

**North Shoal Creek Neighborhood Association
General Membership Meeting
May 1, 2012
Pillow Elementary**

Item 1: Call to Order, Adoption of Agenda

The meeting was called to order at 6:44 pm by President Kenneth Webb.

Motion by Kevin Wier to approve the agenda; seconded. Approved unanimously.

Item 2: Approval of minutes from March 6 general meeting

Motion by John Migl to approve the minutes as submitted; seconded. Approved unanimously.

Item 3: Ratify appointment of Lee Johnson to Board of Directors

Motion by John Migl to ratify the appointment of Lee Johnson to the NSCNA Board of Directors; seconded. Approved unanimously.

Item 4: Announcements

President Kenneth Webb made announcements about upcoming events:

- Nominating Committee: Per the NSCNA Bylaws, announcement that candidates are needed for the Nominating Committee for 2013 elections. Interested candidates should send their names to Treasurer Jeri Wines by July 15. The committee will be elected by the membership at the September general meeting.
- Free “Household Shredding Day” at Austin High School on Saturday, May 19
- City Bond Advisory Task Force meeting on Thursday, May 3, at Lanier High School
- City of Austin election on Saturday, May 12
- APD Commanders Forum taking place at the same time as the current meeting
- Volunteers needed for July 4 Celebration coordinator and NSCNA newsletter editor – contact Kenneth or any Board member with suggestions. Kenneth requested an APD permit for the July 4 parade and received permission from Pillow to use their grounds.
- Jeri Wines asked members to check the email addresses NSCNA had for them and mark any corrections, since a recent email to all members had 15 addresses bounce.

Kenneth reminded attendees that one of the agenda items for the evening was the 8100 Burnet development and zoning change, and that he wanted everyone to participate in a civil and respectful matter and respect the opinions of others. All comments during that agenda item would be limited to no more than 3 minutes. The meeting was scheduled to end at 8:20 to allow extra time to discuss the topic.

Item 5: Committee Reports

5a: Treasurer – Jeri Wines had to leave the meeting, but had passed out copies of a financial report from Jan 1 to April 30, 2012 for review. Discussion over whether the number of members on the report referred to individual members or to households. Kenneth said that some additional money from PayPal (membership dues) was still in the savings account and had not yet been accounted for.

Motion by Tomas Rodriguez to accept the Treasurer's report. Seconded. Approved unanimously.

5b: Traffic – Kenneth said he had not yet heard anything about the neighborhood traffic calming requests filed with the City of Austin. Chip said he received a preliminary email about a list of eligible projects that included all four Traffic Committee-facilitated submissions, but the results had not yet been made official.

5c: Other Committee Reports – Ernie Garcia reported that the NSCNA Garage Sale Event would take place on May 5, and 24 households had signed up. Kenneth reiterated that help was needed with the July 4 celebration and said he would schedule a meeting soon. He said a request to have a fire truck at the event was approved.

Item 6: Rezoning of 8100 Burnet Road (Development Committee)

6a: Overview of project and current status; review of agreements with the developer

Development Committee Chair Kevin Wier provided a history of the NSCNA interactions regarding the 8100 Burnet Road development through the City Council first reading in April. He said the developer told him they would support the proposed covenant agreement no matter what happened. At the April City Council meeting, President Kenneth Webb withdrew the NSCNA objection to the zoning request, and Kevin said the next steps would be for the membership to discuss what they thought about that action and what they wanted to do now.

Kenneth explained that NSCNA had received no communications from the developer since the March 8 City Council meeting, when the developer asked for a postponement to continue to work with interested parties, leading him to believe the developer no longer considered NSCNA an interested party. When the NSCNA Board met before the April City Council meeting, they empowered the President to negotiate for NSCNA on the basis of Article VI, Section 4 of the bylaws, which Kenneth read:

“The Board of Directors shall be empowered to conduct the business of the Association between membership meetings. It shall make recommendations for action and policy to the general membership. In case of necessity, it shall be empowered to determine policy positions by a two-thirds vote as defined by Robert's Rules of Order, but such policy shall be in the name of the NSCNA Board of Directors.”

A non-member of NSCNA asked questions about the interpretation of the bylaws, and the President determined that deliberations on the 8100 Burnet Road issue should proceed among the NSCNA membership only.

Betsy Todd asked which other factions were involved in supporting/opposing the zoning change. Kevin said Allandale NA is strongly against the zoning change, but the two condo associations near the development both supported it. NSCNA would be the largest interest group, but the condos had closer proximity to the development.

