happy to send it to you and your offices.

>> Mayor Adler: To all of us.

>> Mayor, I'll donate my time if you want to continue the presentation.

>> That's fine if you want to go ahead and finish.

>> Thank you, that's very kind.

>> Mayor Adler: Mr. King donates his time.

>> So will point I was making is when you compare it to other streets and look at the busy residential streets, bull creek would be about 35% busier than the other busiest three-lane creek. Creek bull creek road can support two lanes. If you go to the busiest two lane residential street and you have to sort through the data because you have to take out sections that are abutting fiesta market at I-35,. We need to make sure with cut through traffic, kids going to school and this is far busier than any other street in Austin that we have basic safety mitigation. That's really the important here. These are the expected cut through locations when these intersections which are highlighted in yellow, when they pack up the Orange will be where people will cut through and those are the locations where kids are walking to school in many situations. There are some sidewalks, mainly on half of bull creek road on half of Jackson and the kids going up north here. In particular in oakmont and ridgely and in some of the other neighborhoods just north of 45th there's no sidewalks, no crosswalks, there's really no major safety enhancements and that's why it's so important to have the things that we're in mitigation.

[4:23:57 PM]

So basically this is what's left if you subtract off the sidewalk. So in conclusion I think I said it it will become the busiest residential street in Austin by a significant amount. It's going to contribute to cut through traffic on the routes to school. There is no safety mitigation except in limited areas. And I think it will be dangerous. You can see that. If you remember my presentation in September, the one intersection at bull creek and Jefferson, that intersection is already dangerous. We need basic traffic safety and it won't be that expensive. Between 0.1 and 0.2 percent. Thank you for your attention.

>> Mayor Adler: Thank you. The next speaker?

>> Thank you no your time.

-- Thank you for your time. I'm a member of bcrc and I want to encourage you to consider the mitigated -- the mediated amendments. I want to talk about affordable housing, not just theoretical affordable housing, but affordable housing for the working poor who are already living in those neighborhoods. My partner and I are two. We make less than \$40,000 between the two of us. I work four jobs, my partner works two. He can't be here tonight because he works in a hospice taking care of dying people and he can't ever come out on a weekday for that reason. We can only afford to have one car between us. He bikes to work. So traffic in our neighborhood, I spend 10 to 20 hours a week in traffic for my job. And he bikes to work everyday because we can only afford one car. So traffic and bike lanes and traffic safety are very important to us. We have a very small house in allandale and we want to continue to try to live here. My partner is -- he was born and raised in Austin and it would break his heart to leave. It's getting

really, really hard to live here. We are exactly the kind of people that I think that the city council is trying to support.

[4:26:00 PM]

Our house floods every time it rains. The storm drains in our neighborhood are already overwhelmed and if it rains any harder next time our house will flood. It came that close the last time. So flood mitigation is something that's also really important to us. And last but not least we really want to encourage as much affordable housing at the grove as possible. I don't like seeing all of the other strange, funky, poor people in our neighborhood leaving in droves. I'd like to have more of them around. So I really want to encourage both these new theoretical affordable housing residents in that area, but also the ones who are already there. Most of those people are not here today because they are working. It was really hard for me to be here today. It was impossible for my partner to be here today. There are a lot of us. We're called rich white nimbys by a lot of people, but we're not. We are strapped as tight as we can possibly get. All of the elements of the grove affect our day-to-day life. We have very little time at home with one another. A any more moments in traffic are time away from ourselves and our dogs. Any raise in taxes means we may need to leave Austin in the next coming months or years. And any more flooding in our neighborhood mean that we lose everything in our home. So all of these things, flood mitigation, traffic and affordable housing concerns are all things that deeply affect very real people right now, not just theoreticals, but real people. Thanks for your time.

>> Mayor Adler: Thank you. Ms. Lowsier passed. Jim lowsier?

>> Pass.

>> Mayor Adler: Would you like to speak? Pass. Cynthia leach.

>> I have nothing else to add [indiscernible].

>> Mayor Adler: Thank you. Pablo Ruiz.

>> I pass.

>> Mayor Adler: Yes, sir. Eric faud. What about Helen spear?

[4:28:06 PM]

Come on down. And if the clerk would go ahead and check those names that -- the clerk needs to check those names that we called.

>> I'm Helen spear and I appreciate the opportunity to address you. I moved to Austin in 1953 and have been very active in a number of activities, pta, community projects, including various programs for Austin's future. I've been on the library commission appointed by Emma long in 1978, chair. And I was just giving you some of my background so you could understand where I'm coming from. I'm going to read the rest because I think it would be faster that I live in Westminster. My apartment faces east and overlooks bull creek. Since I moved in over four years ago I have enjoyed a lovely view of trees, green grass and wildflowers with very little traffic on bull creek except for evening rush hour and I wish it could stay that way. But cities either grow or they wither. And the growth that the grove has planned is very exciting to me. It's an infill project which is really visionary and I've seen other projects like this in other parts of the country and have always wanted to think about living in them because it's so stimulating. Much has been said already about the advantage of the project, but what has impressed me right now is the willingness for each side to compromise, to hear all the things that have been addressed and made compromises that I think make it for a better project. So I hope you will agree to -- I am especially impressed with the more affordable housing and parkland that got mediated. I hope you will agree and pass the mediated settlement that was proposed.

[4:30:07 PM]

Thank you very much.

>> Mayor Adler: Ms. Spear, thank you. Next speaker that we're going to call here is Bo Delp. Is he here? Is Michelle Chang here? You can be on deck. Mr. Delp, you have three minutes.

>> Thank you. I wanted to let y'all know this is a process that workers defense project -- my name is Bo Delp, I'm with the better builder project with workers defense project. We have been working the past several months for a way to figure out that this pud results in good, safe construction jobs for those who will actually build this. The good news is after a lot of discussions, very earnest discussions, we have reached a voluntary negotiated agreement between workers defense project and arg bull creek. I will tell you that we did not get everything that we wanted. This was an at times hard discussion to have, but I have to really commend the developers for figuring out a way to make this work to ensure that the construction workers on at least part of the commercial construction of this pud will have access to living wages, osha 10 safety training, worker's comp, a local hiring goal, and an on-site enforcement mechanism to ensure that these standards are being upheld. My hope is that this council continue its leadership on worker protections because you have demonstrated that leadership to this community that affordability isn't just about affordable housing, it's also about how much money you're taking home. For the construction workers who may build this pud, who do not have access to these standards or elsewhere in the city, affordable housing is great.

[4:32:10 PM]

We love affordable housing at workers defense project, but 50% of construction workers in the state of Texas earn poverty level wages. 41% are misclassified. If you're injured on the job and don't have worker's comp and have to go to the hospital, you may have to declare bankruptcy or pay out of pocket. We see it all the time. It makes affordable housing hard to have. I wanted to commend the developers in finding a way to work with the community to ensure that this be a positive step forward. To start a conversation, what I hope is codenext and pud's next year. How do we use puds to ensure that the city can leverage better working conditions for the men and women who build our city. Thank you very much.

>> Mayor Adler: Thank you. Hold on, please. Ms. Pool?

>> Pool: Mr. Delp, I have a really quick question and that's really great news because ensuring better builder principles was important to me as well, as you know. Are you -- is this something that is a verbal agreement? Do you have a contract? How will you ensure that the elements that you are expecting will in fact occur?

>> Great. Very good question. So yesterday the creek sent a letter to council indicating that they would like some language included in the pud ordinance. It's in quotations to be included. It essentially says that the developer will do one of two things at their discretion. Number one, they will participate in the city's expediting permitting review program once that is finalized and set up. Alternatively at their discretion they will work with us to ensure better builder standards. So city legal I believe is going to be working on some language to make it fit in the pud for third reading. So there is a letter in your inbox from the developer sort of informing you all that we've reached an agreement.

[4:34:11 PM]

>> Pool: That's really good because we were also informed this week that there may be some our requirements that we would hoping to have under better builder may not be defensible or enforceable. So to the extent that we are able to insure what your goals and aims are in fact included, it would

need to be voluntarily, then that's the direction we absolutely need to go in because I do realize we have some obstacles to requiring some things, but when the developer comes and does it through discretionary and voluntarily, then we're able to do that deal.

>> Sure. We're sure that the developer can be flexible on doing those things with the city's expediting review program. Our bottom line is that the standards, no matter which direction the developer chooses and no matter what happens here at the city of Austin, that the construction workers get access to those standards.

>> Pool: The point I want to make is we may not be able to make that requirement under expedited permitting. So it may be that your focus needs to be just in and of itself that that needs to happen if we are not able to pair it up with expedited permitting.

>> Mayor Adler: Michelle Chang. And then after that we're going to go to Julie Cowan and [inaudible].

>> My name is Julie Chang, a lawyer, close by neighbor of the development and a certified mediator, although I don't have a mediation practice. I've been a volunteer with the bcrc for probably about a year and a half. And when council asked the parties to go to mediation, I thought I would jump in and help the bcrc out with that process since I've had experience with it. I've participated in many, many mediations in my career and I have to say it was a new one where you were mediating a dispute, you settle it and you know you're still going to trial afterwards.

[4:36:22 PM]

So this is definitely a new experience for me. For that reason I think that made this one of the most complicated and time consuming mediations by a very long shot that I've ever experienced. May my mediation straining we were told a good settlement is one where both parties come away a little unhappy. That means both parties have made significant and painful compromises to get to the middle ground. I am 100% confident that that is what has happened here. I think everyone knows this has been an incredibly contentious dispute. It has pitted neighbor against neighbor. It's been very difficult for the neighborhoods. And as a neighbor I am very, very grateful to the bcrc and to arg for really working so arrested to come together hard to come together to find some middle ground here. So Sarah spites had made the analogy of a mobile where you jiggle a little piece of it and the whole thing just else. I think of it as a blanket where if you pull a little piece of yarn the whole thing unravels. I very hope that you will support the mediated agreement between the parties. Thank you.

>> Mayor Adler: Thank you very much. Housing is the permitted housing on this, is the housing, the for sale permitted affordable housing on this because of the affordable trust fund.

>> It's for affordability.

>> Mayor Adler: I just wanted to hear ha in the record too. I said that we would now go -- by the way, the other person that we haven't thanked here is the mediator who was trying to mediate a very awkward made mediation. Mr. Jeff jury, and I want to thank him for his service in this as well. Next speaker to identify here would be Carol lily.

[4:38:23 PM]

Come on down. Come down next. Sorry.

>> I don't have much to say. Good afternoon, mayor and councilmembers. My name is Carol lily. And I'm here representing the boomers collaborative. The group of Austin area baby boomers intending to make the grove home for its new housing co-op and small business incubator. We're thrilled with the mediation -- mediated agreement between arg and bcrc and want to thank all involved in the process

that is enabling the pud to move along to approval. And we want to thank the developer for being willing to let us try something new and innovative for the city of Austin. Thank you.

>> Mayor Adler: Yes, Ms. Pool?

>> Pool: Ms. Lily? I had a question for you. Thank you. And kind of a similar question that I had for Mr. Delp and that is your discussions with the developer and the plans that you have for the boomer cooperative. Do you have this information in some form of writing, a contract, some agreement.

>> No, not yet.

>> Pool: Not yet.

>> Not yet, but we're in constant communication.

>> Pool: Because this is something that's between you and the developer.

>> Right, right.

>> Pool: So the minute you get something in writing and it shows the elements of it that support what you need, please be sure to bring it to me. I know you've met with my staff and they told you I was interested in encouraging you to take that step because I think it is highly important for you if you want to realize the dream and the project that you have been talking about for some time.

>> We will do that. Thank you very much.

>> Pool: You bet. And good luck. Thank you.

>> Mayor Adler: Ms. Gallo.

>> Gallo: I'm sorry, one more.

[4:40:24 PM]

Poor Julie. Just come on down. I know we have seen you involved with this process for a long time and as I made the comment about councilmember kitchen's idea, I think this project gives us the opportunity to be creative in so many different ways and do things that we haven't done before. So I just wanted to thank you for being part of that possibility.

>> Thank you. We're chomping at the bit to get going here.

>> Mayor Adler: Okay.

>> Hi. Thank you for this opportunity to speak very briefly. My name is Julie Cowan. I serve on the Austin ISD school board, but I am here on behalf of myself right now and a person who really supports our public school teachers in Austin. The state's finance system does not give us a lot of flexibility for how we can reward our teachers, pay our teachers and support them. And therefore many of them are having to live outside of the city of Austin like a lot of other workforces and drive in through all of our traffic. And this opportunity here with the grove, we've been offered 19 residences for teachers, dedicated to Austin ISD teachers. I also, councilmember pool, don't have any of that in writing myself. I think it might be there, but in real good faith it was over a year ago in October of I think 2015 where I got an email from the grove just out of the blue -- everyone did. It was one of their general ones. And I emailed in blindly asking if you have affordable housing, can any of it be dedicated to our teachers? So over the course of that time we met with them once or twice and then really were hands off very much throughout the rest of it. So we're really encouraged that this might be a model for other puds and developments that come into the city of Austin. And I'm really excited about it. Just to give you some perspective, we have over 800 teachers within four and a half miles of the grove who teach in schools that are within four and a half miles of the grove.

[4:42:32 PM]

And myself and another trustee who's been interested in this in particular, who also represents part of west Austin, we've had numerous teachers calling us continually over this last year or so very interested

in this opportunity. So I'm grateful. I don't know the details very much about the agreement that's gone on between the neighborhood and the developer and the city, and I'm grateful that things have continued to move on and that we have the support right here and this opportunity to see what we might do in developments like this for our teachers. So thank you very much for this opportunity.

>> Mayor Adler: Thank you. I really do like and appreciate every opportunity we can find for the city council and for the school district to work together to provide affordable housing. Let's be as creative as we can.

>> I think we'll probably have more opportunities coming up, but this is a nice little start.

>> Mayor Adler: Ms. Gallo.

