

Closed Caption Log, Council Meeting, 03/08/12

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[10:06:43]

good morning.

I'm mayor leffingwell.

We will begin with prayer.

Please rise.

>> In the name of the father and of the son and of the holy spirit, amen, we pray.

Lord god, heavenly father, we thank you for the gift you pour upon us every day of our lives.

Help us to see the many ways you bless us.

We ask you to watch over the servants of austin.

Our police, firefighters, e.m.s.

And all who care for us.

Protect them from all harm and danger.

We ask you to watch over the teachers of austin, those who educate and care for our children and youth, from preschool and graduate work.

May our schools be safe places.

We ask you to watch over the elected officials of austin, mayor leffingwell and our council.

That they be blessed with willingness to serve and be of one heart and mind.

And we ask you, dear father, that you watch over the people of austin.

That we be concerned of ourselves and our neighbors, that is everyone that calls

[10:08:01]

austin home.

Bless this eting and you be honored with the intelligence have you given your children.

In your name we pray, amen.

>> Amen.

Please be seated.

Thank you, pastor.

this morning, austin icon passed away.

This is according to the medical power of attorney.

He was 60 years old.

He was the icon for the homeless folks here in austin and represented it in so many ways.

We will now observe a moment of silence in his honor.

Thank you.

Quorum is present.

I will call this meeting of the office of city council to order on march 8, 2012, 10:08 a.m.

Meeting in the council chambers of city hall at 301 second street, austin, texas.

We begin with the changes and corrections to today's agenda.

First, item number two, postponed until may 24.

Item 9 is withdrawn.

Item number 10, correct the word "arcadia" to read arcadia pratt.

Item 34 delete the word "to"

"

[10:10:03]

and delete the words "the towers relocations" and insert the words "potential of any moonlight tower" and add as a cosponsor to read council member chris riley and added council member mike martinez.

Item number 35 added second cosponsor kathie tovo.

Item 38 is withdrawn.

75 Is withdrawn.

Item 77, instead of 200 southlake shore boulevard, it should read 2200 south lakeshore boulevard.

Those are changes and corrections.

Our testimony certain items today.

At 10:30.

Two briefings.

The first is a briefing on the economic impact on the creative sector in austin for 2012.

A second, the briefing per the final report of the 2012 charter revision committee.

At 12 noon, general citizens communication.

00, we'll take up zoning matters.

, we will recess the meeting of the office of city council and call to order the meeting of austin housing finance meeting.

Notice number 6 on that agenda, the aafc agenda is withdrawn.

At 4:00 p.m., public hearing.

30 Live music and proclamation.

Musician today is courtney sanchez.

The consent agenda today is items 1 through 40 plus items

[10:12:00]

75, 76, and 77.

There are no appointments or waivers to boards and commissions this week.

Items pulled off the consent agenda, related items 5, 12, 13, pulled by council member spellman and 14.

Item 27 is pulled off consent by the mayor pro tem and item 36 and 37 are pulled off by council member tovo.

No items pulled by the speaker.

Are there additional items to be pulled by council members?

Hearing none.

That is our consent agenda for today.

We have one speaker.

>> Mayor?

Leffingwell council member morrison.

could I confirm item 75 is withdrawn?

it is withdrawn.

Councilmember tovo.

you said some numbers were added?

75, 76, 77 were added to tho agenda, but 75 has been withdrawn.

>>Tovo: thank you.

speaker on the consent agenda is gus pena.

>> Mayor, council members, proud marine corps veteran.

Was item num14 included.

you can speak on any item on the agenda.

>> It has to do with establishing a position for an assistant chief.

[10:14:00]

I'm for that, but I'm also for equality and ethnicity.

Mayor, councilmember, police chief, wherever you are at, we want to have one female assistant chief.

Let's work in having females in upper ranks.

One african-american, one hispanic male.

About time we come to grips with this.

And select a female assistant chief, please.

Mayor and council, that is all i have to say.

The only thing I wanted to do is apologize to the many resident police officers, sheriff deputies, all the voters that wanted me to run for city council.

I have a son that would graduate.

If I run, that would take time from his education.

I want to apologize to all of you who wanted me to run.

I'm not running, I will make known who I will support.

Thank you mayor.

I appreciate it.

we have an additional speaker, roy whaly, to speak on 14.

>> Howdy, y'all, good morning.

My name is roy whaly, vice chair of sierra club.

I want to thank, mic and all the engineers at the city and the outside engineers, h.d.r.

They have been wonderful on their communication with us on this.

We have been meeting on this

[10:16:00]

on-site at various locations, discussing this for well over a year now.

And really appreciate that.

The information that they have been sharing with us has been wonderful.

And it is not something that just came up.

This has been worked on for quite a while.

They produced quite a study on it.

Would like to start out saying that sierra club is very much in favor of this bridge, if it can be done correctly.

And by that, I mean we're kind of on the horn of do we protect the aquifer or do we help facilitate alternative transportation?

Both of them are sir era club goals.

I think we can do that.

We're getting closer to being able to do that.

Um, bruce milton, licensed engineer is also on the sierra club executive committee.

He's been in these meetings also.

We've been advocating spread footings that don't require drilling into the aquifer.

The existing car bridge, we have been told by txdot engineers that if the environmental protections in place today had been in place at that time, that bridge would not be there.

So they had -- there is a very porous area there.

We have a combination of micropiers and spread footings.

There is one plan I think can be tweaked a little bit to spread the footing on at least two of the supports to prevent the micropiers from going into a possible -- when the water -- the underground flow is high, it would be there.

We have to protect the aquifer and we have to protect the springs while we facilitate alternative transportation.

And this would be alternative transportation, not just recreational.

[10:18:00]

It would be a great recreational use.

Anyone that opposes that, i expect them to also oppose scenic highways.

It is great for recreation.

The main thing is it gets people from that section of austin into downtown, quickly and safely.

This would be a good investment.

We can't as sierra clubs and other environmental organizations have also been included, we can't oppose and 4 and say we enthusiastically and completely endorse drilling in this area because it meets our needs.

Yes, let's tweak it, it's a good thing.

Thanks, everybody.

Thank you for your time.

>> We also have two more speakers.

I want to remind everyone that our new rules say speaker sign up is frozen at 9:45.

If you signed up for something 45 you won't be counted in either pulling an item from the agenda or speaking from the consent agenda.

The speaker list will be unfrozen after the consent agenda.

I hope everybody understands that.

The point is you have to sign 45 if you want to speak on the consent agenda.

Pat johnson, you will be allowed three minutes on the consent agenda.

>> Morning councilmembers, beautiful day.

It will be a good weather day.

I signed up for two items on the agenda.

One of them is regarding the \$97,000 for the police department for a study.

>> That item is pulled off of consent agenda, you can speak later on that.

Item 27 is pulled off the consent agenda.

>> Can I talk about 25?

>> Which ever one you want, other than that.

[10:20:00]

You will get another chance on that one.

>> 25, The purchase of the vehicles.

We talk about climate control, protecting the environment when we purchase the vehicles.

The reason we purchase 150 crown vices for the police department.

Each one of the vehicles on the sticker said 14 miles per gallon.

If we continue to buy vehicles for the city department and we want to cut the budget for each department, we need to set an example in the purchase of city vehicles.

The three tahoes we will get from caldwell country, I had -- I was at lochart yesterday afternoon, I looked at the stripped down version of the tahoes, three of them that we will get, guess what it says on miles per gallon in the city.

Seven miles per gallon.

We will be buying vehicles that get seven miles per gallon.

We need to set a good example.

If we are buying city vehicles, look into the investment on the future and save money on the bottom side on the fuel.

I ask staff in the future on all vehicle purchases, look at the miles per gallon versus the other effect.

Because the miles per gallon is what affects the bottom line.

I approve of the purchase of the vehicles, I don't approve of the miles per gallon.

Make sense?

Thank you.

>>Mayor leffingwell: yes.

Entertain amotion on the consent agenda.

Moved and seconded.

All in favor signify by saying aye.

Opposed, nay.

Passes to vote of 7-0.

Items pulled off.

[10:22:01]

5, 12, 13, Grouped together by councilmember spelman.

I have a technical question of city staff.

If you could speak to it.

>> Good morning, howard with the works department.

we have a contract for 2 million 388 and 10% contingency on top of that.

That is fairly standard for a construction contract, am i right?

>> That is correct.

that out of a certificate of obligation.

The certificate of obligation, it says here is not to exceed 2 by 20%.

And putting an additional requirement on top of it.

>> The additional requirements cover inspection, project management, and testing.

Within those numbers, there is a contingency of life for the efforts.

To get to the 543,200.

That is not a 20% contingency on the construction, it counts for the additional efforts required to administer the contract.

the administration is up to 20%?

>> That is correct.

it used to be that was not an expense we could issue a bond on.

It seems like a current expense rather than a bondable future expense.

>> I will give you a short answer and I will defer to the legal staff to answer the question in more detail.

[10:24:01]

>>Spelman: yes.

>> But inspection and testing and management are projects that are routinely included in the capital construction and are included in the bond cost.

>>Spelman: ok.

I asked a silly question.

Do you have anything to answer, behind you?

>> The 28% is on the cost of inspection, testing, project management as a contingency on the costs.

It is not 20% contingency on the actual cost of construction.

I understand it is contingency.

Is this the primary source for inspection testing in project management or laid on top of the usual expenses of the progress management?

>> We're just getting into this project.

It was done under a health and safety procurement and went out for an expedited bid.

Some of the costs are total estimates and we don't want to be in a position to have enough money for a contract.

We'll have an independent testing contract and will need to provide the project management and the rest of the inspection services for the duration of the project.

We're trying to do our due diligence up-front.

We believe we will be reimbursed for the costs before we ever have to issue a certificate of obligation.

>>Spelman: ok.

This is not a case where we should first take the cash, spend it up to the point where we need it.

It is the point where [indiscernible] it is back after they do the work?

>> Or whenever it is needed in that process.

Part of the moving the money around process, the budget office does.

[10:26:00]

If in fact they need the money, the resolution would give them the authority to go out and get it at that time.

what is the primary source of funding for inspection project management testing?

Where do we get the money for doing that on a regular basis?

>> Those efforts are typically included in the cost of the capital program and it is usually included in the bond.

>>Spelman: ok.

>> The intention here is to provide us with the ability to go forward with the project so we can return the facility to the use of the comment while we're continuing to negotiate with the involved parties.

>>Spelman: ok.

So we may actually get reimbursed for the costs?

>> It is our intent to be compensated for the hard and soft costs.

>>Spelman: I hope you succeed.

Last question, I calculated 20% contingency slightly differently than you did and ended up with a slightly different number.

The idea to 2666 number and multiply it differently.

I get a different number.

>> The \$442,300.

The inspection.

We added 20% just on those items.

The fact that the 543,200 comes to 20.29% is a coincidence.

I understand how it is done.

It is much more comfortable, we are estimating the costs are, to be on top of that.

Rather than think that the project costs are going to be some percentage of the total project.

It makes sense.

I got it now.

Mayor, I move approval.

councilman spelman moves approve approximately of 5, 12, 13.

[10:28:03]

It passes on vote of 7-0.

Item 14.

very quick question of the police department, if someone could speak to this item.

>> Good morning, chief of staff.

The item before us is the chart.

I wonder if you could explain the organization chart.

>> Certainly, the item before you is basically where we have -- we currently have 19 commanders in the police department.

What we are asking is to basically upgrade one of those that an assistant chief spot for a \$22,000 increase over next fiscal year, no fiscal impact this year.

why would we need to do that at this time?

The city has grown in complexity as well as the police department.

One of the things we see in looking at the current structure is basically that one of the things we really want to shore up is basically our connection at the highest levels of the organization to specific communities.

The proposed structure here basically takes the four regions that have been designed.

The police department has four regions.

Currently, there are two assistant chiefs that focus on headquarters-related activities and others that focus on two regions each.

There is issues regarding control other things that we think would benefit the neighborhoods, especially focusing on things like community policing concepts.

We will ultimately want to create a chief of police, as it

[10:30:00]

were, for each region.

Each region, basically now has two commanders a patrol commander as a support commander to address issues and concerns that come up within that region in those area commands.

This new system, basically, in our estimation, would allow public, particular neighborhoods to have an actual spack as it were, contact with the particular staff.

the buck will not stop necessarily at the chief of police's desk.

This are four places, in four different parts of town where the buck will stop?

>> Yes.

Ultimately, the issue is the buck does stop with the chief of police, ultimately.

In the cases we seek a process improvement here as we move the department toward intelligence-led policing.

We don't want to lose that connection with the particular neighborhood groups.

One of the things we think will strengthen this issue is they understand and have a clear chief over their region.

everyone knows who to go to if they need something done?

>> Yes.

how will the four regions be divided up?

>> Each region chief, we'll call them a bureau chief.

The proposal is to create five bureaus, one administrative bureau overseen we a nonsworn motor assist director, as it were.

The functions will move around whereas basically the region chief will have authority for all things going on in his or her bureau.

But at times, there are central functions that can't really be divided out, such as a homicide investigation or some of the specialized assignment kind of details, organized crime investigations.

Those will remain under the

[10:32:01]

headquarters chief.

I want to stress when you look at the org chart -- I'm not sure which one you are looking at.

I will ensure that everybody has a current one, if you don't.

I think it is in the background materials.

But we want to stress that the executive -- the fifth floor in effect, chief of police, chief of staff, being myself, and five assistant chiefs and an assistant director, really are a team.

In other words, they're an executive team.

The chief is still responsible for different requisite functions throughout the city.

That has been divided up so they will have some other functions to kind of oversee.

But that one person alone won't be responsible for a region.

so each region will have its own assistant chief and each assistant chief will have one or two regions, and share in administrative functions.

>> That's correct.

>>Spelman: [inaudible].

>> Basically, bureaus 1-4 and headquarters and administrative bureau which is nonsworn, administrative-type functions.

for our reference, if you could get a copy of the org chart to have as backup.

I feel like it would be a really good idea to clarify it.

It is much cleaner this way.

I'm happy you do it.

>> I apologize for you not having the org chart.

net that to you as soon as possible.

>>Spelman: thanks, chief.

>>Mayor leffingwell: gus pena.

Gus pena?

Gus is not in the chamber.

>>Spelman: move approval.

moved and seconded.

Go ahead.

I have a question of staff.

I appreciate the idea.

It has quite a bit of potential

[10:34:02]

to impinge our service.

The previous speaker mentioned women in our ranks.

You mentioned his or her bureau.

Do we have any develop at -- women at this level in the police department?

>> We do.

There is one, basically as it stands now, including myself, a total of 6.

My position is unique.

The shoint chiefs -- assistant chiefs.

They report to me.

motion on the table.

All in favor signify by saying aye.

Opposed, no.

It passes 7-0.

We have two morning briefings, those that are here for it.

First is the briefing on the economic impact sector updated as of this year.

I want to say briefly that i asked for these studies some some time ago, some number of months because they're old.

Got a study on the early part of the last decade on the creative, interactive arts media, visual arts, et cetera.

I felt like it was time to update the studies because they do have a powerful impact on the economy.

I want to have updated information to deal with.

>> Kevin Johns, government services.

The studies ranged from music in 2001, film and visual media in 2004, a broad creative sector analysis in 2005 that included mostly art.

And then lastly, in 2006, all of the social media and gaming studies.

So we have an update that i

[10:36:00]

think will generate a lot of future -- generate a lot of future conversation in tomorrows of policy and an exciting report.

The report will be made by John Hokinos who did the original study.

We have that discussion today.

I will yield the floor to John.

>> Good morning, everyone.

When the mayor says the studies are old, it makes me think when I started in this process, I had mostly brown hair.

This space in particular is interesting.

We're talking about one of the most vibrant, young and exciting pieces of the overall austin economy.

It has been really, really interesting and a lot of fun for me to get to update the work we have done in the past, bring it forward to a common point of reference and really do what we always do in these things, which is not just talk about the numbers, not just talk about the impact, but talk about the trends and issues that we see identified in the process of having a fairly significant conversation with stakeholders across all of the different space here and then identify themes that we think is, I think kevin alluded to would helpfully begin to generate conversation for all of us about policy, procedure, thinking, spending decisions all kinds of things that could come out of what i say is really the beginning of the conversation.

I think I stole that line from mark who said it to me when we first talked about it.

I think he actually hit it on the mark.

This is the beginning of the conversation we will have rather than a report that has a finite end.

At least that is how I hope it works out.

So let's start on in here.

Tell me again where I aim this thing?

Anywhere.

Aim it anywhere?

Ok.

Kevin said it, it's true.

This is updating previous work we have done per the mayor's request.

One thing we did was move the baseline of the study to the common point of reference.

2005.

We then used 2010.

When we started working on this,

[10:38:00]

it was the most recent annual data we have.

Looking at a five-year change and moved all the economic multipliers to the most recent multipliers to get an apples to apples comparison.

From where we were 2005 to 2010.

We try to rely on third party statistics.

I.r.s. data on not for profits.

We could debate whether that is right, in the truest sense.

It is official.

It gets you away from a conversation of what is your source and is your source credible.

To the extent we could, we tried do that.

One thing that is particularly challenging in this esituation, I will talk more about this, the substantial piece of the impact of creativity in austin manifests itself in tourism.

Walk out in the street tomorrow, you will see a big chunk of that.

If you try to add up all the festivals from the bottom up and all the other tourist-related things we can point a finger at, add them together account and you will miss the impact of tourism in austin and you will see things that have no official organization.

What we do is take the top-down approach where we use survey work done by other people to say that teases out why folks have come to austin, identifies the segment of it in a discreet way we can attribute to tourism and apply that to the overall tourism impact in town.

Is a broader net trying to measure the impact and probably the most thorough way to do it.

In terms of moving beyond the numbers and getting into findings and recommendations, one way we do this is bring together focus groups for folks in these spaces for a fairly solid two to three hour conversation where we ask a series of questions about fundamentally what is going on and where do we think things are going?

[10:40:00]

We did that around film, gaming, social media, music nauf for -- not for profits.

Those are traditional classifications that we might not use in the future.

Technology is moving fast enough and thinking some of these might not make sense going forward.

That is how we did it as part of this process to suspect what we did -- respect what we did in the past.

It was with a fair number of other conversations along the way.

They all have an economic development orientation that i think supplements an enormous amount of work the city has already done.

This is not designed to supplant what is done around create austin inspect is not done to supplant other things going on in the comprehensive plan, this is about thinking about all of what our economic development and with an economic development lens.

The results?

2010, Creative sector had a 35 billion in economic impact as measured by output as measured by economic activity.

That is analogous to sales activity.

2 Million in value-added.

That is between the revenue the organization takes in and what the organization spends.

More than a million dollars in wages and salary.

\$71 Million not incidentally in city tax revenue and almost 50,000 permanent jobs.

One of the best ways to measure this is by jobs.

Using the job metric it is up 25% from 2005 to 2010 versus 10% for the economy as a whole.

Simple math, compounding would change it slightly.

If you grow 5% a year on average for five years, with the teeth of a very tough recession, that

[10:42:01]

is ged -- a good performance.

If you get down to it.

Growth is in gaming and digital media.

It is part of one of the smaller segments.

It is interesting, when we did the gaming analysis, we asked people to forecast where they would be within five years.

The forecast came within 100 jobs of being accurate.

Which in my business is a bull's-eye, if you get down to it.

Those are the numbers, these are the broad numbers.

We have six findings, five or six recommendations that I want to talk to you about.

In the process of looking at this, I pulled the chart.

I think creativity is really our fundamental economic comparative advantage.

I think there is no question about it.

We used to say it didn't matter whether you were writing songs, writing software, whether you were designing a web app, whatever it is, web mobile app.

All of the pieces of creativity is what we are good at as a community.

It is really the basis of our advantage as we compete going forward.

We're in a fortunate position.

Because that is the united states comparative advantage, in my view.

That is one of the reasons why i think by the time I'm all said and done I'm going to be living -- I'm already going to be living in a great city, i think the whole world will realize austin is one of the great cities in the world at part because I think we are good at what this country is good at going forward.

We have data there.

The best data we can get on looking at this on an apples to apples basis is to take the data on arts and entertainment, compare it as a percentage of the overall basis, we're in line with the bay area.

It is not a coincidence that regions that have performed well in the recession have also scored well on this metric.

That is finding number one.

[10:44:01]

Finding number two, if you look at the traditional comings, you have seen waxing and waning in recent years.

We mentioned the gaming example.

I'm sure you heard this in detail, the not for profits funding is under attack or challenge.

Some of it, certainly on the philanthropic side has to do with the great recession and downturn in the stockmarket which is the basis of a lot of company's giving.

That is the problem.

The translation on the impact on the economy in a discreet way has been relatively flat for the last 10 years or so.

Having -- or so.

Having said that, we will talk about it more, there is a huge contribution on the economic way, particularly on the tourism side.

Not for profit is relatively flat.

There is a tremendous amount of competition out there on film, especially big budget feature film activity.

I will show you numbers on all that.

It has become, in some ways, a commodity.

Big-budget feature film shop venue and say who will put the most money on the table?

That is where we will go.

That is a big piece of the equation.

Tourism, as I mentioned before, is a big piece of the equation.

It is particularly a big piece of the equation if you think about it from a city tax point of view because tourism is a tax-intensive part of the sector.

Hotel tax, rental car tax, beverage tax, et cetera, et cetera, et cetera.

In some ways, we reap financial benefits when the tourists come to drink in this wonderful cultural environment we created but that doesn't exist if the network of clubs, restaurants, shopping, everything else don't have a strong local base to support them when the tourists

[10:46:01]

aren't in town.

Unless you want to turn into branson, missouri, you have to have a strong environment that tourists want to partake in and does well when tourists aren't here as well.

Something to think about.

>> The film world in particular, I'm not an expert on film.

I asked somebody who anonymously agreed to help us with this because this individual needs, among other things, to continue to be employed.

We said let's take an \$8 million film budget as an example, which we were told yields about \$5 million in local spending.

Let's just run it against our peer states adjacent to us.

How much can you expect in incentive?

We're fourth in this equation.

Some are not clean apples to apples.

In louisiana you get a tax credit which you have to sell on the secondary market, so you get about 85 cents on the dollar for the tax credit you sold.

This tells us the playing field is not level in terms of attracting feature films or venue shopping.

I'm not standing here suggesting the city of austin level plating field, financially ourselves.

I'm saying we ought to be aware of, this as we're thinking about policy and thinking about how to work to support this industry go forward.

Right now, people are trying to buy market share, have been for some time.

I sort of gave you a little foreshadowing that I think the traditional classifications are perhaps a little bit not as useful as they once were, although we do use them obviously to do the economic impact analysis.

We heard over and over and over again that the distinctions between film and music and gaming to some degree, particularly digital music are kind of artificial.

What we hear coming out of this are two distinctions, one is content, creative output stored

[10:48:00]

in any form stored digitally, whether it is song, piece of software or moving image.

The second is experience or performance which involves a live interaction between the audience and creator.

So if you adopt this kind of rubric, gaming, film, recorded music, content, would be social media, live music, much of the arts world, visual and not for profits would fall under the notion of experience and performance.

Oops, too far.

Here we go.

Try it again.

Here we go.

So at the same time that these classifications are shifting around, what we heard over and how will we make money and take us forward in this brave new world we find ourselves?

It is especially true on the content Sunday.

We have a number of people say to us in the gaming world, , dead on arrival.

Others say, that is not right, maybe is micropayments.

Others say maybe that won't work either.

There is an awful lot of flux in and around this whole thing.

One thing that did become interesting is to see, in light of this overall fluid environment, that very, very large organizations are basically going to try to play it safe and extend the content they have with a proven track record.

You see that certainly in the future film world.

Is it time for "Die Hard 12" yet?

Take what we have and extend it from there.

And there are microlevels at an experimental level.

Kick start may be a good example.

If you are familiar, but those that aren't, kick start is a social media-based tool that basically allows a content provider to establish a budget

[10:50:00]

to execute their vision and invites people to make contributions.

The project is funded at the point when the contribution level meets the budgetary target.

In austin, as I understand reading an article, there were 650 projects at one time.

385 Have been funded.

Very interesting.

It is a modern digital arts patron model from back in the day.

You have this kind of interesting split going on.

From the regional economy point of view, you want in some sense, you want two and 300-person companies because they maximize job creation but not so large they are venue shopping or included to -- inclined to go out of town for a better deal.

It creates an attention as you think about all this.

I have the kick starter note on the side of the equation over there.

I managed to not get it off that.

At least I got the numbers close to right.

In the process of thinking about all this, one of the things that became really evident is because internet technology is so interconnected into content development at this point, it creates all kinds of interesting opportunities and challenges.

On the one hand, anybody can put up anything, in some sense.

