

Closed Caption Log, Council Meeting, 04/05/12

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>> we ask for joy in this place, we're here to serve this city, we're here to serve this nation. And we pray that all of the inhabitants and members of this blessed community be served by the leadership of this council and collaboration of its people. Bless us today, we ask this in jesus name, amen.

>> Mayor Leffingwell: Thank you, bishop, please be seated. A quorum is present, I'll call this meeting of the austin city council to order. On tuesday -- on thursday, APRIL 5th, 2012. we are meeting in the council chambers, austin city hall, 301 west willie nelson boulevard, austin, texas. Begin with the changes and corrections to today's agenda. First on item 29, after the words awarded in compliance with chapter, that should read chapter 2-9 d, inserting the 9. Item 45 is postponed until APRIL 12th, 2012. Item 69 is withdrawn. Our time certain items for today at 12 noon, general citizens communications, at 00 we'll take up our 00 we will recess the austin city council meeting and convene a meetin the austin housing and finance corporation and then -- at 00, then reconvene the 00, we will again recess and convene a meeting of the tax increment financing board then reconvene the council meeting. 00 we will take up our 30 live music and proclamations, the musician for today is ava arenella. The consent agenda for today is items 1 through 68, with several items pulled off of that consent agenda, which i will go through in just a moment. I want to read first our appointments and waivers. That item will remain on consent, but I'm going to read into the record, for the record. To the sustainable food policy board, mary teeters, is councilmember spelman's nominee and to the waterfront planning advisory board, eric schultz is mayor pro tem's nominee. There are no waivers requested. I also want to read into the record -- disregard that. So the items pulled off the consent agenda are items 10 and 11, by councilmember tovo, item 15 is pulled for a brief presentation by the law department, items 36 and 38 pulled by councilmember martinez, items 41 and 42 are pulled by councilmember riley, item 52 pulled by mayor pro tem cole, items 63 through 68 are pulled because of the legal requirement to pass those items separately, and item 24 is pulled for speakers. So that is the consent agenda for today. I will entertain a motion for approval. Councilmember morrison moves approval. Mayor pro tem seconds.

[10:07:15]

>> Spelman: Mayor?

>> Mayor Leffingwell: Councilmember spelman for comments.

>> Spelman: I would like to make a comment on item 48, I would like to brief recognize maureen britain of children's optimal health? Is maureen here? Thank you for coming, maureen. I -- I would just like to recognize maureen who is in the audience for all of the great work that the children's optimal health has done on the analysis of accidents and injuries involving children. I

understand they've already been working with city staff and I look forward to continuing to work with you and your people on helping to make children safer all over the city. Thank you very much, ms. britain.

>> Thank you, mayor.

>> Thank you.

>> We also have one speaker signed up to speak on the consent agenda, mr. ily. Ei -- ily, joseph ily. Are you in the chamber? Joseph ily? Come forward, please. You have three minutes.

>> My name is joseph ily, i was signing up for the taxicab agenda that I saw that's on the thing, I felt it was important to address as a bystander. I am a member of the positive pedders, I ride across this country in hope of raising money for h.i.v. And aids. I do that on a yearly basis, I think that it's important that people know that without the care and treatment that people , it's -- they end up getting -- getting sicker and the fact is that it's if we don't treat these people, it does - - give them the pro med indication that they need to have to survive, their transmission level just goes up higher. The important thing about is that you know your status. If you don't know your status, you are going to be more likely to in fact somebody else. By cutting any funding to any programs that deal with , you are cutting that area of knowing your status, because people who are positive and don't know it, it's about 25% of positive person out there that does not know that they are h.i.v. Positive. Secondly, you have the fact that if they don't get tested and treated, they are going to pass it on to somebody else, whether they know it or not. So just on as a neutral by standser, I think they should take it in their best interest -- the city should take it in their best interest to make sure that these programs get funded.

[10:10:06]

>> Mayor Leffingwell: Thank you [applause] now, without objection council, we will take up items 63 through 68 together. We have to read a statement into the record, 63 through 68, condemnation items. The motion should be that the city council of austin authorize the use of the power of eminent domain to acquire the properties set forth and described in the agenda for the current meeting for the public uses described therein. This vote will apply to all units of property, items 63 through 68 to be condemned. I'll entertain a motion to that effect.

>> Councilmember spelman.

>> Spelman: We haven't passed the consent agenda yet. Should we pass the consent agenda first and then take up a motion on these items.

>> Mayor Leffingwell: You are correct. We have a motion on the table to pass the consent agenda. All in favor say aye.

>> Aye.

>> Opposed say no.

>> Mayor Leffingwell: Consent agenda passed. Now we'll go back to 63 through 68.

>> Spelman: Mayor, I move approval of items 63 through 68.

>> Mayor Leffingwell: Councilmember spelman moves approval, mayor pro tem seconds. Any comments? All in favor say aye.

>> Aye.

>> Opposed say no. Passes on a vote of 7-0. I want to no go back to items 10 and 11 and recognize councilmember martinez.

>> Thank you, mayor, i realize we have quite a few speakers signed up on this item. There are a lot of moving parts and everyone on this dais I think this week is in some shape or form has been trying to work on this. Quite honestly I think there's too much left. There's way too much left. We need to get this deal right. I think that the proposers of the development want to get it right as well. They have worked with every single one of us who have had requests this week to add to the language of the contract. Quite frankly there's still too many moving parts. We are still in conversations about improvements for the workforce through workers defense project. We are still in conversations about bicycle issues, shoal creek issues, heritage tree issues, affordable housing, terms of affordable housing, and all of those are critically important to a policy decision by the council on this city-owned piece of property. I do believe this development is going to happen. I do believe it can be a good thing. But we've got to get it right. And so -- so I want to apologize, if this council still wants to hear the speakers, I'm open to that. But I am going to make a motion to postpone this item for at least two weeks so that we can all understand where we are on this and then ultimately decide whether or not we want to vote in favor of it or opposed. There's just too many pieces that I think we don't have quite buttoned down yet. So I'm going to move postponement, mayor, of this item.

[10:13:07]

>> Mayor Leffingwell: Councilmember martinez moves to postpone. That would be until the next MEETING IS APRIL 12th. And the next meeting after that is -- you said two weeks, so that would put us TO APRIL 26th.

>> Martinez: I guess i really would like more than one week. I want to ask kevin or anyone who would like to respond, even the developer, what if any hardship it would create to move to APRIL 25th, OTHER THAN That still being a nice pretty piece of green grass.

>> Mayor Leffingwell: 26.

>> Martinez: 26.

>> Mayor Leffingwell: Did we get a second on that.

>> Morrison: Second. Mayor, I was going to say that I would like to hear from folks today if the council agrees to that. With the understanding that you'll be able to speak again, but just to make sure that we have all of the points on the table as we go forward and spend the next one to three weeks working on this. I think that would be helpful in our work.

>> Kevin Johns, director of economic growth redevelopment services. The Trammell Crow representative said that postponing it those two weeks would be fine.

>> I will move the postponement to the April 26th council meeting.

>> Okay. There are 19 people signed up to speak. Ordinarily we don't take public testimony, we will in the future -- if we will in the future. Councilmember Morrison.

>> Morrison: I guess I just think it would be helpful as we move in the next three weeks to be able to hear from some folks, but if people could keep in mind there's other opportunities to speak and to keep the points, you know, as succinct as possible. I think that we would appreciate that.

>> Mayor Leffingwell: Council? Any comments? Councilmember Tovo?

>> Tovo: I agree, as I look out in the audience, looks like there are quite a few people here who have come down on this case. I wonder if we could just see a show of hands of the people who came down to speak on the green water treatment plant. That's a lot of people. I agree that it would be beneficial to at least invite people to come up and speak today so we can really firm up --

>> Mayor Leffingwell: First speaker is Robins. Paul Robbins. Adrianna Velasquez Martinez. We'll get back to him. Matthew Gossage. Matthew Gossage is not here either?

>> I'm here.

[10:16:00]

>> I see you, you will be called. You've been called once, when I get through with this call with person's signed up to speak, I'll call you again. Adrianna Velasquez Martinez, donating time to you is Matthew Gossage. Is Matthew Gossage in the chamber in he's not in the chamber so you have three minutes.

