

Brian Rodgers, Austin Whistleblower Developer

Brian Rodgers is a mechanical engineer by training, and a veteran Austin based commercial real estate investor who formed Rodgers and Reichle Inc. in 1992. He has been a high-profile civic activist in Austin for many years. In 1997, he signed a petition carried by Linda Curtis outside a supermarket -- hilariously entitled, "Austinites for A Little Less Corruption!" That's when a long political relationship began between two populists who would make history together.

Rodgers has led the battle in Austin to unite citizens in an effort for fiscal accountability and political reform. In 2007 he and Curtis teamed up to gather 28,000 signatures calling for a public vote to end the City's subsidies of a luxury shopping mall --The Domain. Despite 500 local businesses backing the measure, a last minute \$400,000 media buy paid for by Simon Malls, the Real Estate Council of Austin and leaders in the Austin Chamber of Commerce (predominantly large developers and related business) led to the measure's defeat. But, it was close -- 52-48%. That's when Rodgers dug his heels in on the Austin "growth machine", commissioned his own studies getting after these problems:

- That the costs of growth for all the newcomers in the Austin MSA are offloaded onto the backs of current residents to the tune of at least \$27,000 per new home.
- That since the 2006 release by Texas Association of Appraisal Districts of a study showing that commercial properties in Texas are underappraised, on average, by 40%, nothing had been done.
- That the City of Austin, in how it quantified public subsidies, was in complete denial as to the benefits and risks to taxpayers.
- That million dollar plus homes in Austin are, on average, underappraised by 25%.

In 2008, Rodgers co-founded a political action committee -- ChangeAustin.org. The insistence of the City of Austin to subsidize Formula 1 racing, a fast-tracked (two weeks!) and fiscally disastrous \$2.3B contract for biomass energy (the Nacogdoches "wood chip burner") and an unnecessary water treatment plant led ChangeAustin.org to gear up in early 2011 for a major political reform in the City of Austin. ChangeAustin brought together the coalition to finally win geographic representation for Austin voters. After 6 losses, a broad-based coalition -- Austinites for Georrgraphic Representation -- decided to go the petition route to place the "10-1" system for single member districts with the first independent citizens redistricting commission to draw the lines, on the ballot. It was passed in 2012. This has dramatically changed the political culture in Austin city politics but the problems related to the dominance of large real estate forces -- the growth machine -- remain.

In 2016, Rodgers hired former longtime Travis County Judge and Austin Democrat, Bill Aleshire as well as and longtime Austin Republican, Roger Borgelt, to represent him in a lawsuit against the City Austin. Rodgers is challenging how Austin Mayor Steve Adler and City Manager Marc Ott misled the Council's handling of the Pilot Knob PUD (Public Utility District) as only a "zoning" item. The deal contained tens of millions in undisclosed fee waivers and no fiscal note — plus exemptions from other city ordinances without proper notice. In August, Rodgers' attorneys amended the suit to challenge the legality of water and wastewater impact fee waivers under state law to:

- divert \$81 million from the water utility budget (that would have helped growth pay for itself) what amounts to a slush fund to be used for anything under the guise of a fund for "affordable " housing,
- get only 10% "affordable" rental units in the development, when state and federal law requires at least 20% be provided to qualify for fee waivers,
- calculate the fee diversion or waivers based on every unit in the development instead of only on those "affordable" units, and
- provide exemptions from important City ordinances, including one that prohibits giving affordable housing fee waivers for developments such as Pilot Knob, which is outside the City limits of Austin."

More on the Pilot Knob fiasco [is here](#), including the latest petition to the court.