On the other hand, there is this giant sea of noise.

So how do you make yourself noticed?

How do you make people identify your content, your product, what you are doing in almost a varied entry that is substantially lower?

I think that is a big challenge.

One of the things it creates for content creators is a requirement to be thinking about how do you establish a brand identity in this process?

Because that is how you will get noticed.

Ultimately, once you figure out how to get people to pay you for what you are doing, that is how you are going to make money.

[10:52:04]

So having -- having gone through these, I think that there is a series of recommendations, i want to reiterate this.

I'm not saying you do this, this and this.

These are general things I think you should be thinking about.

Details to be determined.

Because I would not pretend to be the expert on all policies, programs and sort of policy initiatives, really, that the city is pursuing.

But one of the things that comes out of this is that this space is fluid.

We think it is foundational to support for the overall sector, infrastructure, facilities, could assume an increasing importance as you are thinking about financial support for this overall space.

We had a city manager and I had an interesting conversation about that, saying we don't really know who the people who will be the leaders in this space are three years, five years, 10 years.

I don't think there is any way we can.

What we can do is create a context and an environment where those folks rise up and they're supported through infrastructure and facilities.

So I think that that is one of the things that the city should be thinking about as you are sort of looking at the space overall.

Second recommendation, this is something that the city should think about.

I will actually see this is something that will probably go on outside of the city of austin.

I think you will need a focused economic development effort that really does bridge the gap between intellectual capital or content and finance.

Again, the term of art for guys like me is monetization of content.

It is one of the biggest challenge.

There is a gap between those that create content and those who want to provide financial support in the private sector world.

I think that some element of an incubator, some group of folks who got up every day who understood both sides of this equation to help bridge that gap could pay enormous dividends.

I'm not saying the city has to

[10:54:00]

fund this.

I'm saying this is something that is needed in this community, especially given the raw material this community has to work with, which is so extraordinary.

Again, this comes out to some degree of the conversations we heard along the way.

All right.

You will see this again, starting tomorrow.

But brand austin has really been widely embraced across the globe.

It has been successful.

Success creates issues.

We have come close to gridlock several times in the recent past.

Civic expertise has been engaged to help deal with some of this.

We will see that tomorrow.

It will be an issue going forward and will continue to be an issue.

Our success will create challenges.

More and more people come here, they will continue to move here.

When formula 1 shows up, they heard when a fantastic place austin is, if you can't get around, that view will be diminished.

We have to pay attention to that.

We have the very fortunate position of having a volume of interest, we have to be ready when the guests come so they have a good experience and want to come back.

There are some of us that assume they didn't come at all, that is a separate question.

All right.

Couple more here and we will be done.

When you think about -- it is related to that last point, when you think about what's going on, especially in the central city, in the regulatory environment, it really does have to accommodate the needs of the entertainment industry.

I know this is challenging.

I think we had a clear vision in austin, which I think is terrific to the urban approach to downtown development, mixing a variety of land uses together.

Our experience has been entertainment, not just here, but elsewhere is a key portion of that.

What you have to do is find a way to reconcile that with the fact that nobody wants to be kept up at night because it is

[10:56:01]

too noisy.

I think there are interesting solutions.

I was told bay -- about a silent concert.

Some version, of headphones, no actual noise --

>> I can see where that would solve a lot of problems here.

>> It potentially could, anyway.

I'm pointing out they think our vision is on the right path.

I think the execution of that vision has been solid to date.

I think there are issues that are arising from it.

We have to pay attention to it.

Not just from noise, parking, whatever, seeing the broader economic development context.

Two more recommendations and then my conclusion.

I think that the live music capital -- capital of the world has served austin well.

We have moved beyond that, to some degree.

We really are a creative mecca.

You see that more and more and more.

As we think to promote ourselves, I think our promotional efforts should really try to reflect the range and diversity of what we're doing.

I'm not the guy to come up with the right phrase or any of that stuff, by any stretch of the imagination.

I think much more is going on than just that.

I think we should think about identifying that, changing our brand to reflect really what we have to offer.

That bullet I have up there on on exporting culture, apparently, we are literally having some of our local artists being paid by governments elsewhere to come and perform.

Well, from an economists point of view, that is as good as it gets.

Send the content overseas, bring the money back home.

Fantastic!

I think if I am not mistaken, it was a dance company, I think.

Again, what we are doing should reflect breadth and diversity of all this.

And the final recommendation is -- it is really more of the

[10:58:01]

second point of the recommendation in my view than the first.

There are a few recommendations from the previous studies that might make sense that have not yet been implemented.

Most of it having to do with I'm not telling you to adopt the burnt orange model for film business since burnt orange went out of business.

That doesn't make sense anymore.

There are opportunities for that and some may still apply.

I think there is a lot more going on than people are aware of.

So I think focus on really communicating, both to local and global audiences, everything that is happening here, I think that would really be a very positive thing.

I learned an awful lot about what was going on.

I would throw out an idea in the course of the process and people would say we're doing a, b, c, d and I would go huh, I didn't know about any of that.

.. impact at a much more rapid rate in the teeth of a significant recession.

Creativity is increasingly important to our economy, as we stand here.

The economy we want to build in the future affect all of those things.

I think that really, I said this before.

I will continue to say this.

The sum of all of this really is greater than the parts.

The parts are so interconnected, a lot of the traditional silos are not as useful as they once were.

The goal has to be to identify investments, policies, regulatory changes, support the infrastructure necessary for sustainability and growth in this really incredibly interesting sector here in town.

With that, I will stop talking.

At least I will stop lecturing.

well, first, I'm glad to see the reports updated.

I think one of the things you highlighted today is what a significant part of our economy, the creative sector is.

And the creative sector has changed here.

We started off 1991.

We designated ourselves the live music capital of the world.

Before that, south by southwest was started as a music festival 35 years ago.

It is still a music festival, but an interactive media festival and film festival.

Those components have really given south by southwest the international status it has today.

And I think this report is valuable because it will guide us, a resource to guide us in the future about how we can best nurture this industry going forward.

And remain as one of the top half dozen creative centers in the entire united states, maybe in the world.

January, I went with a group of local entrepreneurs in the creative sector, visited our friendship city, which is actually a borough, a subcity of the city of london, the city of hackney.

Hackney has the subtitle, tent city in london.

It is a whole part of the city of london that is -- there is a big cluster of this kind of industry.

I met with those people.

We'll see all of them probably tomorrow because they're all coming -- they're all on their way to austin.

This will be an interaction between austin and like places around the world, not just around the nation.

So that is how important it is.

I think it is something we got to pay a lot more attention to in the future.

You highlighted the problems that will, again, be emphasized, starting tomorrow.

Number one is mobility.

That is one of the things that we got -- problems we have to solve to ensure south by southwest and other events like it remain centered here in austin, texas.

I don't have any questions.

I want to say thanks.

I'm glad we got this done.

>> Thank you.

>> Anything else?

>> Councilmember morrison.

thank you, i appreciate all the information.

Interestingly, yesterday, I was at a panel discussion that was organized by the austin creative alliance, which really, you know, focused on the very point that you're making, that is that the traditional silos don't really exist anymore in the way that it really works.

There was some discussion about what is it that makes austin special.

We're not los angeles, we're never going to be los angeles.

Guess what, we don't want to be los angeles, but for the creative community and industry, one of the points that was made pie a couple of folks, a gamer and a composer is that what is special about austin is breadth of the different facets and sectors of the creative community.

So when you are doing gaming or -- you can access the music as well as the technology and visual talent.

The other perspective was from the composer's point of view, the fact that he could be involved in filming or composing and performing or gaming or all of those allowed him to make a living here.

>> Absolutely.

which are really critical elements of that.

One thing you haven't mentioned because you weren't asked to address this, but for me, one of the important elements of the creative industries here is how it impacts in a positive way the quality of life for those of us who live here.

Because we have the opportunity to engage, if we're so inclined and pretending like we're creative.

>> I actually did do as good a job as I should have about making that point, councilmember, I totally agree with you about that.

That is the whole thing.

I think so much of why so many of us are here is because of the environment created by creativity.

Dead on.

we have the opportunity to engage in our amateur ways, if that is not our main way of making a living or to consume all the output and performances and all.

It allows, for instance, that composer, I was talking about, to have a job in something that he loves.

It is always a wonderful thing for quality of life if your work is your passion.

So it is all of those things added on top of each other.

And one other point I wanted to make is that carrying over from yesterday, was something that people found special about austin is that it was a place where you could find an audience and where you could create a community around one of our interests.

But the flip side of all of this is that the starving artists model is not something we want to be chasing.

Right?

>> Right.

>>Morrison: right.

So affordability becomes a huge issue for the sustainability of that.

I know you weren't asked to look at that, but it would be interesting to get some measure of how much more -- the increase in challenges of living here.

>> There is lots of anecdotes about it, for sure.

I appreciate your mentioning the issue of sound and finding the compatibility and we're going to be talking about a new sound ordinance sometime later today.

And that is what it is all about.

Finding that compatibility.

And lastly, I want to give a shout out for kick start.

Because trash dance, which of course was this amazing creative collaboration between our solid waste services and a choreography allison orr, there is a documentary on it premiering on saturday.

They're raising funds on kick start.

>> Perfect.

thank you for your work.

It is fascinating.

It provides guidance for us.

councilman spelman.

I am reading what you said if I say something that is incorrect.

Write it off to spelman's intention.

It seems like we have to do something we haven't done before.

Your first recommendation you talk about resources provide as a whole.

Is an orifice sector.

As we go.

You talk about the external organization that is not quite an incubator or venture capital, or chamber's prospect, it is deal making, we haven't done that before.

>> I don't think that is a city thing.

That is something probably done outside of the city.

I think you are right.

Variety of regulatory and technological solutions are necessary, but we have to do it to have the regulation we have been doing in the past.

Who has done this -- who is fighting the same fight that you think we should be fighting?

>> I don't know that I -- i don't have details about other places.

I imagine portland is having some of the same concerns we are.

I know the bay area, particularly san francisco, itself other cities that are creative meccas, many of them, new york, boston, places like that, their built environment is different than ours.

It predicts the automobile, particularly in some of the core, center part of the community where a lot of the creative folks tend to be.

Some of the issues around downtowns, for example, are different.

It is a little bit of a different equation.

I don't know that I have a great answer for you on that, to tell you the truth.

I don't know if there is a best practice we should be learning from.

Link that would be the logical next step, figure out who is doing it well, at least pieces.

given that this is a new field and a lot of people thrashing around, who are people we ought to be talking to now as we collectively thrash forward to learn from each other.

A lot of cities think we have best practices and we probably do relative to a lot of cities.

>> Yeah.

no matter how bad we think they are, it is probably the best we can do.

Are there any private folks, nonprofits corporations that you see are playing in this ball field.

>> I think there are lots.

I think I'm not the best guy to answer that question.

I think kevin john and some of the folks here and we will talk to some of the chamber folks and try to figure out really who are the list of people that should be contacted.

I was going to say hall, but in 2012 I don't know if anyone actually calls anybody anymore.

Contact.

It is ironic.

Oftentimes, austin is considered a leader.

We say to ourselves, my god, we are fumbling around what are we doing and everyone else thinks we have it figured out.

I don't know if I am happy or sad about that.

as you were saying as a start of the conversation, not the end of the conversation.

I want to have a sense of who it is we will have a conversation with.

>> We'll work on that.

thank you, john.

Councilmember tovo.

>>Tovo: thank you for this.

I look forward to reading the report.

It looks like the arts-related occupations are defined rather broadly.

>> Yes.

to include editors, writers, umpires.

>> Football coaches, too.

we don't typically think of sport it's.

>> We don't think of football coaches as particularly creative, with one or two exceptions, maybe.

how did your analysis account for organizations that work primarily in the field of writing or humanities?

And I'm thinking of the texas foot festivals, humanities, texas.

A lot of our vibrant organizations that work on write, history, literature, are also certainly, I consider them within the creative sector.

I know they were accounted for within the create austin plan.

I'm not sure they fall within one of the categories that you looked at in this report.

>> Two different answers, on the stuff that is comparative, that is bureau of statistics data, that is more highly aggregated than we like.

I'm not sure football coaches are the metric we want to use, it is a broad thing.

We're working with that.

On the specific analysis of not for profits, we took it from the 990 forms, not for profits in the arts.

You're right, there are writing folks that maybe should have been included.

We were a little narrow in that definition.

Maybe the impact would have been bigger, trend-wise it might not have changed, but that could have been a largest cast.

>> Is that where they would have fallen?

>> Yes.

>>Tovo: how about dance?

>> Unless it is a commercial enterprise it falls in a different council.

Most arts like that fall in the not for profit.

thank you, that explains where they are in your analysis.

Thank you.

>>Mayor leffingwell: thank you.

>> Thank you.

go to our next briefing.

This will be a briefing on the final report of 2012 charter commission.

I have four folks that are going to speak to us today.

And chairman of the committee, who I want to thank very much for doing this, is senator gonzalo marrientos, vice chair, brentwoods and nelson will also speak.

We will have a brief introduction here by the city attorney.

>> Good morning, sabina romero.

I serve along with the support of elaine diaz.

The charter revision committee submitted its final report to you on the 22nd of last month.

We invited the chair and vice chair here today to go over that report with you.

They have brought a number of members to support their comments.

With that, chair barrientos.

>>Mayor leffingwell: welcome.

>> Thank you, mr. mayor.

May it please the council.

As you know, 15 of us were appointed by yourselves for this important duty.

And as far as I know, none of us were paid or were lobbyists or anything like that.

[Chuckling] so we put forth the hard work, had about a dozen meetings all over the city of austin.

Had close to 200 people testify on all of the facets of the effort.

Let me say, before we go any further, that we were happy to have the excellent staff of the attorney, sabina romero and her colleagues that did excellent work.

Let me have staff pass out the recommendations, I'm sure you have read some of this.

Do we have staff?

Oh, there we are.

Read some of that already.

If not, please do.

I will ask you to pay particular attention to the legal entities like the naacp, the mexican american legal defense fund, and richards who has decades and deacs of experience in drawing of lines, et cetera.

Let me say that there were particular efforts on the charter revision in terms of about 15 or 19 amendments, which are all there for you to read.

I will not take up nearly as much time as the last presentation.

You can read that at your will and discretion.

Let me point out that in addition to those amendments, the big factor was of course districting for the city of austin as you well know, I think we are the largest city in the nation.

Not to have districts.

Houston, san antonio, dallas/fort worth, san jose, san francisco, boston, et cetera, et cetera have districts.

I believe it is time for the city of austin to come into better representation closer to the people.

With that, let me introduce fred lewis who will quickly go through the particular amendments and something called the independent commission to draw lines, if at our will.

Thank you, with that, we will have questions at the end.

I did not invite or have the rest of the membership come forward inasmuch as you have that in writing.

If you have questions, there will be letters to look at from the majority and minority attached to the information which you will have.

With that, if you have no questions, mr. fred lewis.

[One moment please for change in captioners] the recommendation was 12-2 overwhelmingly for districting committed, regardless of whether people favored a [inaudible] or a hybrid system because in both systems you would have to draw lines.

And the reason for this is that gerrymandering can undermine the whole purpose of geographic representation, which is to have fair representation.

If anyplace knows about the problem of gerrymandering it's austin and travis county, where at the state and federal level for the last two redistricting session, we have been essentially disenfranchised in large parts of the city.

That is why the commission thought it was important that if we go to geographic representation, which the majority -- which almost all of us recommended of some sort, that we have an independent redistricting commission.

We based our proposal on california, which has the most modern independent redistricting commission, which was adopted by the citizens.

It was drafted by some real experts, and it is something that one of austin's experts recommended to us, and that's steve bickerstaff, who has actually represented the city in a lot of election matters.

He is now a professor at the university of texas and wrote a whole book about the 2003 mid decade redistricting, that fiasco, lines in the sand.

Basically a very elaborate process with a lot of details and they're all in the appendix, but I wanted to point out there's basically two parts of it.

One is the manner in which you create independent citizens commission he is, ers -- commissioners, which would be 14 on the panel, they have minimum qualifications, how you deal with conflicts of interest, so for example political consultants or city employees can't sit on the line drawing, and how you basically pick the commissioners in such a way that it is fair.

It's a very elaborate process.

I'll be glad to explain it, but basically it's designed to have independent, qualified citizens do the drawing based on a super-majority vote.

The second thing that's important about it is that the criteria for the drawing of the lines is mandatory.

It's not a guideline.

It's a set criteria, and they're guidelines that cannot -- I mean, criteria and things that have to be considered and things that cannot be considered.

For example, you cannot consider in the drawing of the lines the partisan voting patterns of the voters who you're drawing lines for, nor can you consider the address of any of the candidates running for office in the drawing of the lines, both of which are done repeatedly at the federal level and state level in the drawing of the lines.

At the charter revision committee thinks that not only is this the right thing to do for the citizens of austin when we go to geographic representation, but frankly it's more likely to pass.

When I was on the charter revision committee in the -- about ten years ago, the council decided to ignore the recommendation to have an independent redistricting commission, decided to draw the lines themselves, then couldn't agree on drawing the lines before the election so told the citizens they'd draw them after the election.

That was one of the worst defeats we've ever received on voting for geographic representation and I think it's clear that the citizens want a fair process in the drawing of lines so that their representation is ensured in whatever system we go to.

And I'll be glad to answer any questions about the complexities about the independent redistricting commission.

any questions of mr. lewis?

Council member spelman?

I am in awe of the capacity of this procedure to come up with people who are simultaneously interested, qualified, nonpartisan, disinterested in the process.

I think it's an amazing feat that you've come up with a procedure which will do this.

Seems to me there's a couple possible flaws I just wanted to ask you about.

>> Sure.

first flaw is that it all requires some -- a large number of people who are willing to participate in this thing.

Have you -- you started with, I think, 60 people who have to get through that first screening by the city auditor.

I'm not sure we have 60 people in town who are willing to beat their brains against the wall for several weeks to do this.

Why do you think we can do this?

>> Bill, one thing I've never seen a shortage of is people willing to participate in the process in austin.

Frankly I'm more worried -- [applause] -- I'm more worried about 500 applicants and them sifting through to get 60.

So I think we'll have sufficient applicants.

well, I -- although there are a lot of people who are excited, we have to have a whole bunch of people excite about this thing and I know until a couple years ago we had a tremendous problem getting people to fill up our boards and commissions, which usually require only seven people per board and up until a couple years ago we had a lot of vacancies because we were beating the bushes and couldn't get people to be interested on being a lot of the boards that we've got.

This sounds a lot more interesting.

However, it sounds like it would be an easier sales job than being on the -- a lot of the boards.

I wouldn't want to deny great any of the boards by mentioning them by names, but some of them don't have -- they don't sound sexy on their face.

[Inaudible] does but I think it will take some sales work.

>> I think -- well, first of all, one of the things in the recommendation is that the city publicize widely through the city auditor that this process exists, and make it known throughout the city.

I think second of all, the excitement of a new system will generate interest, and then lastly, as I said before, the importance of independent redistricting is well-known in this community.

>> Spelman: yeah.

>> Many of us, including myself, have been disenfranchised by being put in districts where our votes are known to the to matter.

I can imagine a whole advertising campaign about that.

Show them how it's done.

[Laughter]

>> that sounds like a good one.

[inaudible] legislature.

Seems to me that was something we have to work on a little bit, to be sure we actually have the qualified applicants.

>> Sure.

the second big issue -- well, the criteria, although mandatory, are flexible in the sense that they're open to interpretation.

>> Sure.

and I wondered if there was some way we could reduce the spread of interpretations possible so that we could reduce the potential for wildly conflicting maps.

>> Basically that would be through defining the terms more clearly.

>> Spelman: yeah, exactly.

>> And that is done in -- I'm not sure exactly -- the california system has some detail definitions, but i know that other states, for example I know for a fact that in iowa's system, the definition of compactness is a page long.

>> Spelman: yeah.

I mean --

>> it's very hard to play with that definition.

I certainly wouldn't want to put some kind of arbitrary constraint on a particular mathematical definition of compactness, but I would like people to be aware of how imct their districts are relative -- compact their districts are relative to others.

Is there some way we can tighten up those definitions?

>> Sure.

Basically we can look at case law and also statutes and regulations in other states that have worked effectively in getting rid of the play in the joints that you're talking about so that people have a fair notion of what the different terms mean.

do you think that would be a productive thing to do or do you think that's kind of barking up the wrong tree?

>> Oh, I think it's a productive thing to do.

It's simply that the proposal that we made to you is, I think, six or seven pages without even some of those elaborate definitions.

But it has to be done, and i think it's a fair thing to do.

it certainly wouldn't have to be in the charter, either.

That would be [inaudible] operating procedure if we had to change --

>> I'll give you an example a what you're talking about.

One of the provision, the criteria is that you don't divide neighborhoods.

Well, you have to define what you mean by neighborhood, right?

And I think that's the fair thing to do.

>> Spelman: right.

>> But the working group on this felt like we had provided a lot of information with -- if you looked at the appendix, it's very long, and the model is very long, but yes, there's more details that need to be fleshed out.

>> Spelman: okay.

Last question.

There are some people who have been telling me that they believe that the public is much more likely to support, at least for the next ten years, a district program, a 10 one a, two one something, if the districts have been drawn in advance and we know what the district boundaries are that they're voting on.

Other people are saying it's going to be a pain in the neck and it's probably going to be unpleasant to watch us drawing boundaries or delegate to you guys to draw boundaries.

What we ought to be doing instead is saying there will be an independent districting commission, that's what you're voting on.

You don't know what the boundaries were going to be but you know the commission will be independent.

Which side would you be on and why?

>> Oh, I think it's much better to present an independent redistricting commission approach.

I think first of all you have not only this time to think about, you have the future to think about.

It's not going to be that long -- you know, it's going to be 2020 and we'll be back at this.

I think second of all, drawing lines for elected officials is a very difficult thing to do.

I liken it akin to school board members drawing lines for schools.

It's very emotional, very difficult.

I think it ends up costing votes before the election.

I think you may not even be able to grow to it before the election.

that would be the worst, yes.

>> That's what happened before.

>> Spelman: I know.

>> I don't think the citizens are going to be happy to hear, well, just let us take care of it after the election.

So I think the best approach is to set up a fair process with independent commissioners, with set criteria that will apply throughout the future rather than getting into the minutia before the election or, you know, just rely on me after the election.

>> Spelman: last point.

Do you have any -- california has got one of these, I believe arizona also has an independent commission that's similar to this.

>> Uh-huh.

do you have any information from any of the states that have adopted an independent commission of this form as to how well that is received by the public and how well the lines drawn by those commissions are received by the public?

>> I think it's fair to say that there have been -- they've been well-received by the public.

They have not been well-received by people who benefited in the drawing of gerrymandered lines.

>> Spelman: oh, good.

>> You will see complaints about the process, but it's by the people who did well in the prior redistricting system, which usually, frankly, is incumbents or whichever party is in control of the process.

So that's most of the complaints.

I think the public has very supportive, but you sometimes see people very unhappy about it but it's usually -- about it, but it's usually people who got the benefits of gerrymandering.

as confucius said it's not enough that the good people love you, the bad people have to update hate you.

[Laughter]

>> well, then I'm do okay.

>> I've chart e the campaign finance I'll go through.

I have a question.

Obviously I see the enormous benefits of taking politics out of the redistricting process and I know there's been some discussion of doing that at the state level, congressional and state redrawing state districts according to the independent commission.

But the other -- one thing i want to briefly mention, you talked about iowa, you talked about arizona and you talked about california.

I think that none of those states are subject to doj oversight, and I think that's a -- we are here in the state of texas subject to doj oversight, so that puts a little bit different slant on both how we would structure an independent commission and the models that they would want to study to complete their process.

>> I believe some of the local jurisdictions in california that are subject to the california independent redistricting commission are subject to the voting rights act and preclearance.

I am no expert on the voting rights act and independent commissions, but I'd be shocked to find out that there is a legal problem with setting up a process that is fair to the citizens.

I'm not trying to imply there's a legal problem.

I'm just trying to imply there are differences in the way we would have to operate and the way other states operate that don't have the restrictions that we do.

>> Well, hopefully we will still have a preclearance process in the next year.

all right.

>> As you know, some people want to get rid of it.

I'm not one of them.

But I feel confident that the independent redistricting commission, especially with its requirements for diversity and the way it's set up to ensure diversity, and also to protect all the citizens' right to vote, that it will be upheld.

I'm not worried about that.

>> Mayor Leffingwell: okay.

>> Anyone else have any questions about that?

I'll be glad, someday, if you want to go through the minutia of it.

Let me go talk about the -- my friend Ann Kitchen gave me the benefit of going through the 17 other campaign finance and other amendments governance.