>> Good morning. My name is Adrianna Velasquez Martinez. My dad works in construction and it is really important to me that he is safe on the job. We're all old enough to know the difference between what is right and what is wrong, however a lot of us lack the courage to stand up for what is right. We would rather sit and watch as our country is overcome and destroyed by greed than to go against the current. I have to agree. It is much easier to be a follower. But being a follower means being an accomplice. We were all accomplices to what happened at 21 real. Some of us were ignorant to the conditions this which honest men were forced to work, others turned a blind eye. Ignorance and indifference are the reason three men fell 11 stories to their

death. It's not enough to be sorry or mourn them for five minutes, we have to prevent anything like that from happening again. What happened to the three men isn't fair and although we cannot change what happened, we -- we can take what we learned and avoid anything similar from happening again. I don't mean just fatal accidents, but any accidents, any violations of human rights. We want to secure the rights and safety of hard working men. It may not be your father who is risking his life out there, but it is mine and it is plenty of other people's fathers. I ask you to do what you know is right. We were given a voice and freedom of speech for a reason. We ask you to ensure safe, fair working conditions and -- and fair wages for the men who -- and women who will build our city. As working human beings, they deserve these fair wages, safe working conditions and proper treatment. The only way we can assure this is that the city of austin requires trammell crow to work with workers defense project. Councilmembers, you have the opportunity to act today or -- in two weeks I guess to make sure that the event has that happened at 21 real don't continue to occur as austin continues to grow. Please make sure trammell crow partners with workers defense project to require fair wages, working conditions for workers who will build our downtown, thank you [applause]

>> Mayor Leffingwell: Paul robbins. All right. Next speaker is manuel james or jaimez.

[10:19:21]

>> I would like to start by introducing myself, I'm studying at del valle high school. My dad is a construction worker, just like the rest, not getting paid enough. Family of four, works -- leaves early to work. I remember when the three workers died at 21 real, i wouldn't want the same thing to happen to my dad, the children, the trammell crow owners don't have to worry about this, neither should i. I am asking you, city council, to make sure that trammell crow

[indiscernible] wdp to ensure safer jobs, for workers out there, just like my dad. Thank you.

>> Paul robbins. Three minutes.

>> Council, austin's water utility has the highest combined water and wastewater rates of the top 10 texas cities. One way to reduce the high cost is to sell unused land. So how can you possibly consider taking profit from this land and giving it to the general fund? In 1989, assistant city attorney, deanna granger, gave a written legal opinion that the city's general fund departments had to reimburse the city if it wanted to use the assets of the city utility. In the next year, the city council did just that, the general funds traded office space to the water utility in return for water utility land to be used as a golf course. This was done in resolution 900329-36, passed march 29th. 1990. What if a private utility did what the city wants to could? Let's say there was a rate case for the gas company or the cable company, these utilities had been charging for downtown land in their rate base. Then the utilities gave their land away to a company affiliate, with no profit. Well below the value of the asset. The city would seek to penalize this private company for expenditures, so tell me how this is any different? Why so little public participation? I have to point out that this is one of the largest contiguous tracts of land in -- in austin. In downtown austin. Which is one of the fastest growing cities in the country. But there has not been one public hearing on this development. Those are my comments. I do need you to keep in mind the

water ratepayers of austin, we have the highest water costs of large texas cities and you need to take action omit gate this on our behalf. Thank you.

[10:22:42]

[Applause]

>> Mayor Leffingwell: Miguel arreano. Miguel is not here.

>> [Indiscernible]

>> all right. How about jeffrey valdez? Are you here? Just raise your hands if you are here. Jeffrey? Okay. Is that you raising your hand? Emily tim? All right. Christina [indiscernible] christina -- christina, are you here? Okay. So you have up to 12 minutes.

>> Thank you, sir.

[Speaking in spanish]

>> good morning, my name is miguel arreano, I've been a construction worker for five years. I'm an electricians apprentice.

[Speaking in spanish]

>> I'm here to ask all of you today to support this agreement with trammell crow. And workers defense project.

[Speaking in spanish]

>> so that there's oversight on the construction workers.

[Speaking in spanish] that the workers have safety training.

[Speaking in spanish] career advancement opportunities.

[Speaking in spanish] and a fair age in order to survive and support their families.

[Speaking in spanish] we've already seen that sometimes ... Even though they know that there are legal requirements and laws, wage laws, safety laws, but they don't respect them. Unfortunately, I had the -- the bad luck of working on a construction site, a commercial construction site, where my co-worker lost his life by being electrocuted. We know that this shouldn't have happened. Because it's not permitted to work on -- with live circuits. Sometimes our supervisors make us work. Even in unsafe circumstances. It was terrible to see my co-worker in an accident that could hav avoided. To see him suffering in front of me was something that I will never forget. And his co-workers, we tried to revive him. Giving him first aid. But unfortunately he died in our arms. I would likes to mention another point about -- i would like to

mention another point about wages. Something else that I've gone through as a construction worker. When my employer didn't pay me my correct wage and today he still has not paid me. Another -- another challenge that I've had to overcome, is when I had an accident on the workplace. When I was released by the doctor to work, I was fired from my job. They told me that the work had ended, but the truth was there was still a year and a half left of work on that site. For that reason I am asking all of you to support the agreement between trammell crow and workers defense project. In order to ensure that every worker has a chance to work in safe work site, and that we have career advancement opportunities, as men, as workers, as fathers and as citizens. We are asking for fair wages and a just and dignified salary. For all workers. In the name of all construction workers, thank you for your time and cooperation.

[10:27:46]

>> [Applause]

>> Mayor Leffingwell: So all of you who are signed up to speak now, we do have a motion on the table and a second to postpone this UNTIL APRIL 26th. At which time you will have an opportunity to speak on this again. So just keep that in mind and -- in making your decision about your comments today. Arella garza decorte. And you have three minutes. Signed up neutral.

>> Good morning, mayor, councilmembers. My name is arella degarza cortez, here we go again. I'm supporting austin interfaith, we are here in support of our member organization, the workers defense fund and we're asking you to be fair in the negotiations with -- with the workers defense fund so that we can have fair and just wages. For our workers. It is no accident that -- that the poverty rate in austin keeps climbing. As we become the -- the -- today's paper we are the second -- you know, growing city in the country. And so as we continue to grow, our child poverty rate continues to grow. Our poverty rate continues to grow and is just -- we are just not keeping up with that. For example, in 2009, we had 4% overall poverty rate, whereas the state was 17.2%. And if you look at the children below poverty, the 2%, but austin was 27.2%. So it's no accident that when we're talking about poverty in austin, is directly related to the fair wages that we pay the construction workers and anyone who works in any kind of an industry, but today we are here to support the workers defense fund. They are a member organization and we of course represent over 35 organizations that consist of non-profits, churches, congregations and labor organizations. So -- so please think this over and we ask you to -- to keep in mind the poverty wages of the city of austin and we certainly don't want that as a dirty mark, really, on our report card on how we do in terms of the city and the quality of life for all people in austin. Not just those that can afford to live here. Thank you so much.

[10:30:34]

[Applause]

>> thank you. Peggy [indiscernible] peggy. Jim duncan. Jim duncan. Robert jim's, are you jim -- robert williams, are you jim did you think cans? Three minutes, signed up against.

>> Mayor, councilmembers, my name is jim duncan, I'm a local resident, businessman and professional city planner, most important as a resident of 360, green water treatment plant is literally in my front yard. When I returned to austin almost three decades ago to direct the city's land development services program, two new major shopping centers had just opened. One on the south, I won't mention its name, had scraped and raped the top of a mountain polluted barton creek and created the birth movement and our watershed ordinance. One on the north, the arboretum which to me represented everything that is good about designing with nature. In fact when I speak to speak cities and groups around the country, I speak about the examples of good, bad and ugly. Trammell crow developed the arboretum, when you selected them as prime contractors for the green water treatment plant I was both pleased and excited because I knew of their wonderful track record and I knew they wouldn't mess up my front yard. However, today, I would like to echo councilmember martinez and say today is not the day to make a final decision on this project, too many unresolved outstanding important issues, such as workforce participation and protection, actual remediation costs, I have watched that project and i know that it costs a lot more for the city to prepare it than what we anticipated before. Housing affordability, preservation. Let us not create a mistake on the lake. Let us create a project that we will all be proud of send serves both developers and the citizens of austin in the best way possible, thank you very much.

>> Mayor Leffingwell: Thank you, robert williams.

>> Robert williams, then after will be roy whaley on this podium over here.

>> Good morning, my name is robert williams, I'm a member of mount olive baptist church and a leader with austin interfaith. Austin interfaith had been fighting to win living wages for workers all over austin. Especially when companies are receiving subsidies or other benefits from the city. Two weeks ago, the city did the right thing by negotiating a deal with apple that provides living wages for jobs, all permitted employees and by requiring that apple partner with the workers defense project to ensure that the workers building this new facility will have safe, liveable jobs and organizations for advancement through training. We are here today to call on the city council to do the same thing for redevelopment of their own land at the green water treatment plant. Thank you.

[10:33:59]

>> Roy whaley, following roy will be charles betts on this side.

