

City Council Regular Meeting Transcript – 2/16/2017

Title: ATXN 24/7 Recording

Channel: 6 - ATXN

Recorded On: 2/16/2017 6:00:00 AM

Original Air Date: 2/16/2017

Transcript Generated by SnapStream

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[10:08:18 AM]

>> Mayor Adler: All right. I think we have a quorum here so we're going to kick it off. We're going to begin with an invocation from chaplain Michael grow of the Killeen church of nazarene if we would all please rise.

>> Thank you, councilmembers, mayor for inviting us today. Please bow your heads. Father god, as we gather today to make decisions for our community, bless us with insight and sound judgment, keep ourselvartial and neutral as we conr the merits and pitfalls of each matter that is placed before us and always acting in accordance what is best for our community as fellow citizens. Father god, let us not forget our responsibility to the past and future and the rights of needs of both individuals and community. As trusted servants we seek blessings our deliberations and our efforts here today. May we act wisely and well. And to heavenly father goes the glory in your mighty name, amen. Thank you.

>> Mayor Adler: Today is Thursday, February 16th, 2017. We have a quorum present. It is 10:08. We are in the city council chambers here in city hall. We have some changes and corrections I'm going to read into the record. Item number 6 is intr 9, not district 1. Item number 16 is withdrawn. Item number 30, which is the incentive issue, is being postponed -- I'm sorry, item number 30 is withdrawn.

[10:10:27 AM]

Item number 30 is being postponed indefinitely. That is the public body camera matter. Item number 33 is postponed to March 2nd. That was the economic development issue. Item number 14 should list as the sponsor councilmember kitchen. Item number 56, which is Thornton, there's going to be -- that's set at our 2:00 calendar. There's going to be a request at 2:00 to have that a 4:00 time certain. At 2:00

there's going to be a request to set that for a 4:00 time certain. And item number 63 at 2:00 there's going to be a request -- this is Austin oaks. There's going to be a request to move that -- going to be a request to move that to 6:30 P.M.

>> Mayor Adler, I'm going to be changing that to be a request to postpone, but I can't do that.

>> Mayor Adler: So at 2:00 there will be a request to postpone that item. If that item were to be postponed, and as I sit here now I think it will be something I probably will support because I think there are a lot of issues that are in play, we have people that sometimes show up nonetheless. And what I would recommend to the people is that we give those people an opportunity to either speak today or when this comes back on second reading if it were to be postponed, but not to testify both times. So if that happens I would urge people to wait and speak when the issue is before us and in focus for us.

[10:12:34 AM]

>> Troxclair: Mayor, if we could also get information from staff on how many times this has been postponed. I would appreciate that.

(Garza).

>> Renteria: Mayor? Are we taking up the postponement for the zoning cases yet?

Aydl: We have not gotten to the zoning cases yet. I was just reading in the changes and corrections.

>> Renteria: I have a couple of items that I need to put for a time ready at 4:00.

>> Mayor Adler: Why don't you identify that.

>> Plaza saltillo, 57. 58, item 59 and also item 60.

>> Mayor Adler: And what

about those items.>> Renteria: If we could do a time certain on it?

>> Mayor Adler: We can't pick those up until 2:00, but at 2:00 you will be asking for a time later?

>> Renteria: The residents, they're not going to be able to make it here before 4:00.

>> Mayor Adler: So sometime after 4:00, not earlier than 4:00 will be the anticipated request on the saltillo matters, 57-59 and also the villas.

>> Tovo: Mayor, I'm sorry I couldn't really hear. Am I understanding that at 2:00 there's a request for postponement for Austin oaks as well as a postponement request for plaza saltillo? Or at 2:00 there's a time certain request for plaza saltillo?

>> Mayor Adler: At 2:00 there will be a time certain request not earlier for 4:00 for plaza saltillo, 57 to 59, as well as theilla at Vinson folks, number 60.

>> Tovo: Thank you.

>> Mayor Adler: Okay. Consent agenda for today is items 1 through 40.

[10:14:42 AM]

It's also the item number 68 on our consent agenda that was the addenda item relating to the federal legislative agenda. Would you confirm that that is acceptable? I think that it's on the consent agenda. So the the consent agetoday is items through 40, but it also includes item 68.

>> Pool: Mayor? Item 31 is council committees and it W give us an opportunity to assign councilmembers to committees, which we don't have in the backup. It's on consent. Should we go ahead and do that today just to formalize? We can even jus do the people who have already -- I think there's only like two people who haven'tndicated what they would like -- where they would to serve

>> Mayor Adler: I don' know if we have the ability to be able to do that and I didn't know that were going to be --

>> Pool: It's include in item 31 for council committees and it includes intergovernmental cmittees as well.

>> Mayor Adler: I see item 31 that talks about it and I don't have a problem with considering that. I'm trying to fig out how we do that.

[Inaudible]. 31 is changing the ordinance? P no, that's item 14. The ordinance is 14. And 31 is simplyouncil committees, which I believe is the assignment of mbers to where we would vote to pu ourselves on committees.

>> Mayor Adler: (Low volume). I will pull that item so we have a chance to it talk about it. The pulled items that we have here are item 10, which has been pulled by Ms. Houston, we have item 11 and 12 that I don't think we need to pull, but we'll bring up staff to talk about that.

[10:16:49 AM]

Those are the settlem items that we would nd to fill the number in. So we'll call tho up in just a second. Item number 29 has been pulled buncilmember troxclair. Item 31 we would need to pull to figure out

the appointments. I will also read into the record that councilmember kitchen is nominating David king for zoning and platting commission. The public works department is nominating richard Mendoza for the visitor impact task force. Also the David king appointment is filling a vacancy for unexpired term for the resignation of Thomas weber who resigned effective February 22nd, 2017. So item 31 would get pulled. Item number 32 and 34 pulled by Mr. Flannigan. We have one item that has been pulled by speakers, and it appears to be 18.

C: Mr. , Since all those speakers are signed up for and I know a lot of the speakers have to leave Y, I would ask if we could take that item up quickly. We could ask the speakers to keep their comments brief and hopefully we could dispense of it shortly if we take it up early.

>> Mayor Adler: Okay. So the items I have being pulled are 10, 18, 29, 31, 32 and 34 with items 11 and 12 that we'll visit about while it's still on consent yor pro tem?

[10:18:49 AM]

>> Tovo: Mayor, I'd like to pull item 7 F a quick question a8 for probably longer questions. >> Orer: Seven and 28.

>> Tovo: On 28 I would also contemplate a postponement if my colleagues were amenable at denng on what F say how that interfaces with the contract.

>> Mayor Adler: Okay. Yes?

>> Alter: I'm not sure I need to be pulled, but I would like to add any name for fee waivers, 58, I would like to add money for the refugee rights defense. For the record I would like to add \$100,150 in fee waivers.

>> Mayor Adler: Consider that done.

>> Alter: Thank you.

>> Mayor Adler: Anything else on the dais. We have some speakers to speak on the consent agenda so I'm going to let them up speak. Is there Pena here?

-- Is M Pena H >> I'm here.

>> Mayor Adler: Please come on down. Is Mr. Ramos here, John Ramos?

>> What are the items, mayor, I wasn't paying attention?

>> I have you on 7, 8, 15 and 38. 7 has been pulled.

>> And 10 has been pulled too, right?

>> Mayor Adler: And 10 has been pulled. 7, 8, 15 and 38. Mayor pro tem, did you want to pull 7 or is that just a brief question?

>> Tovo: I just have a brief question on 7.

>> Mayor Adler: So you would need to speak on 7 as well. 7, 8, 15 and 38.

>> Does that include number 16 by any chance?

[10:20:52 AM]

>> Mayor Adler: I didn't have you signed up on number , but you could certainly speak on it.

>> I'll speak to item number 16 --

>> Mayor Adler: It has been withdrawn, that's right. Item number 8, I just wanted to ask a couple of questions about the loan and the parameters was loan such as this because I know there are a lot of individuals theatre pective business owners thatant to also tie into the types of loan. So if anybody can comment on that, you know,nd educate the plic, I wouldprtet veryuch. And I kmapr T has pulled number 7 for a question -- do you want me to wait on that?

>> Mayor Adler: No. You should go ahead and speak.

>> The comnity approves of this, a lot of our veterans also are supportive of this. I'll leave it at tut I'll wait for further on down for number 16 and also number 10, right, further down the line? 10 and 16 have been pulle number 10 has been pulled. And you said 16 I'm able to speak?

>> Maydl: 16 has HD.

>> Okay. I just want to make aui comment, mayor. It might not be germane, but I want you all to revisit, revise all housing issues. That wasn't mentioned last time, but as pro tem tovo mentied I'veeen iong for a long time displacement of residents. I've heard a lot of vetans sc of being displaced. But I'll wait for other items on the agenda. Thank you.

>> Mayor Adler: Thank you. Is David king here? I have you á signed up on item number 40.

>> Thank you, mayor. Was item 33 pulled,aay>>or adler:m 33 is beingostponed to March 2nd.

>> Okay.

[10:22:52 AM]

Item 40, the proposal to create a public-private NEP to facilitate the city of Austin priority projects and goals. I appreciate this item, but what I would ask is that we be careful about making sure that these partnerships are in line with Texas open meeting laws and the city of Austin conflict of interest and lobbyist regulations. When we effectively delegate these responsibilities for public policies to these public-private partnerships, sometimes we lose transparency in those situations. So I think it's important that we preserve that transparency and that the policies themselves, the ability to establish those policies I noted in my public-private partnerships. The policies are established by this council. So I just hope that that's shown reflected and when this comes back to you that you will incorporate those particular components into the resolution.

Thank you very much. >> Mayor Adler: Thank you. Also speaking is Sharon Blythe.

>> I'm Sharon Blythe, a citizen of northwest Austin. I'm very concerned about city councilmembers advocating to people that are not documented in this country to violate the laws of the United States of America. I think it sets a bad precedent and I think this is related to item 38. It sets a bad precedent for this city to be advocating that. I've talked to many people that have come into this country that are legally admitted and they go through the process. These other people for our city council to get out on the steps and the streets of this city to advocate for those people to violate the laws of the United States, laws of the United States, I think is a disgrace on our city.

[10:24:53 AM]

And also I think that a lot of these items are taking money out of the pockets of other initiatives in the city that should be addressed before you start giving away all this money all these non-profits all of these other people that want to get a handout. And it seems like the city budget people can just all of a sudden come up with two or three hundred thousand dollars to give away just almost overnight, and I think that that really needs to be looked at and really thought about deeply by this council so that we are not being driven out of this city. Our seniors are being driven out. Round Rock is trying to get 1 billion dollar bond passed for their school district. We're in their school district. And that's going to drive up our taxes in Round Rock. So it's just going up and up and. So please consider all these things and don't be just giving money out willy-nilly like you have a blank check. Thank you very much.

>> Mayor Adler: Thank you. Those are all the speakers we had on the consent agenda. We have some questions from some councilmembers. Mayor pro tem, starting on number 7. And as you're about to a that question, let me really quickly recognize that with us today in our chambers I think is mayor Freeman from the city of Port Arthur. Is mayor Freeman here? Would you please stand up? Good to see you here with us. I want the council to see him. This is one of the upcoming statewide leaders that we've had. I appreciate the opportunity to work with him at the U.S. Conference of mayors. He represents a city that

is in alignment with the city of Austin on so many of the value and policy and priority decisions that we've made.

[10:26:55 AM]

It's great to have allies around -- around the state and we want to do everything we can to support WHA you're doing as well mayor, thanks for joining us. Mayor pro tem, did you have a question?

>> Tovo: I do, thank you. And I had asked this question through the Q and A, but I'm going to have to ask it again just to be sure I understand. So in the project description there's a reference to if yeti retains all employees for all 18,120 hours there's no requirements to hire from the disadvantaged group or the other residents. If any of those leave 25% must meet requirements that they be from economically disadvantaged or from the enterprise zone geographic area. So I asked that question and I got back the answer that they will be required -- I just want to verify. They are required not just to retain the existing jobs, but also to create new.

>> Dustin McCormick with the economic development department. This is a retention and creation application so therefore as you said, the first notation applies for those that are retained and doesn't require that they have to require them unless they lose -- for instance, if someone leaves that particular corporation then they are able to hire at that rate. And then for those that are at the -- in the job creation, those are required to be hired.

>> Tovo: Okay. But we are -- they are not eligible for these funds if they are not creating new jobs. I mean, they will be required and they will move forward and create those new jobs. That's in that provision.

>> They will be required to create new jobs.

>> Tovo: Okay, thank you.

>> Mayor Adler: With respect to items 11 and 12, E settlements that I think we need to fill in some numbers on?

[10:29:01 AM]

>> Morning, mayor and council. I'm here on both items 11 and 12, Megan Riley on behalf of the law department. First with respect to the first settlement discussion, we're here to recommend that you approve a payment of \$3.25 million in the lawsuit brought by Keti Solly against the city of Austin and Jeffrey Freeman. As we've discussed during executive session this lawsuit is related to a February eighth

2016 officer-involved shooting and the allegations are that officer Jeffrey Freeman used excessive force when he shot and killed David Joseph. We will obtain an order for this payment amount dismissal of the lawsuit against the city and officer Freeman as well as a full and final release of all claims that could have been brought against the city or any other employees that are related to this incident. Based on these terms we recommend that you approve the payment.

>> Mayor Adler: Okay. What about item number 12?

>> Item number 12 we're here to recommend that you approve a payment in the -- payment of \$225,000 in the Navarro lawsuit versus the city of Austin. As we discussed in executive session this is related to an August 24th, 2013 incident where a tree fell on Mr. Navarro on the Butler hike and bike trail, causing significant injuries. In exchange for payment in this case, we will obtain a release of the claims, as well as a dismissal of the lawsuit. And we recommend that you approve payment on those terms.

>> Mayor Adler: Okay. So the consent agenda will reflect \$3.25 million on item number 11 and \$225,000 on item number 12. Thank you. Any further discussion on the consent agenda? Does anyone want to note positions? On the consent agenda? Councilmember Troxclair?

>> Troxclair: Just for clarification, has 18 been pulled?

[10:31:07 AM]

>> Mayor Adler: Number 18 has been pulled. The items I have being pulled on the consent agenda at this point be item number 10, 18, 28, 29, 31, 32 and 34. Yes, mayor pro tem?

>> Tovo: Mayor, I'm not sure if it makes sense ask staff at this point if postponement is an option for 28. If so that would release them from needing to stay, but I'm happy to speak to why. This is the backup information for this item and I'm having a little trouble sorting out -- you know, this kind of hits on a policy issue that the last council wrestled with and would appreciate the opportunity to wrestle with this as our council of bringing some of those services online that are -- I'm sorry, some of those services in-house that are regular services. This is a security guard contract. And one of the questions -- as we talk about affordability and we do it multiple times every council meeting, I think we have a responsibility to continue to look at our contracts, especially those that are ongoing needs, they're not temporary needs. We use security guards regularly in a lot of our facilities. And having those be contracted out, certainly has an impact on the families of those employees who are probably not getting the same kind of benefits and as we saw in the answer back and in some a lower wage. So as the city of Austin we said the standard for how we conduct ourselves. So I asked our question in the Q and A and I was referred back to the memo, which is embedded in all of this work, and yes, it's true that the last council initiated a study of -- I'm going on too long, but I think it's important that we at least have an opportunity to talk about it.

[10:33:09 AM]

Let me cut to the case. In my Q and a the question that I asked that wasn't answered is what's the overall cost versus bringing those in-house. I think we've seen the answer that was returned and the answer that's in the backup is an hourly wage based on the -- that the contractors are offering based -- compared to the city of Austin's hourly wage, but we don't -- I'm not sure that if it is embedded in here I couldn't find it. What is the dollar amount? What would it cost to bring those contracts in-house. That's my rationale for asking that we postpone it and spend some time all of us plowing through it, reading the whole work, the work that was done in response to that other resolution, which did point to it being costly to bring those security contracts in-house, but I think it's worth reviewing that and again talking about the policy question underlying that as this group. That's what I'd like to do.

>> Mayor Adler: Would you talk to us about the impact of postponing this item, if any? Would you talk to us about the impact of any advantage of postponing?

>> Sure. Mayor and councilmembers, mayor pro tem tovo, the current security guard contracts are a set of interim contracts you may recall, some months back we had to terminate our previous security guard contract then not meeting the needs of our customers. And approved an interim set of contracts. While staff are glad to engage in the discussion with you with regards to the possibility of changing our allocation of the staff security guard versus contract to security guards, the current interim contracts expire in the next few weeks and that expiration coincides with certain festivals that are coming up this spring.

[10:35:14 AM]

So we're going to run out of authorization for those interim contracts, so if more time is needed that we're going to need additional authorization under those interim contracts. >> Mayor pro tem?

>> Tovo: Mayor, I leave it to your -- probably I have multiple more questions, so if you would like to just take it up later, that's fine. I guess I would ask why -- why something with 300 pages of backup came to us at what sounds like the last minute for us preauthorizing the counties contracts. But I would like to explore the possibilities there of exploring the interim contracts.

>> Casar: [Inaudible].

>> Mayor Adler: Okay. So let's go ahead -- which number is this?

>> Tovo: 28.

>> Mayor Adler: So 28 will just stay pulled? So the items that I have being pulled are 10, 28, 28, 29, 32 and 34. Is that correct? Is there any further discussion on the dais? Ms. Troxclair?

>> Troxclair: I just want to make some notes on some of the items on the consent agenda. I want to be shown voting no on item number 15. This is a tax credit for affordable housing development and this happens to be within one mile of a previous affordable housing development that has been approved within the last three years. We're waiving I guess a requirement that these apartments not be located within one Lanier mile of each other -- one near mile of each other because if you look up the policy, it shows they shouldn't be clustered together.

[10:37:14 AM]

So again I'm concerned that we're not looking at the location of where we're putting subsidized housing and whether or not it's in places that have the services and can provide the best location for potential future residents. I want to be shown voting no on -- be shown voting no on item number 25. This is digital subscriptions for the library. Although it seems like this is a worthy cause, we're committing to future increases in our budget. This is something that if we pass it today it's going to be baked into our budget when it comes to for approval in sept don't think that THA is fiscally responsible. I want to be shown voting no on I - abstaining on items 38, 35, 36, 37. I want to be shown abstaining from item number 23. This is an eight-million-dollar contract for asphalt, but there was only one bid that the city received. And I can't imagine that there's only one company in the city that provides asphalt services. And again, I'm concerned when we have these multi-million-dollar contracts and we only have one response that we might not be getting the best value for our tax dollars. I want to be shown abstaining -- I missed item number 39 earlier. Also abstaining from item number 68 as well as items number 16 and 17. On those two, social services contracts, this is -- item number 16 this is the third time that we've increased this contract since we approved it in 2015 and we've already done one increase since we passed the budget this year, so I'm just not clear on what additional benefits we're getting for these increases.

[10:39:24 AM]

And especially I'm concerned when we're doing multiple increases within the same fiscal year.

>> Pool: I think item 16

was withdrawn. >> Mayor Adler: Item 16 was withdrawn. Okay. Any further discussion on the consent agenda? Mr. Casar?

>> Casar: I want to comment on two items. The first is item 27, the signature science contract. And last fall as we were working through budget, the police chief committed to the community and to us that we would do everything we could to test all the backlog sexual assaults evidence kits. And in that time since then the backlog has continued to grow. And I'm worried about the message that survivors in the community receive when they read in the news that our lab is still closed, there's hundreds of cases that haven't been tested, but I do appreciate with this action APD working really hard to bring us additional contracts with labs to build the capacity we need to test all of the evidence that's waiting. Unfortunately the last agreement that the council passed with the Dallas lab has not moved us sufficiently forward so I've asked APD in private and will ask again here for the department to continue bringing us as many contracts as necessary so that we could ensure that all of the pending evidence is tested so this contract is part of when we need, but we have a long way to go on that front. And also on the settlement, I just want to say that in last year I've gotten to know some of David's family that lives in my district, and there's nothing that we can do to fix this, but this vote is one important thing

for to us do.>> Mayor Adler: Further discussion on the consent agenda? Mshousto

>> Houston: Thank you, mayor.

[10:41:24 AM]

I want E shown as abstaining on item number 7 because of my concerns about the lack of transit options to get to that location. Shown be abstaining 15 because -- one of the things AUT are housing is that we want -- I want the housing to be distributed throughout the city. And this seems to be in area where we continue to put housing even though we have needs in other parts of the city. So I'm abstaining on that one as well. Because of the L distribution.

>> Mayor Adler: Further discussions on the consent agenda? Is there a motion to approve the consent agenda? Ms. Pool? Is there a second? Mr. Flannigan? Those in favor please raise your hand. Those opposed? It's unanimous on the dais with the notations made by councilmembers. Then let's go to the items then that have been pulled. The first item I'm going to pick, because there's some people here that need to leave, is item number 18, which is the immigrant funding that we have some people here signed up to speak. I would go ahead and all these people at this time unless, Mr. Casar, you want to lay this out. What? Okay. Let's go to speakers. First on the list is Justin Estan. Robert Peris is on deck.

[10:43:27 AM]

>> Good morning, Myes Joseph and I'm an immigration attorney and director of immigration legal services at Kappa Charities of Texas. As our mission to keep Texas safer and families together. The expansion of our mental health contract with the city of Austin is much needed and will create immediate benefits for some of the most marginalized in our community. The additional resources provided by the city will add enough capacity for us to adjust an additional 50 persons a month wishing to access immigration services in the areas of immigration legalization, childhood arrivals, victim visas, deportation defense and other lawfully federally administered programs. For months our office and the offices of other non-profit legal service providers in Austin have been inundated with calls and people seeking immediate relief, are motivated to naturalize and become citizens after decades of becoming permanent lawful residents. Even forming the Texas here to stay coalition with other immigrants potentially for lawful immigration benefits

[10:47:28 AM]

and also protection from deportation. And the only obstacle keeping them from accessing those things is a lack of resources. I recently came across a statistic that said that across Texas 71% of the undocumented population lives at or below 200% of the federal poverty guidelines, which bars them from most immigration services. What this means for us and has meant for us is that demand for our services continues to outpace our capacity to provide those services and we expect that gap to grow in the coming years. For that reason we were elated to hear that the council is thinking of providing additional funding for immigration services here in Austin and we're excited to work with partners like Catholic Charities to start closing this gap and meeting community demand. Now, I recognize that for some this might be a controversial topic, however, our position remains that fundamental human rights transcend immigration status and that the city ought to -- ought to ensure the fulfillment and protection of those rights for all residents, whether they're citizens or non-citizens and that ensures as justice. I urge you to your time and -- I thank you for your attention to item 18.

>> Mayor Adler: Thank you. The next speaker that we have is -- I'm sorry -- David. Gus Pena is on deck.
>> Thank you, mayor, mayor pro tem, members. I'll be real brief. Thank you for bringing this item forward. I'm glad that you have the Coe stand up and I know there are probably going to be some repercussions from this as we've seen from the state against our local officials. I applaud you for being brave and taking this step forward and I encourage you to continue to sort these immigrants through more funding to help our immigrants here in our city.

[10:49:29 AM]

That'll I'llay. I applaud you and thank you for doing this.

[Applause].

>> Mayor Adler: After Mr. Pena, the next speaker is narcissar.

>> My father brought the politics from crystal city to Austin in east Austin, 2717 east fifth street. Mayor and Austin, I'm a former esl, English as a second language iuctor, in 1986, I believe none of you will K what that is. The immigration reform and control act of 16, where thousands and millions of undocumented people from other countries became temporary citizens, temporary citizens. They came to these schools so they could learn English, proficiency in English, history and civics. And I'm one proud mexican-american to have done that for a lot of our cent natives here in Austin and they became citizens, proud owners, taxpayers. Many of them pay more taxes than some of us do and they work hard. All I want to say is this, mayor. I support item number 18. And in memory of my dad, Lucio Pena, he was one heck of a proud Mexican who legalized his own self back in 1929 and brought the politics from crystal city to Austin. What the basis of this and the importance of this is they are human beings. You look at children brought over here. They're not at fault. And as other speakers hav id, they are hard workers taxpayers.

[10:51:32 AM]

They all pay taxes. Some Americans don't, but I'm proud to be supportive of this item. I'm proud to be supportive of a parent who was born in Mexico. And I say it with great pride, army veteran, world War I veteran. Need to suprt all these individuals so they can become legal. And thanks a lot of people who are in support of this item tey not able to ma it to herend they just don't want to become involved in pics, but we strongly support it. Veterans for progress support ts number 18. And them, god bless us and god bless America because they make our country better also. Thank you.

[Applause].

>> Hello, Mr. Mayor, hello council. I'm a proud dtrict 4 resident. I grew U had districts. I'm really excited that item 18 is up and I'm just here to voice my full support. I also work for cil rights organization and we know that due process and constitutional values apply to everyone, not just folks who are citizens. So I applaud any and all efforts to make sure that those due process protections and legal preparation extends to all Austin residts, regdless of their immigration status. Thank you so much a looking forward to all of es you're about to change. Thk Yo pplause].

>> Mayor Adler: The next speaker is MARIA Riveras, followed by Michael Kaus.

>> Hello, y'all. My name MARIA. I am a member of jolt and I'm a senior at the university of Texas. I am also a mother, managing both school, work and a a beautiful one-year-old. Balancing everything has been very tough work, and the anxiety of being a target of the federal government just exacerbates the struggles of an already challenging situation.

[10:53:43 AM]

In this toxic political climate where it feels like our highest elected officials are complete against me and my community I am terrified. I wake up every morning wondering if today is the day that everything will be taken away from me, everything I have worked for, forcing to leave my daughter, my family and the only home I have ever known. And I know that there are many other families living in fear, afraid to leave their homes, afraid to go out into their own communities. And I know that many of these families could be helped by the emergency immigrant fund. To help mitigate the damages done when families are torn apart and can't access the legal representation they need. If we really want to make Austin the most liveable city, it is up to us to set an example for Texas and the rest of the country and demonstrate with our actions and rhetoric what a just society that cares for its families and its children looks like. And this emergency defense fund is one of those actions that we need to take. So thank you.

[Applause].

>> Mayor Adler: Next speaker is Walter Murrow. Sharon Blythe is on deck.

>> I'm Walter Murrow, the director of foundation counties. Thank you for taking this time today. I think it's one of the most important and practical things that you can do right now to protect in order to make sure they have legal representation and their rights are protected. I want to thank the city manager's office, the law department, the finance department for finding some funds to help at this moment. I would really ask that the council make this part of the budget process. I know more aggressive action by immigration is going to continue and it's something that we've got to plan ahead and be ready and prepared. We've partnered up with American gateways, so I'm incredibly grateful that we have this homegrown non-profit that has this 30-year record of providing legal help to immigrants.

[10:56:02 AM]

This is their expertise. Catholic charities as well as an expert in this field. We've got two great resources to help with this. So thank you for approving number 18. Please start the process now to look at where we can find funds as an ongoing basis in the budget because I think we need for this is -- this unfortunately is going to continue. Thanks.

[Applause].

>> Mayor Adler: Ms. Blythe and then the last speaker, and I'm sorry, I did it out of order, will be Michael Kaus. Ms. Blythe.

>> My name is Sharon Blythe. I would hope that you would vote against item 18 because, like I said before, the city budget office seems to always be able to suddenly appear hundreds of thousands of dollars almost overnight to support these extra expenses. I don't -- some of my best friends are immigration lawyers. I don't have a problem with what they're doing, but to give away this money, to help people stay in this country that are not documents a ditz grace to the city and -- is a disgrace to the city and I say again for our councilmembers to stand on the streets advocating for people to violate the laws of Americas a disgrace to this city. So please vote no on item 18 and let's find a better way instead of giving away all our money to causes that may or may not be good causes, but I don't thk the city can afford it. Thank you very much.

>> Mayor: Th Y. Mr. Kaus.

>> Thank you, Mr. Mayor. Thank you, council. My name is Michael coals and I'm we're a non-profit self rights law firm that represents low wage workers who are cheated by their employers.

[10:58:13 AM]

We're also proud members of the Texans here to stay committee. I want to thank you for making Austin one of the citiesras enough T stand up for state and federal government disregard of the constitution in their efforts to disregard and demonize immigrant members of our community and on the backs of the least powerful Texans. I want to thank you for making Austin one of the strongest voices among the constitutional cities that has resiste this state and federal government overreach to say we will not keep so many of our families in fear, allow them to be torn apart to serve a political agenda of hate and fear. And disregard the basic rights and protections our founders bestowed on all those in the country. The courage the cities that exhibited isn't just a one time situation. This resolution would help continue the commitment to show all members of the city that they have a champion in their local government. Many in our community could benefit from immigration relieve available to them, but don't know it. Could seek protection for themselves and family under existing law, but need the tools to know how to do it and can help make their communities safer, but need the certainty of knowing when they reach out they won't be putting themselves and their families at risk when they need help. Beyond the need help. The people this will help this support let's people in our city know the city isn't their enemy. As an advocate for immigrant workers I know much more is needed but I think this is an important start so I strongly encourage you to pass this allocation. Thank you.

[Applause]

>> Mayor Adler: We had an additional speaker signed up not speaking, Stephanie garakan. Would have spoken in favor. We're now back up to the dais. Is there a motion? Mr. Casar. Mr. Casar moves passage of item 18. Is there a second? Ms. Garza. Further discussion?

[11:00:14 AM]

Mr. Casar.

>> Casar: I want to take this moment to thank the community members who brought these ideas forward, but especially to thank not just the council but our city manager, our finance and budget office and city attorney's office for bringing this forward to us. I think this is an important starting payment and an emergency-type allocation but in our budget process we will hopefully be able to plan for being able to take care of our community members long term as Mr. Morrow mentioned. I want to take this opportunity to share two stories from my district and I share these stories because I know that they are representative of stories that exist in all of our districts and across the city. But these are just stories from this last week. The first is a constituent, his name is Amar. His kids are at -- are enrolled in Janice Guerrero Thompson school and I was having lunch with him because he is trying to get his family back from Iraq. They are a refugee family and because of the extreme vetting process taking their time -- it takes some time to get them from having to visit for an emergency in Iraq to get back to Austin. And they were banned from being able to return by the recent executive order. Even though Amar served for 12 years supporting the U.S. Government in Iraq. And I want to thank catholic charities for their work trying to accommodate that family in my district. On second thought I'm not going to share the second story because it's very -- it's just a very emotional time in my district and it's difficult for me to even describe some of these stories. Bringing this item forward, we've gotten -- I think all of our offices our share of criticism.

[11:02:14 AM]

In my own voice mail books the words "Illegal" and "Wetback" and we have a history in this country of standing up for immigrants, standing up for everyone's constitutional rights, and we also have a history of coming up with degrading labels for people whose rights we want to take away, whose rights we want to ignore in order to destroy the validate that creates -- solidarity that creates is american promise and this is one small step in the direction of the city declaring that nobody is illegal. In fact, we are just austinians. Ks.

[Applause]

>> Garza: I'm really proud to support this effort and support this funding. It is a very rough time for many in our community, but especially rough for many of our hispanic community. And not just families that are here undocumented, families that have been here forever. I often find it interesting that there are leaders in our state government that boast being fifth generation Texans, and I often think welcome to Texas because many of our families were here before it was Texas. And so it's unfortunate how our hispanic community has been criminalized by so much hateful rhetoric and the fact is that many that are

here undocumented are -- that is not a criminal offense, it's a civil offense, it's not a criminal offense. And many of these families have simply come here for a better life. I can't imagine anybody sitting in this chamber right now who does not have a family member that was at some point an immigrant to this country. We should always continue to be proudly a and this fun will help so many in our community who simply don't have the resources to get on a pathway to citizenship, but they are here, they are law abiding, they are working, they are going to school and they are so many the backbone of our community.

[11:04:36 AM]

So thank you for all those who have been part of this effort. Thank you to all of those who have continued to reach out to our offers and offer your support during what is a very rough time for our hispanic community.

>> Mayor Adler: Ms. Houston.

>> Houston: Thank you, mayor. I will be supporting this resolution also. But I want to say to those people who are listening, all of these nonprofits could use your support. And so if you want to write a check to those that spoke today, I'm sure they would welcome and not turn it away.

[Applause]

>> Renteria: Thank you, mayor. As a native austinite and having a father that -- his grandparents was native Americans, you know and -- and my other side has Mexican and Spanish blood in it, and you know, we was -- before the so-called war in 1812, I believe, or 3 somewhere around there but where they took half of Mexico, the United States, and they put a line right down the Rio grande and said that was the border. That doesn't mean that because our family that lived O T other side of the border is no longer family. You know, they are family. And, you know, it offends me a lot when they say thing about Mexico and, you know, we were one big family before, you know, the anglos, Americans came and with manifest destiny came and took over half of our territory. an we were on the north side. We became U.S. Citizens. But that means that we longer have family, that our blood is no longer just because we put a line right down the middle of Mexico and it claimed the north part of their country - of that country?

[11:06:47 AM]

You know, iysf, I have blood that's beeere longer than any of the Europeans when they came over here. That means that you all no longer -- I'm the one that the real citizen of this country and you're not a citizen? , It didn't mean that. So, you know, I wan to support, B I really get off fenned when I hear all

these comments made. You know, we open arms and accepted the Europeans when they came into Texas and they Mexico. You know, know, that's history. Are we going to continue fighting history and, you know, -- or are we going to become one country here and one union and one citizens of this world? That's what we're really coming to and we're really going to have to open our arms and our souls either that or else we're going to be facing destruction, and I don't want to see that. I want to see one bill

[applause]

>> Mayor Adler: Any further discussion? S, Ms. Troxclair.

>> Troxclair: I know that this is an emotional issue for a lot of people in this room and in this community, and I guess I want to start off by saying, you know, this item was originally brought forward in December before any I.C.E. Activity -- any of the recent I.C.E. Activity here in Austin and I voted against this item in December because I agree with councilmember Houston that this is an appropriate role for charities and I do not believe that this is an appropriate expenditure for the city council.

[11:08:48 AM]

I -- I do think that the Catholic charities and others in this community are providing a needed service for some immigrants who are here because they are victims of abuse or because they are seeking asylum, and I encourage people to give generously to those charities. The charities or any other charities that they believe is serving a purpose and I want to do it in a positive way. But for the anecdotes of people who are here in genuine need of services, there are also people who are here who have committed heinous crimes and we've been accused of sexually assaulting children and domestic violence, and so I think the thing that we have to understand is that this conversation is driven by fear on both sides. I understand that there is fear in our immigrant community about their future and their families, but there's also legitimate fear on the other side of people who have, yes, been here, been here for generations and they are not hateful, they feel like their quality of life and their future in this country is being threatened. They feel like their safety is being threatened when they see reports of undocumented immigrants committing crimes against people in our community and not being held accountable. They fear for their economic stability when they are struggling to stay in Austin to begin with and they see their tax dollars spent on public services that they don't even qualify for. And they see people just like there were today waving Mexican flags and signs in Spanish, and they don't understand the loyalty of some people to a country that they are supposedly fleeing.

[11:11:04 AM]

So I just hope that -- that yeah, this discussion can be framed in a way of trying to truly mutually understand the fear that exists on both sides of this issue. I had a constituent who emailed me this morning saying that he thought that he had a decent compromise, a common sense solution that he is sure the rest of the city council can support and he asked me to bring it up so I will. And his proposal is to spend \$50,000 of city money -- additional city money for legal services and then offer public match or a call to action for the rest of the community privately raise additional funding for -- for legal services. So I'm happy to offer that amendment and interested in seeing if there is a second.

>> Mayor Adler: Is there a second? We'll continue on with the conversation.

>> Troxclair: Thank you for allowing me to offer that and I look forward to continued respectful dialogue not only on this day but hopefully is coming because the hate coming from either side is not productive. And it does scare me for the future of our country the increasing divisiveness and I'm going to try to continue to conduct myself in a manner that's open to different points of view and I -- I look forward to continuing to work collaboratively with this council and community.

>> Mayor Adler: Mr. Casar.

>> Casar: I don't think that this is true equally on both sides.

[11:13:07 AM]

There is fear, legitimate fear on one side and the other side including anecdotes you've expressed are false. It is --

[applause] There is -- there is no one in this community that is accused of committing a crime who is treated through the criminal justice system the same as anyone else. And nothing that we have said today on our side of this issue is untrue. Everything that you have implied and what other leaders have implied is deliberately misleading to score political points on the vulnerable. The people that you describe that have committed crimes can be tried and held and put in prison just like anyone else. And what you want is to express that those people are treated more harshly than others because of where they come from, you can make that statement. But the statement that those people are let out on the street and are dangerous, unlike people of other colors and other kinds who go through the same process, then you are deliberately saying people and that's seen as a difference between us on one side and people have concerns on the other, but if you have concerns, make sure that you are making accurate statements. Second, when people say they are worried about the quality of their life, that's fine, they can have the quality of their life with a dedicated supporting, but we're not here to protect the quality of your life by protecting certain people and certain places. As far as private fundraising goes, you cannot state representative Eddie Drz'ndinag for the over \$1.5 million in cuts the governor has made, in my view, unconstitutionally against veterans and children in PART of this political is against this point and I respect many of your opinions on my totally understand that you are not, and you will be called out in this chamber, do not spread lies

and misinformation that people that have committed particular crimes are not being punished and that people are in danger from those folks.

[11:15:25 AM]

Because the fact of the matter is those people could be prosecuted by our district attorney and treated in the criminal justice system just like anyone else. And this president started his run for the presidency by doing the same thing, by saying that people were violent criminals because of where they came from and that's unacceptable.

[Applause]

>> Mayor Adler: Further -- Mr. Flannigan.

>> Flannigan: Ms. Transaction Claire, I was asking the city manager and legal department this is not an additional allocation, this is a spend from an existing legal fund, if I'm understanding the comments correctly. I think a proposal to change it from 200 to 50, that doesn't address that concern so I'm -- I don't think that actually addresses the underlying issue, but I think generally we do have a responsibility as leaders. Have heard in the community phs like it's a fact that they feel it. But that doesn't mean that the facts this they are afraid of are true. It's critical that we as leaders in this community stay focused on actual fact, the fact that undocumented immigrants have lower rates of crime than citizens do. That, to council memberasar point, when a criminal offense occurs, which being undocumented is not a criminal offense, as council member Garza noted in the pre conference this morning, that we not confuse the community about where our concerns are most appropriately applied. This is a nominal action to the extent that we have the ability to takenificant tion. Sport this effort.

[11:17:36 AM]

I support this effort because this is not an issue that's MI to one district. This is not an issue that's limited to one ethnicity. This is a broad issue and we're talking about helping folks who work in our community, who build the buildings in our community, that service the citizens of Austin, that they have access to the due process and the legal system that our constitution affords every person in our nation. And that is why I am fully supportive of this effort.

[Applause]

Ayor Adler: Anyone else on the dais want to address this? I'm going to be speaking in favor, voting in favor of this as well. I think a lot of my thoughts and comments have been in the public domain over the

last couple weeks. I just -- you know, I don't think with respect to this particular item, this city has before any of these recent events came into play, prioritized making sure that everyone in this community knew what their rights were. We funded legal programs in the past for what I believe to be all the right reasons and reasons without regard to what's happening now. What's happening now has created additional demand for services that we have already prioritized as something important for us to do. And the fact that we're able to meet that demand within the budget is great. I take to heart what councilmember troxclair is you go using among others that there be opportunities for people the public to be able to contribute and certainly that opportunity is -- is available and there are opportunities that are posted.

[11:19:54 AM]

We do well in this community from a safety perspective. We're one of the safest communities in the country. Of the safest communities in the country in this kind of priority with our priorities or years is consistent with that. Making sure that everybody in our community knows what their rights are is consistent and beyond said, I can't think of anything that is more American than ensuring that everyone in our community knows what their rights are. I'll be supporting this resolution. Anyone else? Those in favor -- yes, Ms. Troxclair.

>> Troxclair: I just feel like I have to respond to the comments councilmember Casar made and I feel like I was very deliberate in my comments to be -- to be respectful, to be understanding, to try to continue to yearn for the wisdom and the guidance to make smart decisions on these divisive issues, and I could have sat up here and said the same things about my colleague, that he is only out to score political points, that he is lying, but I didn't because I want to maintain that level of professional decorum and set an example for our community of how to treat each other. So I -- yeah, I was hurt by those remarks and I just felt like I had to say -- and, you know, I wasn't elected to city council to talk about the presidential election or to argue against federal immigration policy. I was elected to focus on the many issues that our city is facing and the issues that we have direct control over.

[11:22:00 AM]

But the -- one of the main reasons that president Trump was elected was because of a fear, a fear of a threatened quality of life. And whether you choose to recognize that fear or not is up to you, but a continual -- continuing to stick your head in the sand and to not open your mind and your heart to try to understand why people are feeling this way regardless of whether you think it's legitimate or not is only going to, I think, continue to empower the -- the continued rhetoric and the continued divisiveness. So I look forward to moving past this and I'm proud to sit up here and to represent the views of the large

community that exists in Austin that does not align with the views of the rest of this council. So I appreciate the voters forgiving me the ability to be thatisnting voice and I'm going to continueo speak out fo T thoughts and their opinions en when they are -- they are treated as irrelevant or stupid because they are not and yeah, I'm proud to continue to speak for them.

[Applause]

>> Mayor Adler: Okay. We're on this item number 18, it's been movedndded. We're going to take a vote. Those in favor? Those opposed? It's unanimous on the dais with Ms. Troxclair voting no. We'll move on to the next item --

[applause]

>> Mayor Adler: We're going to call up item number 10. Which is the district 4. We have some speakers and esd officials so we'll take this item next.

[11:24:08 AM]

Chief.

>> Good morning. Mayor, council, mayor pro tem, we would like to take this opportunity to address some of the concerns that you all may have had on February 2nd that we didn't have time to address since we were pretty rushed at that time. But first I'd like to touch on some of the requirements for the esd 4 firefighters comingover and what that modified academy curricula will look like. Chief Dodds will cover why we believe the 1.5-mile run is important and necessary, and chief baiy will covhethdditiona moneys came from, diversity in esd 4 workforce, and plans for sting the esd 4 firefighters who do not make the tnsition to AFD. And first of all, we do want to beransparent about this process. I know that there was a letter, I was copied on a letter from the Glenn lake esd 4 neighborhood association that they asked that we bring th F cac back to you all for approval before execution. And I just want to say we're happy to do that. Second, much of what we are proposing is only possible because of our collective bargaining agreement and the esd merger template. The cba or the collective bargaining agreement is the only reason that these firefighters will be able to join AFD without competing on the written and oral assessments. And I want to remind you that there are thousands of individuals, including firefighters from other jurisdictions, that compete in those oral and written assessments and are not successful and are not able to become Austin firefighters.

[11:26:09 AM]

So I just want to make sure that you are understanding there are some advantages that being offered to these esd firefighters as they move over. And these are all part of the merger template that's in the collective bargaining agreement. The cba also waives the age requirement which is current 35 years of age. It waives the college credit, either 15 hours or the military exemption for the college credit. The cba template will also allow the esd 4 firefighters to start and be paid as a two-year firefighter. And I want you to realize that along with that it's important there are a large number of Austin firefighters that are being paid at that same level and I think it's only fair that we require the esd 4 firefighters to have same -- the same level of experience that we're paying our own esd, paying our own an firefighters. The esd academy and the modified academy will be 10 to 12 weeks long, approximately 480 hours. They will not -- esd firefighters will not repeat all of the medical skills -- medical skills training because they are certified and they are credentialed in the same system. We will put them through approximate 10 hours of medical training and training to familiarize them with AFD policies and procedures. The esd firefighters will also receive training in things like general firefighting, including hose lays and evolution, ladders, ventilation, water supply, fire streams. Will include training in search and rescue and that includes water rescue, vehicle rescue, part of our rapid intervention crew training and forcible entry.

[11:28:18 AM]

It will include wild land firefighter training and it will include live fire training. And I know that you had some questions about the mile and a half run and I'm going to ask chief Dodds to describe that as he's been integral to its implementation.