I won't go through all 17, I'll just highlight the ones that were unanimous.

we are 00 noon for a citizens communication.

>> I'll be real quick on this.

There were about five or six recommendations that are unanimous from the committee.

They are the most important ones, I think, and I will go through them.

I'll leave to you and your staff -- leave to you and your staff the other 12 or whatever.

First of all, the committee unanimously recommended that the city fix its enforcement problem with campaign finance laws.

There is no alleged jurisdiction of the ethics committee, so that the charter revision commission recommended that the ethics committee specifically be given jurisdiction over campaign finance violation and that that issue be put to bed after 13 years of arguing over whether or not they have jurisdiction.

Second, there were a number of campaign finance disclosure recommendations so that the citizens will better know who's contributing to campaigns before the election.

The first one is to close the loophole on the city municipal level and require reporting of major contributions that come in eight days before the election, which now the citizens don't get to see till after the election.

They would now have to be reported within one day so that the citizens would be able to know who contributed to campaigns before they voted.

Second of all, there are an elaborate set of recommendations related to enhancing and modernizing the city's laws regarding disclosure of third-party independent expenditures, in particular as they relate to corporate independent expenditures, which we now have the pleasure of having in our elections post citizens united supreme court decision.

And then the other major -- two other major ones.

We recommended that in 2012 the city of austin adopt an electronic filing system for campaign contributions and expenditures so the citizens can see that.

The state has had one since 1999 and last, we recommended disclosure improvement regarding the bundling contributions.

There are other campaign finance amendments but i think I've taken enough time.

thank you, fred.

>> Thank you.

>> Mayor leffingwell: ms.

Ki ki tchen, are you next?

>> Yes, good morning.

I am going to report on the vote on the 10-2-12.

The reasoning behind the seven members of the committee who voted for the 10-2-1.

Now, you have a letter that we provided to you that outlined that reasoning but I'll go through it real quickly for you.

First off let me say that this group of the committee strongly concurred with our committee members that there was a need for geographic representation.

So I want to make that point initially.

They also felt like it was important, however, to have at least two seats that were at large, so this group supported the hybrid approach.

And I want to emphasize this last point.

The group felt like it was absolutely critical, very, very important, that there be a consensus approach put on the ballot.

There was -- as at least one of our committee members pointed out, there is a significant percentage of the community that wants no change at all, and we believe that unless we have a consensus approach on the ballot we won't get any change.

And as you can see, the committee itself was evenly split.

There were seven people for -- that voted for 10-2-1.

There were in effect seven people that voted for 10-1-2.

rigsby said it was not for 10-1 but to end the process.

He makes that clear in his letter.

I'm going to touch quickly on the high points of the reasoning without going into detail.

We can answer questions and you can also refer to the letter.

First off, as I already said, the group felt like that austin voters would be more likely to approve a hybrid system, which retains some of the familiar elements and doesn't go dramatically to a pure single-member district, it was overriding concern to this group we pass something.

We have a long history of not passing single-member districts and we're past due time in the city to have single-member districts.

Also, I would say there was a group -- there was a large -- there were a number of reasons that related to the feeling that a hybrid approach would actually offer greater representation, and those were things like the thinking that retaining two at large seats would allow voters to cast a ballot for up to four council seats, including the mayor, and to vote in every city election.

We also felt like retaining two at large seats would allow more than one highly qualified candidate from the same area to mount a successful run.

So those were the kinds of things that we were talking about.

Finally, I would say -- and let me -- let me make this point again if I didn't before.

The 10-2-1 vote was a consensus approach.

In other words, the seven who voted for that put that forward in an effort to reach consensus.

The thinking was that a 10-2-1 would address the concerns of those who wanted a large number of at large -- a large number of single-member districts, who wanted at least 10, as well as recognize the concerns of those who felt like a hybrid was important.

So that's -- that was the reason for putting forward 10-2-1.

So finally I would say that the group felt like that minority groups that are not geographically concentrated strongly believe that they will have a better opportunity to elect a representative in an at large seat, and I just want to mention here that leaders of the Austin's Asian American community organizations, a number of the leading organizations in the Asian American community spoke uniformly and compellingly to the point in public hearings, as did some members of the African-American community.

So the group of seven felt like that it was important to listen to the voices of these communities as well as others who came forward and to craft a plan that honored the concerns of both.

In other words, we didn't see this as an either/or.

We really didn't see this as an either/or.

Really there was no need to adopt a plan that would split communities and there was no reason to have a 10-1 without a hybrid, that a hybrid would meet the needs of both.

And I want to say that we have two members of the committee here, Richard Young and Fred McGee, who represent those communities and will speak briefly and report further on the thinking behind -- behind that particular reasoning.

>> May it please the council, let me present to wind up Mr. Nelson Linder.

>> Thank you, chair.

Morning, council, mayor.

First of all I'm honored to be here just -- this is for me a very critical process.

I'm going to take a few moments and cite people who like me came here a long time ago to make this city better.

You might recall that in 1951 [inaudible] ran a vigorous race for the austin city council.

He finished 6th, just a few votes out of winning a seat on the council.

Most of the white community went into shock over a black man coming so close to getting elected.

And, in fact, so much so you changed the entire charter revision in the city.

Make a note, please.

In 1988 a fellow named [inaudible] said to the city of austin, the downtown newspaper hasn't been reporting the whole issue about the single-member districts, which was on the ballot on may 7, 1988.

Let me set the record straight.

The pas single-member districts is one of the great civil rights issues of this time.

This is not a casual or cavalier process.

This is history.

And this time we have a responsibility to get it right.

Let me say as a disclosure, I'm not a lobbyist, nothing against lobbyist, I'm not a paid political consultant.

I'm a civil rights guy.

I believe in justice and fair nses.

That's why I'm here.

When I was appointed by mayor pro tem to this commission I was very clear about my assignment.

Now I'm a little bit confused.

Because we came back with a very clear recommendation.

We did our jobs.

We found a process that believed in equal representation where every vote was given equal significance.

Now all of a sudden folks are concerned about a minority that has the same petition that we have, and i don't quite understand that because if you're worried about minorities, you should have embraced the voting rights ac.

It's clear what it says.

And here's what it says.

It says on the reapportionment, we tried to make the variable of each person vote as equal as possible.

When you begin to create hybrid systems out of this process it's the same old thing that destroyed [inaudible].

You want to create a system where some folks have more power in enforcing others and we will reject that with every breath that we have.

I want to encourage you -- [applause] -- in the spirit of arthur woody, who you literally destroyed, and will ma overton, I want to be very clear in a very short period of time, we sat, we discussed, we negotiated this whole process.

And we came back with a recommendation.

It was a 10-1 system.

On february 2, 2012.

By a vote of 14-1 we said we want to end the current racist at large political system that disregarding arthur b. witty.

All the committee members vote fod some sort of 10 district system.

We also voted for an independent citizen district commission the same night.

The record here is very clear.

A 10-1 plan will empower both african-americans and hispanics, increased districts in both of those communities.

It is the best choice to empower the asian community.

You wouldn't believe it by [inaudible] candidates said lately but we think it's very clear, that our plan is true to the voting rights act.

Now, another plan in this country that empowers the minorities, you tell me what it is because what I'm hearing here has nothing to do with voter rights act.

It's people's personal opinions and to me it's a last-ditch effort to keep this old system in place, and I'm going to tell you something.

woody, we will fight you with all of our strength, and like vel maoverton we're going to sure if you don't take our recommendation, which you asked for, not us, we had a majority vote.

I know you didn't like it but we won the process.

But this is 2012, and I can assure you we've been in court before.

If you violate the voting rights act, which at large systems have done all over this country, naacp can basically attest to that, you'll be in violation.

So I would encourage you without further ado to vote on this process before the elections.

I think this plan here is very, very clear.

It's all of our discussions here.

It's here for you to read.

It's not political.

It's the entire proceedings.

So if anybody is confused it's confusion about choice.

In closing I want to say i feel very honored to be a part of this process because I know there was a time when black folks and brown folks had only community representation because they couldn't get it on our city council.

So when I speak about single-member districts, I'm speaking about the history of civil rights in this country, not just austin.

So again, I want to encourage you to embrace the sentiments of the people who spoke loud and clear on that 10-1 plan and make sure you don't pull another arthur b.

Woody or vurvo overton and do the right thing for the folks that live here in this city in 2012.

thank you.

Mayor pro tem?

[Applause] I want to ask both of my appointees, linda and chairman barrientos, one of the primary reasons that i asked both of you to serve was not only because of your skill or representation -- stellar representation in the community but because of your relationship and

familiarity with the history and the organizations -- the hispanic organizations, i believe it was lulac, and the naacp on a national historical perspective, and I'm just wondering if you could shed some light on that for the benefit of the public.

>> Well, let me say this to our chair, who I think is a great man, and it was just an honor to work with gone salo.

It was a -- gonzalo.

I appreciate what he did.

My comments clearly are based on a national perspective, the voting rights ac.

Naacp is very clear in this country.

We started a history of voting systems and clearly if you talk about empowerment, if it be black, brown or even asians, you have to have single-member districts.

If you look at the citizens of this country right now, in places like fort worth, dallas and san antonio, if it's good for them, what's wrong with austin?

So our perspective is a national perspective based on literally thousands of cases, in court where we see that at large political systems that lute minority voting strength.

There's no doubt about that.

For folks who want to undermine this process, the proof is in the pudding.

What history are you standing on besides personal opinions?

I hope I'm clear enough.

>> Cole: thank you.

so could we give our last two speakers an opportunity to speak because if there are more questions, of course we can ask those questions after this afternoon.

>> Thank you very much.

thank you.

>> May it please the council, I am here to close.

It was my understanding that we were to make a presentation to the council, which we have.

Any other speakers, even though they might be members of the committee, of course have the right to -- whatever you would like.

The other members who voted on the 10-1 plan are not here.

Let me say that for 31 years I have been elected by the people of austin.

I was honored, humbled.

It is difficult to hold those positions.

You have to make some very, very tough decisions.

And this is another one that perhaps some of you feel is difficult and tough.

I would simply ask to look at history, look at what has been presented to you, look at the groups which are there, some 44% of the minorities in austin will be for the 10-1 plan.

You have groups participating like neighborhood groups, the republicans, the democrats, the university of texas college students, lulac, naacp and so forth.

I went in my 30 years by a quote from a minister.

His name was will beckner.

He said, which applies sometimes, it is better to displease the people by doing what you know is right than to temporarily please them by doing what you know is wrong.

I ask you to use your conscience, make a wise decision and god speed.

mayor, members of the council.

If there are any questions i would be glad to answer them.

thank you.

[Applause] council member martinez?

thank you so much for all of your work.

Thanks to all the rest of the committee members.

I wanted to ask a little bit about -- and I don't know if you guys tracked this or took minutes of these meetings, but did anyone get a record of the citizen participation and what kind of comments you heard?

So when you have these meetings out in the community, what was the feedback and was it overwhelmingly one way or the other -- whom -- overwhelmingly one way or the other for a hybrid system or a 10-1 system.

>> My opinion is this.

We had these meetings all over the city of austin geographically.

The majority -- I would say the great majority of people testifying, which was about -- close to 200 people, more or less, was for a 10-1 plan.

There were people who wanted a hybrid plan, admittedly, but the majority of people wanted a 10-1 plan, which they thought would be more fair and closer to the people, especially some of the people from where I live now in south austin, people from the y down there and from south of the river.

East also.

>> Martinez: thank you.

thank you.

chair, I want to ask you this because the list that I was given had four speakers on it.

We have two additional people who are mentioned by vice chair ann kitchens, that wanted to say a brief word out of her time, i assume, and I have no objection to that if you do not.

You've the chairman of the commission.

>> Nos, it's a free country and you're the -- leader of our fair city and that being said, you may want to contact the rest of the members of the committee to see if they want to appear before the council.

thank you.

>> Thank you, mr. mayor.

[Applause]

>> thank you, commissioner tovo, for appointing me to the committee.

There was an arrangement to speak at the last minute, so we want to honor that arrangement and I wanted to speak to you guys very briefly.

I don't have the oratorical powers or the volume of linder, but I would like to say that the so-called personal opinions are not personal opinions.

The asian american community has come forward based on the latest studies that show what the effects are when a municipality or some other political entity goes from an all at-large system to single-member districts, and the results are that for minority groups, gay and lesbian groups, women, even, who are spread out all over the city, the representation levels go down.

And this is the basis for our position, and again, for the asian american community it's been a unanimous position in terms of all the different community groups that have come out.

There will be professional organizations and other groups that will be coming out to speak to this and contribute to the discussion.

I think, again, we are all -- the entire committee, except one person, in favor of geographic representation.

No one wants to prevent that.

We just want what's fair in the literal term of the word, which is to give every organization -- every group in the city a chance to elect a member of their community so that their interests are also represented.

Thank you very much.

thank you.

[Applause] so we have two more.

So fred, if you could contain your remarks to about three minutes that would help give everybody a chance.

>> Yes, sir.

I will.

Thank you, mayor and council, thank you council member morrison for appointing me to the commission.

I greatly appreciated it.

It was a wonderful privilege to serve.

I wanted to make a couple of points.

I tried to bring a historical anthropological and scientifically community-based but also international perspective to my work on this commission.

I've laid out my position, my feelings about this issue on my blog at fred McGEE.COM.

And I'd like to make a couple of points.

When the city council passed proposition 5 in 1953, January 1953, that is the -- that is the election where Witty and Emma Long, it's often forgotten that there was a female also involved and that this proposition impacted her ability to serve on the city council as well.

When that was passed and that created our current city council composition, it did some interesting things.

Normally when we have an all-at-large city council the members are elected from a pool, and then the top vote getters get elected.

Austin is somewhat unique for a variety of reasons.

We have places, place 1, place x, place whatever.

This has confused the electorate and it confused me when I moved to Austin.

I thought I had a city council member who represented me from place x, from place whatever.

I was living in Barton Hills at the time.

It turned out not to be the case.

Every single council member represents the entire city.

That's confusing, and is something that I had hoped the committee would really take into account and discuss and deliberate more.

As far as the data goes that Jung referenced, we have data, we have studies.

I would hope the commission, we would employ the resources of the city, particularly the city demographer, particularly to get into the data crunching and map generation to produce some things for you to look at and to consider.

Unfortunately we didn't have a chance to do that.

In my blog post I talked about the utility of a hybrid.

I even cited Aristotle's politics, which is pretty much the basis for most subsequent political theorizing and guess what, the old man, Aristotle, he was a supporter of hybrid systems of political representation, and I moved forward from that.

And then most recent -- my most recent blog post I talked about reporting the independent redistricting commission, the international component that I brought to this was a discussion of a

constitutional democracy that I consider to be one of the better ones in the world, and that's the federal republic of germany.

I talked about [inaudible].

I talked about various forms of redistricting done in the federal republic that i think do a pretty decent job ever balancing -- because this is really all about balance.

It's about balancing competing interests.

Regarding the ethnic and geographic composition, obviously I am an african-american and take very seriously austin's requirements to be submitted to the department of justice preclearance.

That was something that was always in the back of my mind, but as was mentioned, the african-american -- there is no consensus within austin's african-american community about going to a 10-1.

Roscoe overton is a person who came to the committee and repeatedly spoke about his reference for a hybrid, and I worked with overton, and articulated as best I could that reference.

We felt -- preference.

We felt that was something that would be in the best interest of our city as a whole.

Austin is one of the more progressive cities in the south.

It has a unique history.

It's something that I think needs to be taken into account because it's not just about empowering neighborhoods or empowering particular interest groups.

It's also important to keep in mind about what's -- what's best for the city -- fred, if you could begin to wrap up.

>> Thank you.

I'm done, mayor.

thank you.

>> I want to say what's best for the city as a whole, not just particular people in the city.

thank you for your service.

And ma'am, you get the last word.

>> Awesome.

I'm dolores lindsey jones representing bill spelman on the charter review revision committee, and I just want to share a few brief moments with you.

When I went into this position, I went in with no preconceived notions.

I didn't have any political leanings.

My opinion was based purely on the evidence that was presented at all the meetings each time we met biweekly.

It was also based on the experts, and I think that we should look at fair representation for all individuals within the city.

I remember when I met with marc ott, he said that we all, as individuals of this city, have a responsibility.

I take that responsibility very seriously.

I think a 10-2-1 plan also asks [inaudible].

10 Would help in terms of the representation of all people within the city, but we also need to consider the cost.

And so when I looked at all of those variables, I think that this 10-1 plan is the best plan for the city.

Thanks for your time.

thank you, ma'am.

[Applause] again, thank you all very much for serving.

We appreciate your hard work and we look forward to the next few weeks and months to try to go through your remses.

We already began disruptions on it and again, thanks for serving.

So I think we're close 00 noon to go to our citizens communications, close enough for governments work, so to speak.

And jerry can't off, is jerry cantoff here.

So no subject specified so you have three minutes.

>> Okay.

>> First I'd like to acknowledge the icon of austin, who was the very symbol of keep austin weird, mr. leslie cochran.

And he will be missed.

My name is jeff cantoff and I'm here to address the council.

Can you feel it?

It's the fast growing rumble of discontent.

Globally people of the world are awakening to the festering disease that is otherwise known as -- festering disease known as government.

Governments, local, state and national, dictated by united nations policies draft order behalf of the international banks and corporate cartels.

As the elected leaders of this city you have to ask yourself not only what type of future do I want for myself, but what impact will the decisions I make have on the future of my children, grandchild and generations to come.

Of the policies I'm implementing in their best interest.

Over the many years that I've lived here I've watched as the various city councils have implemented bad policy after bad policy, and all at the expense of the freedom and dollars of the citizens.

Whether it's putting eminent domain on a man's property claiming endangerment of the golden cheek warbler, giving that man pennies on the dollar for that property and the city selling it off to developers for commercial development, or the city shutting down holly street power plant, that's driving up property taxes on poor citizens in east austin and driving them out for commercial development.

Or providing subsidies to developers downtown for more affordable housing and yet affordability has yet to be attained, or allowing the dangerous naked body scanners and tsa gropers in our airports because you are blackmailed by the federal government, or built this obscenely expensive shrine we now stand in or further the policies dictated by agenda 21, or allow the mill tarrization -- this thing -- militarization -- this thing just jumped.

-- Or allow the militarization of our police force with federal funded mandates or ignore the calls for fluoride in our drinking water.

The dirty laundry list is long.

The growing discontent is the voice of the people wanting to know where the moral capacity is on the -- compass is on the people leading this city.

Where is your conscious?

I urge you to think about what impact your decisions have on the people in this city and the future generations of this city instead of thinking about the personal gain you get financially or furthering your political careers.

Thank you for your time.

[Applause] ira yates.

Ira yates, topic is enforcement of environmental regulations.

If you pass them all, we can pass them down, ira.

We've got yours, mr. yates.

>> Good.

It's always an honor and a pleasure to be here before this council.

It's absolutely amazing to me the work that you all put in and it's an honor to again, say it again, to have this opportunity.

Because of the length of my presentation I'm cutting to the middle of my written document to try to adhere to your rules.

The first one I'm skipping over essentially are two examples of what's gone on near my property.

And the last is a proactive approach to what I think is a good idea.

The 1979 austin comprehensive plan laid out guidelines that brought us to where we are today in our efforts to protect our drinking water and our quality of life.

It proposed public monies be spent on purchasing conservation easements or fees simple in important places and also pointed out that public money should not be spent in those areas to facilitate growth.

These two actions reduced the need for enforcement of environmental regulations over vast regions of land.

Under the guidance of this city council, austin recently acquired an additional 644 important acres of land on bear creek.

It will be important for the citizens to support additional funding for such purchases in the next bond election.

These purchases reduce the need for enforcement of environmental regulations.

The imagine austin 2035 plan is about to be before you for final adoption.

This plan, like the 1979 comprehensive plan, will be used to determine future actions by citizens and political entities.

The text and maps adopted will be very important.

Just south of the two previous examples of aquifer vulnerability is a proposed south route of south highway 45 as identified in the 2035 campo plan.

Construction of this road will slice through the spine of the edwards aquifer recharge zone.

This road is not included in the citizens advisory task force draft plan.

If constructed it will cause significant geologic damage and require perpetual enforcement of environmental regulations.

At great expense to taxpayers.

Campos' own reports say it provides no actual relief for the existing neighborhoods.

The recent hays county commissioners' resolution of september 27, 2011 presents a unique opportunity for the city.

With the cooperation of travis county and other campo members, to immediately seek removal of the highway from the campo 20 # 35 plan so it -- 2035 plan so it can be compliant with the imagine austin 2035 plan as you move forward with its adoption.

The best way to mitigate the need and expense of enforcement of environmental regulations is not to create the need in the first place.

This city council and pre city councils and all citizens of austin, helped by the guidance of the 1979 comprehensive plan -- thank you, ira.

Your time has expired.

>> I've got two sentences, sir.

one sentence to wrap up.

I'm sorry, but you have to be -- everyone is allowed --

>> I understand, and we would be finished by now.

I hope and expect you will, with the help of travis county and other campo members, continue this tradition by seeking the necessary campo amendments and adopt imagine austin comprehensive plan that honors its natural environment.

Thank you, mayor.

I want to emphasize, I'm trying to be fair to everybody,.

>> I understand totally and that's why I cut back on my presentation.

thank you.

Fazio?

David cortez?

David cortez?

Michael perez?

Michael perez?

Topic is fluoride in the you have three minutes.

>> Yes, sir, thank you.

How are you all doing today?

Ladies and gentlemen, thank you for allowing me to come and speak with you.

I came to speak about the fluoride in our water and its effect on our community.

First of all, the toxicity of fluoride and ability to damage the brain should raise concern about allowing it in our water in mass doses.

Countless studies have been done on the effects of fluoride in humans and the results show that elevated exposure to fluoride causes iq deficits in children.

The impact is exacerbated in children with low iodine exposure also.

We are putting our kids at risk for impaired development of intelligence.

Kids that are drinking this fluoride will be close to having borderline intelligence to mental retardation.

Our children are under adversity with fluoride in the water.

Even if we clean it out of our drinking water, at home our kids still bathe in it.

Fluoride has been completely -- fluoride must be completely out of our water.

In those studies it also shows how this fluoride accumulates with the brain of the fetus, causing damage to cells and the neurotransmitters, thus causing behavioral deficiencies.

So when these moms are put in the fluoride water in the simulac to make their baby a bottle, they're getting fluoride in it.

As adults fluoride is attacking our central nervous system.

In over 40 studies since 1992, our learning and our memory is being impaired.

We are under direct toxic effects of fluoride on our brain.

Take the fluoride out of the water.

As taxpayers we shouldn't be paying for this.

It's hidden in plainview, agenda 21, with you all passing that bag ban at to save the earth, whether it's to put fluoride in the water, whether it's special interests behind the scenes pushing your buttons to keep the people oh oppressed, I'm a taxpayer.

I'm a voter, and I'm not scared to get out there and tell people the truth.

Man, we need to find a way back to doing the right thing.

It's either right or it's wrong.

There is no in between.

There is no sitting on the fence.

Men have to stand for something.

Women have to speak out.

Man, we have to do the right thing for our community, not just for ourselves and for our special interests.

Man, I came representing my wife and my four kids, because that's who I have to take care of, just like you have to take care of the city of austin and the policies that regulate the city, right or wrong, truth or lie.

You can only stand for one.

thank you.

[Applause] jose yantero -- cantero.

Patrick, is greater east austin neighborhood association.

You have three minutes.

>> Mayor, good afternoon, council members, my name is jose cantero with the greater east austin neighborhood association.

I'm here to address agenda 21, and looking back, they said 12 years ago the 1999 1999 cesar chavez neighborhood plan was adopted by mayor [inaudible] and we petitioned the neighborhood plan, we didn't want it but the city council passed it anyway.

But it's interesting that the cesar chavez neighborhood plan never describes agenda 21.

There's nothing that -- it's supposed to address the issue for our neighborhood.

It was to protect the integrity of the neighborhood.

So whether or not this was modified, this is a result that we are facing.

Higher taxation without representation.

Anybody can dip into the monies for east austin mitigation funds and take it without due process.

And so therefore, you could -- we noticed that last week when there was a hearing regarding public-private partnership regarding east pecan and 11th.

They want to rush this through in a hurry so they can implement condominiums and continue to gentrify the neighborhood.

Nothing was addressed as far as gentrification.

Nothing was addressed as far as displacing families.

I'm surprised and I'm appalled at the ladies on the city council who would not support young mexican latin@s, who have many children in this neighborhood.

Instead of implementing housing in the neighborhood who has paid taxes for many years and yet not addressing that issue.

Your main concern is only -- is only to have that public-private partnership, which our taxpayers are paying for that.

But yet when you go to your neighborhoods, you'll protect your neighborhood.