>> Gallo: And Julie, thank you so much for taking the time to be down here too. I remember when we did the press conference a year ago, I guess it was a year ago, and were able to announce that a certain portion of the affordable housing would be set aside for teachers. And I think that I remember you telling me that the phone calls started immediately the next morning as far as teachers wanting to be put on the list. So I really thank you for coming forward. There was some social media posts that were going around that this was a scam and that this was not happening. And I appreciate you coming forward just to clarify that that's been a really good conversation and -- a good conversation and it is so important to all of us that we participate in that. And the number of teachers that are so close by, thank you for that statistic because we knew there were a lot, but we didn't know there were that many. So we really look forward to that.

>> Yes, thank you so much.

>> Mayor Adler: Ms. Pool. Sorry. Hang on.

>> Pool: So is there a program for aid to provide teacher housing at the grove?

>> Well, so nothing has been determined yet, and I think we've been waiting -- we haven't pressed the issue.

[4:44:37 PM]

We've been waiting for everything to be worked out between the groups that this is most important to. So trustee elenz and I were talking about getting a person on our staff, and Kelly Weiss from the grove has offered some assistance and it will be determined how that works. And my understanding is that we'll have the right of first refusal of this certain number of residences and then after a time period if we can't find anyone to fill it, which I doubt that will happen, it would go into other just general affordable housing. But it hasn't been developed because there has not been a reason to develop it just yet.

>> Pool: Okay. And I think that point is really important. There isn't a program yet. And there is some interest in doing it and there's certainly governmental support, you know, from aisd and from the city.

We are in conversations about trying to find a way to target housing for different types --

>> Workforce.

>> Pool: Different types of workers. So far we haven't been able to nail down all of the specifics on how that might be done properly and legally because it's a new concept, but we're definitely having those conversations. So what I would ask in this situation too because the city is limited, as in the boomer cooperative and some of the other elements that have been talked about at this site, as much as we can get in writing with the developer to show that that desire and willingness to participate is real and that we can back it up with something that we can -- that's genuine that we can count on is really important at this point because right now it's just concepts. And we don't have any ability on the dais to ensure you get what you want.

[4:46:42 PM]

So we need to have that other participation.

>> Absolutely. I think we can be a model and we'll design this. And we do hope to work with the city in the the future for large scope, more public work.

>> Pool: Additional projects.

>> Exactly. So I have good faith with the developer that this is going so work. And they've actually been quite helpful and they just want us to develop what's best for how we relate to our teachers and how we work with them. And perhaps I'm almost sure that the teachers will help us to develop what this looks like so everyone feels it fair. 19 is not a lot to go around with 6,000 teachers that we have, 19 residences at this point. So I think we'll have good access to their knowledge and we'll do a fine job with that.

>> Pool: That's great, because there's a lot of contingency in there and future planning and all of that to kind of think out in terms of a contract. So that's great. And I look forward to working more with you and the other trustees on these topics.

>> Thank you so very much. Thanks to all of you.

>> Mayor Adler: Thank you. Jeff, did you want to say something about this.

>> Gallo: And then before you leave, Julie, I just wanted to ask you another question too, but on a different subject kind of.

>> Mayor Adler: Mr. Howard?

>> Thank you, mayor. Jeff Howard for the applicant. I just wanted to confirm, so there's no mistaking it, we are committed to that program. The program right now -- and 19 units is about 15% of the revised proportion. So it's not an insignificant amount. One of the things we've done with the revised plan is we've added the potential for approximately 10 units at 120% mfi that will help us reach more teachers, even at 80% mfi we've done some analysis that there are a lot of younger teachers, first time teachers that would benefit from that. We're happy to have that in the ordinance or if law prefers in the affordable housing agreement. We'll be happy to work with you on that and we're committing to that.

[4:48:45 PM]

>> Mayor Adler: Thank you. Ms. Kitchen?

>> Kitchen: I assume that's in addition to the employer assisted housing program we've been discussing with regard to the low wage workers?

>> It does not in any way take the place of that or supersede that.

>> Kitchen: There are needs all over the place.

>> We understand.

>> Kitchen: I'm very pleased to hear that we've got a commitment for teachers. And so the motion that I passed out earlier might be the kind of thing where it works together with aid as well as with other types of employers. It's written broadly enough to have our staff work with the community for employer assisted programs too. We had been thinking and talking about Westminster or Seton for the lower wage workers, teachers need help too. So I think it will come together. But I'm interested to learn that you've designated a certain number. So we may be thinking of something like that for other programs too.

>> Mayor Adler: Ms. Gallo, did you have something else.

>> Casar: Mayor, I had a question.

>> Mayor Adler: Mr. Casar?

>> Casar: And so it seems like there are at least two flags then for this item and the workers item that you all should work with the legal department to see what it is that we can get drafted up for a third reading.

>> Yes, sir. We sent out a letter early today, earlier this morning, but we have been in discussions with the workers defense project and we did -- Mr. Delp did describe it accurately. We're happy to have that in whatever format the city legal department deems is appropriate.

>> Casar: Both of those. Thank you so much.

>> Mayor Adler: Ms. Gallo.

>> Gallo: I was going to say since there was a little bit of concern whether there had been discussions about this and actual numbers. I appreciate having this on the video so that the public knows that you've said this and I think that's very clarifying.

[4:50:47 PM]

Thank you.

>> You're welcome.

>> Gallo: And I wanted to mention something to Julie.

>> Mayor Adler: You can sit down. Yes.

>> Gallo: So councilmember kitchen mentioned something about her employer assisted housing program amendment that I think we're going to consider and have people talk about and possibly consider next Thursday. And it's broad enough we -- I think this conversation started with Westminster and the employees that work there, but I think this is also an opportunity for aid with their employees to be included in it. I just wanted to make sure that you were aware of it. It's a really innovative idea and that you were aware of this too.

>> Kitchen: Maybe we roll it all together and indicate the 19 for teachers and we indicate another target number for other low wage employees.

>> Okay. I saw your introduction and I can't speak to it on behalf of the district or anything.

>> Kitchen: No, we'll figure it out.

>> Gallo: I just wanted you to be aware that there's something really innovative that we're talking about. We'll get you linked into that. It's pretty broad because it talks about employers and doesn't specify. We started talking about it with Westminster, but with you've brought up the issue with teachers, we certainly -- it certainly could be broad enough to include teachers too.

>> And perhaps if you're talking about the workers at Westminster you're talking about our lower wage earners as well. We're on a very, very slim margin. Our state is not being very generous. I'm not sure if I understand it fully, but we obviously are happy to help anybody. So thank you.

>> Mayor Adler: Sounds good.

>> Kitchen: Looks like Rebecca wants to say something.

>> I want to be prudent -- Rebecca giello, assistant director of neighborhood housing and community development office. We're certainly willing to take a look at the language offered by the developer. I want to be cautious if we're talking about setting aside units for a very specific employer we would have to really look at that language carefully.

[4:52:49 PM]

Setting aside units on the affordable housing that's been utilized with incentives of public dollars, it does have some contingencies that we would need to look at. It's certainly not that we couldn't affirmatively market to specific employment sectors and I think that's highly appropriate, but it would not necessarily be language we would be comfortable with saying that we are setting aside. So just from the spirit of recognizing folks are watching, I just want to be very transparent that we are happy to look at ways we can bring housing opportunities here to certain professions, but a set aside right now would probably make the law department uncomfortable. So we'll take a look at that.

>> Kitchen: Thank you.

>> Mayor Adler: Sounds good. Thank you very much. Next speaker we have is William Mueller here? Would you like to speak? And on deck would be August Harris. Mueller or Mueller?

>> Mueller. William Mueller. I live at Westminster. Kudos to everybody that got us this far, but now there's something that you as a city council can do using your good offices, some of your money and getting some more money lined up. Fix the northbound off ramps at 35th and 45th. They are in a word atrocious. And 45th you have a single lane. You go bouncing over the speed bumps through a residential neighborhood. At one time the city council talked about buying the houses to the west of that, and then putting in a couple of lanes and figuring out how to feed them in and separating that traffic from the people who live there. On 35th you make a very sharp turn from the left-hand lane going west. You immediately see a sign that says road narrows, then you see a tree that blocks half of the roadway and then you have a very sharp turn. Certainly we could do better than that.

[4:54:49 PM]

And it may be that you would want to move to the right-hand lane and go through part of the parking lot of the., the foot of their property. Txdot, the foot of their property. That would do more than anything to fix these traffic problems. And one other thing you might put a sign on 38th east of shoal creek that says mopac straight ahead because people are cutting off there thinking they're taking a shortcut and they're wrong, it's longer that way.

>> Mayor Adler: Thank you. August Harris. Andrew Colson on deck.

>> Good evening, mayor and council. Thank you very much for presenting this opportunity to us tonight. As a member of the bull creek road coalition board I'm here to urge our support of the items that are part of the mediated settlement between bcrc and arg. Bcrc and the neighborhoods were left in Austin untenable positive position and we've made the best of an unfortunate situation. However this settlement accomplishes several noteworthy objectives for neighbors who will be adversely impacted by this pud. Regrettably the settlement fails to reduce the scale of the commercial and retail to a compatible level. This pud is inconsistent with imagine Austin's growth concept map, which is intended to guide both the city and developers in superior planning. This is a pud that should never have been proposed for this unique parcel of land surrounded by single-family neighborhoods, with extremely limited connectivity. With that said, your vote on this case will set the precedent for every future pud case. And that precedent is far from positive. It is disappointing when neighborhoods come together to support good development, but get run over in the process. Yet we're here. We have little doubt that you will support the approval of this pud regardless of its impact and in doing so will establish a threshold of mediocrity for all future puds and particularly those on state-owned parcels that will soon up up for redevelopment.

[4:56:55 PM]

In supporting this pud application you will also set the stage for even more dramatically contested battles in the years to come. All I can say at this point is please support the mediated settlement that was reached. Of the folks that put their hearts and souls into this for the last four years and particularly since arg got involved a few years ago. It's unfortunate we're left in this position, but here we are. Please accept the mediated settlement. Thank you.

>> Mayor Adler: Andrew Colson?

>> He's not here.

>> Mayor Adler: Liza Wimberley.

>> What about Julie Cowan? Ryan nil office. Do you want to speak?

>> Hello, my name is Ryan nill, member of friends with the grove and improving neighborhood representation.

[4:59:25 PM]

Our organization supports the concept of the grove. And the -- specifically our membership voted nearly unanimously on a resolution that supports granting the entitlements of the grove necessary to create a dense, walkable mixed use community with an abundance of housing and jobs and a diversity of housing types and sizes. There are two possible concerns, small concerns. That remain. And one of them is our principals of conclusion call for connectivity. We're a little bit concerned about the loss of 45th street connectivity. Also on the parkland side, if -- in that same resolution we cited imagine Austin where in imagine Austin it calls for smaller parks accessible to greater numbers of people. So that's another thing that we want to make sure that we're not trading off additional jobs and additional residences for additional parkland. Thank you.

>> Mayor Adler: Just go on over there, please. Thank you. Margaret palace. And then, sir, you'll be next. Either one.

>> Okay. My name is Margaret palace, and I live on great oaks parkway, and I wanted to approach this in a slightly different way and to ask how we got to where we are now. And I would ask councilmembers to consider Austin in the past and how it is at present and what past councilmembers have done to contribute to our city. In particular, we know that Barton springs and the hike and bike trails are treasures in the city.

[5:01:36 PM]

Anybody who comes here, who visits here, or who lives here appreciates those aspects of our environment tremendously. It not only is good for our -- what can I say, mental state? It also is good economically. We're known for that kind of thing. And these were contentious issues in their day, but the past councils managed to get beyond that. They managed to work things out and leave us with an environment that we can be proud of to this day. Residents and visitors alike point to these features as really being jewels in the city of Austin. And I ask the present councilmembers to take all of these developments, including the grove, into consideration in light of these past actions. As we look at the city today, we're going through really hoteller skeletonner growth, and the strains are showing in every district, all through the city. I believe every development needs to be looked at very carefully, thought about very carefully and all aspects should be discussed because we're going to have to live with them for the entire time we live in Austin. So I urge you to really examine every issue extremely carefully and to do your best to ensure the best possible outcomes, not just for the present, not just for the next five years, but for the future, as our past councils have done. And I'd like to say that I support the mediated agreement, the mediated negotiation. And I hope you do too. And that's all I have to say. Thank you.

>> Mayor Adler: Thank you, ma'am.

[5:03:39 PM]

Sir? Fred Mcgee will be on deck.

>> Good afternoon, mayor, councilmembers. And thank you for this opportunity to speak. My name is John hoberman, live on west 49th street, have ever since 1980, live about a quarter mile north of the proposed development. My -- the topic that I arrived with is the matter of traffic impact, which has been addressed by three previous speakers in greater detail than I will. I'll just offer an observation about the process. Several months ago, I attended a meeting in this chamber with many others of the planning

commission. I was surprised to note that there was no traffic impact analysis. I picked up the statesman this morning and read the article on the mediated agreement, and, once again, I noted the end of the article that there is no traffic impact analysis. What has happened as we've seen this afternoon is that a few conscientious citizens have shown up with powerpoints to offer their own analyses, which are a little late to figure in the process. My own amateurish observation is that between 8:00 A.M. And 6:00 P.M., given 23 or 22,000 additional vehicle trips per day, the vehicle is going to be added to the neighborhood roads every one and one half seconds. I share the congestion concerns of the gentleman who presented the first of the powerpoints, and I'm wondering how it is that any sort of serious or credible traffic impact analysis somehow eluded the process that resulted in this mediated agreement.

[5:05:42 PM]

Thank you very much.

>> Mayor Adler: Thank you. Susan dial -- Fred McGee and then Susan dial is on deck.