>> Thank you, Tom Dodds, chief of staff, Austin fire department. Mayor and council, the mile and a half run has been instituted in our hiring process for a couple reasons. First off I want to say that the scope of what the fire service responds on has grown and as you are aware the wildfire sickment has come to the forefront. As part of that structural fire fighting and wild land fire fighting have different requirements. Councilmember Garza pointed out she didn't remember running on a instructed ground. That is true. In wild land scenario, we wear less gear, we're more mobile, we have to be able to move. That is the reason we have a need to move better and more rapidly. Secondly, from the training aspect, the most -- to train a fire cadet is through running for aerobic conditioning. And this transitional academy, we do that on a regular academy, but in transitional academy, we also because of the speed of the academy, these cadets are going have to hit the ground running. This academy while transitional will be no less

[inaudible] Than any other cadet going through the hiring process will go through. I want to remind council too that in a regular hiring process we have many firefighters that are incumbent firefighters in other departments that apply, get in through our regular process and go through all of the conditions we place in front of them and become special cadets and successful firefighters.

[11:30:23 AM]

And the standard that we apply in this, it's often referred to as a 12 standard. That's comes from the national fire association which is created a guideline for aerobic fitness for firefighters. And the minimum standard for a firefighter to operate on a fairground, a structural fire ground is 12 mets. The recommended level of met probe immaterial capacity is 14. So we are not applying a higher standard, we're applying the minimum standard to the applicant as they come in. And in this case the transitional employees that would come in under this program. I believe that this is -- reap great benefits for us because we know that when applicants show up at the academy and they are not in top physical condition, we spend a disproportionate amount of time getting them in shape. As of getting them in shape, we suffer age number of injuries which impacts their ability exercise and learn the skills of being firefighter the better shape that we can start a cadet off on day one, the more effective the training is and the more effective, professional and equipped to be a front line firefighter you have at the end of the training academy. And that's the main reasons for why we've implemented this. We feel it's been very successful and we believe because we support all of the initiatives that we start both with a fire fit program and a running clinic that we support all applicants in being successful. So we put resources out there to help everyone be successful in the hiring process and in this case the transitional process.

>> I have some questions.

>> Yes, councilmember.

>> Garza: How long has the department implemented the mile and a half run as a requirement?

>> This will be the -- actually this transitional group will be the fourth group of cadets.

[11:32:27 AM]

>> Kitchen: And how -- do you do the cpap?

>> That's correct. The cpap, a candidate physical ability test. And I think it says as part of completing this obstacle course that you reach a 12 met equivalent. I know that's in the literature. As a matter of practice people that are successful completing the cpap course they cannot meet 12 mets. They test different characteristics. Physical ability test is an obstacle test. That tests ability to raise ladders, to swing an ax, to do a ceiling breach, crawl through a tunnel. We feel it does not adequately

test aerobic capacity. >> Garza: The one and a half mile, what you are saying, 12 mets, if they can do the 1.5 in 12 minutes, that's equivalent to reaching 12?

>> Yes.

>> Garza: There was a treadmill test.

>> That's part of the medical exam. We have used that in the past for the 12 met equivalent. The difference is on the treadmill, that's an artificial environment. We don't fight fires on treadmills, but we do on hard, even surfaces. What we know is when people can demonstrate by running around a track for 12 minutes that they can complete the 12 minutes, the requirement, that then function and we have less injuries when we get them to the academy. There have been some cadet academies at times we appeared decimated by the number of stress injuries, shinsplints and strained muscles due to the inability to condition by the use of running in the academy.

>> Garza: So you have data that shows before the mile and a half was implemented and then after. Are you saying there's data that shows there are less injuries in those --

[11:34:28 AM]

>> I don't have that with me. We have noticed a trend, yes.

>> Garza: And then the justification of it because because the wild land, before the mile and a half, fire cadets were still required to be certified in wild land fire fight, is that right?

>> That's true. Like I said, what we with -- the wild -- [inaudible]. Put firefighters in a position we have not traditionally -- not traditionally reached in this area. The way wildfires can turn that we could have the need for firefighters to move rapidly out of an area which would look more similar to running than walking.

>> Garza: Once the fire cadets pass the 1.5 in 12 minutes, is that continuous? Incumbent firefighters continue reducingly having to meet that? On day one, -- no, we do not have a fitness standard for an incumbent firefighter, however, there's annual physical assessment and the metabolic equivalence are measured at that time.

>> Garza: I guess the -- if we're justifying the mile and a half because we're saying firefighters need that level of endurance to be able to respond to wild land, the reality is you could be in the fire department for ten years and you still haven't had to meet -- you haven't been constantly having to meet that benchmark of 12 minutes, and you could at that point respond to your first wild land fire ever.

>> That's absolutely correct.

>> Garza: So I could see if every year a firefighter every year would have to pass the one and a half mile in 12 minutes, but connecting it to the reasoning about the wildland firefighters, it's hard to make that connection.

[11:36:34 AM]

And just one last question. What is the average age of our fire cadets? Do we have that number?

>> I don't have a hard number for you, but it is -- I can tell you when I came in 30 years ago the acknowledged age was around 24. I believe we're pushing the average ages now around 30.

>> Garza: Do we know the average age of the -- of esd 4?

>> I don't have that information.

>> Garza: 29? Okay. Thank you.

>> Good morning, council, David Bailey, fire chief of esd 4. Thank you again for bringing our issue back. When we last left at the end of last budget cycle, you told us to keep working on these details and you can tell lots of great work has taken place. And to solve the money issue. We were 1.5 in funding gap. My intent this morning is explain to you how the gap was solved, how we did find the 1.5 to be able to demonstrate the cost neutrality so important to folks. The short, concise answer is that three years ago the board of commissioners passed a new election to get a second sales tax district. They should have gotten 2% sales tax for roughly half of our territory. In the three years since that was passed we have gotten much better at, frankly, collecting the taxes we should have been collecting. The revenue by our citizens guarantees us two cents -- 2% sales tax on half our district. This last summer we took some steps to identify what was that making -- were those payments being made. Were we collecting what we should have been collecting all along. That new district was created in '14 and in '15 we saw increases, we saw revenues continuing. This summer we reached out and hired a professional firm who specializes in reviewing tax records and helping us recover any lost or misallocated revenues.

[11:38:40 AM]

Thanks to their help we started seeing real results. The first couple of months we saw significant spikes. We took that to the Austin fire department. We took it to the city budget office and we said look what we're seeing. Do you folks agree? And after seven or eight months of reliable increases, they and I both feel confident in that projected budget of 4.23 million a year of annual revenue we can count on. With that kind of revenue, yes, it is affordable and the cost to neutrality issue is somewhat solved. The bottom line issue was we did a better job collecting the taxes we should have been collecting.

>> Mayor Adler: Okay. Thank you. Any further discussion before we go to the folks that have signed up?

>> Houston: I have a couple questions.

>> Mayor Adler: Go ahead, Ms. Houston.

>> Houston: I had it in backup and I don't see, it says the answer is still pending so I guess I'm going to have to ask it here. Rager the number of esd 4 firefighters who are close to retirement and will the funding of their retirement benefits be included in that money you found or is this -- specifically to the retirement aspect of it, our pension is only three years old. Our oldest member has 16 years of service and only three years in a pension. At the -- should we transition into this contract with Austin, we pay any unfunded liability that the esd 4 still owes to that pension fund. We've earmarked about \$90,000 to true up that. And at that time the contributions into that pension ceases. Our current members can leave it right there. If they join another esd they can become part of that system.

[11:40:42 AM]

They are not melded into those years of service and that money is not contributed into Austin fire. They start over in Austin fire's pension. Again because it's only three years old, most of them will probably leave it right where it is. But they cannot buy extra service credit units into the Austin pension or buy extra years or things like that. again, that's parof T collective bargaining agreement that as we entered into the talks, we knew those things. To us it's worth it because of the strength of Austin's pension.

>> Houston: And so while you are here, sir, and then I'll ask thetin fireol abouthat a cadet -- two-year cadet isaknd much their retirement is, but L me ask Y one more question. You may have given this last year and I just can't find it, bu cou you talk to me just a little bit about have four ds - esd 4s in my district and y'all are only going to try T merge one. Could you talk to must a Litt bit about the O that you are not planning to? What is the call volume for that esd off of Springdale and tuscan road and response times?

>>Hedl station tt I-d much in councilwoman's district is 404. The deal right now says latin can afford to run two fire stations for the cost of what I run three then to not run a four-perso eine out of that station 4040. We do T a good deal for the taxpayers in the county because surrounding that station of mine or four Austin fire stations that can provide service levels and response time equal or greater to what I can provide.

>> Houston: So chief Davis -- Bailey, let me restate my question because that's good information but that's not the question I asked. The question was for 404, what is the call volume and what is the response time that currently is at that station?

[11:42:51 AM]

>> Call volume is the highest of our three stations. They make roughly 700 calls a year. The response time into the city of Austin is not calculated because we rarely go into the city of Austin. We did not

have auto aid at all until two weeks ago and now our auto aid is on very limited call types. Response times into my district for that first-in unit are five, six minutes if that first unit is there.

>> Houston: I'm only talking about 404, that's all I'm talking about.

>> Correct.

>> Houston: So it's the highest call volume in esd 4.

>> Yes.

>> Houston: And what is the response time to the location?

>> Five and a half minutes to esd 4 for the first unit. If my unit is in service and going just to that island, five and a half minutes. If they are not there, if they are on another call, if I have to get another fire truck, it's 12, 13, 14 minutes.

>> Houston: So I'll ask the -- I'll be asking Austin fire about the call volume and response time for 41 and 25. Thank you.

>> Garza: Can I ask chief Bailey while he's here? Is that okay, councilmember Houston?

>> Houston: Sure.

>> Garza: A chief of the esd, do you believe the firefighters you have under your command are providing a great service and are able to be good firefighters and respond to any call that they need to respond to?

>> Certainly. Certainly.

>> Garza: And do you believe they would also do that same job, every single one of them could do that same job as Austin firefighters?

>> Yes, I believe that.

>> Garza: And are you concerned there may be some who have committed their careers to esd 4 and now there's some that could be eliminated because of that mile and a half run?

>> Certainly. The commissioners and I have dealt with that since day one. Knowing that there are many hoops to get into the Austin fire department that one must jump through.

[11:44:56 AM]

And the statistic likelihood somebody is going to have something that trips them up or disqualifies them from that. That's been a very real probability from day one. We work hard to lessen that, that impact.

It's our belief all 30 of them ought to have the ability, the chance to compete. If they drop the ball halfway through it, that's one thing. But let them at least apply on the front end. Let them compete on the front. I think they are fine professional firefighters. Many with plenty of years of experience, that would add and contribute to Austin's fire department who needs the bodies.

>> Garza: Okay. Thank you.

>> Houston: One more question for chief Bailey that's not been answered yet. You are both -- you and your brother are both retired from the fire department of Austin, right?

>> I am. The other chief Bailey is not my brother.

>> Houston: Oh, he's not.

>> It's very confusing. We could be probably.

>> Houston: But were you both in AFD before --

>> I was. I do not believe Ken was.

>> Houston: So I'll ask that question. I'm sorry about that. Six degrees of separation, I just made an assumption. So you are retired. Will you be going back to -- if the merger takes place, would you be going back to Austin fire department in service or would you stay retired?

>> I will stay retired.

>> Houston: Okay. Thanks.

>> There are -- and that applies to I've got three battalion chiefs perhaps in similar situations. They are eligible to go to Austin fire. They will jump through the hoops and be mine members of the Austin fire department. Or they may choose to go work for another organization. Or go do something else. When we started this conversation, I had 23 employees. I hired seven people in June. Since then two of them have left to go do other things. In another couple of months I need to hire three or four more. I have people coming and going fairly regularly.

[11:46:57 AM]

Some of them will jump all over the Austin deal. The best thing that's ever happened to them. Others may choose otherwise.

>> Houston: At the chief rank, where do they fit in the hierarchy.

>> They all come in as a two-year firefighter. Again, we knew T starting out.

>> Houston: Thank you, sir.

>> Certainly.

>> Houston: And I -- go ahead because I have a question for AFD.

>> Mayor Adler: Okay.

>> Houston: Thank you, chief Kerr. The same questions. In calculating the benefits -- what's the pay for a two-year firefighter and then what will be the benefits including retirement. How much do we put in retirement, how much does the firefighter put into the system?

>> I can answer part of that question, then I'm going to have to go to the experts that do the financing. A two-year firefighter makes \$62,249. Then there are stipends and like you mentioned we also make contributions to their pension. So -- but I don't know what those -- what those numbers are.

>> Houston: Okay, because -- could somebody tell me what those numbers are?

>> I'm back here at our finance manager.

>> The retirement rate will be 22.05 of salaries. Insurance, I think this year for budget purposes it's \$15,000. And then they don't participate in social security, but they do participate in the medicare so that's .0145 of salaries.

>> Houston: So I don't have a calculator.

[11:48:59 AM]

Could you tell me what the cost is. 61,249 is the base salary, and then \$15,000 in insurance, and then something point something in -- what's the retirement?

>> In general terms, ma'am --

>> Houston: Just for a firefighter.

>> For a firefighter, I think it's 25,000 in retirement. And I think about 15 to \$1,600 in medicare.

>> Houston: And it's your belief the money that's going to be transferred from esd 4 will cover all of those items, base salary, insurance, retirement and the medicare?

>> Yes, ma'am.

>> Houston: Thank you. And I'd like to ask about -- one more thing. I was going to ask about station 41 and station 25. Response time and call volume. And you said we don't have an auto agreement with -- we

just signed an auto agreement with esd 4. Do we have any way of knowing how many calls they are taking without the auto agreement?

>> So we -- the auto aid agreement that we do have with 4 is for medical calls only.

>> Houston: So that's ems.

>> Yes, councilmember. Esd 4 for years we didn't have auto aid. That was an accurate statement how they would normally respond. Auto aid has just started with them only in the medical capacity. And we know that there is an up tick in their response into the city. There's not we don't have the numbers in front of us for our responses into the esd at this point from stations.

[11:51:00 AM]

But station 26 I think you were referring to offwentworth, that's your district.

>> Houston: Webberville, yeah --

>> 26. Those response times out there we don't have those numbers in front of us. We can get that to you. But what we know is that the stations geographically surround that area so they will be responding into it which is a desirable state to be. Other than obviously be right at the emergency.

>> Houston: I guess my concern is that we don't have a whole lot of data to say that 41 is responding into or assisting into the esd island that we talk about, but there is a lot of -- there are a lot of incidents as we said the other day on 290, toll road 130. So I'm not having the kind of data to say there really is a need. Because if 404 has the largest call volume and response time in that island, I'm not sure why we would take that on. Because I don't know how much our two stations in that area are responding to calls already.

>> Okay, I understand. We can get you that information.

>> Houston: Okay. I'm sorry.

>> And I do want to make a comment too in regard to our response that if it's a single unit response and we're talking about 404, they have a single unit, we're talking about multiple unit responses to many of these incidents, and they are not able to provide that type of service. Where we have frequently and we will continue to do is to back them up. When you need more than one unit, you need two units or three units or four units. And as the city of Austin because of our resources, we're better able to provide that. We really have the standing army at our fingertips. And so we can better make that happen as opposed to one unit within that island.

[11:53:12 AM]

>> Mayor Adler: Yes, Ms. Alter.

>> Alter: Thank you chief Kerr and chief bailly with coming with so much information and answering our questions. Chief Kerr, you mentioned something towards the end of your opening remarks and I wanted to make sure I understood. You mention that the Glenn lake neighborhood association had asked whether it would be possible to authorize you to negotiate but not execute the contract and you said you were happy to do that. Do you see any major implications of that other than having to stay around here and tk with us for that extra day? And I would also like to know from chief Bailey if he has any concerns if we chose to go in that direction.

>> I spoke truthfully if that was what the council would desire that we come back and you authorize us to execute the contract once we've had the time to negotiate, we're happy to do that.

>> Alter: And does chief Bailey concur?

>> We're of the same mind. Lots of people want to read the fine print you need to take a look at it. We degree with that.

>> Alter: Thank you.

>> Mayor Adler: Any further discussion on the dais? Ms. Pool. We have people in the public.

>> Pool: Let's do that first. Thanks.

>> Mayor Adler: So this is item 10. We have -- let me see if I have this right. Andrew Garcia. Is ameliano bienvenidos here? You've donate your time. I just wanted to make sure that you are here.

[11:55:13 AM]

Did you donate your time?

>> Yes, sir.

>> Mayor Adler: Okay. Is Justin juerta here? Colin sander son? Thank you. Elijah Steele here? Thank you. You have 15 minutes.

>> Good afternoon, council, mayor. My name is drew Garcia and I'm the president for the district 4 firefighters association, locally 4848. One of the identified stakeholders through this process. What I would like to do is just read you a brief statement. I'll start. I'm here today to stand up for what we believe is right. To share the truth about this process. I'm here to make sure that my firefighters have a

fair and equitable opportunity to join the Austin fire department. There are two components to the contract for service, the financial component and the labor component. It is the labor component that has raised concerns. More specifically the chief stringent standard that my guys and gals have to go through to join the Austin fire department. I want to be clear we respect the chief and recognize her expertise and her experience in running a fire department, but when council directed the stakeholders to explore the contract for services back in May, it was the stakeholders who did all the legwork and came to a consensus on all of the entry standards. Some of those standards discussed included a vote from local 975 and even a vote within the stakeholder meetings themselves. It was only after the final report was submitted back to council in August that the fire chief changed the definitions to the entry standards despite what we had originally agreed on. Again we recognize the fire chief's experience, expertise and her authority. But we also recognize the many stakeholders that were involved in this process. The count less hours they and us ourselves invested. Stakeholders who also have many years of experience and service. During the discussion on the hiring and training standards, there was about 100 years of combined experience within the subcommittee meetings that I was personally apart of.

[11:57:18 AM]

In relation to the chief's experience, I would say that the stakeholders' experience could be considered comparable. One example of the stringent standards I'm referring to would be the standard on the 12 mets. Also known as the mile and a half run in under 12 minutes. Initially the stakeholders came to an agreement to incorporate the treadmill test, not the mile and a half run. Reasons we agreed on the treadmill test it was considered a medical incumbent standard. Examination. Excuse me. If the test is done correctly it can identify abnormality, ab Normal rise in blood pressure, heart rate or ischemia or chest pain. This would indicate something more serious is going on with my people's health and getting them treatment would be appropriate. When compared to the mile and a half run, the candidate is basically placed on a track and told to run. One of the Austin fire department's validations being utilized behind utilizing the hour and a half run was the need to be physically fit in order to fight wildland fires. Our rebuttal to the position was there's already a national physical standard that already exists on wildland fire fighting and it is not the mile and a half run in under 12 minutes. It's the opposite. It's a hike or a walk, if you will, while wearing a 45-pound pack over a distance of three miles. It's called the pack test. It's a federtandard. There is another entry level standard as defined by the fire chief that will eliminate four of my guys before starting the process. Local 484 484 appealed chief Kerr's definitions with no resolution. Despite the diversity makeup of these four individuals, an African-American, two hispanics and a middle Eastern. Individuals we would think that would be considered a highly desirable candidate in the Austin fire department.

[11:59:19 AM]

Aside from the entry standards, some of the rhetoric in the Austin fire department and some of these stakeholder meetings has been why should we treat you esd guys any different from the candidate off the street? Our response has been because we are different. In fact, we're like you. We serve the same citizens and when all annexation occurs you now serve the citizens we serve for years. The difference between us and the candidate flying in from Boston or Minnesota to test is our guys from here, we work here, this is our community, and we are bringing fire stations, apparatus, equipment and \$2.4 million with us, in addition to diverse qualified personnel. My question would be when was the last time the Austin fire department had a candidate that brought those types of resources to the process? The more important thing to keep in mind here is there is no alternative for those who don't pass the chief standards. Unlike the candidate off the street, we would have a job -- we don't have a job to go back to. This is it for us. It is a risk we have worked so diligently on and collaborating with the stakeholders to try to mitigate. This is why my group is so frustrated with chief Kerr's definitions on the entry standards. Of this process is unique in nature. It's never been done before in the Austin fire department. I'm not sure if anyone in this room can confidently say that they have successfully created a regional fire department before. But if we're going to do this it has to be done right. We've got to take care of the people coming over. ESD firefighters across the county are watching what we are doing here today. We to set the right example for our brothers and sisters who risk everything to keep our community safe. I would like to end with

this: We are in favor of moving forward to negotiate the contract with the Austin fire department. We are optimistic that chief Kerr and her staff will collaborate with us on the entry level standards, to find a fair and equitable way to transition our qualified, diverse firefighters into the Austin fire department.

[12:01:27 PM]

This is a good deal for the Austin fire department, the city and even local 997 membership. Let's do what's right and make this equitable for us too. Our respectful request from council would be to allow the contract for service to come back to the dais for final approval, which the chief alluded to today. Thank you. This would allow a check and balances approach to making sure of what transpires. We appreciate your efforts. Thank you, mayor, council.

[Applause].

>> Renteria: Sir? I would like to know, you mentioned that four employees would be just disqualified from the beginning. Can you tell me why?

>> Absolutely. So your the collective bargaining contract mentioned. Within the contract there are seven entry level standards that we have to abide by or that have been used these are recommendations to the fire chief. Overall my understanding is that the fire chief has the authority to change these, but to answer

your question, what's impacting those four individuals is the specific language, it says minimum experience of two years in a Travis county esd before entry into the Austin fire department academy. So this sparked a lot of conversation in the stakeholders' meeting, how do you quantify two years of experience? What makes a two-year firefighter -- what makes a two-year firefighter experienced? How do you quantify in a. That was a discussion we had. The stakeholders that we had a recommendation, our group, the stakeholder had a recommendation. We came to consensus and then the chief had her definition, which pretty much what I understand to this day has trumped kind of what that stakeholders has come together.

>> Renteria: So what you're basically saying is that these four members don't have two years at the E.M.S. -- The esd?

[12:03:32 PM]

>> So these individuals, they do have experience, and what I mean by that is some of them have worked with us since 2014. They might have gone to another fire department and they came back. Those are -- there's two individuals within that group that have done so. So they have over two years of experience, but according to the contract it says two years in the Travis county esd. And that's what's impacting them right now.

>> Renteria: It's just Travis county's section that's holding them back?

>> That is the recommendation, yes. That's my understanding the chief has the authority to change that.

>> Renteria: Thank you.

>> Mayor Adler: Okay. Thank you. Next speaker is Gus Pena. And I know we have folks here for citizens communication. We're going to continue that here in just a moment.

>> Mayor, council members, good afternoon, I'll make it brief. I have union all my life, with the IRS, Neff, the city of Austin when I was an Austin bailiff here and when I was with Travis county, also a bailiff and went through the sheriff's academy there and of course the federal academy with the IRS. I'm in support of the comments and I'm not too clear on what's going on here. I'm just supportive of union members and I just require them to give us truth and honor necessarily and I believe that's what's happening here. I also -- my good friend Bob Nix is here from the fire department. I treasure his friendship. And I'd like to say listen to the unions. And they're not going to be BS to you. They bring forth factual information. That's all we have to say. I support the rank and file, but I wish we would have had the female numbers here, although somebody has to be on staff.

[12:05:36 PM]

But you asked about the firefighters here, Justin, Elijah, Arrellano,

[indiscernible] And Paul, stand up to be recognized, please. Stand up. What's your name?

>> [Inaudible - no mic].

>> I'm always a strong supporter of women's wife. Bianca Guerrero is also a firefighter and thank you very much for y'all's efforts out there. I know it's dangerous work. I've been there, done it in the line of law enforcement. I thank you for the hard work and I hope the councilmembers and mayor will listen to this and make an appropriate decision on y'all's behalf. Thank you very much.

[Applause].

>> Mayor Adler: Next speaker is Charles Alexander. Here? What about John -- I'm sorry.

>> Mayor and council, I appreciate the opportunity to speak. I'm a commissioner for esd 4. I just want to say very briefly that there's a lot of winners in this deal. Esd 4's citizens and taxpayers are much better because they get much better fire service. Our job as commissioners are to provide the best fire service within our resources and this is the way for us to provide it. Austin fire department is a beneficiary because they get two stations that they don't have right now that allows them to provide better service to certain sections of town. There is one group that doesn't necessarily have a benefit from this. Some of our firefighters will have a tremendous benefit because they have become Austin firefighters. Some of them won't have a job when this is over.

[12:07:38 PM]

You may think we're making a big deal about this, but it is a big deal because esd is paying for 30 firefighter slots. That's what the economics come out to, 30 firefighter slots. We're sending money to Austin to pay for 30 firefighters. We have 30 firefighters. Not all of them will go to AFD for various reasons. I think this benefits all of us to minimize the impact that -- the adverse impact that some of these rules have. It's our hope that in the negotiation process that there will be give and take, that there will be flexibility that can minimize some of the adverse effect on this. Thank you.

>> Mayor Adler: Next speaker is John Reynolds. Is John Reynolds here? Peter Torgeson? Carol Lee is on deck.

>> I'm Peter and I'm also a commissioner on the esd 4 board. It's for hearing us and considering that applying an urge you to vote to allow us to move forward to try to negotiate a contract on this subject. It's immensely complicated process. I had no idea when we started how complicated it was going to be. And I think that we're very hopeful this time that we might actually make progress. It gives them

consolidation of fire services in this county. People may not know, but Travis county has got 14 fire departments. The city of Austin and a whole bunch of fire departments surrounding the city and esd 4 happens to be in the situation that we're the most annexed fire department in the territory.

[12:09:50 PM]

We used to be a big ring around the northern part of the city of Austin and now we're reduced to five islands. And the annexation process is going -- the annexation process is going to continue. It does affect the services. This is the right time, if you pardon my time, the planets are all aligned that this would be a very good time to move forward on this item. It's a cost neutral thing at the moment. We have two fire departments. The city of Austin is very interested in making this happen. Esd 4 is very interested in having this happen. There's a lot of esds where there's not a lot of support for this activity, but it's going to happen. This is a chance to do it in a way that can be replicated and work with other esds, not just esd 4. We have a whole bunch of details that need to be worked out. We're very hopeful that these can be done successfully, but the devil is in the details, like with many things, and we would hope that we get the opportunity to try to see if this will work. Thank you for supporting this.

>> Mayor Adler: Thank you.

[Indiscernible]. David King gives you three minutes so you have six minutes.

>> Thank you. Mayor, mayor pro tem and council, my name is Carol Lee, and I've been a resident of the Glenlake neighborhood for over 20 years. Currently serve on the GMA board and I appreciate that it sounds like many people got, received and read the letter from our president that he sent in. There was a lot of talk in last week's briefing and today about stakeholders 6789 and, you know, we feel like we're a stakeholder too. I know that City Park Rhode Island presents 50% of the tax revenue for esd 4.

[12:11:52 PM]

The esd 4 professionals are responsible for saving the life of one of my family members and many of my neighbors and their family members. So we feel like we have a significant stake in this, yet we're at the table. And I know that there's a lot of parties who have spent a lot of time in the negotiations, but we do feel like we should have a voice. And the opportunity we have for that is in front of you, our elected officials. And that's why we feel very strongly that you need to require that the contract come back to our finalization because there's details. We have a list of concerns. We don't know what else might be a concern because we haven't seen the contract. But we have some current concerns that we want to make sure are addressed before we can say whether we support or oppose this very significant action. I think this is going to

be action that's kin unwind once people lose their jobs a things get transferred and sold off. So it needs to be -- we need to make sure that the details aren't place and it is going to be better for everybody. We do understand how the esd 4 territory has been chipped away, territory and taxes have been chipped away by annexation and they've a very large challenge with the geographic diversity of the people they serve. We get great service. We have no complaints. We love our are professionals and they do just a tremendous job in our community. So we'd like to -- we see the need to look at it at a regional level so that we can provide equitable service to all the customers of esd 4, but please require that the contract come back to you so that we have a chance to weigh in once we know the details.

[12:13:59 PM]

Thank you.

>> Houston: Mayor, may I ask a question?

>> Mayor Adler: Ms. Houston.

>> Houston: Ms. Lee, this has been going on for years but I got on the council this was in. So your neighborhood has not been engaged in any of the conversations about the merger?

>> No. We do attend the esd 4 commission beginning sometime to find out about it. We talked to some of the firefighters, but we're not in on the details. We're not party to the negotiation.

>> Houston: Thank you.

>> Mayor Adler: Okay. Anything further? All right next speaker is Bob Nix.

>> Good morning. Name is Bob Nix, president of the Austin firefighters association. Thanks for having me speak today. I am in agreement with Carol Lee, the last speaker, that this contract should be struck and brought back to council for approvals. All stakeholders can weigh in on the final contract and agreement. There's some very reasonable things the neighborhood associations would like to see and they have no ability to do that until after it's completed and speak before council. So I think that's a very wise recommendation. Also, I want to remind council that council formed a stakeholder's group to bring recommendation to the council over a year ago. And the stakeholder group did that and we reached consensus on most of the items. And then the fire chief brought another set of recommendations to council. And by and large they match up. They're very, very close. Except when it gets to entry standards. Entry standards, the fire chief prescribed some standards that were higher than what the stakeholder group recommended and the practical implication of that is at least three minority firefighters will not come over under the fire chief's recommendations.

[12:16:06 PM]

So the fact that the recommendation is coming to council, I think council has some purview in deciding which recommendation to accept. And I'd recommend that we look at those side by side and look at what the practical implications of those recommendations are and have council make some of the final decisions. I do support almost entirely, I think entirely, what drew Garcia, the president of local 48 said earlier. It is different. As much as we want to say they're the same as the regular hiring process, it is not. And it's different for all the reasons he put so well. That's my only comments is the two recommendations. If there's any questions I would be happy to answer them.

>> Mayor Adler: Any questions?

>> Thank you.

[Applause].

>> Mayor Adler: Ms. Pool.

>> Pool: Mayor, I J wanted to note that we had a letter from Ashton woods condominium community, 4300 Mcneil drive, in support of the esd changes, saying that the nearest fire station is only a little O two miles from us and can arrive here at a fraction of the time it would take for a truck from esd 4, which is about 13 miles away. This does crystal lies and distill the issue that we're talking about. I am wondering because of the concerns expressed by the union, the firefighters association and the firefighters and some of the other folks in the community, if we could get -- if our law department could weigh in on the credentials and the qualification and the interpretation that the fire chief has offered. I don't know if that is something that is better expressed in a memo form to us so that we can make sure that better fire service is what we're aiming for.

[12:18:13 PM]

Don't want to put people out of a job, and so if there's something -- I'm looking for some way to move forwa this so that we don't unnecessarily jeopardize people who have served in this position and are looking to potentially join our fire department. So help me find a way to bring those two pieces together.

>> I'm not sure that I can help you right this minute, but we can probably get back with you shortly.

>> Mayor Adler: It is 12:15. Do we want to -- now that we've heard all the speakers, do we want to break for citizens communication and lunch and then come back and pick this item up? Okay.

>> Garza: I guess I WOU ask what the level move approval of 10, but take out the execute.

>> Mayor Adler: There's been a motion to move this item 10, but having it just so it's negotiate, but not execute.

>> Garza: And I have some realri comments.

>> Mayor Adler: That's been moved.

Is there a second to T>>I: I happy to second that. That would then give us the opportunity --

>> Mayor Adler: Ms. Garza, do you want to address that?

>> Garza: Maybe what Ms. Pool was getting at is when this comes back to us to approve execution, is it within the council's ability to strike portions of that agreement? R example, if at that time there's still a mile and a half requirement and there's still some other things that are a concern, is it within council's ability to strike those before we approve?

>> Councilmember, let me make take a look at that closely because those are things that are really within the purview of the fire chief, how she actually runs that department.

[12:20:15 PM]

And your job, of course, is at a policy level. Let me make sure I can help you understand where that ne in this particular item.

>> Garza: Okay. And I just want to speak briefly to the concerns about these -- these standards. These standards have been implemented in the past three years and I would argue that all the Austin firefighters who have come in before those three years are great firefighters and capable of doing every single job that's required of them. And every one has to pass the mile and a half test. I still don't have understand the scientific evidence or any kind of scientific proof or D that S how that makes one a better firefighter. I have heard anecd Iden, B iny Rea scientific proof of why that is -- would be required. And, you know, I'd also like to learn more before this comes back. My understanding was the parks police was merged with our APD and I would like to understand if those parks police were required to meet the same standards as our APD. I think they should be treated the same if that's the case they weren't, but this is a different -- this is a different deal. And it should be treated differently and it should be treated with care to make sure that we are not -- we are not pushing standards for the sake of pushing them. We areas stads because they indeed crte -any of our firefighters do not meet this standard. Chief Bailey said he thinks all thinks firefighters would be just as cable capable of working for AFD and protecting AFD without that standard. So I would really hope that we can bring some real evidence that shows how that needs to be -- why that standard needs to be in there.

[12:22:23 PM]

>> Mayor Adler: Okay. Ms. Pool and then Ms. Houston?

>> Pool: So echoing what my colleagues here have said and certainly not as eloquently as councilmember Garza -- and of course she's on the ground experience these things acknowledging that we have a negotiated agreement with our firefighters, part of what I would like to see with laws, when law weighs in, to make sure that we are not going to our negotiated agreement, we have a contract. And also making sure that any interpretations are fair and equally -- and there's fairness and equity in the equality and interpretation. That's what I would be looking for.

>> Mayor Adler: Thanks. Ms. Houston.

>> Houston: It doesn't sound like it's ready to be voted on today. It sounds like there's a lot of parts and I would have to get to this. And I've said this in that there are 14 or 15 esds that are surrounding Austin. There's been conversation about a regional fire service if this was in fact a way to develop a template to have a regional fire service, then the task should have been to bring us back to study on that, rather than having this piecemeal esd by esd until we get through all 14 of them. Some may have some additional money found so place, some of them may not. So the long-term implication or the policy implication, the financial implication, is that as we pass this merger, then the next one will come up and the next one will come up and how will we deal with those are unanswered questions for me. So I too agree before anything is executed it needs to come back. There's a larger issue here that I don't think we're looking at is that at some point each esd is going to come to the city and want to implement the same kind of merger process and we're not prepared to respond to that.

[12:24:31 PM]

>> Mayor Adler: All right. We're going to pick this item back up after lunch. We're now going to go to citizen communication. Citizen communication we have one, two, three, four people. It's going to take us about 10, 15 minutes. We do not have executive session today so I would anticipate a little after 12:30, 12:35 or so we would go to lunch. Do we want to come back at 1:45? We will go ahead and do that. The first speaker we will pull up is Janice Pickens. Is Ms. Pickens here? The second speaker we have is Mark Jackson. Is Mr. Jackson here? Mr. Jackson. >> Morning. I have a couple of letters that I want to hand out. >> Mayor Adler: The clerk will help you do that. Ready? First of all, I have a couple of letters here I want to hand out to you guys of our -- [inaudible]. The second is equity in new development.

>> Mayor Adler: Can you speak up just a little bit, please, and can people in the back please keep it down so we can hear the speaker?

[12:26:37 PM]

Go ahead, sir.

>> I just want to give y'all a run-down on what's going on here and where I live and the history here. I really don't have to go into that, but you can see here that I live at 5005 Pecan Springs Road and that says 13 acres up there, but it's actually around 13 acres have been developed around -- 11 acres that have been developed around me. I'll go to the next one. % here is one of the first problems I'm having here is the easement and the drainage pipe that runs to the north of the property. You can see here that they've already installed a pipe and it has a few rocks in front of the pipe. And the next picture there is where it's flooding and eroding down to the north of the property. And a lot of days I and myself and Councilman Houston are going back and forth about that. And since then they dug it out even a little bit more, but now I just have a constant stream of water. And some of it is stagnant and some of it sometimes is just running. Because the water table is so high now I have a little stream there. And basically because the area is near Pecan Springs and some of it is coming from the springs --

>> Houston: Mr. Jackson, you will have to speak up louder. I can't even hear you.

>> Yes, ma'am. How about now? The second issue here is it's a project that's been developed across the street from me on the one-acre plot. You can see here this is a pylon-driving device, piece of equipment. This one -- let's see what I have here.

[12:28:44 PM]

Last summer, this is when they started driving the pylons in on the far left picture. The one in the middle is when they started driving just next to my house, only about 20 feet from the door. On December the 19th. I don't know if you have the letters there with you or not. It describes what happened when they were driving those pilings in there and the third picture on the right is just them setting up again on the 19th.

[Buzzer sounds] Is that my timer?

>> Mayor Adler: Yes. You about you can continue your thought if you want to. You can conclude.

>> The third picture is the cracks and damages that I have sustained from the pilings device that they've used to drive in the ground until the ground was shaking. Pretty bad. So I have some damage that I have to my foundation and some of the rock facade on the outside of the house.

>> Mayor Adler: Okay.

>> A lot of damage.

>> Mayor Adler: All right, sir. That was your time.

>> That's my time.

>> Mayor Adler: Yes, sir.

>> Tovo: Mr. Jackson, if you have the ability to do this would you mind forwarding a copy of those slides our the email?

>> I sure will.

>> Tovo: Thanks. Were there many M slides left?

>> I have a few slides here. It's gone now. Three or four more. The last one was the issue pertaining to the flooding, to the north side of the city also on the property due to the

[12:30:46 PM]

>> Tovo: Yeah. If you could email that to us, to everybody on the dais, that would be great. Thank you.

>> Thank you.

>> Mayor Adler: That's a good idea. Thank you. Next is Carlos Leon.

>> Carlo Leon. Aquí in Austin, Texas, Feb 12 to speak what's right. Spanish Spanish. First and foremost, [speaking foreign language]. Last week chem trails were sprayed in Austin's air to defend clean air and residents' health by immediately telling the F.A.A. To stop that crap now. Nationally the left mindset has exposed itself. For Obama, serious constitutional law violations were blatantly ignored, but the smallest rules infraction by Trump's team is overblown. Obama issued an executive order banning Iraqi immigration, silence. When President Trump issued a similar order, screaming. Because the left is all about power and control, country, constitutional and truth be damned. Legal immigration is right and America's life blood. It's illegal immigration that's wrong. Being deportable, I've been targeted by the left's ass backwards passive aggressive madness for years in Austin, like when public servants tried getting me to serve them. For example, several female feminist cap metro drivers per Texas penal code 20.01, 20.02, 39.02 and 39.03, tried abusing their official capacity to unlawfully restrain and oppress me for refusing to negotiate away any of my civil rights to ride and exit the bus when, where and how I choose following legal cap metro policy and procedure.

[12:33:21 PM]

When I rightly and firmly stand my ground, they wrongly stop driving the bus and call and lie to security to trying me to bend their unlawful demands. Passrraeend B requirements be damned. Like yesterday when I showed the security officer the rules themselves and that I them, the female driver then tried forcing me off the bus because she felt uncomfortable. Truth and aountability do that. So of course, I did not allow her emoti terrorism to move me one inch. Uzzer sounds] Principles trump feminine feelings. What we need to heed to be safe, sane and great again. In Jesus' name I pray, amen, thank you, lord, god bless Texas and the United States of America.

>> Mayor Adler: The last Eaker tt we have frank Harren.

>> Mayor, mayor pro tend council. I'm speaking H today in my individual capacity. I met someone in the last few days that you all know and rpect. They said something both refreshing and inspiring. And that was that we need to make decisions based on the merits. No O who shows up, not based on political calculations on the merits. He wasxa right. A unanimoucicy council adopted imagine Austin in 2012 O theerits. The council holding a broad range of views O hboduell voted yes. In spite of political alliances. As a result we have a pretty goodew comprehensive plan.

[12:35:25 PM]

While there were significant compromises made during the process, a grand bargain never happened. Not even close. We went to final hearing with the two opposing factions holding unconditional and diametrically oed positions on the adoption of the plan. Steve Al man was the president of and I was chairing the group actively promoting the plan. I bring this up only because Steve and I, total strangers at the beginning, became friends over a two-year period. We never once had a crossword about anything. We would meet privately over coffee and talk shop. And yet we never came anywhere close to a grand bargain. Compromise is a goal unto itself is underrated. It often leads to decisions not based on the merits. And consequently decisions that don't solve long-term problems. Agreement is not a precondition to having a civil and friendly relationship with one another, even among those who are politically active. The nature of my two-year interaction with Steve proves that fact beyond any doubt. Each of you is a good person with a good heart, a healthy conscience and a great deal of intellect. I've seen that in you as you recently protested in the streets. As you've help the homeless, as you resnd to that night of the cactus rose hearing. And until and unless proven wrong, I trust all 11 of you to ultimately decide to adopt a good code solely on the basis of its merit. The only thing that any grd political bargain could achieve would be some relatively short because in the underlying debate. Ultimately however the big 40 year debate will resume and continued the segregation of our beloved community will continue and get worse. We don't need a grand bargain on codenext. We do need to act as friends and neighbor as Steve and I, ultimately long-awaitedis O the I belie that ifeake a merit listen

based decision -- merit-based decision acting as our best selves we can and will look forward to a unanimous adoption of a really good new code.

[12:37:39 PM]

Yes, you heard it here first unanimous. Thank you for listening and for serving our city. I really do appreciate it.

[Applause].>> Mayor Adler: We will take a recess until 1:45. We'll be back after lunch. >> 5c[

[1:16:01 PM]

X]

[1:19:19 PM]

,Y

[1:23:26 PM]

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[1:34:25 PM]

hz

[1:50:12 PM]

a

[2:01:48 PM]

ilmember, I would leave that up to the esd 4 commissioners who were in their neighborhood's district. I don't want to take that right.

>> Alter: That was a question for the group rather than one chief over another. Thank you. >>

>> Thank you again for the invite. It's certainly our intention to share every step of the way with these community groups. We feel we have, but obviously they still have plenty of questions and we will continue to provide that as frequently as we can.

>> Alter: Thank you. It's been my observation that you have a very good relationship with those neighborhood associations. I just wanted to make that part of the record and I'm sure you would have done it in any case.

>> Thank you.

>> Mayor Adler: Any further discussion? There's been a motion and a second. Let's take vote. Those in favor of item number 10 please raise your hand? Those opposed? It's unanimous on the dais. That will then get us skipping 29 to item number 31. We have someone here to speak on item number 39? James gripke? Is Mr. Gripke here? Mr. Gripke? Okay. We are then back up to the dais on item nritem number 31 you Wil recall I Reado the record three itemshi morning, zoning and platting mission, David king by kitchen. Visitor impact task force, rid Mendoza by public works department. And noting that David king is being nominated to fill needm created by the resignation of Thomas webe I have also handed out T the council a document that has in the upper left-hand corner mayor's proposed committee proposal.

[2:03:56 PM]

And it's white. Obviously there's been no notice for consideration of those committees because we didn't create them until just a moment ago. But if the council wanted to proceed with that, we could certainly -- we certainly could. Is there a motion to approve 31?

Pool: With what?

>> Mayor Adler: The ones that are in front of us now is the yellow sheet the base with respect to the committee proposals. I'm moving the one that I handed out that has mayor's committee people in upper left-hand corner. Until we're talking about coming back in and changing the committee appointment structures and the like, until we do, I thought that it was my responsibility to propose committee chairs and committees. You will note that I have put four on each one, but I think it's our understanding that everybody can attend any committee they want to. And recognize that people that wanted to be on committees and indicated them as alternates even though we don't have quite such a word. Ms. Kitchen?

>> Kitchen: I don't know if this makes sense or not, but we could separate the two parts of it or try to do it altogether. We have all of our boards and commissions and then we have this. I don't know what people prefer, but --

>> Mayor Adler: Right.

Ovo: Mayor, I would prefer separating the volunteer committee from the council committees just for the ease of --

>> Mayor Adler: That's fine. So do you want to approve item number 31 as was posted in the backup with the additions. Then move that. Is there a second Ms. Pool seconds that.

[2:05:56 PM]

Any discussion? Those in favor please raise your hand? Those opposed? That passes unanimously. And now we're -- considering the committee as Mr. W made this morning before us on the floor on the table is the mayor's committee proposal. That's been handed out. Mr. Flannigan?

>> Flannigan: For simplicity's sake, I am willing to withdraw my proposal and stick with the mayor's proposal as it's outlined in the current ordinance.