And that was a prime example.

It's embarrassing.

So I'm asking you ladies to step up to the plate, council members.

You're for the neighborhood?

How come our neighborhood is being degraded then?

How come our schools are now being allocated to companies in south texas like the charter company, coming to texas to educate our kids and tn on top of that you have agenda 21, which is called actually eekly, international council for local environmental initiatives.

Icle, for local sustainability.

Back earlier gentrification was a race issue.

Now -- this time it's a global issue, and this is why kirk had that -- wouldn't have that summit in bastrop, when they took over this council in the year 2000.

That's when the cesar chavez neighborhood plan was passed.

It totally went 185 degrees the other way.

Where is all the allocation of federal money we're supposed to receive for having our homes fixed and the elderly, especially?

thank cantero [applause] michael sitz [inaudible].

Topic is place of worship energy rights.

>> Yes, and after five times coming here I'm finally going to be able to speak.

I'm still learning about your process and bounce around morning to evening, i can't park so I can't stay forever.

But anyway, place of workshop, I hope you ten to some of those things people said.

If you're going to kill us, don't kill us in three years.

Kill uls right now.

They don't charge fees for worship, are you going to pay for the people that voluntarily provide services, is the city going to pick up that cost.

But anyway, also for nonprofits, sometimes they use facilities too and they need to -- with austin energy they need to consider that too.

Also I want to apply to all of you for austin energy, many questions, don't accept just what they say as the last word.

Listen to what they say but also ask them what each of you need to hear.

Thank you.

thank you.

[Applause] julian gonzales.

Topic is the closing of the durwood senior activity center.

>> Excuse me, this is my first time here.

Excuse me if I mess up a little bit.

How are you, city council members, mayor?

City manager?

I have a couple additions, if you don't mind that i should like to read.

The first one is february 28, the most recent one.

That's most important.

Dear city council members: Please accept this petition as a prayer to our need to transfer our senior activities which were being offered under the auspices of the austin parks and recreation department in the past to under the auspices of meals and wheels and more.

The austin recreation department have not helped us in any way, shape or form since we can remember.

Every time we are in need of an item, such as a printer, the center is denied this item due to no monetary funds available by the city.

Meals on wheels and more immediately purchased a brand-new printer in the box as soon as our coordinator requested it, the way i understand it.

The city parks and recreation department is in the way of our prospering as a senior center.

Too many constraints from the city, demands we relieve the city from such a chore by our not being under this department.

In other words, do away with parks and rec.

Below, please find the reasons, and as in front of you, it says, for our choice over parks recreation department and arp.

In other words, meals on wheels above austin parks and rec is austin parks and rec reason is not - has not furnished any item needed by the office for our own good due to no available monetary funds.

We seniors cannot purchase items with money we have when parks and recreation should furnish it.

We need to be out of -- out of control from the austin parks and recreation department.

We request and require meals on wheels to replace austin parks and rec department at our senior center, if possible.

We request that aarp not be considered at all in being over us in any way, shape or form.

Now, here's aarp, why we don't want it.

Seniors do not feel secure or comfortable having this organization sending volunteers to our center.

People hired by this organization seem to be hired off the street, in my personal opinion.

These helpers are between jobs and don't consider this job as important to their cause.

No criminal background check is done on them when hired.

Aarp people may have caught -- have been caught stealing items from the center, sugar, games, and bingo prizes.

They may be at the center one day and gone the next because they haven't found a job.

We can't trust them to help new applicants with their applications due to such personal information being written down by them, such as address, phone numbers social security numbers.

Don't trust them.

They only work part-time.

that is your time.

Thank you.

>> Thank you.

[Applause]

>> tovo: mayor?

Mayor?

council member tovo has a question for you, I believe.

actually, gonzales, I just want -- I just wanted to let you know that we had a discussion about this at the work session, at our council work session on tuesday, and I believe we have some staff here from health & human services who can let you know what the plans are.

I think they are very committed, it sounds to me, and make sure they get some program staff back there.

>> I appreciate it.

Thank you.

>> Tovo: thanks.

And thank you for raising this issue to our concern -- to our notice.

>> Thank you.

[Applause] right back here.

Thank you.

Jesse j. herrera.

Your topic is ideas on saving energy for elderly and families in need.

>> I say thank you for the opportunity to talk today.

About two years ago I was able to convert the heat in my at I can with a solar fan to get all the heat out and I converted all my lights in my house to led lights and low -- low-wattage using bulbs, and my electricity bill went from about 300 bucks to \$35.

I locally met with a church in montopolis, the lord's church.

They have 100 bulbs just in the church that are 100 watts each.

That's 10,000 watts.

If we can convert to these bulbs here we will be using non-watts, and there's 100 of them.

We'll be using 900 watts of electricity versus 10,000 watts what they're using now.

I want to show you how low voltage these use as a battery, a simple battery.

It actually powers this light.

That's how powerful these things are.

You see?

It's very bright.

I don't understand why we don't have an organization out there that's doing this for elderly, for churches, because it's very easy.

I would like to get in connection -- I went to a meeting at acc a couple months ago, and sent email to a number of council members.

Never got a response.

I know you're busy, but i would like to be point indeed the direction who i need to talk to to get this thing going.

I don't mind volunteering my time to elderly people.

I went to five people's house in montopolis, glindo.

Elderly people's house they all had 100-watt bulbs, some 60-watt bulbs in their house.

Even these bulbs here that are a lot cheaper, they're only 9 watts each.

Six bucks for four of them.

We can change everybody's bulbs in austin.

We won't have to do that price increase, that energy price increase that hasn't been passed yet but probably will because, you know, inflation goes up.

So thank you.

Thank you for your time.

[Applause] thank you.

Council member morrison has a question for you.

well, I just wanted to follow up with staff and wonder -- I mean, I know austin energy has some programs and interest, obviously, in getting these kind of lightbulbs out and i wonder if we could connect with you some staff to talk about that.

>> Yes, please.

Thank you.

right back there in the back.

>> Thank you.

carlos leon.

Topic is new kim trail data.

-- New chem trail data.

>> Thank you, mayor leffingwell.

March 8, 2012 to speak for what's right right.

There were cem chem trails on 21, 24 and march 6.

Chem trail lines repeatedly entered and exited organic clouds to acclimatize austinites interest falsely believing chem trails are parts of real life.

In truth they point towards death.

According to the 2010 report chem trail the consequence of toxic metal and chemical aerosols on people's health, independent tests document a extremely poisonous brew that include radioactive thorium, nickel, defecated blood desiccated blood, and microtoxins.

Researchers show off these poisons.

They are documented in our water, soil and air.

Life-threatening chem trails have no business in austin's skies, and neither do liberty killing mechanisms on the ground, like the tracking our movement on streets and highways and the forced false choice of being sexually assaulted or irradiated to fly out of bergstrom airport.

Treating innocent people like felons is prop gandaized, rblg recognize who is them and who is us to prosecute true criminals.

Implement programs and providers and inhumane psychopath I can control freaks are taking away our constitutionally guaranteed rights to life and liberty.

According to our nation's department of homeland security, their see something say something campaign is part of the nationwide suspicious activity reporting activity, a nationwide effort to share data about suspicious activities.

Because dhs wrongly defines so many patriotic activities as suspicious, any of us constitutionalists can be labeled terrorists.

Labeled by the department of justice, this injustice is actualized at the state levels across the country.

Spying on on each other and confiding in secret police sounds like hitler's nazi guess tapo.

Under hitler germans turned in neighbors and friends because they expected to benefit from their disappears, not because they believe they threatened security.

This nazi informant program identified political dissidents and didn't have much to do with general security concerns.

We citizen communicators see some things and we are saying something.

I say america should again be like the austin kite festival this past sunday, healthy, honest, positive with good reasonable law abiding families and friends moving freely under a sunny blue god filled chem trail free sky.

Thank you.

[Applause]

>> without objection the city council will go into closed session to take up four items.

>> [Inaudible] I did call your name earlier so go ahead and take your three minutes.

>> It's a workday, you understand.

Good afternoon, council.

I wanted to talk today about the unaccountability of the austin police department.

The actions -- by the actions of the council you would think that there's no controversy about apd's excessive use of force, that the community hasn't been rallying in the streets, there hasn't been town hall meetings organized to address the issues of kids dropping dead at the hands of those in a position to protect us.

Maybe it's something we should expect when tens of thousands of dollars comes in from the police union for you all's campaigns, I mean, because about \$30,000 last election cycle for the mayor.

Council member martinez came to the town hall last month.

He was there for about 15 minutes, came to be counted and a photo opportunity.

Too bad you couldn't stay longer.

There was great discussion that happened that day.

The police monitor was there that day.

She talked about what her office does.

What we want to talk about is what they don't do, what they're not doing, not able to do.

The office of the police monitor and the citizens review panel are branches.

Austin police department and and are headed by an ex-cop.

What kind of accountability can we expect from nem?

At the town hall ann de leon brought up that -- excludes them from participating in the grand jury process.

This brings to mind what council member martinez would consider the least of us are ineligible for good jobs because they're unable to defend themselves against these charges.

Unemployment and poverty breed violence and instability.

It may be an unintended consequence or maybe not.

Urban shield is a full-scale military exercise coming to austin next year and it's designed to protect our region from terrorists.

Maybe we should reconsider and spend the money on community outreach to teach austinites how to not get shot by cops since that's a hell of a lot more likely to happen than a terrorist act.

Byron carter was the unarmed passenger who was shot in the back of the head by an officer last year.

The officer said that he was in fear of his life and his partner's life.

The grand jury cleared the driver of any wrongdoing.

The day that that happened there should have been action taken by the council or by the austin police department to make sure that that never happens again.

If that officer is so ill-equipped, untrained, he should never be in a position of authority and we need to make sure that never happens again.

It's high time that the city of austin looks into adopting the preservation of life standard.

There's too many people dying in our city at the hands of our police officers.

We have the -- we have some of the lowest crime rates, we have some of the highest paid officers.

There's no reason we should be having to talk about these things.

The good thing is that it's an election cycle and it's time for action.

So we can -- we have politicians that are more inclined to do some things to make themselves look good, which ends up working out for the people, but we also have an opportunity to unelect some people and get some people up here on the dais that are willing to actually take action in the things that are most important to this community.

Police accountability being number one on a lot of people's list.

Thank you.

thank you.

Without objection the council will now go into closed session to take up four items pursuant to 071 of the government code.

The council will consult with legal council regarding the following items, item 42, discuss legal issues related to open government matters, item 43, discuss legal issues related to , , item 4 to discuss -- 44 to discuss legal issues related to katharine hardin versus the city of austin, item 78, to discuss legal issues related to the final report of the 2012 charter revision committee.

And so without objection the council will now go into executive session on the items announced [rumbling] Announcer: What if a disaster strikes without warning?

What if life as you know it has completely turned on its head?

What if everything familiar becomes anything but?

Before a disaster turns your family's world upside down, it's up to you to be ady.

Get a kit. make a plan. be informed today.

Test we are out of closed session.

In closed session we took up and discussed legal issues relating to 42, 43, 44, 78.

So with that, we will pick up with our morning consent agenda items.

We left off at item 27.

Twenty-seven was pulled by counsel member cole who is not here and we do have one speaker signed up to speak.

Pat johnson.

Pat johnson is not here.

So, council, we can table this item and go to 36 and 37, which were pulled by council member tovo.

>> Would you like a motion to that effect, mayor?

by unanimous consent, we can do it.

So let's take up 36.

Council member tovo.

>> Tovo: I have just a couple of questions about this.

I got this and I wonder if the sponsor or the staff might help me out here.

So how does this mesh with our -- actually, I guess the heart of my questions involve what -- what will constitute an agreement from the neighborhood?

I see that these are.

can anybody hear from staff --

>> Tovo: These are to allow for extended hours in neighborhoods if the neighborhood is in agreement.

>> Mayor leffingwell: greg.

>> Hi, mayor and council, guernsey guernsey, the reare view department and I guess I am the accountable officials thats noted in this section of the code.

I think it would probably -- if it's an agreement, it probably might take the form of a petition.

It could take forms of letters, something from the owners and the tenants that would say we support x business to operate two hours later on a particular evening.

If it's an agreement with representatives of an affected neighborhood organization, I would probably look at that as being a registered neighborhood organization that is registered to the city's community registry done through our pio department, and I would ask that those affected neighborhoods that are within 600 feet of this particular establishment give us some is sort of letter of support regarding this later or hour -- later hours of operation.

>> Tovo: So if there is a can made by a place of business that is asking -- asking to have these hours, would a notification go out to the nearby residents?

>> I believe it would because then you are actually dealing with a change from the original application and would have had those hours that would have been different.

>> Tovo: And so if you don't hear from any of them and an objection, that would constitute an agreement?

>> I am not sure that would constitute an agreement.

That would only be a notice.

I would expect the owner of the establishment to come back and provide me some evidence, proof that these affected individuals have signed off.

>> Tovo: I see.

So there will need to be some sort of affirmative proof that the nearby residents agreed to this?

>> Yes.

It is my understanding of this, that I would have to receive something from these groups or individuals in order to really see that there is an agreement or support.

Just because we send a notice doesn't mean that people agree.

>> Tovo: Right.

You know, there is -- it's different than from the street closure ordinance which says it's changed to be -- where once they had to seek permission.

Then it was from neighborhood groups.

Then it was the new ordinance allows, you know, if there are no objections, then it just proceeds.

So there needs to be a proactive concern registered for the process to halt?

>> That's right.

>> Tovo: It sound like here there needs to be proaccuse affirmation that it's okay -- proactive affirmation for it to proceed forward.

>> Yes and what has been presented to me -- I don't know if council wants me to do somethingal else, then i might look at that s the my understanding they have to to bring me an agreement or acknowledgment by affected parties and owners nearby and tenants that would actually show support of this.

>> And the second -- the agreements with representatives of affected neighborhood organizations, I assume that is agreements with the elected representatives of a neighborhood organization?

I mean, how is representative going to be defined without getting too technical?

Is it going to be a letter from the neighborhood association that is on record?

Or is it just -- would it be enough for a member of that neighborhood association -- a registered member of that association to bring a letter?

There is a pretty big difference because one would require some process.

>> I would look at those neighborhood organizations that are registered with the city to the community registry and individual person claiming that they are speaking for that group, unless they are the representative, that is probably registered with the city as being the contact person that we would work with, I don't know if i would accept just a letter saying I support it.

I am part of this neighborhood organization.

I think I would need something more than that in order to recognize a registered neighborhood organization.

There may be some -- you know, we have -- we do have, interesting enough, austin independent school district has a registered neighborhood organization.

I don't know if I would wait for an action from the school board.

>> Tovo: Right the.

>> Or something from the superintendent in that regard, but if it was a neighborhood organization, nuna, zilker, hyde park or something, where they are a registered neighborhood organization, those are the organizations I would probably be looking for to have that kind of consensus, to have an agreement with a representative of those organizations.

>> Tovo: Okay.

Thanks.

And it's my understanding that the hours of operation just are -- are consistent with previous discussions about this issue?

I guess I will direct that to the cosponsor.

>> Morrison: Mayor, if i may.

Yes, in fact, we have done a lot of on the sound ordinance the last three years and made a lot of progress in trying to find the right balance in terms of compatibility and making sure that we are encouraging our music scene, and in one of the -- so there used to be this kind of flexibility in place, for extending the hours, and then one of the revisions, that flexibility inadvertently got lost and in fact we have agreements in place that allow some to 30 and certain things like that, between neighborhoods and all and so this -- what this does is it puts those hours back in but it actually formalizes the concept to look at the agreement between neighborhoods and all and i see some of our music office staff here and it might be you or greg to describe the -- what kind of form at this point agreements with neighborhoods take.

Because we do -- I know we have about a dozen that are in place in this kind of situation.

This is going to allow those agreements, then, to be extended, assuming that's appropriate and if you will look -- if you notice, one of the considerations for issuing another permit is the code compliance history of the site so hopefully --

>> we don't have a standardize form that I am aware of that would say both parties would have to enter into.

I think if we had some suggests or some agreement that we would receive, showing both parties are in agreement, more so probably from the neighborhood organization or those property owners that say i support or I agree with, you know, whatever, that would come forward.

If there was something more than that, where a particular neighborhood organization and a business agreed to -- we agree to this and some other things, as long as the other things are are thing that is the city would actually do -- with the music venue permit, then we might enforce those.

There may be other things we couldn't enforce.

No ray gay music but rock and roll is fine.

>> No ray gay.

>> Of course we can't enforce that kind of thing.

>> Morrison: Of course my point is we do have some of these extended hours and i believe there are agreements in place and I am not sure if anyone knowing what they exactly, off the top of their head, the form they take as of today.

We could formalize them more.

>> I can maybe speak to some of the agreements you are talking about that have been made previous.

>> David murry, city music office.

There is some venues that 30 shut off and when 8 and 10 went in place they were capped at 8 and this is agreements that have been worked out with the neighborhood groups and the venue.

>> Were they on a piece of paper?

Were they in written form?

>> Yes, they were.

>> Morrison: And I think zilker neighborhood has do we have a record of them?

>> I have several of them, yes.

>> Morrison: I do want to make one other point -- this decision by the accountable official that's referenced here is appealable to council.

So that stays the same and i think that's important for both sides -- both sides of the applicant or the nearby property owner.

So I would like to move approval or --

>> mayor leffingwell: Motion by council member morrison for approval.

S council member martinez.

Any further question.

Council member tovo.

>> Tovo: I have a question, if there is an existing agreement between the neighborhood to cap it at 8 30, would that agreement stay in place or would this ordinance supersede it and now the music would be --

>> this extension?

>> Tovo: Yes.

>> It would raise the hours back to the previous agreement.

>> Tovo: So if I understand you, then, if they have an agreement to cap it at 00 o'clock, it would still be capped at 8:00 o'clock?

>> Yes.

>> Tovo: Okay so this won't override any of those preexisting agreements.

Got it.

Okay.

Thanks.

all "

opposed say no.

Passes on a vote of 7-0.

Brings us item 37, also pulled by council member tovo.

We have one speaker.

We will like to go to him first, will mcloud.

>> Good afternoon, mayor, council, my name is will macleod.

I, like most citizens are taxed enough already.

I am glad that you are pulling item number 37, for the point being, as i looking at the town hall meetings, city hall council chambers cost projections for 3 hours on saturday and it says city staff, \$3,000, estimates include salary costs for the following: City manager, all assistant city manager, city attorney, city clerk, chief financial officer and a facilitator.

-- i idon't have a problem with I think that's money well used but the problem is we need to break this down.

That's too vague.

We need to gets who being paid what as far as the town hall meeting and second of all, what happened to the sense of volunteerism?

Because you are the council.

We, the voters, the resident are, the voters voted for you, so we should be able to have a say so in who gets paid what over here.

If you work for us, it's not the other way around a and y'all ought to realize that and more importantly is you need to break down each and every item -- I need itemizations.

The city wants itemization.

>> Mayor leffingwell: Mr. macleod.

You deviated from the topic.

>> I am on the topic, sir.

The topic is town hall meetings, city council chambers and over here on this breakdown of item number 37.

Okay.

And basically channel 6, \$750, billing services, 316 in cpm.

A lot of people don't know what cpm is and that's basically -- it is vagueness.

It is very vague and I am glad this item is pulled and I recommend that council gives us a breakdown on who gets paid what and as far as this report.

Thank you.

that is all of the speakers we have.

Council member tovo.

>> Tovo: Well, thank you.

I just wanted -- I pulled it, actually, to thank the community members who raised this and suggested this issue or suggested that we hold a meeting at some point on a saturday.

I think it is a good suggestion.

I think that we -- that this council has shown a lot of commitment to making city processes as accessible as possible to members of the public and I think this is a particularly good idea because it allows people who work to have a weekday, a job that keeps them occupied during the week, and makes it very difficult for them to come over here, even on the lunch hour on thursdays to participate in citizens communication.

This will allow them an opportunity to come on a saturday and their 3 minutes in front of council, talking to us about the issues they feel are important.

So, again, thanks to the community member who is suggested this and with that, mayor, I would like to move approval.

>> Mayor leffingwell: Motion for approval by council member tovo.

Second by council member martinez.

If I could, I would just like to discuss the timing of this.

I am glad you said some time in 2012.

I would just like to suggest very strongly we don't consider taking this up until we after we finished oarage work session.

Austin energy and charter et cetera so maybe some time in the fall.

>> Tovo: Yes, I want to be fully present and engaged with the citizens.

Certainly we have a committed spring schedule but I think the time you suggested would be most appropriate.

>> Mayor leffingwell: Council member morrison.

>> Morrison: I have a question for staff about the fiscal note because it is a saturday and the city staff that are listed at \$3,000 is an estimated cost.

I think they are all exempt and are on salary and i wouldn't be an additional \$3,000.

Maybe that's just what -- in general.

>> Council member, I am not familiar with the specific breakdown of that but we will provide you that cost.

F.

>> Mayor leffingwell: Council member martinez is next and then council member spelman.

>> Martinez: Thanks.

I think council member morrison makes a good point.

I think it is very important to list any costs and macleod in the back there, and the potential costs that could be associated with it.

My intent is to simply hold a meeting where council members can attend and the citizens can provide input.

Not necessarily staff or channel 6 staff or anyone like that.

It is just really an opportunity for us to post a meeting, for us to meet in the community on saturday morning where folks didn't have to take off work and sit ten hours to get their 3 minutes.

That's really my intent.

I do know that we will have to have at least one city staff member there and that is the city clerk or her designee, to register the minutes of that meeting.

But outside of that, I don't know of any hard and fast requirement of any other staff that would necessarily have to at the end, so looking forward to trying to find a date.

I realized we are packed for the next few months but i think we can find an appropriate weekend day and have this first meeting, see how it goes and potentially make minor changes then.

Hopefully continue those on throughout the year.

>> Cole: Mayor.

>> Mayor leffingwell: And -- council member, i think that's a good direction as to the staffing, being anticipated there, which is basically minimal.

Council member spelman.

>> Spelman: A quick screening question.

Rudy, debra, if we asked you to come in on a saturday to help staff this -- I don't think we will be.

I think council member martinez is on the right track with this, but if we did, would we be paying you guys overtime for that?

You are exempt so this fiscal note is actually erroneous, then?

>> [Indiscernible - no mic]

>> they are talking about city staff or -- I have to look exactly how that calculates.

>> Spelman: This is implying we will pay extra for your time and we will not pay extra for your time?

>> That's correct.

>> Mayor leffingwell: Council member pro tem is next.

>> Cole: I looked at this item carefully and discussed with council member tovo and I can appreciate the caution that staff put in here for the option to have costs if it is determined that we are doing something more than just holding office hours, and at this stage, I don't think that we are, but i also don't want to leave us out of the -- leave my colleagues with the impression that this is budget time that we are talking about, having this hearing -- I mean having this potential kind of citizens forum.

We probably will be implementing some of the imagine austin plan, the charter issues we will be sending before us and so -- and also the bond election, so there will be several hot topics at the time that we are talking about going out into the community and any time you are saying that even one of us, let alone three of us are going to be in the same place at the same time and there is a lot of hot issues occurring, there is the potential that we might want to have a channel 6 or that we might want to have some city staff and not even mentioning the austin energy implementations that may also be -- have occurred at that time.

So I don't want this item to come across as not having any necessary substance that we may choose at a later date to tag on to it and having the subsequent costs associated with it.

mayor pro tem I did believe we discussed it having later in the fall after austin energy, after charter, after bond, after budget, that kind of thing.

>> Cole: Well, the budget will go into effect -- we do those readings in september.

And we will have made a decision on austin energy but I don't know if the actual implementation will have occurred and wees wills will be facing the charter and bond elections in november, so I don't see a fall, even if it's after we adopted the budget.

I am not sure it will be.

That this time period, i think there will be a lot of citizen interest on what is going on with the city and i don't want to preclude us from having the help if we need it.

>> Mayor leffingwell: okay.

I am not sure what you just said but council member tovo.

>> Cole: I am just saying it is open for discussion because we are talking about something a long time away and we know a lot of major issues are on the horizon even past --

>> mayor leffingwell: okay.

Got you.

Council member tovo, you made a motion, correct and council member martinez second.

All those in favor, say "

opposed say no, passes on vote of 7-0.

Now to item number 27 which has one speaker who has been called and who is not here, pat johnson so mayor pro tem cole --

>> Cole: I have a couple of questions for lashia, if she is here or byron.

Thank you.

Lashia.

I know this this is the purchase of three tahoes for ems and I wanted to ask you a few questions related to the climate protection plan in making sure we are doing all we can in connection with that plan that we have adopted.

First and foremost, I read in the back-up about the e85.

Are we a able to do that for these vehicles or planning to?

>> Yes, lashia evans, chief sustainability officer.