>> Howdy y'all, good morning, my name is roy whaley, the vice chair of the austin sierra club. I'm speaking in that capacity this morning. And I -- there are a lot of things about this project that says put it back in the oven, it's not ready yet. So thank you for making the motion and the second and i hope that it carries, that we come back. But let's look at what we need to be doing in the next couple of weeks. The two items that I want to address for the sierra club have to do with affordability and its impact on sprawl. We need, if we are going to reduce sprawl, like we say we have a stated goal of doing, we have to make it affordable for people to live in austin. If we have to make it affordable for the workers that build the project to live in austin, we have to make it affordable for the people that work downtown to live in austin. The other issue is the heritage

trees that are on the site. The city of austin says that they want this project to meet a higher standard. And yet the city won't even meet its own basic standards. We are looking at taking down eight trees that can easily be saved. When the demo plan was submitted, they were in there to be -- to be preserved. The ordinance at the time, we should have gone through, even though we're not required to, we're not -- this project is not grandfathered. There's -- there's nothing to prevent us from taking any step that we want to. What I often hear is that we would do more if only we had more control. But they own this property and we have to follow the regulations for the owners of this property. We own this property. I own this property. They own this property. You own this property. We can do what we want to hear! We're not bound by anything. Except for what is right for all of the citizens of austin. We need to preserve these trees. 39-Inch, a 37-inch walnut tree was cut down on this site, a tree that will never, ever grow here again. That will not happen with the climate change taking place today. We have to preserve our heritage trees and we should have gone through the process. We should have taken this to planning commission, we should have acted as though this ordinance was in place in 2009, but even in 2009, these were protected trees. By ordinance these were protected trees, we're going back to the '0s, back to before we even had -- had a tree ordinance. If we had lots of land that we could do this with, great. But this is one last piece of lands. It is a precious, precious commodity, let's address these issues. Let's take care of these trees. Let's -- let's not go back to the '70s, let's go into the future. Let's go with what we have done, you have a citizen group, task force groups, work groups that work on things like the heritage tree ordinance, we put hours and hours of our time into it [buzzer sounding] respect that, respect the trees. Thank you very much.

[10:37:16]

>> Mayor Leffingwell: Charles betts, following charles will be scott johnson on this podium over here.

>> Mayor, I would be pleased to defer my comments until THE 26th.

>> Mayor Leffingwell: Thank you, charlie. Scott johnson and following scott will be richard haymond on this podium over here.

>> Good morning, mayor, councilmembers, mr. Assistant city manager, city staff. I'm supportive of dense urban development that looks at affordability issues and environmental issues and support what was said earlier by speakers. What I would like to see is some visioning happening. We constantly hear that the developer has agreed to leed standards, that's fine, the city has been following those standards since june of 2000. Austin green building is another strong program as well. Those programs don't address digging the hole, building, construction of it. We can do better. The city has a tool kit to address emissions from the construction process and we need to use it with this development. I've had this issue before the planners at the library department since they rolled this out a couple of years ago. This needs to be part of the overlay. We should consider visioning to have a low emission zone really in all of downtown but at least starting here and that would restrict or ban gas powered leaf blowers, there are alternatives. It would incentivize using higher efficiency landscaping equipment in general. It would reduce emissions from the construction process which is a massive amount of emissions that go into our air shed that are now poorly regulated only , emission standards are we gaining ground. There is a state

grant program that can address this issue to help those contractors that can't buy new equipment to replace or repair the equipment that we have. Let's look at this project, envision something better than what's currently there to make it even better for cyclists, even better for the environment, and better for those issues that we care about. Thank you very much.

>> Mayor Leffingwell: Thank you. Richard hamond, following richard will be gregori on this podium.

>> Good morning, my name is richard hamond, a faculty member in the geography and i teach urban studies there. I have been an academic advisor with the workers defense project on their research into the construction industry for -- for more than five years. Past five years. Because of the problems in the construction industry that were uncovered due to our research, research spearheaded by workers defense project, the council has recognized the need for more protections for low wage construction workers in austin and all construction workers in austin. The couple of years ago you passed the rest break ordinance which assured that construction workers were allowed to have a 10-minute rest break a couple of times a day to drink some water and to rest up to try to prevent some grievous injuries of the kind that we have unfortunately seen. In addition to council activities, the state legislature passed a bill strengthening workplace protections, especially for wage theft and governor perry signed that into law last year. So it's -- being recognized as an important area of public concern and we need to -- we need to -- to continue to include such protections for workers. And you made a great step forward by including such protections in the apple deal that you passed a couple of weeks back and specially we need to include these kinds of protections in the public/private partnerships that the city of austin is entering into, especially ones involving public lands such as the green water treatment. So I urge you to include robust wage and safety protections, are in the green water treatment plan, but requiring the developer to partner with workers defense project to ensure that we have healthy and -- and -- living wage paid austinites working on our construction projects. Thanks very much.

[10:41:34]

[Applause]

>> on this podium over here.

>> Hello, council, I will pretty much defer my comments for two weeks from now, I just want to -- i just want to thank you all for listening to our workers testimony in which shows how undeniable some of these problems are, we hope to address these with trammell crow, we've had conversations with them and hopefully can report in the next two weeks. I would also like to thank the gentlemen from the sierra club to show this is an affordability issue, at \$8 an hour you can't afford anything, if you are injured you can't work, you can't afford anything at all. Thank you very much.

>> Mayor Leffingwell: Thank you, [indiscernible] following karen is kathy from this podium over here.

>> Martinez: Mayor? I just wants to let everybody know, we keep talking about two weeks. I did say that I would like to have two weeks, but the actual motion is three weeks. IT'S APRIL 26th. So it's more than two weeks. We have three weeks. We won't have a meeting in two weeks, so don't all come down here to speak on this them because we won't be here. But in three weeks we'll be back and look forward to your comments.

>> Good morning, mayor pro tem, members of council, my name is karen popp, i appreciate you 7 postponing this issue, there are a lot of moving pieces, I hope there will be -- I thank you for postponing this while we work this out. Three of the affordability issues that I would like to speak to where I hope that we can make some progress, affordability

[indiscernible] terms that would govern the affordability. With regard to the number of units there's not a detailed explanation of how we went from the original proposal, the 25% of all of the units would be affordable down to 10% of the units being affordable. There should be some mathematical explanation of how the proposal got reduced by that large of a number of units. With regard to the affordability period, seven years is totally out of sync with the direction that we've been headed with our affordability programs, the affordable housing incentives task force made longer affordability one of its core values and in all of the programs that it recommended set a minimum 40 year affordability period on rental and 20 years to permanent on home ownership units. That was contemporary with the green water treatment plan -- or green water treatment discussions, so we just expect that that will be the norm. Actually, as I read the original rfp, the city asked for permanent affordability. There's an article in this morning's statesman that sets out in a table what the other respondents would have provided and it does not address the affordability period. But I would assume since the rfp said permanent, that they all meant permanent, too, some years it's just out of sync. Lastly, there are a couple of terms in -- in the master development agreement that -- that govern how the affordability would workment one is that it would run from the date of certificate of occupancy, often a unit gets a co from building inspection, but it's not really ready to occupy,s certainly can't be leased up on that date. We're already subtracting off days from the affordability period. Short seven year period. By setting it from co. Other programs set it from the date that it's occupied by an eligible tenant. Going in that direction in casting doubt on whether eligible people would actually be able to get these doesn't say that the affordability period would be met by people who are eligible, but that unit has to be held available. I think other programs require that -- that to get to that -- to that seven year or four year, whatever that period is, that it actually has to be leased by somebody who is eligible. I look forward to working with you on these issues over the next three weeks, thank you.

[10:45:33]

>> Thank you.

>> Kathy echols, following kathy will be ruby, ruby, are you here? And after ruby, michael

[indiscernible] welcome.

>> Kathy echols, I'm with housing works as well as liveable city, but I'm speaking for myself today. I this I that I speak to many housing advocates and other members of the community in

saying that the current proposal for green has left me feeling quite betrayed. Because of the lack of transparency in this whole process, it's not been clear when this betrayal happened. And I should say because of that feeling of betrayal i am very appreciative there's going to be a postponement so that hopefully some of these issues can get resolved. We worked very hard to get into the green redevelopment resolution requirements for housing affordable housing deep income levels and long periods of time, those are quotes, when this proposal was selected we heard it contained 25% of affordable housing at 80% of median family income. They actually got extra points for the 25% and 120% of median family income for ownership. Not perfect, but it was decent for downtown. We have since heard that the affordability was -- except was for a ridiculously low five years and that these terms were depend debit on the city building -- dependent on the city building a parking garage when then never happened. I'm not saying that it should have happened, but it meant because of that the developers have now come back and said only 10% of the rental units will be affordable for seven years, instead of ownership they will be doing five units at less than 30% of median family income. The five year affordability term was apparently based on smart housing requirements. This made no sense. There were clear guidelines for downtown, the affordable housing incentive task force recommendations on which i worked quite hard along with a lot of other people, specified 40 years of affordability. Moreover, smart housing recommendations are irrelevant. Smart housing focuses primarily, primarily gives fee waivers and it doesn't have anything to do with allowing density or allowing projects to be built. And of course this project involves massive square footage. One way or another, five or seven years is not long-term affordability. So basically we were asking private developers to provide 40 years of affordable housingability, according to the affordable housing incentives task force recommendations, but we were going to be allowing only -- requiring only five years on our own land. What needs to happen now? As I said, I'm really glad there are a couple more weeks, this agreement is not consistent with the redevelopment resolution because it does not include long-term affordability. It needs to be renegotiated to get meaningful long term affordable housing, 40 years, the number of units needs to be consistent with the amount in the original agreement. Moving forward, there needs to be an ordinance requiring 25% of affordable housing with long-term affordability on all city-owned land. We also need to make sure that someone who understands and cares about affordable housing is at the city of any development agreement that involves city land. And we need more transparency throughout the process. Thank you.