>> Good evening, mayor and council. Thank you so much for the opportunity to speak. And I would like to wish you a wonderful dinner ahead of time. Why am I here? I don't live in this area. Y'all know I live in montopolis, but I guess I'm here to talk about what this looks like looking west from east. Up here on the screen what you see is the -- page 49 from my book, Austin's montopolis neighborhood. What you'll find in the top picture is the original blind deaf and orphan institute which was located on this P.U.D. Auto site. What you find in the picture underneath is the demolition of the buildings of the replacement campus after the original campus was moved to montopolis in the site of the montopolis drive-in in 1959. It was a segregated campus, segregated school for the deaf. Next one, please. What you'll find here is a picture of me in front of one of the buildings that was demolished in an "Austin american-statesman" story from 2008-2009. That was the last time I appeared before this council regarding this school. I didn't think eight years later that I'd be back talking about it, but alas, here we are. So what I'm here to do is to advocate for historic preservation in this case, P.U.D.S, special zoning category, we know this. We know that historic sites and environmental protections are supposed to be part of the agreement. It's my understanding that no city staff has analyzed whether there's anything historic at this site. You do not have a determination in front of you about that. Why? That's a problem. I think you should take time to cause your city staff and your historic landmark commission to render you a professional opinion about whether the original blind, deaf and orphan institute, a segregated state school for the education of the deaf, one of the most iconic ones in American history, should be looked at and whether provisions should be part of the P.U.D. Agreement to do something about that.

[5:08:00 PM]

Doesn't kill the P.U.D. I signed up neutral on this issue. I do not -- you know, that -- there's no way -- I mean, you know, I'm here strictly speaking about historic preservation. I know y'all have a lot to consider. This is something that should be -- the language in the P.U.D. Ordinance is very clear. You should not only not disturb historic sites and P.U.D.S, you should preserve, enhance them, okay? So that is part of the community benefits package here that should be part of your considerations, and I hope I'll address that going forward. Thank you so much for your kind attention. If you have any questions, I can actually talk you too about how I think some of this might happen.

>> Dr. McGee, thank you for bringing this up. We've been concerned about this issue for quite sometime speaking for the bull creek road coalition and the role I played before coming on to council. The quick question I have for you, would it be possible to do the archaeological inspection or excavation in advance of turning ground for the P.U.D. Development to find out what might be there? How -- what

steps would we take if we wanted in fact to do a survey to see what the archaeological remnants or what might be there? How -- what would we go about doing?

>> Well, the Normal driver for this type of work would be federal or state law. Sensation 106, for instance, of the national historic preservation act of the state antiquities code. In this case because it's a P.U.D. The city does have some authority here. Generally what I would recommend, the way I would envision this happening is you would first of all get a professional recommendation from your staff, from the city's historic preservation officer. If he can't do it utilize your historic landmark commission to furnish you with a professional opinion about whether an archaeological study is warranted. Based on what I'm seeing here -- and this is only a cursory analysis, yes, such a study would be warranted. What would normally then happen, given the other precedents I just mentioned is that the owner would then engage a private cultural resources management or archaeological firm to conduct such a study.

[5:10:07 PM]

And that firm would make a professional recommendation about how that would happen. It usually is done using mechanical excavation of areas that are of high probability. Then then generate a report, which in this case should be brought back to the city and evaluated by the city to make sure that the community benefits in this P.U.D. Are addressed. So it essentially would be a city version of what would be a state or federal process. And it's something that could be done by the urine methods. I mean, this is something that could happen within the sustained land use controls that the city already has in its portfolio.

>> Pool: The point I wanted to make is this is not new information and that we have talked about this informally and among the neighbors, and I think we have Susan dial is going to speak to this and she and [indiscernible] Have sent us some good information on the work they've done as far as researching it. I've done some of that myself when I was doing this kind of work at Travis county. So thank you. We --

>> If -- the key point I wanted to stress, councilmember pool, is that it would be irresponsible for the city to take the declaration of the nonexistence of anything there at face value. It is the city's responsibility independently evaluate the claims of these types of projects, especially in P.U.D.S.

>> Pool: I thank you for that because we have been diswaited from taking any real action on it so thank you for coming here today and I have been talking with my staff about this very thing so we are looking for how to go about doing it.

>> Thank you, ma'am.

>> Pool: Thank you.

>> Mayor Adler: Thank you. Susan dial? By the way, I also think there's some people that might be waiting outside the chamber. There's certainly -- they're certainly invited in the chamber and that does not mean you have to speak now. We'll take the break. We'll call back at 6:00 and everybody has that choice either to talk now or talk later. Yes.

>> Hi, my name is Susan dial. I'm a neighbor of the grove and you've heard from me on many issues associated with this P.U.D. As well as this issue that Dr. McGee just addressed.

[5:12:15 PM]

It's hard looking at the site today to believe that there was so much history that took place on this site. I'm going to follow up a little bit on what he said and provide a little bit more detail on why it is so significant and what steps need to be taken by the city ensure this electrician is protected. This school was the first state institution dedicated to African-American students, many of whom were the children and grandchildren of former slaves who had received no previous education. Amazing progress was made at this institution. There were faculty and students who developed and were recognized

nationally. To my knowledge, there are no sites in the state -- and I'm speaking now of historic and archaeological sites -- of comparable historic significance to African-American history. Given that history I was shocked to learn that no formal archaeological investigation has ever been conducted on this tract. This P.U.D. Agreement represents the last chance to do the right thing for this site. A representative for the Texas historical commission has stated that if the commission had legal jurisdiction over the grove development they would require investigation due to the fact that many of the state schools buried indigent wards on those state lands. The likelihood that graves will be encountered cannot be discounted. It will be necessary to have professional archaeologists survey and probe the property prior to construction activities and monitor initial construction to determine if graves exist. If burials are found, they will fall under the jurisdiction of the Texas state health and safety code, regardless of who owns this property. In looking through records for this property, I noted that 12 students died at the school in the first 20 years alone. I could not determine what happened to those remains.

[5:14:17 PM]

In addition to graves, what plan has been made for the historic features that most certainly will be encountered on this site? Foundations, systems, wells. There were no ar contingency wells on this property and privies. Will you bulldoze through them? Will you document them as should be done? Archaeologists know these often contain some of the most interesting historical artifacts here we find China, toys, jewelry. I have seen them myself. These types of remains will be our most tangible and personal connection to the past to the students, staff and faculty at this school can. They should not be thrown into a dumpster. You have the opportunity, the obligation to give this forgotten site the respect it deserves. Thank you.

>> Mayor Adler: Thank you I'm gonna call through the list of names here and see if anyone wants to speak at this time. Do you want to come down and speak?

>> I wanted to respond.

>> Mayor Adler: What?

>> I wanted to respond.

>> Mayor Adler: I'll call you up at the end and you can respond to earlier comments.

>> Good evening, council, Eric Goff. I'm here to say that I support the project and I'm glad that we're nearing the end of this. But I do want to advocate for the connection on 45th street. I understand that the nearest neighbors don't want that there but we're not accounting for the neighbors that will live at this site. The nearest fire station to the grove is at Hancock road and is from the north.

[5:16:17 PM]

And taking out the intersection at 45th street will make the fire trucks go around to the other side. I think that's problematic. In a safety concern, buses will have to be rerouted that will delay commutes along the entire route to go in the other entrance and finally those new residents will only have one exit point from their neighborhood. Again, I understand that if I lived next door to a new street I would be upset about it too, but we need to think about the residents that don't live there yet and how this connection that is important will be gone under the proposed compromise. In particular, the safety concerns but also just general access to the neighborhoods around them. They can be more integrated, those neighbors, if they have connection to their neighbors. And so I hope that you have a street there. If you don't, please have a connection there. Make sure that in the future you can build a connection. I would never advocate for a gate, but if you're gonna -- if you're going to have having at least have a crash imitate. I think crash Gates in general are terrible policy but the connectivity is so important and we need a street that connects this neighborhood to its surrounding neighbors. Please carefully consider

the impact of this street, this street isn't a profit margin for the developer, it's just making the development to be a good project. Thank you so much.

>> Mayor Adler: Thank you. Let me see if there are other people here that want to speak. Regina Allen, Chris Allen, amir choket, Kathy Tyler, Chris and Gina Allen I think are on here twice, Dee an freed D home, Karen frost, Josiah Stevenson, Ted sip, Jason meeker, Eric

[5:18:35 PM]

[indiscernible], liza Wimberley, Evan Gil, bill Oliver. Okay. Ms. Gallo, you had asked for transportation staff to come up and talk. Is transportation staff here?

>> Gallo: I think that what would be helpful was there obviously was -- is some concern with the traffic on bull creek, and there were some photos that showed the backup of the traffic. There was another gentleman that got up and said -- talked about the fact that it's only two lanes going from bull creek north it's only two lanes when you get to 45th and that the plan was to add -- to make it four lanes. I just think it would be helpful if you can talk about the intersection improvements that would be associated with this project.

>> Yes, thank you, council, Robert spillar, director of transportation for the city of Austin. You're absolutely correct. Today at some discreet peak times we do see backup along bull creek. We think largely that is due to two things. One, the influence of mopac of course being under construction. But then more importantly the phasing at the signal. Right now with only the two lanes going north there, one goes left, one goes straight through or to the right, we have to do what's called split phase, which means we basically have to give each direction its own distinct phase, which is very inefficient. With the new design as proposed under the development to mitigate the traffic impacts, we believe that the service levels will actually dramatically improve. Let me -- sorry.

[Laughter] There will be two lanes turning left towards mopac, one going north and a separate right turn lane on that northbound direction. There's also the provision of left-turn lanes on 45th street to take care of the left turns southbound. So, I guess, the point being is I do believe that bull creek will operate much more efficiently and that the -- although there will be obviously higher volumes, the congestion levels will be lower.

[5:20:49 PM]

Yes.

>> Mayor Adler: Okay. Ms. Pool.

>> Pool: So the widening piece is at the intersection, right?

>> That's right.

>> Pool: What about the rest of the road? Will it remain at the width that it is currently and will it be restriped? There was a schematic that one of the neighborhoods brought that showed a slip -- I'll say it wrong, a slipped road or something that showed parking on both sides and it was angled in. What is that?

>> So I believe that the one with the parking is an internal street and -- I'd leave it to the developer to confirm that.

>> Pool: That was the first time I had seen that, but you're saying that's not --

>> I do not believe that is correct. I believe that that -- he might be mixing up two different streets in there. But I would leave it to the developer to confirm that. The designs we've seen do get back to the -- at some point to the current cross-section of bull creek, which is appropriate. It's always -- it's not always intuitive, but neurolengths and widened -- narrow lengths and widened nodes which are the intersections actually does provide a capacity improvement there.

>> Pool: Right. So just to punctuate it, the road itself will remain the way it is now, but it will widen at the intersection with 45th street.

>> That's right. It flares out to serve each of the movements.

>> Pool: And then there's been some conversation about where the current bike lanes that -- that's one of the routes, north-south routes for our biking community. So what's the latest on where that bicycle commute route is on bull creek road?

>> Councilmember, I think that it is still consistent with the last time we discussed it in open discussion, that there was a bike lane that they thought they could provide.

>> Pool: I can't hear you.

>> There was a bike lane northbound, and I believe southbound, too, but -- I leave it to the developer.

[5:22:55 PM]

At the intersection there was some question about how we handled that. We had an off-street bike lane to be able to cross with the crosswalk there and then I believe you had asked could we extend that bike lane on north through the intersection and we'll make sure that we take a look at that between now and final third --

>> Pool: And I don't mean widening bull creek road.

>> Right.

>> Pool: Or the intersection, but providing the stripe, which I think may be there now?

>> I drove this just this weekend, and I do not believe there is a stripe there. There's also some parking on the street, not much, but some. So as your traffic engineer I would recommend that we continue the bike lane across for some short distance and then allow it to disappear until we've had a chance to do the full public process north of 45th street to put in a bike lane.

>> Pool: Then what about the sidewalks on both sides of the road at bull creek road?

>> I'll turn that over to the developer, yes, there's sidewalks that go all the way to the corner and the solution at the corner of 45th and bull creek was solved.

>> Yes, Robert for the applicant. I can respond to all of those questions, mostly confirming confirming what Mr. Spillar said, yes, there are protected bike lanes proposed on bull creek road both northbound and southbound directions. In addition there's also an off-street multiuse path that will parallel bull creek road all the way up to the 45th street intersection. There are two options for how a bike lane can go through the 45th street intersection. There's an John street option where -- on street option, that option requires a small degree of skew in the -- skew and was not preferred option for transportation staff. The other option is to basically somewhere back of the intersection allow that bike lane to basically pop up on the curb and join that multiuse path and carry that multiuse path up to the intersection which would allow a crossing in that way.

[5:24:57 PM]

I think both options viable, and I think there will be additional study of both options as we go through the site plan process and construction process on this. But the important thing is that there are good solutions for both and -- I believe your first question?

>> Pool: First question -- the piece for you to finish up on, sidewalk on both sides of bull creek road.

>> On the west side of bull creek road? That's -- there's an existing sidewalk on the west side of bull creek road essentially from Jackson up to 45th. There's no proposal now to add a sidewalk on the west side of bull creek road south of Jackson as part of the plan unless that becomes part of the additional sidewalks and traffic calming that was agreed to with the neighborhood.

>> Pool: So this goes to one of the schematics that a neighbor had brought, I think it was Mr. Lucas, where he showed the children were walking either to brecker woods or up to highland park and specifically the roads that connect Jackson with bull creek road, those are really narrow streets and they don't have any safety provisions for anyone walking. And so while this may not be something specific to what you are proposing, it is a collateral issue relating to the additional traffic and the additional pedestrian -- just the activity that will be brought to this area. And I don't want to lose that piece of the conversation. We just passed a tremendous mobility bond, and one of the things that I personally was advocating for was to have this much money in there for sidewalks and protected bike lanes, and so we need to take this piece and look at where it will be in our -- our prioritization. Prioritization.

>> Pool: Because -- and I know there's needs everywhere around the city but this is the one we're talking about right now.

[5:26:58 PM]

And it has been demonstrated pretty succinctly how much activity is on those streets and the fact that it's up to the city now to mitigate the activity that is being brought here by the development. They have offered to do some mitigation. They won't do all of it, and that's the not all of it piece that I don't want us to lose sight of at all. Would it be possible to bring to us some kind of a just sort of a roughed out time line or idea about what -- what it would take to start putting the infrastructure into these older neighborhoods that don't have the safety infrastructure so that there's an additional level of certainty for the neighborhoods that they'll be protected?