Yes, the vehicles that are in this purchase proposal are all flex fuel vehicles which means they can run on the i85 or on regular gasoline, and I think part of the issue has been in terms of utilization of these vehicles.

We have four of about 42 refueling stations that are available for folks to use when they are out on the field for refueling that that have the e85, so not every are refueling station that is available has the e85, so that's sometimes impacts the ability for these to be refueled using the e85 alternative fuel but we have just developed a plan quite recently, the climate officer -- sorry, the climate program officer zack balmer, worked very closely with lead staff and created a -- and I think we transmit add plan to all of you, a carbon neutral fleet plan, we made progress in terms of creating protocols and doing complete life cycle analysis for all of the vehicles that are being complete -- that are being selected and we have a great dashboard system that can allow us to quickly look up information on any vehicle in terms of how much it's using the alternative fuels by vehicle, by department.

>> Cole: If I remember that plan was, there was contemplated a type of 15% reduction.

Is that right?

Am I remembering that correctly -- i think it was carbon neutral by 2015.

>> Cole: Carbon neutral by 2015 city but I thought there was something in particular that was a goal -- if you don't remember.

>> There is a goal to have 80% utilization.

That might be what you are thinking of, with all of the alternative fuel vehicles in the next year.

We the will be tracking that goal and we are improving the utilization of the alternative fuels, it is getting better, and so we are tracking that very closely and also creating an education program for all of the vehicle operators.

There is information in every one of these vehicles when the operator picks up the vehicle that explains the alternative fuels and how to do the refueling using the alternative fuels, but there is also that choice point when you get to the pump even if you have the option you have to know to use that.

So are creating video training materials that will help the utilization rates further and there are challenges in terms of reaching complete carbon neutrality for the fleet, partly because not every class of vehicle that we need in our fleet is available as an alternative fuel vehicle so there is limitations just with the technology.

>> Cole: Okay.

That is all being considered as part of the fleet plan?

>> Absolutely.

>> Cole: Thank you.

Mayor, move approval.

mayor pro tem moves approval.

I will second.

I want to comment.

I am pretty sure that is part of our climate protection plan, the carbon neutrality bag?

>> Yes, it is.

the 2018 and the e85 vehicle or counted as a component of that neutrality as well as other hybrids.

Natural gas.

So any more discussion on this item?

All those in favor, say "

opposed say no?

Passes on a vote of 7-0.

>> Mr. guernsey.

I tell you what, before we go that that, our zoning case with council, we have a scheduled for an austin housing finance corporation meeting, so without objection, we will recess this meeting of the austin city council and call to order meeting of the austin housing financing corporation board of directors and take us through the consent.

I believe number 6 is listed on there.

Take us through.

>> Good afternoon, betty spencer, treasure of the housing corporation.

Number one approval of the minutes february 92012 meeting and items 2, 3, 4, 5, 7, offer a for consent and just so you know all of the applicants recommended for funding are in the audience.

I am available for questions.

so the consent agenda items 1, 2, 3, 4, 5, 7 and number 6 withdrawn.

Entertain a motion on the consent agenda.

Mayor pro tem.

>> Cole: Mayor, I have a question for ms. spencer.

On item number 6 that has been withdrawn, it is my understanding this that that was at the request of some of the neighbors out of concern of how the stakeholder meetings are going.

Can you give us a little bit of an update?

>> The item itself was just a budget amendment item.

There was no particular controversy about the item other than it was a strict straight up budget amendment item.

We will, though, be having another meeting with the neighborhoods, the individuals who brought this to our attention, that they want more meetings.

The grant itself is a planning grant and it has a significant amount of public engagement planned in the grant.

So our very first course of action will actually be to employ a public engagement consultant to be able to facilitate meetings with the neighborhoods.

So the grant itself has a lot of opportunity for public engagement.

Again, this item was just to move money from the neighborhood housing department site to the finance corporation.

But we will be having lots of meetings with the neighborhoods and all of the stakeholders involved in the area.

>> Cole: Okay.

Thank you.

Mayor, move approval.

board member morrison moves approval.

Second by vice president cole.

Board martinez.

>> Martinez: Mayor, I wanted to ask, maybe it is a question for debra, is it appropriate to ask about an item that has been withdrawn?

>> I don't believe there had been an actual vote on the withdrawal.

and i think vice president cole just asked a question of the president, so is so go ahead.

>> Martinez: I apologize, i was reading through the emails about item 6 so we intend to bring it back at a later date.

We just need to continue to bring conversations with folks about folks who are raising concerns about the project?

>> That's correct.

>> Martinez: All right, mayor.

all those in favor, say " -- board member morrison.

>> Morrison: Thank you.

We had a nice discussion in our work session overall about the work we have done with our go bonds and specifically what this was going to be filling us in and I wanted to say i appreciate the information that you all provided to us, because I think it gives us a lot of good big picture overview of what we are doing, what we have done with the go bond funds.

This numbers you gave us are without what we are about to prove.

>> That's correct.

>> Morrison: What we are about to approve -- so would you be able to provide updated ones as soon as we -- not as soon as, take your time and once we approve these, I think they will be great because then we are going to have a picture of the total go bonds funding since this is the final amount.

That will be great.

I appreciate it.

I am particularly looking at the geographic distribution, east and west.

That's very interesting.

I have some questions about the numbers but it looks like it's about even, so i appreciate that, though.

It will be real helpful.

>> Will be glad to.

all "

aye.

Opposed say no.

Passes on a vote of 7-0.

No other items on the agenda so without objection, this meeting of austin housing finance corps is adjourned.

And we will call back to order this meeting of the austin city council and begin with the zoning case.

>> Thank you mayor and council, I am guernsey guernsey with the planning and review department and i will go through the zoning items.

The first item to offer for consent is item number 45, 02 for property located at 1807 east 13th street and 1212 chicon.

This is the amendment to the central east austin plant and the staff asked for fulfillment of this item to your april 5th agenda.

They are related to zoning case and staff asking for postponement on number 46, for 1807 east 13th and 1212 chicon street.

Is also requesting postponement of this item to april 5th agenda.

Number 47 is case mpa, 20110010.01.

This is an amendment in the holly neighborhood planning area.

The property located 2601, 2603, 2605, 2609, 2611, 2613, 2615, and 2617, canterbury street, it is recommended to you by the planning commission to grant open use land use for these properties and it is subject for approval and item number 48 related zoning case, c14, 2011, 0166, again for the property located at 2601, 2603, 2605, 2609, 2611, 2613, 2615 2617 canterbury street to rezone it to family resident and combined district zoning and the district was to grant the combined district zoning and this is ready for consent approval on all three readings.

02 at 2200 tillery street.

This is zone the property east mlk combined neighborhood plan, I should say it is in that area.

Staff is requesting postponement of this plan amendment to your april 5 agenda.

Item 50, c14-2011-0088 for the same property, 2200 tillery street.

Related zoning case and staff is requesting postponement of this item to your april 5 agenda.

Fifty-one is c14-84-361rct at 8200 tillery street and staff is asking postponement of this agenda to april 5th agenda.

And 52c14-2011-0065 for the property at 800 and 804 congress avenue.

We are asked postponement to june 7 agenda.

And 53 is c14-04-0181-sh, shire's court for 1910 and 1/2 wick shire lane.

This postponement to march 22nd agenda and number 54, c14-2011-0131 for the property located at west 34th street and we are asking for postponement and then 55, 56 and 58 are related but different addresses we are asking for the postponement for 55 for grand view street to april 26 agenda, number 56 is c14-2011-0133 for west 34th street and we are asking postponement to this agenda and number 57, c14-2011-0134 for the location at 715 west 34th street, staff is asking for postponement to this item to your agenda and number 58 for 20110141 on peaceful hill and we are asking postponement to this and 59c14-2011-0160, for 76-7900 south a avenue.

We are asking postponement to your agenda and number 60, c14-2011-0165 for the property located on 3108 east 51st street and asking postponement for the june end and then c14-0167 on 8100 burnet road.

We received postponement request today by the agent for the own to your april 5th agenda, so staff is requesting -- excuse me applicant is asking postponement to item 16 to the april 5th agenda and item number 62 will be a discussion item.

Item.

you did a pretty good job on the zoning agenda.

Forty-five and 46 postponed april 5th.

Item 47, close public hearing and approve all three readings, item 48, close public hearing and approve are all three readings.

Item 49, postpone until april 5th.

As is item 50.

Item 51 is postpone until april 5.

Item 52 postponed until june 7.

Item 53, postpone until march 22nd.

Items 54, 55, and 56, postpone until april 26.

Items 57, 58, 59, postpone until april 26.

And item 60, postpone until may 24th.

Item 61, postpone until april 5th.

And that I believe is the consent agenda.

Council member spelman move approval.

>> Mayor and council I want to correct myself.

Item number 47, I believe i read into the record that the recommendation was to grant recreation open space land use, and that was actually to approve the designation for single family.

I want to make sure that i corrected that.

I don't know if I read that ..

say that again.

Planning commission recommendation?

>> Planning commission recommendation was not for the open space.

It was for single family designation in the flum, and so I want to make sure that is clear.

It's for single family.

>> Mayor leffingwell: okay.

It was not clear.

The posting language in mine says grant recreational.

>> Right.

so with that correction on item number 47.

Council member tovo.

>> Tovo: Mayor, I need to recuse myself on items 54, 55, 56, 57.

>> Mayor leffingwell: okay.

Council member tovo is recused on 54, 55, 56, 57 on the consent agenda.

We have a motion on the table.

All those in favor, say "

aye.

Opposed say no?

Passes on a vote of 7-0.

It takes us to 61.

>> Sixty-two.

>> Mayor leffingwell: yes.

Sixty-two.

>> Item 62 I will introduce steve sodowsky, the historic preservation officer to present this case.

>> Good afternoon, mayor, mayor pro tem, council members, I am steve sodowsky the historical office planning and are review document, our case is c1420120001, the mccrummen wroe house.

It was built in 1935 and it is architecturally significant because it is very rare cance of adamesk colonial style and and and the variant of that is a an east coast style that rarely made its way west of texas.

The difference is being between the colonialal revival which tended to be on the severe side and the adameskeu is more ornate, and you see the nine over nine windows instead of six over six, very ornate fan light over the front door.

There we go.

And on the corners you can see the decorative points and rethis is all going back to 18 century architectural school coming out of england and scotland looking at what, not the colonial revival but the georgiaian styles and making them fancier.

Robert adam was the primary progenitor of this adameskue style and wanted to add ornaments to make it more appealing.

It is a very east coast style and very rare in austin and anywhere in texas and so this serves as, if not a unique, a very rare example of this style in austin.

The house is located on windsor road.

The historic landmark commission recommended approval of historic zoning but the zoning and planning commission had no recommendation on it and expressed a concern that while they felt the house was historic, it is not in danger of demolition and, also expressed a concern that houses of this value have a detrimental effect to the house abatement.

The house was first occupied by Thomas McCrummen who is a native of Texas but established his medical practice in Austin in 1927. He was Austin's first pediatric specialist. That in itself may not be much but he represents a bigger trend and not only in the medical practice but also back in the 1930s, almost every physician was a general practitioner so not until the 1920s that specialties came about and it's not until it was able to -- and there is a shift in the city where we were able to have specialists rather than general practice.

McCrummen lived until 1954 but the first owner and occupier of the house and his wife was the daughter of H.H. Rowe and remained in the house until 1963.

>> They presided not only over the bank but this is also an expanse of the city and the American National Bank being one of the largest financiers and prominent in that role so the house has and staff of the landmark commission.

[One moment, please, for change in captioners]

>> Council member Spelman.

Sadowsky, this is one of the first historic landmark cases we've seen since we changed the rules and we changed the entitlements.

I wonder if you could remind us of what -- if we granted this historic zoning to this house, what the effect would be on their property taxes and anything else.

>> For the city's portion, the council last year enacted new code provisions that limit the property tax exemption available for any case filed after January 1 of this year to a maximum of \$2,500.

This case was originally filed in 2010, and expired.

At that time the city's portion of the tax exemption would have been 3793.

So the fact that we're hearing it today entitles the property owner to qualify for a \$2,500 tax exemption so the difference is almost \$1,300.

And in addition the -- because of the hearing date, the tax exemption for this particular property would not go into effect until next year.

>> Spelman: okay.

How long will this exemption last?

>> That is a perpetual exems if the owner applies for it every year and the council decides to grant it.

but they would have to apply for it every year.

>> They have to apply every year and pass an inspection our office does every year.

and they would have to justify the application by stating there is some value for the city in their continuing to get an exemption, is that correct?

>> Correct, that is a new provision we've enacted this year.

so it's less rich -- as we discussed a few months ago, this is a less rich program than it was a year ago, in particular this owner would be getting less of a tax exemption than they would if they would have been able to pursue the it from two years ago.

>> Correct.

>> And they will follow up and we'll have to inspect the house and ensure that it's kept up to good condition and that there is a good reason for the city to grant the exemption?

>> That is correct, sir.

thank you, mayor.

>> Cole: mayor?

mayor pro tem.

sadowsky were you present when the zoning and planning commission considered this case?

>> I was.

I presented it to them.

>> I'm sorry, I know you were present.

I guess what I'm asking is we have a note here that they did not make a recommendation, and they said that the house was not in danger and the commission has concerns about the financial cost to the city, and I'm wondering if you can shed any light on that discussion or rationale.

>> Sure.

I'll do my best.

The -- there was actually two motions on the table, one for historic zoning, one against historic zoning.

Neither motion survived a vote, so the commission decided to go with no recommendation but with stated concerns about the financial implications.

>> Cole: thank you.

Thank you, steve.

council member riley?

yes, steve, I saw some comments from the zoning and platting commission to the effect that approval -- approval of historic zoning for this house would open the gld gates to a whole -- floodgates to a whole lot more houses.

They said there were at least 1200 houses in the city that would qualify if this one does.

Can you comment on that?

Would we be lowering the bar for historic zoning by approving this and are there 1200 or more other houses that would have as much -- that would deserve historic zoning as much as this one?

>> Sure.

What the zoning and platting commission, I believe, was referring to was the number of contributing properties in the old west austin national register district, which this house is in -- is in that district.

Being a contributing property to a national register district and being eligible to be a landmark are two entirely different things.

Contributing properties may be architect -- or have to be architecturally compatible with the historic character of the district, but there's no associated -- or evaluation of significance for that.

So when a case comes before us on an application for historic zoning, we're looking to meet two of our criteria under city code, has to have architectural significance, it also has to have historical significance and that's generally through association with a family or event or a person that contributed significantly to the history and development of the city.

So there are 1200 -- actually I think there's 1300 contributing structures in old west austin, but not nearly that number would qualify as a landmark because they don't have the required significance that we would need in order to even bring a case forward to the landmark commission.

do you see this -- this house as being of less -- being less deserving of historic protection than current landmarks?

>> Oh, no, not at all.

Not at all.

I think this house is -- well, endangerment is not one of our criteria.

If it were we wouldn't have many of the buildings, commercial or residential, we have as landmarks today and that serve our educational purpose.

I don't see this -- I see this as a very good example of an architectural style.

It also tells a great story of the development of austin from a small city into a larger city where professionals started having specialties in their areas and the banks in the city were really responsible for the tremendous growth that happened here after world war ii.

So I see this house as very much tied into the history and development of the city as well as just a masterpiece of that architectural style, the adam-esque colonial revival.

I hear your point that endangerment is not a criteria when considering historic landmark status.

There is some basis for considering need for a tax exemption later on; isn't that right?

>> There is, and actually as of the beginning of this year every applicant for the tax exemption that we have enabled has to provide a written notarized statement detailing what the -- or following the texas tag 24, which states that the city council or any governing body has the police jurisdiction to extend incentives for preservation, including -- generally it's a property tax exemption in texas, for a property that is in need of tax relief or to encourage its preservation.

So we have asked every applicant this year to provide us with a statement detailing their need for the -- for the abatement.

and there has been some discussion about the relationship between historic districts and landmark status.

Would it be fair to say that since there is some protection against demolition for all contributing structures within historic district, that there may well be less of a need for historic landmark protection for contributing structures within the district?

>> I would not go strictly with the idea of demolition on that, because in our national registry districts, people who are seeking building permits have to go through the landmark commission for a review, but it's an advisory review.

So what could happen to a contributing structure in a national register district is it could very quickly become noncontributing because of unsympathetic additions.

There's no certificate of appropriateness process like we have for historic landmarks to maintain the integrity of the historic architecture on a house.

at least in terms of the general market pressure towards demolition and, you know, building a different structure, it seems like if someone were to make a case for need on that basis, then they might be on somewhat less solid footing within a historic district than elsewhere, to the extent that the historic district does provide some protection, local historic district provides some protection against demolition.

>> Well, a local historic district offers very similar protection to what is offered by historic landmark, and in the presentations that our office made to the council last year, that's the direction that we'd really like to see the city head so that we can provide protections for the character of the entire district rather than taking this on individually one house at a time.

And just have a more holistic approach to preservation in our historic neighborhoods.

>> Riley: okay.

>> But our local historic districts are driven from the neighborhoods themselves.

The city does not create local historic districts and impose those regulations, so ask that the local historic district in the neighborhood landmark designation is really the best way of protecting the integrity of a house.

>> Riley: okay.

But on this house and others, there could well be a situation where we have a landmark that is considered a landmark but at some point we make the determination that there is not an adequate showing of a need for the tax benefit, and so we'd be saying, yes, it's a landmark, but no, it doesn't get the tax benefit.

I'm not saying that's how we would necessarily wind up on this case, but that is still something that could be done.

Is that accurate?

>> Theoretically, because when we get done with the inspections, we -- my staff then goes to the landmark commission with our recommendations, and we note all of the houses that either have deficiencies or -- commercial buildings as well, they're not being kept up or they've made additions that have not been -- gone through the process at the landmark commission or the statement of need that we have asked them to provide we feel is insufficient.

We would recommend that those applications be denied.

Once the landmark commission has gone through their process of evaluating the applications and the statements of need that accompanied those, that is then delivered to the council in time for the budget readings, so the council would have the opportunity at that point to take on all the landmark representations for tax exemption or make an alternative recommendation.

so there is some mechanism for recognizing historic -- mechanism -- mechanism for recognizing historic landmarks that get the tax break.

>> Yes.

one might ask, why would we classify it as a historic landmark if it's not going to get the tax benefits, and I want to explore that for just a minute.

We've talked in the past about making use of the information that the city has for each landmark and making that available to the public in a format that's more readily accessible than we have now.

Can you update us on where we are on that?

>> Sure.

We are still working closely with the university of texas with their wiki project that is taking existing surveys and putting them on a web -- them on a web platform so that the pickup can access information about their house or neighborhood, add information to that, and it would all then go through a filter of a professional that would look at each entry and make sure it's -- it should be on the web site.

In addition we are also -- well, we produce maps that show where all the landmarks are.

We're going to start this year really taking those maps and making them more interactive so that if somebody clicks on a landmark location, they'll be able to get a short history, a little blurb, about each building, and again, one of our primary purposes is educational, primarily for our own citizens but also for our visitors.

And we want to provide enough information -- as much information as we can about our historic buildings so that we encourage our citizens to know more about our city and also anybody coming here.

>> Riley: right.

And, in fact, we were just discussing this subject recently when the code for america team was here.

We've had -- council member morrison and I and I know several others have been talking about the possibility of an app that would allow users to identify their location on a smartphone and then just -- and then you'd see any nearby historic landmarks and just click on any landmark and

get some general information about -- about that house and you could see how that could be actually very useful and interesting, especially in areas that have a number of landmarks, you'd be able to essentially -- it would be like being in an art gallery where you can go around and get information about each work of art, but this would just unable you to go around and learn about each landmark that has been recognized by the city.

The point is that there is -- this is not just a matter of conferring a benefit on the landowner, and, in fact, in this case just by -- merely by classifying it as a landmark we're not actually conferring a direct tax benefit.

That consideration would come later, that impact to the city does get some benefit in terms of having information about this that can be -- can be provided to the public, that we can recognize -- once we recognize it as a landmark, then we can make that information available to the public in all kinds of forms, and in more interesting ways in the future than in the present.

And so there will be -- there are many reasons why the city would gain from classifying this as a landmark.

Is that accurate?

>> I think it is, yes, sir.

>> Riley: okay, thanks.

i believe I heard you state that this was a rare example of this type of architecture in austin?

>> Yes, sir.

and i believe that that's very significant to me because if there were half a dozen or so adam-esque -- is that the term you used?

>> Yes.

adam -e adam-e sque architecture-type houses in this area, then there might be some concern about are we preserving something that's duplicated in five other places.

And it is -- according to the pictures, at least, a very impressive house.

Appears to be well maintained from the photographs at this point, and I think, you know, we went through a lot of -- a lot of discussion, public discussion about how to -- we even went through a lawsuit, to determine how we're going to handle these things in the future, and i think we came up with a good set of criteria, good ordinance, a settlement on the lawsuit to determine how we're going to go forward in the future, and this obviously conforms to what we agreed to back then.

So it sounds to me like we can address the need issue at the appropriate time, which is specified in the annual review time and time again, so it seems to me to be very appropriate for historic zoning.

Council member morrison and then spelman.

>> Morrison: thank you.

I appreciate all the questions that have gone before me and I want to follow up with just a couple.

One, as the mayor just referenced, we did go through quite a bit of discussion, and out of that discussion came the new ordinance that you mentioned.

And in that new ordinance we have tightened up and clarified and sort of raised the bar to some degree on the criteria for that, and i wonder if you could speak to that just a little bit were you particularly with respect to the fact that i hear you referring to this as unique and a masterpiece and all.

So I'd just like to get your impression on where it sits on that spectrum.

>> Well, our criteria didn't really change that much for landmark designation.

We still have the basic concepts of what -- what should qualify a property for historic landmark.

What we did was make them more specific so that -- and it's more to tighten up the -- the historical association criteria.

That one was a little bit loose in prior years, and we felt that based on criteria from other cities that have similar programs, that we could use some work on ours.

So we tried to make this much more of a significant association, not just one of a couple of years, but also somebody who significantly contributed to the city, the history -- or the development of the city, which staff feels in this case is met by the McCRUMMEN AND THE WROE Families that occupied this house for almost 70 years.

For the architectural criteria, we made that more specific as well.

We always had an architectural criterion, but now it's more specific that it has to be the work of a noted architect.

It has to be a significant work of that architect to really qualify.

So just the fact that it was designed by roy thomas would not be enough.

The fact that this is one of his best designs would then qualify it under our new cry for landmark designation.

and one of the things that you said that was interesting that caught my ear was the fact that this was a pediatric was indicative of the -- the first, that austin was getting to be a big enough city to actually support that kind of thing, and it's interesting because that's exactly the kind of language I heard yesterday.

Austin is finally getting to be a big enough city to, you know, fill in the blank, the long center and, you know, to support these various examples of what you have in big cities.

So it's just an interesting reflection and I think really points out to me that that's why we do history, to sort of help us understand the context that we're in.

Also, there was some comment about local historic districts and of course we're trying to encourage local historic districts and that I certainly -- it seems like old enfield would make a good example of a local historic district.

Do you know if there's any interest that's been exhibited from the neighbors there?

>> I don't know of any recently.

There was a couple years ago when we first inaugurated the local historic district process, and now that we've made getting a local historic district designation a little easier for the neighborhood groups, we may see that interest revive.

I hope we do, because i agree with you, old enfield would make a great local historic district. as would many neighborhoods around the city.

Do we have any outreach going on to sort of educate folks about the fact that the regulations have changed and the process has changed a little bit?

>> We do.

We work pretty closely with the heritage society, which holds workshops for folks that are working on local historic district nom naigs.

Naig -- nom naigs.

So we're generally invite -- nominations.

We're generally invited to speak at those workshops and answer questions.

They're held all over the city, we had a couple on the east side, couple in sows austin, to encourage -- south austin, to nernlg people to learn more about it.

And -- to learn more about it.

And as our city web site gets more developed we'll be putting more information on our city's web site too so that we can have that information available to anybody, not necessarily just a neighborhood -- neighborhood group or a neighborhood activist but anybody who's interested in it.

and I think if I remember correctly the preserve america grant that the city got in partnership with ut, one phase of that was actually going to be reaching out and looking for a neighborhood in east austin, per se, that was going -- that was interested in doing a local historic district.

>> Yes, and that is under way as well.

what neighborhood is that?

Is that --

>> it's central east, i believe.

>> Morrison: okay.

>> It's not -- I think they're still in the discussion stage about it, but I know there have been some survey efforts in east austin toward that end.

because, you know, as you said, our hope and the council's hope is that the policy direction is to be encouraging local historic districts, so i think it makes sense every once in a while to ask ourselves what we're doing about that.