>> Mayor Adler: Thank you. Ms. Pool

did you want to say more? >> Ovo: I'll go ahead and make the motion to move forward with.

>> Mayor Adler: Ms. Pool makes that motion. Is there a second to that motion? . Flannigan mayor pro tem?

>> Ovo: Mayor, I'm just lining up the information that councilmember Pool had compiled from our message board and councilmember Flannigan, with hers and I think there's general agreement. So councilmember Pool had accumulated the information that people had indicated what their preferences were. And it looks to me like there was general -- when people voiced their preferences, they were in agreement with yours on audit and finance, health and human services, mobility, and Austin energy. The only one where I think there are -- where there's question is housing and planning. So I would request that we remove housing and planning from today's discussion and I have some reasons why. So I'll make that as a motion that we remove as an amendment -- I would ask you to consider this as a friendly

amendment first. You know, we have more people who would like to be on housing and planning than are currently seats under our existing ordinance. I would like to -- I had indicated I wanted to serve on housing and planning. Councilmember Kitchen had indicated she was interested in serving. I'm looking at three different documents so I'm not sure I captured everyone who was interested in serving that is thought on your recommended list.

[2:07:58 PM]

Given that these are two committees that are merging and we haven't had really a substantial discussion at the council level of what the councilmember is taking, I think it may profit from a work session and talking about what kind of sessions will come before that committee, and then there may be general agreement among the council that they want to or not. We may not have six people or seven people who want to serve on it. We may have just the right number of four or we might listen and as a council decide whether there are enough people who want to sit on it that makes sense to have an exception and have it be six people so everybody gets to serve in the capacity they want to. So those are my reasons that we go along with what there is general consensus on with the general committees and we hold out of a community housing. I think everybody can have their choices with the exception of housing and planning.

>> Mayor Adler: I will not take that as a friendly amendment and I will explain why. The first is to avoid trying to have the conversation about what members are on a committee or any of the issues and last week we pulled that off and asked our staff to take a look at that for us and come back with suggestions and I don't see us deciding one of those issues without deciding all of those issues because I think those issues are linked and intertwined. I hope today is not the day that we devolve into that conversation. Second is that the reason when people are going on committees, of course, I looked at this list, as everyone is here, and I think there is pretty much comment on this, as the mayor trying to get people to where it was they wanted people to be able to serve. I do think we need to abide by the ordinance that we have in place right now, that suggests or -- not suggests, but that requires me to put forward a slate, which I've done.

[2:10:07 PM]

The council can certainly say they don't like the slate but we had decided as a council that we would not have the ability to be able to pick and choose from among the slate. We can certainly change that, but that would require us to change the ordinance. If people don't like the slate I would suggest that we don't approve it at this point, but I don't think under the ordinance we have the ability to do something different than that.

>> Tovo: Mayor, I'm happy to make as non-friendly amendment, that we not approve the slate of nominees for housing and planning and if I get a second I had a couple more comments to add to that?

>> Housing and planning would be the entire slate because my responsibility under the ordinance is to appoint the entire slate. And if we don't have approval for the entire slate, the votes aren't there to do that, then the slate comes down. Not individual committees. There it makes a difference you can't still have that the committees work together and again the council in the broader picture.

>> Tovo: Mayor, I guess I'll ask law if he's-- I've heard in front of me and and in' necessary want to get into the room and the responsibilities and go back to the council had last week. I didn't necessarily want to go there today. Seemed like we had a good effort I from us to move forward with 80% of the nominations that were where we're apparently in agreement and hold back the one that wasn't. But -- so I really had hoped you would take that as a friendly amendment. Let me just say that last -- with regard to housing I had requested that as one of my committees last time I was not selected as a member on that committee. I'm not going to be selected on your slate.

[2:12:08 PM]

You know, I attended the meetings when I was able to and I certainly brought forward -- it's not stopping me from moving forward several initiatives and I have every intention of continuing to do that and that's one of my critical areas of attention. That's one of the critical areas that I see as my role here on council. One of the things that drove me to run for council. But again, I would just ask our legal counsel, this isn't really about whether or not I get to serve. It's really about taking the time to talk about housing and planning and see if there's an opportunity for us to come to an agreement as a council who is best positioned to serve on that committee. So I guess I would ask our legal counsel does our ordinance prohibit us from moving forward with the various membership groupings today, but not the Foothills? I mean, typically on our nominations we've had it that we've approved most of them, but held back on one or two. This would seem to be a similar matter.

>> This is a little different. The ordinance that you all passed in 2015 requires the mayor to provide who the people are on the various committee, there are four people and then the council votes on the slate. You could certainly change that in ordinance, but under what you're posted for under 31, to just appoint people --

>> Tovo: We cannot divide the question of -- we cannot divide the question that's before us?

>> The ordinance says that the mayor will appoint everybody and as a slate you either pass it or not. >> Mayor pro tem, I'm credentialed to work on housing. I hope you would work on that and still continue to do the work. We're talking about something that's an interim solution so I think that for everybody this is happening pretty quickly.

[2:14:10 PM]

>> Tovo: Yeah. The circumstances that -- I doubt in six weeks we're going to want to reconfigure the committees. So the reality is today I'm deciding. And with regard to my work, I'm going to continue doing the work that's important to me regardless of whether I serve on the committee, isn't the only person who expressed an interest who wasn't named to it. But regardless, we'll proceed on.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: The code is currently active that we can't divide the question and says we have to do X, Y, Z. It's clear that that's the case. I do think we are going to be reconsidering committees in six weeks. I've been working on a committee proposal through the message board. I think we have talked at length about reconsidering the committee structure and to the extent that six weeks is the time frame is really more of consequence of the strategy out of the consultant work on that end, at least in my mind. I'm in support of approving this slate. It's pretty clear that as a body we're not trying to stifle voices or participation and the committees themselves do not make final recommendations or pass ordinances on their own. It all comes back to here anyway. I think as a matter of process this interim solution we should just move forward with.. Question, perhaps -- Ms. P. >> Kitchen: This is a question. It says except as otherwise provided, which I'm reading to allow us to vote on more, if that interpretation is in line with how law would interpret it, but this is another friendly amendment and that's just a friendly amendment that we just go ahead and appoint everyone that was interested. Since we can't divide the question, that's clear. We can't divide the question. So I'll just lay that out as a potential.

[2:16:12 PM]

>> Mayor Adler: The reason I wouldn't take that as a friendly amendment is because of the issues that it was clear that the council wanted to debate last week is that was the membership of the committees. We went into that conversation now, but my hope is that we don't because I think without deciding that question we push it off. So the way to move forward quickly without significant debate, even though it appears we're going to have debate for just to move forward as much in place as we can and then move forward as quickly as we could otherwise.

>> Kitchen: Mr. Mayor, I wasn't through with my comments.

>> Mayor Adler: Okay. >> Kitchen: The friendly amendment because it's not going to be accepted and I will just say that I'm not trying to pretend I'm happy to have that conversation later. As with the mayor's proposal, I have been on housing and planning and expected to continue to be on it. And this is one of

the reasons why when we get to the point where we're discussing things that there's an array of four people, this doesn't make any sense. So in the interest of moving forward like it goes today, but I think I want to make it clear that it's important to this council to be able to say and participate on what they want to participate with.

Mayor Adler: Ms. Pool?

>> Pool: Thanks. And I think we may have some consensus on taking this forward here today. I would like to just ensure that we intend to bring the membership back for additional scrutiny in six weeks for however long it takes. My goal in this exercise from the beginning was to build the committee's membership. I wanted fewer committees, but I wanted them to be larger in order to accommodate however many councilmembers might want to serve, which is the idea behind the language that was in the -- some of the documents that we had provided earlier, which was no fewer than.

[2:18:26 PM]

So I kind of wanted to set the minimum number so to allow for additional participation even up to a committee of the whole like we have with Austin Energy, to acknowledge and make room for, to accommodate the interest of council. So I think if we assure ourselves that we will continue to have that conversation in a few weeks and maybe we can work through all of this, I think we'll end in a really good place. And I think, Mayor, I heard you say that was kind of what you were thinking too.

>> Mayor Adler: I think the number of members of committee is certainly something we have identified as an open question for us to visit and decide. Councilmember Garza?

>> Garza: I'm still having a hard time understanding -- it seems like the only change that is being asked is that we add councilmembers kitchen and councilmember Tovo to the housing and planning. And I'm still not understanding why we can't do that.

>> Mayor Adler: Because the ordinance that we have right now says that I'm allowed to appoint four people for each one of the committees, which is what I've done. We could have a conversation about whether we want four or six to be on there. Or more. We know from the proposals that were submitted a week ago that there's some difference among the councilmembers as to that issue. So now trying to decide that issue one way or the other, leaving us to decide as a group, I did that I did, however, appoint everybody else who wanted this as a committee so that they could be there and participate in this interim period of time before we figure it out as many people who are willing to spend the time working on those committees and that time. Subject to the question of what it is that the committees are really supposed to be doing, which is an issue on which we also have disagreement. And I'm hoping we don't need to decide today.

[2:20:26 PM]

>> Garza: So the clause that says except as otherwise provided does not provide any flexibility in that memhi of four?

>> Mayor Adler: I think except as otherwise refers to committees that we have otherwise provided, such as Austin energy, where we have provided for more than four people.

>> Garza: Does law agree with that?

>> I have an agreement just for clarification of this? I don't know what you mean by alternate? Because if you have these alternatives that they're attending as well, once you have six people you're actually having a meeting so then you're not -- you're having a committee of the whole. Again, I'm not sure that you all figured out what it is you want the committees to do. Think that's sort of the one that you're having ongoing.

>> Mayor Adler: So the appointments as reflected on reflect the four appointments that the ordinance allows for. The ones that are in parenthesis are my expression of desire that those people participate in those committees as well. But the appointments are for the people whose names are not in parenthesis because there is no vehicle to appoint an alternative, there is an alternative in the ordinance, but I hope those people participate. And so if we have the ability, we're in posting language to talk about membership of committees, do we have the ability to change the line that is very prescriptive? Do we not have the ability to amend that line and say we are amending the line that says each committee of the council consists of four councilmembers? Can we not do that today?

>> Mayor Adler: For the same reason as we have planning commission appointments in front of us and someone wants to appoint two, I would also say that's not appropriate way to increase the membership of the planning commission either.

>> Garza: Can I ask our law what she thinks of that?

>> On the item that you're working on, which is item 31, you may appoint people, but you're not posted there to change the ordinance.

[2:22:32 PM]

>> Mayor Adler: Okay.

>> Renteria: Mayor? If it would help, I'm willing to step down from the Hsing and ping and become an alternate. I don't have any problem with that. I mean, if it's people that really just really have that strong desire to be in on the housing and neighborhood, I would support them. I'm just really happy and glad

that there's so much interest in housing, especially affordable housing and the problem we're facing. I have no problem with being an alternate.

>> Mayor Adler: Mayor pro tem, do you want to take Mr. Renteria's suggestion?

>> Tovo: I don't. Councilmember Renteria, that's very generous of you. I appreciate he honestly gave me the option today. I think our only option is to vote for all of them or none of them. And I've already expressed my concerns or suggests that we alter this so we have more flexibility in the future and I'm happy to take it up then. But I do really appreciate that. I was using Miami as an example of how I believe that we could have a council that would be doing this in the future. I hope that we'll have an opportunity to talk about that different path so that not just our council, but future councils have more flexibility about how they express interest and actually act on that interest in serving on committees. But I'm absolutely content to never serve on it and just to continue doing the housing work I'm doing and to attend now and then and whatnot. I do think as a policy we should address how we select committees and we'll I guess have an opportunity to do that later. But thank you, councilmember Renteria.

>> Mayor Adler: Anything else? It's been moved and seconded. Those in favor please raise your hand? Those opposed? Those abstaining?

[2:24:32 PM]

Kitchen, Tovo abstain. Alter abstains, Garza opposed, the others voting aye. It wins with seven votes. We'll now go to the next item on the agenda. We were going to skip item -- that's all.

Did we handle item 28? >> Tovo: We did not, mayor.

>> Mayor Adler: Is staff here to handle that? Let's do item 2 >> When, mark Washington city manager. I just wanted to before we get the additional information from purchasing office, I think councilmember Tovo asked previously what would the cost be if we were not outsourcing some of the services. And just as a rule of thumb, we've checked in to have paid and what we would have paid if it were in-house. At several locations. And it appears to be about a 40% difference in cost at the locations that we've checked. And other locations the costs may be more, may be less, but we feel around that amount may be the markup. So if the item is \$20 million, another 40% of that would be about eight million dollars. So I think the purchasing office may have some additional information.

[2:26:33 PM]

>> Tovo: Mayor, can I just ask a threshold question? We had a discussion over the break about whether we could actually -- I think this morning we asked about whether this could be postponed and then we had conversation over the lunch break about whether it could be. And I wondered if we just might start there. With what would Happe if we chose to postpone it today, given that the contracts, as I understand it, are from the backup, expiring sometime late February, but before our next meeting.

>> Yes, ma'am. Yolanda Miller, deputy purchasing officer. So we have a couple of choices. We could postpone the item today. Are -- it's going to expire next month. We're right now in I think a 30-day holdover. And if we postpone it, we would need to come back to council next -- the next council meeting hopefully and ask for authorization for a new contract in order for -- for possibly six months in order to allow you the time to do -- for us to help you with any concerns you may have regarding this current request that we have with you Tay.

>> Tovo: So I just want -- so I think that was the answer as to whether or not we could approve a shorter contract. If we chose today or in the future to say do a three month contract or six-month contract, you would need to return with a different item than the one that is posted here today?

>> That is incorrect.

>> Tovo: But if we chose to postpone today and kind of think about what some of the difference options are, if we did that, would you be without security services in the weeks ahead?

>> If you chose to postpone Y's contract and not do anything for an interim solution, then the current interim contract would expire, you know, next month.

[2:28:39 PM]

And we could be with a contract under -- we could be without a contract.

>> Tovo: If we made decision on March 2nd would that be -- would that --

>> For this current contract? Then we would be okay. For March 2nd, we would be all right.

>> Tovo: But if we wanted to do a shorter T contract like a three month, and really have that policy discussion and look at the numbers more carefully, they would require you bringing something different forward on the 2nd?

>> That is correct. We would have to bring a request for an interim contract to help bridge the time between you looking at this particular contract and deciding what you wanted to do. Thank you.

>> Mayor Adler: So you would have the ability and have ability to look at this if you want. It seems like we could postpone this and ask for staff to bring us back what they brought us today as well as interim

option so the council has the ability to go in either direction on the second, giving you the time to be able to look at the materials.

>> Tovo: Mayor, I think that would be great to have a discussion today and then come to some kind of consensus about whether we would want to see that shorter term contract, the way you've proposed allows us to take either option on the second. That sounds like a great plan for me.

>> Mayor Adler: Would that work for staff?

>> Yes, it would.

>> Mayor Adler: Okay. Would you like to make that motion for postponement?

>> Tovo: Sure. I would -- thank you. I move to postpone this item today with the additional direction and request that staff bring back an rca that would allow for the adoption of an interim contract.

>> It would be for a new authorization of an interim contract, yes. >> Thank you. For a much shorter period of time, say three months to six months.

>> That's correct.

>> Mayor Adler: And also come back on the 2nd with this proposal so that the council has the option of going either direction.

>> So you want us to bring both back?

[2:30:40 PM]

>> Tovo: Right. Postpone this item and have it come back on the 2nd and providing further direction that you come back with an additional agenda item on the 2nd that WOU allow for the interim extension -- an interim extension contract for three months or six months.

>> Okay. We can do that.

>> Tovo: Thanks very much. Thanks for your accommodation of that. Why we waited so long to have this conversation.

>> Mayor Adler: Mayor pro tem makes that motion, seconded by Ms. Pool. You raised your hand first. Is there any discussion on this? Then let's take a vote on this. Please raise your hand. Those opposed? Before I announce a vote, there's an amendment that you've handed out. Is that on this item? 29. Different item. Okay. Let me take the vote again. Those in favor, raise your hand. Those opposed? Abstaining? Councilmember Troxclair abstains, councilmember Renteria off the dais. The others voting aye. The item is postponed in that matter. That was item number 28. Now that gets us to -- we're going to pass

number 29 and handle item number 32. Which is the capitol view corridor matter. We're going to handle 34 and then go back to 29. Ms. Houston, do you want to lay that out? I think we have a couple of people here to speak on that.

>> Houston: Thank you, mayor. I want to be clear to everyone that's in this room and everyone that is looking or listening on the radio. This resolution will not adopt any of the capitol view corridors which were identified in ordinance 19840419-k or the additional views which the members of the community have identified. This resolution establishes a process for the city manager to develop a recommendation of one or more options for council to consider, extending the same protection of the views of the capitol in east Austin that were established over 30 years ago in other parts Austin.

[2:32:56 PM]

The recommendations are to be provided to the council on or before the May 18th council meeting. Make no mistake, regardless of what you have heard this is about equity. When I was growing up on East 11th Street playing on the campus of Sam Houston College on 1st Street, the majesty of the capitol was apparent and it was larger than life. When returning from San Antonio you could see the capitol when you came over the crest of the hill before you crossed over town. Now you can't see the capitol. When you get to East 11th in 2015 while walking property where the pin bingo hall is located I caught a glimpse of the capitol. It was not as large as it used to be because the city has grown up around it, and yet in their office it was still magical. A view that has been seen from that particular location since the 1800s the office started working in 2015 to try and preserve some of the pristine views of the capitol that were noted, but not listed in 1985. The city of Austin is 178 years old. The lack of council action in the '80 is one of many examples of homework policies and systems steeped in the thinking of past eras. The Rosewood Corridor, Houston-Tillotson University, the Texas State Cemetery, etc. were all contained in the recommendation from the planning department in 1984. Subsequently those corridors were removed because of political, financial or development pressures. I-35 has been identified as a horizontal scar which separates east from west. Of course, that's not true anymore because west is in east. The proposed towers planned for the 12th Street have the potential to create a vertical barrier and wall off neighborhoods to the east from the rest of the city.

[2:35:09 PM]

Juniper Street and Park Corridors were identified about that time currently there are 23 capitol view corridors West of the interstate. There are five views that touch east of I-35 in District 1. 30 years later District 1 has an amazing number of views that are it shapes our identity as a city. The capitol is meaningful to people who live in east Austin. It is our connection to the seat of government. And we are requesting the opportunity, the opportunity to memorialize and preserve the sight of the capitol that has been a

constant throughout the growth of this city for future generations. Please remember that the be it further resolved will establish a process with recommendations to be returned to council in may. I move --

[applause]. Do you want me to move adoption or listen to the speakers first?

>> Mayor Adler: [Inaudible

- no mic].

>> Houston: Okay.

>> Mayor Adler: First speaker is Dewitt Burton.

>> Good afternoon, mayor, mayor pro tem, councilmembers. My name is Dewitt Burton, president of downtown Austin alliance. I have a prepared statement and I'd be willing to answer any questions afterwards. It's very brief. The downtown Austin alliance, which represents property owners in downtown Austin, is concerned about the possible unintended consequences of the five proposed capitol view corridors may have on future development in the eastern section of downtown Austin. There are several projects already underway that would be potentially impacted, including the central health redevelopment, the waller creek project and the mayor's vision for eastern downtown among others.

[2:37:19 PM]

Specifically redevelopment of the hospital district will help pay for subsidized health care for those in our community who need it. These proposed view corridors would significantly impact the development potential of this project. Another concern is the limitations this would mean for the future tax revenues that could be generated by increased development in this part of downtown. The downtown footprint is an enormous economic driver for the city. Millions of dollars in future tax revenues from increases in the eastern part of downtown would benefit all Austin residents by helping to pay for schools, police, fire and E.M.S. And the other city services. To sum up, while the intentions behind these new view corridors are all good, we hope the city will create a thorough process to vet the proposal and to ensure there are not unintended consequences that will impact our fellow Austinites in any way. And if I just may comment as a suggestion, looking at the five proposed corridors, you might want to consider a compromise and since we know that one of the view corridors directly impacts the proposed redevelopment of the central health Brackenridge site to remove that particular view corridor from the resolution. It is immediately impacting the project and the development interest in that particular site and that site alone in potential property valuations is in the hundreds of millions of dollars for the city Austin. Thank you.

>> Mayor Adler: Thank you. The next speaker is Robert O'Sure.

[2:39:25 PM]

>> Hi. My name is Robert O'Sure and I'm speaking on behalf of public health and we have submitted documentation and a little written memo in regards to this. I'm going to speak in favor of the resolution. I'll ask that the resolution for all the view corridors. And I object to the attempt to except out central health on this matter. And the reason is that central health has gotten itself into a situation where they've privatized their hospital and they're going to suffer a revenue loss between 23 to \$25 million annually as a result of that. And then they also have made a business decision to send money over to the university of Texas, which is problematic legality. And that money is being used to fund health care services for the poor. So they have dug themselves into a fiscal hole as a result of their business decisions that they have made, and now they want to build tall buildings and these tall buildings to build themselves out of that hole, they want to build tall buildings and those buildings will obstruct view. We don't support that approach. Central health has plenty of money at their disposal if they would spend it properly for the poor instead of funding medical education and entering into a losing deal on this privatization of the teaching hospital. So the equity interest that you have talked about are important and we support them, and there is no corridor that could be except out of this process.

[2:41:27 PM]

And I'll be around if you have any questions. Appreciate your giving me time today and also the courtesies the mayor has shown me this afternoon. Thank you.

[Applause].

>> Mayor Adler: Next Speaker Juan Garza. Is Mr. Garza here?

>> Mr. Mayor, mayor pro tem, members of the council, and city manager. I'm so glad to see. Let me preface my remarks. Have some prepared remarks, but let me preface it by saying that I am not here to speak about the noble ideas that councilmember Houston has proposed. It is a noble idea of which we support. We are speaking on behalf of central health. My name is Juan Garza, the vice-president for finance and development. Here to speak on agenda item number 32. Yesterday afternoon the chair of our board of managers, Katrina Daniel, and the chairperson of our redevelopment committee, sent each of you a memo outlining the concerns of this agenda item, which directs the city manager to develop recommendations that extend the capitol view corridor protections to areas of east Austin. The impact of one of these corridors will delay our R process and would thereby reduce health care services for low income residents of our community by interfering with the redevelopment of the central health area. Central health is not a developer. This is public land. We are the local government entity responsible for funding and providing health care services which support the affordability equation for low income residents. With this redevelopment we must replace current income funding health care for

our patients today and offset the need for future increases to our taxes. We understand that councilmember Houston and others care deeply about east Austin and we do too.

[2:43:30 PM]

As we have recently expanded service east Austin and are working in concert with the city and the county to expand services even further to meet growing needs. We have spent two years developing a master plan for the central health Brackenridge campus with input from thousands of community members and which was approved by the board of managers over a year ago. The master plan was shaped by a robust community engagement process involving more than 8,000 individuals and calls for a healthy liveable neighborhood with an economic mixed use development oriented and pedestrian friendly streets, a public market, public spaces connecting to Waterloo park. The plan calls for housing, laboratory office, hotel and retail space as well as opportunities for additional health-related uses and innovation. Last September we began the process for selecting a master developer by releasing a request for qualification. We recently announced four finalists, which we will invite to participate in the rfp process. We had planned to release the rfp in late February just eight business days from today. Your action today will create a delay in our rfp process currently underway and our ability to choose the best partner to carry out the master plan. And our ability to maintain a sustainable source of health care for our low income individuals.

[Buzzer sounds] We ask that you please find a way to eliminate the impact of any proposed corridor to O bendge project which would allow us to continue funding health care services for low income residents of our community. Thank you, Mr. Mayor.

>> Mayor Adler: Thank you, sir. Mr. Casar?

>> Casar: Good afternoon. Just one quick question for you. My understanding is that on that Brackenridge project you would actually have to bring a zoning or entitlement change before this council, is that right? Do you know? Yes, we in fact have been working with staff now for over a year to do that. We have been working under the assumption that our interests are aligned with theirs and so it's been a fairly smooth process and we're very pleased with the work that the city staff has done for us.

[2:45:43 PM]

>> Casar: I appreciate that. Thank you. Therefore we go to next speaker -- thank you so much, Mr. Sanchez. Could I ask STA a question about the planning that has been done?

>> Mayor Adler: You absolutely can. Thank you, Mr. Garza. And be Y ask that question, let me just point out that there were four other people signed up, but not signed up to speak. Mr. King and Mr. Stanridge are in favor. Mr. Suttle and Mr. Bray are not. Those are all the public speakers Wead

>> Houston: Thank you much. Thank you so much, Mr. Rusthoven fo being here. It's my understanding that the property is now zoned P.

>> Yes, ma'am.

>> Houston: And that central health will have to execute an overlay order to reach the floor to area ratio and the unlimited height they're requesting. Can you describe how long that process and how long that may take?

>> Sure. The previous council passed a co amendment giving direction to go out and D certain things too raea to do the ideas that Mr. Garza just spoke of. Soe ded that the best way to handle that would be actually an overlay similar to the congress avenue overlay or the waterfront overlay or something like that. And so we are working on that process right now. It's been quite awhileop that we've been working on it. Viy it W the io it. Where we're at in that process is we have been to the codes and oances subcommittee. We were there I believe right bef holidays. And it got postponed because they Wands T work on an affordable housing piece a little bit more. So we're going be bringing it back to the codes and ordinances committee ago the planning commission probe either later this month or -- actually, probably in March.

>> Houston: And it goes to codes and ordinances in March.

>> March or April. I think there might be a conflict with spring break so this may be kicked into April, but we will be going to them in the next month or two.

[2:47:45 PM]

>> Houston: Is that the last boards and commissions? >>O. Itould go to the planning commission and bacocity council I've also been asked to bring it to downtown commission, which I will do, but I would like to get up the codes and ordinances subcommittee before we take it to downtown.

>> Houston: In your expert opinion how long a process would that be before that partic P of this development comes before the council?

>> I believe given that we have to go to two commissions, plus still get ro the scommtee,y guess is that I would probably have it to you early summer, mayor early June.

>> Houston: Okay. Thank you sch

>> Casar: Mayor, one more question for Mr. Rusthoven. Can you clarify for me that overlay decision we would be voting on height?

>> That is one of the all be an overlay that would basically amend the regulations in the P zoning district. The regulations are intended for publicly owned property, which we feel is appropriate in this case. But what we do is we would -- the P site development regulations are not clearly stated in the code. Rather they depend upon a site plan that you bring forward. But we would go ahead in the overlay and we were kind of about laying out some things such as F.A.R. And here and right now those two things would not have a limit on them.

CAS: Thank you.

>> Houston: Before you sit down, mayor, one more question. Before you sit down, there's been some conversation that if we were to pass this ordinance today to start a process that this would delay the plans for T -- I think the request for would developer submit request for proposal without having the kind of entitlements that may occur with the overlay in hand?

>> I think their desire is to do the process that Mr. Garza spoke of, their master plan. And so the idea of the overlay is to allow them the things that are in the master plan.

[2:49:49 PM]

So I think we would be moving forward with the concept in the master plan with the developer until after they got the entitlements through the overlay.

>> Houston: And that would be after it comes to council.

>> That would be after council approval.

>> Houston: Sometime in the summer. >> Hopefully sometime in the summer.

>> Houston: Thank you.

>> Mayor Adler: Mayor pro tem? Okay. Thank you. We're still on the dais. Ms. Houston, do you want to make a motion?

>> Houston: I move the adoption of the resolution as found in the backup.

>> Mayor Adler: Okay. There's been a motion to approve item number 32. Is there a second to that motion? Mayor pro tem seconds that motion? Is there any discussion? Mr. Flannigan.

>> Flannigan: I've handed out an amendment that would take this effort and extend it to all the capitol view corridors and making sure that we're taking a complete and holistic look aall the capitol view corridors that we have so that we can ensure that we're looking at every angle, as it were.

>> Mayor Adler: Okay. Is there a second to this amendment as offered? Ms. Houston seconds it. Is this amendment acceptable to you, Ms. Houston?

>> Houst wl, the clarification that jus asked and I want for the record is whether or not the five that are in the original resolution are contained this? And I've been assured by councilmember Flannigan that it-- show me where it is?

>> Flannigan: This part generally described in exhibit a.

>> Houston: And under 1 it talks about exhibit a and in 2 it talks about the city manager will verify the coordinates in exhibit a. So as long as those five corridors are still there.

[2:51:51 PM]

I think periodicay there are times when we need to lo at those things a this was done in 30 Y ago. And some of those may not need to be there anymore where some do need to be added.

>> Mayor Adler: So this is friendly to you? Is there an objection to this being included? There is no objection. So it's been seconded. Debate continues on the amendment. Mayor pro tem?

>> Tovo: So I have concerns about some of the additions. Some would be okay with me. The possible changes, the movement from -- that would extend protections comparable, that shift to possible changes is not something I could support. I would need some more information from O staff, but I would like se informationbout the June 2007 downtown development and capitolie corridors report. there was a conversation not terribly long ago in this community about the sue view corridors and getting rid of the view corridors. And it was an extremely controversial discussion. In the end I believe those moving forward and pressing the council for changes to those and removal of capital capitol view corrido. I don't remember what happened to the discussion. I think it was this report that actually gave rise to that. I would ask you for confirmaon of that. That's one reason why the possible shifting the language that would extend protections to possible changes seems to me T give rise to changes I either direion. So I'm very supportive and a co-sponsor actually on councilmber Houston's measure here today to -- F reasons of equity that W look back ate of those corrsteidentified, but didn't move forward in the code, but I do not want to reopenhe debate about our existing corridors with an eye toward removing those protections. So if we can work on some of these amendments to ensure that that's not the case, then I could be comfortable with it. bu anyway, Mr. Guernsey, could you talk to us about the 2007?

[2:53:53 PM]

>> In 2007 I think there was much discussion in particular about one act that affect county land that ultimately did not go forward. I don't remember all the particulars regarding that. I think part of economic development worked on that, part of my staff worked on that. So we could probably come back with additional information, but just looking at the information there might be actually some things that are helpful in there that may have been pointed out, some inconsistencies with existing corridors. I'm certainly aware there are some inconsistencies with what the intent was and what actually is on books today because methods used to calculate heights and distances in the '80s are not as accurate today and I think there was some concern raised about the actual location of the dome. And in particular some endpoints of a couple of the corridors. They also may be stated in these reports as well. So I think just looking at that information I don't find it difficult to do and I don't think it would necessarily influence the staff's decision moving forward, but I'm not aware of anything coming out in particular from that report that was brought to council for action that changed our ordinances.

>> Tovo: Am I right in thinking that was what gave rise to the debate in the community about whether or not to get rid of or amend some of the existing capital view corridors for reasons of economic development and -- and development generally?

>> There was certainly that discussion, but in the end there were no corridors that were changed that I'm aware of.

>> Tovo: Right. I guess councilmember Houston, I would just call to mind that context that I think between that shift in the beginning language and then that citation -- and certainly, councilmember Flannigan, this may not have been your intent to contemplate getting rid of existing view corridors, but I have concerns about this amendment right now for those reasons.

[2:55:57 PM]

And again I could go through and kind of figure out which of those passages that are in your amendment are giving rise to that concern with a few more minutes.

>> Houston: And I appreciate that from mayor pro tem Tovo because we weren't here in 2007, but she has such a keen memory of things that have happened. And that's not in the backup anywhere. There were some issues about downtown moving into east Austin, so I think it is critically important that we not do more harm. I notice people are talking about unintended consequences a lot these days. I don't want to set this up. The original resolution was very clean and very specific, but when we start going in to

what the downtown development, the report in the downtown, I guess the commission, then that gets it really -- that is mucking it up even more. And so now with that conversation I'm beginning to owe I'm going to turn my mic off.

[Laughter].

>> Mayor Adler: Ms. Pool?

>> Pool: Thanks, yeah. I have some concerns in addition to the ones the mayor pro tem raised, looking at additional work, quantitative economic analysis of the impact with the broader view that is discussed here and analysis of the loss of potential ad valorem tax base to the various taxing entities and so forth. Not that it's not a good -- that would be good work, but I would ask our staff when the May 8, 2017 council meeting deadline for recommendations was set, it was said under the assumption that the work was going to be more nature roadway and this has -- more narrow and this has broadened it significantly, so I cannot support the Flannigan motion. So it sounds like maybe the maker of the original motion may be not as supportive of this.

[2:58:03 PM]

Is that affirmative? It sounds like the friendly amendment isn't acceptable to the maker of the motion. So thank you.

>> Mayor Adler: My sense is that the timing is an important issue here. In some respects because the community -- there's some interest looked at and discussed and moved along I appreciate the that you put in the language on or before May 18th, if it could come back earlier to come back earlier. But with the scope in touching base with the manager here suggested that maybe we pause on this for a second so she gets a chance to talk to staff to figure out what the timing might be in terms of being able to come back to us. So with that said, we can either continue discussing it or put this aside for a second and then come back to it and give the manager a chance to check.

>> Houston: I think C T it aside for a moment because what I don't want to happen is for it to require more time than what we have already made. People have been waiting for 30 years to try to get some capitol view corridors and I don't want this to seem like we're kind of brushing that aside.

-- That aside. Asid

>> Mayor Adler: I was going to suggest we handle the consent agenda the people on that are now on this. Let's look for a second at item number 34, which is the south central waterfront. Looks like we need the same people.

[3:00:04 PM]

What about the EDC? That's already been done. We have speakers to speak on item 29 which is the dumpster issue. Mr. Nias, you have -- is Gary Gouchy here? You have nine minutes.

>> I think I have one more.

>> Mayor Adler: Brook Williams. You are right, you have 12 minutes.

>> Mayor and council, I'm Jim Nias. I'm with the Austin office of the Jackson Walker law firm. I'm here today representing Republic Services, which is happy to have been recommended by the city staff to get this contract for waste disposal and recycling from city buildings such as this one and other city facilities.

>> Houston: Mayor, I can't hear. I'm sorry.

>> Mayor Adler: You need to pull the mic a little closer.

>> Okay. Let me tell you a little about Republic Services. They are one of the most well respected companies in the country in the fields of solid waste disposal, recycling and related services. They are very Progressive. They are a leading innovator in turning waste into electric energy. And they are community conscious too. They've been members of Keep Austin Beautiful since 1989. They've been a gold sponsor for the last five years which means they make significant financial contributions to a program which is a collaborative effort between the city of Austin's watershed protection department and the Austin schools to clean up areas in and around the campuses.

[3:02:08 PM]

They've also donated in addition to money a lot of equipment for cleanup efforts in places like St. John's community center, Quail Creek Park, Little Walnut Creek Park and many others. They also have a track record with the city of Austin. They are the company that for the last six years plus has already been providing this service to the city of Austin. And I think the city staff has been pleased with the service. And if you look at the evaluation matrix in your backup material, which evaluated the -- there were only two bidders, two proposers, Republic Services and Waste Management of Texas. If you look at the evaluation matrix, they did a pretty good job on that. We got the highest possible on the criteria of total evaluated costs, which I think means cost effective. And we got the total -- the highest possible total on regulatory compliance. So putting together cost effectiveness and regulatory compliance is a pretty good combination. So with that track record with the city and their experience in the industry and the staff recommendation, you would have a no-brainer recommendation, but when we got to the boards and commissions, some organized opposition rose from a competitor, Texas Disposal Systems, which you will probably hear from today. So I'll call them from now on not to have to say Texas Disposal Systems every

time. And you may feel, you know, what's the deal about a competitor being opposed to U getting the contract. Well, it wouldn't be out of the ordinary if that competitor was also a bidder for the contract.

[3:04:13 PM]

But here, as I mentioned, only republic services and waste management of Texas were the bidders. The opponent competitor in the industry was not even a bidder on this contract so why are they opposed to us getting it? They supposedly don't want it. And this was asked that question blank at the November meeting of the zero waste advisory mission. Bob Gregory, their chief person, gave the answer, and he said he would this contract just in concept because WHA this really was was an attempt by the city staff to take over the commercial dumpster business. Now, the city has always provided the residential waste disposal. You have a utility that does that. And Mr. Gregory indicated that this was a plot by the city staff to take over the commercial dumpster business and drive out private industry which had traditionally in Austin had that business. I didn't think that made any sense because why would the city staff be contracting with us, another private hauler, if their intent was to drive out private hauler and take it over. The logic of that was not apparent to me and still is. And then, you know, contracts with the city. They have contracts so some of the airport work, they have the exclusive contract for the commercial dumpster business in the CBD. That's almost like a franchise. So what is the real agenda? To me, it seems to be that -- and what was recommended -- what their goal seems to be is have the council just throw out TR and start over again, and to have the new RFP that we were -- we haven't using during this current contract could not be used.

[3:06:46 PM]

It is the community landfill owned by waste management of the O bidder. And the result of that -- and the rationale for that was that some years ago it appears to have been the case that there were some environmental problems at the landfill. I had the environmental lawyers at my firm check out the situation now, now there do not appear to be any open violations of the permit from TCEQ, there haven't been for a while, and so the result of finding that site is a receptacle site leaves us with very few the waste is going to be disposed of locally. It kind of goes down to there's no left but this is in the southeast. So they appear to be setting up a situation where they would like to have this RFP thrown and have the landfill be the only option and have the ability to have other people for the use of THA that seems to be setting up -- it certainly has the possibility of setting up a situation where the competitive nature and the options available to us are whittled down to one. It's that \$8 million asphalt contract I heard with one bidder I heard about the agenda vote or something like that. Usually in governmental contracts it's good to keep your options open keep competitiveness high level. And I'm asking you to consider

whether it makes really any -- whether it's prudent and makes sense to try to throw out this rfp, do a new one as is being suggested by some people, and attach to it a condition that eliminates all but one viable place for the waste generated.

[3:09:04 PM]

Seems to wipe out a lot of the competitive advantage that the city might enjoy from otherwise. So the entire management team here from public services, Modesto Dominguez is the local general manager, he's here, he donated his time to me, obviously, mayor, but if you have any questions of him he's here to answer questions and we would like to at least before my time is up rebut a couple things which are going to hear from the opposition. I think you are going to hear that the city staff allowed a late filing of a response to the request for proposals. That is not true. If you don't believe me and don't believe the city staff, I'm kind of surprised there's not a presentation by them first, mayor, but I have a time stamped bid receipt that I can share with you. And the other thing I want to share with you is you probably are going to hear the argument that the -- the landfill operated by waste management of Texas has a limited capacity left, there's only a couple years left. I have with me a today, which I can share with you, records from the city which shows they have approximately 13 year capacity left so we're not running out of capacity, and I would ask you very respectfully consider really whether it makes any sense to try to be led down a path that might set up a situation where there's only one person, one company that has the ability to provide the service for you. Whether that's really a prudent choice on your part.

[3:11:09 PM]

We think a better choice would be to go forward with authorization to negotiate the contract and take into account things like in that process what the situation is today at the landfill that's proposed to be used rather than what it was years ago, or whether there are other options available. That would be the prudent thing to do from your standpoint doing the best thing for the city. If you have any questions, again, we're here. We haven't been active in the commission hearings because -- and you've probably gotten a bunch of information from the opposition because they are technically not a bidder so they are not constrained as to how much information they can share with council members and boards and commissions. Their masquerading is not a bidder. They want the contract in the end and they are using this vehicle to get there. I'm sorry to be so blunt about that, but that's what I'm seeing happening. Thank you, mayor.

>> Mayor Adler: Okay. Next speaker to speak on is Adam Gregory here? Is Gary Newton here? Is Ryan Hobbs here? You have 12 minutes.

>> May I give you some handouts?

>> Mayor Adler: Yes. Why don't you give them to the clerk. She will get them out to the table, to the dais.

>> Thank you very much. I am Bob Gregory with Texas disposal systems and I'm providing 14 sets of handouts. Some you have seen, some you have not. What it includes is a policy statement, policy goals that we're asking all of you to look at.

[3:13:16 PM]

Also our annotated version of the responses to the many email from Sam and Gregory with attachments to them dealing with the environmental claims that the city suggestion and that waste management presents. As far as our report that was given to council a few years ago on the city's response to the diversion of 47%, 46.9% of Austin energy's waste away from landfill disposal. Something that staff contends now can't be done. Also included is a list of reasons why TDS did not respond. These are very specific responses that I provided to you because of what you've asked. The original question, why don't you just bid these things? Because of what you heard in a policy memo that came out from council -- I mean from staff, excuse me, I today is admissions from staff that they are in competition with private haulers and the very things that we've said were the case are now admitted to. I think because my email to you yesterday, which is also in your package there, included the proof that for a year and a half the staff has, in fact, been providing services to commercial companies, and in most cases not even charging -- they charge them, but in most cases they don't -- they credit it off so they don't have to pay it. So the city is providing the service, recycling waste through the existing facilities contract is the total hauling recycling waste, but in most cases the City is asking to be reimbursed from the commercial businesses.

[3:15:18 PM]

It's really hard to be competitive and ask someone to do business with you if you are a private hauler if the city is providing the service for free and you to charge. As a matter of fact, they would prefer to have it for free, but that's not sustainable. We do have a copy of those invoices and a cover letter explaining it to them and that was attached to the email we sent you today. Now, I'm going to stick closer to a script because I know the seriousness with competitors of what I'm dealing with. I appreciate the opportunity to speak to you today. What we have before us today is asking you to please reject this proposed contract not only in the interest of fairness and transparency, but also a clear, cohesive coordinated approach to managing Austin's waste in a way that aligns with our community's values. Something this proposal before you today falls far, far short of achieving. I'll speak to the merits of the proposal or the lack thereof in just a minute. But the primary thing that I think has to be of grave concern all of us and ever in the community is the veil of secrecy that has characterized this process. Even now as this is before you posted for action, the cent

of the republic services rfp response or the full content of the proposed Ty of stin contract with republic services is available for public review. Although in the past when such contracts were done such as the 30-year landfill contract that we have, the 20-year landfill contract that balcones has, and tds has another one for about 45% of the city's recyclables were published with public review and comment with time to respond before they came to council to act.

[3:17:26 PM]

State law has changed that does require the city to withhold that. It's a lack of transparency and the city's choice to interpret state law that has caused them not to give the community the ability to look. The community simply does not know everything that might be contained in this proposal or contract or the possible ramifications of executing it. If that sounds familiar to you, it's like the simple recycling contract for curbside collection of textiles. The simple recycling contract that city S unilaterally executed without sharing any details of sun or community stakeholders who are directly impacted and included good legal D Salvation Army and others, and by the way, the attorney general just released yesterday the 13 missing pages that the staff wouldn't release to us or the nonprofits. The city did it yesterday for the rest of the contract. The contract signed last early July. That no one knew about it but we couldn't get it. It was your last two meetings when those nonprofits were expressing their concern the result of that choice by S T proceed in the secretive manner that we're seeing with this rfp and contract could end up costing Austin not only a million dollars for the simple recycling contract, but millions of dollars for the -- for the -- this contract if it was -- had to be removed because of the lack of transparency. Fixing the problems that result from executing this contract including -- sending city generated waste to a landfill that public records show contains tens of thousands of tons of what today would be considered toxic and hazardous, potentially creates an unsafe built for the city.

[3:19:36 PM]

Could cost taxpayers tens of millions of dollars, not just one. Mayor and council, before we get to what we actually know about the role, pattern of behavior that has led us here needs to be rejected, please, wholesale by this council in favor of full transparency so we can avoid making the simple recycling issue mistake all over again only on a much larger scale. Thank that you to do -- to have -- one way to do that is for the city council to establish that full unredacted purchasing solicitation responses and proposed city purchasing contracts at least for waste-related services if not across the board should be made available for all public review at least ten days in advance of being posted on any citizen commission or council, city council meeting agenda. This kind of policy would ensure that everyone is aware for the full -- of the full details of what staff is proposing to do and has had an opportunity to consider the possible results. It's

Calle transparency. By the way, the chief -- the chief -- the staff's secretive approach in this unique recycling contract and the republic service's contract but is also apparent in every other rfp process for waste-related services that was initiated in 2016. You can see from T emails I've given you I list five of them. They are all intricately tied together, one affects the other, and they -- like the biosolids management contract that you saw in decemr which is currently set up to come back to you and the organics processing contract that is set up to come to you in two weeks.