>> Councilmember, I believe that we are exiled to come before you with an early discussion of the bond as early as the 15th. Is that correct, Robert? And so that will give you some highlights as to how we're going to spend the bond up front. And then I think you will have opportunity to discuss how things are prioritized over the next number of months as we start to look at how to spend down that bond program.

>> Pool: That's really great, and I think the community would be cheered to hear that as well. Is that something where the neighbors can weigh in and ask that the city prioritize the safety infrastructure for the neighborhoods surrounding the grove.

>> I know the prioritization process as well as the ongoing bond process will have public input opportunities, yes.

>> Pool: And we'll be able to advertise that and get the word out so people can come --

>> Yes. Regardless of the bicycle design, whether at the intersection you're up on the path or in the roadway, we've heard that you want to continue it across to the north part there, and it's just a matter of how far north we take it. With this investment and then come back and do a more robust typical study to make sure the neighbors know of the potential impacts or the ramifications of putting a bicycle lane in there.

[5:29:09 PM]

>> Pool: That's great. Thank you. That's real helpful.

>> Mayor Adler: There are those two items and may be more that have come up in the negotiations as it was presented here that we need help or comment on from staff. One of them obviously was the -- the issue of the sidewalks. It would be helpful to know if staff could take a look at that and have a feel for where that would be on the prioritization level. I'd like to have that information. As we routinely and customarily do prioritization, given the fact that we have seen the numbers taking into account the increased traffic and potential cut-through that would be associated with this project.

>> Right.

>> Mayor Adler: The second one is that if we're finding a funding stream for that, we're going to -- if there's money outside -- if there's going to be money to the tune of \$900,000, where would that money come from? And different ideas or suggestions for how that would be handled, having staff take a look at that and getting back to the council quickly on that so we would know what that would be helpful too.

>> Yes. Mr. Mayor, I will ask the first question of the sidewalk program and public works and make sure we have that information for you. The second one, we certainly have the bond, but the larger picture is that, as you know, that as we spend money in one district, that may take money away from other districts. So I'm certain we will look for opportunities, but I'm not sure what resources that we have to provide you that won't have a secondary impact somewhere else, so we'll be certain to bring that to you.

>> Mayor Adler: Okay. Anything else for transportation at this point in the process? Yes.

>> I did remember what your first question was, which was regarding the slip road and want to go clarify that really quickly as well. The slip road is internal to the site. It would parallel Bull Creek Road, basically allow for a narrow one-way street that would allow for circulation and parking to support the grocery user proposed there.

[5:31:14 PM]

>> Mayor Adler: Okay. Thank you. Does the applicant want to respond to anything before we take our dinner break?

>> Thank you, Mayor, Jeff Howard for the applicant. Couple things. First of all, on the last point, there is a scope of a sort of sidewalk and traffic calming that has been discussed with the BCRC. We have that list and we're happy to share that with city staff. I think that represents the BCRC's priorities based on their file, you know, all six neighborhood associations' input. So -- [indiscernible]

>> We'll get that today to city staff to look at. Second thing I wanted to comment on briefly was comments from Mr. McGee. I found those helpful and interesting. I think what I understood him to say was he was recommending there be professional analysis to determine whether or not there would be a further archaeological study, and I just wanted to point out to city council that there was such a professional analysis done. It was done by the city of Austin in October of 2014 when they were looking at the site. They conducted an environmental site assessment which included a cultural resource assessment, and that cultural resource assessment which was conducted by an archaeologist looking at extensive public records found there was no evidence of any historic buildings of any kind and no reason to believe, therefore, had been any burials taking place on the site. I would also point out Mr. Ron Thresher who is here, happy to answer any questions, has done extensive research both in terms of oral histories, public records. This was a public school and has a lot of public information. It had to report to the state. We've looked at building plans. We've looked at information and none of that information indicates there's any historical buildings or sites on the property. Simply removed when the city put the latest building there and there's no evidence of any burials.

[5:33:14 PM]

We believe that such an investigation is not warranted based on the review we've done and I think the city had conducted an assessment themselves back in 2014. So I wanted to bring that to your attention for your clarification.

>> Mayor Adler: Any questions at this point? Ms. Pool.

>> Pool: We might get a copy of that. I think that was probably done before this dais was seated.

>> Sure.

>> Pool: So to the extent that our staff can help distribute that, that would be really helpful. And we may have some questions relating to that, just how it was conducted, what was found and under what circumstances was that inventory done. And since we have some people in the community who have some special expertise in this I would like to collide them in the distribution so -- include them in the distribution so they can have a look at it and give us their opinions and perspectives in response to it. I think it's a really important issue and we immediate to assure the community if indeed there isn't anything there to be found, that we have done due diligence to the best of our abilities so that there are no questions and that the trust factor is as high as it can possibly be.

>> I'm sure -- I will add, too, that we recognize the -- you know, the historical nature of the site and in fact we do intend to honor that. We've become familiar with some of the students and some of the leaders of the school, and we do intend to have a cultural program on our -- as part of our process to honor that. So thanks for those comments.

>> Mayor Adler: Thank you.

>> That was all I wanted to respond to at this time, mayor.

>> Mayor Adler: Thank you. It is 5:32, 5:34. Looks like we have about 20 speakers who have signed up at this point but certainly people could show up at 6:00 and sign up as well. Do we want to take our dinner break and then come back to hear the end of public speakers and to take a vote on the pending motion? How long a break do y'all want to take? It is 5:32 now?

[5:35:17 PM]

Come back at 6:15? 6:30? Sorry? We had some people that are looking for 6:00. The answer is -- so let's do 6:15. We'll come back at 6:15. We'll stand in recess.

[6:31:26 PM]

>> Mayor Adler: All right. I think we're back in the room. It's 6:30. We have a quorum. We're going to go ahead and continue with the public hearing. By way of orientation for people that have arrived, there is a motion pending on the dais to approve the mediation agreement elements made by Ms. Gallo. It was seconded by Ms. Pool. There's been some discussion of some amendments or thoughts that other people had that they have laid out something -- Ms. Kitchen, for example, had a pilot program where she wanted some of the affordable housing to go to service workers that work in the area. She laid that out. The mayor pro tem, who was with us most of the day, but has now left to represent the council and the city at an international conference where Austin has been the only city in north America to participate, she laid out some concerns that she had. And my sense is that we're not going to deal with any of those today, but to proceed with the -- on second reading with the mediation agreement as has been moved. And then this would be then set on the agenda for the 15th of December so that it was there and available should the council decide that at any times to take action on that thing.

[6:33:29 PM]

That catches you up. We are reconvening at 6:00 so that other folks can talk and I will begin with Mr. Oliver. You have people that have given you some time. Joyce [indiscernible]. Marion coffee. Debra distofemo. 12 minutes. If you want it.

>> Wow.

>> You don't have to take it.

>> The white album.

[Laughter]. Green album, excuse me. I'm glad Kathie is safely in the air.

[Laughter] I bet somebody else is too. My regard to the Burt Bacharach. Join in any time you like. This is a white shirt, I forgot.

♪♪ What the town needs now are better puds.

♪♪ These are lousy puds that you're pudding us. What the town needs now are better puds, not just for the rich, but for everyone.

♪♪ Mayor, we don't need another strip mall. There are Starbucks and boutiques near this spot. There are dime stores and dollar stores, enough to shop, until you drop, until you're out of dimes.

♪♪ What the town needs now is less concrete, not more busy streets flooding in the creeks.

[6:35:42 PM]

♪♪ What this pud brings down is stress, not peace. A row of noisy bars and thousands of cars.

♪♪ Council, we don't need another gridlock. There are condos and towers up to the sky. An affordable housing no one can buy.

♪♪ Mansions and McMansions side by side by side by side.

♪♪ What the town needs now are better puds. These are lousy p.u.d.'s that you're pudding us. Are you pudding us on?

♪♪ What the town needs now are better puds. Slow this process down and renegotiate... And since it's the holidays, we don't want no icky pud ag. We don't want no icky pudding any time of year. We don't want no icky pudding. We don't want no icky pudding any time of year

♪♪.

[Applause].

>> Mayor Adler: Is Gina Allen here?

[6:37:46 PM]

[Laughter]. So under Gina Allen I have Laura Leggett. Is she here? Is Monica --

>> I'm right here.

>> Mayor Adler: What about Megan Zepetelli? What about Liz Teaman. Gotcha. You have 15 minutes if you want it.

>> No, I won't do that to you. Good evening, council and mayor. My name is Regina Allen with the BCRC and I live in the Rosedale neighborhood. I've worked in Austin since 1984 in development feasibility, commercial appraisal architecture and residential remodeling. I'd like to have you look at the context of the area surrounding the Grove project to put it in perspective. Thank you. With the Imagine Austin plan. This site is surrounded by single-family development from the 40's and 50s besides a section of Bull Creek Road that was redeveloped in the last 10 years. Imagine Austin supports development on the corridors, but this project is located on Bull Creek Road, which is not a corridor and has limited transit opportunities. At the Grove site access to the nearest major roadway, Mopac northbound is through a single-family neighborhood. As an example of a good location with excellent transit opportunities in the area I would like for you to consider the Triangle project. The location of this project on two roadways with ample transit makes for dense development and more closely follows the Imagine Austin principles. Jim Duncan, the former Austin planning director and the current chair of the community advisory group for CodeNEXT stated in an op ed when it comes to development appraisals Austin needs to stop playing let's make a deal and start following proper plan and zoning principles.

[Applause]. If neighborhoods and developers would rely on zoning principles like those in Imagine Austin or those that come with CodeNEXT we won't be in these battles.

[6:39:47 PM]

If we knew what development standards would be consistent, neighbors would know what to expect. Mr. Duncan was referring to the Austin oaks pud. The current square footage of development proposed for the Austin oaks is actually less than the development proposed at the grove on tract B and yet the oaks sits on two major corridors. The Mueller project is also located on major corridors. Mueller is nearly 10 times the size of the grove. Did you is it you stayed the en-- but if you divide the entitlements of Mueller, you would have 645 residential units. The current requirements at the grove are over two times the residential requirement of the similar size Mueller and they have around 15% greater commercial and civic entitlement. These entitlements make for a very intense development that's not located on a corridor with major roadways such as I-35, 51st street and airport boulevard. Phase 1 of the domain and internal tract of Mueller, sites where you would assume greater entitlements due to their location or to transit corridors and yet once again we see more development planned at the grove. Crestview station, a tod, or transit oriented development on north Lamar, is the same acreage as the grove, but has less housing and five times less the amount of commercial as what is currently planned at the grove. Again the graph shows the greater intensity of the grove project especially when compared to the crestview station. Crestview station, located on Lamar, has transit and rail, and the grove is located within a neighborhood that is predominantly comprised of single-family homes. This concept of intensity is reinforced when you look at the total number of trips of crestview station on Lamar boulevard and the grove, over 23,000. Here is an aerial of the shops at Arbor walk at William cannon and mopac, another example of a site that is the size of the grove and is built with only 379,000 square feet of development, compared to the 2.6 million square feet that will be approved at the grove.

[6:41:56 PM]

We also don't show any consistency in planning when we discuss affordable housing. Here is an opportunity for the city to get a substantial amount of affordable housing and yet when city staff calculated the baseline for this project they didn't take into account any development constraints such as road, right-of-way, trees, parkland, cite kel environmental features, there by increasing the baseline entitlement. We need to get this right so we get the most affordable housing on this site we can and the baseline for the grove should not be higher than the entitlement of current profitable projects. A baseline zoning should represent something that is being replaced like at the Austin oaks. A baseline should not have more square footage per acre than a current transit transit or a current planned unit development. If we were a city that championed affordability our baseline for this project would be lower than the 1.892 million and not be a viable build out for 2016. We should set limits for developers and follow the guidelines for designing guidelines and principles. Thank you.

[Applause].

>> Mayor Adler: Thank you. Chris Allen? Is Brad parsons here? Is Brad here? Is Nick zepetelli here? Is Anderson Simmons here? Is Gary Culpepper here? You have nine minutes if you would like, Chris.

>> Thank you. So it's a bucket list item check for me to get to follow bill Oliver at a city council hearing. I think I'm a legit Austin activist now. I'm Chris Allen. Good evening to all of you. Thanks for being here tonight. I'm the co-chair of the zoning committee for the rose Dale neighborhood association. I'm an architect and been in real estate and development my entire adult life.

[6:43:57 PM]

Affordability. Y'all want to talk about affordability. Let's do that. We'd all love to find a simple and easy cure for Austin's affordability crisis, but we're grown ups, we know there's no magic bullets that will return us to the good old days of an affordable Austin. Our explosive growth has created a new expensive Austin. The best we can do is make sure we don't throw gasoline on the fire. Unfortunately I think that's what you're about to do. In October the city's imagine Austin staff brought strong towns founder chuck Moran to this room to give a talk on growth, sprawl and planning. During that talk chuck said that Austin is dealing with its affordability crisis all wrong by handing out massive increases in entitlement to developers instead in allowing incremental increases in entitlements that help to thicken up the development in our corridors and in our neighborhoods. Chuck looks at Austin's corridors and sees a whole lot of empty or unutilized land. He warns that creating the massive increases in entitlement for developers doesn't create affordability, it creates spikes in land values that make the market surge upward throughout the city and that not only increases the direct cost of the new housing that comes from the projects, it suppresses the creation of new housing as property owners hold out for the kind of money money they saw created with the new zoning entitlement. The grove will have an unprecedented level of entitlement. Even with its component of subsidized affordable housing, the grove as proposed will have a negative effect on affordability in the immediate vicinity and throughout the city. That's just what happens when you turn a 47-million-dollar piece of property that's not on a transit corridor into a billion dollar entitlement overnight. You're not going to create -- you're not just going to create a new enclave for the wealthy with this pud. Its arrival with also threaten the existing affordable or relatively affordable housing that's nearby.