Thank you.

>> Sure.

Entert entertain a motion on this item.

Council member spelman?

close the -- move to close the public hearing and approve on all three readings.

council member spelman moves to close the public hearing and approve on all three readings, seconded by council member martinez.

Any further discussion?

mayor, I will not be -- mayor pro tem?

I will not be supporting the motion mostly out of the comments from the zoning and platting commission.

council member tovo?

yeah, I want to say this is a beautiful house.

I've been by to see it from the street and enjoyed reading through the material, and I think there are -- there are certainly -- as I said, it's a beautiful house, it's got an interesting history.

Most often I agree with your sadowsky, but on this one I'm going to also part from the motion, and I won't be supporting it.

I think that, you know, we really need to hold our -- hold the struck thaws come into our landmark -- that come into our landmark to a high standard and while it's a beautiful house with a interesting history it doesn't rise to that level.

With with some reluctance i won't be supporting the motion.

all in favor of the motion say aye.

>> Aye.

>> Mayor leffingwell: aye.

Opposed say no.

>> No.

i believe that was just nos by council member tovo and mayor pro tem, so passes on a vote of 5-2.

>> Thank you,.

mayor pro tem and council member tovo voting no.

I believe that take us to item 64.

>> Good evening, mayor, I'm jerry rusthoven with the planning development review department.

Conduct a public hearing and ordinance amending city code to chapter 211 and 2 -- appeal and zoning use determinations we have two postponement requests.

One from the real estate council of austin, rica.

They are requesting a postponement to the april 5 council agenda.

The reason they're asking for this postponement is because they would like a chance to meet with the staff to go over what our proposal is for this item.

They did reach out to us to request that meeting.

We failed to get back to them.

It's entirely our fault.

And they would like some more time for us to be able to have that meeting.

The second request is from the winstead law firm.

They are making a request to the -- to postpone the item to the april 12 city council agenda.

The staff is is requesting that the city council not postpone it to april 12.

guernsey and myself will be at the conference on that day, and we're asking that you not do this item on that day.

So staff would suggest if it is the council's desire to postpone this item that we postpone it to april 26.

I'm available for any questions.

>> Cole: mayor?

i assume that april 26 would satisfy your needs and the applicant's needs?

>> The applicant -- it would -- yes, it would -- applicant's representative?

>> Yes.

this is the first request for postponement, is that correct?

>> At the city council, yes.

as a general rule we grant these postponements when there hasn't been a request previously made.

>> Generally speaking, yes.

so given that, mayor, I move to postpone until april 26.

mayor pro tem moves to postpone this item until april 26.

I'll second.

Further discussion?

Council member tovo?

rusthoven, can you talk a little bit about the process that's gone through to this point?

>> Sure.

The council passed a resolution -- I'm not sure of the date, I think it was -- I'm not sure either.

>> It was around # 0 days ago, because we were given 90 days to get back here and I know we're within that window, barely.

So the council passed the resolution directing us to initiate this code amendment.

We then worked on it at the staff level.

We then took it to the planning commission where actually reeca requested a postponement.

We brought it back to the planning commission.

We took it to the ordinance subcommittee of the planning commission.

Then we took it to the full planning commission, who then referred it back to the codes and ordinance commission for a second look so after a second meeting at the codes and ordinances committee we took it back to the full planning commission for a second time, technically third time, and then they passed the item and then we're here today.

so I guess I would say -- and you said that rica had requested a postponement at the planning commission level?

>> Yes at the first hearing back in january they asked for a postponement and received it.

and it was at that time they requested a staff meeting but for some reason they haven't had an opportunity to meet yet?

>> Actually it was a month later they requested the staff meeting.

That's the one where we failed to respond to their request.

well, I'm happy to support a postponement on this issue but I would suggest -- I'm trying to remember what the mechanism is for doing this.

I would like to make a friendly amendment that we consider this at our march 22 meeting.

It has been out -- you know, it has been in the process for a while and I think at least one of the parties who's requested a postponement for what would amount to about a month and a half has

known about it and has been involved in that discussion to some extent for the last month and a half.

So I think march 22 is probably a more reasonable time to bring it up.

Does that pose any scheduling constraints for staff?

>> Not for the staff.

When I asked both rica and the winstead folks if they had an issue with the 22nd, they felt that that was not enough time.

We would, of course, make ourselves available to them between now and then to have a meeting, but they prefer april 5 or april 12.

Like I said, we have an issue with the 12th.

so if we changed it and had it for consideration on march 22 and for some reason you hadn't been able to schedule a meeting with those parties between now and then, would it be a simple matter of just coming here and asking for an additional postponement?

>> Yes, we would request a second postponement at that time.

you wouldn't need to renote or anything like that?

>> No.

>> Tovo: okay.

Well, mayor pro tem, would you be open to setting a goal of considering it on march 22 with the understanding that if that meeting hasn't been -- if the staff hasn't been able to arrange a meeting with those parties, that they can come back?

Again, I've got a letter in front of me from january 24 requesting a postponement at the planning commission, so it's -- it's no fault of anybody that the meetings haven't happened but I don't want to delay unnecessarily.

I know, and I know that they have had concerns about this item and really wanted to meet with staff, and really needed the time just like we are backed up with all of our things.

I generally follow the rule that unless it creates a hardship for us, and I know we have plenty of things to do, or someone is opposed to the postponement, that we grant it to any citizens, no matter if they need extra time to try to understand an issue that is going to impact them greatly.

So I guess I don't -- it is not a friendly amendment.

I would just say, i fully support their request for more time, but it does put it about five months after we passed the resolution last fall, and I'll just remind my colleagues that the reason this came up is because we had a case that is causing, you know, great consternation out in the community and has certainly been a time issue -- has required the time and energies of our staff as well as our council because while we have a process in the code to -- for an appeal of a use determination, we don't have a process for notifying the party who could bring an appeal.

So again, you know, we have a case out in our -- that has caused a lot of community consternation because they were very concerned about the use determination, and while they had a right to appeal, that time period had long passed before they found out that the use determination has been made.

So I think there is a danger of waiting too long for these kinds of issues.

>> Cole: I understand.

Councilwoman.

it's a pretty small clarification we're making in the code, and so I feel pretty confident that a meeting -- that there are not going to be very -- i don't know.

I can't -- mayor pro tem does not accept the friendly.

>> Tovo: okay.

Well, I'll make it as an amendment, then.

council member tovo moves a substitute motion to change the date to -- postpone until march 22.

Is there a second for that?

again with the understanding that we can postpone again if that meeting hasn't transpired.

second by council member morrison.

>> Morrison: mayor?

council member morrison.

>> Morrison: thank you.

I wanted to speak to that because I think that taking the tack that we would ask staff to try and make it happen by the 22nd and if it can't happen we can postpone it longer.

I think that seven weeks is an extraordinary amount of time to postpone something.

That's way beyond what we generally do, especially i think we need to consider that this came to council not only because there was a very difficult situation going on in the community, but there was some urgency to fix this horrible loophole that we had in our code, which is why we all approved unanimously, i guess, to bring this back to us within 90 days, which is a quick turnaround for staff to be able to make a change to the land development code.

And I guess I just want to remind all of us that what this does is merely -- what this code does is merely notify people of something that's going on anyway.

And so while we certainly want to make sure that it in no way, you know, hampers the business of the city going forward, hopefully nobody is going to have trouble with the decisions being made in a way that's transparent, because right now it's not transparent, not through the fault of the staff, up there the fault of our code.

So I think it's imperative that we move forward in a very expeditious way and waiting seven weeks after it's already been going through all of this without even taking the chance that maybe we can do it more quickly, I don't think that's the right thing to do.

I think it's right to postpone it till the 22nd and see where we are then.

>> Mayor?

council member spelman.

jerry, you mentioned earlier that ricka was asking for -- rica was asking for the 5th of april and winstead was asking for the week thereafter.

>> Yes.

if we went to the 5th of april do you think winstead could get under th meetg?

>> Winstead had an issue because they were going to be out of the country.

they're not going to be out of the country every day between now and the 5th of april, are they?

>> I presume not.

But they may -- the entire law firm is going to be out of the country on the 5th of april?

>> I spoke with michelle houseman from their house and she used the word we, i presume she meant drenner and herself, will be out of the country on april 5.

>> I see.

They need the 12th.

Rica needs until the 5th.

My concern is I think we should do this more expeditiously than not, if we were talking about two ordinary weeks, that should be enough time to get a meeting with a couple of people, but I strongly suspect no work will get done next week at all so this is postponing it one week in real business time and I'm not sure whether we'll be able to get it done by then either.

Jerry, do you have any guess -- you're good at guessing -- any guess as to whether this is possible to put the meeting together in the next two weeks?

>> I'm sure on our level, because again, it was our mistake that we failed -- we're working next week.

It would be easy to set the meeting with both winstead and rica next week.

>> Spelman: okay.

Thanks.

well, let me just say, I'm not going to support the substitute motion because i think we have an agreement that is agreed to between the staff and the parties that's acceptable, and i think for us to arbitrarily impose a date in the interim would be not honoring our tradition of honoring requests for postponement.

I agree that seven weeks is a long time, but we have mitigating circumstances.

We have basically a week of not much happening, maybe even more, and we have conflicts on the two meetings after that.

So this is kind of a default position.

I think april 5 would have been a good date, but the first possible day after april -- after march 22 would be april 26.

So I think I'm going to support the main motion if it gets to that.

mayor I would like to -- mayor pro tem?

mayor, I would like to add that we have two requests for postponement, one for april 26 and one for april -- march the 26 and april the 12 and we picked a date out of the air for us that we thought was ample time for us to consider this, and as a normal matter I don't think that we do that, and we don't have any opposition from anyone that they have a problem with this extension.

And so I think that just in the interest of giving time to our citizens and respecting the fact that our staff admits that it was not available to our citizens, that we should honor the original motion.

And I was also a co-sponsor on the original motion, and I respect what it is trying to do, and I think that we will end up with the -- where we were in the beginning, but there are so many times that we have failed to give people ample time and that they're asking for from their viewpoint, not our viewpoint.

And where we failed to do it and we regret it, and other times where we have actually did it and we see what a better product that we have.

So I will not be supporting the motion.

so we'll consider the substitute motion, which is postponement until march 26.

All in favor of that motion say aye.

>> Aye.

I think it's 22nd, but -- 22nd, excuse me.

April 26 until march 22.

All in favor of that motion say aye.

>> Aye.

all opposed say no.

>> No.

so that motion fails on a vote of 3-4 with council member riley, martinez, myself and mayor pro tem voting no.

So that brings us to the main motion, which is a postponement until april 26.

All in favor of that motion say aye.

>> Aye.

>> Mayor leffingwell: aye.

Opposed say no.

No?

[Laughter] it passes on a vote of 5-2 with council members tovo and morrison voting no.

>> Thank you.

so item 64 -- 65, excuse me.

mayor, council, I'm Kevin Chung from the watershed protection.

It's a variance request at 8225 Highway 71 West.

It is a commercial site plan known as Silver Mine Plaza and it is in the Williamson Creek watershed.

This is an overview of the property location. It's bordered by Highway 71 # on the north. Silvermine Drive is the road there on the west side.

We don't -- Williamson Creek is further south of the property.

The property is located in the 100-year floodplain of Williamson Creek.

It is not located in the 25-year floodplain.

The property is about 1.2 acres.

You can see it outlined in red there on the figure.

They are proposing -- it is a commercial site plan.

They're proposing a bank development with drive-through facilities, so you can see the bank building itself there in the fuchsia color with the parking lot and the drive-through facilities itself.

This is a photograph taken across the street of 71 -- 71 in the foreground, and the property itself in the background there.

There's a property from the southeast.

This is actually standing on the property itself.

This is the rear part of the property.

Here's a little more blown-up view of the property itself.

Like I said, the property is entirely within the 100-year floodplain.

The development is proposing the bank facilities -- the bank building itself will be built on a pier and beam foundation, which means that it will not have any foundation or fill material underneath the building itself.

The parking lot and the drive-through facilities will be built on fill so they'll be bringing fill in and put it on floodplain.

One of the regulations we look at when we're trying to decide whether developments comply with our floodplain regulations is to make sure that the development does not cause adverse flooding bacteria to other properties, and that kind of has a twofold approach.

It's trying to ensure that the development does not increase flood heights, and it's also to ensure that the development does not fill within the floodplain without providing compensatory cuts, so you don't want no net fill within the floodplain.

This development as it's proposed does not increase flood height.

However, because the entire property is in the floodplain, it is virtually impossible for them to have no net fill in the floodplain.

They are putting the bank building itself on pier and beam foundation so that minimizes some of the fill and they are not filling in the rear portion of the property there.

So they are making an attempt to try not to fill as much as they could, but there is no way that they can have zero net fill and so staff considers that to be an adverse impact.

So we're talking about the variance request, the building and the parking does encroach within the 100-year floodplain so that's one of the variance requests.

The top one there, like i just said, is the variance request, is because -- there is an adverse impact and that is, like I said, only because they are not providing compensatory cut for all the fill within the floodplain itself.

And again, there is no increase in water surface elevation associated with this development.

And of course the drainage easement requirement, we've talked about that in the past.

The request is to exclude the building area from the drainage easement itself.

The rest of the floodplain that's on the property will be within a drainage he's he's him.

I want to run through a quick development application on this property.

The owner submitted a site plan and waterway development.

Submit today back in 1985 and it was approved in 1986.

The site plan portion of that is expired, but the waterway development portion of that is still valid.

So they actually have the right to go on that property now and place fill in the exact same -- similar amount to what they're proposing now.

They came back to the city because they wanted to change the use of the property so they filed new site plan application natural 2009.

We came before you in november of 2009 for a floodplain variance request identical to the one we're talking about here.

It was granted by council and they did get a site plan permit in 2010.

That site plan permit is still valid.

However, the floodplain ordinance that was approved expired in november of 2011.

So they did not request for an extension, so therefore they have to request for basically a new floodplain variance request.

And then like I said, the development is identical.

There has been no change in the development since the previous floodplain request.

So just a quick summary of findings.

Like I said before, I just want to reiterate, the development will not cause an increase in flood height.

The building finished floor elevation will be more than 4 feet above the 100-year floodplain.

The requirement within the land development code is for it to be one foot above.

They're far exceeding that.

They do have safe access this property off highway 71 that's not in the floodplain, so that there's safe access for the people on the property get out of the floodplain area.

And staff interpretation of the -- kind of the fema rules is that hardship for this property does exist because it is virtually impossible for them to develop this site in accordance with our regulations because they can't compensate for all the fill material that they're bringing in.

We feel that they have done as much as they can by putting the building on pier and beam and they have a detention pond that will have floodplain storage as well.

Staff does recommend approval of the variance.

There is a draft ordinance in the packet.

I wanted to point out two of the conditions on that ordinance.

Two of those conditions are a requirement for the drainage easement, and we've talked about the fact that one of the variance requests is to exclude the building footprint from the drainage easement and they will be required to provide an elevation certificate, which essentially once they build the property, get the building in place, they do some surveys and show us that the building was built to the appropriate elevation according to the 100-year floodplain, that's the document that staff requires and fema requires for development within the floodplain.

That's all I have.

I can answer some questions for you.

The applicant's engineer is here as well to answer questions if needed.

any questions for staff?

Council member riley.

I've got one question.

This is in the floodplain of williamson creek, and when i look at the map, at google maps, I see that this site is not actually adjacent to the creek.

In fact, there's an entire apartment complex between this site and the creek, which just leads me to wonder what -- what the story is with that apartment complex.

Was there a similar discussion at the time that apartment complex went in or was this property in the floodplain at that time?

Do you know if -- if there was any consideration of floodplain issues at the time that that apartment complex was developed?

>> I'm not familiar with the development history on that particular property.

We did restudy williamson creek in 2002-2003 time frame.

It may have changed some of the floodplain issues on the property itself.

Like you said, williamson creek is actually quite far away from this lot.

It just happens to spill over silver mine drive and some of the 100-year floodplain does flood on to this property.

we have one person signed up to speak, joel richardson.

mayor, council members.

I'm the representative for the property owners for this project, and the civil engineer who worked on the site development plan.

I'd just like to ask you all to support the experience request and let you know that I'm here to answer any questions you might have.

That's all I have to say.

Thank you.

thank you.

Any questions?

Council will entertain a motion on this item to close the public hearing and -- council member spelman?

You might want to do something else.

I don't want to put words in your mouth.

mayor, I move to close the public hearing and grant the appeal, I believe is the proper term -- jerry, what's the proper term.

I want to let these guys build this thing.

>> [Inaudible] spell approve the variance?

well, you could just say consider an ordinance regarding floodplain variances requested.

approve the variance requested.

close public hearing and approve the requested variance by council member spelman.

And council member martinez seconds.

Is there any further discussion?

All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye.

Opposed say no.

That passes on a vote o 7-0.

So, council, we have item 66 through 74 all related.

My suspicion is it's unlikely we'll get through this in the next ten minutes.

So we'll have to pick it up after -- we could -- we could hear from our speakers.

We do have some folks signed up to speak.

If you'd like to do that so they could leave if they so desire before we take it back up later after a break.

So let's go ahead and do that, then.

And the first speaker is roy whaley.

Next speaker is mary arnold.

And donating time to you, you're signed up against, donating time is roy whaley, so you'll have up to six minutes.

>> Mayor leffingwell --

>>> all these items together.

>> Members of the city council, I hope that you will spend as much thoughtful time on these mud's as you have on the historic zoning and other issues that you covered today.

You mentioned that with historic zoning you've had a lot of public input and a lot of meetings about changes in the historic landmark ordinances and everything.

Mud's, I think, are just as important and there has not been significant public discussion about the ins and outs and reasons and dangers of municipal utility districts.

So I would ask for a postponement after you all have asked a lot of questions and I hope that i can give you some more questions to ask.

First of all I see that city code 25-9-125 says that the written consent of the city to the creation of a mud shall specify the date by which at least 90% of the water/wastewater, drainage and road improvements by which mud's for the -- bonds for the mud's are issued must be installed or completed.

I did not find that language in the consent agreement for southeast travis county mud 1, and I question whether it is in any of the other documents, and if so, why not?

How can you pass a consent agreement if it does not comply with the city code?

Shall I go on?

yes, ma'am, please.

You have four minutes remaining.

>> Does the city solid waste department serve other areas outside the city limits?

These mud's are proposing to have the solid waste services serve them on a retail basis.

And I'm curious as to whether solid waste or whatever their new name is has done a financial analysis of what it will cost them to take their trucks out to areas that are past our current city limits.

The affordable housing exhibits for the mud's are blank.

That is still being discussed.

I wish you would look at a larger map, a map that would show the area east of i-35 to the bastrop county line.

How many mud's have we approved in that area in the past?

What has happened to them all?

How many are still existing?

Have they built out or not?

I do not think that the city has had a good record with muds because they have cost the city a lot of money, and we have a lot of things to take care of in this city, and I'm disappointed that we're spending staff time and effort on helping development so far out.

There must be another alternative.

Reclaimed water use in the southeast travis county MUDs IS CITED AS KIND OF Beneficial to the city, but it seems that the only way they're going to use that is to irrigate open space with treated effluent from a wastewater treatment plant, a small one, but nothing would be done to help the residents there be able to use reclaimed water to water their lawns.

That doesn't seem like a really big deal.

They have to -- well, i guess they wouldn't.

They're planning to discharge the wastewater from the wastewater treatment plant until they get the reclaimed water system started.

What creek are they going to discharge into?

I'm curious.

And it says that the city has already got that discharge permit.

Are there clay soils in the AREA OF THE MUDs?

The reason the austin tomorrow program comprehensive plan considered that the areas to the far east were not suitable for development was partially because of clay soils.

Now because they're called desired development zone, nobody looks at the fact that those are erodable soils.

I think they're still clay soils over there.

I don't know where they've gone, if they've gone anywhere from 1979.

Surely they haven't disappeared.

Are our ordinances adequate to provide that the buildings built on clay soils will have foundations that won't crack?

You remember the people up in hutto area claimed because their slabs were cracking and had been built on clay soils.

Has that been investigated?

I'd like to see on that map THAT HAS ALL THE MUDs Where are the already approved developments in that area and how far have they developed out?

How much development have we already approved out there?

Wild horse?

Whispering hills?

Indian hills?

There are a lot of things that I think the city ought to be thinking about and I'm not seeing the answers yet.

thank you, mary.

>> Thank you.

Please postpone.

next speaker is richard suttel speaking in favor.

>> Mayor, members of the council, my name is richard suttel.

I'm here on behalf of both projects.

We have two separate developments, but each of them have -- they're in the same area but they're -- THEY HAVE DIFFERENT MUDs.

Both are asking for consent FOR MUDs TONIGHT.

THESE MUDs WERE CREATED IN The legislature last session.

They're basically a vehicle for financing infrastructure through bonds and through that we can promote superior development and promote affordability through this vehicle.

They are both -- both projects are in the county right now, with limited development regulations.

There's no land use.

There's no -- there's limited environmental regulations.

There's no tree protection.

There's very little control, and as part of the consent process that we're bringing to you tonight these projects are submitting themselves to the city of austin's regulatory control through limited purpose annexation, zoning and enhanced environmental regulation.

THESE MUDs MEET THE Resolution passed last year by this council related to MUDs.

It meets all the basic requirements of green building, extraordinary public benefits.

They're both in the desired development zone.

They both meet or exceed the intent of the development codes.

They use the city design criteria for infrastructure.

The city will be the provider of water and wastewater.

There will be land use controls through limited purpose annexation, which they're submitting themselves to.

And we are -- we had proposed pud zoning to allow for flexible land use planning and design through this, none of which we would get if these developments went forward as they were originally planned in the county.

The -- what this does is it takes a lot of the heat of cip programs that the city would normally have to do.

THE MUDs TAKE THOSE ON.

That allows the city to redirect important cip funds to other projects with other priorities in our city in our e.t.j.

The mud bonds -- or the mud organizational structure solves the problems of the past that we saw in some of THE MUDs.

There's term limits on the board members.

There's per diem limits.

There's city representatives on the mud boards.

There's limited -- the taxes have to be at or above the city tax rate so we don't get annexation shock when THE MUDs ARE BROUGHT IN For full-purpose annexation.

Again I've talked about the pud zoning.

We've agreed to the new yet to be adopted environmental standards in this area.

Right now the environmental standards are one thing.

We're agreeing to enhance regulations, that I think you'll be seeing later on, to, in fact, in the -- enact in the entire development ZONE, WHERE BOTH MUDs ARE Participating in affordable housing progrs.

arnold talks about we haven't had a public discussion about this.

We've been to the water and wastewater commission, we've been to the environmental board, we've been to the planning commission.

We've been to the parks board.

We've had lots of discussion about this.

We're asking tonight just for the consent.

We'll be back before you for the strategic partnership agreement, which defines the relationship upon annexation and we'll be back before you with the pud.

>> Mayor leffingwell: okay.

So --

>> thank you.

i believe you just -- I was going to ask you to outline the next steps, and try to explain to us exactly what the consent agreement does and what it doesn't do.

We got the other steps coming up to consider the strategic agreement and then finally the mud ordinance itself.

>> The way this will work now is once the consent to THE MUDs IS GRANTED, AND Hopefully you will decide that there's enough public benefit there to grant the mud consents, then the MUDs CAN FORM, THEY CAN Seat their initial board members.

Then those board members can enter into a strategic partnership agreement with the city.

So that binds the district and the city to a strategic partnership.

It defines the relationship after they're annexed for full purpose, and creates limited districts to maintain some of the facilities that the city won't want to take on.

In addition to the strategic partnership agreements that will come up, you will see pud zoning cases for both of these where just like -- as if it were in the city, these will come in for master planning, basically, through the pud zoning process.

We'll submit it.

Staff will review it.

They'll make the recommendations and we'll be coming to you for those things as well.

so is it fair to say that the consent agreements merely start the process.

>> Very first step.

and it's the public hearings which were approved this morning on consent for the partnership strategic agreement will further the process but still not complete it?

>> Correct.

That will define how these MUDs WILL BE GOVERNED After the city annex is [inaudible] for fill purposes.

thank you.

Council member spelman?

mayor, please advise, I have a fair number settle and it's 5:31.

How would you like to handle it?

i would like to recess this meeting and reconvene about 6:30 to 7:00.

Thank you.

>> Spelman: thanks.

Premiere good evening, everyone.

We are ready for live music and tonight we have courtney sanchez.

Joining us today is neil soul and jazz singer, courtney sanchez.

She's been in music, singing and dance for over three decades.

E's performed with and alongside phantom temple, guy forsyth, patrice pike, alfred milligan, wendy clon gan and matt wilson and more.

The past 16 years she's been forming with the atlantic, lead female singer and the 15 pete big band, monster band, as the lead vocalist.