[10:48:55]

>> Mayor Leffingwell: Thank you. Ruby roja.

>> Good morning, mayor, council, thank you for allowing us to speak. I am in support of the housing works initiative and also the living wage on -- support austin interfaith. Most of you ran -- ran your council race on affordable housing. And I -- I -- I don't feel like I need to stand here so -- to reminds you of that, but obviously we do. So -- so in the next three weeks, in your planning and looking at this -- at this item again, please remember the folks that are most in need that live in our community. Those are the folks that -- that I visit on a weekly basis. That have -- that have hard time paying their rents, their utility bills, and to clothe and feed your children. I urge you to please always keep those folks in mind and thank you very much for allowing us to speak.

>> Mayor Leffingwell: Thank you.

>> Thank you, following --

>> I'm michael foss I will reserve my comments until THE 26th.

>> Mayor Leffingwell: Thank you.

>> Shannon perry. Not here. Margaret -- margaret

[indiscernible] okay, those are all of the speakers that we have. We have a motion on the table with a second to postpone. Did you sign up to speak? Come on down, tell us what your name is.

>> Mayor, council, I'm peggy

[10:51:02]

[indiscernible], a 40 year residents of austin.

>> We did all you earlier.

>> You did, I'm sorry, I did not hear --

>> Mayor Leffingwell: Go ahead. You have three minutes.

>> In february of 2010 austin's heritage tree ordinance was enacted, many of austin's citizens and staff worked very hard for months and it was unanimously approved by the council. And it is a statement about what our community holds dear that are old trees are important. The ordinance to approve the green water treatment plant master plan development agreement contains a waiver from parts of the heritage tree ordinance relating to the heritage trees on this site. I'm a little dismayed that parts of this ordinance may be waived as part of the sale of this agreement. Not only are our cities heritage trees not being preserved, but they appear to be a negotiating factor in the sale of the land. Why would the city not require a developer to follow our ordinance, regardless of who sells them the property. We should be protecting our trees and their protection should be even more important because the city is the seller. The heritage tree ordinance is a preservation ordinance. These healthy trees are at the edge of the property, some only eight feet from the curb. There is no hardship to the developer to allow these trees to remain. It makes no sense to remove them. On the site there is one protected tree, one 33-inch PECAN AND 60s HEALTHY LIVE Oaks all over 24 inches in diameter. As part of the development terms, a tree removal plan has been written to allow for seven removals and one transplant. With no permits and no public process before the planning commission and the environmental board. So allowing the removal of these trees without this process set out in the heritage tree ordinance goes against what the city government should stand for integrity and open government and what the community has clearly demonstrated it values, it values its older trees, this is going to set a very bad precedent. I'm very pleased to hear that you will allow more time to consider this agreement. Thank you.

>> Mayor Leffingwe Okay. Those are all of the speakers, [indiscernible] you signed up, do you want too change, wish to speak now? You were signed up not wishing to speak. You may speak if you want to. You have three minutes.

>> I promise not to use all three. Council, thank you, my name is tedd siff, I'm here representing the original austin neighborhood association as its president. We do support this proposal with conditions. I would like to -- to -- to just mention that -- that we -- that we appreciate all of the arguments presented today with regard to affordability, with regard to worker safety and worker wages. With regard to housing affordability, nothing has been mentioned about this proposal, including 45 million-dollar contribution into the housing trust fund. And that may be a source of funds to use to -- to increase the number of units and the lengths of time that those units are affordable in the proposal. It just seems to -- it's surprising to me that it hasn't been brought up by anybody that this proposal as it stands includes not only the affordable units, but a \$45 million commitment to the housing trust fund. Our conditions, the conditions of our support involve two sections. One is the -- the tree section, regarding the tree removals, the current wording of the master development agreement involves paying for -- paying for the -- for the mitigating by payment of removal of three trees and the remaining three. I think that it's a total of six, not eight. Are mitigated by -- by putting in new trees. Our condition, in fact, putting in -- putting in three times the number of caliper inches of new trees that the current heritage tree ordinance requires. We would ask that be done for all six trees, not just the three. 1, in the letter that I passed out, the shoal creek improvements, the proposed \$250,000 contribution, the last sentence in that -- in that section allows the city to designate that money for already expended funds. We would just propose that that sentence be deleted since it's not the intent, expressed intent of the developer to -- to pay for -- reimburse the city for already incurred expenses, but rather this is proposed for -- for new shoal creek improvement. Thank you for your time. I would like to ask a couple of questions for staff. First, the possibility of

[10:56:31]

[indiscernible] the 40% commitment of the increased tax value to affordable housing and trust fund, would it be possible to -- to divert some of that money to -- to extend the terms of affordable housing and the -- and/or the number of affordable housing units in this process?

>> Kevin johns, director of economic growth. Yes, sir, that is one of the -- one of the options that we have just presented to you this morning.

>> Well, in the three weeks that we've got before we bring this item back, i would ask that we look at that and see if we can incorporate language to that effect. In addition, the other thing that I wanted to ask about, is worker safety. This issue is going to come up with every project that we work our way through. I wonder if we could just make that a part of the language in the development agreement that -- that safety issues be worked out and coordinated with -- with workers group for each project, not just this one, but going forward.

>> As a formal policy --

>> a formal policy, yes.

>> Yes, sir, we would be delighted to do that.

>> Mayor Leffingwell: If it's not possible now, let us know what action we need to take as a body to make that happen.

>> Thank you.

>> Mayor Leffingwell: So the motion is on the table for items -- to postpone items 10 and 11 both until april 26th with a second, councilmember tovo?

>> Tovo: Thanks, i appreciate you providing us with information about our options. But I just wants to say to my colleagues, I spent a lot of time, thanks to my great staff and a lot of the staff around the city going through, you know, a good number of documents related to this case from 2008, including the entire proposal that trammell crow presented to the city. I want to be very clear about one thing. I didn't serve on the council but I have reviewed the transcripts, talked to at least one of the councilmembers, talked to a lot of the affordable housing advocates who were involved. It was never the expectation that -- it was the expectation, as far as I can tell, from that research, that these units would provide long-term echols and -- long-term affordable housingability and others have mentioned, the language was deep income levels, affordability for long periods of time. One of the provisions that i found interesting in looking at the rfp is that there was language talking about any proposals that include a housing component shall include an option for the city to participate in a public/private partnership for additional units and/or deeper affordability. 1 in the request for proposal. Notice that's not an opportunity for the city to participate in extending the length of terms of the affordability. Because it seems to me pretty clear that was an expectation, that was an assumption that these would provide long-term affordability. Not seven years. And that the city would have the option of participating in securing additional units or deeper levels of affordability. And I don't -- that's the direction that I want to see us go in the next several weeks. I would like to see at least 40-year term and I would like to address the other popp and echols have raised in terms of making sure that we have a number of units specified in the agreement as well as dealing with -- with some of the other issues about the certificate of occupancy versus the certificate of -- versus the date of occupancy.

>> I have just a couple more comments.

>> I think it's instructive to look back at some of the language that was used, including on the dais at this time. This was a project, a big development, exciting development, something that was really going to transform this part of downtown and that was going to provide housing for everybody. This development is going to be for everybody one of the councilmembers said. It will have housing at all price ranges, going to be the kind of place for every austinite to be part of, to live there, work there, shop there, et cetera. I'm going do excerpt here. This is an opportunity to .. I think this is an exciting project. I am delighted that it's getting closer to being parted, but I really do think -- getting started, but I really do think that we need to honor the commitment that was made to the community at the time. Mayor, you made a comment earlier this week at our work session that we can't -- I don't want to misquote you. So I'm going to pull out -- we can't every time a new part of this comes forward, to a new and different council, we can't go and try to reinvent the wheel every time or this project is not going to get off the ground.