[6:45:58 PM]

Bulldozers will breed like mosquitoes near this property in the next few years tearing down the more affordable older homes and apartment buildings to make way for more high dollar housing projects. The entitlement given to the grove will not only raise the value of the land around it, it will set a new standard for the price of state owned sites around Austin. The next time we do this the cost of housing will even be higher. What chuck and most other planners advocate is an incremental approach to entitlement. If our zoning and planning decisions encourage the replacement of the empty or outdated development along our corridors to thicken up the density with modest scale redevelopment while adding duplexes and ads to our neighborhoods, Austin could absorb more population without making the cost of housing rise even faster. An added benefit of incremental development is it brings small businesses back into development where now only those with the deepest pockets can play the high stakes development game. For city councilmembers the greatest benefit of incremental development may be that there's less controversy. These ridiculous increases in entitlement come with a guaranteed fight every single time. Why create an atmosphere of war between developers and neighborhoods in every part of city when we can have peace and help slow the increase of housing costs? Austin has many great developers who take pride this their work and build communities we all profit from, but others are more interested in building entitlements for a quick flip. Most of you share my desire for more affordable housing on this site. We all want more, but I caution if you start horse trading more commercial square footage in exchange for additional units of affordable housing, you're going to be exacerbating the problem. This development is a threat to existing affordability citywide because of its outrageous scale. Please don't make it worse. Developers and reca have been working hard to spread the myth of supply and demand in Austin, explaining to many of you that the solution is to build, baby, build.

[6:48:01 PM]

Development isn't liking a, where supply and demand are the most important factor in cost to consumers. Apples and Oranges fluctuate in cost depending on how the weather affect the the crop, but development is more complex. Developers carefully control the amount of product their releasing to the product because they and their investors and enders will never intentionally create a buyer's market. Chuck Moran was ahead of the curve in explaining to cities across the country that they can't build their way out of a traffic problem. A few weeks ago he stood right where I'm standing and told the audience that can't can't build its way out of an affordability crisis. It's just an urban myth. Being spread by cynical people. Let's work to put it to rest in 2017 and work together to create real answers to Austin's issues with affordability. Thank you. I'm around if you have any questions.

[Applause].

>> Mayor Adler: Next speaker is Amer charquet. Kathie Tyler? Take your time. On deck a Deann Freel.

>> My name is Kathy and I live within 500 feet of the grove site and have lived there for 17 of my 36 years here in Austin. And I wanted to -- I'm following Chris' remarks on affordable housing, but I wanted to thank y'all for taking such a concern about affordable housing, each one of you have in your own way, and I really appreciate it. I think what the headline for Austin is is six neighborhoods have consistently for two and more years asked for affordable housing in our neighborhood.

[6:50:04 PM]

I don't know --

[applause]. I don't know that that's ever happened before and I think it should be celebrated and I think it should be honored. And I'm very pleased that the bcrc has given it such attention. We created an affordable housing committee that I was two years ago and it consisted of Mandy demightio, Gina Allen, rob and -- Bob, I'm going to kill his last name.

>> [Indiscernible].

>> Thank you. And I think I'm skipping -- Liz Mueller whose parents live in Westminster. And Liz had developed a survey which Bob administered -- asked the Westminster staff to administer to employees who as we would suspect were very interested in living on the site and have 30 to 50% mfi income. So it's a challenge to do that, but if we could do that for Westminster, for folks that work at Randall's, at central market, at Seton, we have so many employers in our neighborhood, it really action sass certify baits the -- exacerbates the need for that. I really appreciate the developer has been looking at affordable housing since he started looking at this too. So I just appreciate that. Thank you very much.

>> Mayor Adler: Thank you.

>> I'm going to donate my time to

[indiscernible].

>> Mayor Adler: Why don't you tell the clerk so she can log it in that way. That makes the next speaker Karen frost.

[6:52:07 PM]

And then Josiah Stevenson. Ted siff. Ted siff? Josiah, come on. You have three minutes.

>> Thank you. So I work downtown and my wife is a student at UT pharmacy school, and we live in the triangle -- right by the triangle, which is very close to this development and it's another mixed use with a lot of commercial and retail, which is great for me and the other people who live there. And I'm just here supporting more development like that in Austin because a substantial portion of Austin -- in fact, a majority of the city are renters and, you know, we move -- we are in the position of renegotiating our housing costs every year when our lease is up. Many of us will move around Austin several times in the next decade, and every time that happens more options is better and so I urge you to support this

mediated agreement. Everybody in this room has things about the mediated agreement that they would change. I would like more market rate housing. I think the cap at 15/15 that they've arrived at is way too low because, you know, most of the city makes somewhere between the 50,000 and the 200,000 and they will never -- they won't qualify for the subsidized affordable and they'll never be affording the sf 3 in rosdale on the other side either.

[6:54:18 PM]

So we need more missing middle. So thank you. Please vote for approve.

>> Mayor Adler: Thank you. After Mr. Stevenson we have Ted siff. I'll call that name. And then Jason meeker. Is Mr. Meeker here? Then would be Andrew Colson. With liza Wimberley on deck.

>> Good evening, Mr. Mayor and councilmembers. I'd like to implore you to consider the geographical context where the area where this development is going in. It's going in right in the middle of multiple neighborhoods on neighborhood collector streets. It's somewhat unprecedented in terms of developments. And I might add not in line with imagine Austin's recommendations for development as well. Of this compatibility is just one of the many issues which are at least in part addressed by the mediation agreement between the bcrs and the developer. I ask that you honor this agreement at a minimum. Some other important aspects of the agreement are safe streets providing safe egress and ingress to our neighborhoods, keeping them walkable and bikable. We already have safety issues in our neighborhood streets with people trying to cut through to various areas around my neighborhood in particular, which is ridgely. Find out that they can't and speeding up my road as fast as they can.

[6:56:19 PM]

It addresses to some extent our drainage issues. We'd like to see more, but anything will help. We've had lots of drainage problems. We're not entirely convinced that those will be addressed and certainly not without implementation of the agreed upon plan. I believe the noise cutoff is important. We hear noise right now from all the way down at downtown Austin from stubb's that echos up the valley. I believe some kind of study was done that showed that that -- the noise we hear is coming up shoal creek creek bed because of the nature of the inversion of temperatures, and this will be exacerbated by potential outside music events as well as bars and restaurants. This noise will go up and down both directions and affect neighborhoods for miles around. The agreement also addresses parkland. This has been a big issue for everyone and we all want to see that there's parkland that's managed by the city, not by a commercial establishment and get along with the general population, and of course general compatibility. We're dumping 25,000 trips on neighborhood feeder trips from a huge unprecedented development that just isn't compatible with residential neighborhoods surrounding it.

>> Mayor Adler: Thank you.

>> Thank you for your time.

[Applause].

>> Mayor Adler: The next speaker is liza Wimberley.

[6:58:20 PM]

Is liza here? Then is Evan gill? Is Mr. Gill here? Arlen abackian? Would you like to speak? Mr. Abackian. You have three minutes.

>> Okay, thank you. Good evening, mayor and councilmembers. I am art nobackian, I'm from the oakmont heights neighborhood association. Oakmont heights is one of the member neighborhoods of the bcrs and we participated in the mediation. Our neighborhood is immediately across bull creek road

from the proposed site, and so we have a great interest in what happens. We've communicated already our support for the agreement and are urging that you also support that. But I wanted to come in person and reiterate that fact and to emphasize how the agreement will address some of our concerns. In particular compatibility and an important safety and traffic mitigation plan. And so I wanted to emphasize those things and to urge you to also consider the funding of that plan, which is very vital to making all of this work for everybody.

[7:00:24 PM]

So I appreciate this opportunity. Thank you.

[Applause]

>> Mayor Adler: Carolyn Mixon. And with Ms. Freedholmes donated time, you have six minutes.

>> Six, all right. Good evening. Thank you for being here and listening to our neighbors' concerns. I'm Carolyn Mixon. I live directly across from the extension of Jackson Avenue which has been proposed by ARG. I and many of my neighbors support the negotiated agreement between ARG and BCRC which calls for elimination of this extension. This extension has been considered at the expense of and without the input of our neighbors simply because Bull Creek will not support ARG's proposed density. No study has been published showing how many additional cars and trucks will be passing our streets. Or how many cars the Jackson extension is expected to carry. And how many will be turning into and out of the property via West 45th. This extension adds increased risk and difficulty for drivers attempting to exit Chipperow to go westbound on 45th where Trent -- on Chipperow, West 48th and Finley. If you would look at the map. Chipperow is directly across from the extension. Drivers -- those of us who have lived on Chipperow since the 1980s have seen what happens when westbound 45th backs up past our street.

[7:02:29 PM]

Car after car speeds down our street, curves around on West 48th looking for another way to access Mopac. As you can see from the map, these streets unbeknownst to most exasperated drivers only connect to Bull Creek or West 45th or Hancock with no direct connection to transit corridors. Our moderate income residents have no sidewalks on narrow curving streets where many neighbors walk dogs and children ride bicycles and walk to school. In addition, the proposed pedestrian hybrid beacon will be at the top of a hill with obstructed view, where traffic is typically speeding up to 40 to 50 miles an hour east and westbound. Lastly, the previous speaker who spoke in favor of the extension due to emergency vehicle access does not live in our neighborhood and was incorrect about fire station locations. There are two fire stations, much closer than the one he mentioned, which have direct access to the development via Hancock and Bull Creek. I ask that you support the total negotiated agreement between BCRC and ARG and specifically that you support the elimination of the connection of Jackson Avenue to West 45th. Thank you.

[Applause]

>> Mayor Adler: Thank you. Bob Ward. After Mr. Ward it's Ernest McKinney. Mr. Ward.

>> [Inaudible]

>> Mayor Adler: You are donating time to a subsequent speaker. Okay.

>> Hello, thanks for letting me come down. I'm Bob Ward, chairman of the commission. And I just want to come down and tell you that when we look out at the Grove property, we see not only the development potential -- in my day job I do real estate -- but we look at the historical landscape and the stories and real people that live there.

[7:04:35 PM]

That wasn't just a building, it wasn't just one of the oldest African-American schools in the state, it was a living environment and there were a lot of stories and things that we need to learn from that area. And we would like to see that done. I know some people have come down and already talked about the school itself. I want to say a little about the person who was the superintendent of the school, William Holland. I don't know if any of you know the name William Holland. William Holland was a slave, he was born into slavery in Marshall, Texas. His mother was a slave, his father was a white man called Bird Holland and they are both buried at Oakland cemetery on opposite sides of the main street, one in the African-American section, one in the white section. In the only did Bird send his two sons up to Ohio to get them out of the civil war, but they both joined the union army and one got the medal of honor. One of the first Fannie Mae medal of honor winners was Bird's brother. Bird came back -- I'm sorry, William came back to found prairie view A&M and then he was appointed by -- by the governor, governor Saul Ross to lead the school. So I think it's a very important school to look at, and all that we ask from the Travis county historical commission is that we respect and protect and educate on that site. I heard someone say earlier that there's been some CRM work done on the site. We haven't seen that. That would be great to have and have it in our archives. But if not, and if the dirt has not been turned, we would recommend that there be a qualified professional CRM firm to at least monitor the dirt when it's being turned during this development. And it would also be great somewhere down the line to do some sort of educational kiosk, to recognize the presence and the existence of the school and the contributions of William Holland to that -- to that site.

[7:06:47 PM]

So that's what we're asking for and we just leave that to you. Thank you.

[Applause]

>> Mayor Adler: Ms. Pool.

>> Pool: I wanted to thank you for talking about William Holland. There were two additional pieces of information about him that I think are notable that you may know, but maybe just didn't include. He -- he served in the -- in the state legislature. He was a representative and he represented I think it was Waller county, and I think back in the 1800s you would represent an entire county or more than one county as a representative. And you probably remember that. And then specific to Travis county, he was a county commissioner when he came back to Travis county. He was the first black African-American county commissioner in Travis county. We did -- together we did some research on this gentleman for a history project at Travis county.

>> Yes, that's right. Thank you very much for bringing that up. Thank you.

>> Pool: So the point is that there is a lot more to be said about this site that builds on the Negro orphan school for the blind and deaf orphans, and that Mr. Holland was instrumental in founding with some of the other city fathers in Travis county at the time. And so to the extent that we're able to, we need to be able to watch what's going on at the site to see if there are some artifacts to be found. And then I think it would be entirely appropriate for us to do some kind of a representational plaque or more than that, some kind of a history piece that would convey the importance of the work that Mr. Holland did there on behalf of Travis county and the state of Texas, and he was -- he proposed the legislation that founded prairie view A&M.

[7:08:56 PM]

>> That's correct, and you know, there's a great precedent. There are other developments in town that I have watched and helped monitor that where CRM firms were brought in and they not only resurrected

some of the history of the site, but used that history as part of the pr for their project and have incorporated the artifacts and I know at least one project over in east Austin where they donated the artifact to the French ligation. I think it's the least we can do to this very important historical site.

>> Pool: This is a piece I'll be bringing back on third reading so we can look at this and not lose that piece of history. If there is anything that you have that you can offer to my staff, we're actively collecting bits of information so we can understand what process would be necessary so we can properly represent it.

And I think Susan dial and Aletha are also working on that too. But I really appreciate your help.

>> Our commission will do anything we can to help facilitate whatever you desire to get done.

>> Pool: Thank you so much. Appreciate it.

>> Thank you all.

>> Mayor Adler: Ernest Mckinney.

>> [Inaudible]

>> Mayor Adler: Bernice salame, mice. I'm sorry. Take your time.

>> Hi. I just wanted to say that I really hope the agreement that was reached stays intact and I live right by the grove and I actually drove by it on the way home from school today and I was thinking, and a lot is going to change when it starts getting developed and I hope it changes for the better. And since this is going to set a standard for how it's going to be developed and how developments are going to work in the future, I really hope that -- that it sets a good standard and a standard that I agree with.

[7:11:10 PM]

And so even though this mediation agreement might not be perfect for everyone, I think it's good enough and it needs to stay good enough. So thank you for listening.

>> Mayor Adler: Thank you.

[Applause] Gigi Taylor. And Scott Farnsworth is on deck.

>> Donating my time

[inaudible]

>> Mayor Adler: Okay. Do you want to pick one?

>> [Inaudible]

>> Mayor Adler: Okay. Go ahead.