[3:21:37 PM]

They are all the same thing. And you can count on us to and raise our concerns about that as well. Now let me speak briefly about what we do know about the proposal. As I said, we know that staff's proposing part of the contract to send the waste to the waste management Austin community landfill in which the city council is already unanimously rejecting doing as recently as December 2015. I would note that your December 2015 vote was to reject a republic service's proposal to send Austin energy waste to this landfill and yet that exact same proposal unanimously rejectey Y is once again before you contained in this much larger contract. Uncil N only is the waste management landfill problematic to you from a liabilitpepective as relates to toxic and hazardous waste presented at this site, but you need --so need to understand, pase, THA this landfill has less remaining operatiol life than the contract period. I provided you the dts provided to tceq from waste management from which you can see from their very own filings how this relates down to four and a Hal years remaining based on the waste volume intake they are now reporting. You have that in the emails we've sent you. In other words, staff is recommending THA you commit city-generated waste to an environmental problem landfill that has been the source of heated controversy for years andommodo so for a time period longer than the life of this contract. And this contract we believe because it's in the rfp itself has three one-year extensions that are available only to the staff to extend. The contract does not have to go back to you for the one or two or three of the three-year extensions.

[3:23:39 PM]

And the sympathy of staff seems to be that they would autotend that. It's obvious -- it's absolutely extraordinary that the staff would fail to ensure you, I fully understand the itical fact and the extent to which you would compromise Yo ability as cityic Mars to expose the expansion of this controversial facility which I believe you can be sure that waste management and possibly even republic waste will be doing over the next two years. Intending to pursue a state landfill expansion by the state. An approval of this contract would make it very difficult for the city council to then oppose a landfill that they've already just provided a contract to -- to finish filling the landfill. If we had responded to the rfp, as I

explained in my memo, had we provided you this information in any venue outside the few minutes that we have today to address these things and without the item being posted for discussion, we would have been disqualified from this bidding as well as all other bidding processes that would be out pending. And then the city by the staff's interpretation --

[buzzer sounding]

-- Excuse me.

>> Mayor Adler: You can share your thought.

>> Then the staff would be -- by their interpretation the staff would be barred from using the landfill that receives 45% of the recyclable as well as all the other contracts we have. So my requests in the policy statement, my request for action includes the issues that are in the emails to you, and I apologize for not being able to get it all in within thank you very much.

[3:25:48 PM]

I'd like to answer any questions. >> Or Aer: Not at this point thank you.

>> Thank you.

>> Mayor Adler: The next speaker is Andrew Dobbs. Hi there.

>> I have a few extra minutes from David King.

>> Mayor Adler: I don't have that on M let me refresh my page. David King, six minutes.

>> Thank you. K you, mayor, council. Andrew Dobbs, Texas campaign for the environment. Grateful to be here today. This -- I think our perspective is slightly different, but the outcome is the same from what David has said. We do oppose this contract and I want to take this as an opportunity to speak to some specific things that came up in documents that have come from staff to y'all on this contract that are deeply concerning. There have been attempts in these documents to, we believe, repeat the green washing statements from waste management about this landfill. And there has been various green washing statements made that we believe are very concerning. You can ask council member Houston, of course, about what this landfill means to the people living there. Is a persistent nuisance. This is not something that used to be bad and is now good. I got a call last week from a neighbor telling us to many could not go out there and see how bad it reeked. This is a facility that causes problems for Austin residents today. And that needs to be taken into consideration. I guess they have some bees and butterflies. Congratulations. They also have buzzards, rats and feral hogs.

[3:27:51 PM]

If you like wildlife check those out too. That is something that we have to take into consideration. In terms of the expansion question, it may have said 13 years when their next-door neighbor was piling trash at a monstrous rate, but now that that facility is technically closed they have accelerated rate significantly. In fact they just a year applied for an expansion of their acceptance rate. So that 13 years has now closed -- they have closed the gap on that. There is going to be a day when I'm standing before you and asking you to oppose the expansion of this landfill. It will be very difficult for you to make that decision and it will -- and regulators and courts will devalue that if they can point and say, well, they agreed to send waste to this facility and knowing that it was going to -- for six years when they suspected it was going to be closed before that, but now they are coming back and asking us to oppose is expansion. Do not put yourself into that position. Send this contract back and say that in the future any contract has to send it somewhere else. Send it to Hutto, to tds, send it somewhere else. One thing I have to say something about is that in the latest policy document it identifies the 130, the so-called 130 environmental park in Lockhart as being a facility that's going to start this year, that is absolutely not true. They have a contested case hearing going. That is going to be decided this year. If they win it, it's never going to get built. If they lose it, they are going to file a lawsuit and it will be years before the thing is built. And we have been fighting that those are basically my friends that were dumping on their backyards so I take that personally. The zero waste movement T city and our zero waste plan did not come because we are great people and -- that's not why it happened. It happened and some of you all will remember this because we had persistent landfill words in the previous decade where it was constant fights over facilities between landfill neighbors, groups like ours, the companies represented here and various other stakeholders.

[3:29:59 PM]

And we decided we were going to find a final answer to all of that by coming up with a zero waste plan. This is reopening those kinds of battles. By -- the city staff used to be friendly to facilities. We worked and organized and moved them to a zero waste position and are seeing a reopening of a kind of friendly position towards cities. This is deeply concerning to us. We are not afraid to fight those battles. It is something that we are very good at. It's something we would prefer not to do because when we're friends with everybody, at least with some people. And so that is -- so we would like to see this and I think we need to reject this contract in order to keep that spirit alive. Specific to a few things in this contract that I wanted to address. One has to do with the emergency materials there. I believe it's been misrepresented what we're asking for. We're not asking necessarily for the city to have to dig through disaster debris to determine whether or not it's recyclable. We're asking for a plan. Ybe that would be the plan much maybe the plan would be thing completely different. What we know is that is best practices from communities around the country that care about zero waste and that have extended it to

this particular scenario is that you have to have a plan. Because we know what it look like when we don't, rig we've done that. It looks like us landfilling a lot of recoverable materials and toxic things in landfills. Let's he a P and make sure whatever we do, IFS going to republic, that's fine. Let's make sure republic agrees when the sign the ext cont they say yeah, we'll work on a plan for diversion of disaster waste. The Austin energy act, you have to reject this. You really do. F consideration of your own credibility, if nothing else, right, ause this was brought to you all in December 2015, unanimously rejected. The mayor was out of town. Everybody else rejected it. You didn't get the pleasure of dog that.

[3:32:01 PM]

You were doing important stuff. Ug it back and councilmember Houston and councilmember Casar asked for specific things to be in the contract in the future. Ey brought it back without those things. And then asked -- and put I into another larger contract where it was less clear and asked to approve it. If you approve it, it teaches themselves it's okay to disregard the direction of council. That is -- and I'm not -- we can't do that. Okay? This is why two city commissions have rejected --

[buzzer sounding] Rejected this. Zac, euc dt approve it because they couldn't get a second. Only one person on the euc was willing to do this. Appointed commissioners and advisers and reject this contractment I'm happy to answer any questions.

>> M a: K

>> Pool: Mr. Dobbs, thank you so much for bringing some of the history, some of the background of the situation with the landfill just east of I-35. I was terribly concerned to see that we were allowing that landfill to continue to be filled up when iugt as a commuty we had fought top that mountain fromgrowing. Yeah. Absolutely. And oneoint that I didn't get to has to do with one of the reasons for that Beuse of the liability issue. Mr. Gregory, younolled to this. There is pre-epa hazardous waste at this site, significant amounts. At some point there's going to be a massiveanup and these cleanups are not cheap, in the hundreds of millions of dollars. Ey goio start looking for somebody to pay for it and they are going to come looking at you all. If you all put a bunch of stuff in there it's going to make it harder to say no. If Y can say we said over and over never to send anything there, they will go lookebody else. That is something for councils of the future.

>> Mayor Adler: Okay. Thank you.

[3:34:08 PM]

Michael Whalen.

>> Thank you, councilmembers. Michael Whalen on behalf of Texas disposal systems. I really wanted to complete some of the comments that Bobby had especially focused on what we would like to see happen. I think you've heard, I don't think I can say it any other way with regard to what is really going on and how this is going to impact our community especially east of I-35. So today we would request you terminate this and all need to -- and procure waste related services on a temporary basis to allow sufficient time for policy discussion and appropriate council direction as needed for any new solicitations and award long-term contracts. Right now the program is backward. City staff is coming to you with its policy, the staff's policy already back into the Earth can proposal. And we've seen that numerous times in the last 60 days. Second, that you confirm the city's commitment to the city code sections through 15-15 protecting open market color commercial industrial multi-family waste related services. Third, that you please direct city staff to discontinue contracting for waste related services for any Austin event other than events majority sponsored by the city of Austin. This morning we finally got the policy, the eight, nine-page memo where they admit that would put them in competition with your local haulers. That you please reaffirm the city's goals and requirements with regard to recycle, reusing composting and landfill waste related services for every city generated waste stream. Have city staff update matrices to reflect the standard and decide whether you want to prohibit all future utilization of the waste management Austin community landfill and the Republic Services' sun farms landfill for disposal of all city generated waste.

[3:36:19 PM]

You are going to build a mountain out there and will not be able to oppose it if you send things there. And please direct staff not to aggregate future services contracts for city generated waste across city departments and instead require each department to be responsible for their own waste diversion and expenses. There's a lot of other small haulers who are taking advantage of these contracts and doing it at millions of dollars less than is being proposed with this consolidated contract. And finally that you please direct city staff to develop criteria, internal process for issuing solicitation formats based on product or category because it seems like an invitation for a bid rather than request for proposal would allow transparency we all need to make decisions without unknown and unintended consequences. If you look up agenda for next Thursday a week from now their full contracts with prices are posted.

[Buzzer sounding] That's the type of transparency you look to. San Antonio is a good example for best practices.

>> Mayor Aer: Thank you.

>> Alter: I've have a question. I'm concerned about the --

[inaudible] In work session and also for the contracting process. When we met to speak about this shared an example of what was going on in L.A. Which was kind of a cautionary tale and I'm wondering if you could share that with the council.

>> The short Veron, I didn't go out there, Mr. Gry did, but that would be the long version. The short version is --

[laughter]

-- I sai that about my client out loud. The srt version is L. Has taken more than 100 small haulers and gotten it down to ve and they will now be handling commercial waste. It took many, many years for that decision to be made a it will yield \$100 million a year or \$30 million a year?

[3:38:22 PM]

\$100 million a year in revenue to the city O Los Angeles as a result of the amount they ar going to be charging the citizens. So from an ain orderrability persctive it hurts the citizens, obviously it will create a new budget source keation department, energy a water.but I really believe that should B a much broader policy discussion where y'all are ally looking at the details of what that's going to mean in terms of affordability. I think it deserves aroader discussiat than what they've done heres enter the competitive market andinally admitted to it inheir memo that they issued today that they are in the competitive market. Anks.

Er: Thank you.

>> Mayor Adler: Thank you. E are all the speakers that we have. Dais, I this I -- we just got word commissioner Moya H passed away. As 84. He was the first elected hispanic official in Travis countyhen he was elected to the Travis county commisers court. He was actually the trail blazer that blazed the trail for senator Barrientos and mayor Garcia. I want to give people on the dais everyone just a second if they want to say something and then I want to take a moment of silence just to -- to recognize his passing and career. We have I think a combined duty to follow in that path. Mr. Renteria.

>> Renteria: I just also found out that Richard Moya had died. He was a very dear friend of mine so, you know, he was also a mentor.

[3:40:26 PM]

The reason I got into politics was because of Richard Moya and the demonstration we had down congress was the economy strike. You know, Richard was a strong union supporter and he organized the hispanic -- the mexican-american in east Austin and because of him, you know, we really did have really good leaders which included John Trevino, first hispic city councilmember, Gonzalo Barrientos, our fitter state rep, went on to become senator, and Bob Perkins, even though he's not hispanic, but we consider

him to be a brother so he was a Y know, his leadership was just and his public service, you know, he was -- a park in onion creek was named after him while he was still alive. That's how much the citizens of Austin and Travis county, you know, appreciated and really, really just cherished the work that he did. So I'm also -- you know, he improved the quality of life here in Austin. He was a great leader and I really feel and reach out for thinks family and really want to say that thank rrd , a big service to Travis county.

>> May Adler: Ms. Houston.

>> Houston: Councilmemberreia let me knowestey that Richard was failing in health a I kne him starting in 1966 when we both worked at legal a andefrs society sponsored by L. Hamilton Lowe on east 11th street.

[3:42:27 PM]

And he was always such a gentleman and so kind. And well done, good a ithful servant.

>> Mayor Adler: Let's take a Mont of silence. Thank you. Now let's go back to the business of government. Those were all the sakers Thate had. We're now back to the dais. Is there a motion? On this item? Ms. Transaction delay.

--Roxclair.

>> Troxclair: I would make a motion to deny the contract and direct staff to look at this I guess policy sheet. I don't know if the clerk has one they can put up, but to deny the proposed contract and direct staff to limit the spending authorization to previous contract level and duration which was \$6 million over six years, including organics collection at city facilities, limit the contract scope to only include city facilities, prohibit delivery of waste in northeast Austin landfills including Austin community landfill and sunset farms, rebid as a separate item setting metrics for diversion rate and other community benefits, ex floor the possibility of exploring for bid, new contracts for zwac prior to approval and amend the bud total move T annual Diffie between the new spending authorization

- budget stabilization hcfund. My oe worked with councilmember pool and councilmember kitchen several months ago when this item first came ups well as the Texas campaign for the environment, and this is an agreed to amendment Thate all came up with and I think are all happy to support.

[3:44:40 PM]

>> Pool: And mayor, I would second the motion.

>> Mayor Adler: Hold on a second. Manager, do you want to comment on some of these?

>> Mayor and council, staff has looked at the proposed amendment and we have some questions and comments about it. Item 1 is limit the spending authority to the previous contract. I want to mention that the prior contract was authorized in 2010, which is seven years will certainly not meet our needs for the same time period that this would have. Also when we issue an rfp and an information for bid, we really don't know what the bid amounts are going to come back at so we can't -- I mean if they come in higher than the limit, then the service time or the services will have to be cut back once we get the bids in so that would be a little problematic. Organics collection was not in the prior contract so this contract includes organics but the prior one did not. On the -- item 3, the limitation, the emergencies that we're including in this contract are -- excuse me, O response to flood events where we have large amount of debris that we have to pick up, and S in the future if that was not included in this contract, we would have to contract on an as-needed basis based on the emergency of meeting public health needs and public health and safety needs if we don't include that in the scope. We have no problems at all with number 5 or 6. We're certainly ready to do -- too. We can do an information for bids. That's a different vehicle than an rfp.

[3:46:43 PM]

An rfp allows you to include both cost and also qualitative measures in your evaluation an invitation for bid, it's just a bid on whoever is the lowest bid gets the contract. That's the recommendation. You know, any contract we would bring back we would bring back to the swac you list like any other rcas that we bring forward. Number 8, Austin resource recovery is an enterprise fund and is not funded by any property tax revenue or sales tax revenue. So any change in this contract would not affect the general fund nor its stabilization fund. Just wanted to point that out. Those are the only comments. I'm glad to answer questions or staff can answer more detailed questions if any.

>> Mayor: You may need to. It's been moved. Is there a second? Ms. Pool seconds this. Is there a discussion on the dais? Ms. Pool.

>> Pool: I appreciate having the input from the manager and what I'm wondering is should we put this on the table so we can work out some of the issues that were raised so we can make sure the language is as specific and targeted as necessary?

>> Mayor Adler: We also have questions from staff on what the impact on this would be --

>> Pool: It sounds like we can delete a couple of items on here and maybe there's some additional discussion on the language to get it to fit within the parameters outlined by the city manager.

>> Mayor Adler: Part of the issue is whether it's the waste of everybody's time on the dais or whether we should step off.

>> Casar: If that's a suggestion by councilmember pool that others might step off to work with staff, I would support a motion to table.

[3:48:50 PM]

>> Mayor Adler:

Ovo: And I just understand what the city manager -- what I heard the city manager say number it sounds like the spending authorization, limiting the spending authorization to the previous contract level, if I understood what you were saying, you were saying that it was set in 2010 and it wouldn't be -- that amount would not be sufficient for current needs.

>> Yes, that's correct.

>> Tovo: So number 1 --

>> We would have to limit the scope of these needs.

>> Tovo: Okay, so we would have to cut back on services if number one is a piece of it. And that seems to impact number 8. Because there wouldn't be an amount moving --

>> No.

>> Pool: What I would say on number 1 if it's a difference between cutting back on our level of services or updating the amount, I would like to see what the updated amount would be. Because I don't know that I'm keen to cut back on our services.

>> You could you cut back on services or the length of time on the contract would be the other option, but that's not what you -- that was not the scope of this solicitation so you would have to do it on a resolicitation.

>> Mayor Adler: Ms. Kitchen and then Houston.

>> Kitchen: One question I would have, not those that are going to go O and talk about this, I understand the point about number 8, but I think it's useful to discuss what happens with the annual difference. So whether that is -- maybe it's not the budget stabilization fund, maybe it is that fund within that department. So I would keep that -- I would not just delete it. I would have some conversation for when going -- I think what we said that people are going to go O and discuss this. I think that should be part of the conversation.

>> Mayor Adler: Ms. Houston.

>> Houston: I just need to ask a clarifying question.

[3:50:52 PM]

Is it possible just to deny this -- deny this contract, have it rebid and separated so that we see what the various parts are? Organics was added to this one which was not a Earth practice before and scope of bid for organics rather than having all these lumped into one contract, what would happen if we just deny the whole thing and start the process over?

>> I may need some assistance from purchasing staff, but I believe we could parse this contract and rebid the various services on separate solicitations. It would be just additional staff working time to bring that back to the council. Certainly we would want some top direction on the pieces before we proceed with that work

>> Mayor Adler: Ms. Troxclair, did you want to speak before we heard from staff?

>> Troxclair: No, he can respond.

>> Maydl P

>> Mayor, Scarborough, under the direction of council and CI manager's office, purchasing I glad to initiate a new competitive process or multiple competitive process. We would like some additional direction and some clarification of council's vision so that we can proceed in a manner that's going to be more consistent with your expectations. Some of the things that are contemplated in the proposed motion are certainly doable, but they're doable using LE approaches so we want to make sure that the approach that you are envisioning something consistent with what we can do. For example, the invitation forbids. It's the purpose of the invitations forbids you can't have [inaudible]. If there's other ways we can show that without doing an invitation for bid. We can have the instructions in the solicitation. The purpose -- you look for multiple competitions to break up the -- or break across departments.

[3:52:58 PM]

That's doable it's just are you contemplating doing this in separate solicitations, are you contemplating this being separate opportunities? If it's separate solicitations we may encounter a circumstance where you have multiple contracts for the same services with the same contractor at different prices at different contract terms. That's a compounding of contract administration costs and it creates a rather complicated auditing scenario. So we just wanted to -- if you could provide us with some additional clarification and direction, I think we can definitely put together an administrative approach that's going to meet your expectations.

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: Thank you. I mean I will happily support tabling this momentarily while we make some clarifications. This was a set to address the concerns not only of the council but of the waste advisory commission and give staff the direction they need in order to proceed in a way that is comparable with the policy decisions the council is looking to make. So I want to give you that direction. And although we could proceed by denying the contract and maybe bin the bids into pieces, I think this is what I think that the staff was looking for more of a policy direction from us when it came back so that was the intent of the amendment. Can I ask one question to the city manager. Just because this is an enterprise fund, does that prohibit transfer of money from the fund to the economic stabilization fund?

>> That would not be a best practice in this case because you're collecting from the customers who benefit from that service and would be called just a general fund transfer like the Austin energy transfer and the Austin water transfer.

[3:55:02 PM]

We typically don't have that in our other enterprise funds because it's not customary. In some cities the solid waste collection is a department within the general fund, and in that case if your rates were higher than cost to provide that service, that surplus would remain in the general fund. We've had a solid waste or Austin resource recovery fund as an enterprise fund for many, many years and so when we have a surplus of revenue over spend on our services, it stays in that fund for customers in future years. And so I would not recommend a general fund transfer from the Austin resource recovery fund without doing a full study and generally I would not recommend it.

>> Troxclair: I think the purpose is just to make sure at this amount of money is not lost, that it's accounted for in some way and maybe set aside to be put to -- put to some use in the next budget cycle, so if we're going to take time to talk about it, what the best option would be.

>> It would not be. It would be retained in that enterprise fund and used for their purposes.

>> Troxclair: Right. I just think we want to keep tabs on it and not have it go back to the department and have it used on any other purpose we might not be directing it to.

>> Mayor Adler: I'm also going to support to table this and have someone take a look at it. I'm not sure what my expectations are for it coming back. We had a memo from staff that identified some policy issues. I think there are policy issues in addition to then in the memo that we got. And on these waste contracts we have recurrent questions with respect to the anti-lobbying ordinance. OAN participate and not.

[3:57:03 PM]

Doknowhat to do on that with the ocsees we're now doesn't seem to work. So part of that conversation might be in the context of is do we have that ordinance, what are we try to achieve, and is there a better way to do that, is there a time at which it opens up, do other cities do it that way? It just seems to me that I don't want to get caught in this loop again at the back end of this. So I'm also happy to put it on the table and I'm almost without expectation for what the working group will come back to us and recommend. Leslie.

>> Pool: Thanks, yeah, I was thinking the same thing, especially since I think we need to stay on the dais for a number of conversations and discussions we've got in front of us. I would be happy to continue forward with denying the contract and then have a work group work along thees of what the mayor and councilmember troxclair are talking about to try to get through all the various -- identify and work through all the various policy issues that are in front of us and then bring that back at a later date. And I don't know when that later date would be. Mainly it wouldn't be today.

>> Mayor Adler: Okay.

>> Pool: Thanks.

>> Mayor Adler: Is there a motion to put this on the table? Ms. Pool.

>> Pool: I was the one who suggested tabling it, but what I really would like to D si we've talked about it further is dispense with item number 29 and I think if we withdraw our motion, does it simply die if we take no action or do we need to deny item 29? Do we have to have a motion to die 29, then take the additional work which was the piece we were talking about working up on the policy issues. Which is the best way to go?

>> Mayor Adler: We have two things going.

[3:59:04 PM]

We have policy issues that need to be resolved and contract issues as well. Logistically is there a way, manager, you think would be best to proceed?

>> If you want to keep this rca alive, I would expect it to a future date. If you want to deny this contract and address policy issues before we do another solicitation, I would withdraw unless the city attorney would advise otherwise. Those are the two actions that I believe council has as options. Or approval.

>> Mayo

>> Mayor Adler: So logistically does the staff have a recommendation or a strong belief one way or the other?

>> Mayor and councilmembers, staff does not have a strong recommendation in that regard. We are prepared to cover the city's needs on an interim basis.

>> Mayor Adler: Okay.

>> Houston: Mayor?

>> Mayor Adler: Ms. Houston?

>> Houston: Mr. Scarborough, how fast would you need us to come back with some...?

>> Mayor Adler: We have some options with regard to the trash collection for the city buildings and collection for the -- the collection at special events. I believe if we received your clarification and your feedback within the next few months we would be okay.

>> Mayor Adler: Okay. You've made a motion which has been seconded. That what's on T floor right now. Do we want to --

>> Troxclair: Can I amend my motion to, I guess, withdraw the -- to deny the contract?

[4:01:09 PM]

>> Mayor Adler: O>> Pool: And I'll second that.

>> Mayor Adler: So there's been a motion to -- is there an objection at this point to changing that motion from the amendment that she had to Ms. Troxclair denying the contracts at this point? Is there an objection to that? Then that's what the motion is on the floor. Further discussion on this motion? Then let's take a vote. Those in favor of denying this contract, please raise your hand? Those opposed? It's unanimous on the dais. We'll now move to the next item to consider. Manager, when we took the break we were looking at the view corridor issue and there was a question about whether or you would be able to respond -- staff would be able to respond.

>> It is item number 32?

>> Mayor Adler: Do you want to address

>> I do. Inisiting with staff we can get work done -- we believe we can get the work done for the corridors on or before the May 18th date we will have to engage some outside consulting help to get that done, but we think we can do that. We don't believe that within that time frame we could do all of the existing plus the five corridors on the east -- east of 35, but we're prepared to work towards doing that additional work that councilmember Flannigan had proposed on the five corridors if you want to proceed with that motion.

[4:03:13 PM]

>> Mayor Adler: You're talking about D, E and F?

>> Yes.

>> Mayor Adler: Okay. The other ones could deal with all the corrs but items D, E and F W only apply to the five corridors? Nkt's what you're saying?

>> Yes.

>> Mayor Adler: Ms. Pool?

>> Pool: Excuse me. He called on me, I'm sorry.

>> Houston: I didn't hear anybody. I'm sorry.

>> Mayor Adler: I did. Ms. Pool?

>> Pool: So in looking at the Flannigan amendment does that also include -- mayor pro tem had spoken against the possible changes to existing capital view corridors and -- capitol view corridors and we didn't take a vote on removing that piece.

>> Mayor Adler: No. We still have things in front of us. We haven't decided anything else. We just got information back from -- Ms. Houston?

>> Houston: Thank you, mayor. And I'd like to ask councilmember Flannigan to look at the original resolution on page 3 and see if 2 C and D don't encapsulate what you put in D, E and F?

>> Flannigan: Say that again?

>> Houston page 3 of the original resolution, 2-c and D. It doesn't specify the downtown development, but it does talk about the potential mitigating issues to the extent to which the impact on the corrs. And could you put the capitol view corridors up on the oead for me please so people can see? I've oriented them with north, south, east and west.

[4:05:21 PM]

Mr. Flannigan?

>> Flannigan: My concern is we're only asking staff to analyze view corridors without context to all the idicre a lot of factors here, notwithstanding fact that we're in the middle of codenext and a lot of other Ng eorts, the sttegic housing pn indraft form is going to come to us at some point. I imagine also there are proposals to bury I-35 which so many of the corridors appear to apply just to the elevated parts of I-35. Given there are view corridors by and large, but I think given that this is about staff making a recommendation and analysis, I'm not looking to turn this into a long drawnout fight, but I just want staff to know that what comes back -- I'm going to be looking for how new corridors and existing corridors are going to have an impact. And that was my intent. It wasn't that I'm tgeti certn C ort I disagree with extenng into east Austin or that I -- I'm on board with the equity conversation. I think it's hard to have an equity conversation without understanding what the equity is compared to. So to better what's west it's -- to better understand what's west it's better to understand what's east. That's what's in my proposal.

>> Houston: I appreciate that. As you can see by the I-35 in Orange, the equity issue are those that on are to the west of that Orange line and those corridors that are on the east of that line. And those are not new corridors. Those were corridors that were identified in the '80s and just never memorialized. So that's why these have come up.

>> Flannigan: Sure.

>> Houston: So I'm going to have to withdraw my second to your motion.

>> Flannigan: I understand.

>> Mayor Adler: Mr.

[4:07:21 PM]

Flannigan, in light of the issue with respect to timing, do you want us in this motion -- do you object at this point in this motion to having us look at the five -- those five corridors with respect to the economic analysis that you have? Andn this motion do you want to consider the addition of new corridors or doing what you just said, which is analyzing what the impact of doing this would be and looking at that analysis with thexig corridors a wt they'vealready done? Theem to be two issues that have been raised. A we opening up the door for neworridors as PARTF whate're doing here. D the second issue seems to be whether or not we can minimize the study to get this back quickly on orbefore the 18th.

>> Flannigan: I understand the complexity on timing. The challenge for me is if only do the economic analysis on the eastern corridors, it necessarily sets them up in a negative light when compared to the west corridors when we don't have that analysis. If we are trying to measure equity it needs to be an equitable analysis. Notwithstanding we don't have thee and maybe we don't want to spend the

resources to do the full analysis so I'm not going to stand in the way of this moving forward, but I want you to know when this analysis comes back those are the kind of questions I'm still going to be asking.

>> Mayor Adler: And I understand that and I think those would be fair questions to ask. Maybe we can conform that then with that understanding.

>> Renteria: I have an amendment to the proposed east Austin view corridor attached to exhibit a I want to add excluding the rosewood park corridor.

[4:09:27 PM]

And the reason why is that would affect -- I believe it would affect the development that's going on there at the Brackenridge household tract.

>> Mayor Adler: Okay. Let's come back to that amendment here in a second. Let's see if we can conform this to where I think the understanding was. Are you okay, Mr.

>> Flannigan: With taking the change, possible changes and just leaving the language to be that will extend protections comparable so we're not talking about possible with this particular --

>> Flannigan: I'm fine moving forward so we can instruct staff to finalize. I'm not going to parse words anymore on this. We'll have a longer conversation when work comes back.

>> Mayor Adler: So without objection, that language will be -- that amendment -- that part of the amendment will be de-amended so that -- you're pulling the whole thing back?

>> [Inaudible].

>> Mayor Adler: That's fine. All right. So at this point is there an objection to this amendment being pulled back? You can't lose a second once it's on the floor because it belongs to the whole dais. So we either have to take a vote or it has to be unanimous in terms of what mayor pro tem?

>> Tovo: I just wanted to point out I'm about to post a link on the message board about a 200 discussion. I think I had summarized my memory of it and I think my memory was correct. It was a downtown commission who did a study of corridors, propose some changes and eliminations and it became quite controversial and I think the -- controversial. And I think the chronicle article I'm about to post captures that. Among other things not only about the heritage society of Austin, now preservation Austin, come out strongly against it, there was a letter from I think 140 or so legislators also very concerned about make changes and eliminating some of the existing view corridors. So I'll post that here in a minute.

>> Or Adler: Back to the question I had a second ago. Is there any objection to pulling down the Flannigan amendment?

[4:11:31 PM]

Then it is pulled down. We're now with the base motion. That gets us to Mr. Renteria's amendment. Which would exclude the rosewood park corridor. Is there a second to that? Mr. Casar seconds that.

>> Houston: Could we put up that view fro-- thankyou, councilmember Renteria, for carrying that to central health amendment. I'm not going to be able to support that becse I think it giv us time and' a short enough time to see what that -- what those objections, what the -- what might happen to the central health tracts. And then we come back with it. From what I understand about the overlay, it's going to take a longer process for that to get in place before we have some opinions about the impact that it would have, any of the capitol view corridors would have on the central health property on 15th street. And so I think if we get that information and then it comes back and staff -- one of the recommendations is that we remove parts of that from that. We can make that decision then. With the overlay, I don't see how asking for this study analysis will have any impact on them being able to move forward. They've still got a lot of other work to do before it comes back to the council for the uit floor to area ratio and uimited height.

>> Renteria: I wouldn't have a problem with that, but my concern is that once we embark on the study and the financial and everything else that WRE asking staff, it M take them a lot longer and they might not have the data available bee of what you mentioned, that the central health dictht take -- it's going take awhile.

[4:13:36 PM]

>> Houston: But tar thevopers like at are the entitlements created because of the overlay, so that's going happen in summer, we hrd planning say, someim in the summer. So I think there's time for us to look at what the evaluation brings back as to how it would impact, if it would impact. And then we can make some alterations or have a variance. So I think than go parallel and I don't think this will impose on anyhaipn ntral health and their proposal because they still have to wait for that overlay. Who would submit a proposal not knowing what the entitlements are going to be?

>> Mayor Adler: Yes, Ms. Garza?

>> Garza: Is there someone from central heat that can speak to that? Because my understanding is th rfp process is going rwd pretty quickly. And that -- and this cision, regardless of the process with the overlay, what we're setting up here could create a conflt with that rfp process that is in the works right now.

>> I'm Juan Garza from central health, here before. These are two issues. With respect to the issue of zoning, we have been working collaboratively with the city, three city councils now and the city staff especially. As I mentioned, they have worked marvelously with us. That works in our favor. We have a high degree of confidence that it's going to be worked out. With respect to this issue we just don't know. If the regulation comes back and the corridor will cut through our property, it changes the plan. So we don't know what to ask the developer to process on. That's the difference. Can go ahead with the unknowns with react to zoning because we believe that our interests are aligned. Whereas here we just don't know the difference.

>> Garza: Is the rfp process starting soon?

>> Yes. We are to release the rfp in the last of February, early part of March.

>> Garza: In a couple of weeks you'll be releasing the rfp to ask developers with the assumption that there is N capital corridor in place.

[4:15:45 PM]

So that could stall -- and at parallel the overlay process could happen further down the road, but I guess the question is this stall

>> Does what, I'm 94.

>> Garza: Would this action today stall your rfp process?

>> Yes, it would, it would slow it down. And it introduces a great deal of uncertainty because we don't know what the result is going to be. And understandably the zoning process does not determine what we feel that we're working collaboratively with the city on that process, whereas on this one we don't know what's going to happen. So that's the uncertain impossible for us to move on because we wouldn't know what to ask the developer to propose on. If this changes the plan I believe that we have to go redo the plan because any phase -- the market area in the middle of the development, we have to move that because it's developable space. So it just changes the whole thing.

>> Garza: Thank you, Mr. Garza. With concern for that, and there's often members of this dais who say it's not fair to get something on Friday and we're voting on it on Thursday. And here we are with that same situation and we've heard from a key stakeholder in our community who I know there's a lot of controversy and disagreement on how they are providing indigent care, but the fact is they do provide indigent care. And any effect on the process to keep central health development moving forward has an effect on providing that indigent care. So I would be supportive of the Renteria amendment or postponing this until we get some clarification on how this action affects that development.

[4:17:46 PM]

>> Mayor Adler: Mr. Casar, then Ms. Kitchen?

>> Casar: And I'm supportive and when I first saws posted I thought I'm very supportive of exploring capitol view corridors in east Austin. The reason that I feel comfortable seconding this motion is because we'll ultimately get to vote on the height of this developmt. So just like unciember Flannigan wants to be abl to compare cost benefit analysis across these corridors andhink that that's a smart idea, in T same way I would want to -- I thihe we have the kege tract development before us, we'll be able to make a cost benefi analysis on what the increased height brings as far as community benefits, be it indigent care, housing and other benefits, compared to the view corridor. And we'll have that tough decision to make, and that vote will be before the un to decide whether or not what the cos benefit analysis is of you through this tract versus the other community benefits of the height. So instead of trying to take that vote it sounds like Mr. Garza is saying to some extent we would be taking some of that vote now. I would rather wait and have that decision when we can make a choice with all the information for us. And frankly, I think that there is huge benefits to having views of the capitol. I think it's something that makes our city very special, the capitol view corridors and I don't want to take that lightly, but I want to be able to weigh that against the other option rather than just deciding -- half deciding today. I recognize councilmember Houston's point that this does not set it in stone, but I als recognize that our central health folks are here rare telling us that it will have those consequences. I think we can have the decision when the overlays are befores for a vote.

>> Mayor Adler: Ms. Kitchen?

>> Kitchen: I'm going to support councilmember Renteria's amendment also. I think that it -- I think it can provide some more certainty right now with regard to the process for central health they can proceed with their5! Process.

[4:19:55 PM]

I think that I appreciate that the staff could come back quickly with that. This is more THA just a couple O months' delay with regards to central health. The impact could be much greater given the planning that they've done to date. I also agree with councilmember Casar that we can make that decision in terms of height versusthconsiderations like the view corridor when it comes back to us because that's something that we'll have to look at WHE central health comes to us at the more final stages. And finally, I do very much support moving forward with exploring these -- these changes to the existing capitol view corridor. I think that's important. I think we're just in a situation right here where we need to move forward with that, but we need to understand T impact on an important part of our community, and that's central health.

>> Houston: Mayor, may I ask central health a question, please? Could someone tell me what the deadline for the submissions are?

>> I beg your pardon, councilmember.

>> Houston: The deadline for the submission. The proposals that you're saying that this will impact.

>> Mayor Adler: The rfp.

>> The rfp, yes.

>> Houston: That is the deadline to return T?

>> We had intended to release this by the end of this or the very first week of March. We expected to give the developers 60 days to 90 days to respond to U and then we would get into an actual evaluation of these proposals.

>> Houston: So if just the idea that this may be possible, not even knowing what the options may be because the staff may come back and say because of other financial obligations at the Brackenridge tract we won't be able to even do this, you think that would still keep people from responding to your request for proposal?

>> I think all four finalists that we have already publicly announced would still be interested in the project.

[4:22:01 PM]

That's not the problem. The interest will remain there. It's just that we won't know what to ask them to bid on. The plan is as it is designed right now calls for roughly a four million square foot development. If you look at the way that it's affected by the -- the cvc, you probably take 25% of the developable space over there, so it reduces it to about a three million square foot development. So that's a significant difference. We have reserved space, open space, in the heart of the development as a gift back to our community. That can actually be built up. So if the cvc goes through it, I think it behooves us to revisit the plan. Now, unfortunately the amount of public input that's required to realign things to make sure that we're doing something in accordance again with our neighbors and the public is going to take some time. So I see results of an action that result in the cvc through our property as causing a great delay.

Houston: And I appreciate that. I really do. As you know, I've been attending these meetings for a long time trying to make sure that we have the right kind of housing for people who are low wage workers that work in the area and that the public benefit of the park and the entitlements that you all are now requesting don't quite meet, you know -- they're a little off there for public benefit. So there are a lot of questions that even I still have about the development. You know, the vote will be by the council, but

I'm not seeing the implication because, again, in my understanding of the land development code, the biggest issues are going to be whether or not you can get that floor to area ratio and unlimited height. And not whether a view corridor comes through because then you can ask for a variance and that can be granted, because I think we are all willing to work with you to be able to get the highest and best use from the property.

[4:24:10 PM]

But you're stopping it before we even have a chance to analyze anything. That's your assumption. I have another assumption that there's ways that if the -- if the opinions come back and say, we don't think that should go that far or just stop it at another point, then that's good, but we have to -- we have to go through the process. Yes, I'm one of the ones that talks about not having things on a Friday and talking about it on a Thursday, but also it's a process, and this gives us time to go through a process. We're not doing it today, we're just looking at what all the options are and what the implications might be. For all five corridors. So thank you.

>> Councilmember, I appreciate that very much. I would remind the council that the board in directing us to do this plan did adopt one of the guiding principles was to work with our partners. And obviously the city is a key partner. We have tried to align our interests with the city every step of the way. It started with a direction to us to build it as successfully as we would and we realized that wouldn't work because it wouldn't leave any open space so we've modified that. I think in every step we've taken we've tried to work with the city council as collaboratively and the city as we can.

>> Mayor Adler: This is a hard one -- thank you, Mr. Garza. You can sit down. This is a hard one for me. It's hard to look at how the view corridors are done and understand where's not a view corridor that goes to Houston-Tillotson. And I think that the conversation -- I mean that by way as an example. I think the conversation that Ms. Houston has wanted to have on these issues for a long time is an important conversation for us to have in the context of several other initiatives that are going through the community right now.

[4:26:15 PM]

And I think that it's appropriate for Ms. Houston to list all the things that came and started and stopped. I'm trying to find in my mind, I am also -- so at meville I'm not ready to take the Rosewood Park out, so it can be part of that conversation. He still is mindful that this is here and in four days Central Health has had to respond to it. I think what would Mr. M feel most comfortable would be for us to piece together and to hold on to whether or not Rosewood Park is included when we come back March 2nd, which will still be potentially

before the matte was released. Anthat way that would give central health a to visit wh each of us, which I'm not sure they've had ly the chance to do. And Ms. Houston said something that you might consider if we move forward on this and left -- it C back for March 2nd for us to detminehether or not sewood parule part hose.

>> Hston: Not the park, the corridor.

>> Mayor Adler: The corridor.

>> Houston: I would be willing to do T

>> Mayor Adler: Then I would make that motion if there's a second to it.

>> Houston: But I would also ask that central health give more concrete data about why -- the impact of that. Just the exploration O that.

>> Mayor Adler: S that motion divide -- to put in there that we'll -- we'll pass that, but with the debate coming back in is the motion I made. Ms. Houston, you second that. That's now what's in front of you was on the floor. Yes? Ms. Pool? So I like this, voting it today and then holding the question of the rosewood Coor T Abo I on March 2nd. I would ask bec I think there's some confusion about theimele with rfp from central health.

[4:28:21 PM]

We know that zoning changes have to go through of citizen commissions, and on the timeline we need to see when those commissions meet so that we can see when the zoning case would go through there. I'm confused and haven't gotten a good answer and I can wait to get the good answer. It doesn't have to be today. So on the issuance of an rfp by central health at this point when central health doesn't have any certainty from this council as to what we're going to approve for entitlements. I would also ask-- and I may be able to get an answer to the four million square feet I think that Mr. Garza was talking about, how many stories is the building contemplated to be?

>> That is yet to be determined. The actual F.A.R. That our plan proposess roughly 9.2 to one. Would accommodate the development. But the actual stories may be as high as 25, 28 stories.

>> Pool: 25 to 28. I had heard 40.

>> Well, again, I depends on how you build the thing. We've proposed that not all of the buildings be built straight up, that there be some stairstepping of the actual buildings to prevent the canyon effect on the middle of the plaza for the market. So it's designed to -- it can accommodate a lot more, but it's designed to not be overly developed in that sense.

>> Pool: And I think this is really the key piece for me. And possibly for some of my colleagues. It would be really important to see what you contemplate, what you are sending out with the rfp to have designed because it still has to get through the various citizen commissions and then it also would have to be approved here.

[4:30:29 PM]

And if we hold and wait on deciding whether we want this to be subject to a new view corridor until that point then we will -- it won't be an even decision. Of course planning will already be so far down the road that it would be hard for us to then say oh, no, it's too high. So I really do think having the work done in advance is helpful to central health because then you know more about the data that we're looking at here, and that will help you work with us and you have characterized the work that you're having with our staff is very amicable and it's going along very well. I would hate for this to become an obstacle in the road when you've already got your plans so far -- so much energy behind the plans that then it makes it more difficult for the council to make the kind of policy decision that we clearly are going to have to make here. And it isn't an easy one, as the mayor has said, I don't think any of us sitting here on the dais thinks that this will be an easy decision because the discussions on both sides are both very compelling. And to help us get to a place where we can make the kind of decision that I think this dais is known for making, we need to know what the impact would be if this view corridor were to go through over to rosewood park and we would have more information.

>> There is no question that certainty is a value and of course I can't argue that. This would cause a delay and the delay will cost us money. Just as a -- because what I do, I asked for an estimate, for example, for security to secure the place while it sits vacant. For a one-year contract to currently guard that place so it doesn't become a haven for folks that need shelter, half a million dollars a year.

[4:32:34 PM]

So delays are going to cost us money in that sense as well.

>> Mayor Adler: Mr. Renteria, do you have any objection to changing your amendment to strike it, to hold it out and then revisit it on March second? Is there an objection to that change being made to the amendment?

>> Kitchen: And I apologize if she's already explained this. But why -- please explain your reasoning again for March 2nd?

>> It was the next time we were back and we gave a couple of weeks for everyone to be able to visit on the issue. If it's part of the process I want to make sure it's included. If it's not part of it then I would want it to come out quickly so people would know their proposal was going out the first week of March perhaps. This would enable that decision to be made and give a chance for them to visit with the council.

>> Kitchen: But I guess my question -- I'mry Mo of a procedural question. So we're approving this resolution today so we would have to bring back a new item on March 2nd?

>> Mayor Adler: It would be an item that would come back on March 2nd solely for whether or not rosewood was included.

>> Kitchen: So we would be passing it today and if we didn't take any action on March 2nd this would be in place because we're not proposing it and it's not a first, second, third reading thing. We're passing it today, right?

>> Mayor Adler: We're passing it today, but not making a decision -- what I proposed is we're not making a decision as to rosewood and that would be brought back for us on the 2nd for us to make a decision.

>> Kitchen: So why wouldn't we just postpone it?

>> Mayor Adler: The whole thing?

>> Kitchen: Yeah.

>> Mayor Adler: So that we --

>> Houston: It's been postponed for 30 years. It's been postponed for 30 years and so it's not time to postpone it. I thin if we want tooo at theosewood corridor specifically, I don't mind carving that out, but the others have B-- a five of these we're recommending have been there, postponed for 30 years.