We are not reinventing the wheel here, we are honoring those commitments that were made to affordable housing. I hope that we can get here in the next few weeks, i would be happy to work with trammell crow on specific language that I think would better reflect that commitment and I also am in full support of the workers defense project and the items that they would like to see in there. I appreciate trammell crow and I understand that you have been working with representatives on that on getting more specific language. I'm very hopeful that we will get there on all of these fronts and i appreciate your willingness to postpone it to give us time to do that.

[Applause]

>> Mayor Leffingwell: Mayor pro tem?

>> Cole: I have a couple of questions for mr. johns. The seven-year commitment that we have been discussing, is that actually not stated in the documents?

>> The seven-year commitment is stated in the documents.

>> Cole: Okay. I know that we were trying to be creative when we were talking about the commitment to the housing trust fund. So we brought up a number of items that -- that may be more -- more urgent to me in connection with this contract and the mayor suggested that some of that funding actually be -- be considered to try to -- to bring the parties together and the interest groups to make this happen. Similar to what we did in -- in neural. So I just want to encourage you to try to do that. Of course I appreciate the -- the workers defense guys weighing in, putting in their needs on the table, also. So I think all of that should be a part of the discussion.

>> We will continue to work on that.

>> Okay.

>> Yes, I have to respond to councilmember tovo's comment. I never in any way meant to indicate there coon be tweaks to this -- that there couldn't be tweaks to this contract. I was talking about going back to the drawing board could be possible with an excessive number of changes. Councilmember morrison?

>> Morrison: I just wanted to add a couple of pieces of information. One of which was the suggestion that the commitment was for five years of affordability as a period. I, too, understand that we need to be able to -- to, you know -- to work our negotiating -- negotiations based on the expectations. I was provided a memo maybe just this morning from june 11th, 2008, THAT ACTUALLY Indicates that there was discussion of five years, but only with -- only in reference to owner/occupied. So I think that we need to put that -- keep that on one side of the table as we're discussing things, but certainly it doesn't appear to apply to the expectations for rental and I would be glad to share that memo with my colleagues, I do want to make a couple of other comments. The point has been well made that this is a public asset. It needs to serve our public expectations and our public values, it is absolutely critical that we get this right. Ruby roja is completely correct. She has heard every single one of us commit to affordability and we understand that affordability is a key challenge to our future. If we don't get it right, we are not

going to be the city that we say that we want to be. So that I think that with green, we have an opportunity that we cannot pass up. And it is -- as it stands right now, I think that we have -- we have lost our way, frankly, in terms of adhering to the public values and the public expectations that we have in terms of using this land. I do want to mention specifically the comments that my colleague councilmember tovo made in terms of looking for -- for -- having an expectation of -- of the numbers and the -- and the eligibility issues that karen popp brought up. I certainly hope to see those issues addressed in the next three weeks of -- of work. I am concerned about the idea of -- of -- of taking our -- our housing trust fund moneys that will come from the increased property values -- taxes, we know that 40% of that is from public land, downtown land, dedicated to the housing trust fund but that does not obviate the need to the commitments to be fulfilled separately from the development and the developer. So I see those as two separate things. As was mentioned perhaps that funding could be used to deepen the affordability levels, but there is a baseline of affordability that I think that we have to expect. I also have to say that I'm -- that I'm - - disappointed to some degree that we haven't been able to commitment from the senior housing that was discussed. I was not on the council when the proposal was -- was approved by council and when the developer was chosen. But I do recall a lot of discussion and excitement about that component of the -- of the proposal because that is another way to ensure that we get some diversity in our downtown residents and really make downtown available and a place where everybody can live. And as we know, that the -- that the senior age group is -- is growing hugely, and if we really want to have downtown be the city that we -- the area that -- and the neighborhood that we say we want it to be, green is too big of an opportunity to pass up.

>> Mayor Leffingwell: Councilmember tovo?

>> Tovo: With apologies, I've been asked to clarify a comment that I made earlier, that is that I will of, the established r.f.p. Project to process to communicate with trammell crow as it is illegal for us to communicate directly. So I just wants to convey that point and clarify. Thank you very much.

>> Councilmember spelman.

>> Spelman: Thank you, mayor. Kevin, are you still around? I wonder if did you could do us a favor. Mda is 107 pages long when you include the exhibits. A lot of that is boilerplate stuff that we include in all development agreements and some of it at least is simply a restatement of current ordinance or statutory requirements. It's hard for me at least, i imagine maybe hard for some of the rest of us on the dais, to separate the -- the contractual obligations that are new and different from our usual obligations from our usual boilerplate that we negotiated with -- with trammell crow, as part of this agreement, from everything else. Would it be possible for you or somebody in your staff to come up with a he on he with a short -- with a short-term sheet which would give us a sense for what exactly is in this agreement which is different from what would have been there just in an arm's length, non-negotiated agreement.

>> Yes, sir, we would be delighted to do that.

>> The reason that I'm suggesting that is because what I think we're talking about here is making substantial changes in one aspect of this agreement. If we were just to lay over our new

requirements on top of this agreement, that might require a substantial reworking of the entire contract. On the other hand, if there's some tradeoff that we can make, something that we're gender equity out of this deal which it turns out we don't care as much about as affordable housing, that might be something which could move or would not require a whole lot of reworking of the project on trammell crow's part. If we get that term sheet, i think it will facilitate our willingness and ability to make that kind of a tradeoff.

>> We will approximate you the a comprehensive term sheet together.

>> Spelman: Terrific, thank you, kevin.

>> Sure.

>> Mayor Leffingwell: All in favor of the motion to postpone say aye.

>> Aye.

>> Opposed say no. Passes on a vote of 7-0. Item will be postponed until APRIL 26th. 15, we need a brief presentation by the law department.

>> Good morning, I'm michelle kneel land an assistant city attorney in the law department. I'm here today that you approve a settlement to settle a civil rights lawsuit filed against the city in kathryn hardin versus the city of austin. As we discussed on may 8th in executive session, this is a civil rights lawsuit involving employment decisions made in the austin water utility. The plaintiff complains about these decisions and alleges the city illegally used gender as a factor in making the decision and then took actions against her and filing a complaint with the eeoc. The settlement agreement generally contains the following terms, first the city will pay the plaintiff 235,000 including attorney's fees and costs, second plaintiff's employment will end on the last day of the pay period following approval, if this is approved and she will not seek reemployment with the city. Finally, in exchange for this payment, plaintiff will dismiss her lawsuit against the city with prejudice and release the city from any claims that were or could have been add certificated in the lawsuit. The -- asserted in the lawsuit. The law department recommends settlement with these terms and I will take any questions that you may.

>> Mayor Leffingwell: Questions for staff or a motion.

>> Move approval.

>> Councilmember martinez moves approval. Seconded by mayor pro tem cole. Discussion? All in favor say aye.

>> 7 On possessed no. Passes on a motion of 6-0 with councilmember spelman off the dais.

>> Thank you, may I be excused?

[L

>> sorry.

>> Mayor Leffingwell: We're not used to that

[laughter] all right. All right. Number 24 we can't take up until after the related public hearings. Later this afternoon, that will take us to item 36. Item 36, pulled by councilmember martinez, we do have a number of folks signed up to speak. Council member, do you want to say anything or go directly to speakers? Paul saldana, donating time, carol hadnot, carol are you here, juan oliveras is here, banks, paul you have to up to 12 minutes.

[One moment please for change in captioners] .. you will notice that most of the minority chambers received average increase of 51% to 61% increase. I do want to point out that back in 2005 the greater austin chamber via the greater austin economic development corporation, was issued -- a contract was approved for them for 7 million and then each fiscal year since 2005 the greater chamber has received annual contract amendments of \$350,000. And then in 2009-2010, the council approved adding five additional extension options, each valued at 350,000 for each year, so that revised ten-year contract is now estimated to be a little over 5 million which is funded by austin energy. Our whole point of contention is that there continues to be a disparity in the level of funding for the minority trade associations. And as you can see by the side by side comparison for the last five fiscal years our funding has remained stagnant at \$45,000 a year. We also have particular concern with the item that's before you today. If you look at fiscal year funding 2010-2011 with the university of texas special development center, their contract, annual contract amount was \$37,500. The item that's before you today is proposing almost a 2,000% increase, almost an \$800,000 multi-year contract. That's the only thing i wanted to point out each of the chambers received a multi-year contract. Our contract is a contract for \$45,000. These issues were a raise understand 2009 by the austin area black contractors association but unfortunately this contract was approved. I also want to point out the proposed contract with u.t. Doesn't provide any demographic information regarding small businesses that are being served. We firmly believe there's a duplication of services, and in this tough economic times, we believe we would all be better serve to do ensure we're not duplicating services. A lot of the service providers provide the exact same type of training that they are proposing, that staff is proposing in this contract in front of you. So we encourage you to do an assessment of all the services that support small businesses. Where is the continuum of services, the overlap. In addition to funding these organizations, you also provide fund to go big austin, you provide fund to go people fund and there are other organizations that are not listed here as well. I do want to tell you that on tuesday the m.b.e./w.b.e. Advisory committee supported our proposal to postpone and to also go back and address the issue of disparity in funding. We plan on bringing this item before the council subcommittee next tuesday, so our specific request to you today is that you vote to go ahead and postpone this item, that you direct staff to go back and do a needs assessment, have them quantifying the continuing services for small businesses, and most important through to us that they address the on going going issues of disparity and funding. I want to thank councilmember martinez and the mayor for supporting our request to pull this item today and we also want to go on record in thanking the advisory committee. And I'd be happy to answer any questions.