>> Hello, my name is Gigi Taylor. I live [inaudible] Grove and I have a very simple, quick message. Just please honor the mediated agreement. All the various parts of the agreement connect with each other. Please approve the mediation agreement as it stands. Any revisions should only be accepted outside the bounds of the mediated agreement. You know, our country right now is experiencing such turmoil. The last place we need is more turmoil within our communities. One thing that maybe you are not aware of is kind of the stress and the anxiety that's been caused within our neighbors, friends against friends, neighbors against neighbors. It happens on our list serves. List serves used to be about lost kitties and bake sales at Lamar, but it's gotten really, really ugly and it's, you know, now on Facebook and it's really stressful. So I urge you to accept the mediation and to bring our community back together. Thank you.

[Applause]

>> Mayor Adler: Thank you. John greasen. Take your time.

[7:13:10 PM]

Karen Farnsworth is on deck and our last speaker.

>> [Inaudible]

>> Mayor Adler: You have six minutes.

>> Hello, mayor and council. I'm John greasen, an electronics engineer. I've lived in Austin since '75. I live in the rosdale neighborhood on 39th street. And I'm -- I was asked when I started am I for or against and I'm just going to make a comment that you can use however you need to. There's a question about the grove is has enough been done to mitigate an increase 50 acres of impervious cover runoff so there's no increased loss of life and property at the Jefferson street park where houses used to be by the creek. And that was just downstream of the grove site. I understood that there's no retention ponds planned in the grove plan so far, and it seems to me like you need enough to handle a three-inch rain on the increased concrete in the site. However much water that is, you would want to retain it. Thank you very much.

>> Mayor Adler: Thank you.

[Applause] Karen passed on her time. That means that those are all the speakers that have signed up. We are now back up to the dais. We have a motion and a second to approve what had been handed out, which was the mediation agreement. Does that also close the public hearing? Yes? So on second reading only, moved and seconded.

[7:15:13 PM]

Is there any discussion before we take a vote at this point? Yes, Ms. Pool.

>> Pool: Do we need to have a motion to close the public hearing? I would be happy to make the motion.

>> Mayor Adler: We can make it part of the motion. I was just going to make it part of the motion on second reading. Ms. Pool moves to close the public hearing, seconded by Ms. Gallo. Those in favor? Those opposed? Everyone on the dais with mayor pro tem gone. Garza gone. Mr. Zimmerman gone. We're now to the motion to approve this on second reading. Is there any discussion before we vote? No? Ms. Gallo.

>> We do have the items the applicant was requesting that I handed out on the dais earlier. Do you want to go through those? It's your desire.

>> Mayor Adler: Why don't you go through those.

>> As I said, there were 13. I think the three go away. This sheet I handed out earlier this evening, should be on the dais in front of you and these are items that are not included in the motion that's called the agreement that was laid out by councilmember Gallo earlier, but are being requested by the applicant. I'm not going to read these word for word. The first one titled ordinance item 5c.

>> Mayor Adler: I'm going to interrupt one second. The Z.A.P. Meeting, the zoning and platting meeting is being held in the board and commission room in case anyone is sitting in here waiting for the Z.A.P. Meeting, we've taken over this space. Go over to the board and commission room.

>> First one is to change the ordinance item, section 5c, and this is to delete the baseline. The ordinance currently identifies a baseline. The proposal that the applicant is proposing would go with just strictly what we call tier 2 affordable housing and would not do tier 3 affordable housing.

[7:17:14 PM]

I'm going to get to that in a moment, but it would be to take the baseline out. If you decided not to do the tier 3 or waive the tier 3 with this pud ordinance we would not need a baseline so the applicant is asking we take the baseline sentence out of the ordinance. The second part is to change part 7b3 to read that the grove pud shall exceed the requirements of city code 25-2-118 by irrigating 100% of the landscape ... Subchapter C or equivalent area with storm water from impervious surfaces on the site. The applicant has spoken with the city environmental staff about this and he has agreed to this amendment. The second part would be to amend part 7-1 to amend it to stay must be located outside

the erosion hazard zone, instead change it to must come by with the city of Austin drainage criteria, manual appendix E, erosion hazard zone. I believe this has to do with construction of the proposed bicycle and pedestrian bridge across shoal creek. He is not amenable to this. The next part amendments -- those are already included in the already proposed motion. The agreement with bcrc so it's not necessary to consider those amendments. On the second page we have part 9a which is -- which is being proposed to be amended to shall be funded by the applicant, will be changed to shall be funded by the applicant as provided in the most recent tia memo on file with this case. Staff is agreeable with that. Clarification we're using the most recent tia memo. Part 9d is attend to and if the bridge is not constructed cross shoal creek the fiscal shall be used for pedestrian and bicycle improvements.

[7:19:23 PM]

This was part of the original Z.A.P. Recommendation so we're okay with that. The next part 11a1 which amend to include addition of parking structures to [inaudible] Parking structures. This was just simply a mistake in wording. Staff is agreeable with that. The next is to add part 11b11. Mr. Hout has a rather lengthy explanation, but what he is asking is as part of the pud ordinance, the city council waive what's called the density bonus, also known as tier 3 of the pud ordinance which requires mandatory affordability -- affordable housing above and beyond baseline. So I think we could -- we don't really need a paragraph there. We can just say that section 2.5 development bonuses is added as one of the code modifications. On the land use plan, there are two amendments, I'm not going to read them, but one is to clarify that the locations of the bus stops may be included within the pud and not necessarily on bull creek road. There is a proposal cap metro is considering to reroute 19 bus or change it and one would be to clarify they can be within the project as well as on bull creek road. Then finally, on sheet 3, on the land -- note 12 which says that proposed to say no portion shall be counted towards the total office and not-for-profit office commercial limits prescribed within the pud. Myself speaking as the zoning staff actually oppose this proposed amendment. As you know, the commercial and the office pieces have been probably the two most discussed portions of the discussions between the neighborhood and the applicant. According to city code, live work spaces built to commercial standards and is considered to be a commercial building, commercial or office. And we would be opposed to the idea that even though it is built as commercial and office it would not count towards the commercial and office caps.

[7:21:29 PM]

And then finally there is a typo on page 17, 3.4a and B, there are two note 2's. In summary three of the things already incorporated in the agreement. The one regarding the portions of the bridge to be built in the erosion hazard zone the environmental staff is opposed to and the proposal to not include the live work space in the commercial the zoning staff is opposed to. Other than that we're okay with all the amendments Mr. Howard is proposing.

>> Mayor Adler: To be clear the ones you are not okay with is the part 7.1. That was Mr. Wozniak saying no. The other one?

>> Proposed amendment to the land plan which is the second to last one on sheet 3. The sheet 2, note 2, take live work out of the equation for commercial space.

>> Mayor Adler: And the other ones you are okay with.

>> And I think the three of them go away because they are already incorporated in the agreement.

>> Mayor Adler: Do we have legal that wants to talk to us about some of these? Jeff, I'll call you up in a second.

>> Thank you. Mitzy cotton, assistant city attorney. I'm passing out a motion sheet and I apologize it was drafted thinking it might come from a council so it has a script. But if you look at the language, both the

applicant and the brcr representatives have reviewed it and it just different language that accomplishes the same affordable housing compromise that was reached. By the parties. So this is just includes some language that was not -- not in the draft.

[7:23:30 PM]

Previously -- the changes previously provided did include a couple of cleanup items so this is pretty simple and it just goes through and from the ordinance and backup, I'm sorry, of the changes that came from the compromise. I can walk through those if you want so we are adding the -- an additional 2.5% multi-family affordable housing with the 10% of them at the 80% at or below mfi and the additional 2.5% at 80% at or below mfi. I think I got that right. And then on the owner occupied same thing where it was 5%, we've added an additional 1.2%. That will be at incomes of 120% of or below mfi. And the rest cleans up to make that clear and, of course, changes is incentive amount to the 10.2 million and also adds the language about the other lawful funding mechanism that was discussed earlier. So this is a pretty easy fix that both parties seem to be okay with. Legal is here to speak to the one that is trickier, parkland issues and an issue regarding the noise mitigation.

>> Mayor, can we take these one at a time?

>> Mayor Adler: I'm getting confused a little bit here because -- I'm most comfortable doing those things which are part of the mediation agreement that both sides agree to. I'm hesitant to do anything beyond that.

>> Kitchen: Mayor? I'm sorry, I didn't mean to interrupt.

>> Mayor Adler: So I'm trying to identify what are the things in front of us that both sides agree to and believe were part of the mediation agreement.

>> Kitchen: Mr. Mayor, I'm not comfortable doing any of this language because we haven't -- we've just now seen it and I know it's carrying out the agreement.

[7:25:40 PM]

I'm comfortable voting on the agreement which we passed out earlier today which enumerates what the components of it are, but I haven't had a chance to really look at the language so I'm not comfortable voting on the language.

>> If I could --

>> Mayor Adler: This is the agreement. That's the question I'm asking.

>> Kitchen: This is the agreement. This is language that carries out the agreement, okay?

>> This is not the agreement. This is not the affordable housing agreement, it's a separate document. This is amending the ordinance. In other words, if you look at number 2 of the attachment a, it talks about specific amendment language. And this is our preferred language that includes additional things -- they got very specific about how to amend the ordinance and there were a couple of things that they missed some details that we were putting in here. So this is not -- there will be a separate affordable housing agreement. This is amending part a of the ordinance.

>> Kitchen: So this language is exactly the same as the language that was -- I haven't compared it yet, as was passed out to us earlier today.

>> No.

>> Kitchen: I'm just really --

>> No, I'm sorry. I haven't passed it out. What was passed out -- what this is in response to from my perspective is number 2 in attachment a.

>> Kitchen: I just am -- I'm just not comfortable because we -- and if I'm the only one, fine, that's, you know, I'm just saying that I'm just now reading this language and I'm sure it's fine and sure it carries out the agreement, but I haven't had the chance to really think through that it way.

>> Mayor Adler: Here's my issue and I could be wrong on this too. We have parties that have reached a mediation agreement. When I started out I wanted to give the greatest effect to what they had done so that the attorneys could start drafting consistent with that. So if what we're being told is is that this is -- because we haven't seen much of the language much before 24 hours anyhow.

[7:27:43 PM]

So if this better enables them to meet what was the original intent of mine this morning which was to effect what the parties had agreed to and if the parties said this affects that, I would do that so staff could start drafting that way. With respect to -- if it was written in a way that made it awkward or incomplete I would rather them to fix it than to be drafting in a way they knew was wrong or inappropriate. To the degree that it goes beyond that and we're introducing a new subject area or a new issue, then I agree with you with respect to that and I'm trying to differentiate between those two things.

>> Kitchen: I will try to read through it right now. I'm still not -- I'm sorry, I'm --

>> Mayor Adler: Help me understand better what this is. Is this part of the mediation agreement between the parties?

>> Correct. In other words, part a in the ordinance before you that was in backup is the affordable housing section of the ordinance. And it did not include the additional 2.5% affordable multi-family rental housing that was agreed to by the parties. That's at 80% or below. And the 12.5% at -- I'm sorry, I keep getting these numbers wrong. It did not have the additional 2.5% multi-family, it didn't have the additional -- hold on 1.25% of the owner occupied. So that's what's been added.

>> Mayor Adler: So since it's important to me since the agreement was to go from 10% to 12% and from 5% to 6.25%, I would want a draft to reflect the higher levels of affordable housing rather than the lower levels which is less than what the parties agreed to.

[7:29:45 PM]

>> Kitchen: If I'm understanding the motion sheet says amend part aa of the ordinance to change 10% to 12.5%. So that's what you are doing here is you are carrying out this a through H of what was passed out earlier.

>> A through F. G and H are exhibits, but right, a through F on number 2.

>> Kitchen: I still would appreciated having it earlier.

>> We actually got this this morning.

>> Kitchen: I know, but I don't understand, I thought we were voting on this to then -- then you would take this away and then make the changes. But okay.

>> Mayor Adler: So those things that reflect the right wording for -- what we were handed out earlier is what the agreement was and things we need to do. You have now had a chance to put it in language. We have a week to look at it. Are all the things on this motion sheet the things that are affecting this in the way you would think it needs to be written?

>> Yes, that's what this is is 2a through F on attachment a.

>> Mayor Adler: Okay. It's -- it's only the part 8 changes that were shown on items 2a through E of the handout.

>> Yes.

>> Mayor Adler: And F.

>> And there were actually a couple of things necessary to make this happen that weren't listed here, a couple of minor changes about the -- if you look on page 2, 3a and B so that the resale restrictions reflected the change this the numbers. So that was not in a through F, needed to be done.

>> Mayor Adler: In order to effect --

>> Correct.

>> Mayor Adler: Is there a motion to include these amendments so that -- we've been talking all day about going from 10 to 12 and I would like to adopt language that does that.

[7:31:49 PM]

Is there a motion to incorporate these in Mr. Casar moves that. Is there a second to that? Second?

>> Gallo: Can I ask a question first. Can we ask the applicants and the bcrs if they understand that what we're being told is correct? I mean it makes sense.

>> I think most important is I don't have a copy of what you are talking about and can't even look at it to see. Give it to me now, she's sat down.

>> Mayor Adler: If we don't do this, are we not getting the full amount of the affordable housing that we said we were going to do?

>> Pool: Mayor, if I could offer -- councilmember kitchen has found another item that is in one document and not the other, the 40 years and 99. I think that there may be -- there may be some bits of this that are truly typo fixes or renumeration that can happen that are indeed housekeeping.

>> Mayor Adler: The 40 to 99 was the change up to tovo was going to bring as separate agreement, but she suggested that was something she suggested doing, just like you suggested an amendment that was one of the things she was suggesting for us to consider over the course of the week.

>> Kitchen: I know, but we're not adopting those yet.

>> Mayor Adler: No, no, you are saying it's already shown as 99?

>> Kitchen: Yeah, uh-huh. Understanding why the staff needs to have this adopted today in order to move forward. It just -- just to give everybody time to look at it.

>> Mayor Adler: In part because I'd rather it say 12.5% rather than 10%.

>> Kitchen: It's going to. We are adopting this, which says they are going to make the changes to 12.5%. So the staff can take this forward and then we all have time to look at the language we're actually adopting.