[4:34:39 PM]

>> Kitchen: Okay. And that's an excellent reason I don't want to postpone that. I guess what I'm just N understanding, is if we're -- if we move this whole resolution forward wouldn't they -- we want them to get started on their work. They would get started on their work on the tract that we're talking about excluding?

>> Mayor Adler: They would be talking about tracts other than rosewood and on March 2nd they would have vote on whether or not to include rosewood. Unless someone wants to change that.

>> Kitchen: Okay. So it would seem to me that this language just needs to rather than rosewood.

>> Mayor Adler: I understand, but motion I had was two part. It was to not move forward on rosewood today, but to have the MRE back to us on March 2nd to include rosewood. That was the two parts of the amendment. Ms. Garza?

>> Garza: I want to understand. Your proposal is to exclude rosewood today.

>> Mayor Adler: Correct. But with caveat that it was going to come back to us on March 2nd to take a vote to include rosewood.

>> Garza: Now I understand it better. I thought you were saying to leave it as is and come back on March 2nd then decide whether to extend protection of it.

>> Mayor Adler: That was not the intent. It was to move forward with this and have a discussion on March 2nd? Procedurally how will you

have that come back? >> Mayor Adler: I will work with Ms. Houston to get that back on our agenda.

>> Houston: It also gives time for -- because the issue that I heard was that the deadline is until Friday and that gives central health time to talk with each of the members of the council about how we document that this will really impede their

development process. >> Mayor Adler: And part of that -- I think Ann would be an instruction from the council to the clerk to put this back on the agenda for March 2nd on the question of whether or not to include rosewood in this ordinance.

[4:36:47 PM]

>> [Inaudible].

>> Mayor Adler: You could put it anywhere in the agenda you want to. The instruction from council to the clerk of this amendment is to put it back on the agenda so that we can have that vote. And it's the four people that we need something on an agenda. You asking us procedurally to bring back this very same thing then? Because what you're doing now --

>> Mayor Adler: No. The only thing that would come back would be the question of should rosewood -- should the rosewood park view corridor included within the resolution we would be passing today. That would be the question in front of the council. Ms. Alter?

Alter: I have two questions. One for clarification because you keep pointing to the yellow sheet of Mr. Flannigan, but I believe we are voting on item 32 as in the agenda. I wanted to clarify that. I appreciate this solution. I just want to be clear that when we limit this that there is an answer that comes back that just excludes that part from the corridor but not the whole corridor. And -- >> Mayor Adler: I'm sorry?

>> Alter: It seems like there might be a solution that excludes just the Brackenridge property from having that apply to it, but that other parts of the corridor would apply. I just want to make sure that if that's something we want to explore that that is not excluded from being on the agenda from the framed that.

>> Mayor Adler: We will post it broadly enough to have that type of amendment.

>> Alter: Thank you.

>> Mayor Adler: Mr. Casar?

>> Casar: I also had two questions, one a clarification and another related to the vote. The first clarifying question was it was unclear to me after councilmember Flannigan's motion came off whether or not we would still be getting economic analysis and property tax evaluations on the corridors included in the resolution. Is that remaining?

>> Mayor Adler: My understanding is that Ms.

[4:38:49 PM]

Houston said that was intended to be included in the language that is part of the ordinance when it's about considering C and D, potential --

>> Casar: Thank you for that. I just wanted to double-check. And then my seconds

is: Considering that central health's concern was about uncertainty as to what their developer should bid on, does moving this decision to March 2nd solve that uncertainty issue or not? And I didn't hear from you if you have heard from them that it does or whether we should ask them if it does.

>> Mayor Adler: We could certainly ask them. I assume having that decision on March 2nd would be better than waiting until the third week of May.

>> Casar: I understand that, but there was also a motion on the table for us to --

>> Mayor Adler: Exclude it all.

>> Casar: To I wanted to understand whether this was different than that.

>> Mayor Adler: Do you want to come up, Mr. Garza? Is there any benefit to central health of excluding it now and having it come back for a decision about whether to include it or not on March 2nd as opposed to just --

>> I think so. Better than waiting until May or June for a site we expect to release the rfps sometime around that time frame, so it would

-- it would be bial. We would B most pleas if we decided today but that being the CAS March 2nd, can make March 2nd work.

>> Casar: The point being that this is just essentially postponing that decision we can make decision today or we can mak the decision on March 2nd.

>> Correct.

>> Mayor Adler: Ms. Houston.

>> Houst: I have a question, Mr. Guernsey, since you came to stand up there. I'm having a difficult time understanding the difference in the impacts, the negative impacts that moving the rosewood corridor forward would have and T central health overlay that's going to be projected to some time in the summer.

[4:40:57 PM]

It seems to me that if we get thi-mfs -- help me understand why that is not a G iue. Because it seems toe that's more critical from a development point of view is to know whether or not you get the 9.1 floor to area ratio and unlimitedeight. >> Greg Guernsey, planning zoning. I K if the idea is that you were going to pass a resolution today and not include rosewood, we would begin working on the other four. And then in two weeks if you make a decision then to add rosewood, we would continue on with that work. There's going to be some initial time, though, probably I'll be spending with probably our real estate depar public rks department, development services department, probayur economic development department, just preparing and putting things in place so we can get the information in order so when we back on oror thata will have pl answer fst so placing it on right now or delaying it probably won't impact staff greatly, but it sounds like it may have an impact on central health.

>> Mayor Adler: Mayor pro tem?

>> Tovo: Since you're up here, Mr. Guernsey, I just want to clarify again. I think there have been multiple references to previous -- a previous resolution by the council. I'm not really remembering what that is. Right nowhise is zoned P and there is no height specified? Are there any existing entitlements on this tract at this point?

>> Certainly there are entitlements to the development that already exist. If they were going to construct a new building under the P public district, there is not -- when the tract is over an acre, the tight development standards are set by basically a site plan.

>> Tovo: Which is the one we've been talking about that is working its way through the process, has not been approvedy council. That's correct.

[4:42:58 PM]

But we have been working very closely with the health district trying to figure out what the site development standards are. And I can understand if the concern is -- since we've been talking with them for quite awhile now, that they may have their rfp in process of what the language is going to say within it before they release it.

>> Tovo: I understand all that. I'm really trying to get clear on what exactly the existing entitlements are on the tract and they are currently what is currently on the tract.

>> That's correct.

Tovo: What is the height of what is currently on the tract?

>> If I can add, what we have is an overlay that's in process. It's a codified, zoning case. So the existing zoning is. Regulations on P are whatever is approved by the planning commission when you get a site plan approved. Because the nature of P is that it's for civic use and city use. So think of things like wastewater plants and other things. So P does not have its own height, impervious cover, these kinds of things. Rather almost every P project that's over an acre has to go to the planning commission. And if the planning commission approves that site plan, the rules are what's approved in that site plan. So the easiest way to put it is there are no hard site development regs for P. So when central health was considering this this, when the previous city council was passing a resolution for us to work with them trying to make their master plan regular as far as possible, one consideration was to do zoning for the entire thing, the other to do an overlay because of the unique things they want to do in the master plan we decided an overlay would be best because we could tailor it to match with their plan.

>> Tovo: So the overlay was initiated.

>> Yes.

Tovo: It will be -- the elements of that overlay will be ultimately decided by the plan commission.

>> The city council approval will -- the city council will be the one that would approve the overlay, like creating a new waterfront overlay, congress avenue overlay, et cetera. It will apply only to this geographic area.

[4:44:59 PM]

>> Tovo: And until that point entitlements are those that are currently on the ground.

>> Which is P public.

>> Tovo: Right. But what is the height of the existing buildings?

>> The Brackenridge building? I'm not sure.

>> Tovo: Do you know if the existing height conflicts with what would be in the corridor?

>> What would be in the proposed code amendment? The existing would be greater heights than what the existing building is.

>> Tovo: All right, thank you.

>> Mayor Adler: Okay. The amendment on the floor is to -- Ms. Alter?

>> Alter: I'm sorry, I had understood Ms. Houston's question a little bit differently. I think if -- and I had the same question so I want to try and rephrase it and see if we can get an answer. I think what we were trying to understand is why the fact that you don't have the overlay approved yet doesn't create very similar uncertainty to what we're talking about today for the whole process.

>> I think it's best first you have a direction of council to go work with them on the -- basically an ordinance of some sort that would help implement their master plan. And we are moving forward, and we are moving forward, and as Mr. Rusthoven indicated, an overlay that would basically accomplish those goals and certainly take into anything that the city would have concerns about, but we are working towards that right now. So I think the day is not so much on the city's part, it's on the health district that if we were it two weeks later that it impacts us bringing forward the ordinance because we still have to go to the commission and industrial to bring it to council.

-- Still have to bring it to council.

>> Alter: Thank you for that clarification. One other question and maybe this was just answered, but used it. Is the existing height within this proposed corridor at all? Does it already intersect that corridor where it is now?

>> No. That's what Jerry was speaking to. I don't believe it does, but I don't know the specific heights of the buildings that exist today.

[4:47:03 PM]

>> I don't know the specific heights of the building. Councilmember, I think maybe I'm going to try to stab an answer to the question. Sure, we have a pending ordinance 88 that would

[indiscernible]. We have this proposal in front of you right now. And they're about to go through tfp process. I would anticipate that although they would start the rfp properties and start negotiations, pick a developer and start negotiations with that, ha dealablyot close until after the entitlements WER known a E overlay was approved. Similar to another project that's on your agenda today.

>> Mayordler: For[me the additional delay here for two weeks will help me answer a lot of those questions because I'm uncertain as to the difference between what's happening or not. It's come up on the agenda relatively quickly and I think it's fair to let my and others on the Dai be ab to answer those questions and have it back in two weeks. Ms. Garza?

>> Garza: I think some of the confusion from Ms. Houston when she tried to ask a question and it wasn't answered, and councilmember pool are having is the separate processes of the rfp and the overlay. And the rfp is separate than that. It is like when in the saltilocase when cap metro sent the rfp out and said give us ideas and that rfp has some assumptions in it and some of the assumptions will be affected by the dec we make today or in two weeks. So the rfp process is separate from the overlay process. And they want it to start, that rfp process, either at the end of this month or in early March. And that -- the decisions we keod affect that process, which is separate from the overlay process, which is zoning. But with assurances that central health doesn't think that a March 2nd decision that -- to me it still creates a del if they knewod>> I bve HD T rfp was meant to go out at the end of this month or early March.

[4:49:16 PM]

My assumption is they're trying to get that rfp out as soon as possible and it could have gone out as early as the end of this month or worst case scenario end of March. We're still in my mind crng a D. But if what Mr. Garza said was -- every time I say that nk of he said was that he didn't think it would delay it too much. So in that case I could be supportive of this, B it -- I want everyone to keep in mind it still delays and creates some uncertainty in this project.

>> Mayor Adler: Any further discussion?

>> Houston: I think the whole thing is going to be a delay. And I think they could do along parallel tracts and we would see what the outcos are and we would still have an opportunity to massage that and say, do you know at? This cuts righthrough T P public part of the development because we don't have that information now. We don't know whether it will cut through the P blic part or cut through one of the 400 feet tall building parts. We don't know that at this point and we may never know it because W don't have an opportunity to study it. Just a he an opportunity at the end of this process to say yes to E entitlements at are being requested and to the central health overlay, we have the right as a council to say make it narrower, say it can cut right through that P public district and doesn't impact the buildings, but we won't have that opportunity because we won't have the information to make that decision.

>> Mayor Adler: Okay. The motion is whether or not to call outosdar and brihaack for coern ma March 2nd. Those -- the view corrido not the park. The view corridor, not the park. Those in favor please raise your hand? Flannigan, Casar, me, kitchen, alter, Garza, Pio, Renteria and troxclair. Those opposed?

[4:51:21 PM]

Houston, the mayor pro tem and poo it passes 8-3. We're now the main motion. Is there any further discuson on the main motion? Then we'll-- Ms. Housto did you want to say something? Th in favor please raise your hand? Those opposed? It's unanimous on the dais. We've handled that.

>> Mayor, may I ask a clarification? When this comes back on the 2nd would you like to us work with the clerk's office and post it as an amendment to a council resolution on are WOU Y

>> Let's let some people go.

>> The zoning consent agenda?

>> Mayor Adler: Yes.

>> Five, 10 minutes at the most. These are 2:00 zoning ordinance and covenants the public hearing are closed. The first item I can offer for consent is item number 46 is case c-14-2010-0116 for the property at 1616 east oltorf street. This is to approve second and third readings item number 47 is case c-14-2016-0117 for the property at 2310 San Gabriel. This is to zone the property to lrhco and change a condition of zoning.

[4:53:26 PM]

>> Mayor Adler: Would you hold on one second? There were some people that had sig up to speak on the view corridors on 32. I mean on number -- on 32, that I didn't get to. Dan couchette a Adam conn, are they here? I want to give you a chance to speak if you want to speak on this issue. Yes. I apologize.

>> It's okay, mayor. No problem. I J-- I'll be quick. I was just -- it want tot this whole idea I D K if dangerous is the right word, but it's a bit unsettling. I understand thes D I understand that wanting to have -- wanting to have an equitable -- I understand the equity concerns that you have raised, councilmember Houston, but I just think that T ee process is really dangerous and can make gentrat on the east side that muc worse. Short version is we have demand for housing in Austin, as we all know, is going up. Mayor, I believe I've heard you say we need to build 150,000 new units in this city. Demand is going. Re attempting tool supply, we're artificially constraining supply, demand going up, supply staying the same means higher prices. Higher prices mean more gentfication. And that's my concern with this

entire issue, the entire process. As far as the equity concerns go themselves, I personally I think we should be repealing the view corridor restrictions on the west side. I understand if we're going to be doing it on the west side we want to do it on the east side as well. We're doing it on the west side.

[4:55:27 PM]

There's perfectly -- look at the capitol. Once you get about five or six blocks away from it, I don't know that the view is that great to begin with. And finally, I will just close by saying if you want to have capitol view corridor on the east side, housing that you can see the capitol from on the east side, something I think something is going to really, really, really expensive and I just think this is a dangerous road to walk down and that'll vote to say. If anyone else has questions I'll answer them, otherwise I'll let you get on to the next item.

>> Mayor Adler: Thank very much. Any else to speak on that item here? Thank you, Greg, do you want to come back up. I'm sorry.

>> Thank you, mayor continuing. That was item number 47. Case c-14-2016-0117 at 2310 San Gabriel. To approve second and third reading for the combined district zone to go change the condition item number 48 is case npa-2016-0001 for various properties on Thrasher Lane. This is for consent approval on its first reading. The plan for recommendations use and land use designation. The related item, zoning case 49, case c-14-2016-0070, for the property on Thrasher Lane. It was -- planning commission's recommendation was to grant the case to maintain the plan and that's ready for consent approval on first reading only. Item number 50 and 51, item number 50 is case npa-2016-0013.01 for various properties in south second street. This is a neighborhood plan amendment in the Bouldin Creek neighborhood planning area.

[4:57:30 PM]

This -- the applicant has requested postponement of this item as well as the next item I will read into the record for two weeks, March second. They are still trying to finalize their agreements. Basically the paperwork I should say between the neighborhood and the property owner. Item number 51 is case c-14-2016-0077. For various property on south second street. And at 705 Christopher street. Again, the applicant is requesting a postponement. The neighborhood agrees to postpone that item to your March 2nd agenda. Item number 52 and 53, the Ben White zoning cases will be discussion items. Item number 54 is case npa-2016-0022.0 one for a property on 3920 South I-35 serve road southbound. The applicant has requested a postponement of this case to your March 23rd agenda. Item number 55 is case -- oh, I'm corrected. It's March 2nd. Item number 55 is case c-14-2016-0105 for the property located at 3920 south I-35. Applicant has requested a postponement of this item to March 2nd. Item number 56, this is

case c-14--2016-0039. This was a 4:00 -- we're past. Just keep on going. That will a discussion. Item 57, 58, 59 are plaza saltillo items. Thos are also for discussion. Item number 60, case c-14--2016-0063, item number 60. We believe this is also a discussion item. Item number 61 is case c-14-2016-0115 for the property located at 2222 and 2400 town lake circle.

[4:59:36 PM]

And 2217 and elmont drive. Staff is requesting a postponement of this item to your March 23rd agenda. Item number 62 is case c-14-2016-0132 at 1311 south Lamar boulevard. Staff is requesting a postponement of this item to your March 2nd agenda. Earlier today on item 63, which is the Austin oaks pud, case C 814-2014-0120, I guess if there are no one wishing to speak we could possibly do a consent postponement unless there are speakers. I think councilmember alter suggested a possible postponement, but if a speaker wanted to speak they could. If there are no speakers and no one wishes to speak then theoretically we could keep it on the consent agenda for postponement. Clear clear.

>> Mayor Adler: 63 has two citizens to speak. Jessica casteleja. Is she here? What about David king? Okay. We have the applicant here as well.

>> Yeah. Two-week postponement.

>> Mayor Adler: Two-week postponement.

>> So I guess we could leave that.

>> Mayor Adler: Okay. Let's leave it on the agenda for two-week postponement.

>> Postponement requested by counsel.

>> Mayor Adler: Yes. Mr. Flannigan?

>> Flannigan: Can somebody help me understand why we're postponing this? This has been a very long debate. Doesn't seem to be a lot of confusion in the community about where people stand on this. We'ret second ofee readings. I feel like we're really close to the goal line here.

[5:01:36 PM]

Can we not move on through second and wrap everything up in third at next meeting? My concern about postponement is, we postponed is two weeks ag was nothing confirmed in the last two weeks.

Are we going to be doing this again two weeks from now? I mean, what's our end game here? What's the target here?

>> Thank you, councilmember Flannigan. I will address that, and if Mr. Whelan representing the applicant has something to add, I would invite him to add something. Postponing Austin oaks is not my first choice. Over the last few days, there have been several new ideas floating, and information. We're still looking at traffic mitigation and language on trees and there have been a lot of moving parts that open up options that move this in a new -- in new directions that need to be very much explored between my council office and the applicant and between the neighbors, and ultimately with council so that we understand the potential community benefits and trade-offs involved with those. We need a little more time to be able to have those conversations so we can hopefully end up at the point where we all hope for a pud, where it is offering the best possible option for Austin and the community benefits. The applicant has agreed, as far as I know, to this postponement, and we have agreed to a two-week one. The first one was a question of setting up for my office and being able to have enough time to address the issues. There were a lot of moving parts this week, and the neighbors do not -- are not apprised of those at this point, and we need to see if they're even live options that we need to consider with them. And so I'm asking for more time so that we can work out any more detail so that we don't get to a point where people are surprised by things in a way that will be not in the best interest of Austin.

[5:03:40 PM]

>> Given that in work session we talked about this as a 6:30 time certain, and I think there might be community members coming here for 6:30, then they might want to speak today, and so if -- I'm T going to support postponement, anyway, but I think it's fair to the community that, given what we said two days ago in work session, that we at least wait until 6:30 to see if people show up to speak.

>> Mayor Adler: Ms. Garza?

>> Garza: I guess I have a question. I understand moving parts for the neighborhood, but -- and I want to respect that, but we have a -- the Vincent case coming up, and sometimes those moving parts and decisions still to be made are very one-sided. In that case we're basically being asked to buy this from a developer, and I think that weapon, unfortunately, don't have that option. So I'm curious to know from the applicant, does the applicant also believe that there are moving parts and there's some resolution, or is the applicant more of -- do you think that there's movement on a compromise?

>> Michael Whelan on half of spy realty. I will tell you we grudgingly do not oppose. As you can see, it's a 2014 case. We finished to expedite the process in January of 2016, it ended January 29th, but answer your question, johnnyusset said publicly to this group that he will honor the plan prody the Charette. After doing so, he reduced the height of one of the buildings and increased the decree he was going to save. I don't see moving parts that are going to be able to be absorbed in a way that will necessarily

work because I increases parkland dedication or it increases the garage -- there are all sorts of things that begin to tumble once you begin to push one particular thing.

[5:05:43 PM]

Having said that, again, we don't oppose, grudgingly, a postponement to give councilmember alter and other community members an opportunity, if they want to spend \$200,000 to run a two-week Charette. I'm not suggesting councilmember alter is even considering that. Sometimes that's the feeling I get from people who just want to kill it just to kill it. But that's just me. So I'm not saying that I am prepared to address moving parts. We've been pretty clear that we wanted to honor what came out of that process.

>> Mayor Adler: Ms. Pool?

>> Pool: Thanks, and I know that Mr. Whelan and Mr. Ruff have been laboring for quite some time on this topic, and that's what happens when we have really complicated zoning cases. I would just gently point us to look at the plaza saltillo situation and also cactus rose. We allowed pneumonias delays -- not delays, postponements in order to get to a reasonable accommodation for all parties. That's why -- that's why we have postponements. I think they are legitimate. I think it is not good practice on the dais to just say I'm going to oppose a postponement, no matter what, because it can happen to you, and you may need the postponement, and there will be times when all of us will need postponements. I have -- and my staff have been working really hard with the neighbors and with Mr. Whelan and Mr. Ruff, and now with councilmember alter. I appreciate she has come to the dais -- this is, what, the third -- third meeting? Fourth meeting? And this is a really complex case.

>> Alter: Fourth in a row, I'll add.

>> Pool: So I am very supportive of the postponement, especially because I believe that, given the additional time, we will have a better -- we will have a better decision a a better agreement in front of us.

[5:07:57 PM]

>> Mayor Adler: I'm supporting the postponement because I think the conditions have changed a little bit. When the Charette process was done -- and quite frankly, I thk that I give a lot of weight to the Charette process when neighbors and developers can get together to work something out, but not control to a Charette like that, because there are city interests that might exist outside of the developer's interest on that property, or the neighborhood's interest. We know that when the Charette came back to us, there's not a lot of residential uses on this property. The Charette actually came back

and asked us, where there was residential uses, to make sure that we didn't have extra bedrooms so that there wouldn't be children in the development. The concern was with overcrowding at the school. I think there have been some conversations about the school since that may have removed some of that conversation, and maybe there's additional opportunity to get some residential on this property. It wasn't really -- when it was considered in the Charette, they were dealing with different facts on the ground. So to have a couple -- that issue came up recently, and I think that the parties should have a moment to see whether or not that can be accommodated. That's the reason. Mr. Casar.

Casar: I'd like to say that I -- I respect saying that you are supportive of something and that you don't want to postpone something, if you're supportive and ready to go forward with that. But -- and, frankly, I thought that that would be where I was at today, but with new information and new meetings, it sounded like there might be a chance to help on the affordable housing component, but then some of that stuff fell apart. So I don't have sort of a solution for some of my questions on this project here today, that's why buying some time to get to that solution makes sense to me. But I would say that it's up to each of us to vote -- it's fine to get against postponements if, for example, you feel fine with the way it is on second reading, and I'm just not quite there yet.

[5:10:03 PM]

I thought I was close to that, but since -- but facts have also changed or circumstances have changed, and so we do our best to keep working this out between now and when it comes back.

>> And I just want to add that I really appreciate the willingness of the applicant not to oppose the postponement and to help us work through some of these ideas so that we can get the best product possible, but we're not sure what's possible at this point, and we need to have the time to be able to do that in the most cost effective way for the developer and so that we have an opportunity to reach out to the community and understand the trade-offs and how people feel about those, if it is even possible to do certain things. Thank you.

>> Mayor?

>> Mayor Adler: Yes.

>> If you all agree to discuss that I have one more link we can squeeze one consent, item 45, there are no speakers sign up for it. It's the second and third reading item. Would you like me to --

>> Mayor Adler: Yes. C14-2016-023 shall, lease a park, since we last heard this case there have been additional discussions between the neighborhood, the applicant, and a state representative, and they have all agreed to some conditions. I'm going to read those into the record as quickly as possible, then I think we can be done with this case as well. We would amend the ordinance part 2c, to add at the end of the sentence that a buffer shall be placed and maintained along the east property lines and strike the

words parking facility from that section. To add a part 2d, interior driveways and parking may not be constructed within a 50-foot wide set back along north and west property lines. No building or structure shall be constructed from the railroad as described in exhibit 3. To reach the maximum height building construction may not exceed 342 feet. If within the 42-foot height boundary footprint as described in exhibit "C," 2g, say the maximum height of the bldg or structure may not exceed 52 feet within the 52-foot height boundary footprint as described in exhibit "D." 2h, add theords the maximum height of the structure [indiscernible]

[5:12:22 PM]

35 feet, finally to add part 2i, the devme of Troy should compl with 25-2e, following outdoor lighting applications be eliminated, fully shielded or cut off, parking lots, pathways, recreational areas, billboards, building overhangs and open canopies. With those amendments which I've handed to the city clerk, this item can also be approved on second and third reading.

>> Thank you.

>> Mayor Adler: We'll leave the postponement on the Austin oaks on the agenda, if anyone shows up to speak, I'll give them that opportunity to do that to the council. We have a consent agenda before us. Is there any discussion on the consent agenda?

>> Is the postponement on the consent? May I be marked as no on the postponement?

>> Mayor Adler: Yes. Mayor pro tem.

>> Tovo: Mayor, I need the record to reflect that I'm recused on items 50nd 51, and I have an affidavit on file with the city college.

>> Mayor Adler: Okay. Anything else? Ms. Troxclair?

>> Troxclair: I'll join councilmember Flannigan in opposing the postponement of Austin oaks.

>> Mayor adlerokay. Anything else? All those in favor of se en please raise your hand. Those opposed? It passes. We have outside counsel here with us today for the ahfc matters, do you think we could take care of quickly? Let's go ahead and do that.

>> Mayor Adler: Yes, please. I'm now recessing the city council meeting at 5:14 and I'm going to convene the Austin housing and finance corporation meeting.

[5:14:32 PM]

I'm going to reconvene the meeting of the Austin city council. The time is 5:15, with respect to the juniorment, as well as to the reconvening of the Austin city council. We're in chambers. There are a couple items I think we might be able to take care of that don't have speakers on them. We might be able to take care of quickly, before we -- before we leave. Item number 66.

[5:16:36 PM]

Is staff here for that? Ms. Parks here? This is a public hearing related recreation department youth programs.

>> Yes, sir.

>> Mayor Adler: First let me ask is there anyone here to speak on this item? I had Mr. Peña. Is H here? Mr. Ramos, is here? Is there a min to close the public hearing on this item number 66? Ms. Houstoak that motion. Is there a second? Mr. Rent. All those in favor of closing the public hearing, please raise your hand. Those oos?public hearing is closed with Mr. Casar ands. Pool and Ms. Kitchen off the dais; the others voting aye. Do we have this itemnumber 66 opting the local standards of ,there ion to pr this item number6? Mayor pro tem makes that motion. Is there a second tot motion? . Garz is there any discussion O Thi item? We have staff here to answer questions if anyone H questions. Let'ake a vote. All those in favor 66 please raise your hand. Those opposed? Also passes unanimously with Ms. Pool and dais. Thank you. We also have number 67, has no speakers. It's planning commission approval of two compatibility waivers for development at 2510 south congres

>> Is that 67?

>> Mayor Adler: 67. I'm sorry? Do I have that wrong? 67 has no speakers. Okay. Is there -- I may ask, does anybody want to speak on this item number 67? No one signed up to speak. Is there a motion to close the public hearing?

[5:18:36 PM]

Mayor pro tem makes that motion. Is there a second? Mr. Renteria seconds. Any discussion?

>> Mayor?

>> Mayor Adler: Yes.

>> I believe this is an item to consider in appeal of a case. The STA is coming down right now.

>> Mayor Adler: Say that again? To conduct public hearing and take action on an appeal, and T staffs here from now to address that issue

>> Mayor Adler: Right. So the question is, I asked if there were any speaker to speak publicly, I bet incident to the public hearing. I didn't hear any so were about to close the public hearing.

>> I'm disappointed services. This item has been requested to be postponed

>> Mayor Adler: Okay.

>> This involves the board of

-- I'm sorry -- we have it post to postpone, requesting actually a change from what we've sent in a memo to postpone to April 20th. They're still going through an appeals with the board of adjustments. Board of adjustments postponed their action to April, so we're asking to push it to April 20th.

>> Mayor Adler: Is there a motion to push this to April 20? Ms. Garza makes that motion. Is there a second? Mr. Renteria. Any discussion in all those in favor of the postponement, please raise your hand. Those opposed? Everyone on the dais with Ms. Pool gone, it's postponed to 4/20. We've now taken care of that item.

>> Mr. Mayor, 64 is a being that does not require a vote. If you'd like I can probably do that in about five minutes or less.

>> Mayor Adler: Okay. We also have 34 pulled on the consent agenda. You pooled that, Mr. Flannigan. I don't know, are you prepared and ready to do that?

>> Flannigan: Yep. >> Mayor Adler: T's go ahead and do that. Mayor pro tem, do you want to make motion?

>> Speakers?

>> Mayor Adler: We have one speaker. Speaker first? Mr. King, do you want to speak on item number 34?

[5:20:40 PM]

South Val.

>> Mayor, while David is coming up I just wanted to have the record reflect if I had been on the dais. Stead of the back of the room, I would have voted for E two motions that I missed.

Mayor: So noted. Poo your. ?

>> THA you, mayor, mayor pro M, councilmembers. I just wanted to point out on this -- support this relation to create this board, but I would -- want to make sure that it's subject to the Texas open meetings laws, so that they have to post the agenda and the have to conduct their business public. It's not C whether -- I don't know if they're red to do that or not. I think that would be important, and that they also comply with our conflict of interest and lobbyist regulations. This is a very important project for --ou know, for our city, so I think that that's -- they should be held to the standards of our other boards and admissions. Thank you vmuch.

Ayor Adler: Okay. Thank you. Yes.

>> Any questions?

>> Mayor Adler: Mayor pro tem, you want to make a motion?

>> Tovo: I would. Mayor, I'd like to move approval and I'd like to move approval including the propod amendments that I distributed early Thi morning. And I just want to --

>> Pool: And I'll second.

>> Mayor Adler: I haven't called for and. Your motion is the --

>> Tovo: To move approval of the item as posted in the backup, but with the amendments that I've distributed here on the dais.

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

>> Pool: I will second.

>> Mayor Adler: Ms. Pool. I just want to give other people a chance to secondff, too, just in case. But we have a second. Ms. Pool seconds. Do you want the address it and then -- T yeah. Nt to just quickly addressthe amendments. Especially we did talk about it at the work session. An what I've tried to do with my andments is take into consideration the suggens that were raised at Tuesday's work session. So councilmembers Casar had raised a very good point that it would be smart to have somebody representing -- with expertise in affordable housing, so you'll see that on my amendment sheet, a repreath expertise in affordable housing, to be nominated by the community development commission.

[5:22:55 PM]

I have adjusted the language to reflect the suggestion that councilmember Flannigan had brought forward on Tuesday, which is to eliminate the original language that the representatives from -- the representatives who had been identified by south river city citizens and Bouldin creek neighborhood associations would be representing the associations. That language now says representing the neighborhoods.

>> Mayor Adler: Mayor pro tem, do you have another copy of that?

>> Tovo: Sure.

>> Mayor Adler: Thank you.

>> Tovo: Anybody else need one? I'll send three down that way. So I've adjusted the bank to incorporate that suggestion. I have added in a representative of the trails foundation nominated by the trails foundation. That language, nominated by the trails foundation should have been included, because that

-- they were on one of the previous incarnations of board who had a relationship with this issue. And then the mayor had suggested that the downtown Austin alliance be included. I have added the chair of the downtown Austin alliance or his or her designee as an ex officio member of the board so they can participate in all conversations actively as those occur. So I hope that is responsive to the suggestions that we heard the other day. It's also, I think, in concert, in keeping with previous incarnations of the board, which has undergone a history that's kind of long and complicated, but I'm happy to recount what I know of it if anybody is interested.

>> Mayor Adler: Mayor pro tem, thank you for that consideration. I think that's a wonderful resolution.

>> Tovo: Thank you.

>> Mayor Adler: Mr. Flannigan, you pulled this.

>> Flannigan: Yes.

>> Mayor Adler: Do you want to address it?

>> Flannigan: Thank you, Mr. Mayor and thank you, mayor pro tem for your efforts to address some of my concerns from work session. I acknowledge your point about it's a complicated history. My intent was to simplify, so my motion is much shorter and the intent to capture these -- these areas to be captured within a conversation among elected officials in a committee, which is why I streamlined it down to three members nominated by our housing and planning council committee; then they could decide as a body of elected officials how the makeup of those appointees would best represent the area.

[5:25:22 PM]

I still have concerns about neighborhood associations that don't necessarily feel that the school districts would come here, receive long-term training, and then go back to their districts and bring what they have taught to the local schools.

[5:28:42 PM]

The center is located after Mr. Butts' mobile home parks Mary Elizabeth holds worth. The center intends to offer training and leadership development to a variety of different districts. Vehicular access would be off 2222. The property is located in the lake Austin watershed. It is located along an

[indiscernible] Area, has steep slopes and numerous protected and heritage trees. The nature of the area does allow for many opportunities for advanced treatment and protection of those areas. The development would include some environmental superiority items, but at this point the staff is not prepared to say it is environmentally superior because we don't have enough detail to make that judgment. We recommend when the applicant does the pud, it includes enhanced water treatment, and tree preservation. The site also includes excellent opportunities for environmental education, such as dston areas for repairing registration and innovative stormwater nagement practices such as those taught the academy where my two children went. The applicant is propose to comply with all tier 1 requirements and to preserve every single heritage tree that is located on the site. They are asking for some modifications to the code, namely that the height would not exceed 40 feet, that the impervious cover would not exceed 19.92 acres, that the impervious cover for detection would only be ced at 50. The cut and fill would not ex 10%, which would allow for theriveway up to 2222. That the use as I described, which is actually a variety of uses within the code, would be permitted. The -- includes the parking, it includes a provision for 55% open space, natural restoration using natural plants. Again, the preservation of every single heritage tree. It will comply with the lake Austin set back, as well as the hill country setbacks, as well as eonmentalure setbacks, and they are requesting two boat docks on the lake.

[5:30:48 PM]

With that, I'm available for any questions. I know I rushed through pretty quick, but it is, I think, a center that would do a lot of good for the community, and most matter of the staff going in and working out the details of the -- my the environment pction and soat the transportatn, but S a pud that we look forward tie.

>> Mayor Adler: Thank you for that briefing. Ms. Alter. >>

>> Alter: I have a couple questions. This property is in my district and agree that it's a lot of prospects for adding wonderfully to our community. I would pressure getting a copy four not if I might because you went through it really quickly and then getting a lot of questions from people and they M B iested in hearing about them. We've been in touch with the applicant and they've been very forthcoming about their desire to protect the environment and to add to the community. We look forward to continuing those conversaon and we appreciate that they've already begun conversations with the nearby

neighborhoods. I just want to flag for your office some things that are on the radar that we want to make sure are addressed, so the environmental features, as I know are regularly being on 2222, and I did see they had made quite a bit of looking into that. There are concerns about light and sound pollution. The particular community benefits beyond what the center itself is delivering. And then -- and I know that the applicant is very much aware of this issue, questions moving down the line about that center were not located there, how to restrict the zoning so a hotel can't, for instance, go in and over. And know that the applicant very aware of that concern. I just to flag that for you and know that we have a lot of people in my district who are watching this briefing. So I wanted to just make it clear for the record that we are raising those issues. And I'm sure there will be other ones. We look forward to working with you on the applicant on this process and the neighborhoods in the area.

[5:32:52 PM]

Thank you.

>> Thank you.

>> Mayor Adler: Greg? Anything else thank you for the briefing. >> Sure.

>> Mayor Adler: Council, it's 5:30. We have music tonight with honk!tx, and then some proclamations. We have four matters that will be remaining on the agenda when we come back, four land use cases, Ben White, Saltillo, and the villas at Vincent Oaks. Those are the four things that are left. It is 5:30 now. Do we want to try and come back at 6:45? 7 o'clock? 6:45 or 7:00? Ms. Kitchen?

>> Kitchen: Do you have a thought about the order you want to take those in?

>> Mayor Adler: We could take them in the order that they're -- that they're in. We have three people signed up for the first, we have eight people signed up for the xeroxed for the second, 19 people signed up on Saltillo and a group for Vincent Oaks. Do we want to come back at 7 o'clock? Is that too late? 6:45? Let's try 6:45. We'll come back then. Stand in recess.

[5:35:49 PM]

F0

[5:41:53 PM]

>> Mordl: You guys ready? All right. In a hoom'are going to learn why it is that the most wonderful part of city council meetings in Austin, Texas is the live music. There are meetings, 2 o'clock, 2:30, I begin to look at my watch wondering when it is we're going to get to the live music, and here we are. It is fitting that in city council meetings in Austin, Texas, we stop at 5:30 to listen to live music. So joining us today is honk!tx. Honk!tx is a free festival of community street band, from all across the country and the world that perform in Austin's public spaces every springfterouth by southwest. The bands feature performances by musicians with such varied backgrounds as W Orleans style, second lines, Balkin brass, brass metal and more. Honk!tx bands blur the lines between performer and audience, creating free venues out of our public spaces to ensure that no age requirement or cover charge will ever keep you from experiencing a honk!tx community music festival. Please join me in welcoming to the Austin city council chambers honk!tx.

[Applause]

[♪ Music ♪]

[5:44:00 PM]

lc playing]

[Music pying]

[5:47:55 PM]

>> Mayor Adler: So I was standing up T with some of my colleagues and they were ready to vote a standing gig here, you know?

[Laughter] So come up and talk. I'ven you guys, it feels more like a pop-up.

>> Yes. Yeah. We can basically show up anywhere.

Ayor Adler: Explain who you are.

>> So this htx. Basically we put this together, oh, gosh, last weekend.

Katy, from thinkery, and hope from the Round Rock they are part of our steering committee that kind of guides this we see literally thousands of kids in classrooms every ye thanks to all of our volunteers and thanks to the companies who give them time to take off. And we get some financial support from a few people along the way. As the mayor moned, engineers week starts this coming Sunday and goes through the following saturday we have two book-end events. There is engineers day at thinkery, which is a lot of fun. That's O Sunday. And then the other book end en is interest a girl in engineering, also known as girl day at the Cockrell school of engineering at UT. And I encourage all of you to bring your kids. By the way, the one at UT is open to boys as well. Okay. , Theul hee nice enough to get an advanced copy of a film, an imax film, called "Dream big," that is being produced as part of the week for this year and following years, and it'll be there on Friday and Saturday of this week, and then have a full run coming up in October. So with that, I have a couple things -- Katy, anything to say?

>> Oh, no just thank you all and come out and celebrate engineering week in any way that you can. Also, if you know schools who would like to bring engineers into the classroom, you can sign up for classroom visits at engineer.in.class.org.

>> Very good. We're always looking for volunteers and educators to invite us in. I have a couple things for the mayor. Number one is a new t-shirt. This is our science at the bullock.

[5:58:18 PM]

Once a month we have volunteers who come out and work with the museum staff. We have engineering and science activities for the students who happen to be there that particular day, and we just introduced a new one this year. So -- sorry, this month. We had it earlier today. Not only for you but for the councilmembers is an engineering challenge. This wins called puff mobile. And completely unplanned, I did not know that honk!tx colors were yw and black, we have yellow paper. So what you have are a sheet of paper [indiscernible], three plastic straws, four lifesavers, not for eating because we're not allowed to have food here in the council chambers, and you have to develop a design and build a vehicle that will go as far as possible on one puff of air. And I will offer that any -- if you or any of the councilmembers who do one of these send me a picture, I'll get it out on our website.

>> Mayor Adler: I will make sure that the full council gets copy of this.

>> I didn't bring scissors there, so staff is going to hav to find scis R Y.

>> Mayor Adler: That's okay. They promotional should take it back to their office to work on it anyway.

>> Okay. Okay. I only have one roll of tape. Three scotch tape.

>> Mor a: It looks great. Thank you.

>> Thank you.

>> Mayor Adler: Can we get a picture?

>> Sure.

>> Mayor Adler: Let's get this.

[6:01:28 PM]

>> Mayor Adler: I feel like we're at the academy awards. We'll do this together because it's so important. And you and I have traveled around the world in pursuit of this.

Proclamation: Be it known that whereas 10 years ago under the leadership of mayor will Wynn, the Austin city council passed a resolution to make Austin a leading city in the fight against climate change by setting goals for a carbon neutral city, city operations, renewable energy generation, energy efficiency and programs to assist the community in emissions reductions.

>> Pool: And whereas in 2015 the Austin city council approved the community climate plan to achieve net zero greenhouse gas emissions community wide by 2050 from energy, transportation and materials and waste sources. And...

>> Mayor Adler: Whereas, Austin has joined the international community in the fight against climate change with participation in the C 40 city climate leadership group, the compact of mayors and the Paris climate agreement. And...

>> Pool: Whereas the entire community should be proud of the many accomplishments we have achieved for the climate over the last 10 years through our sustainability office and citywide. And can now continue to learn and take action at austintexas.gov/climate.

>> Mayor Adler: Now therefore I, Steve Adler, mayor of the city of Austin, Texas, on behalf of councilmember pool and the entire city council, do hereby proclaim February 16th, 2017 as Austin climate leadership day.

[6:03:29 PM]

[Applause]. So we have the honor of presenting this to my predecessor, mayor will Wynn, who I hope looks around this city and just feels proud everyday. And then I think we have a video. Mayor? Do you want to say something before the video or after the video?

>> I actually didn't know the was going to be aspng gig, B I forgot how fun it is to come to city council meetings at 5:30 at least. I saw thesou agenda and I'm sorry for it.

[Laughter]. Been 10 years and it is very rewarding, but what's rewarding is to know that some goals that we set 10 years ago as a counc and senior cit staff have been followed throu on so dramatically by following mayors and councils. A big part of that I investment that was made to actualree the office of sustainability, Lucia Athens and a bunch of her team is behind me. I never dbt that the city of Austin as an operation with Austin energy especially would meet goals, would do things that we said we were going to do to set an example, but what's really RDI is to see the office of sustainability's work to help citizens, you know, figure out how they on a ily basis with help with the cause. So again, it'sery rewarding to be here with ol friends and no ones, to see some of the results T we've had in Austin over these last 10 years, and really look forward to continuing great work here. Go thank you.

>> Thank you all vy much.

>> Mayor Adler: So Lucia, do you have a video?

[6:05:31 PM]

>>Lroduce the video. I also want to acknowledge Austin energy. We have a lot of their team here, Jackie Sargent and Khalil and Carl and a fantastic team that are doing so much of this work. It's a very cross-departmental effort with many departments involved, but without Austin energy we wouldn't be doing a lot of these things. But with no further adieu, I did want to have an opportunity to -- for the first time

at city hall premier our brand new climate change in Austin video that will talk to citizens far and wide about how they can get involved and make a change and protect the city we all love. So let's roll the tape. Thank you.

[Video playing].

>> Scenic, natural, smart and a fun place to live. There is very little most of us would change about Austin, but Austin is changing. So is the rest of the world. Climate change due to additional greenhouse gases from the burning of fossil fuels is threatening how we live and even our survival. Greenhouse gases in the atmosphere trap and hold heat at the Earth's surface. For our city that means higher temperatures, flooding, drought and risk of wildfire, and we are taking it very seriously. The Austin city council has set the long-term goal of reaching net zero greenhouse gas emissions by 2050. The city is working to save 900 megawatts of peak electricity demand by 2025 through efficiency and conservation programs. Our power source solar and wind will provide 55% of our energy by 2025. We're implementing first and last mile transit connections by adding and improving bike lanes, implementing bike share stations, building and improving sidewalks and providing circular buses.

[6:07:44 PM]

By working with the business industry we're working on reducing single vehicle emission commutes. More than 90% of the material generated in our community will be reused, recycled or composted one time per year and save on the electric bill. Walk, bike or ride the bus just one week a year. Riding the bus will eliminate the stress of sitting in traffic. Recycling and compost more than half of what you throw out for methane emissions. And the downsized trash bin saves you money. Buy local. Using products that have to be shipped to Austin reduces the emissions required not only to transport them, but also to use them. For simple ways you can help now go to austintexas.gov/climate. Let's do our part to stop climate change in the world we live in by starting in the city you love.