>> Mayor, I have a question.

>> Mayor Leffingwell: Mayor pro tem cole del you talked about duplication of services, can you give me examples?

>> Sure. If you look at the backup material for item number 36, it gives you an outline of specific training provided to those small businesses. So not only does your small business development program center and the minority chambers, the minority trade associations provide those exact same type of training, it's duplication of services. But yet our contract is 45,000 and this one is proposed \$800,000.

>> Cole: For the chamber.

>> No, for the u.t. Development center.

>> Cole: So are you suggesting that the contract amount to the minority chambers needs to be increased for those eventually -- I guess I'm trying to understand what your long-term suggestion is and I guess you can tell me m.b.e./w.b.e.

>> We have several issues. And foremost is staff look at the disparity for all service providers. I should say that last year the minority trade association sat down with city staff and we submitted a request to increase our funding and we quantified why we would need the increase in funding. Just to give you a example, hispanic contractors propose providing additional plan reading opportunities to assist our contractors, provide additional services for estimating, for bond preparation, financial preparation, time and project management, training to address contracts and liens, training opportunities for leed and green building, osha safety change. That kind of gives you a ballpark example how we were quantifying our request to increase our funding. I should also tell you that historically we're sort of the stepchildren in this process because we've been bounce to do different departments. At one point we received cdbg funding, different departments. We still don't know where we're going to fall in this year's budget. Other years it's been through the small business development program. That's another concern there. So more importantly is that it caught a lot of us quite by surprise because this is the first time we are hearing about this particular contract. Apparently there was some type of survey done several years ago and that might be outdated at this point, but to go from a contract that last year receives \$37,500 and then to increase it to \$800,000, but there's no quantification of that in your background, there's no demographic information, and then, you know, I also want to say I know there was an item councilmember morrison and councilmember spelman put on the agenda, we support that. That's what we're encouraging you all to do, a needs assessment. Look at your continuum of services that you are providing to all your service providers, and before we add fund to go additional programs, we need to make sure we're addressing and taking care of the ones we have, especially those who historically have received funding. And again, we support the item that's on the council agenda today, and again, that could be funding help address some of those issues in that action plan.

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: I want to point out that mayor pro tem cole is a co-conspirator on that item. What requirements has anyone made of your organization to evaluate the effectiveness of the training you've been doing?

>> They are all performance based contracts. Unless we are performing, we don't get paid.

>> Spelman: What does performance task have to do, delivery of training or effectiveness?

>> I think it's a combination of both in the number of people we're serving.

>> Spelman: How do you know you are doing a good job?

>> Because that's part of the assessment and feedback we receive from your city staff.

>> Spelman: Okay. So they are watching training and writing things down. Is there -- has the city staff ever gone back to the people you are training and see are they able to start a business, are they more effective at running their business than they were before?

>> Our trade association does surveys on the type of training we provide and we provide that information to staff.

>> Spelman: So far as you know you are pretty much the same kind of training and doing it as well.

>> Again, the needs of small businesses in construction are very specific. And we feel that we are all -- we are positioned the best to serve the communities that we serve. And same thing with the austin area black contractors and with the asian contractors and hispanic contractors. You know, while our approach is very similar, we're specifically allocating our services to our members and the people we serve.

>> Spelman: You know your members better than anyone else would.

>> Yes, sir.

>> Spelman: Thank you.

>> Mayor Leffingwell: Next speaker is aaron gutierrez. Aaron gutierrez. Aaron? You are signed up for and you have three minutes.

>> Hi, I just want to introduce myself. A gutierrez. Just let you know what we consider important is level of customer service. The program that we offer is for small business owners, but I feel we really get to know people attending our classes. People standpoint with our program since we've been doing this contract and we really get to know them, know their experiences. We really value their input and really try to have these classes built for them and educating them. One thing we also do is have our instructors have a background as entrepreneurs and really learn what they experience as small business owners and then pass that information on to our students.

One thing that our instructors like to do is really take the time and effort to mentor the people that are taking our classes. They volunteer their time, a lot of time after the trainings we offer and we'll offer them throughout the year, but they volunteer their time and work with students on a one-on-one basis. It's a program we're really proud of and what we do so just wanted to let you know that about the program itself that we offer and the instructors that we use that have background as small business people that have done this in the past and are teaching the new generation in Austin for small business success.

>> Mayor Leffingwell: Councilmember Spelman.

>> Spelman: Gutierrez, I'll ask you the same question I asked Mr. Saldana. Houston, you are doing a good job?

>> We do evaluation on every class. We really ask them to evaluate the program, each program that they take. One thing that we really, really do is modify the program based on their feedback. We take evaluations from everybody that attends our training and we share them with the city, the city staff has those, and they will respond to us and then we will look at the measurements and evaluations that we received and respond accordingly.

>> Spelman: Do you ever have a chance to follow up several months, several years with your participants to see whether or not --

>> We do that but the city also does. That I know they do followups with people who have taken our training. We ask everybody to provide information as much comfortable as we do followups to see if they have success, what's working, what isn't, and go forward from there.

>> Spelman: Could you describe the results of the followups?

>> I probably would want to -- the city staff has more information. We have success stories. We have shared success stories with us. One thing we really are proud of that we do we have a certificate program that we developed based upon this program and students have learned about that program and then taken our training based upon the certificate program that we offer. They take a certain number of classes, they get a certificate of completion through the University of Texas and we're really proud what they are accomplishing.

>> Spelman: Thank you.

>> Mayor Leffingwell: Kimberly Corella. Also signed up for and you have three minutes.

>> Thank you very much. My name is Kimberly Corella and I'm going -- speaking today on behalf of the U.T. Professional Development. Professional Development Center sees it as a mission to serve our community by identifying and creating solutions for workforce skilled staff. Grounded in a strong academic foundation of the University of Texas at Austin, we bring to the mix the unique and authentic entrepreneurial sensibility. Unlike the majority of and other state higher education institutions, the Professional Development Center does not receive any state or federal funding. As a self-recovery unit with a small staff we must cover all expenses. Our

instructors are real world subject matter leaders. All of our small businesses instructors are also successful small business owners. Our goal is not just to be another training vendor but rather a partner with the city of austin and an advocate for the austin small businesses. If our customers are successful, then we have achieved our goal. In partnership with the city of austin, we created a small business certificate. At this time we have awarded 35 certificates to small business owners. And over the past two and a half years, we have trained over 2,000 small business owners. Over the christmas holidays I received an email from gerald stevens, a participant in ur high impact marketing class at the city of austin. to know the course had changed his life. Our instructors' guidance showed him how to use web designed skills to generate his own revenue as a successful business owner. By supporting the city of austin, we can achieve our strategic goal of providing continuous support for the austin community based organizations so that austin is known as the premier location for entrepreneurs.

>> Mayor Leffingwell: Thank you. Apparently no questions. Thank you.

>> Okay. Thank you.

>> Mayor Leffingwell: Councilmember martinez.

>> Martinez: Thanks, mayor. I wanted to ask staff if they could -- can you just walk me through what happened the other night at the advisory committee meeting and what are we doing to address some of the concerns that have been raised about equity in disbursement of funds for all our programs. Obviously small businesses are the backbone of our economy here in austin, but quality is the bigger value as well.