[7:33:52 PM]

>> Mayor Adler: Without having to adopt -- without having to adopt this motion sheet, since we're adopting this sheet, this -- you don't need this adopted now, just incorporate this in your write-up.

>> As long as we can clarify that where this sets out things in quotes as exact language, that the law department would put this into language that fits into the ordinance. Because some of the ways they have used these numbers are a little different than the way the rest of the ordinance used them which is why it's redone. So as long as we understand that we can draft this --

>> Mayor Adler: What Ms. Kitchen said, to the degree you are trying to effect those, use the appropriate language.

>> Kitchen: That's correct, but we're passing this on second reading so we'll see these other changes when we come back for third reading.

>> Mayor Adler: That's fine. Ms. Pool.

>> One clarification. When we pass on second reading where there is specific language in the attachment a, are you -- is what you expect is the ordinance and backup for third meeting to have the language verbatim as in the attachment and then these things shown as a change or can we just make

these changes in the ordinance, if you understand what I'm saying. Attachment a is very specific as to language.

>> Mayor Adler: I think what Ms. Kitchen was saying it's the intent of that and if this language they are doing that is the wrong way to do that, then use the correct way to do that. Is that right?

>> I can do that.

>> Kitchen: That's right. You know, I think we always want to see the language and make sure we're on the same page and understanding it doesn't change the intent. So that's why I'd like to see the language before final.

>> Mayor Adler: Ms. Pool.

>> Pool: There are some other items on the change sheet, the three pages, that Mr. Rusthoven walked us through, and if we are going to allow staff to make some of the cleanup housekeeping type of fixes, I wanted to be crystal clear that does not include some items and I will read those items.

[7:36:02 PM]

That part 5c, the very first one, that was the one the mayor pro tem asked us to hold off on for her to be here so we can have the baseline conversation with her and all of us will benefit having the play of tier 2 and tier 3 with regard to the bonuses and affordable housing. That's part 5c. The second one is the part 7.1. This is the one that our environmental officer has concerns with so that one is pulled out. We have a couple that part 8a, B, F are I think somewhat redundant and those are the ones I would classify as Ms. Cotton has as cleanup. 9a, d1, 11a1. I would ask we hold for the mayor pro tem's conversation the code modification that is adding part 11b-11. The dais needs additional understanding on the ramifications of that. The others land use plan on the bus stop note seems like that's a cleanup. And the last request reflects what Mr. Rusthoven was seeing I. Saying on sheet 2, note 12, that has specific impacts on numbers of units and so I recommend that we hold off on that.

>> Mayor Adler: So stated differently, make sure I understand, in addition to that last instruction, we're talking about adding part 7. B.3. And that's the only one from that front page.

>> Pool: No, that's --

>> Mayor Adler: Because the other ones were already included.

>> Pool: The others referring to those.

>> Mayor Adler: 8a, B and 8f are already included. The only thing we're adding on page 1 is part 7. B.3.

[7:38:04 PM]

We're not going to do the first because the mayor pro tem wanted -- the only one is 7. B.3.

>> Pool: There were two on the first page.

>> Mayor Adler: I thought we were going to wait on 5c because that was leading to tier 2.

>> Pool: Are you saying which ones we're holding on or which ones we're including.

>> Mayor Adler: Approving.

>> Pool: There's two we are not approving on page 1.

>> Mayor Adler: There's more than two we're not approving. The only one -- I was going to say affirmatively just to make it easy. The only one we are approving is 7. B.3. The others we are not approving. On page 2, we were approving 9a, 9d, 11a1, but not nn and the sheet 1 bus note. And sheet 2. So the ones -- there are six we are affirmatively approving, the first four and the last two on that page.

>> Pool: Five. There's five on that page.

>> Mayor Adler: Right, five. First three and the last two on that page. Then on the next page, only the last one.

>> Pool: Yes.

>> Mayor Adler: Okay. Is there a motion to do that? Ms. Pool moves. Ms. Gallo seconds to amend the motion to include that. Please raise your hand.

>> Casar: Can I just get -- I want to understand at least from our housing staff what doing these things with the baseline being included or not included does to the deal. Do we still get what was presented to us if we do that?

>> What it would do is as it stands right now, it has a baseline in it and does not address tier 3. If in the future a third reading you want to take tier 3 out, then it would make sense to take out the baseline and your three, my understanding from the mayor he would like to have that discussion at third reading when mayor pro tem tovo gets back here.

[7:40:15 PM]

The effect would be it would stay the same.

>> Mayor Adler: You can go ahead and draft, legal, assuming both ways on that, as we discussed earlier when the mayor pro tem was here and she wanted a further conversation. By taking out the baseline and taking out tier 3 we have it guaranteed as opposed to making it optional by having the baseline in tier 3. So it becomes more restrictive on the developer and more of a guarantee for the property owner. But since the mayor pro tem raised that question, I don't want us necessarily to decide that question here.

>> We only want to prepare one ordinance so there's not multiple ordinances floating around. That leads to bad things past experience tells me. We'll have one ordinance and a motion sheet. If you want to take those things out, here would be the language.

>> Mayor Adler: The question is which is the motion sheet and which is the ordinance.

>> Casar: That's my question. I would anticipate we're not deciding that without the mayor pro tem here. We had that discussion earlier. Not including those two sections we're creating -- we would be passing on second reading a less restrictive affordable housing piece rather than being more restrictive in getting guaranteed affordable housing opponent. I would rather the defaults be that, but if -- but if we have different views which is the more restrictive or the better one, we could just call it -- just say we want to have the amendment posted and folks could have a week to think it through. We've talked through a lot today.

>> Mayor Adler: Just for the ease of it and -- I think that we should just draft this, take these two out because people haven't seen it, hasn't been circulated that way. But I will say now my understanding is that I would be voting in favor of the amendment to change that because I believe it is more restrictive and gives us a better guarantee. So I think as I look at the faces of the people on the dais, I think that's where we need to be on that.

[7:42:21 PM]

>> Casar: Could we get a recommendation from hcd on that?

>> Mayor Adler: Is housing here? The question is if we take out the baseline and make everything tier 2 is that more restrict I have and guaranteed that we get it from the developer?

>> Yes, little more restrictive.

>> Mayor Adler: And I think it is too.

>> Casar: Can I move an amendment to do it that way on hcd's recommendation understanding I could be wrong and change my mind next week?

>> Uh-huh.

>> Mayor Adler: I don't think so. We'll get that amendment there. But my hope is that we'll take that amendment because we have talked about that at work session. It's just language change coming at the end people haven't seen. But from -- but from everything I've heard at this point, I will be supporting the amendment next week to make it more restrictive and to give us the greater guarantee of getting the housing.

>> Casar: I'm going to cash that one in later.

>> Mayor Adler: But let's draft it both ways. Let's have that motion sheet so we're able to do that. Okay, so the motion is to do the other changes that we talked about to amend it to do that. I think there was a -- there was a motion and second to add that amendment. Those in favor raise your hand. Those opposed? It was this sheet that we're talking about now, the things we went through.

>> Houston: And I'm going to vote for it but I want to say it is getting very confusing now at this hour and we've been doing this most of the day and so I agree with councilmember kitchen that it's better to give us what we're supposed to do, let us have time to think about it because now I'm confused. I think I want to vote for the white sheet with the additions, but --

>> Mayor Adler: I think that's as far as we're going to go. Everybody on the dais just voted for that. The same people who are off the dais, Ms. Garza, the mayor pro tem and Mr. Zimmerman. Now we have the second reading motion in front of us with those changes.

[7:44:23 PM]

Do you want to give us some additional counsel, counsel?

>> Thank you, mayor, members of council. Lela fireside for the law department. Thankfully I've not actually worked on the broader zoning issues. I'm mostly looking at the parkland improvement agreement. Also a have a comment regarding the noise concerns that have been expressed in the documents you have been provided. We definitely are delighted to hear that the developer and the neighborhood groups are working together and we appreciate the hard work that they've put in. Part of our challenge as has been your challenge is we are getting information at the last minute and some of it changes over time as people refine what it is that they've actually agreed to. And so part of our concern we think can be resolved if you give us flexibility to.

>> Effectuate the settlement, but also to recognize that the park improvements need to be approved by the parks department and controlled by the parks department. That it's a public park, public property, and we need to have the parks department to be in control of that. And also that you recognize as you are working on this that the request that they have for the funds from the fees for the concessions and other things that will ultimately develop at the park, right now the way that I drafted the parkland improvement agreement, they go to the parks department. And the way that they would like this drafted is to have an option of them returning to the park manager that will be hired by arg or its successor, and that's a policy consideration that I want you all to make sure that you are doing mindfully.

[7:46:25 PM]

And our request is to make sure when I'm doing the drafting I'm -- and the editing on that, that that money is not -- is in addition to the \$750 per unit improvements that the developer has committed to putting in. So we don't want that to be something that offsets that. We want the fees and whatnot to be something more for down the road. And I can certainly --

>> Mayor Adler: Are you okay with that?

>> Yes, sir, we are.

>> Mayor Adler: Okay.

>> Then there are --

>> Mayor Adler: Hold on one moment.

>> Gallo: Do we have a sheet that's referencing everything you are talking about?

>> No, I'm sorry, I had gotten so many versions. I had drafted something and it became obsolete and I went to redraft and it became obsolete.

>> Gallo: I apologize. Thank you for trying to do the best you can.

>> It is one of the concerns we have. Again very supportive of settlements, both in my prior legal life and in this one, but I think we need to recognize that drafting these agreements and drafting 100 page ordinances gets very complicated and we want to make sure we're doing this in a way where a year from now or two years from now we're not having council look at us and go why did you do that, that's not what you meant. We have to say the language you gave us, you know, had that in it and we were trying to honor that commitment. So I think that's part of, you know, mitzy's concern that we are allowed to draft in a manner in which is consistent with our legal advice, our recommendations for the city as a whole, but with the goal of.

>> Effect you eight to the best we can the provisions in the settlement. Toward that end, we do have a little bit of cleanup that we'll need to talk about the developer about regarding making sure that the number of units that are counted towards calculating the parkland that's dedicated is consistent throughout the document.

[7:48:31 PM]

There are some different numbers and we want to make sure that we're on the same page and this comes in sort of minutia levels of things how do you count the congregate living, with kitchen, without kitchen. We'll need to make sure those numbers are consistent. And then in item 12 on attachment a, we realize the bull creek road coalition as existed a few years and hopefully will have a long and happy life. We would like to say the bull creek road coalition or its successor or the ridgely neighborhood association to give us some flexibility if those things change over time. Item B, to be honest with you, we are a little unclear as to what's intended by this and concerned about the language at the end which says shall require the approval of the management committee for the changes that are made to the park plan. We have absolutely no problem drafting it so that we get input and a recommendation from the management committee, but we need to make sure that the parks director has the final say on the approval of the management plan. So I want to make sure that that is okay with all of you as I work on the amendments to the agreement. Then we do want to make sure -- I'm not sure what is meant by in light of the parkland increase in items a and B encourage arg and pard to come to mutual agreement on outstanding parkland items. Definitely we are encouraged to continue working on it. I just want you to know that we have taken a position that this is a smaller amount of parkland than some of the other puds that have been proposed as far as amount of parkland per unit.

[7:50:41 PM]

And a smaller amount of money per unit. And therefore we have -- the parkland improvement agreement where they are committing additional resources to maintain those parks. We anticipate that these are going to be high use parks with a lot of involvement in them and so we are putting into the agreement a recommendation -- a goal of having level 1, which is really the highest quality maintenance and operations of these parks. We understand that there may be a few items on there that are not yet in anyone's vision of what this park will look like, but we are asking for that complete flexibility because in all honesty we don't know what this park is going to look like in five years or ten years or 20 years. And so that's the park issues in general. And then my last concern that I wanted to bring to you is

relating to the noise. I know that in the agreement that parties -- the private parties have committed to trying to work towards having certain noise restrictions on the property. The noise restrictions that are set out by -- are set out in city code for things like parkland and also the hours for things like that. This is not the type of thing that can be done in a zoning ordinance. You can only imagine us trying to have people enforce a zoning ordinance against people who are being loud at a park past the hours that they should be loud. And so these things we will need direction from you to come back with the appropriate code amendments to effectuate the noise hours that you are interested in and that the community is interested in. So I need to just make that clear, and there may be some legal issues on some of it, but we need to bring that in sort of the orderly course of bringing you a code amendment if that's your request.

[7:52:47 PM]

And, of course, I'm available to answer questions and I'm sorry I don't have all of this in writing, but definitely I can work towards providing a revised agreement if I have direction from you to make the changes and work with the developer's attorney and also with any bcrc people to make sure we're honoring their intent but at the same time keeping our public commitment to have a public control of the public parks.

>> Gallo: And I know all of us really appreciate the hard work and kind of the moving target that this has been and it makes sense and it's understandable that there's some pieces that are going to need to be adjusted legally with legal terms, but I just want to say thank you for working so hard to --

>> And I've just done a tiny part of it. It's really the folks working on the zoning part that have done the labor and work.

>> Mayor Adler: Part of it this week we could talk about it. I understand that we have a code that sets a duration, understand why legally in a zone ordinance you can't have a rule more restrictive than in a general code.

>> Well, you can have a rule in there, but the code enforcement people and the police can't enforce that against people who are just happen to be in the park late at night being loud. The zoning ordinance is more governing what type of development is going to occur.

>> Mayor Adler: So we could put it into the zoning ordinance.

>> My understanding is for the commercial development you can do that, but for things like making sure that the park area has --

>> Mayor Adler: You raised an enforcement issue. We could put it into the zoning ordinance and we could put it in at 9:00 and 9:30 as was negotiated, which would be the use limitation on the property. And then if we had an enforcement issue, we could go back and fix the enforcement issue.

[7:54:49 PM]

We could pass a separate ordinance that says that you can enforce as to this property those requirements that are contained in the zoning ordinance. I'm not saying we should do it that way, but legally we could and I don't know why you wouldn't put it into -- if it was the agreement of the parties and it was the intent of the use, I don't know what the legal prohibition would be about putting it into the zoning ordinance, recognizing there still might be an enforcement issue that we might have to deal with some other way.