6b: Identify areas that people see as problems

Kevin apologized for any mistakes made in the 8100 Burnet negotiations and said he and Kenneth acted in good faith. They asked the Board to approve negotiation in the hopes they could negotiate the zoning down to MF-4 or MF-5.

Chip Rosenthal read a list of concerns from North Shoal Creek neighbors he met with over the past couple of weeks. The concerns included safety problems from increased traffic, vehicular congestion, bike and pedestrian connectivity, impact to the neighborhood from the height and density (60-foot tower effect on Pinedale), zoning precedence, lack of constructive zoning for the commercial plot, and city actions to mitigate impacts.

Susan Galbreath said her concern was that when Kenneth dropped NSCNA's opposition in the City Council meeting, NSCNA lost its leverage. She was also concerned about the height of the development, how it might affect Pillow Elementary enrollment, and the maximum number of apartments specified.

Betsy Todd said she was concerned with the language of the agreement and its legality and enforceability. She was also concerned about a precedent being set in which the Board of Directors took action in a way that differed from the membership's vote, since this also happened during the Wal-Mart development negotiations.

Mary Jane Wier was concerned about the MF-6 zoning setting a bad precedent.

Tomas Rodriguez was opposed to Item 11 in the agreement, the traffic light at Teakwood, which he felt would increase the cut-through traffic on Rockwood.

Sherran Williams asked about "affordable housing," which was mentioned during the City Council meeting. Donna Eagar said the developer is opposed to an inclusion requiring affordable housing, and then explained the definition and how it is different from subsidized/Section 8 housing.

Chip suggested that NSCNA consider the 5-acre plot as a kind of mixed-use plot: 4 acres for residential, one for commercial. He favored granting MF-6 zoning to the developer for the 4 acres for no more than 270 apartments, but as part of the agreement, the developer would have to change the zoning on the commercial acre to GR (more appropriate than the current CS) and eliminate or remodel the drive-through option.

Sherran asked if emails to City Council had/would have any effect. Chip said that in talking with Councilmember Laura Morrison's aide, he learned that the neighborhood had not effected a significant campaign to Council, which is one reason Council had not supported NSCNA.

**6c: Evaluate problems to see which might be worthwhile to direct further action; and
6d: Identify which are city concerns and which are developer concerns**

Donna Eagar led a discussion about possible directions/actions: negotiating all five acres at once, working with the City to address traffic concerns, working with the developer on traffic-related issues that the developer could do (bike and pedestrian connectivity).

Chip suggested trying to work with the developer to decrease the maximum number of units to 270. Kevin said the developer is still thinking about 270-280 units.

Motion from Betsy Todd to instruct the Board of Directors and President to notify the City of Austin that NSCNA has voted to oppose MF-6 zoning for the tract at 8100 Burnet Road. Seconded.

Betsy explained that NSCNA doesn't stand to gain anything by not opposing the developer – the only avenue would be to try to convince the City that MF-6 would not be appropriate for the site. Negotiation could still take place and if something wonderful were presented, the membership could meet and vote again.

David Cook asked what would happen with the covenant agreement if NSCNA opposed the zoning change. Donna explained that many parts of the agreement were added to the zoning change agreement read at the City Council meeting. She said Laura Morrison's aide was working to get as much of the agreement as possible included in the conditional overlay.

Discussion about what exactly the motion meant and how it would or would not affect the resolution passed at the March general meeting.

Motion approved by a vote of 16 in favor, 3 opposed.

6e: Plan of action, or referral to Development Committee

John Migl suggested someone write an “form letter” email message that could be distributed to members to use to send to City Council to show their opposition to the development.

Alice Kubacak suggested forming a special committee to work on drafting the email, promoting it to members, and generally work on the issues involved around the 8100 Burnet zoning change.

Chip agreed and suggested a motion to ask the president to appoint five members to a special committee to make a recommendation and to consult with the membership as a whole. Donna asked Kevin if he would be willing to coordinate the effort. Kevin said it would be fine with him if other members could coordinate and work on the zoning change issues.

Motion by Juliette Kernion to ask the President to form a special committee to work on 8100 Burnet and to appoint five members, which might include but are not limited to Chip Rosenthal, Elizabeth Ray, Betsy Todd, Susan Galbreath, and Cheri Hartman, which must communicate and consult regularly with the President and Board of Directors. Seconded. Motion approved by a vote of 12 in favor, 0 opposed.

Kevin said he wanted to contact the developer and let them know what NSCNA had decided.

Item 7: Adjournment

Meeting adjourned by President Kenneth Webb at 8:31 pm.

Minutes submitted by Juliette Kernion, Secretary, North Shoal Creek Neighborhood Association.

Minutes approved at NSCNA General Meeting, September 4, 2012.