[Applause].

[6:10:50 PM]

[Recess]. >>

[6:54:25 PM]

>> Mayor Adler: All right. I think we have a quorum present. One, two, three, four, five, six. We do. It is 6:54. We are reconvening the city council meeting. I think that we're at items 52 and 53, Ben White items.

>> [Inaudible - no mic].

>> Mayor Adler: Let's go ahead and do the postponement first. That's Ms. Kitchen's deal. She's not here. Should we wait for her?

>> We should be okay with this. The neighborhood and the applicant are both in agreement. It's item 56, case c-14--2016-0029 for the property located at 2214 Thornton road. The applicant is requesting a postponement to March second. The neighborhood is in agreement. It's on the agenda for March 2nd

for second reading only.

>> Mayor Adler: Is there a motion to postpone this until March 2nd, realizing it will be set for second reading only?

>> Yes. I believe the applicant would like to make a quick statement, I think.

>> Ms. Kitchen is not here. We are agreeing to Ms. Kitchen's request for a postponement for March 2nd for second reading only. She has asked us to get our subcontractors to provide you some cost of widening Thornton. She would like to see those bids and make sure that they meet the right proportionality and we've agreed to do that. We look forward to returning with that information to you on the 2nd of March.

>> Mayor Adler: Okay. It could be done before then even better.

>> Even better.

>> Mayor Adler: Is there a motion to postpone this until March 2nd and come back to second reading? Ms. Alter makes that motion. Councilmember Garza seconds that motion. All those I favor please raise your hand? Those opposed? Everyone on the dais with Mr. Casar, Ms. Troxclair and Ms. Kitchen off the dais.

[6:56:27 PM]

That gets us then to the Ben white --

>> Kitchen: [Inaudible].

>> Mayor Adler: We just did it and everybody said they were doing it on your behalf and that you would be okay with it.

[Laughter]. So people were wrong, then you need to speak up now and we can reconsider.

>> Kitchen: I'm fine if I can make a short statement.

>> Mayor Adler: That would be good. The applicant was saying at your request he was going to bring in some cost information.

>> Kitchen: That's right. And my apologies. I lost track of the time. I just want to say thank you to everybody that's been involved with this. As you all might remember that the last time this came to us, we took some more time -- we wanted to go through a visioning exercise and so we did that. And I'm going to be bringing back a resolution next time that captures the vision for Thornton road. And it is being proposed to the council that we adopt that. So I'm going to do that and then I want to thank the psw and I wanted to thank the neighbors for working together on this and as they said, they're exploring what could be an interesting opportunity to help with the traffic issue in that neighborhood. So thank you very much.

>> Mayor Adler: Okay. Thank you. Let's call up then item 52, 53, the Ben white case.

>> Thank you, mayor and council. Greg Guernsey, planning and zoning department. Item number 52 is case npa-2016-0021.01. This is a neighborhood plan amendment, future land use map change for the east Riverside, oltorf combined neighborhood planning area for the property located at 5016 and one half Ben white boulevard. The other case, companion case, which is the zoning case, is case c-14-2016-0069, for that same property, 5016 one half east Ben white boulevard.

[6:58:31 PM]

This is to zone the property for the planning commission recommendation to cs-mu-co-np for tract 1 and gr-co-np for tract 2. The property is almost 13 acres in size and it is in the neighborhood planning area. The change has been proposed by the applicant as to mixed use. The planning commission voted to approve the staff recommendation, which included a portion of the site being commercial. There was a slight difference in the area that reduced the amount of the commercial area on the future land use -- on the future land use map. And for the zoning, but the planning commission's recommendation was to be approximately -- it's 200 feet for the portion that's on the future land use map. It's the 280 that staff had proposed. For the zoning case, for for the zoning case for tract one, and -- for tract two the portion further to the north is gr-mu-comp. Recommendation included several prohibited uses. For both tracts one and two, which included agricultural sales and service, alternative financial services, bail bonds services, camp ground, kennels, outdoor entertainment, outdoor sports and recreation, pawn shops, petty -- transactional housing, transportation terminal, and vehicle storage. Additional conditions for tract two that the -- the development shall be prohibited except for maybe required for the repair of existing utility infrastructure in a 40-foot easement adjacent to the north property explain a 35-foot area where thereby a vegetative buffer, provided and maintained.

[7:00:45 PM]

The improvements would be limited drainage, underground utilities, improvements, those improvements that may be required by the city of Austin. Currently the property is undeveloped, and is proposed for a mixed use development with commercial retail with multi-family behind it, which would be adjacent to the single family neighborhood to the north. One of the yours that has arisen deals with the connectivity from the property to the north. There's a street called sun ridge that dead ends at the northern property line. The transportation review staff, as well as txdot see this extension that should be examined and considered at the time of site plan because not all the details of the roadway connections are known at this time. Staff did recommend the commission also recommended the vehicle storage, the removal of vehicle storage as a permitted use. I know the applicant would like to add vehicle storage back in and I'll let the applicant explain the rationale for that. West of the property is an existing church campus and offices that are zoned gr-co-mphgo-mp and cs. To the north as I mentioned there are single-family homes and also light manufacturing use, which is currently zoned li-mp. To the east is convenient storage like a mini warehouse type of excuse light manufacturing zoned li-mp and sf-2-mp, to the south, Ben white boulevard, equipment sales, restaurant and construction sales and service. I think I'll pause at this time. I know you probably have several speakers on this case, and I believe the applicant is here represented by brown and gray engineering, Mr. Steve [indiscernible] I think is here to speak to this case.

[7:02:52 PM]

>> Mayor Adler: Let's go ahead, let the applicant speak first you have five minutes.

>> Thank you, council and mayor Adler, thank you, Mr. Guernsey, my name is Steve, I'm an engineer at bge here in Austin, representing Mr. Hidergeisen, the owner's representative for this property. I wanted

to take a moment to say thank you to the roc neighborhood and to zoning staff, putting in all the hard work to get us to this poi. Bge started this application being the applicant for the owner under a different developer, and the developer has fallen out of the picture. However, the owner of the property desires to see the zoning through and to let all Thi hard work go to waste. He sees value in adding mu tovb prt Mr. Hieisen would like to -- cg in new to this zoning case would like to present a few tweaks to the original zoning ordinance, and those items are to reduce the 200-foot setback along Ben white from 200 feet to 150 feet, addk in the vehicle storage to the cs zoned portion and would like to ask that sun ridge drive not be extended through the property. There are several technical issues with sun ridge drive being extended. E of them is the conflict of the access to sh-71 and there's also some significant pushback from the neighborhood who significantly does not want the drive to be extended. That's essentially the sum of the case from our perspective, and I don't need anymore time unless you have questions for me.

[7:04:59 PM]

>> Mayor Adler: Any questions of the applicant?ms. Garza.

>> Garza: I don't believe if this is for -- I don't know if this is for you or our staff. I remember we had discussion abs C ale back and I can't remember if we postponed it or just did it on first reading. It was staff recommendation to dove. Is that right?

>> Planning commission and staff's recomention to defer that decision until site plan.

>> Garza: Okay. So that's not where we are right now?

>> Not at this time. When the site planeswe would take a look at T layout of the property and proposed uses and how they would interact with the frontage road I guess of Ben white. And so txdot andtrortion staff, dsd and atd, Austin transportation department and department services department, are asking that decision be not made now without having the benefit of looking at the proposed design of the site and how it would interact with Ben white boulevard but leave that to the time when there's actually a proposed project to look at and make that determination whether the connection is appropriate or not.

>> Garza: That would happen administratively.

>> That would happen administratively at a later date.

>> Garza: We do have transportation staff here if you would like to ask them any questions more specific than that.

>> Mayor Adler: Also to speak on this issue is [indiscernible]. And you have three minutes.

>> Thank you, mayor, council, for your time today. I appreciate it. My name is hidergeisen. I represent my extended family, which owns the property.

[7:07:02 PM]

And you've heard a little recent history about the property. I've just had the benefit of coming in and trying to understand what's happened over the last few months. We did, under the previous company that was wanting to do this multi-familyn is property, request that we initiate the zoning case, and sot their request we did that. Frankly, we didn't even realize it was conin on. They had told us they were

gonna cancel so we're here. So I'm here today to request that the zoning case only be heard on first reading, to give us the opportunity to make some of the adjustments that heard from Steven. And in regards to the veh storage, the reason that we're asking for that for -- to be put back in, and I know there's been a little pushback from the neighborhood, they don't want to see this become a permanent use on it and I don't think it will become a permanent use on it. Since this property has taken so long to sell as long as we're holding onto it we'd like the opportunity too so that we can interact that would allow us at least pay the taxes on it every year and those taxes have been going up significantly. So that's why we'd like to keep that particular use on there. And then, obviously, it would be replaced with something later. I'm also here to ask -- to oppose obviously the extension of sun ridge drive. Number 1 for what it will do to the property and, number 2, for from what I've heard from the neighborhood that would be a very negative effect on them, as well as potential safety issues down off of Ben white, but I guess txdot can cover some of those issues. And then the neighborhood is also interested in connecting a series of trails back behind the property, and we are willing to consider working with them to add some trails back, and I think you're gonna hear from a representative of the neighborhood regarding that as well.

[7:09:08 PM]

So if you have any questions for me?

>> Mayor Adler: Any questions at this point? Great, thank you very much.

>> Thank you.

>> Mayor Adler: Next speaker is Malcolm Yates. David King here? Yes, David. You have six minutes.

>> My name is Malcolm Yates. I'm the chair of the rock contact team and also a resident of the sun ridge neighborhood. This zoning case is one of those rare examples of developers and neighborhoods working together before the city council meeting. The only point of contention is the city requirement to extend sun ridge drive through to 71. On this issue both the neighborhood and developer are in agreement this would be detrimental to the proposed development and the neighborhood. I have here a signed petition signed by sun ridge residents asking that sun ridge drive not be extended. The extension of sun ridge drive creates several problems while not solving any transportation issues. First, by extending sun ridge drive through this property the right-of-way needed for the street will make this property unusable for any high-density development. This slide shows the extension of sun ridge drive superimposed on the conceptual design proposed by the developer to show how sun ridge drive would divide the property. This next slide is a zoom of the previous slide. It shows the proposed intersection of sun ridge drive with highway 71 at the bottom of the slide.

[7:11:12 PM]

Sun ridge drive will intersect highway 71 right at the entrance ramp to the freeway from the service drive. The sun ridge intersection will create a dangerous condition as drivers try to cross the service drive to the entrance ramp. For this reason, txdot is probably going to deny this request. The next slide shows the residential character of the sun ridge neighborhood. Our neighborhood does not have a park anywhere nearby, so children play the street at the dead end of sun ridge. Extending sun ridge will turn a quiet dead end street into a major arterial. The next slide is a zoom of the intersection of sun ridge and Wickersham,

another example of a dangerous intersection, the slope of Wickersham is 16%. There's a four-way stop -- there should be a four-way stop at this intersection but there isn't right now. During rush hours cars stack on this steep slope. Finally, alternative routes from 71 already exist. By extending sun ridge drive you will be giving the sun ridge neighborhood an entrance to highway 71 that they do not want while not increasing connectivity for anyone else. Since Greg Guernsey has just said that the decision to extend sun ridge would be an administrative decision, with no input from the neighborhood, we are now requesting that council grant a variance to the requirement to extend sun ridge drive through to 71. Now I'd like to speak about the greater applications and neighborhood plans. The city of Austin is currently engaged in a massive PR campaign to convince neighborhoods that the Imagine Austin plan and CodeNEXT will respect neighborhood plans.

[7:13:16 PM]

This zoning case is being watched by members of the Austin neighborhood council and all other neighborhoods in Austin because it is a test of that promise. The planning and zoning department added to this zoning case the requirement that sun ridge drive must be extended through to Ben White over the objections of both the owner and the neighborhood. The reason given by planning and zoning was that through streets are a requirement of the Imagine Austin plan. However, objective 1.2 of the ROC neighborhood plan states discourage additional streets within established residential neighborhoods. The plan lists six separate instances of dead end streets that the ROC neighborhood stated they did not want turned into through streets and sun ridge drive is one of those streets. Neighborhoods do not want cut through traffic. Through traffic belongs on main arterial roads. This Imagine Austin concept of through streets is inappropriate for areas of high density development, but this concept is not appropriate for single family residential neighborhoods. By granting a variance to this Imagine Austin requirement, council will help to reassure Austin neighborhoods that council will not allow inappropriate requirements to be imposed on residential neighborhoods and that their neighborhood plans will be respected by CodeNEXT. Objective 1.2 further states, if streets are not constructed bicycle and pedestrian connectivity should be encouraged. This zoning case is an opportunity to approve -- this zoning case is an opportunity to improve the active transportation connectivity in the ROC area. This area of the pleasant valley road has no parks. The ROC neighborhoods and the city of Austin have built sections of the country club creek trail to connect residents to parks in this area.

[7:15:32 PM]

By obtaining a recreational easement along the existing utility easement of this property, future residents of the development on this property will be able to walk --

[buzzer sounding]

>> Mayor Adler: You can go ahead and finish your thought.

>> So this is the -- can I finish?

>> Mayor Adler: Finish your thought.

>> So by obtaining a recreational easement along the existing utility easement on this property, future residents of this development on this property will be able to walk to the country club creek greenbelt

and then connect to an existing section of the country club creek trail. The owner of this property has agreed to consider this recreational easement. The neighborhood's request that city council direct the city manager to allocate funds for the real estate department to obtain this recreational easement. Thank you for your time.

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

>> Pool: I have a question. Thank you. When the staff directed the applicant to put the road through, did they say who would pay for putting the road through? Who is responsible for putting that road through is this.

>> I think that's a Greg Guernsey question.

>> The subdivision, the developer is responsible for the infrastructure that would be associated with that street road. I'd also point out that I don't think staff is saying the road must go through, saying that staff would look at this at the time of the site plan as well as txdot at the time of the site plan that they would then look at it.

>> Pool: So I have two more questions. One, how much do you think the road would cost?

>> I think I would probably defer that to maybe Austin transportation department staff, if they are aware of that estimate.

[7:17:34 PM]

>> Pool: Okay. And as the speaker had pointed out, the quote from imagine Austin talks about putting down a rut where that is not if it's not reasonable, and connectivity for pedestrian and bicycle would be the fallback, and I had numerous conversations about this very point over the last two years. >>Hm

>> Pool: And so it's good to that in writing that it feels like that is the -- that would be the reasonable fallback. And in part the neighborhoods coming to show where a recreational easement. And show us on the maps how the various roads connect. It looks to me if the road was required -- and I appreciate you saying it is not required, although I think at some point it did sound like to the neighbors that it was a requirement, and I have to say from my personal experience that it does often sound like staff is requiring, that it looks like that would completely upend the development that is being proposed. If indeed the road is as that red line was, coming through on that map, that's right through the heart of the development that's being proposed.

>> Right. I'm not sure the alignment, and staff may be able to speak generally to that as well. Usually a road would connect to a front road at a 90-degree angle and not the -- at the bend as suggested. Normally txdot would not also a roadway that close to an entrance ramp but I think I'll defer to staff on that. I think the dilemma for staff is this neighborhood plan preceded the street -- complete streets policy council has adopted back I think 2014. It does ask to some of the connectivity issues that probably were not as -- discuss zero as much in light of that policy because there was not that opportunity.

[7:19:43 PM]

This has also brought to light in the audit, as you may recall for neighborhood plans, that the new neighborhood plans are taking a look at all these issues. The older ones going back did not. So it is something that we have to take a look at on a case-by-case basis so it is a delicate task to look at the issues that

are in the neighborhood plan and then also look at council policy as existing.

>> Pool: And where is

[indiscernible] Plan on the list for work -- for review with our staff?

>> Well, right now, I'm looking at the issue out of the audit about how we would handle new neighborhood plans and then going back

[iiscernible] And run in rosedale.

>> Pool: Right. There's all the other parts of the and I that don't yet even have one. I think respecting the neighborhood plans as they are on the ground at this time is something that we have been talking about a lot, and I realize this is -- is this -- so we're just having a public hearing and is this an approval on just first reading?

>> Yes. The neighborhood plan amendment is on first reading, and the zoning case is on first reading as well.

>> Mayor Adler: Okay. Applicant can close. Or staff --

>> Andy, assistant director to development services. I wanted to correct something the applicant has stated. The connectivity policies are embedded in the subdivision code. This is an unplatted piece of land and it would not be an administrative decision by staff to extend the street. It would be our recommendation based on our work with txdot, but -- when they bring the subdivision forward that would be a comment made by staff per the land development code to extend the streets. That's a planning commission decision. That would not be administrative. There would be public hearing, full discussion. I want to make sure you understand it's not that staff would be administratively making that decision.

[7:21:46 PM]

Just a point of clarification. I don't want to speak too much to the case but just on policy and how things actually happen.

>> Mayor Adler: Did you. It's helpful. Does the applicant want to close the discussion? If you want to, you can have three more minutes.

>> Thank you for giving me an additional bit time. And as Malcolm pointed out, there are some technical issues with extending the roadway. Sun ridge drive, the typical right-of-way a is in reont with txdot-controlled access. My discussions on the phone with txdotndicate that they are even going to have a hard time with us putting a driveway in that frontage and rather would want us to share a driveway with one of our neighborhoods. So the extension of that roadway is a technical improbabilit wanted to point that out also, our owner has worke very closely with Malcolm and the community. We're all in agreement. I think we can agree that everybody wan a zoning case D we've done lot of worked the point. So just a few concessions are what we're asking here. Again, thank you very much for taking the time.

>> Mayor Adler: Thank you. We're now back to the dais. Does anybody want to say anything or comment?

>> Renteria: Since this is in my district, I just have a question about the road. Now, if we passed this in first reading, what would that give the applicant?

[7:23:53 PM]

>> If you're doing first reading, I assume it would be the planning commission's recommendation on both of these cases. Right now there was not a specific prohibition regarding that but that could be added by council if that's something you wanted to add.

>> Renteria: Okay. So if we say that we're comfortable with adding this -- the street wouldn't come up at all until the site plan comes in?

>> Well, I think, a Mr. Hidergeisen said at the time of the subdivision that would be the time it would be addressed.

>> Renteria: Okay.

>> Mayor a: . Ki >>itch: So, Mr. Guernsey, that means it wouldn't come back to us, right? Qio of extending that road?

>> That's correct.

>> Kitchen: So if the council wants to weigh in on whether the roadulxtd or not, we need to do it -- we would need to do it nows a conditn? Is that -- howoue that?

>> That would B C. Council could state that. I think probably -- based on what I heard at least about bike-pedestrian, maybe for emergency services Asel ough I hear that from either of the parties specifly.

>>Itchen: And so -- I'm sorry. So that would be an amendment that we had need to make to this? Is that how we would do it? Okay.

>> Mayor Adler: Ms. Pool.

>> Pool: Would you like me to offer a friendly amendment just to acknowledge the pedestrian and bicycle access and to W with the ighbors -- the apnt and neighbors would work together to determine where that would be, somethingng those lines?

>> Kitchen: I think --

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I would be interested in whatever the appropriate languages and what we could do is pass work on that language between now and the second reading. But -- and I don't know if that's -- is consistent with what you're interested in.

[7:25:54 PM]

But I would be interested in working on language that makes it clear that that -- that the road would not be extended as a road, that we would be looking at --

>> Pool: And that's more specific.

>> Kitchen: Yeah. I think at this point because itld be an administrative matter that we would need to be specific in terms of it not being an extension.

>> Renteria: It's a conditional use.

>> Kitchen: Yeah. But the language we'd need to work on betweenow and second reading.

>> Renteria: I would like to make that into a condition

>> Kitchen: Okay.

>> And we can work with our transportation staff and law department to craft language I think based on what I'm hearing.

>> Mayor Adler: So what we would do is pass on first reading today as moved with the instruction staff should come back with language before second reading, circulated ahead of time so people can see that it addresses the road. Is that the motion? Is there any further debate? Those in favor please raise your hand. Those opposed. It's unanimous on the dais with Mr. Casar off the dais. Thank you. That gets us to the next matter here, which is the saltillo matter.

>> Jerry rusthoven, assistant director of planning and zoning. Items 57, 58, 59, are the plaza saltillo case. Item 57 is plaza saltillo tracts one, two, three, c14-2016-0050 for the property located at 901, 1011, and 1109 east fifth street, proposed rezoning to TDDMP, item 58 is c14 -- tracts four and five for the property located at 1201, 1301.

[7:27:54 PM]

Case 59, also from Todd MP to Todd Cure MP. Last week you approved on first reading a motion to approve all three of these items with one -- with the planning commission recommendation with the exception that the office tower on item 57 on tract one [indiscernible] As opposed to the 125 feet as requested by the applicant and recommended by the planning commission. I really don't have too much to add. The public hearing is still left open and I'm available for any questions.

>> Mayor Adler: Thank you. Mr. Renteria, do you want to make a motion?

>> Renteria: Yes, Mayor. We approve on second reading the same motion I made last week on the 68 feet on residential and 70 feet on the office tower.

>> Mayor Adler: Okay. The same motion we approved on first reading last week. Is there a second to the motion? Is there a second to that motion? On second to that motion. We can go into discussion. We have people of that signed up. Do we want to just go to the public? All right. Is Mr. Pena here, Gus Pena.

>> Pool: Mayor.

>> Mayor Adler: Yes.

>> Pool: As people are coming up to speak --

>> Mayor Adler: Actually, I'm sorry, go ahead. Hang on, Mr. Pena. I'm going to let the applicant first. Ms. Pool.

>> Pool: There were five items that I think are a friendly amendment and I'm gonna pass them out now and then I can talk about them later but I'll go ahead and pass them out.

>> Mayor Adler: Sounds good. Is the applicant here to open?

>> Thank you, all. My name is Terry Mitchell, I'm a citizen of Austin, coming here in the capacity of the chairman of the finance audit and administration committee of capital metro.

[7:29:59 PM]

>> Mayor Adler: Hold on a second. We're -- the first person that gets a chance to speak is the applicant.

>> Thank you.

>> Mayor Adler: Hang on one second. Jason, you're entitled to five minutes. You also have donated time from Megan. Is Megan here? Okay. So I have you down with five minutes plus three minutes gives you eight minutes.

>> Thank you. Mayor, mayor pro tem, and councilmembers, there's been some confusion regarding the height of the office building on the block adjacent to I-35 so I'd like to speak to that topic. We want to clarify that both Capital Metro and Endeavor want to build an 8-story 125-foot tall building on that block. Tonight, you'll hear from some of your constituents, including people who live in the neighborhood surrounding Plaza Saltillo who also want an 8-story building on that block and from some who would prefer a four-story 70-foot building on that block. At this stage of the process, however, what matters most is what you want. You decide on behalf of all of Austin's taxpayers what is best for this tract of land. I believe every vote you make on that dais reflects what you want for our community. Tonight, we hope to learn from each of you if you want an 8-story or four-story building on that block adjacent to I-35. As you know, this block is unique not only because it is adjacent to I-35 but because it is on land owned by Austin's transit authority and adjacent to a commuter rail stop. It is projected that an eight-story building relative to a four-story building would generate millions of additional dollars to our transit authority.

[7:32:09 PM]

Enhancing its ability to address this community's mobility challenges. A consistent top priority for our community. In addition, an eight-story building will generate millions of additional dollars to our city, school district, Council District C, District D community colleges. Enhancing those entities' ability to address this community's needs. All additional top priorities for our community. So tonight you've learned what Endeavor wants. You've heard Metro wants. And you'll learn more about what your constituents want. It is our hope that tonight the community learns what you want and please know that we will, to the best of our ability, build the building you want on that block. Whether it is four stories or eight stories. It of course is your decision. Thank you.

>> Mayor Adler: Thank you, Mr. Pena.

>> [Off mic]

Mayor Adler: To who?

>> [Off mic]

>> Mayor Adler: Okay. Is Dan here, Keshet? Is Jose Bolivar?

>> Dan Keshet.

>> Mayor Adler: Okay.

>> Thank you for hearing me, Council. I spoke in favor of this -- I spoke in favor of this development at the planning commission, and I did so because I'm a former neighbor of it, lived a couple blocks away and I've been walking by this tract for years and it -- you know, this is going to be a fantastic improvement.

[7:34:14 PM]

The fact that we're gonna have sidewalks, that WRE gonna have bike lanes, the fact that you're gonna be able to traverse the property north-south, one way or the other, whether you decide on this height, whether you choose a higher height or the lower height, it's going to be a fantastic benefit for the city and the community going to be benefited greatly by this -- finally having this piece of dirt with trash all it turns into a beautiful place designed by some of the most -- some of the best architects and designers in Austin. So

what's left to decide is whether we're going to accept -- whether we're going to accept the higher height an with it the \$17.4 million in net present value that's coming to capital metro in the form of \$4.4 million in a lease, city of Austin in the form of \$500,000 fee, city of stin in T form of -- let me get -- \$2.6 million in net present value of future -- future tax eng Fure taxes that's going to be on here, and \$10.4 million for aid, ACC, central health, and tris count now, this is -- T's always trade-offs. As some of you are on the -- some of you are on the board of capital metro and you know with connections 2020 coming up that there's trade-o between one bus lane and another bus lane -- one bus route and another bus rou. Thersrade-offs between, you know, health and humans that you can pick up and the cost is that you have to accept -- you have to accept a place fororeplore people around.

[7:36:34 PM]

So there is -- you know,hi is a decision. It's araff. And I think that -- I think it's clear which way I think that you should go with it. But these are the trade-offs that you have before me, and I think that you should pick up that \$17 million bill lying on the ground and say, hey, we want this for our community, we want this for our schools, we want this for our mobility, we want this for ACC.

[Buzzer sounding]

-- And we want this for our county.

>> Mayor Adler: Thank you. Next speaker, Terry Mitchell.

>> Hello again. My name is Terry Mitchell, a zen here in Austin but I'm coming to you as chairman of the finance audit and administration committee of capitaletro. And I just want to give you a little perspective of the way capital metro has been looking this project. I'm not in government -- a government expert but best I can ll capital metro is different than any other governmental jurisdiction in one primary way, and I've learned it greatly at the finance committee. Capital metro has to comply with a regulation that was passed in 2008 and '9 called the state of good repair and it mandates when you must replace your capital assets. For example, buses need to be replaced every 12 years even th there's lots of stats that buses last longer than that. The net effect is over the next den years capital metro's capital budget plan which is used a majority for replacement of capital assets is over0 ion. It requires boring rogues that capital metro will have to do to maintn that comply with that law. To me that makes - it hamstrings us a little bit, but if every other jurisdiction had to do that it would really change the financial position of all of our governmental entities. My point in saying this is every dollar is very important to us because we can't expand without excess dollars.

[7:38:36 PM]

There's a metric that we use at capital metro for every \$1 million we can provide 300,000 additional rides on transit. Buses. So it may sound like 1 million is not a lot of money but to us it is a lot of money because we can provide 4 million provides 1.2 million rides per year so we look at that metric and say how can we squeeze things out of our budget to increase our ridership and make it work. So for U it may seem inconsequential or small but it is a big deal to us. Let's talk about affordable housing a little bit. You know that I'm an advocate for affordable housing at all complexes I like to stay the word attainable housing because it's at all levels that are really struggling. Each yearin010 we've been growi at a 55,000

people a year in our metro area. If you take our average household size we need to be adding in metro area 21,000 units a year. If you look at Austin's building permits, you'll see that there is being provided in the outlying areas, both at the outlying areas of Austin and even in our suburbs. That puts a tremendous strain on capital M and makes us work harder to try to get people around because the transportation system gets worse and worse every year. It is important to us to maximize the use of a station, not just this station but 1 along this line and any future line that's there. Our planning increases the ridership. There's a Denver transit study that came out in the last year or so that said that 62% of the people who live and work at -- in a station will use the train. 37% of office workers will use that train. 26% of residents in a station will use the train. And so we're trying to put as many uses as we can consistent with good planning, consistent with being good neighbors, so that we can maximize the ridership on the red line.

[7:40:43 PM]

We have lots of money to spend on the red line, money we don't presently have. We are making some improvements that start this summer and a lot more could be done. We would appreciate your support in creating this station, the first of many we hope. Thank you.

>> Mayor Adler: Me, Ms. Alter -- hold, Mr. Mitchell.

>> Alter: Mr. Mitchell, can I ask you a question? I think you might be able to answer my question.

>> Yes.

>> Alter: Last time we talked about this we were talking about the net present value. We also said there was a \$300 million budget for capital metro. Can you help me understand on an annual basis, you know, on this is built out, I'm not talking about the net present value but how much is this gonna add on an annual basis?

>> About one point -- one point --

>> Alter: To your budget.

>> Little over a million dollars, million four or something like that is my recollection. I haven't been part of those negotiations.

>> Alter: Maybe somebody else at the appropriate time can thank you because that doesn't seem to jive with the numbers.

>> Okay.

>> Alter: We've heard. Thank you.

>> Thank you.

>> Alter: Sorry to put you on the spot.

>> Mayor Adler: Okay. Jose.

>> How much time will I have? I think I have donated.

>> Mayor Adler: You do. Is Bill over here?

>> Banning here.

>> Mayor Adler: You have six minutes.

>> Thank you all for welcoming us back to speak on this issue. As I think there's two things I would like you all to consider. One is this truly the best deal that we can get for the city of Austin? And when we think about that, I think we should think about what we heard last time, which was \$580,000 to capital metro from the increase in height, plus the undisclosed amount to the developers on this project, and is THA really

worth the ten or 8% of affordable housing in this neighborhood that has struggled for so long?

[7:42:46 PM]

Is that really a fair trade? That's the first thing I'd like you to consider. The second what precedent is this city council going to establish with the development community keeping their promises to that community? So please consider those two things. So the team in an effort to push this project forward, because we want this project as much as everyone else, we want those community benefits. We recognize that it is an empty plot of land so at our most recent meeting we voted to support the project as was presented on first reading, with the further increase from 70 to 80 feet on the office tower, conditioned on delivery of 25% affordable housing. So if they can deliver on that, we will support those changes, with the recognition that we do so because this is our public transit provider and that this is on public land. And I ask you to compare that to the movement of the needle by Endeavor and Capital Metro. It is four bedrooms right now. That is what they're adding. And I'm not even sure if it's additional square footage or not. But maybe they're moving four one bedrooms to four two bedrooms but that is not enough, right? I don't know if they are unwilling, they will argue they are unable, but as you heard today, they will do what you say. So they are able. Thus far they've been unwilling to move the needle so we are going to be very dependent on y'all to enforce their promise. First, in the June 23, 2014 meeting, they stated we are the only group that complies with this plan. No neighborhood plan amendment, no rezoning, changes, variances. Also followed up we offer a greater number of units and -- we are committing to providing 25% affordability. So what I ask for y'all now is to hold them to that promise. The presentation has not changed. They have not moved. It will require y'all forcing them to do that. And I really feel like that's where we are right now.

[7:44:49 PM]

What are we gonna set as the precedent for this council's interaction with the development community and with the community at large? Thank you apse

>> Mayor Adler: Gavino Fernandez. You have three minutes, Mr. Fernandez.

>> Good evening, council, my name is Gavino Fernandez, and I come before you as president of the neighborhood association. We've been together since 1974. Francis Martinez was our first president and I followed -- so he became anti-gentrification. I would like to add the issue of height and the fact -- the issue of precedence. We already have precedence. We have the Rebecca Bank 16 floors east of I-35 on the banks of the Colorado river. So when people call a hill a mountain, it's misleading. The other point I think that this is one of the biggest economic injections into this part of town since the Holly Park plant, since the Travis County jail expansion, and since multiple landfills in east Austin. So I think that it is high time that we get this type of economic injection into our community. And as we spoke, as you well know, if you look at the history books, we fought light rail we were against light rail big time because we knew the gentrification that was gonna be happen. In those sessions a lot of this development was table. Many of us sat around many tables, many community meetings discussing the potential of this project, of this development, in this community. Housing we talk about housing. We also talked about mixed use in housing. That's why we had villas on Sixth Street.

[7:46:51 PM]

Villas on sixth street was in a project we pushed because thereas of the river. They were all on rerside. So in this project, we have many single family units. Senior citizens. I work elections when I go to senior inpatient living, a lot of -- independent living, they're one bedroom, this is another opportunity to bring the housing that we need for prsionals, teachers, firemen, policemen that are single, have one child. They're families. That is a family. We are meeting the housing insides of families by bringing this project. We also have the transportation -- a transportation issue. I get tired of seeing that metrorail pass every day empty and there's only certain peak of times. This provides that opportunity to increase that ridership we need so we can bring in revenue so we can provide better transportations in T neighborhoods that would bring -- if you travel around, I go to Mexico a lot, you see those small buses come in from the small neighborhoods to bigger -- to the metro. That's the other thing. You go to Monterey, Guadalajara, all your metro areas, you see these type of developments and housing. I like the argument about family because that gives me ammunition to even give more reasons to open the park because now we're gonna have families.now we're gonna have a community. And now we C pompu back to our community. I strgl urge you tooin us in supporting the patrol of 125 and the housing for our community. Thank you for the opportunity to speak to y'all.

>> Mayor Adler: Thank you. Gloria Moreno. Okay. Krisn [indiscernible]. It looks like you have some donated time. Is bill brahl here?

>> Yes, he is.

[7:48:52 PM]

>> Mayor Adler: Is Pamela hall here? Is Malcolm Yates here? Is rey Collins here? You have 15 minutes.

>> I believe I wouldn't need more than nine. Thank you.

>> Mayor Adler: Take what you need up to that. But no more than what you need.

>> Good evening, council. My name is Kristin hotop. I'm a resident of the east Cesar Chavez neighborhood in district 3. Thank you very much for hearing and considering the community concerns about the current plaza saltillo proposal before you tonight that I'm gonna speak to. Though many ecc residents are excited about and do support the project, many also have legitimate concerns a endeavors 2016 proposal revisionshi radically alter their original proposal that the community worked hard to help negotiate back in 2014. This is a unique opportunity to build in central east Austin, and it's important to get it right. Proponents of the current proposal have distresd the plaza saltillo project has been in the works for 20 years, implying that somehow the community in which this is based inconveniently waitedun theinal stage of the project to express opposition. However, it's important to remember that endeavor was only awarded the contract in 2014, and that their original bid only recently changed. And it changed without much community knowledge, without much meaningful community engagement or opportunity for input. We have only recently been given the opportunity to engage since these changes were made, so this is noteen a 20-year long process as you may he be L to believe. Unfortunately, recent community outreach notwithstanding the applicants have been largely unwilling to compromise over the communsiggest concerns, which are primarily about the increase in height and the duion in

affordability. Much of last week's plaza saltillo discussion included questions about how the community came to believe that endeavor would not request variances or zoning changes and would commit to 25% affordable housing given the current insistence by some that endeavor never explicitly never committed to this affordability level.

[7:51:07 PM]

I'd like to play a couple video clips for you know of endeavor's 2014 project presentations to the capital metro board that will demonstrate how the community came to believe this is what we could expect. So the first clip is from the April 25, 2014 presentation to the capital metro board among four finalists. Can I play it from here or do you have to -- [video playing]

>> At.

[♪ Music ♪]

>> Half of which is dedicated to seniors, the other half would be [indiscernible]

>> Okay. So I know the volume on this is pretty low, but I hope that you heard that initial no variances, 25% affordable housing, if I need to replay that, I can do that. Next one, please. Again, in June 2014, endeavor was among two finalist that's presented to the capital metro board, and I'm gonna play a clip now from this final presentation.

[Video playing]

>> [Inaudible]

[7:55:01 PM]

>> Okay. So to summarize in both clips, no neighborhood plan amendments, no zoning changes or variances, 25% affordable housing component. There was no mention of 15% and then the city kicks in ten. It was 25% both times, all the way. This is the information that was given alongside other competing bids and Thi is in good faith what the community took away and also the other competitors as well. Additionally, a commitment was made to the creation of a family friendly development, including ample family friendly residential community a community compatible design that reflects the community's history and heritage and serves community needs. Yet today even as the applicants ask for more and more entitlements, they are willing to give less and less in exchange for these benefits. The current saltillo proposal before you includes a design, number 1, that is incompatible and unpopular with many adjacent ecc community and that sets a precedent for high-rise development in the area, bringing downtown into east Austin. Which some would like to see, those of us who are trying to stay, raise our families and age in place are not as excited about that. It also is now a reduction to 15% affordable housing, a meager fee-in-lieu offer in exchange for massive entitlements across the board, including the height increases to 68 and 70 feet, which I will add that the community does support. Instead of anncre in on-site affordability, community concerns aside, the city can and should do better on this land, on this public land.

[7:57:01 PM]

There are few, if any, two and 3-plus family friendly affordable units, and it includes a domain -- it entails a domain style shopping and entertainment district more fitting for big box and boutique retail with the higher ceiling in the retail with the increase in 68 and 70 feet than will accommodate and cater to local small busesse and the existing king and middle class population. This proposal does not ser basic community needs, partaror existing low D moderate incomeesidents. Further, this design does not reflect the rich community heritage and history. Promised. Mr. Mitchell cited the general study but I would say that, you know, that that's general information. There is absolutely no guaranteed correlation between a taller office building and increased capital metro ridership. That is not necessarily proven. Capital metro is already at capacity during peak hours. Secondly, there is no guarantee that a taller office building and increased number of employees potentially will result in an increased number of employees potentially living on-site to reduce the additional traffic the taller office building will produce. It's nice to think that would be the case. There's no guarantee. We don't know who the tenants are for the office building. We certainly don't know who the tenants are gonna be living in the residential. Projected traffic counts are extremely high. The tia shows already close to 16,000 trips daily and we have many roads that are already over capacity. For example, waller street is said to handle 1800 cars minimum daily. We're already at 2500 even without this proposal. And then, finally, ultimately this height increase doesn't provide what Austin really needs, which is additional housing units. That's what we need. Not additional office. I know it's a wind fall, a financial wind fall for capital metro, but according to tcad capital metro owns 36 public properties, and so why is capital metro revenue dependent on plaza salll alone?

[7:59:11 PM]

Why is the burden on our community to supply this source of revenue with all of these properties across the board? So in 2014, as now, the ecc community, as you heard in the video, made their concerns clear. A desire to see maximum affordability and a community compatible design. To say or imply that our concerns amount to opposition to bike paths, pocket parks, connectivity and/or supporting public transit is a modification and is frankly a distraction from real issues at play. Those opposed to the proposal are not proposed to the development it self. We have a stake in it as we do transportation and we want plaza saltillo to be successful. This is going to be part of our community. So much so as Jose mentioned the ecc planning team tried to propose a compromise, although so far unsuccessfully. Last time the team -- team voted to support an increase in height and that increase will still benefit cap metro financially, but it more compatible with the adjacent community and will not set a vertical density development, particularly for the recycling plant across the seat that will sell as soon as plaza saltillo is developed, as would 125 feet. Cap can and endeavor are already getting multiple entitlements across the Bo T will increase their profitability even without an increase to 125 feet. So in sum, the community asks are an 80-foot height cap on the office building. We believe this is a great compromise that again financially benefits cap metro and public transportation, but respects community compatibility wishes. A return to the original 25% affordable housing commitment versus the current fee-in-lieu offeringth- the 25% and a greater commitment to on-site affordability.

[8:01:15 PM]

We don't want affordable housing a mile away in the tod. We want it here in plaza saltillo. And preferably during the first five years of construction alongside construction of the market rate units. We need that economic diversity. Inclusion of a high percentage of two and three plus family friendly affordableni help retain families in the core and bolster area schools currently under threat of closure, including Sanchez elementary and martin middle school. Ryan Robertson regularly reports that there is not enough affordable family friendly housing in the core and that we're losing T demographic. This is an opportunity to retain that very population and put our money where our mouths are in terms of family friendly affordability in the city core. Finally, no cure zoning because that could allow, according to staff, and there was a discussion about this at planning commission, could allow for unlimited heights on-site without further community, planning commission or council input in the future, just another bait and switch. This zoning category was retired for a reason and should not be reintroduced in an exploitif manner in east. Let's be fair. If it's not good for west Austin or even downtown with the greatest amount of density, it's not G for east Austin either. Thank you.

[Applause].

>> Mayor Adler: The next speaker is Michael soo. Is kenohanson here in is Julie bar here? You have nine minutes, Mr. Soo.

>> Thank you. I'm honored to be here befoou tonight to speak about this project. My name is Michael soo. I'm an architect that eparees the design team that put together the project you see before you tonight.

[8:03:15 PM]

Before I get started I wanted to address one thing that was spoken about from the last presenter who gave a very impassioned presentation, that this was not designed to be a domain type project at all. If you kw our office's, we're an advocate of Austin small businesses and at this time one of the reasons that we were picked for this project is endeavor tho we would be able to bring to bear the types of spaces that local businesses would be most attracted to. And the height is a concern for a lot of businesses because it does allow for a lot more flexibility inside those spaces and it allows them to have a larger presence on the streetscape. Indeed, this project is collaborated with a peer review, a man named Jeff speck who you may have seen Ted talks for. He's highly respected new urbanist and he's esd been a critic and co-designer on that walkability in that part of the project which very much had to do with creating vital, vibrant, creative local streetscape. This is not a large development. These paseos have retail on the corner spaces, but the rest of the paseos are filled withkuin units. It is not where the paseos are filled up with high densities of retail. I just want to talk about that. I just wanted to start from the very beginning. A lot of the inspiration that we took at the beginning of this project was how to create a meaning of the experience for plaza saltillo, such a important project, a project on a site that I studied in college when I was at UT in the late '80s. So I know the importance of this site. And we wanted too something that me sense that was really rooted in some of the sort of buildis tte experienced on its site, the sort of simple met shedded working buildgs that were here. Theananome masonry buildings that were in this area.

[8:05:18 PM]

This is really has been an interesting neighborhood because it gathers up so many different types of buildings, both industrial, commercial and some residential as well. So we wanted to make sure we incorporated that and we also want to make sth we spoke about the heritage of the site. So instead of creating Latin or Mexican favored facades, we really looked at some architects that I've admired my entire career, including Luis Verigan and some other folks. Part of the layering of voices in this project is that we talked about how different people we've brought on board to create dimensions of art works that are the scale of the entire facades of the buildings. These are not little patches that you will see along. They're big, big pieces of what the project might be. And we hope that creates a building that is varied, feels organic and isn't sort of mad B voi at the end. You will see that the building scale steps out it heads towards the east. The paseos clearly have a different sort of architecture. It's a steel metal-faced, recalling the industrial sheds that were on this site and the the buildings step back up to get the additional density. So there was an effort on the design team to essentially give up units in some of these denser areas that could have been four over one to provide for a more resonant development that makes felt appropriate. We talk about why the office building is so important and I really feel that working with the planners and this sort of design consult, as each best not try and break away the different programmatic types and put them in their little erudite important to take the Dae office users and make sure they're integrate row T center O this development because their activity during the day is critical to making sure that that streetscape is a vital environment and that those retailers can have a chance to succeed.

[8:07:31 PM]

And it would also support not just restaurant we want to make sure this isn't an entertainment district, but that the soft goods, the daily services, the exercise clinics, the small surface offices that could exist would all be serviced for people on this site who are working here on a daily basis. Some I just wanted to say that we treated this project with a tremendous deal of reverence for this project. I hope you will vote in its favor. Thank you very much.

>> Mayor Adler: Anything else? Thank you. Sid Caliendo.

>> Good evening, councilmembers, my name is Sid Caliendo. Back in 2004 through 2008 I served on the planning commission. And a little of Austin municipal trivia for you, in 2006 I was the first chairman of the comprehensive plan of the planning commission. And I am surprised to you that PART of my comments are going to be about the imagine Austin comprehensive plan that was approved in 2012. Surely we all know that we will be talking about the comprehensive plan in the coming months, but I think one of the things that we all agree to as a community is the linchpin concept that compact and connected is really the guiding principle that we want our community to grow by. And so I want to just take this opportunity to talk a little bit about why compact and connected is important and how some of those concepts might translate to this case.