>> I don't think it would apply in the parks. I mean, I don't think we can zone --

>> In order for this as I understand where the community is interested in having this is not just in the commercial parts of the establishment, although I'm sure that that's also where they want it, but also that they would like it to apply in the parks and that's -- there are multiple parts of the city code that this could impact. And so again, respectfully, we would -- to the extent it's appropriate to put it in the zoning

ordinance, I think staff is fine with doing that and our law department is fine with doing that, but to the extent the parties to working on out the settlement intended to have a broader reach, that needs to be done through --

>> Now let me -- mayor, we would be happy to work with Ms. Fireside on this, but remember the developer wants to manage this park. And he -- he wants to be the one who puts forward a plan for, you know, what weekends there's going to be this event and that event and so forth at this park, and what we're asking for here are limits on the time that amplified music can be played in the parks. And our anticipation is not that somebody just goes out there and happens to have a whole sound system and sets it up and goes. Our anticipation is that these special events that arg is planning for the park are likely to be loud and we wanted some limits on how long it could go on with the amplified music.

[7:56:58 PM]

>> Mayor Adler: To answer a legal question, I think what you are saying is because the parkland is not owned by -- because it is public property, there is no zoning on the public property. Now I think I understand the issue why it's appropriate on the commercial property and we need to find a different vehicle with respect to the park regulation. As that would be operated, to effect that. I understand that issue now. Thank you. Sorry I was slow. Ms. Pool.

>> Pool: So can we -- how would you best receive direction to do the things with the park agreement that you have described to us? Do we need to have a motion from the dais or simply --

>> I think a motion from the dais to -- to take such actions as are necessary to effectuate the -- the times that are reflected for the elimination of amplified sound as reflected in the settlement proposal.

>> Pool: And that's the sound piece, and then the other piece was the parkland agreement, the management agreement.

>> Parkland agreement. I think we would also need or I would request a motion from the dais to amend the agreement to effectuate the settlement; however, to -- to direct that the parkland is controlled by the city as other parks are, and I will, of course, draft the mechanism for you to consider directing the funds to the parkland manager, but I will sort of highlight that so you know when you are considering that piece that that is a policy shift and is different for this park than it might be for some other parks.

[7:59:04 PM]

>> Pool: So mayor, just procedural we have a motion on the table so we C't have another motion at this point, right?

>> Mayor Adler: Unless it was an amendment to that motion or direction.

>> It would be an amendment or direction in relation to item 12 on attachment a.

>> Mayor Adler: It probably would be appropriate to do an amendment this way. And I think we understood that the direction and instruction that you were asking for, which you just orally gave, is there -- and we can discuss this here in a second if we need to, but is there a motion to incorporate the Scribner directions that Ms. Firestone set out? And what I'm looking for is a motion and a second and then I'm going to ask the other people if they want to comment on that.

>> Gallo: May I ask first is this something that both bcrc and the applicant feel like is in the spirit of the mediation agreement? We're moving along quickly. But I want to make sure we're in the spirit of the agreement.

>> Jeff Howard. I think what would be easier to do is direct us, the bcrc, pard and the arg to go and talk about those issues. I will say that the hours limitation is absolutely as Ms. Spites had described. What we're trying to control is amplified sound and events. It can be in the parkland agreement,. I think those

can be easily drafted and we'll be happy to work with fizz fireside and the arg about that. We did talk to the bcrb about being interested in staff's expertise on those issues, but I think also open to resolving any lingering issues that we may have with pard on the parkland agreement.

[8:01:13 PM]

What I would suggest is direction for the the three entities to work on the issues, but keep the hours in the amendment. And then staff can figure out where that goes. Is it going to zoning ordinance, does it go to parkland agreement. How does that get worded?

>> Sarah, are you okay with that?

>> I think that's the best way to go at it. And then the lawyers can tell us what's the best way to accomplish this.

>> Mayor Adler: Best as I can tell we may be adopting something on second reading that may say something the party agree to without having it agreed to here. As soon as you can get wording back for us and the world to see so we actually have something we can react to, we need that.

>> Sure.

>> Mayor Adler: Ms. Pool?

>> Pool: So I would be happy to make that amendment to move to make that amendment with the one piece, though. I actually am more interested and would support retaining the responsibility on the parkland agreement and the funds distribution with the city, considering the public nature of the park. And I think that was the piece that you were talking about that made you a little bit uncomfortable.

>> Yes. I mean, I can write it and highlight it and underline it so you can see and then you all can have the conversation about whether to leave that in -- add it to the agreement or not add it to the agreement.

>> Pool: I would ask you to write it so we, the city, the public entity, controls the public spaces.

>> Yes.

>> Pool: And that would be the motion that I would make to incorporate which Ms. Fireside said it much better than I did. I'm not going to try. But the two main pieces.

>> Mayor Adler: And highlight it so we can see it. Ms. Pool makes that additional amendment. Is there a second to that?

>> Gallo: I'm confused again. So far what you're making, the amendment say, is that in the spirit of the mediation agreement, is that in the spirit of what the parties agreed to?

>> I believe so, yes. I will find out if -- if there is any concern about it, I'm sure that I will be told by the bcrb representatives.

[8:03:23 PM]

>> Gallo: And the picture.

>> Or Mr. Howard.

>> I think meeting with pard staff and both of us and with Lila there too, I'm sure we can work out what is going to be the best way to accomplish what we want to accomplish.

>> Gallo: Okay. I think we're all very sensitive that we're so very appreciative of the fact that the parties have come together and worked hard to come up with a mediated agreement. And I just want to make sure that whatever we do up here is in the spirit of that, that we're not interrupting the agreements that were struck as part of that deal.

>> Mayor Adler: Okay. So my sense --

>> Houston: Mayor, here I am over here. I think everybody knows what the intent of the motion is. Again, we're making motions and we don't know what it is. And so they have agreed that they will go

away and work on the specific language and bring that back to us. And I think that's all we need to do. I don't think we need to amend a motion or make a motion. I think we just -- everybody has agreed to it. I saw Mr. Howard agree to it. And so I --

>> Mayor Adler: I agree. I agree. So rather than characterize what the understanding is, as you just did, let's just punt it back to them and say to do justice and right, talk to everybody and then bring it back to us.

>> All right. There is one other issue that Sarah Hensley reminded me of are which was -- it's just something that we'll have to clarify with the developer. The amount of linear footage that the signature park was supposed to front, the road has been reduced from over 700 feet to a little over 500 feet. And there may be some -- you know, using that mobile analogy, there may be some piece that it fit together and needs to work that way, but we'll need to -- we want to highlight that, that that's one of the things that change understand this draft and that's one of the things we'll need to work on with the developer and with the bcr.

[8:05:36 PM]

>> And can I add one other thing? And that's true, we need to sit down and talk about that and see what that needs to be. And then the other thing was that pard staff has indicated to me that the management committee, they had intended to and it was supposed to have seven people on it, but it came -- and I didn't realize that was important to them. We didn't realize that when we were working with arg, but they want seven on the committee instead of six because they don't want ties to get in the way. I understand that. So that may also be something that we need to work out in this little conversation. Get that settled.

>> Mayor Adler: Sounds good. Do right and justice so that too. Do you think you have sufficient instruction and direction of legal to draft?

>> Yes.

>> Mayor Adler: Okay. It's been moved and --

>> Pool: Then I can withdraw that amendment.

>> Mayor Adler: The amendment is withdrawn. It's been moved and seconded. Any further discussion?

>> Gallo: Are we voting on the main motion?

>> Mayor Adler: Yes.

>> Gallo: I'd like to say something before we vote on may not motion. Just briefly. Can I do that? I'm really happy where we are at this place and I really appreciate everything people have done. I said this earlier and I just want to say it again because there are a lot of people here now that weren't here earlier. The developer has known from the very beginning I wouldn't support their proposal unless they could get on closetory what the neighborhoods felt were appropriate to the site. And we had a speaker that came up and talked to us about all the negative conversations that were going on as a result the zoning case, pitting friends against friends and neighbors against neighbors and all of the comments that were being made in social media. And that's just absolutely not a place where we want to be in our community. It's not healthy for community and it's not healthy for the people who live in those neighborhoods. So I really, really, really do applaud the willingness of the neighbors and the neighborhoods and the developers to work together and resolve their differences in what we see is a really positive solution.

[8:07:44 PM]

And as part of the mediated agreement, I'm really happy that it includes reducing the commercial development, certainly increasing the affordable housing and market rate housing and eliminating the

proposed Jackson avenue extension, reducing traffic and certainly adding more parkland to the community. So I just -- once again, to think of a different word, but probably traumatized is the right word, by this whole process. And I really appreciate that we're moving together in a forward, positive way and I just really, really want to thank everyone for that.

>> Mayor Adler: Okay. Those in favor of the motion please raise your hand? Mr. Casar?

>> Casar: I know you gave a good closing, but I wanted to make sure that folks would be aware of what I would want to discuss with the council coming for our next hearing because I agree --

>> Mayor Adler:

>> Mayor Adler: No, no, please.

>> Casar: It's really important that we get as many folks on board with what it is that we're doing in the city regardless of they are particular components everybody feels comfortable with or not. Obviously with my not yet seconded amendment I will hope and anticipate that we learn more about how the affordable housing component works. It's a little bit -- it important to me that we hear from our housing departments and our professionals there about what is the best way of achieving what it is that we're trying to achieve. And while we have a deal that has lots of components and different knobs that could break the deal, I am still interested in seeing how we turn those different knobs, just as councilmember Garza brought up, to maximize the affordable housing component, as possible. I note that in this particular deal in front of us we no longer have any impact fee waivers, but I am pretty confident that we can waive impact fees on affordable units and I'd be interested to see what the net gain is on doing that and if there's any benefit that the council is comfortable with there or looking at the variety of uses and square footage on different components just to -- owe again, I know it makes people nervous to tinker with it too much, but it's obviously my responsibility as a councilmember representing my district to both be sure we're doing fair and the best planning that we can across the city, but also to focus on the issues that have really been heard loud and clear in my district, just like councilmember Garza's is, that affordable housing component.

[8:10:18 PM]

And we really would like to find lower levels of affordability or more units if that's something that can work along the dais and achieve some consensus out in the community. And then finally on the traffic-calming issues, everybody has sort of heard my piece on that when we were debating the prior resolution. I do support and am interested in making sure that if a particular pud zoning plan is put in place for us to think about the impacts that that's going to have on the nearby community. And if some of those community members are going to -- because of that rise higher up the list of need than they are right now, then I think that's important for us to consider in making our traffic-calming investments, but at the same time if there are -- I know there are places all over the city where people have had development nearby them for a long time and where kids are currently in danger, and I wouldn't want to bump some of those projects further down the list because we have to have some level of fairness everywhere. So balancing that is going to be a challenge, and one that I want to take on honestly with the community, but it does give me some pause to think about, you know, not funding with our taxpayer money the highest priority safety needs, but then at the same time I recognize that the safety needs in this community may go up the list more if we choose particular paths for development here. So I want to hold those two in balance and am open to how we would balance that. I think those are the two issues that I'm considering having continued conversation about next time. I know that's a much less inspirational speech than the one that was supposed to close this out, so I want to apologize for that, but I want to give everybody due notice.

>> Mayor Adler: Anything else? Those in favor of approving this on second reading please raise your hand? Those opposed? It's everyone on the dais, again with the three councilmembers off, the mayor pro tem, Garza and Zimmerman.

[8:12:19 PM]

That I think is everything on our agenda -- yes, Ms. Kitchen?

>> Kitchen: I would like to understand to the extent that we know right now what the next step is and when, so the public can understand. So we'll go into third reading. When do we have that scheduled?

>> Mayor Adler: It's scheduled for third reading for Thursday of next week.

>> Kitchen: December 15th.

>> Mayor Adler: December 15th. We can discuss it both at the work session on the 13th and -- or it can be discussed on the bulletin board or within your subquorum.

>> Kitchen: Okay. I really, really appreciate all the work that our attorneys have done. I want to make that statement because my comments earlier were not any reflection on the work that they do. I just am a person that really wants to be able to see the final language that I'm voting on. So I'm certain that there's a lot of work to be done to put this agreement into final language. So I'm hoping that it will work for us to have it at least a day in advance.

>> Garza: So to be clear on that, the agenda is posted on Friday. Today is Tuesday and the council meets on Thursday. So these folks time to work on this will be tomorrow. There likely will not be anything posted in backup for this on Friday when the agenda is posted. We will do our best, but we're only one tiny piece of this puzzle.

>> Kitchen: Right. I just -- right.

>> Pool: Mayor? And I just want to register right now that we will need more than just a couple of days to review all of this. I intend to do it line by line. And it's really not fair to our staff to require them to force a timeline on them for us to have this on the 15th. I mean, if it's possible to do that so that we have it in backup so that we can look at it over the weekend and have the Normal standard amount of time to review these -- these documents are incredibly important and at this very last moment I just -- I just want to lay it out there that if this is not ready and if it is not in the backup on Friday, that's okay.

[8:14:37 PM]

You guys, we need you to do a quality job. We don't need you to do a speedy job. And it may be that when we get to next week on our work session we may find that we don't in fact have all of our questions answered and we may not have all of these elements, all these moving parts neatly slotted in and aligned. So just to scope expectations, it is possible that third reading wouldn't happen on the 15th. I think we will make a good faith attempt to have that happen, but again, it really depends on whether staff is able to bring us in sufficient time with all the pieces neatly aligned and understandable and complete, and then I also would note that there will be a fairly stiff agenda on the 15th.

>> Mayor Adler: And I would agree if this isn't ready we shouldn't do it. It's being posted for the 15th. We don't have to do it on the 15th. I would ask legal to the degree that you have some of the ordinance drafted and written by Friday, put it out there. Don't wait until you have the whole thing, so that if there's 90% of the language for us to be able to look at on Friday, let's look at 90% of the language. However much you have. Okay? Anything else? I think we're done. Thank you.

>> Kitchen: We can do this next Tuesday. We'll need a time certain on Thursday, but we can wait until Tuesday to set that.

>> Mayor Adler: Let's see where we are on Tuesday. >>