She's heading up classic r&b band, courtney sanchez and sway.

And has been big plans in 2012.

I'll look forward to hearing about those.

Please help me welcome courtney.

>> Thank you.

Thank you.

I'm courtney sanchez and backing me today is my husband, paul, on vocals, paul sanchez.

Thank you.

Yeah.

And then on guitar we have ork ellison.

I hope you enjoy it.

This one I'm going to dedicate -- I changed my song up because we lost leslie today, so I'm going to sing this song for him.

[♪♪ Music playing ♪♪] [♪♪ singing ♪♪] [applause] thank you so much.

That was really gorgeous, and touching.

So there's a few opportunities for performing around town in the coming days.

Can you tell us where you're going to be?

>> Every sunday I'm at solomon steakhouse.

With my partner, and i perform at vince young steakhouse when I'm not singing on saturday.

So every saturday if I'm not somewhere else.

I single at ruben church with my husband and orek and I sing duet all around town.

He also plays with several bands in town and just released a cd, so just check him out.

>> Morrison: great.

Thrawng so much.

Do you have -- thank you so much.

Do you have a web site?

courtney sanchez.com.

and where can we buy your music?

>> Oh, my gosh.

I'm working on that.

We have to get a cd first but you can call me, I'll sell you a song.

[Laughter] mortgage mortgage all right.

--

>> morrison: all right.

Well, we have a proclamation for you and it's a little bit special because we're going to name it courtney sanchez day but we're going to name tomorrow sort any sanchez day what you we had to bump things around because we wanted to name today leslie day.

>> I understand.

so I appreciate forbearance on that and that's touching you sang a song for him.

This proclamation says, be it known that the city of austin is blessed with many creative musicians whose talent extends to every musical genre and our music scene thrives because austin audiences support good music produced by legends, local favorites and newcomers alike.

We are pleased to showcase our local arts.

Now therefore I lee leffingwell, mayor of the live music capital, hereby proclaim march 9, 2012 as courtney sanchez today.

>> Thank you.

[Applause]

>> thank you.

we're here now to celebrate a very special birthday of easter seals, 75th birthday, and I know you'll tell us quite a bit about it, but you've been around since 1937 and provide wonderful and absolutely critical services to children and adults with disabilities in town.

So we have a proclamation to recognize that.

This says, be it known that whereas on march 14, easter seals central texas, a local nonprofit organization, focused on helping people with disabilities fully participate in their communities, celebrate 75 years of serving our area and whereas five key programs, early childhood intervention, community housing services, employment services, paid job training and comprehensive outpatient rehabilitation, help serve thousands of central texans with disabilities and at any stage in life, and whereas easter seals employs specialists in occupational, speech and physical therapy, mental health, parenting support, workforce and housing to ensure that people with disabilities have access to all forms of care.

Now, therefore, I lee leffingwell, mayor of the city of austin, texas, do hereby congratulate easter seals texas on its many accomplishments and here by proclaim march 9, 2012, as easter seals day.

>> Actually she covered almost everything, but i would say that we're privileged to provide services and support to people with disabilities for 75 years.

We've got programs that provide services for all age-groups within the demographic population that we serve.

Last year we served nearly 9,000 people in our programs of early childhood intervention, physical rehabilitation, employment services, paid job training, housing and advocacy for children and adults with disabilities.

We're pleased to be recognized by the city of austin and consider the city to be among our valued partners as we perform the mission of easter seals.

Thank you so much for the proclamation.

>> Thank you.

[Applause] we have a pretty exciting event coming up on saturday, and that is -- first of all, step back three years?

2009.

Yeah, there was a very special event over at the old airport and that was trash dance, which is our then solid waste service.

Staff choreographed by allison orr and it was a spectacular evening and the clouds parted and all that, and luckily andrew garrison was there to catch it all on film.

It was repeated two years later, and the exciting thing is that on saturday at 30 in the afternoon the documentary on trash dance is going to be premiering.

So I think for those folks that went to one or both, like myself, of the performances or who missed it, you really don't want to -- don't want to miss this.

So we just think it's such a wonderful partnership and so exciting to see the film come out of it.

I don't know if you all heard me do a little shout out to you during council today, because there was a -- we got a report on economic impacts of creative industries in town, and there was a mention about how, you know, financing and all that kind of stuff, and I mentioned kickstarter, which is one of the ways you've been financing the film, and I did a little announcement.

So we do have a proclamation because it really is exciting and I have three copies here, one for andrew, one for allison and one for bob getter, the director of what's now called automatic resource recovery department because he's been absolutely instrumental in the support to make this happen.

So I want to read this proclamation that reads, be to known that whereas trash dance a locally filmed documentary featuring austin resource recovery personnel, makes its sxsw world premier on march 10, and whereas the film chronicles choreographer allison orr who finds [inaudible] in garbage trucks, and so does everybody else who has ever seen the event now, which is the cool thing, and recruits a skeptical group of sanitation workers to create a unique dance spectacle and director andrew garrison teaches film and digital production at ut and whose work has been screened at festivals worldwide and broadcast on pbs, and whereas the film celebrates the beauty and talent of austin resource recovery personnel and equipment.

And how the trash dance captured the hearts and imagination of audiences and became austin's number one art event of the year.

Now, therefore, I lee leffingwell, mayor of the city of austin, texas, do hereby proclaim march 10, 2012 as trash dance day in austin.

[Applause] here you go.

This is yours.

And -- this is yours, and hopefully you'd like to say a few words, if you will.

>> Sure.

Well, a great honor.

Thank you so much.

Hard to believe that we're standing here getting a certificate like this.

This is really great.

The arts contribute a tremendous amount to austin and austin in turn makes this possible.

So representing the film community I thank you and just personally thank you very much.

>> Again, thank you so much for doing this for us today, and we're just really excited about this weekend.

I know all of the employees who are stars of the film are really thrilled to have the light shed on them in this way and just so grateful for this recognition today.

Thank you.

and it's showing more than just once.

Do you want to talk about that?

>> It's premiering tomorrow 30 at the paramount --

>> morrison: saturday.

>> Saturday, sorry.

It will also be on -- at 456789 it's a big place -- 2:45.

On wednesday it will be at 30 and the following saturday the 17th it will be at the state theater at 7:30.

you can see it four times.

>> Come back four times.

Absolutely.

>> Morrison: congratulations.

Shall we do a picture?

>> I think probably everybody knows by now that news travels pretty fast.

Austin lost a very special austinite today, in the way of leslie.

You know, it's interesting, I was at a conference yesterday and one of the discussion topics is, you know, what makes austin special?

And there are lots of ideas about creativity and austin ticity.

But it's about being able -- wanting to and embracing the special people that we have in this city that brings so much color and so much character to really help to define who we are, and we're fortunate to have some of leslie's family here today and I guess I just want to begin by saying, thank you for sharing him with us because I think he's met a lot to this city.

And we do have a -- the mayor was not able to be here.

There was some -- he had another commitment, and so i have the honor of reading this proclamation.

It says -- and before I go on, let me introduce, this is leslie's sister, alice masterson, and leslie's niece, mary shelton, in from florida.

So thank you for being here.

So I have a proclamation that says, be it known that whereas leslie cochran has been an icon in the keep austin weird scene for many years, and whereas many austin visitors and tourists over the years have an indelible image in their minds of leslie as a reminder of their trip to our fair city, and whereas leslie passed away on this day and whereas our thoughts are with his friends and family.

Now, therefore, I lee leffingwell, mayor of the city of austin, texas, do hereby proclaim march 8, that's today, 2012, as leslie cochran day in austin.

Thank you for doing this.

[Applause]

>> are you okay with saying a few words?

>> I want to start off by first thanking the city of austin for loving my brother so unconditionally, and I'll forever be grateful in my heart for the love and compassion and gentleness that you showed my brother.

He had a very horrendous childhood.

No child should go through what he went through, but he was able, by the grace of god, to turn all that around and be compassionate and respectful to every human being he met, and that's a difficult thing to do when your life was like his.

But he was able to do that he gave so much to so many, and I'm overwhelmed as i read the clips and the stories of what he did.

Growing up a all the cousins loved him, he was nice to everyone, he was kind, he was funny, but to take that into his adult life and be able to share and be there for people and I realize he little always the center of attention and did things to be the center of attention, that was his way and I thank you for your graishness to my -- gracious graciousness to my brother and for loving him as you have.

Thank you.

[Applause]

>> thanks.

Like my mom, I just -- i flew in from sunday from north dakota where I live now, and I've just been overwhelmed by the love for my uncle, and for my mother as she's been here just an extension of that.

And you will never know how much that means to his family, that he was as loved as he was and always will be.

Thank you.

[Applause]

>> my name is michael peshka.

I did the portrait of leslie here.

He graciously posed for t and I tried for a long time to raise money through selling this portrait, to help him during his life and didn't meet with a lot of success.

But I grew up in austin, and the armadillo world headquarters, people like lady bird johnson, john henry faulk, and richards, were all huge influences here, and I include leslie in that category of people who changed austin and made it what it is now, a nderful place.

So this is my portrait of leslie.

Thank you.

[Applause]

>> there will be a march this evening, we're 30 and we'll be leaving from the plaza and marching down sixth street in honor of leslie's life.

at auditorium shores at the homeless memorial trial we'll be having a memorial service for leslie.

>> Thank you.

>> Tomorrow evening from 00 there will be a viewing at cook walden on north lamar and following 00 will be a rosery and everyone is welcome to attend that.

I will express one thing, that I love him dearly and you people are wonderful.

I totally -- how do I say this?

To me funeral homes and cemeteries and churches, all these things are very sacred, and life is sacred, and keep that in mind if you come, to be dignified in dress.

>> [Inaudible].

>> Yeah.

Tonight and sunday, I'm going to try to get a tiara for me.

Okay?

God bless.

>> In april of that same year, council adopted resolutions that supported the creation of these PARTICULAR MUDs SUBJECT TO An approved consent agreement.

As per code five boards and commissions reviewed staff recommendations during the month of january and february of this year.

And we provided you a briefing and a staff recommendation on february #.

That staff recommendation was to approve the [inaudible] both of southeast travis county and THE MUDs.

So we're here today for a public hearing and acting on the consent agreement.

At the time the backup materials for this council session was due, there were several outstanding issues.

Those issues have been totally resolved between the parties.

And so as part of providing you a more full, complete picture of the consent agreement that's being proposed for you, we wanted to cover those issues that have been resolved, but were not addressed and they were actually identified as being still negotiated amongst the parties.

The first one is the capital recovery fees for the austin water utility.

Those are also known as impact fees.

Those fees are charged to partially recover the cost that the city of austin has for capital improvement projects.

What we have reached agreement is that those fees that are applicable to outside the corporate limits of the city will be applied.

In terms of reclaimed water for pilot knob, the pilot KNOB MUDs, THE CITY WILL Pay for the construction of the facilities to bring reclaimed water out to the district.

The developer will design all the reclaimed water infrastructure, including city oversizing and the developer will construct at their cost all distribution facilities within the MAINS -- WITHIN THE MUDs.

For school sites for pilot knob, there is an agreement that the district and the developer will extend infrastructure to the school site at no cost to the school.

It's being requested and staff is recommending to allow the school and the developer to negotiate and address the number of school sites and the type of school site during the pud process, and that pud process will come back to you for consideration.

For bond schedules for the pilot knob mud's.

The bond schedule is one of the safeguards we introduced into the consent agreements to allow us to have planning and certainty for future annexation.

Those set dates for the last issuance that mud can make.

For pilot knob we've agreed to no more than 25 years from the execution date of 3, 2, 35 1, 4 and 5.

And the way that those are configured is because mud 3 is closer to the existing corporate limits of the city and our infrastructure, and so it will be the first to develop and they move out from there.

In terms of bond authorization for pilot knob, the bond authorization essentially serve as a cap.

IT'S WHAT THE MUDs ARE Approved to be issued bonds, or allowed to be issued bonds, they're authorized, but it does not mean that they're going to issue all of those bonds.

It's just that they are capable of doing that within the consent agreement.

So as an aggregate, all of THE MUDs WILL HAVE A TOTAL Of \$895 million, and that does include an inflation factor in that calculation.

For interim zoning for pilot KNOB MUDs, FM 4 A IS Recommended on 250 lots as a cap and the remainder of the property will be zoned at intrm rr.

Affordable housing.

For pilot knob 10% of ownership units will be offered at 80% of mfi, for rentals, 10% of multifamily units will be set side at 60% of mfi.

In addition, financial contribution of 2% of the construction cost -- the hard cost, of each bond sale will be provided to the city that can be used for affordable housing efforts in the programs within the city.

And there will be a cap of \$8 million.

The same provisions apply to the southeast travis county except that because that mud is much smaller in size and in bonding authority, the cap would be \$1.8 million.

In terms of the last issue, the pud process for both the pilot knob and the southeast TRAVIS COUNTY MUDs, AFTER Discussion the existing language that is in the contract is sufficient.

The developer's concern was that interim zoning was going to be used as baseline zoning, and that is not the case and is clearly stated in the agreement.

And that staff would consider the superiority elements of the proposal that will be considered during the pud process itself.

But we have made it very clear that we are not doing any form or fashion of contract zoning.

SO FOR THESE MUDs, SUMMARY Question can be posed as does the proposed MUDs PROVIDE SUFFICIENT Value to warrant city council's approval of a consent agreement and conditioned with a strategic partnership agreement with THOSE MUDs?

As in our february 9 presentation, staff still remains recommending the city council approving of a consent agreement and strategic partnership agreement with each mud because the city gains extraordinary benefits and infrastructure extension, environmental protection, open space, transportation, city retail utility and residential solid waste services, and future pud zoning.

Also as part of staff recommendation, we are recommending that we be authorized to finalize and execute the consent agreement conditioned upon the adoption of a spa for the southeast and - southeast travis county and pilot knob mud's or if council decides to add to the requirements within the consent agreement, that we be given authority to negotiate and execute the consent agreement conditioned upon a strategic partnership agreement being ADOPTED FOR BOTH MUDs, AND That concludes the presentation.

Questi questi ons for staff?

We can go to the applicants.

The applicant want to make a presentation?

I know you've already spoken once in the public hearing.

I have a question.

>> Mayor leffingwell: sure.

we all received a letter from commissioner margaret gomez and travis county.

>> Yes, sir.

she raises a fair number of questions about the distinction between the city requirements in the e.t.j.

And the county's requirements on a variety of issues.

I wonder if you could address that.

>> In terms of roads and storm water, title 30 is what's going to be the overriding factor.

Obviously by the mud agreeing to provisions in the consent agreement that we see as providing extraordinary benefit, there will be -- there is going to be a statement in the consent agreement that indicates that title 30 is going to rule in terms of what you can agree to the county.

So, for example, in transportation, the city of austin may say, well, we believe that there's more benefit and a little bit narrow streets have been sidewalks and those kind of facilities on there.

The county may disagree with that and it will become a negotiation that we'll need to go through in terms of that process to finalize the transportation issues.

from a legal point of view that would have to happen anyway.

Title 30 is binding either way.

>> That's my understanding.

>> And we're at least aing that in the consent agreement.

>> That's my understanding.

Anythi anythi ng else for staff?

Council member riley.

bart, I wanted to ask you just a couple questions about the elements of these pud's -- these MUDs, THAT PROVIDE THE Level of superiority that we have said that we are LOOKING FOR IN MUDs.

Of course in the -- in the mud ordinance that we passed the last year, council said that we were looking for extraordinary benefits in terms of a number of things, including, for instance, transportation.

And I want to ask about that.

I know that for the -- within the southeast travis county mud, I see that exhibit e -- in exhibit e the developer is agreeing to reserve a 10-acre transit center site.

What's the expectation in terms of what will happen at that site?

>> Well, at this point it's my understanding that capital metro doesn't provide service until there's full-purpose annexation of a particular area, and so what we would hope is continue to be working with capital metro over time to ensure that development as it's built out and that it meets capital metro needs and the needs of the community for transit service there.

There is a designated transit center on highway 71, so it's hard at this time to predict whether that will be sufficient enough for transit needs in the area the developer is reserving 10 acres of the tract in case that need comes baseball b in the future.

but when the staff presentation says -- the staff rem's we approve the agreement because the city gains extraordinary benefits in transportation, it's because they're reserving a 10-acre site?

Is that it?

>> That's not the only transportation benefit.

THE MUDs ARE DOING AN Extension of arterials and collectors.

They're doing additional bicycle and trails, multi-use trails, multi-modal, for example.

In the southeast travis county development, originally it was an approved preliminary plan and they had about five miles of trails through the negotiation.

Staff has increased to double that, that there's going to be ten acres of trails.

Through the negotiation there is better access so that there is more mid-block -- the developer had to give up 26 lots from their preliminary plan so that we had greater access, block access, so that as people are trying to walk back and forth to different parts of the neighborhood, that they can do that.

That's -- that's an additional benefit that wasn't originally provided.

So those are some of the things that were garnered.

on the bike elements, I see that exhibit -- exhibit h says that developer will provide bike facilities and access to -- school, parks and other destinations shown on exhibit h2.

H2 doesn't really show very much.

It shows some -- a map with some dark lines, a few lines showing some trails.

Is -- is that it in terms.

-- The superiority on biking stuff?

>> May be better for other departmental staff here to provide you additional information since I wasn't personally involved in that part of the negotiation.

>> Riley: okay.

>> George zapalac with planning and review.

There were extensive discussions with transportation and public works and planning department staff about the bike network, and there, i believe, was one bike route that was currently designated in the -- in the regional bike plan that they are providing for, through the mud, and then there were other connections to it that are internal to the site that would tie in with it and would also provide internal connections to schools and community centers and parks and recreation facilities.

I realize the exhibit is fairly small and difficult to read, but there were some extensive discussions.

We didn't look at the approved preliminary plans for the subdivisions, and work out detailed connections that would greatly increase the connectivity, we did that, provided in the subdivision.

was there any consideration of -- well, let me ask.

We talked about the public transportation facilities for southeast travis county.

Can you -- can you shed my any thinking on the public transportation thinking facilities at the pilot knob project?

>> Pilot knob has also agreed to reserve a 10-acre tract for future transit center also.

and again, that's really it in terms of public transportation?

>> Well, they're providing extensive multi-use trails and they have agreed to the requirements that are in the consent agreement.

One of the nice things about this particular issue is that both for southeast travis county and for pilot knob, those issues can be addressed again in more specificity as we go through the public process, so you'll have another chance to take a look at those kind of issues for the pud process.

And given that pilot nobody is still conceptual in nature, that will be an important process.

>> Riley: okay.

Coming back to the southeast travis county mud agreement, which I understand is further along, the exhibit h says that the mud will be developed according to the city's transportation criteria manual.

Now, that manual does not yet integrate the nacto standards, which the city has recently signed on to.

>> Nor does it include the ashto criteria either.

and so for instance, just by way of example, there wouldn't be anything -- there's nothing in the transportation criteria manual about separated bike facilities but there is in the nacto standards, which we've more recently bought into, and if we're really aiming for a superior level of development, then I would expect to see transportation facilities that -- like those included in the nacto standards rather than just the standard transportation criteria manual.

Is -- how could we ensure that those higher standards with more innovative facilities are -- are integrated into these projects.

>> You really have two methods that you can use.

You can use the consent agreement or you can use the pud process, whichever you would prefer, to have that integrated into the design of those facilities.

>> Riley: okay.

So that -- but -- so that it is something that we could include in the consent agreements that are before us tonight?

>> Yes, sir.

If you want to do make a motion for that.

>> Riley: okay.

Thanks.

>> Spelman: mayor?

council member spelman.

I was going to ask, betsy spencer is out in the audience.

I wonder if I could ask her a question.

Betsy, are you familiar with the affordable housing aspects of these mud proposals?

>> Yes, sir, I am.

a lot of discussions happened over the last few weeks about the proper amount of a fee in l to take and the way i understand it is there was a lot of discussion about the number but the number the developer was offering in both of these cases was about \$250 a unit.

That would be a lump sum in advance of construction.

You'd be able to get something like \$5 million to work with right away.

The proposal now is 2% of bond sales over the course of the entire life of the project, as they sell bonds up to about \$10 million.

And so the total amount of money that you would eventually have to spend would be \$10 million as opposed to \$5 million, but it would come in dribs and drabs over a longer period.

I wonder if from your point of view that was going to be a benefit or a cost.

>> The offer never was actually that it was \$250 per unit up front.

The offer was that it would be a building permit.

And so that was actually going to be a very onerous process administratively, so when the offer came back to tie it to the issuance of bonds, that is, in my opini mimi professional opinion easier to deal with.

We can predict it better.

It's a lump sum, and time it to building permits -- tying it to building permits was going to be far more difficult to monitor.

So we are pleased with that offer from your point of.

from your point of view, we're talking on the o 20,000 units.

That strikes you as about the right size?

>> Because we're also getting afford annual housing.

The --able housing.

The multifamily, we'll be getting the 10's of the multi-family at 10% or below for 40 years and then on the ownership piece they will price 10% of the units at an affordable rate and we have offered to work with the developers.

One of the items in our comprehensive plan is that we will come up with a database to be able to link housing opportunities to income eligible folks, so i see this as an opportunity to where

hopefully we'll have that database available soon and that we'll make every effort we can with all the nonprofit partners we have to help feed income eligible clients to the properties.

my back of the envelope calculation suggests we're talking around 1200 ownership units at 80% mfi and something like 750 multi-family units at 60% of mfi.

And that's -- that's -- that certainly would do us a lot of good and you've certainly got a database with that many people on it.

>> That would be very good.

when you receive a fee in lieu, again, going to be in dribs and drabs over a long period of time as they sell the bonds, is there any particular effort you believe would be prudent for the city to try and locate the affordable housing constructed or otherwise defrayed with that fee in lieu in the area -- in this area or should we go all through the city?

>> The conversations we've had to date, my opinion would be that the money would probably be better served in other areas.

So since we're getting affordability at the site, it was our intent probably that the money would be used in other areas, perhaps the downtown area, where we have some more challenges financially, to be able to offset those -- to do, we could use it for to do on some of the other council priorities.

so the smart thing would be to put it in the bucket with all the other cash you have and use it efficiently as you can.

>> Yes, sir.

thank you, ma'am.

council member morrison.

betsy, I want to just thank you for the work that you did on trying to get us to a good resolution.

It's my understanding that we were looking at a number -- at that maximum bond amount that looked more like \$500 per door.

Do you recall that?

>> Yes.

so I just wanted to make that clear because at one point we were talking \$250 per door as the contribution.

Now we're talking \$500 per door and we're getting 40 years of rental.

>> Yes.

at 60% and we're getting the initial part -- the initial offering of the houses offered at 80% and below.

So I think that's important to realize where we've gotten to.

And as you said, it is -- it's a real -- it's a difficult thing because most of the housing -- I mean, chances are the market may well be just very affordable out there, maybe for a long time, maybe not for a long time, so finding that balance to be able to be able to make some contributions to affordability where it is a problem on the ground right now, and also, you know, talking to some of the housers' concerns about we wouldn't identify southeast travis county necessarily as a high opportunity district that we want to place affordable housing in at this point because of lack of transportation and so forth.

So it's a difficult one.

Do we have a written agreement, drafted?

Maybe it's in backup and i missed it -- in terms of the affordability agreement?

>> We don't have the exact language yet.

We have come to a verbal agreement, and so we're just penning the final written document but we don't have that yet.

and then i think it crossed my mind and someone else brought it up to me.

I don't know if you've had a chance to look at it yet, is -- is there any plan b yet that's needed in the written agreement?

Like, is there any way that the bond -- that there could be another way to finance it besides bonds so that if we make an agreement on bonds and bond sales don't happen we still have something in place?

>> In my conversations with the developers and they can certainly speak for themselves, it would appear to be there's no other financing option.

They feel very confident they'll be issuing the bonds.

Tying them to that is a very solid strategy, and so my understanding is -- my conversations with them is they don't feel -- that they will be issuing bonds, so there was -- but there was no other conversation about another plan b.

They felt very strongly about the bonds.

I wonder if there's anyone on staff that could speak to, is it possible to be -- it's not that I mistrust their statement at all.

It's just things -- I want to make sure we cover all our bases.

If there's anyone on staff that could speak to, like, let's say the world changes and bonds aren't available, is there some other way that this mud could go forward in that case?

>> Bart jennings, austin water.

The agreement can be amended in the future if conditions change.

The other part in terms of how the bonding works is that there has to be a certain amount of av on the ground already before the mud can issue bonds, so you're going to have homes on the ground or apartments on the ground already day one as the development is happening, so you have part of that affordability being applied right off.

yeah, I'm just trying to figure how we might need to protect ourselves with a backup plan just in case the world changes and it's not bonds.