[8:09:35 PM]

So compact and connected really I think - the imagine Austin and the compact connected concept really

is the genesis of the real solutions for the problems that face our community, particularly traffic congestion, affordability environmental degradation. And we believe that in this plan are many of the answers to those problems that we face. But there's also another very simple economic reason for compact a city and it has to do simply with the way that cities build their budgets and where revenues come from and where city expenses go. So if you think about the typical collar dollar that comes from a lower density development, a lower density part of the community, of that dollar 90 cents just say to use better numbers, 90 cents of that dollar is used to provide service to that particular area. But as you move into more densely developed parts of this city, for every dollar of property tax that's collected there's a lesser amount of money that's required to provide the same services in a more compact area. So for every dollar collected in property taxes from a more dense part of the city, a greater number or let's say 50 cents would be available to provide the other benefits for other parts of the city. I can take that same basic analysis and think about it in terms of stories of a building. If you look at the property taxes generated by the first story of a building, the cost required to service that first story is going to be higher than the cost required to service the second story and then the third story and the fourth story. What I'm trying to make here is the economic that adds with buildings with stories [buzzer sounds]

[8:11:40 PM]

-- Each story we build generates a greater proportion of the revenue for the rest of city to benefit from. In those instances where we have areas where there's much conflict about height it really behooves the city to think about the benefit of more stories and how that would benefit the rest of the city. Thank you very much

>> Mayor Adler: Sarah Pedroza.

>> Hello. My name is Sarah Pedroza and I have lived in the east Cesar Chavez neighborhood since 2005 and am here tonight to oppose the proposed changes to the sail tealio development. Tonight you will hear many reasons to either support or oppose the project. But my personal opposition is as a resident who is currently living, working and raising her family in the area it is twofold. First, the office tower being proposed is incompatible with our residential neighborhood. My neighbors' desire offices and commercial spaces that are compatible with our residential neighborhood, not a tower that will turn our neighborhood, our community, into downtown. As you heard second, I have concerns about our community moving forward on such a dramatic change to such a crucial development without thorough scrutiny. For example, I believe we are still waiting for an impact statement on this project. As you heard earlier, this decision is yours to make. I hope that you will stand with our east Cesar Chavez community and oppose downtown encroachment on our neighborhood. Thank you.

[8:13:41 PM]

[Applause].

>> Mayor Adler: Is anyone else signed up to speak?

>> I am, mayor.

>> Mayor Adler: Mr. Pena. I had actually called you first. I don't think you were in the room, but come on down.

>> [Inaudible].

>> Mayor Adler: That's okay. I just didn't want you to think I missed you.

>> You're a good guy, good mayor. Mayor, councilmembers, public, Gus Pena, proud native east austinite and proud Marine Corps veteran. I grew up on fifth street. Right next to us, the lumberyard, and then we had the Hernandez family and the Pena family, the serranos, the Vasquez family, the [indiscernible] Family, Limon family. I do remember Jimmy and his mom and dad and may they rest in peace and others the other side also, Limon, used to be Canadian, now it's Robert Martinez. I understand both sides, all sides, I'm not here to argue about height. I'm not here to argue about this, that, the other. I do know we need affordable housing, but I've been saying this even when Bruce Todd was mayor. Affordable housing, give me a clear-cut definite affordable housing. I'm on record, we could pick up any of the tapes and you will hear me say that, transitional housing. And I spoke to the developers, I spoke to the other side also. I'm going to -- none of these people were notified about this -- these issues, Mr. Mayor and councilmembers. Not them, nobody. Because I talked to them daily and my [speaking foreign language] Live on the other side of pedernales east to capital metro. So anyway, somebody is not contacting or doing a good job of contacting everybody.

[8:15:46 PM]

And that ain't kosher.

[Speaking foreign language]. 'S not acceptable. What I'm saying is we need affordable housing. I'm going to be honest I talked to the developers. I don't sell out to nobody. I'm not a sellout, but I liked what they said, but I also understand the concerns of the city, but the city does reflect all the neighbors and residents of that quadrant. We used to walk to sixth street, humpty dumpty, you could put it on charge and pay it when you get your paycheck every month and also the student at college.

[Inaudible] Has been a Barbor 52 years on Sixth St. What I'm saying is were they contacted? No. But saying is this, that most of them were contacted and they would like to see more affordable housing, but some of them, a lot of them were in support and I'm not here to say this is my feeling for them, but I just hear what they say. And you know the Limon family is very big family here in Austin, as is the cascading the Penas. I want each and every one of you all look at this issue. I like it. I'll support it.

[Buzzer sounds] We need affordable housing and we can do Bette mayor, thank you very much for allowing me to speak and we need affordable housing. I'll support the initiative. Thank you.

>> Mayor Adler: Thank you. Anyone else here to speak? Yes. Had you signed up?

>> I thought I did.

>> Mayor Adler: When you're done make sure you go on [kay]. Thank you, councilmembers. My name is Roger Coven. I live in that downtown neighborhood and I served on the Imagine Austin task force that oversaw the creation of the comprehensive.

[8:17:47 PM]

When I look at plaza saltillo and the proposal here, I see a complete community. I see transit, I see walking. I see retail, I see people, I see a diversity of housing and a diversity of affordable levels. And so we have a complete community there. But let's not look a gift horse in the mouth. It's not worse to

have higher height, it's better to have higher height for the -- for the office tower because it means more jobs. It means a more complete community. So I urge you to support the higher, the increased number of jobs that that higher height would enable. Thanks.

>> Mayor Adler: Thank you. Would you go sign up with the clerk, please sir? Is he on the list. We had called you earlier. I guess he wasn't here. Those all the Speers at we have. We're now back U to the dais. The applicant gets to close, sorry. Does the ACA to close?

>> Thank you. I'll take this opportunity to address some of the video clips that were paid and give some context to them. Those were presentations to cap metro, who is selecting the developer for this property. Capital metro had all the information, which included our proposal, which followed the regulating plan that was put in place in 2008. In the regulating plan it lists for the developer to provide 15% affordable housing in the city of Austin subject to funding affordability shall provide an additional 10% for a total of 25%.

[8:19:55 PM]

We did not feel that it is necessary to state that every time we discussed affordable housing. It was emphatically clear in our written proposal, and Linda Watson in a letter to you restated that. That it was crystal clear that we were following the regulating plan in providing 15% and the city at its action could provide 10% and we made room for that. We were on our part per the regulating plan, and that has not changed from 2014 to 2016 when the ground lease was approved unanimously at capital metro to today. Our goal is still 25% and we are doing our part per the regulating plan and as per has always been stated at 15%.

>> Mayor Adler: Hold on, please. Jason? Mayor pro tem?

>> Tovo: This is kind of a recurring point and I know you've just addressed it, but I guess I would like to ask your help in understanding why all the media reports that I could find from that time period, the other documentation that I've been sent, it all talks about the commitments from both development teams as having been 25%. I have it. It doesn't mean it's not out there, but I haven't found one media report or other documentation that talks about 15% and I don't see corrections that were made to the media outlets. In fact, I think I cited at our last public hearing THA there was a chronicle article in, I don't know, something like early June and then late June reiterated that 25% point. So could you just address that? Because I think the public has raised this as a concern and frankly it's one I share as well.

>> I'm going to address it quickly and I'd ask Terri or someone from capital metro to address it sell. And you'll see here some additional news stories from 2016. So in 2016 when we had an open house, held an open house at capital metro for the community and then four days later capital metro held a public hearing to vote and approve the ground lease and master development agreement. In 2015 it was made public, including our ground rent payment and other details that have always been in that proposal.

[8:22:22 PM]

These are some of the news stories from that time period when tnfti was made P of 2016. As you can see, there are three references, still in business journal "Austin american-statesman," Austin monitor, all clarified at 15%. we typically do not go to media and try to correct inaccuracies. That's something that

we spend the time to do. So hear is what the media reported then. We have not changed our proposal. It is in the written responses from February 24th, 2014. I can read it to you. This is our response to a capital metro question. The proposal does include % participation from the city of Austin as described in station area plan. If the city does not fund its 10%, the team shall still provide its 15% with the project. And I'm going to take this chance to send it over to capital metro to address this as well.

>> Tovo: I appreciate your response. I think the media -- I appreciate that in 2016 it looks like there's been consistent information about it. Really the question was the media reports from 2014 which pretty consistently, and I think it was June by then, talked about the commitments from both development teams as having been 25% no caveat. So that's really where I think the crux of the issue is in my mind. We did hear testimony last time from Ms. Watson indicating that there were some understandings between cap metro the developer that talked about that 10%, but I think it seems pretty clear that that information just never made it into the public realm. In the PCR I was talked about as 25%, straight-up 25%.

[8:24:23 PM]

>> So the people making the decision and choosing the developer, it was very clear to them. And I cannot speak towards other media reports and information they put out in 2014.

>> Tovo: Okay, thank you.

>> Pool: I have a follow-up question.

>> Mayor Adler: Councilmember Pool.

>> Pool: So I just wanted to check the video clip that we watched and we have the transcript that was passed out here. Was that you making the presentation?

>> Yes.

>> Pool: And was that what you said 25% affordable housing?

>> Yes.

>> Pool: And that transcript was from the cap metro board meeting. Is that right? >> Yes. Yes.

>> Garza: You can go ahead and explain and I'll ask a follow-up.

>> I was a new board member in these days. There were four presentations. And to my knowledge all of the presentations said they would do 25%, all of them had some form of government participation, whether it was tax credits, whether it was city participation, from that standpoint, from my own personal belief that was acceptable. Didn't know -- owe the two finalists, one was going to do tax credit and one city participation. If you don't get your tax credits you don't provide affordable housing. If you don't get your city participation you don't provide it, but the assumption was given the high need that at least from perspective that that was likely. That was it. The other thing I want to address and want to make clear was capital metro that asked for the office increase. And they did so because of increasing ridership. We didn't think it was a problem because the other finalist was proposing an 11 story hotel building which was a variance and that had a lot of support in the community, so I think, and I'm speaking -- I've not been participating in these things, but that would be an okay request.

[8:26:34 PM]

Because it was in the previous proposal that a lot of people supported the height at least. I just wanted to let you know don't blame the developer for that. That was a capital metro request to increase ridership.

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

>> Garza: It's for the applicant. This is a difficult decision for me because I'm wearing several hats. One is a capital metro board member and as a councilmember. So this is more my councilmember hat trying to get to understand a lot of the confusion. So we keep referring back to the regulating plan and the regulating plan says 15% of the entire square footage. Isn't it 15% of residential, is that right?

>> That's correct.

>> Garza: So why -- why do we keep referring back to the regulating plan to clarify the 15 to 25? What's the -- why are we -- why are we moving from the regulating plan and not doing to 15% of the entire square footage?

>> In our original proposal it was always contemplated in our agreement with capital metro is that we were doing 15% of the residential project. That has been consistent from day one. That has not changed. So also in the regulating plan is fee-in-lieu. We are following the regulating plan that calls for a fee-in-lieu.

>> Garza: I understand that things change from the time of proposal to the final plan, but you also said in that video that there would be no zoning requests, for changes, no variances. Can you explain why that's changed?

>> Terri just touched on one of those. With the capital metro requesting that we look into adding an office component to the project, to add a third use to the project.

[8:28:40 PM]

In order to do that, that is one reason for the request that we're here today to talk about. The second reason is we move from conceptual to real plans. It became apparent in order to build the four levels of residential as compared to retail in the plan and our proposal to capital metro that a small amount of additional height would be required, eight to 10 feet.

>> I remember some of these discussions a little differently and I thought the height came up when we were talking about worker protections and living wage and I thought that was one of the -- because I -- me and other members of the board kept asking how we could get there, how can we get to living wage and worker protections and maybe I'm remembering wrong, but I thought the -- basically the agreement was we can get you there if we need additional height. But I guess we're hearing several different stories and justification. My last question --

>> Can I just address that question real fast? What you're referring back to that was going back to anything above 120,000 square feet or 120 feet in height was that conversation related to living wage at that point in time because at that time we contemplated 1 foot in height at the -- 120 feet in height at the proposal in March of last year.

>> Garza: You have stated that regardless if you get this additional height or not, you will stay committed to the living wage and the worker protections for the construction workers. And my last question is so last week you, the applicant, or your representatives, asked us to go with 70%. You said please support councilmember Renteria's change. We support it, we're urging you to support him changing to 70%.

[8:30:42 PM]

So I'm wondering what has changed -- how do we get the council to now agree to you asking now for the additional when last week you were saying please support this and now you're saying don't support that. And I want to -- and my assumption was there would be some discussion and negotiation in the meantime from last week to this time that brought some community benefits to the table that would either get the neighborhood on board for that extra 20 or get, you know, councilmember Renteria on board or whatever, but what has changed from last week to this week.

>> To be clear, we did not support 70 feet. It is our preference and capital metro's preference to build an eight story building on that block. Having said that, we said it before and we said it today and I'll say it again, that we will not walk away from the project. We will build that building at 70 feet. It is not our preference. Our preference is for an eight-story building there.

>> Garza: Okay. I'm still having a hard time understanding why -- I guess we were asked to -- the council was asked to go down to 70 and if you didn't agree with it, why did you ask for it? And again my assumption is there would be some discussion in the meantime that would bring some additional community benefits and I see as the same -- we're having the same decision we had last week and nothing has really changed. I understand now what you're saying you would prefer. Thanks.

>> Mayor Adler: Mr. Renteria.

>> Renteria: Can you tell me -- let me understand that you're saying that, because at one time there was a discussion about doing it and I think I was speaking with capital metro personnel when they said that if we provide a living wage to the workers that you would need 84 feet.

[8:32:47 PM]

What has changed from 84 feet to 70 or to 125?

>> Our commitment to worker protections, which include living wage, higher levels of insurance, day-to-day safety training, on-site independent third-party monitoring, are not contingent upon the height. And we remain committed to those. We're proud to have them on both the commercial and the residential portion of the projects, but they are not contingent upon height. So as I said, we will -- those will be a part of the deal at 70 feet and at 125 feet.

>> Renteria: And even if it's 70 feet or 125 and if we was to decide that we didn't want the fee-in-lieu, that we wanted the 10% that's -- that we're entitled of affordable housing on the office building, how would you handle that?

>> The fee on the commercial has always been contemplated in our proposal and agreement with capital metro. The project would not be economically feasible if these additional on-site units were required. But it would be feasible if we were allowed to pay the fee. The lower income that would be generated from additional on-site affordable units associated with the commercial space is insufficient to cover the cost of one of these units.

>> Renteria: So are you saying you took on a project knowing that we as the city councilmembers could require you to build 10% housing in that office building? And my understanding as to the way it's written is that you either have an option to pay fee-in-lieu or provide 10% affordable housing in the office

building.

[8:34:47 PM]

>> That's correct.

>> Renteria: So now you're saying even though you took that project, if it would require you to give us that 10% affordable housing in the office building that you couldn't complete the project.

>> And that was the case from our original proposal. That has not changed. That's why it was contemplated in our original proposal and our agreement with capital metro that that fee be required in order to build the project.

>> I'm Michelle Hausman representing endeavor. I wanted to answer councilmember Garza's question regarding what happened between the first reading at 70 feet and the 125. Endeavor did propose to the east Cesar Chavez neighborhood planning team last night that they would include -- I want to read this properly as I did last night. That they would add two additional affordable two bedroom units on tracts 1 through 4 it also affordable two bedroom units on tract 6 while remaining the affordable unit count at 141. So that is the difference between first reading and second reading tonight. Thank you.

>> Mayor Adler: To me I'm happy here at second reading and not third reading on this. There are three things that globally I think go to the question that Jose was asking originally is what do you want to see on this property? The priorities for me on this -- looking at this tract are housing, mobility and neighborhood.

[8:36:54 PM]

I think those are the three things that I go back to look at. We need more housing in this city and we're not going to pick up the housing we need on any one tract. We're going to pick up the housing because we adopt a policy that we -- the approach that we look at in order to be able to pick up the supply of housing that we need. I think that means we have to have density along corridors and centers, not in the middle of neighborhoods. But the second thing is to look at preserving neighborhood character. The third thing we need in this city is mobility. So as like at tracts like this, not only on this tract, but against other tracts, I need to have a filter that leads me to the greatest amount of supply. I need to for me lean to the perimeters and not the middle of neighborhoods and increasing mobility in the city. Of in this particular tract we have a station, -- in this particular tract we have a station, we have a tod, we have a tod that's next to I-35. If there was ever a tract where you're going to be looking at increased mobility to have height it seems to me it would be that kind of a tract. That gets us to housing. I think that the struggle that people are having on the dais is that there was an expectation from the public for affordable housing. And I hear that the people who were sitting and receiving the presentation knew better. That it wasn't just you were delivering 25%. But the people who were watching the video didn't know better. And cap metro who is receiving the proposal knew better and didn't -- but also knew that people were listening to that and didn't fix it or correct it exam the -- when the public was watching.

[8:39:11 PM]

And I think the ambiguity is what is haunting us at this point on this tract, which is unfortunate. Because this tract is in a transportation development on I-35. It an opportunity to bring into a neighborhood that is being gentrified and we're losing people, as many homes as we can get. This is what we talk about when we say neighborhoods that are receiving the burden of growth using that power and that resource to be able to generate house back into the neighborhoods that are receiving the different burden. The one thing I know for sure is if we just stay the way we are with this approach we are going to lose these neighborhoods. We're going to lose those neighborhoods as certain as we are losing those neighborhoods now and everyday we lose more of those people and we lose more of those neighborhoods, and as we increase the number of people in the city that's going to grow geometrically. And we will not just see this in this neighborhood, but we will see it more and more in the neighborhoods that are also close into downtown and Travis heights and in zilker and Barton hills and we're going to see that eventually as it spreads further we will see that in crestview and Al endale and we'll see it more and more because that's the lesson that we learned from looking at San Francisco, Boston and Seattle, we have to do something that is different. This neighborhood has actively engaged in this process and it participating in trying to find some way to increase the housing and the affordable housing that comes out of this project. You know, I look at this and I hear from capital metro when Terri Mitchell came back up that the height is about ridership.

[8:41:16 PM]

That makes sense to me. That's how tod developments go. There's also a four-million-dollar payment that goes to capital metro associated with that additional height from the developer. That four million dollars can buy a lot of affordable housing in this area. And the burden in this area and the confusion was caused early in this process where there was an expectation that was created. And I hate to rob Peter to pay Paul because I want as much money to come to mobility and transit as we possibly can because I'm a huge support and fan and want to do everything I can for that. But in this case on this property given the history of what's happened, I think that the additional height ought to go back to this neighborhood in the tune of that four million dollars spent on affordable housing in in area in this community. So I would support the extra height with that four million dollars going to affordable housing. I understand that capital metro is meeting between now and third reading and I don't know whether the capital metro board would approve that or not. But my understanding is if I remember the testimony from last week correctly, the present value of those payments if we were to cash it out today would be four million dollars. And I think that might be the appropriate bridge. Ms. Pool?

>> Pool: I think if I was understanding what the applicant was saying, the height wouldn't in fact go to more living units, it would go for -- maybe he can speak to it. And then I'd like to offer -- I have some other comments and I'd like to go ahead and if we have a motion I think councilmember Renteria made a motion.

[8:43:21 PM]

I've got a couple of amendments with it --

>> Mayor Adler: To go to go ahead and make your amendments.

>> Pool: That would get us to more affordable housing units which is what I am driving for. And mayor pro tem had some -- I still need to work on some of the numbers on the total number of units and everything to make sure that it's really kind of complicated to follow all of the calculations, but let me go ahead and make a couple of comments and then I'll get to my amendments. Is that all right? So I wanted to just acknowledge changes in the new draft ordinance that I really appreciate and can support the new drafts, the height limitation, the preferred levels, which is something that the neighborhood has advocated for and which the applicant has agreed to. 70 feet and 68 feet across the tracks. And except for the 100 unit tax credit project which is on tract 6, the floating affordable units in the rest of the development are limited to 50% mfi or below, which is a requirement that is in the transit oriented development regulating plan. And I appreciate that. There are three things not in the draft ordinances, particularly for tracts 1 to 5 that I'm not prepared to support. There are things in there I don't want to support so my changes go to these three things. So first is allowing a fee-in-lieu for the bonus area limiting the developer's required units to only 41 on tracts 1 to 5. And it seems the calculation of the 15% requirement is just on the residential square footage instead of on the entire square footage of the development. And that requirement is in the regulating plan.

[8:45:22 PM]

Previous so I have some amendments to the draft ordinances on items 57 and 58, which are tracts 1 to 5 that would help us achieve more on-site affordable units, which is what the mayor just spoke to. And I think that that would be much more valuable to the community than a fee-in-lieu. I just want touch again on what the developer told the community and the capital metro in 2014 --

>> Mayor Adler: Should we go ahead and take these amendments one at a time?

>> Pool: So the first one on the yellow sheet amends part 2-a of the draft ordinances for both items 57 and 58. And this is the part that eliminates the fee-in-lieu piece so we have to strike the language that says "And shall provide fee-in-lieu of affordable housing earned section 4.3.3-d of the plan machine." So that takes out the fee-in-lieu.

>> Mayor Adler: Is there a second to this amendment? Ms. Houston seconds that. Let's debate and discuss this amendment. Mayor pro tem?

>> Tovo: I think I need staff to help walk me through this piece, but also several of these amendments are going to relate to this yellow sheet that our housing department has distributed. Let me say in concept I'm aligned, but I want to make STAAR the amendments are going to increase the number of units and I have some confusion over that point.

>> Does the applicant have copies of these? To look at?

>> Tovo: My staff has had some discussions with our housing department and that's kind of what's going to drive my questions here. You've constructed five different scenarios on this chart that we received from housing.

[8:47:29 PM]

I don't know if anybody is going to come up and talk about it. Which is the scenario that is currently -- that is -- the the one that I think we have before us in the draft ordinance is the fifth, right, 141 units,

except not really because this is based on 125 square feet of office. I mean, 125-foot height.

>> Rebecca giello, director of neighborhood housing and community development. That is correct. What you have here is a very preliminary information that we had actually asked the developer so that it could be more visual in the conversations that we were having with them to get to our staff recommendation. And so you'll notice that this is from August and so I want to be clear that the numbers are not necessarily reflected today as they were in August. But you are correct, it's the far right column and you are also correct that it does reflect 125 and what is being contemplated is not that square footage. In the ordinance that you have.

>> Tovo: But we still do have 141 units still?

>> That is correct.

>> Tovo: So we have 141 units and it is my understanding based on the conversations you had with my staff that we may -- is it possible that we would-- if we forego the fee-in-lieu and switch to a calculation of 15% on the commercial space, of the total square footage on commercial and residential, am I understanding correctly that we received information back that that actually could reduce the units from 140, 141? Or was -- am I misunderstanding that?

Let me ask it this way: If we require 15% -- if we go back to what the regulating plans stated requirements, the 15% of the square footage on the residential and commercial, does that get us to the 184 units?

[8:49:40 PM]

>> Yes, ma'am.

>> Tovo: Even at the height that's being contemplated if it does not go to 125-foot height?

>> Yes. But it -- yes, that is correct, because it's my understanding from the developer, and feel free to come up heard and correct me, that the contemplation of the additional height is on the commercial component. So you are correct.

>> Tovo: So at 60 -- is it 68 or 70 feet, councilmember Renteria? That we're at in the draft ordinance? 68. Thank you. So at the 68 and the lower commercial that's currently in the draft ordinance, if there's 15% calculation of the total square footage, residential and commercial, we get to 184 units.

>> I want to be sure to do that calculation. What would be maintained is just as you're laying it out, 15% over the overall square footage, but I want to be sure that I'm answering that that premise remains the same, the actual calculation of the unit I would have to take a look at that based on 68.

>> Tovo: Okay. And removing the fee-in-lieu as this aimed contemplates, does that shift -- does that have the affect -- this may be a question for planning and zoning, does that have an effect of the zoning plans of 15% of the square footage over the whole project as the measure -- as the calculation for the affordable housing component. Component?

>> So my colleague, Jerry, it would be good to be aligned. I would say yes if you are not contemplating a fee-in-lieu, then the requirement of the residential overall square footage would be compressed, if you will, in the residential development of the development.

>> Tovo: Okay. So number one does what we've been talking about, which would shift the regulating -- shift it back to the 15% over the square footage on the commercial plus residential piece.

[8:51:53 PM]

>> Yes. I think you and I are saying the same thing and I have to articulate this. Because we would not be able to achieve the residential, where the commercial development is, it would require that those 84 units, you know, be compartmentalized where the residential units would be.

>> Tovo: It wouldn't be in the commercial piece obviously.

>> Right. I know that you know that.

>> Tovo: I appreciate that. This is all confusing so I appreciate the additional clarification. Thank you.

>> Mayor Adler: So that I follow. You asked the question about what that did to the total unit count? Did you get the answer to that? What is it.

>> Tovo: I think I got the answer that it's around 184 units.

>> Mayor Adler: Up from 141 to 184 so it would be another 42 units.

>> Tovo: That's my understanding.

>> I'm happy to answer that. Michelle Hausman. So it's 184 units at 125 feet. If it's reduced to 70 feet it is 169 units.

>> Tovo: Thank you very much.

>> Alter: Would you repeat that, please.

>> Yes, councilmember alter. If the project remains at 125 feet in height as stated here on this paper handed out by nhcd, 184 units is 15% of the square footage, including the commercial. If it is reduced to 70 feet in height, it would be 15% of the square footage, which is 169 units approximately. And to add to that the question about adding residential units from the commercial space back into the residential piece, the residential project cannot bear the economic burden of incorporating affordable units from the commercial project and make the project economically infeasible and I think Jason thumblar with endeavor mentioned that earlier. Incorporating residential units into the commercial space is not feasible.

[8:53:59 PM]

>> Mayor Adler: Okay.

>> Pool: Mayor?

>> Mayor Adler: We have an amendment on the floor, which is number one, the debate is on that now, Ms. Kitchen?

>> Kitchen: I wanted to follow up with a question. Ms. Hausman, you said that it was not feasible to incorporate. Do you mean at any level? In other words, you just need a fee-in-lieu for the entire --

>> Yes, ma'am. So we would need the fee-in-lieu for just the commercial space and we are providing the -- 100% of the 15% on the residential piece.

>> Kitchen: Okay.

>> Pool: Mayor, I'd like to ask the developer or the applicant or maybe Ms. Hausman what the total square footage is then.

>> The total square footage of the project on this piece of paper, and we worked on this many, many months ago. It has 981,600. We've used the 980,000 total square footage for the project.

>> Pool: And then if it were limited to 70 feet?

>> Then it goes down to 900,000 feet due to fact that the four floors of office equal 80,000 square feet. So if you go from 125 down to 70, you're basically eliminating four floors of an office building for a total of 80,000 square feet. Unit?

>> Yes, ma'am.

>> Pool: So if we did a calculation and I'm sure somebody can do it, 900,000 at 15% for each of the 800 square foot units would be -- is that where you get your 169?

>> Yes, ma'am.

>> Pool: Okay.

>> Mayor Adler: Ms. Houston?

>> Houston: Ms. Hausman, can you tell me what that would be for both scenarios? For the 125 and --

>> Yes, councilmember Houston. That would be -- so the fee-in-lieu at the 125-foot is \$600,000.

[8:56:04 PM]

And the fee-in-lieu at the 70-foot office building is \$100,000.

>> Houston: Thank you.

>> Kitchen: Mr. Mayor? I'm sorry, I wanted to also follow up on the question that councilmember Houston asked. And so what does that translate into in terms of -- you mentioned to us that you think it's not feasible to actually put those units over on the residential side, and that's why you need the fee-in-lieu. How many units are we talking about that makes it not feasible?

>> One additional unit.

>> Kitchen: So one additional unit would not be feasible.

>> We cannot add any additional affordable units.

>> Kitchen: And that's for both heights?

>> That's correct. At the 125 height we did offer to increase the number of two bedroom family friendly affordable units.

>> Mayor Adler: Ms. Alter.

>> Alter: That wasn't my question, but I'm wondering if on that you can't add one additional unit beyond the 10% that the city could use that's already affordable but does it make it economically infeasible if we were to add 10%?

>> No. So as we stated two and a half years ago, and the expectation was set at 25%, it is still the expectation that we can achieve 25% if the city of Austin were to participate in their 10%. That has not changed. So if that were to occur, we would have 25%.

>> Alter: And how much are you anticipating that the city of Austin would have to pay for each of the affordable units that would make up that 10%?

>> Nhcd's calculation has provided that number to y'all. I think it's 262,000 for a one bedroom and 300 -- I can pull the number up.

[8:58:10 PM]

I think it's about 330,000 for a two bedroom unit.

>> Alter: And just to clarify because there are a lot of numbers going on in a lot of different cases. These

would be rental units and they would be affordable for how long?

>> Correct. They are rental units and for 40 years per the regulating plan.

>> Alter: Then, just one other -- while we're' this, can you clarify what you're saying that the fee-in-lieu is 10%, but it's 15% in affordable housing on the residential, the number you were yuck when you were talking about the fee-in-lieu -- the number you were using when you were talking about the fee-in-lieu was 15% of the office and it was 15%.

>> The fee-in-lieu is based per the regulating plan outlines, which is \$10 per square foot of bonus area.

>> Alter: Okay. Thank you.

>> Pool: Mayor?

>> Mayor Adler: Ms. Pool, then the mayor pro tem.

>> Pool: Mr. Tomler, can you tell me the fee-in-lieu, what that payment would be?

>> Under which scenario?

>> Pool: Why don't you give it to me on the 70-foot scenario.

>> 100,000 was the fee on the 70-foot summary. Under the 125 --

>> Pool: So how much -- that's why you said the fee in lieu on the 70 would buy one unit. Is that right?

>> Partial unit.

>> Pool: Okay. But if we don't pay -- if we don't allow the fee in lieu at the 70 feet, we have an additional 28, 27 or 28 units based on the calculations of 15% of the 900,000 square feet, at 800-square-foot, which is small, per unit.

[9:00:29 PM]

So we are getting the additional affordable unit we're looking for. We are tracking with the tod regulating plan which requires the 15%, and we have a better on the ground community benefit, more housing at affordable rates, by requiring the units rather than allowing you to pay the fee in lieu.

>> One thing I would add to that is that the residential project cannot bear adding affordable units to it from the commercial project. That's why we're providing on site for the residential project. It is economically unfeasible for that to happen.

>> Mayor Adler: Mayor pro tem.

>> Tovo: I guess this question is for our city staff. I'm looking at the site development standards. I just want to be sure that we're -- that I am understanding this properly. As I read the site development standards for the tod regulating plan, it requires 15% of the total square footage of the residential and commercial be affordable. And so what we're being asked to do is, as I understand it, again, grant an exception to that.

>> That is correct. It's helpful -- it's helpful to take just a moment and just review the exact language, if you don't mind.

>> Tovo: That had be great. Language,.

>> Tovo: That would be great.

>> 43ccb of the tod's plan that speaks to affordability --

>> Pool: What page is that on? What page? I've got the tod --

>> I'm sorry, this is my amazing notes that I put together as my road show.

>> Pool: I think I'm being told it's page 63 so you can follow along at home.

>> Very good. So 25% of the bonus area square footage of the development shall be reserved for affordable, for a minimum of 40 years from the date of certificate of occupancy for households earning no more than 50% area median family income.

[9:02:41 PM]

And then it drops down to speak to what the applicant, as well as what the city shall fund. Applicant property owner shall be responsible to provide 15% of the entire development, and this is when you are having a height and density bonus request. And then the language around the city, the city shall fund, subject to funding availability, to funding the remaining 10% in order to achieve the 25%. Specifically, really, an as operational goal. And so that specific language is where that 10% conversation point comes into play.

>> Pool: But I guess even if we leave --

>> Tovo: If we leave aside the issue if there were differing expectations about where that was coming from, the regulating plan in place at the time and the regular plating plan in place now requires there be 15% of the total project square footage be affordable.

>> That is correct.

>> Tovo: And what I understand to be the request here, we allow them to do a fee in lieu in the commercial rather than include that square footage in the calculation 615%.

>> That is correct.

>> Tovo: And the net result, as I read it, would be that if we stay at 68 -- if we stay 5689 feet of height for that commercial building, we would get \$100,000 versus 28 units, something like that, or if it goes up to 125, we -- it would generate \$600,000 for affordable housing rather than 44-ish units. So that's a very -- I mean, it's a very significantesque, today, in this diversion from the regulating plan, we're getting substantially less benefit for affordable housing by making that -- I don't know whether it's technically a variance, but it is a divergence from the regulating plan requirements.

[9:04:52 PM]

>> That's correct. And staff's recommendation to move forward the fee in lieu option, it was based on the conversations early on with the developer related to the infeasibility of providing the affordable units based on the fact there was a significant component of the development that was commercial. Staff has laid out in questions and answers why we believed that to be a compelling perspective to bring to our policy leaders for contemplation. We also looked at other density bonus programs, such as the university neighborhood overlay and vertical mixed use where the on-site requirement was based on the residential component of the development. And so I wanted to just put forward that our responses were an attempt to look at apples to apples versus, I guess, apples to pineapples, if you will.

>> Tovo: I guess I -- well, I understand our density bonus programs all have density requirements, and that's certainly something I hope we can address. The fact is that these are the requirements.

>> That is correct.

>> Tovo: And we're being asked to diverge from them.

>> That's right.

>> Tovo: Okay. I appreciate that. Thanks.

>> Mayor Adler: Does that put is in a position, then -- I'm trying to understand why we have a density bonus requirement that, as a practical matter, no one can take advantage of. Because at the end of the day what we want to have is affordable units being built. And if affordable units being built, in the case of 45 or whatever they are, or 36 -- \$360,000 each, whatever that price is, cost \$12 million to build them, so you looked at the numbers and it was economically infeasible.

[9:06:53 PM]

Why do we have -- if we're actually trying to induce people to build units -- we can ask for lots of stuff, but if we're not asking for something that can be built, then we don't get anything.

>> I do appreciate that question. We recognize when we receive development opportunities to analyze that at times our density bonus framework could require recalibration to be feasible, and oftentimes it's tested by the actual developments that come through the application process. And so that is where we find ourselves with the tod regulating plan, and I believe conversations with such as this warrants potentially revisiting the regulatory framework, because this is not an ideal situation to be in with mayor pro tem recognizing that we, staff, are recommending a deviation from the regulating plan based on the feasibility of the project put before us.

>> Mayor Adler: So then I understand the staff's recommendation is that we vary from the regulation because the regulation is economically infeasible if applied here.

>> In this particular circumstance, we believe that because the significant portion of the development is commercial, or it could have been potentially, say, a parking garage, we believe that it may not have been contemplated several years ago when the regulating plan was drafted to look at a development such as that. And I can't say that I was in the room during the creation and the development of the pro Formas. I will say that, most often, when stakeholders, as well as staff -- in this case, it would have been planning staff and housing staff -- when we develop the regulation framework, we will often take developments through a scenario, through pro Formas.

[9:08:55 PM]

It may have been that specific developments just simply weren't contemplated to have this large of a commercial component.

>> Mayor Adler: Okay. Thank you.

>> And may I say one thing, mayor? If you could go to slide 67, there's a portion of the stationary plan that the city's consultant, back in 2006, actually addressed a fee in lieu, so it basically said a fee in lieu option is offered to residential developers who opt not to provide on-site units or to developers of commercial properties, in this case, the commercial space, the fee in lieu for the tod should be required of commercial developments that utilize a high bonus and/or density bonus, so the city's consultant recommended a fee in lieu for commercial space. Thank you.

>> And I would also just like to address one of the questions that councilmember pool had earlier. If a fee in lieu is not allowed, the number of affordable units provided would be zero because the project could not be built. So I just want to make that very clear to everyone that it's not an addition, the

number would be zero because there would be no affordable units and no market rate units because the project would not be bill.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: And I apologize if you already asked this, but just from a practical perspective, help me understand -- I think this is a question for our staff. In terms of a fee in lieu, the hundred thousand dollars or the 600,000, whatever we're talking about, how would that happen in this regard? In other words, is that going to be a benefit that goes away from this community, or is there a way to do fee in lieu in this community?

>> It is our --

>> Kitchen: Even if it's not on site?

>> Well, it would be our intention to receive those funds and then reinvest them back into the development. So if you're looking at a one-bedroom, for example, and you were looking at the height of 125 feet, that would be the reinvestment of those funds to achieve two one-bedrooms, or whatever that mix is.

[9:11:03 PM]

But it would be our goal to reinvest those funds to achieve additional on-site.

>> Kitchen: Meaning that the city would take those dollars and then supplement? Is that what you're saying?

>> Well, the city -- if we needed to receipt them, per just the mechanical requirements, we would do so, and then we would ensure that we were reinvesting those funds to achieve two additional or one additional, if it were a two-bedroom, on-site units. Or we would write the development agreement and/or the ordinance if we did not have to receive those funds, if it was an unnecessary step, just simply that the fee in lieu -- well, I'm thinking this out loud. Mitzi. It seems as though per the regulating plan, we would have to receive those funds, but it would be our codified intention to reinvest for the accomplishment of additional on-site units.

>> Kitchen: So, in other words, we would still have housing within this development? Is that what you're saying?

>> Yes, ma'am. What I'm saying is, those -- those funds would just simply be reinvested in the development to achieve additional on-site units. Now --

>> Kitchen: With additional city funding.

>> Mayor Adler: So to ask a follow-up question, for example, if we had the \$4 million that was being associated with the height separate and apart from the increased ridership that capmetro wants, we could get about 15 units, at that cost, roughly, and I could buy them up from one-bedroom to two bedrooms, roughly, with the fee in lieu money. That would be one possible application.

>> I can't speak to the possible application. I can speak to the numbers being correct. We're estimating a one-bedroom at about \$263 -- three thousand dollars a unit. The two-bedroom would be 362,000 a unit over 40 years for an affordable period of 40 years.

[9:13:10 PM]

>> Mayor Adler: So what we could do is take that four million dollars and we could buy one-bedroom units, then take the fee in lieu and bias many of them as we could from -- up from one bedroom to two bedrooms. Is that the kind of thing you were talking about in answer to Ms. Kitchen?

>> Kitchen: Yes. I just don't want to speak too much on this four million dollars. But, yes, if we -- if we had additional funds available to us, we could realize more.

>> Can I ask where the four million dollars came from? Because I heard a hundred thousand and 600 --

>> Mayor Adler: No, no, let me ask a question, to make sure I have this number right. If you built 125-foot building, when you were going over the numbers last week, you said there was some additional property tax money that would be generated from going from 70 to 120. That was one thing you talked about. You talked about a fee in lieu of an additional \$600,000 that would go. And then there was also a payment that you were to make to capital metro if we approved going from 70 to 120, that you said had a present value of four million dollars. Is that correct? Am I remembering correctly?

>> Yes, that's correct. There was -- capital metro negotiated an additional fee for an additional density, and those dollars in net present value were 4.4 million. And the city of Austin tax revenue, net present revenue dollars was 2.6. That's correct.

>> Mayor Adler: That, of course, is a payment that goes to capital metro under your contract for capital metro. We don't have a right to get that because it's not a contract with us, but if the capital metro board wanted to have the increased ridership and increased height, maybe that's something they would consider doing. I don't know. That's where I got the four million dollars from. Further discussion on the dais?

[9:15:12 PM]

Ms. Garza and Ms. Alter, then I'll come back here.

>> Garza: I'm wondering if we should pass this as is on second and -- because my understanding is, if councilmember pool's amendment passes, and there's often a majority of councilmembers that want as much affordable housing as possible, my understanding is, the applicant says that's economically unfeasible. Economic unfeasible. Is that right? 15%?

>> That's correct.

>> Garza: So it sounds to me if that passes, this development doesn't happen. I'm just saying that's what it sounds like. And so I feel that maybe parties are inclined to go away between second and third and bring some kind of a better -- better community benefits because it could -- this could possibly kill this deal tonight. And I think there's a lot of concerns about -- I think that everybody -- all parties were in agreement that something needs to be built. And so that's just -- I would move second reading as is and see where -- if we can get any closer to some kind of an agreement between now and third.

>> Mayor Adler: Okay. For us to get to that vote, we have to dispense with the amendment from Ms. Pool, unless she withdraws it and the dais is acceptable to that.

>> Pool: So I'm concerned that the applicant is asking for a variance from the tod regulating plan of 15%. And so I would like to work with the applicant between now and third reading in order to achieve some additional forward movement on additional affordable units.

[9:17:23 PM]

In good faith, I will pull down my motion and expect we'll have some hard work ahead of us, but I will do that because I think that that is something that will benefit the entire dais; I think it will benefit our neighbors who are very concerned about this, and because I've got excellent staff who can also weigh in and help us work through this with the applicant and our professional staff.

>> Mayor Adler: Does anybody have any objection to Ms. Pool withdrawing her amendment?

Withdrawn. Mr. Renteria?

>> Renteria: Since I made the second, I'll go ahead and accept that I just want to ask one question to the housing staff. On the fee in lieu with the tod there, there is written in it that it could be used within a certain radius of that development, of where you got the fee from. What is that?

>> I would have to check. We have seen in other programs it's within a two mile radius. I would have to check the tod's rating plan. I'm not sure if the plan staff knows, off the to which --

>> Mayor Adler: I think it's a half mile.

>> It's one-half mile.

>> Renteria: One-half mile?

>> Yes, sir.

>> Renteria: Okay. Thank you.

>> Mayor Adler: Ms. Garza, did you want to make a motion?

>> Garza: I think councilmember Renteria -- had he already moved second reading as is?

>> Mayor Adler: He had moved second reading with the motion that was last -- that's the motion on the floor right now, which I think is what you were saying you wanted to do. So that motion I on the floor right now. It's been moved and seconded. Ms. Alter, then we'll come back this way.

>> Alter: I just want to clarify, when we talk about this 4.4 million, it doesn't exist in any reality that's the necessary present value; correct? So if we talk about that money, it's not like we're going to get a big pot of \$4 million to invest into the building, you know, just as it's going up.

[9:19:36 PM]

That's something like 17 million over 99 years. So can you tell me what that stream is on an annual basis, maybe the first five years or something, so that we can make sure that we're -- if we're trying to move this money around, we have to understand what really exists and what doesn't.

>> Mayor Adler: In net regard, I want to know if you would consider, since it shows up the same way in your pro Forma, just making that a lump sum payment at present value.

>> So that payment is roughly on average 370,000 per year. As far as the net present value of it, the 4.4 million, I cannot speak to capital metro and how they would address that payment, but that is a payment over 99 year that averages 369,000 a year. That present value of 4.4 million.

>> Mayor Adler: I want to know -- and don't you have to answer this question right now if you want to think about it, but I want to know if you would consider making that payment at its present value since it effectively shows up the same way in your pro Forma.

>> We would not make that payment up front.

>> Mayor Adler: Okay.

>> And I also just want to manage expectations that I can't speak for capital metro or the city of Austin,

but we have no more room to give, in terms of increase in affordable housing in this project. We've been working on it two and a half years, and we have increased the number of units that we're providing, and I just want to make that clear, that there is no more room in this project to do that.

>> Mayor Adler: So to be clear -- to be clear, what I was costing out here doesn't require you to pay anything more, it just requires to you make a present value of the income stream.

>> That's correct.

[9:21:45 PM]

>> Mayor Adler: Okay.

>> Alter: Can I ask a question of capmetro? I'm not sure if you can answer this now but a lot of this is predicated on the other applicants -- their 25% being really 25%. Was their 25% really 15% plus 10% in the same way that this was? I just keep hearing that, well, this other applicant said it was 25% and they were going to do 25%, and that's the alternative, so I just want to understand that better.

>> All of the applicants before said they would provide varying levels. Any of them that went to 25% had some government funding for the remaining 10%.

>> Alter: Thank you.

>> Mayor?

>> Mayor Adler: Yes.

>> I really struggle with using this net present value in any context over 99 years. It's a -- there's so many assumptions built into that calculation, 2% growth, 4.5% discount rate to light that. You are essentially asking capmetro to take on a 99-year risk that that revenue would be consistent to the point that it would add up over 99 years. That's my understanding of net present value, that 4.3 million is the assumption of \$120,000 a year with a 2% growth rate over 99 years.