>> Sure. Kevin johns, director of economic growth for the city. Really there's three parts that I'd like to address. First in terms of the -- there was a request for staff to present information on the chambers of commerce, the minority chambers of commerce and how much money they received and what their performance measures are. And so staff went to that meeting in order to present that information and we provided ample documentation. And I have the project manager and assistant director here to speak about that. However, at the meeting, the focus was on this contract instead. And so I didn't have the small business staff there. On the issue of equity, which is the second point I'd like to make, I think that there's a big misunderstanding on the amount of money that the minority -- the minority chambers of commerce receive. It was stated earlier that there was a 50% increase in their -- in the amount of money they received. That is not -- that is not the case. You may recall, mayor and council, that last year money-a contract for the minority chambers of commerce that were at the austin convention and visitors bureau which were set up for tourism were transferred over to egrso so there was only one contract instead of two. And even across the board all those contracts were reduced by 5%. Everything at egrso including all contractors were reduced by 5%. So the -- the minority chambers of commerce are receiving the same money they have received -- they are actually receiving less money this year and last year than they have received in -- for three or four years is actually a smaller amount of money. So I just want to make it clear that the minority chambers of commerce performance measures which are extensive, three pages of performance measures, we can address that here today, but I think it's very important for you to know that those contracts did not double in size. They are actually being reduced, it's just they've been consolidated for efficiency. And this third issue and i think

the one here today has to do with the u.t. Interlocal. I want it clear this is a five-year contract at \$157,000 a year, and this is a 5% reduction as well. So when you look at the huge number, that's over five years. It's \$157,000 a year. It is based upon a survey that was done in 2009 by the -- our award winning small business division which we're very proud of and they surveyed businesses to find out what it is they really needed. At that time we were providing services to about entrepreneurs and businesses and the services were provided by I think acc. Based upon that survey and what the community businesses wanted, the small business division reached out to the university of texas professional development program. They designed 57 courses. That's what they teach each year. And it's comprehensive. It is not industry specific, so they are not teaching construction financing and they are not teaching how to get bids from the city. They are teaching the businesses how to develop second locations. How to grow in terms of cutting costs and making better profit decisions. A number of the businesses are -- may still be here today, but the important thing I think to know is that this is \$157,000 a year. 57 Courses taught, and the curriculum has grown from 300 to over 900. So as councilman spelman had asked what is your measure of success, in this case it is triple the number of businesses that have wanted to come to this curriculum. I pe took a number of the courses to see the value of those and i encourage you to do that as well. But vicky valdez, the manager of the small business division, is here as well as dusty McCORMACK, PROJECT MANAGER Of all the minority contracts, and we would be happy to answer specifics about their performance or about the kind of detailed curriculum. I hope, councilman martinez, that answers your question. Again, at the meeting we came prepared to talk about the minority contracts, but that was never raised. The equity issue I think is something that we're always very concerned about and i want to make sure that the council knows that the contracts have all been reduced for efficiency purposes, and we have strong performance measures on those. There's no contracts that have been doubled in size. And then lastly that our as a professional development center is measured by a three-fold increase in the -- in the participation by a local business.

>> Martinez: Can you explain why there is disparity in terms of funding for the minority trade associations chaired to the chambers? What was presented to us? I don't know if you saw the letter that was given to us, why you say they've been consolidated for efficiency purposes, that may be fine, but there's still a huge disparity in the amount of annual funding. So what are we doing -- as one of the speakers mentioned, what are we doing to quantify where the funds are going and our return on investment.

>> The projects that egrso are designate by mayor and city council so we make sure they are all performance measures. They are performance measures that we can attribute to success in some way, shape or form. We do not fund the minority contractors association. We do fund the organizations that we're speaking about here today, the minority chambers of commerce, the greater austin chamber of commerce, and we have an interlocal with the university for the professional development of these 57 courses. So in terms of the projects that we are funding, we are very careful to make sure that they have performance measures. We just do not fund that agency.

>> Mayor Leffingwell: Any more questions?

>> If there's not any more questions, I'll make a motion we postpone this until the 26th and ask it go back to the advisory committee meeting so the minority contractors association can continue trying to get some of their questions answered, but also that it can be brought back to council with full understanding.

>> Mayor Leffingwell: A motion by councilmember mortgage mortgage to postpone until martinez to POSTPONE UNTIL APRIL 26th. Seconded by the mayor pro tem. Councilmember spelman.

>> Spelman: Am I right in assuming a three-week delay will not hold up classes currently on the schedule?

>> Let me just double-check on that. I do not know the answer to that. Vicky valdez who manages our small business division, and I would just like to say rosy, who is assistant director, would be here but she has a serious illness in our family and is taking a leave of absence.

>> Spelman: So the answer to the question is?

>> Mayor Leffingwell: I think she's going to answer.

>> Yes, with the postponing it to may, it's may 26 -- it's april 26, that would put a hick up in our process for getting this contract executed because the contract will expire soon.

>> Spelman: When is it supposed to expire?

>> The expiration date is JUNE 1st.

>> Spelman: The contract has been written, am i right?

>> Depending upon the questions, we can address them, but I'm just making note of that.

>> Spelman: Okay, we'll watch it quite carefully.

>> Okay. Thank you.

>> Council, if I could add one thing, I did want to point out that the advisory committee did not meet BEFORE APRIL 26th. Our next scheduled meeting is the beginning of may. We could of course have a special called meeting, but I wanted to make you aware of that.

>> Martinez: Could we see if we could get a special called meeting just for this one item?

>> Absolutely.

>> Mayor Leffingwell: All in favor? Opposed. Passes on a vote of 7-0. And that brings us to item 38 pulled by councilmember martinez. There are no speakers signed up.

>> Martinez: I'm on a roll. Mayor, with the language t posted, and after considering our factors including local presence, I'm going to make a motion that we approve this item with an amendment to the posting language that strikes motorola solutions and adds in rz communications. And I'm doing this on the basis of best value, best value bidder and also considering the local presence.

>> Mayor Leffingwell: Motion by councilmember martinez to substitute rz communications for motorola as the awardee. Is there a second? Seconded by councilmember riley. Councilmember tovo. Tovo tovo I had a question and walk me through.

>> Again, it's one of the things this is an opportunity where -- the actual second place bidder was cheaper than the first place bidder and it's a local company. And we are allowed under procurement laws to pick any one of these potential bidders. But byron johnson can answer better. Reviewed it with law and the governing agency has the ability to make an appropriate finding and pass the item as you read it into the record.

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: While through, notice the big difference between rz and motorola is invest online ordering system.

>> Yes, sir.

>> Spelman: 15 Points for motorola but only eight for rz. That was the entire difference. I wonder if you could describe the consequences of picking rz as opposed to motorola with respect to your provisions.

>> We've talked to the department. The department will work with the vendor to try and help them enhance their -- obviously they've not had this contract so they haven't had a chance to build this appropriate system. And so this will give them the chance to build it and they have no issues with going forward.

>> Spelman: The reason rz got eight and motorola 15 is basically because rz hasn't done this before, they are making a promise what they can do but we can't verify because this is something they haven't done before.

>> And motorola has an existing system. We talked to ctm and ctm is fine with going forward with this award as read into the record.

>> Spelman: Nice to see ctm is nodding his head. Okay. Thanks.

>> Mayor Leffingwell: Councilmember tovo, did you have -- all in favor of the motion to pass item 38 as amended say aye. Opposed say no. Passes on a vote of 7-0. And we've just got a few minutes before noon. If there is no objection, item 52 pulled by mayor pro tem and there are no speakers.

>> Cole: I'd like to see if there is someone from the park department. I wanted to talk about the master planning contemplated in here. Do you have any estimates what that would cost?

>> How I understand it is that there is desire to master plan parks that don't -- do not have master plans today. When we're looking at new amenities to propose in parks. So I can tell you that less than 5% of our park system does have -- do have a master plan today. So we're talking about a good number of our northern arkansas do not have master plans. -- Parks who do not have master plans.

>> Cole: I think parks is one of the most underfunded departments that we have and I'll always tried to encourage more funding for parks, but I -- I always like to point out to my colleagues and when we say do something and we haven't add understand the funding to it and we don't know if we're going to have the funding for it, so that i think master planning the parks or a certain percentage of the parks is a great idea, but we need to think about that on a timetable where we can realistically do that and not are the public anticipating that's going to happen. And I'm wondering if that reasoning on my part is consistent with what the parks department has experienced.

>> Mayor pro tem, the -- and that's true. One of the -- one of our needs was having staff dedicated for master planning and we talked about two staff members dedicated to start that effort to go out and proactively start master planning the district parks at least at our first priority. With metropolitan park being planned as well, but with some consultants help with the metropolitan park. So that definitely is a need, a staff need that we -- we could certainly use to start that process. Today, fortunately when we do have capital dollars to improve parks, we enter into a planning process with with the community because knowing we have dollars to make some improvements or for a new park we have a planning component tied to it.

>> Cole: So the planning component would definitely be o and m, so our plans to go out for a bond election in 2012 is not going to help us with the actual staffing that we need to get this done.

>> We have a staff recommendation for some funding to do the master plan as well.

>> Cole: Okay. Thank you.

>> Mayor Leffingwell: Councilmember martinez.

>> Martinez: I think all those things -- I appreciate the concerns, they would be true if that was actually in this item, but that's not in this item. This is not a funded mandate. What it actually says is where there are park -- where there is parkland that is not in the current existing master plan, that we create a public process if we're going to change that use or change what goes on in that park. That's all we're saying coal

>> Cole: So we fully recognize --

>> Martinez: We're not asking anyone to do anything. We have a parks master plan, but not every open space under park is in that master plan. So what we want is if you are going to change a use in a park that's not within the master plan that is correct is a policy adopted by council. So if there's a piece of parkland that has not been designated by council within that master plan, that you have a pickup input process and come to council. That's all we're saying. The only way anybody would have to work on something or spend funds is if they want to change a use in the park that's not in the master plan.