So maybe we can think about that a little bit.

I guess I prefer to -- i don't know what council's preference is going to be tonight, but I would prefer to be able to see, before anything is final, to be able to see the agreements and all in writing.

council member riley?

just one more question.

arnold raised some points about how these -- HOW THESE MUDs FIT IN WITH The community's vision expressed in the draft comprehensive plan.

>> Yes.

and in particular she noted that the words "

there's been a lot of emphasis in the comprehensive plan about ensuring that the city remains compact and connected and I've heard discussions from people involved in the plan about the hope that people would be able to meet their needs without relying on a car to get everywhere, that we be promoting mixed use and reducing vehicle miles traveled and so on.

So that -- in the context of THESE MUDs, THAT'S A VERY Important thing to keep in mind, because if people have to come all the way into town every time they need something, then that's not very -- that's not really consistent with the vision of what we heard in the comprehensive plan.

So it seems like the mix of USES IN THESE MUDs IS VERY Important.

In the presentation we saw last week there was a breakdown of the -- of the projected population and the types of housing units as well as the amount of commercial space that's expected in each development, and I wonder what exactly went into that.

How that was determined and to what extent there's been any consideration about the various components of uses, and in particular the relation between, like -- the mix of residential versus commercial.

Because that seems like there ought to be some thoughtful balance of those uses, if the communities are really designed to meet the needs of the residents.

Do you think -- do you feel like that kind of thought and scrutiny has gone -- scrutiny has gone into the review of these months?

>> Let me back up to your first point.

In terms of a well-connected and compact development community, that is actually a requirement in the consent agreement, and as you go through the pud process that will also help define that in greater detail.

From pilot knob -- what we understand is that their type of development is more like a traditional neighborhood development, and so I think that that type of development will get there for you.

It may be better that the applicant comes to talk to you in terms of what the concept was.

Staff looked at it from multiple advantages, but in terms of analyzing an actual mix one of the things that we tried to find is is there some type of ratio of commercial to residential that is a good mix, and there doesn't seem to be a particular ratio that you can follow that's available.

But -- so you all -- you all recognize the need for a ratio but just couldn't find one?

>> That's what I understand from staff that I've spoken to.

because I just -- based on the numbers that we saw last week, I just did a quick calculation, and in pilot knob, which is the denser of the two projects, the ratio of -- when you look at that ratio, I come 2 commercial square feet per capita.

Almost 100 square feet per capita of commercial space per person.

And then when I do that same calculation for southeast 5 commercial feet per capita.

And so if we think that that ratio is important, then i wonder how we could say that both of those are superior?

Because there's a pretty stark disparity between them.

>> I can't -- I can't speak to that question specifically.

I know there's a difference because of the geography of the land with the southeast travis county mud that prevents development in certain areas, because we've decided to focus on water quality issues.

But either the applicant or someone from staff can speak to the other issue that you're raising.

>> Riley: okay.

Thanks.

>> Mayor leffingwell: okay.

We can hear from the applicant now.

Five minutes.

>> Council, in light of -- we're at the end of the he evening, both developers are here tonight.

They both have presentations.

If you prefer to see t or if you wanted to wait until the pud stage and we're actually into planning.

Council member riley, in response to your question, they're two entirely different types of developments.

Pilot knob has got slaughter lane and william canon going through them on 183, and you've got southeast travis county has got pierce lane and more neighborhood type stuff so the ratio is going to be higher in an area where you have an activity node under the comprehensive plan as opposed to one that's kind of off the main roads.

So that's part of the reason the disparity is there.

I think I'd like to hear from council.

Would you all like to hear presentations from both?

Because tonight we're here on the consent agreement and the consent agreement really doesn't get into the nitty-gritty of the anni.

It's basically is there enough to move forward with the next step with the financing vehicle and the pud's would come to you with the planning.

But we'll do whatever the council wishes.

i should say this is appearing on the consent agreement only and there will be time later, I think, for presentations.

So take as much of your five minutes as you want and then we can take questions for you.

>> What I'd like to do is focus on basically the mud aspect because the public hearing and the aspect tonight is about mud's in the financing vehicle we're talking about.

And there are a lot of folks that are uncomfortable with the mud concept and that's because of what happened in some of the '80s and '90s with some of the mud's we had.

We've since learned about those things and through the legislation that created these districts and through the hard work of the staff and the negotiation that we've had for consent to the MUDs, WE THINK WE'VE Alleviated all the problems that we've seen in the past WITH MUDs, FROM GOVERNANCE Of the board to bonding to all the things that are in the bill -- or in the bills that created it.

That precludes the problems that we had in the past.

We'd like to -- our wish is that you decide that there is enough public benefit there and that we've met your resolution that you passed about a year ago about this time, that we've hit every item on that resolution in terms of going to this step.

One of those steps was that we have development that is superior than what you might get if it were under city ordinances.

Keep in mind currently if these -- if these -- if the mud -- let's just say that you all decided tonight that these mud's really stink and we're not going to do them and you turn it down, it doesn't turn down the development.

All it diss is does is turn down the financial.

You would turn out with subdivision which by their very nature could or would turn out being standard county subdivisions with all the amenities that are loaded into the consent agreement.

So with that I'll give my time back and basically open up for questions since we are the last ones on the agenda tonight and I know everybody is anxious to get home.

thank you for that.

I think there's a lot of concern, and perhaps justifiably so, about MUDs, BECAUSE THERE HAVE Been some difficulties in the past, and especially when it comes time to annex MUDs AND WORKING OUT THAT Transaction, financial and otherwise, it's been difficult at times.

But I want to go over what we're dealing with now is a different kind of mud, and it was specifically -- this mud was -- the provisions for it, how it would be structured, were actually recommended in the legislature but the city of austin.

We actually applied for the provisions that were in this new mud legislation to cure the problems in the old ones.

So in a way this is kind of what we asked for, to be able to, as you stated, correct me if I'm wrong -- to be able to have some measure of control over development outside of the , and have a way to finance the infrastructure at the same time, and most importantly of all, perhaps, is to be able to handle that annexation when the time comes without a big financial burden or court case or all the difficulties that come along with it.

So I don't know if that is a question in there.

I'd just encourage to you comment on that if you would like, that this is not -- this is not your mother's mud here.

[Laughter]

>> I would like to comment on it.

I would like to -- as you KNOW, MUDs ARE A UTILIZED Tool across the whole state and at the legislature they have what they call their template legislation, and everybody else in the state that comes through to do MUDs, THEY BASICALLY FILL In the blanks on those templates on that legislation, and they go through and they're pretty much like clockwork.

They do the review of the tceq -- the tceq blesses them and they go.

Now, imagine here we come, austin, because we do things a little differently, and we had to go and explain both on the house side and the senate side with representative rodriguez and senator watson, why ours were different.

And it's always a interesting thing when you're at the legislature explaining why austin is so DIFFERENT, BUT OUR MUDs Were different because we did -- we strayed from the template and we added all the safeguards in that the council asked be in there.

So these are not standard MUDs BY ANY MEANS.

These are what I was teased about at the legislature OFTEN AS AUSTINIZEED MUDs, Because they have the internal protections in them that creates them.

That's my comment on them.

THEY'RE NOT MY MOM'S MUDs, And if my mom is watching she's probably wondering what I'm doing talking about mud.

got your mama.

I have notice the tceq has some concerned -- tc -- what was their concern?

>> That was the transportation commission, probably the kindest most disagreeing commission we had.

Of all the boards and commissions we went to, we got positive recommendations from all of them other than urban transit.

We never could put our finger on what the urban transportation commission was asking of us.

We boiled it down to we didn't think that they really liked development out this far.

And we didn't really have an answer for that.

Our answer, as we left that commission and talked to staff, was, well, how can we better plan as the city grows out to meet us, and what came of it was the 10-acre transit sites so that we could plan ahead for mass transit.

And then the words that talk about connectivity that will be put in place when we get to the pud and those types of things.

But they -- because we weren't -- we didn't have a detailed plan for them, they weren't prepared to sign off and say, these are good developments.

They missed the -- they missed the nuance that we were asking for a finance vehicle, not a plan.

but you had a favorable recommendation from the other --

>> from all the others, environmental, parks, planning, water and wastewater.

>> Cole: okay.

Del valle is a school district that has a lot of challenges, and one of the common provisions in the consent agreement, or ultimately the pud is for the developer to donate property to the school district.

Have you been in touch with the del valle school system?

>> We have.

We've had -- we've had initial talks -- southeast travis county has had extensive talks, and there are actually school sites shown on their land plan now as potential sites.

Pilot knob has also been in discussion with the school district, and at this point until they see a plan they don't really know what they're going to need.

Will they need an elementary, a middle, a high school or a mixture of all the above.

What we've committed to is to keep that dialogue going at the pud stage as we get our land uses more tied down, then engage the school district to come tell us what they might be looking for in terms of school size, and right now the commitment is that we will definitely reserve school sites.

There's a good chance they'll be donated and there will be utilities brought to their school sites.

But right now there's no school sites to really donate because, one, they don't have the need for them, and two, they're not sure if that's where they'll want them once the developer goes -- but the commitment is to take care of the schools.

>> Cole: okay.

So when we talk about the commitment to take care of the schools, I think we've been doing that about 30 years in this state and we haven't got it right yet.

So I'm going to try to pin you down on a few specifics even if we have to close that deal when we do the pud agreement.

Now, it's my understanding that there's been some discussions about an 18-acre site.

Tell me about that.

>> Well, there's been some discussions about what generally it takes to build, and it's different acreages for a middle versus a elementary versus a high school.

I think on the southeast travis county mud they've had discussions that you've got two school sites, and they're the right size, if they want schools there.

On the pilot knob site because we're so far from getting our concept plan together, there's really been no discussion about where those schools might be or what size they might be.

It all boils down to what's usable land.

Obviously out here a lot of it is usable except for the floodplain.

I can -- obviously you're not going to put schools anywhere near a floodplain.

So -- so I can understand that the school district doesn't know the need yet and because they haven't made the need it's hard for you to specify what you're actually going to donate, but what I

want to make clear is that I think it's very important that you donate the land to the school district that they do need.

Thank you, mayor.

any other questions, mr. suttler?

Council member tovo.

mayor pro tem, i appreciate the point you just raised and I just wanted to point out that in the consent agreements that are in our backup it does say pretty clearly that del would be required to purchase the sites.

So I'm really glad to hear you talking -- saying that that might be open for discussion, and I too would really like to see in the consent agreement that the developer has agreed to donate the sites because there is very clear language in the consent agreement about those parcels, and -- though it does say there is yet no agreement between the parties upon the number or size of the sites.

And it's understandable why that's the case given -- given that they have not identified it.

But again, the language about del valle being required to purchase the sites give me some concerns.

>> That's -- that's in there only because at this point they can't even tell you if they want sites.

And then on the flip side if they said they did want sites and all of a sudden they have what they view as a free shot because of the consent agreement, they can have whatever sites they want, then we lose our negotiating site on it.

So right now it's addressed -- I think at one point we said they could purchase sites and then we have like a side agreement that they could purchase them at cost whenever they need them so that they are not faced with an escalating land cost.

But I think the option of donating is on the table.

I don't think it's appropriate for the consent agreement, but the option for donating is on the table definitely, and you will have -- you will have that tool with you when you look at the pud, the planned unit development as it's brought in.

I have a question on a different issue.

Thank you for that explanation.

And this is really for mr. jennings.

The staff in the backup information, and it's pretty close to the same language in the pilot knob and the other mud, it talks about the parkland which we discussed at the last hearing, and it -- it says the parks and recreation board recommends making these private amenities, that's the pool and the recreation centers, accessible to the general public based on a fee comparable to what the city would charge, and making parkland available within one quarter to one-half mile of every residence within the development.

And I woulded if you could speak to that, speak to their recommendations, speak to their rationale, and i know we asked this question of the applicant -- the consultant -- the applicants, the developer consultant, last time and I'll ask the same question again.

>> My understanding of that -- I'm sorry.

>> Tovo: that's it.

Thanks.

>> My understanding is that both developments have agreed to the greatest extent possible to have accessibility to a park within a quarter of a mile.

For southeast travis county that's darn near right at the edge of yes, you can do that.

There's a little bit of the development that they're going to have to see about reconfiguring and that type of thing as they go through the preliminary plan stage to try to make that happen.

But for sure the half a mile they're in, and just a little bit of the quarter mile radius is not in there.

For pilot knob it's different because they don't have the -- a development plan that you can take a look at.

You know, they -- they also, to the greatest extent possible, are looking to do the quarter mile standard, but for sure they can make the one-half mile standard, is what they've indicated.

I guess I wonder, then, why that language -- why the language in the consent agreement doesn't capture that.

It doesn't really even capture it even as a goal.

It just talks about the parks and recreation board recommendation, but it doesn't capture the goal of half mile.

>> That language said we can look at to be adding into there to provide more specificity.

>> Tovo: great.

And then if we could talk about the accessibility to the public.

>> The developers at this point feel like because the city's funding nor the district's funding are being used for those particular facilities, that their preference is for the swimming pool and the associated facilities there to remain not open to the public, to be private facilities.

sults, I don't know if you want to add anything.

I know we talked about this at the last hearing and i think there was some discussion about maybe continuing to think about it.

>> The private facilities being open to the public?

>> Tovo: that's right.

And for a charge -- for a fee comparable to what the city would charge, as per the parks and rec recommendations.

>> I need to preface this by, in coming as an applicant to get a mud, there's a value to the applicant of having a mud, and that value can be held in a bucket.

And as you come through each department and each department reaches in the bucket and starts pulling stuff out, at some point it gets to a tipping point where you decide, it's not worth it.

Thanks, we'll just go do our own deal.

On the parks side of it, we have not -- there's not a way to figure out how you would size those park facilities and anticipate what the demand might be for people wanting to pay a fee, and imagine that if -- and we've seen it in our budget process where we've had to maybe not do as much park stuff as we'd like to in our city, and if those folks decide they want to come out here to pilot knob or to southeast travis county and pay to use those pools, we could have an overburden on a pool that is funded and paid for by the homeowners that live around it.

So we just decided that while we can meet the distance requirements for parks, we could not meet the parks board requirement, or recommendation, that we could have basically a country club type arrangement where people could pay to play, because there's no way we could size those facilities to know where folks will be coming from and what the use would be.

And again, it would be unfair to the homeowners that actually built it and are paying in to have a facility that is essentially open to the public, even with a fee.

so it -- even with a fee it was not financially --

>> well, we wouldn't know how to size the facility, because you could never get how many people might want to pay the fee, and the fee -- the fee that was recommended was comparable to a city fee and we can't control that.

So we would have no idea of how to size a facility, not knowing how many people might want to come there.

Much like you have subdivisions all over town that have a homeowners association and homeowners facilities.

It's just a function of not being able to open it to the public because they're not funded by the public.

>> Tovo: okay.

All right.

Thanks.

>> May I add a little bit of information about the quarter mile?

If the pilot knob consent agreement, if you look at exhibit p, -- it's kind of hard.

It's a massive document.

there are a lot of documents.

Is there more information in there about the --

>> the language actually says, if it's okay if I can read it to you.

that would be great.

>> Publicly accessible open space will be dispersed throughout the project and located within one quarter mile of each residence where feasible, practical and accessible by pedestrians and cyclists and all project neighborhoods.

So I believe that addresses the park board's concerns and recommendations there in the agreement.

I think what was going on is that consent agreement was being looked at and there's not as much detail in that as there is in the exhibit.

So we apologize for that.

so I appreciate you pointing out where it is.

That's great.

I'm glad that language exists.

>> Yes, ma'am.

council member morrison?

>> Morrison: thank you.

arnold brought up some questions, and I don't think we have the answers to those questions for her, and i think I'd like to know what they are.

Specifically, for instance, for one, that 25-9-195 says that the written consent of the city to the creation of the mud shall specify the date by which at least 90% of the water, wastewater, drainage and road improvements for which bonds for the mud are issued must be installed or completed.

Is that date in the consent agreement --

>> it's [inaudible] in the language that we've established as a safeguard for each particular mud there is a date with the last bond issuance.

So by the time they make their last bond issuance they're at 90%, a than that's the date -- and that's the date then that would meet the city code requirement.

so is that --

>> I'm sorry.

>> Morrison: please.

>> We believe that issue was addressed within the consent agreement for each of the M.U.D.s.

>> So I guess not explicitly but implicitly because we're just assuming that you can't issue the bonds unless 90% of the infrastructure is in place?

>> Well, you have -- you're going to be -- as a development you're going to have several bond issues, and what we've put into the consent agreement is a date certain that they cannot issue beyond that date their last bond issuance.

But when they're making -- going for the bond issuance, at that time the development has already occurred.

It's already on the ground, so if you're making your last bond issuance, everything is already on the ground.

You're more than 90% built out, so by using that date, that's the date we'll be using to meet that code requirement.

I guess being new at this, it sounds to me there could be -- I mean, could this be abandoned and so there wouldn't ever be any last issuance?

Doesn't say they have to issue their bonds by then.

It says they can't issue them after.

>> That's correct.

so is there a problem with putting the explicit language in about the date that this code actually appears to sort of reference?

Because I certainly wouldn't know that that was the assumption, because --

>> sure.

Let me have city legal come and talk to that particular issue.

>> No, there's no problem with putting that language in there.

>> Morrison: okay.

Great.

That would be helpful.

And then there was also the arnold brought up about solid waste and recycling.

>> Yes.

That our city service is going to be serving the MUDs.

>> That's correct.

is that an unusual situation or do we generally serve outside the city limits?

>> Generally you do not serve outside the city limits.

You serve inside the corporate limits of the city.

THESE MUDs PROVIDE A Unique opportunity for the city.

They are extremely close to distribution, landfill recycling centers that we have, so there's not like the cost associated with bringing those services all the way to very northwest austin.

So in terms of the ability to provide service, it's a natural to that.

And the department feels that it's a good place to -- within a mud, a confined space to be able to provide those services.

So they see those as being able to enhance those efforts for zero waste by GETTING INTO THE MUDs Right off the first bat.

so I gather based on the proximity to the landfill and all, is the suggestion that the cost of service is relatively low?

>> Yes, ma'am.

-- compared to -- and was there actually a report done on that?

I know that's one of the issues that was raised -- in another letter of concern we got in terms of individual department reports and analyses being being available to the public.

>> As far as to my knowledge there was not a specific report.

>> Robert Goode, assistant city manager.

If you recall we had a recycling issue come up a few months ago, a year ago.

We did extensive analysis of that routing and proximity to those recycling facilities.

So solid ways -- excuse me, Austin Research Recovery didn't feel they needed to do another analysis because of the geographic location, it's intuitive that this is going to be below our average cost of service to service these mud's.

>> Morrison: thank you than.

I appreciate that.

And then there was also the question about the soil situation and clay soil, so can you talk a little bit about what the understanding is of what --

>> sure.

Title 30 will be the over ruling code that will address that for arterials and collector street cross sections.

The city's design standards will apply.

In terms of engineering design specifications, the counties will apply.

And those county specifications definitely take into consideration soil types and the conditions and all of those variables to make sure that the roads are stable and have a long, long life.

>> Morrison: okay.

And then I have one other question and this would be subtle, and that is the timeline, because we're -
- what kind of timeline are you on in terms of approval of this?

Would it be -- what would be the impact, for instance, if we were to do first reading tonight and then do -- come back so that we can get our hands on a few more of the documents and changes, come back on the 22nd?

>> I'd be lying if I said it's tonight or ever, because it's not tonight or never.

The 22nd, though, gets to the edge of it because although the statute says we have to have it all wrapped up by september, you've got to back up from september and you've got to be able to do the strategic partnership agreement, and the strategic partnership agreement has to be entered into between the city and the mud boards.

And so in order to get the mud boards going you have to have kept and then you have to have an organizational meeting and get the directors placed.

So you start backing up all the things that have to happen before september, and it gets -- it gets very tight.

We had worked real hard this week on the concepts that you saw tonight.

We had -- you know, this has already been on your agenda at least once, and we had worked real hard on the concepts and got them down to where literally we're down to wordsmithing the concepts and we were hoping for approval because -- obviously I'm not sitting where you're sitting but we felt like they were clear enough.

So I would -- I would ask that it be done tonight.

Do we walk away from the table if it's march 22?

No.

But we would prefer tonight because that gives us another two weeks of running TIME TO GET THESE MUDs Going so that then we don't have to get close to postponing the hearing on the spa and then and CREATION OF THE MUDs AND Get everything benefited up by better thanked up by the deadline.

no work is getting done in --

>> maybe not up here, but i think I know some offices where it will be getting done.

>> Morrison: that's okay.

I appreciate that.

The other thing is that there were some other concerns raised by -- that i just got today, and I know people -- everybody has to work on the -- on a difficult timeline, but i would love to be able to sit down and walk through with you or walk through with staff just to be able to get a better sense of it's a lot about how it fits into annexation and all of that because I haven't had a chance to look at anything written about the affordability.

That would be my preference is to do it first.

But with the understanding that you really need to tie up everything on the --

>> if two weeks from now this doesn't get done, because what we found is something like this, we've been to all the boards and commissions and to you -- and what we find is everybody always manages to find more and more questions and more and more things to talk about and eventually we need to decide, is this good for our city or not and then move on.

Thank you.

>> Morrison: I get that.

sorry be I'm changing mics.

Council member spelman?

mayor, I have a few more questions but i think it makes more sense to postpone further action on this until the 22nd of march and so move.

so there's a motion to close the public hearing and pass on first reading only.

first reading only.

For second reading come up in two weeks.

and that's all the items, 66 through, what is it, 74?

>> 74.

>> Cole: I'll second.

66 through 74.

second by the mayor pro tem.

Okay.

>> Cole: yeah.

Was there a -- yeah.

That's right.

there's often more than one opportunity for second.

Go ahead.

Any further comment?

Council member riley.

mayor, could I ask that we at least break out THE TWO -- THE TWO MUDs Separately that -- I mean, the -- if we could separate southeast travis county from pilot knob, they are very different projects at different stages of readiness, and at this point I have reservations about both but I would be ready to vote on first reading for THE PILOT KNOB MUDs, BUT Definitely not the southeast TRAVIS COUNTY MUDs.

can i make a suggestion -- this is first reading for all of them.

There will still be an opportunity to address your concerns.

It's up to the maker.

it's acceptable -- let's do it this way.

I'm happy on first reading with you will after them, but to give you an opportunity to vote no on first reading at least for the southeast travis county MUDs, LET ME JUST MOVE, Mayor, to pass 66 through 69 on first reading only.

>> Sir, may I add -- that's the southeast travis county MUDs -- BERT --

>> Would you like us also to incorporate the language into the agreements that we've agreed upon?

yes, and get that language back to us as early as possible and no later than monday of the week we have to take a vote.

I guess that would be the 18th.

The 18th?

19Th.

19Th.

Is that goin possible?

>> Yes, sir.

>> Spelman: terrific.

all right.

Modification of the motion by the maker.

Mayor pro tem?

Do you accept that?

So the motion is to close the public hearing and approve items 66 through 69 on first reading only.

Further discussion?

Council member riley.

66 through 69 are the southeast -- southeast travis county?

Okay.

all in favor say aye.

>> Aye.

>> Mayor leffingwell: aye.

Opposed say no.

>> Riley: no.

passes on a vote of 6-1 with council member riley voting no.

>> Spelman: mayor?

council member spelman.

I move to close the public hearing and pass item 70 through 74.

THAT'S THE PILOT KNOB MUDs On first reading only.

Second reading come back on the 22nd of march and the documents on the 19th.

>> The motion by council member spelman is close the pin hearing and approve on first reading only items 70 through 74.

>> Riley: mayor?

is there a second for that?

>> Cole: second.

mayor pro tem seconds.

Council member riley?

since I did ask about providing additional guidance I would like to offer a couple things that -- and I could offer these as friendly amendments, for just informal direction to staff in terms of things that i would like to see.

I mentioned the nacto standards on transportation and I would like to see whether we could include those in a reference to the nacto standards in h2 pd.

H2 d.

And on the urban design I'd like to see if we could consider the city's special use [inaudible] mitigate loss through and connectivity and those options would address both lot sizes and also the -- we've got tools available that -- that deal with things like garage placement, and if we're really aiming for superior design standards I think there ought to be some consideration of those tools.

And I realize some of that could be held off till the pud stage, but to the extent that we could include any of that now I think that ought to be considered.

>> Yes, sir.

>> Spelman: that's friendly.

that's a friendly additional direction, not part of the formal motion.

Okay?

All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye.

Opposed say no?

That's on a vote of 7-0.

Passes.

Okay.

I believe that's all we have on our agenda for tonight.

So without objection, council, we're adjourned at 8:17 p.m.