>> Mayor Adler: No, it's taking the present value of the payments. So if I know what my payments are over 99 years, I could go to the marketplace and I could sell that note today to somebody, and they would assign a cap rate to it, which is something that happens --

>> Flannigan: I see. So you want to go to market to sell that risk note --

>> Mayor Adler: There's no risk. The risk is whether or not the payments will, in fact, be made over that period of time.

>> Flannigan: Yeah.

>> Mayor Adler: So one option would be to apply it on a yearly basis. The other option would be, since the discount rate is something that you would agree to against an income stream, has a present value.

[9:23:51 PM]

>> Flannigan: Right. We can have that thought process later. Also, it's my understanding that on some transactions of public land, our property tax revenues go into the housing trust fund? Is that true in this case? Staff -- maybe staff can help me understand that. A lot of whispers.

>> I want to go back and take a look at the actual resolution, but if my memory serves me correctly, and I believe it was sponsored, actually, by mayor pro tem, there is a resolution from June of 2016 which clarifies that revenues from a publicly owned tract is dedicated to the housing trust fund, and I believe in

either a subsequent resolution or that same resolution, it would be a hundred percent. Is that everyone else's recollection?

>> Tovo: That is. We had a resolution from councilmembers Casar and Renteria that changed the amount from 40% to 100%, and then my resolution changed it from just city-owned tracts to what I believe the original intent was, which was all formerly non-taxable lands.

>> So yes, sir, councilmember Flannigan.

>> Flannigan: Okay. And the money that goes in the housing trust fund is monies that can be used to buy down for affordable housing?

>> That's correct.

>> Flannigan: Okay. So there's another piece that I haven't heard anybody talk about that goes to that point. You know, I'm really struggling with this because it seems like we're arguing about the business realities of building this property, and I definitely want to maximize the affordable housing. If you've had a chance to read the draft of the strategic housing plan, which I had the pleasure of doing earlier this week, it has some very aggressive goals, some very aggressive goals that I've not heard us really talk about. And being able to get there is going to be important, but I think getting there requires even more height than anybody is even proposing.

[9:25:59 PM]

And that goes a whole other Pandora's box that I'm not opening. I want to make that clear, I'm not opening that Pandora's box. But if you boil it down to much of the conversation that I'm hearing, what we're talking about is a plan at 70 feet that begrudgingly people are willing to go forward with, which remains the detail in the affordable housing, but also whether or not the office building is 70 or 125, and the difference on that is more money into the fee in lieu from a hundred to 600, and more tax revenues that go into -- it benefits reasons capmetro to help with public transportation, and I generally tend to fall on the side of, if you're building right next to a highway, that's where you build it. And the highway plus train line means you build it even more. And I generally tend to fall on that line, and if you can't build an eight-story building on a highway on a train line, I'm not sure where you can build those things. Because we're building buildings of that height farther away from train lines in other parts of town, including my district. I actually have the train line in my district so I have examples of where the train line is and how far away we're building buildings of height. So I'm a thousand percent on board with moving this forward through the second reading because it's not a postponement, but we can -- I'm certainly willing to help think through the affordable housing puzzle because I'm also very committed to making sure that we're meeting those goals.

>> Mayor Adler: Mayor pro tem?

>> Tovo: I guess I had a request of housing, and it doesn't need to be met today, but, you know, one of the -- one of the things I'm struggling with is just the very same element that I struggled with last time when I voted against it, and the reason I can't support it today either. Again, laying aside that additional 10% about which there are different opinions about whose commitment it was, I just -- I'm really struggling with, this was a -- this was a competitive process.

[9:28:10 PM]

We had teams who came forward and said this is the kind of project we can achieve, and several years later we're now being asked to -- being asked to change the requirements for affordable housing because it's not economically feasible. I need to understand, since you're recommending this change, what numbers do you have and if you could share them with those of us up here that demonstrated to you that it was economically infeasible for them to meet the requirements that are in our regulating plan. So that would help me as we move toward third reading. But at this point, that's where I am. We have -- you know, it was a very publicly vetted process, there were different teams, you knew what the requirements were, and so, you know, I appreciate that things change and that there might be some alterations to that, but this seems like a very significant one. And I appreciate -- I very much appreciate the candor, though, that you've brought to the discussion today about saying, you know, what you're willing to contemplate and what you aren't. I hope, though, that we can all continue to ponder over the next week or so. Three weeks, I guess.

>> Mayor Adler: Okay. Ms. Alter and then Ms. Pool.

>> Alter: So I want to clarify, is endeavor applying for tax credits to pay for the 15% in affordable housing as well?

>> Dma, the affordable developer on block 6, has submitted an application, they're applying for 9% tax credits currently.

>> Alter: Okay. And I kind of am of the same mind as councilmember tovo, and being uncomfortable with this. One thing I would say if we do decide to proceed to third reading, it would be really helpful to have some of these numbers before us to understand very clearly -- you know, chart the differences across the height and in terms of where those income streams are going and the net present values and just have it, you know, in kind of one place because it is helpful to understand that, you know, it's one unit a year, you know, that's not going to be very long that we can buy a unit for that much, either.

[9:30:26 PM]

But to understand what the trade-offs are that we are talking about when we play matchmaker with the stuff. So I would ask that as we move forward, we try to have those numbers available so that we can look -- look at them and understand those trade-offs. So appreciate that. Thank you.

>> Mayor Adler: Ms. Policy, and then Ms. Troxclair, then Ms. Kitchen.

>> Pool: So I thank everybody for this involved and complicated and, in some ways, insightful, and some ways, confusing conversation that we've had the last hour or so, and I thank the applicant for providing additional information as we asked for it, and also the neighbors for being here and waiting and watching. I want to make it really clear that my support and my positive vote for plaza saltillo will be predicated on additional affordable units on this site, along the lines of what I believe the regulating rules require and what I've talked about this evening. And I will work real hard to kind of clear out the underbrush and make sure that we have clarity on what it is that we're asking for and what it is that we can get to benefit the community. I think this will be a viable, vibrant tod in the end. I think it will benefit from having additional people living there. I have some quarrel with the size of the units. I think they're really small, especially if you want to have families there. But I will be working real hard in the next couple weeks with my staff and the appropriate parties to move forward on finding a way to make that

affordable housing number go up, and to align with all the regulations and to allow the applicant to keep his promise, which was, more affordable units --

[9:32:28 PM]

[applause]

-- And not to ask for any variances. Thanks.

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: I mean, this is a difficult case just like all of our other zoning cases that we deal with with a lot of competing priorities. I just wanted to say, from my perspective, bus service is so important to southwest Austin. This is -- I mean people who live ten miles from town, who can't walk, who can't ride their bikes to their offices, and they do not have enough access to public transit. And so I am really concerned about the potential loss of funding for capmetro. Looking at the 2025 plan, there are two routes in southwest Austin that are -- that are potentially targeted for removal. And I have a lot of constituents who are really upset about it. They move to those locations because they are near one of the very few bus lines we have in the district. And so I am spending a lot of time and energy helping my constituents to hold on to the limited bus service that we have in the area. And so that is weighing really heavily, for me, in this decision. And come next week, I am probably going to be looking for the option that is going to maximize capmetro's revenue in an effort to provide access to bus service across the city.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I think we've had a lot of good discussion, and I'm going to, you know, support the motion on the table because I think it'll give us time to have some more detailed discussion. I think we're all interested in affordable housing. But we haven't really talked about, and I will be looking forward to having this discussion as part of this, is -- you know, is that component that is contemplated to be what is the city going to do.

[9:34:35 PM]

I think that it's clear in the tod regulations that at least there is a component, when you're talking about 25%, some percentage of which is the city's participation, and we haven't talked about that. And I think that that's going to be something that is important for us to recognize and understand what that -- what that means. Whether you -- and I think that's important regardless of what the perspective might be on what was promised or not. It's still pretty clear in our tod regulations that 10% is something that's contemplated for this city. So whether we're talking about 10% or 5% or 1% or 2% or whatever, I think we do need to think about the city's -- the city's role in this. I'd also just like to say that I appreciate capital metro being here, and I appreciate Mr. Mitchell's clarification. Obviously, there was confusion in the past, but I think that there was absolutely no intention on behalf of capital metro to -- you know, to misrepresent what was done in the past. And so I think the explanation of the understanding that typically that 25% includes some level of government funding makes sense to me with the way that capital metro works. And I just want to clarify, I think we are where we are right now, and we all want to work for more affordable housing, but I think that -- I just want to make it clear that I think that there

was no intention on the part of capital metro to misrepresent in any way. So ...

>> Mayor Adler: Mr. Casar, did you --

>> Casar: Yes, please. Since the last hearing, I reached out to multiple capmetro board members that were on the board at the time that that -- this decision was made in '14, and, frankly, there were some board members that thought it was very clear to them, including folks like Mr. Mitchell, that the 15% was clear as the baseline requirement and the 10% was based on other funding streams.

[9:36:54 PM]

But there were also board members that I spoke with that had the impression that the 25% was the minimum requirement, just like many of the community members here. And that's -- and that's a problem. That's -- that is -- regardless of intention, and I agree with councilmember kitchen, that I'm not laying this at anybody's feet for any sort of intentional misdirection, but the fact that not just community members and not just that video, but actual board members would tell me that their understanding was different, is a problem. Because while I support -- very much support the work that capmetro does and very much support increased height and density around places where we have good infrastructure for it, we are being called on by the community to represent community interest, and that's very difficult when -- when the expectations were so different not just amongst community members but even amongst board members who made that decision. So I think that that's something that we need capmetro's help with and the developer's help with. On the city's side, this isn't the first time where we've heard about density bonus programs that our staff is recommending for us to make modifications or exceptions to, in order to achieve the goals of our housing plan. And so I think on the city's end, I think we do need to change and recalibrate and fix our density bonus programs so that they meet the economic realities of what's going on in our city. An in fact this council has authorized budget dollars just last year to get that study and work done so that we don't get into these sorts of situations on the city's side because, frankly, it's very this often that we're asked to make changes to density programs because they aren't tailored to meet what is economically happening and what would bring us the most community benefits right now. And so that part, I think we should own up to as a city, that our density bonus programs needed cleanup, but we've stepped up to pay for that sort of work, and I hope we'll make those changes.

[9:38:57 PM]

So essentially, in sum, while I think it's important for us to move forward on this motion on second reading, but I think we need the developer and capital metro and the city to come together. There's lots of smart people who can hopefully come and maybe not fix everything back to the community's expectation, but to do everything that we can because while, traditionally, I would be very supportive of putting height and density near this infrastructure, especially so close to downtown, this is a different case, it's a publicly owned piece of property, public expectations and pickup input, and it puts us at a very, very hard place for there to be sort of that diversion to expectation. So I will not be able to vote for anything beyond this level of height unless we see more of a meeting of the minds and, frankly, more solutions to some of those housing questions.

[Applause]

>> Mayor Adler: Mr. Renteria.

>> Renteria: I also want to also look into the -- the tif that we created under the preservation act. I know that presently the amount that we're getting is probably no more than about 250,000, but as this project gets developed, and I know we capped the tif at 10%, but with the understanding that we were going to bring in other districts, a, B, and C and D, into it, so we kept it low so that we didn't go into other districts and give the ability to create these other districts and use up all the tif money. But I would like the staff to come back and see how much money, with this development, that we could get and see if we can reinvest that money to try to get to that -- to that 25%, if possible. And if we can look lookat both the 70 and 125 feet, I would appreciate that.

[9:41:10 PM]

>> Mayor Adler: Ms. Houston?

>> Houston: Thank you, mayor. Sometime between now and the next time we hear this and take a vote, I'd like some more conversation about the residential towers where the affordable units are going to be. Is it block 6? Is it block 6? So, you know, you might have told us this before, how many is it going to be all affordable, what levels of affordable, is it -- seems like we're putting -- kind of segregating all of our affordable units in one place, so I'd like to hear more -- have more information about that tower.

>> Mayor Adler: Thank you. We have a motion. It's been seconded. Are we ready to vote? Those in favor of the motion from Mr. Renteria, please raise your hand. Those opposed? The mayor pro tem, policy, and alter voting no, the others voting aye. This passes on second reading. Mr. Renteria?

>> Renteria: Are we keeping the public hearing open or are we closing it?

>> Mayor Adler: In my mind it depends on whether or not there's anything new on the table. If there's something new on the table, I think we probably open it back up for conversation. If there's nothing new on the table, then we've all spoken. But if people surface new ideas or different kinds of suggestions, I think we owe it to the public to give them a chance to talk to it again.

>> Renteria: Okay. Thank you.

>> Mayor, what I would say we do then, is technically leave the public hearing open right now, then if you like we could close it as soon as we start the next meeting. That would help us out with the notice.

>> Mayor Adler: I think that's how you post it. Okay. We'll now move on to the last item that we have on our agenda.

>> Mayor and council --

>> Mayor Adler: While we're moving to the last item on the agenda, because I know people are going to want to run out of here when we leave, I handed out the part of Robert's rules for everyone to take a look at.

[9:43:13 PM]

We had an exchange today that was in an emotional debate. I want to refer you to the section 43. It is the south Texas beginning on line 11. Refraining from attacking a member's motives when a question is pending, a member can condemn the nature or likely sequences of the proposed measure in strong

terms but he must avoid personalities, under no circumstances can he attack or question the motives of another member. The measure, not the member is subject of debate. If a member disagrees with a statement by another, he cannot state in debate the other statement is false, butly but he might say I believe there's strong evidence the members is mistaken. Strong words like lie, must act decisively to correct the matter and prevent its repetition. At the time the debate was taking place, I think the context of what I heard was, if one were to say this, this is the conclusion that I would reach. I've gone back and read some of the words associated with that, and we're looking at them, trying to parse the lines, and I -- the conclusion I came away with was, we should endeavor not to be in a situation where we're parsing lines. We need to stay as far away from this as we can. I know that everybody on this dais respects the other people that are on the dais. I want to bring this to everybody's attention. I will endeavor to always do a better job myself of explaining when those things happen, where I'm coming from. But we should, as a group, try not to put ourselves in the position, even when we're trying to decide whether or not something qualifies or not, we should stay collectively as far away from this as we can.

[9:45:24 PM]

Anyone want to say anything? Then we'll move --

>> Renteria: I'm just waiting for you to get through, but I think we have two items.

>> Mayor Adler: We do -- we have one item left, I think -- two items, but it's the same -- same matter. So we'll move on to those. Yes?

>> I just want to say thank you for recognizing the inappropriateness of the exchange that happened earlier. I -- I am going to hold myself and try to hold the rest of the council as well to the high standard that we should be an example of respectful political discourse in this community, and I hope that, moving forward, we can treat each other with the dignity that we each deserve, knowing that we each are coming from a place of goodness and working -- sacrificing a lot in our individual lives in order to do what's best for our community, even when we don't agree.

>> Mayor Adler: Okay. We're going to move on now to item 60. It's the last item. We have some people that have signed up to speak on this item. You want to call it?

>> Yeah. Mayor and council, item 6 on 0 is case c14-2016-0063. Sh, at 407 and 4511 vin son drive. The planning commission did recommend this case to you for sf-6-co-np for district zoning. It's ready for first reading action. I want to point out there is a memo from me in collaboration with the transportation department, office of transportation department, office of parks department, and real estate services, speaks to the traffic study, the preliminary engineering report would cost approximately \$100,000 to conduct, and there's some information on whatld be contained in that; that converting segment to urban trail, this has been identified as urban trail master plan as a tier 1 trail.

[9:47:45 PM]

At this time, the real segment is owned by the union pacific. It's in discussion with capmetro about sharing the possible purchase of the land and/or easement for a future trail but no funding has been allocated. As far as purchasing the tract, I think there was some discussion about purchasing it for

parkland or a trailhead. We've contacted real estate services office, inquired about funding, as well as the parks & recreation determination and neither department was able to source funds for the actual purchase of this. And then finally the program improvements, what program improvements are proposed for Vinson drive, and currently there are no improvements planned for Vinson drive in the master plan. Add staff led by the active transportation have committed to a further study of available right-of-way as necessary to understand the opportunities for any future improvements to Vinson lane. Atg manages the local traffic management program, which is a request-based program to address speeding on residential streets, but to date, an application has not been received for Vinson drive.

>> Mayor Adler: Okay. Thank you.

>> So with that I'll just pause, and if you have questions --

>> Mayor Adler: Okay. We have speakers to speak, too. Ms. Kitchen, you want to have the speakers first? If you have a question, go ahead and ask.

>> Kitchen: Okay. Thank you. And thank you for the memo. I just have a couple of follow-up questions on the memo. So, with regard to the -- the second item, the urban trail item, so I understand that the land is still -- I think it's saying here that -- have to be bought from union pacific.

[9:49:48 PM]

But my question is, do we know yet whether the bond funding could be used for that, assuming other hurdles were -- and I know there's a lot of decisions --

>> Anna martin, transportation. I'm not sure of the exact answer to that, although negotiations with union pacific, historic Kelly, take a good portion of time. So with the goal of complimenting this bond in eight years, I'm not sure if that's feasible or not.

>> Kitchen: Okay. But I guess what I'm hearing is, if that were to work out, in terms of negotiating with -- you know, with union pacific, and if this project was of the level -- you know, the priority level to be funded, then it does fit within the parameters of the bond, I think, because it's designated as a trail. Right?

>> Yes. It is a tier 1 urban trail.

>> Kitchen: Okay.

>> So it does fall within the parameters.

>> Kitchen: Okay. I wanted to clarify that. The second question I think is for you also. In he remembers the of the hundred thousand, to pursue the traffic study --

>> Uh-huh.

>> Kitchen: -- Is that something we have funding for now? What would it take to actually get that done?

>> We don't have those monies identified right now.

>> Kitchen: Okay.

>> It's possible we could piece something together between atd, public works and possibly some of the urban trails funding.

>> Kitchen: Okay. Thank you.

>> Mayor Adler: Okay. We'll go to the speakers. First, the applicant. Is the applicanter? You have applicant here? You have five minutes.

>> Mayor, I have some donated time from Gus peña, Linda Guerrero, and Jerry Perales. I won't need all

of it, but just in case, I want to make sure that was there.

>> Mayor Adler: Okay.

>> Last -- last week -- first of all, mayor, councilmembers, thank you. I want to apologize ahead of time, I have a cough that's getting worse as the night goes on.

[9:51:49 PM]

I went through my slides last week, so I don't want to spend time doing those again. I did have additional slides I didn't show you last week, so I'll quickly go through those. But really, I want to spend time today just to give you my perspective. I realize that there's always more than one perspective. I just want to share with you some of the ironies that I've come across and just, you know, my perspective. So additional slides I have, if -- for later, we could look at these, but the 80% mfi chart, impervious cover chart, and the south Austin combined neighborhood plans, upgrades for the Vinson road area. I'll refer to those later. And then, finally, this is

[indiscernible] Subdivision. I was thinking creatively with my architect, we can talk about this during question and answer, but I've thought of maybe another way forward with the trailhead. But I don't want to focus on that now. I want to give you my thoughts, as I said. So a great American philosopher once said that in every debate there's -- both sides are right in what they affirm and wrong in what they deny. That is to say that it's proportionality and the truth lies somewhere in between. Not in the middle, somewhere in between, and it's your challenge tonight to decide which side of the middle these two options before you lie. On the one hand, it's a pretty generic, a big lot, with a big box subdivision, not that creative, but not terrible.

[9:53:50 PM]

And on the other, also 16 units, but the most responsible development I could put together under the S.M.A.R.T. Housing program and under the imagine Austin. We have a representative democracy for a reason, so the vocal voice of the few don't take away from the greater good and also so the majority doesn't go stampeding off a hill. Whichever way you decide, like I said, it will be your challenge to determine which does the greater good, but I will respect your decision. In December, your commissioners, the people who are the professionals, tasked [indiscernible] Code and engineering, agree with city staff that this was the better option, and they added additional conditions to inextricably linked development with the zoning change because the zoning change came about because I wanted to build a pocket neighborhood, not the other way around. They put negotiations there that he basically allow me to do it, much like an sf3 but without the courtyard layout, buildings, homes, facing each other, sharing a common drive or green space. I noticed last week that it seemed like there was some wavering. None of the facts have changed. Engineering drawings haven't changed. But I appreciate at this level it can get bill political. I know many of you are doing the good people's work and probably suffer some political capital for it. I can appreciate that. I am that. I hope, though, thing project doesn't suffer. I hope my project doesn't suffer because of it. Every case before you has to stand or fall on its own merits. The only thing I could think about, I don't see the facts beyond their side, they want to protect the sf 3 designate nation. It's ironic the sf-3 decision in 18 months won't be gone.

[9:56:04 PM]

We won't have those two letters and a number. I know a lot has been said about affordability but I think the fact that we have a fairly inflexible code is one of the reasons we're having these affordability issues. I'll remind you that it's 40% impervious cover, 40% impervious cover, but with sf-3, you can only build one structure. And so a big lots, big boxes, it's not very imaginative. I think Austin can do better. And with this option, you get the smaller, multiple structures sharing the same impervious cover. I appreciate the fears that the opposition has with the neighborhood changing. But the truth is, the affordable lots, they're big lots, also found affordable by builders, and builders will buy an affordable lot, scrape the affordable building, and put a big one on there. So we have the compare not what's there, but what could come. How do we want to funnel the market forces that are affecting all our neighborhoods? Is it with this blocky, kind of uncreative method, or something better? Under this current code, this is the best option, the most flexible option I have. And I wanted to spell something that was said last week, that this is spot zoning, where it doesn't belong in the middle of the neighborhood. I'll say it's not spot zoning, it's single-family, heavily modified, again, to be much like sf-3, but with the ability to microsite, and also I am not usually in the middle of the neighborhood. When I bought these lots two years ago and smashed on one side against a dead rail spur, on another, against Vinson road and a live railroad track, the city was actually trying to sue one of the owners before me because they were so neglected. I spent thousands of dollars cleaning them up with some trash, shrubs and thorns. And I am -- I have no -- I'm not on fifth street. I have no access to third street. I'm literally on the edge of the neighborhood.

[9:58:06 PM]

I am right next to a big church complex, which is in the south Austin -- my neighborhood plan designated transition zone, which it, itself, is right next to the hospital district. So I am by definition that edge of neighborhood that requires creative thinking for urban infill. One of -- one of the ironies that's I'm struggling with is that , you know -- and I don't want to be crass when I say this, but there's one commonality, the win that's on both of them is mine. And I don't want to sound that way, but what I'm trying to point out is that I'm not coming to you as a developer under duress or under leverage, I'm not trying to negotiate 70-foot towers against 80 and swap one on one affordables. I appreciate the concern expressed by some of these other talks today on the lack of family rental, affordable rentals. That's the only ones I have. I only have two, but imagine if every developer came to you with this option. You would have imagine Austin. If you deny this development, not only will you use -- lose these two affordable family rentals, but what would you gain? The preservation of a co-designation that won't even exist in 18 months. Before I before I close I want to share with you why I found the smart housing program attractive to me. I think this is important to say this on record. In the ocean of uncertainty that is green field development, as you can see I was blindsided by a risk I didn't identify, developers naturally gravitate to any prescriptive method. So last February, we met about the smart folks, and, you know, I read the whole packet before I went and they sold me right away because why else would you not want to build way this say? It is smart.

[10:00:12 PM]

They stated you do this, this, and this. This is the best we have to codify, implement imagine Austin. This is the kind of neighborhood we want to build. I agree with that. You would get our buy in and fast track. I find the latter comical because it's been a area but the truth is I was really drawn to it and I wanted to do this right. I wanted to go over what smart really means. It's safe, multi-tenant, accessible, reasonably priced, and transient oriented. One of the opposition last week mentioned that I have a walkability score of 25. That's because I haven't got in there to fix it. Their own neighborhood plan, south Austin combined neighborhood plan, identifies -- and this is in the backup slides that I have, several upgrade that's need to be done on Vinson road. Primarily it is a designated bike feeder route with no bike lane. It also needs a lot of sidewalks as was mentioned and they point out where they're needed and some sections are right along my land. Good luck getting the city to give you those at least in a reasonable time. If you let me do this development, Doyle my part in the plans already drawn is a sidewalk along Vinson road on the land I control that I abut and also a bike lane. If&if the neighbor so the south allows me to fill the 50 feet he controls I will literally have a bike -- sidewalk from my development to filco, which is an internal neighborhood street that goes to fifth street where there's a bus station and I needed to be one quarter mile according smart rules and I just made it. So that is safer. It is transient oriented. As far as accessible, I have sidewalks within the development.

[10:02:12 PM]

I have American disabilities act compliance, which I don't need to do with the default method. It's green. Besides green building, it is an order of magnitude better in flood mitigation, besides a better design it will be maintained by an hoa whereas you don't get that when you get just lots reasonably priced. Besides the family affordable units I mentioned by nature of the structures being smaller they will be more reasonably priced as compared to the other option. I get the neighborhoods are changing and maybe not as compared to what's out there, but you have to compare new build to new build, what's coming. In all -- you know, the setbacks, you know, five times to two and a half times better. There's 25 feet all around versus 5 feet and 10 feet. In every way possible I feel like this is a better alternative. It is the most responsible development I can bring you. At the end of the day I can only bring you the options. I'll respect whatever you choose, again, I want to close with it's a represented democracy for a reason. Thank you for your time.

>> Mayor Adler: Thank you. The next speaker ray Collins. David king is here, Margaret Dunn. You have nine minutes, Mr. Collins.

>> Thanks. This thing is working great. My name is ray councils. I'm a member of the south manchaca combined neighborhood plan contact team. I'll begin with a synopsis of what I said last week. The staff report recommending sf-6 upzoning did not establish a conditional use, thus violating our neighborhood plan and zoning principle number 3 in the staff report, which states that zoning should be consistent with an adopted neighborhood plan.

[10:04:23 PM]

Expanding on the site specific limitations of the Vinson drive location I mentioned at this point in my talk last week. I call your attention to the is it 16 handout? It first illustrates the point at which the vehicles from the 16 condominiums proposed in the developer's sf-6 application will be entering Vinson drive, taking into account there are now staff comments on the developer's preliminary sf-3 application. The remainder of the handout moves from the hypotheticals provided us by Wendy Rhodes last fall and in the preliminary sf-3 application to site-specific features in order to arrive at an estimate of six attached duplexes, 12 households. If this incompatible zoning is immigrated, the Progressive densification process I described last week is underway. The precedent set by this initial upknown zoning in our residential core will be established and continued via what we have identified as vulnerable properties near the Vinson drive development. The Progressive densification caused by upzoning destroys the neighborhood by making the adjacent sf-3 properties owned by the long-term residents less affordable. Their median house how old income being \$48,928,529. I ask you again to support our valid petition signed by 54% of our neighborhoods adjacent to the proposed Vinson drive development. Our neighbors consider sf-3 zoning a win. The contact team voted to support the valid petition. There are two things going on here. The larger group is the contact team, which voted to support the valid petition. You'll find that letter on page 93 of the staff report to the planning commission.

[10:06:26 PM]

Our small group voted for that. There they are, one, two, three, four, and me. Now, our small group is also looking for, you know, something more, and we don't expect the city to buy the land for us. We had hoped, yes, but, I mean, you know, the -- it just didn't seem likely to us either. Now, that said, we're going to continue our small group will continue to look beyond and pursue our vision. To that end, I leave with you the green Vinson drive win-win-win handout as one possibility and hope that council and their staff will continue working towards that goal with us with suggestions and help. As an example of help going forward with our plan if council has experience with another nonprofit or legal entity which can hold the property and dedicate it to the uses we pursue, we would greatly appreciate hearing you foreyou. To our small group, upholding the valid petition is an important step along the way to our ultimate goal of a pleasant green space along an urban trail and bike route 31. Thank you.

>> Mayor Adler: Thank you. Next speaker we have is Kate mason Murphy and then Larry will go next.

>> Good evening, Larry Murphy is donating his time to me.

>> Mayor Adler: Okay. Then you have six minutes.

>> Good evening, mayor Adler, mayor pro tem tovo video and city council. My name is Kate mason Murphy and I'm part of the south Austin combined neighborhood contact team. It has come to our attention that we left y'all confused last weaning.

[10:08:28 PM]

To be clear, the residents signed a valid petition against upzoning to sf-6. They wish for this property to remain sf-3. We had hoped that the intent of the postponement last week was to give all parties an opportunity to explore a much bigger vision for this property on the Bergstrom spur and like ray said

that was our hope and a week is not enough to make that happen. But here are the facts we wish for you to consider. The south Austin combined neighborhood plan is fresh. It was only available for -- or up for amendment this past November. Vinson drive is dangerous, narrow, no bike lanes for bike route 31 and no sidewalks, and so far no relief in sight from the city. This proposed development sits four blocks uphill of 16 homes on the Williamson creek flood buyout, including my own home. The developer's sf-6 plan is for 16 units with a 50 percent impervious cover and given the weird shape and a 5-foot drop between the two lots, a large heritage tree at the south end and the Bergstrom spur right-of-way, we do not believe that it's even possible to get a 16 unit sf-3 property even if it's approved. Maybe 12 or 14, and that would be at 45% impervious cover so that would be answering your question from last week, councilmember Garza. This development should not qualify, in our opinion, for smart housing, given that it's based on an 80% mfi of 62,000, when the surrounding neighborhood has an mfi of 48,000. That's not affordable in our mind. Nor does it connect anywhere, the T being transit, there's no transit. The sidewalk wouldn't connect to anywhere, even if he could attach it to Filco to go into the neighborhood, it wouldn't connect to St. Elmo.

[10:10:35 PM]

This development does not preserve our neighborhood's character. And I was listening to you, mayor Adler, talk on plaza saltillo, and, you know, infill developmental, we agree, should not -- should occur on the corridors and not in the middle of a solidly sf-3 neighborhood. This proposed development does not increase mobility in the city or in our zone, nor does it benefit the existing community at all. And the most responsible development is no development. That said, I urge to you uphold the valid petition and vote against upzoning to sf-6. Thank you.

>> Mayor Adler: Thank you, Kate. Does the applicant want to close? One more speaker? Why don't you come on down. I didn't have you.

>> Good evening, Mr. Mayor, mayor pro tem, members of the council. My name is William Hodge. I had initially signed up to donate my time but he said I could take it back. Again, my name is William Hodge, Mr. Gacino's architect and am the person who initially helped him with the initial land planning of this development. I am a frequent client -- or a frequent architect and consultant of infill developers. And I also live in this council district, and I live about a mile east of this piece of land. I'm here to speak on one specific issue, and that is there's a difference between the two options, keeping the zoning as it is and having the zoning go to sf-6.

[10:12:35 PM]

If it stays sf-3, it's going to be eight lots, 16 duplex units. If it's sf-6, it's going to be 16 units. If it's sf-3, there's going to be 16 households worth of traffic if it's sf-6 there's going to be 16 households worth of traffic. Even some of my own clients, we talk amongst each other, it's a community, they're, like, why is he, why is Tony, going for sf-6. Just do the easy thing, right? Just do what's gonna be quick. From the very beginning, when Tony and I have talked about this development, Tony has said, I want to do something that I'm proud of. I'd like to try to do something that gives something to the community and we understand, as Kate said, this would be a great candidate -- a great candidate for no development.

He could have his land bought by the city and it could be turned into a park and I think Mr. Guernsey came at the very beginning and said that is just not gonna be a possibility. What he wanted to do was do a smart housing project that was going to be good. I also want to clear, since do I so much development work, and talk about the question of gentrification in property values. Under its current zoning we can make this into eight lots that can have 16 duplexes. They're zoned the same as the lots behind them and to the south on filco and south third. We're creating comparables. It is the sf-3 development that is legal without any further zoning change here that is going to change neighborhood property values. What we're proposing is a 16 unit single family detached condominium project and when my clients, developers, and a lot of these developers --

[10:14:43 PM]

[buzzer sounding]

-- They're not gonna compare, so --

>> Mayor Adler: Thank you.

>> Thank you.

>> Mayor Adler: Does the applicant want to close? Okay. I need a motion to extend past 10:00 P.M.

Someone want to make that motion? N Ms. Garza makes that motion. Is there a second? Mr. Casar.

Those in favor please raise your hand. Those opposed.

>> Casar: Keeping the tradition alive.

>> Mayor Adler: The question was those in favor of extending past 10:00, raise your hand. Those opposed. Ms. Alter is opposed. I think we should give this election to Ms. Alter and then read the paper tomorrow.

[Laughter] The meeting is extended 10-1. We'll finish the debate. We're back up to the dais.

>> Casar: Mayor?

>> Mayor Adler: Yes, Mr. Casar.

>> Casar: I would like to move passage at sf-6, maintain the 16 unit cap, but remove the Adu restriction.

>> Mayor Adler: There's been a motion to go to sf-6, maintain the 16 cap, remove the Adu restriction.

>> Casar: I can explain that second part.

>> Mayor Adler: Is there a second to that motion? Ms. Troxclair.

>> Casar: So I think that -- I really appreciate the neighbors' work on this. I appreciate the concern that this could lead to other cases, but ultimately we have to tang cases on a -- on each case-by-case basis and I think that sf-6 is generally a reasonable way for us to develop on multiple parcels and multiple acres for residential infill and so it seems to me to be a reasonable request and the neighbors don't have too much of an objection to increased traffic or other issues, it's just a domino effect question and I respect that and will keep an eye on that especially as we do the rewrite of the full code.

[10:16:53 PM]

And the reason that I included the Adu question and issue is I don't want to start -- I don't want to -- I want to leave it up to developers and developments and sf-6 you're allowed to do ads, that if one of these condominium units want to have an Adu unit that's fine. Ultimately my motion does not increase

the number of units. I just don't want to start having the planning commission see us restrict ads sort of unnecessarily. I don't see what the Adu restriction necessarily does on this case.

>> Mayor Adler: Ms. Kitchen.

>> Kitchen: I have a concern about removing the Adu restriction, and the reason for that is that that's not what -- that's not what this developer is asking for. It's not -- the Adu, if I'm understanding correctly, ads are not what's being contemplated as part of this development. What we're being asked to consider is something that's really -- what we're being asked to which is something that -- to consider is something that could be considered better than what could happen without this kind of change. I don't think ads is a component of that. And I think reducing the Adu restriction introduces an element that's really way beyond the neighborhood plan. So while I may end up -- while I can support what's being proposed -- and I know -- and I'll explain why. I know this is not necessarily what the neighborhood wants. While I can support what's being proposed as a development, I cannot support reducing the Adu restriction off of it.

>> Casar: Mayor.

>> Mayor Adler: Mr. Casar.

>> Casar: I guess I just want to get clarity. Right now under sf-3 zoning on that site ads are allowed.

[10:18:56 PM]

>> Kitchen: But what I'm suggesting is that -- I don't want to mix and match.

>> Casar: Okay.

>> Kitchen: Oh, do you want --

>> Casar: No no. I didn't mean to interrupt you.

>> Kitchen: Okay. I'm sorry. I -- to me, this is a very -- to me, the only reason I would even consider going forward with what is being proposed is because it's very confined. It's very confined in the way that it's designed and it's designed in a way that -- that to my mind is consistent with the neighborhood plan, even though the sf-3 label is different. So I don't want to be -- and I won't be in a position of redesigning that. So I'm either going to go with what the neighbors are suggesting or support what the developer is suggesting. I don't think it's -- I don't consider it appropriate to try to change that.

>> Mayor Adler: Mr. Casar.

>> Casar: As a practical matter, I recognize there's a valid petition on this case, and if to get to those nine votes we have to make that change I would make that change to my own motion. I guess I would want to make very clear that the removal of the Adu restriction is not to redesign the project, but rather to not -- to not get into the -- when we did all this work to make it so that ads were allowed in sf-3 and sf-4, sf-5, sf-6, for us to not pick and choose too much about where ads are allowed and aren't allowed, but since we're just voting on this particular case, and it would require nine votes to pass, I would -- I would be fine, once we hear what the rest of the dais thinks, making that change if that's what it takes to get to nine votes and to move forward tonight.

>> Mayor Adler: Ms. Garza.

>> Garza: I'm leaning towards where councilmember kitchen is on this.

[10:21:00 PM]

To me, the developer keeping it to 16 was a compromise, even though with sf-6 they could have built more. They came down in that compromise, trying to come to an agreement with the neighborhood. And I appreciate the answer that the neighborhood believes then only build 14 to 15, but the developer says they can build 16, and so I still see this as 16 versus 16 and I'm having a hard time getting past -- to me it seems the biggest issue is the precedent it sets, but the reality is there aren't -- I said it last week. We cannot control what future councils do, so whether we set precedent here or not, there could be a future council and there could be three lots. But the reality is there are not -- is it four lots? Four -- there are not four connected lots in this area right now. There's nowhere else really to create infill at this point, so I couldn't support sf-6 with removing the Adu. Adu limitation.

>> Mayor Adler:

>> Casar: Sorry, again, to be really clear, removing the Adu restriction was not adding any new units because I kept the 16 unit cap in my motion, but if it's still an issue, because it sounds like it is, I'll remove it. Just to be clear, I maintained the 16 unit cap. It's just if one of the condos wants an Adu, then they could do that, they would just have to do one less condo. Does that make sense?

>> Mayor Adler: Mr. Casar has offered to remove --

>> Casar: I've offered to remove it but I was just explaining that I was not adding new units.

>> Garza: They have two site plans right now, they have one with sf-3 or they have one -- and so that would basically change the site plan.

[10:23:01 PM]

>> Casar: It wouldn't change the site plan. The point would be to not be getting into the habit of passing things with Adu restrictions needlessly, but that's fine, I'll include it anyways.

>> Mayor Adler: Any objection to taking out the change in ads? Hearing none, that change is made in the motion. Continuing debate. Any further debate? Mr. Renteria.

>> Renteria: I'd like to ask staff a question. I hear that the concern was if -- you know, it's not as much with the project itself because of the sf-3 going to sf-6 and other people would buy the land next to it. And it would be like a domino effect with sf-6. Can you explain to me, is there a way to keep that from happening if this does pass?

>> Yes, council could not grant sf-6 if that were to happen next door. You could have four property owners, perhaps, on -- adjoining the property get together, sell all their lots I guess to a developer there and have someone come in and ask for sf-6. It would come back to you for that consideration, except, I think, the lots that are behind this actually would front a single family neighborhood, the sf-3 neighborhood, as opposed to this tract fronting on Vinson and the railroad tracks and a little bit of that church property. There's perhaps a different context but ultimately that decision would lie with council if there was a collection of lots that come in next door or nearby and somebody wanted to zone it for sf-6.

>> Renteria: Thank you.

>> Mayor Adler: Further

--further discussion? Ms. Kitchen.

>> Kitchen: Could you clarify the motion? Was it -- what reading was it on?

>> First reading.

>> Kitchen: First reading, okay. Okay.

[10:25:02 PM]

>> Mayor Adler: First reading. It's too approve sf-6, 16 units.

>> Kitchen: My -- my thinking about this area is that I really respect and am excited by the vision that the neighbors have talked about, and to me that vision depends primarily on getting the Bergstrom -- I guess it's the Bergstrom spur and then making improvements to that road. And to me that makes a bigger impact on what is desired for this area. And so I think that I see some -- you know, there's a lot of hurdles as we've talked about, but regardless of what happens here, I think we immediate to work very hard -- need to work very hard and I will commit to working with councilmember Renteria, and I know he's been doing this, to work on acquiring that Bergstrom spur so that we can work on the effort of what could be a really, really wonderful vision there in terms of that trail. So. . .

>> Mayor Adler: Any further debate? Ms. Pool.

>> Pool: Yeah, I would like to see some work done to advantage the Bergstrom spur as well, and the additional safety concerns around the sidewalks and everything. I may abstain at this point and wait and see what comes back. So that we can have more definition on -- and, boy, it's late. I'm sorry. I'm just babbling.

[Laughter] I'm just gonna stop right there.

>> Mayor Adler: Ms. Garza.

>> Garza: Sorry, I don't know if somebody addressed this. Does the sf-6 configuration -- it seems from the -- it's hard to talk from the diagrams, but it looks like sf-6 gives you more room around that spur area as opposed to the sf-3?

[10:27:10 PM]

It looks like if it's sf-3, 16 units, it's pushed up a little bit towards the north of that. Is that right?

>> [Off mic] You just are gonna be blocked. You can't do anything. That would be -- could you put additional slides? There's no way if it's eight, those would be eight individual owners with their own rights. With the condominium regime it's 16 families but they co-own everything else so you just own your house, but the rain gardens, everything else is -- the land is shared. And so one of the things that I was exploring with the architect and we only had time to sketch it, so it's not that great, was to move one of the houses, swap it with the parking to have more contiguous green space and I was offering that as the trailhead and if I could naught up. Put that up. So all that -- all inside that red oval, there's no buildings. I know it's complicated because there are certainly rain gardens, depression Zones for water collection but it's all landscaped, essentially, green space. The trees there, again, shared space. There would be like I said a bike path just a few meters that would take tout trail so that could -- take you to the trail so that could be your trailhead. Like I said I moved stuff around to do that. Like I said I'm willing to make -- I like that vision. I'm willing to help with that. I think your best option when you have a on the regime is the hoa determines what you do with that space and I've promised the south wood neighborhood association they would have a say in those covenants and how they're draw your

attention the hoa covenants with eight individual lots you lose that because there's no way that an owner is just gonna give away his land. You know? But this land would be owned by 16 families.

[10:29:13 PM]

And that hoa board would decide what to do with it and, again, that's a pretty good chunk of land right there. I think it would make a good trailhead. Anyways, just some -- an offer there.

>> Garza: Okay. I guess it seems like under the condo regime it's more like -- it's more conducive to the ability to use that land for a trailhead.

>> Absolutely.

>> Garza: Okay.

>> I think it's our only shot at it.

>> Kitchen: Mr. Mayor.

>> Mayor Adler: Yes, Mrs. Kitchen.

>> Kitchen: So let me ask a question about -- just as a follow-up question. So could you not put that in as a requirement that it be used for a trailhead, if a trail became available? As opposed to leaving it up to the condo owners to make that decision?

>> If you have that power, I want accept that. Sure.

>> Kitchen: I don't know what -- if we have the authority to do that or who would have the authority to do that but rather than leveraging it to the condo owners once they --

>> Yeah.

>> Kitchen: -- Own this, if this is one of the reasons that we're going forward with this kind of approach because it gives us a better -- it actually gives us the possibility of a trailhead, I would want to nail that down if that's possible.

>> I don't know.

>> Sorry. To your point, councilmember kitchen, this land also is undergoing a plat and there's gonna be an access easement written as part of the plat that would, you know -- could dedicate that use. So we were just talking back there about that. Sorry.

>> Kitchen: Okay.

>> Mayor Adler: Okay. Further discussion? We have a motion on the table. Let's take a vote. Those in favor on first reading.

>> Houston: I have another question.

>> Mayor Adler: I'm sorry, Ms. Houston.

>> Houston: To staff. You may have said this. How much does it cost to acquire Bergstrom rail spur?

[10:31:15 PM]

>> I don't know if we have an estimate for that, but before we come back for second, third reading we can try to have maybe a guesstimate of what it might cost for -- I don't know, linear foot or whatever that distance is, but we'll see if we can find an estimate cost and try to give that to you.

>> Mayor Adler: Okay. Everybody ready to take a vote? Vote is to pass on first reading. Those -- of sf-6. Please raise your hand. Those opposed? Those abstaining? Pool, Renteria abstain, others voting aye. I'm

sorry. Abstain, three abstentions. The others voting aye, troxclair, did you vote? How did you vote? Yes. There were -- the vote is 8-0-3, with the three abstentions. Passes on first reading. Thank you.

>> Kitchen: Mr. Mayor, does it surface I thought we had a valid petition is.

>> Mayor Adler: That's only on third reading.

>> This is third reading.

>> Kitchen: Okay, all right.

>> Mayor Adler: That's all the things we have on our agenda. Oh, is anybody here to speak on Austin oaks? Well, that's good to hear. This meeting stands adjourned.

[Adjourned]