>> Cole: I can appreciate that.

>> Mayor Leffingwell: Mayor pro tem? If you would like to speak.

>> Cole: I can certainly appreciate the fact we're not bringing forward an unfunded mandate and that we're not trying to do that. All I'm trying to do is encourage that we actually do complete that process and do fund it and really do make it happen. Thank you.

>> Nearby that.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I want to thank mayor pro tem for bringing this up because it clearly illustrates we had some misunderstanding and i hate for staff to do some work that we have no intention of suggesting. I just want to give you a couple of examples of what we're talking about. You know, we're hearing a lot from the folks from able davis park, it's a big issue and that was something as well as, for instance, this fall at guerrero park. Those are things that the citizens of austin come to us and say, hey, you know, this is important to us. You are the ones that are accountable to us and it's a policy decision. So in those kinds of cases, we also have the international youth hospital that is now coming to council and it was previously just a staff decision. So it's about changes in use that we make sure that if it's not already somehow approved through a plan that it be an issue that comes to council. And in fact, what this resolution does is ask staff to develop a process for making that limited thing happen. To come back to us and suggest how that's going to happen, what the public process will be. I appreciate getting to discuss this because it would be lovely to have millions and millions of dollars to be able to do all of that park planning and hopefully some day we will, but that's not what this is about.

>> Cole: Thank four the example.

>> Mayor Leffingwell: Mayor pro tem cole cole thank you for the specific example we were getting at. We did not get to discussion it in work session.

>> Councilmember morrison, i just wanted to clarify. When we're talking about improvements to a park, is there a threshold that you are talking about for those improvements?

>> Morrison: Well, I guess we're asking you to bring a recommendation and clearly we don't want to get in the way of, you know every nitty-gritty \$10 change. I do -- one of the other examples that I'm thinking of, and this was sort of a challenging one, but as i understand it, you

know, we used to have soccer fields at zilker park, and my understanding is we then changed the irrigation system. The irrigation system which we approved apparently didn't support soccer fields. So without knowing it we were moving in a direction where there was a pretty significant change in park use. So we want to be able to catch those things and make sure we have the appropriate level of discussion. Thank you.

>> Mayor Leffingwell: Mayor pro tem.

[Inaudible] you pulled it off.

>> Cole: Move approval.

>> Mayor Leffingwell: Seconded by councilmember morrison. Further discussion? All in favor say aye. Opposed say no. So that brings to us item 41 and 42. A number of folks signed up to speak. We have less than 10 minutes so without objection, council, we will go into recess for less than 10 minutes and be back here at noon. Can't take it up until after the public hearing tonight.

>> Mayor Leffingwell: We're out of recess. Now I'll go the our general citizens communications. First speaker is paul robbins with no topic.

>> I'm paul robbins. I'm an environmental activist and consumer advocate. First slide. I recently published a new report that shows that austin's water utility has the highest cost per unit of combined water and wastewater of the top 10 texas cities. The report is entitled "hard to swallow" and is on my web site, www.environmental-directory.info. Next slide. Austin's cost is highest in all rate classes, residential, commercials, multi-family, and industrial. And it is the highest when these rate classes are totaled. In 2011 austin's cost was -- cost per unit was 53% higher than the weighted average of these nine other large cities. It is 29% higher than its nearest rival. Next slide. A spokesperson for the water utility has stated that this high cost might be because of growth or geography. But I don't think austin's high cost is solely for these reasons. Austin is 17% higher than the weighted average of the 14 smaller cities that surround it that we're serving. This is despite the fact that these suburban cities almost doubled in population over the last decade, have similar geography, and do not have economics of scale that a large utility such as austin would possess. Austin -- another utility spokesperson has stated that this high cost is due to environmental standards not found in our utilities, yet they have provided no proof that these standards are not in force elsewhere. Next slide. Comparing the water, wastewater cost of the other nine largest texas cities, the excess cost borne by austin residents and commercial customers amounted to \$141 million in lost discretionary income and increased business costs for fiscal year 2011. Comparing these costs to its suburb, the excess cost to austinites was 60 million one. The austin utility plans to raise its costs by another 19% per person by the year 2016. Affordability is one of your missions, council. I suggest you support a followup study done by an independent consultant or city auditor to determine why austin is so high compared to these other cities. To be this -- to be this high off the average really merits a further investigation. Thank you. Last slide. Again, to see the report, go to the website [environmental info](http://environmental-info) and click on " thank you.

>> Mayor Leffingwell: Next speaker is ronnie reeferseed. The topic is peace, freedom,.

>> Reporter: Ride and our soon to be mayor clay dafoe.

>> Yes, I'm ronnie reeferseed. Singing hello, hello. Good-bye, soon to be former mayor lee leffingwell, the laughing stock, yes, you are done. You've lived a charmed life as mayor of the live music capital of the known universe, still sadly the dead baby capital of texas. For your information, people, travis county is the one and only county in the great nation state of texas where all taxpayers have to pay for little girls and others to kill their babies. That's right, even those of us who work full time to stop the execution of innocent children, we're still surrendering some of our pressurees taxpayer dollars to kill babies. Thank you, soon to be former county judge sam biscoe. Even pro abortion types here now it's strong to force the rest of to us pay for it. That's only one of the death promoting policies perpetrated here by those criminals up there. The nonstop mass poisoning of you, me, our kids, pets, gardens, restaurants, bars, nurseries, universities, everybody including hospitals, dentists, doctors, nurses and patients, even cops and firefighters are still forced to suck down that toxic sludge called fluoridated water. It's part of agenda 21. Why? Well, it's no accident. Despite countless studies worldwide and years of devoted, informed citizen accuracy advises here, this cabal la criminals still keeps contending they don't know. They know. So-called fluoride is toxic sludge poisoning us all. Fear not, fellow citizens, we already retired one incumbent, let's get rid of all of them at the ballot box and start anew. Soon to be mayor clay dafoe needs your support john line. Visit youtube, type in the winter patriot. To learn more about dynamic clay dafoe who has already so shaken up city politics here such that those scheming criminals have made up new unconstitutional dictates to somehow try to defy clay dafoe his first amendment rights for political speech. Sound familiar? Hmmm. Well, we got to register and BE SURE TO VOTE MAY 12th. Just like our neighbors in lago vistas learned the facts with so-called fluoride. Let's all retire to all those same old, tired old political hacks, hucksters and has beens with a vote for on love, liberty and preservation. Please get up and get active. Let's all register and vote for clay dafoe, mayor of austin. Even mike. Those gutless prostitute is can no longer ignore the true for a new day and love and liberty. Rejoice, it's happening people. Say good-bye to those use less, tired old same --

[buzzer sounding] and hello soon to be mayor clay dafoe, austin, texas. And we'll lead the --

>> Mayor Leffingwell: Your time has expired. Fred trudeaux. Fred trudeaux. Your topic is frustrated with a.p.d.

>> First of all I would like to thank you for your time and everything you put on here. This is the first time -- I've been in austin 30 years. I'm the dealer for leif johnson. My frustration is 30 years being active within the company, I've never once requested a meeting with the police chief or with the city manager. I've been put in a position now that I feel like my employees have been endangered and they are at risk. I have about five instances, I didn't bring all of them, but all I requested was a meeting. And I tried to do it through the proper channels and I've been requesting a meeting since the end of december. All I've been told is the city manager is too busy to meet with me. At first it started I just wanted to meet with the chief of police and he wouldn't meet with me. We were told if you include more people in the emails you will get nor responses. At that point I said if i can't meet with the chief of police, I guess I need to go to the city manager. I started requesting a meeting for both of them at the same time. Shortly after that the chief of police said I can meet any time, I'm just waiting on the city manager. Shortly after I sent

the email. It's been 90 days and just -- I want to give you a brief instance what happened where I feel like honestly, I'm not embellishing this where I have employees at risk. On december 28 we had a robbery at our store. This robbery happened in broad daylight and they broke out the car and stole a substantial amount of money. We called the police. Immediately the police are dispatched. They show up later and basically -- and let me make this clear. I don't want to come across I'm upset with the policeman because they work their tail off. I think the process starts at the top and they have limited time. They came out and basically said there's nothing we can do. I requested that they print the car. He said well, everybody has touched it. I said no, sir, we washed it this morning. He said I'll print it but nothing is going to show up. Okay, fine. I pretty much knew right there where my destiny was pursuing this. After that I was upset. That same impact day at our dealership on airport boulevard, we thought the travis county sheriff's department is right across from us and they have a ton of cameras. We, not any of our local police, went across the street and sure, we have cameras on your building. We have cameras that can zoom in and see where the robbery took place. They zoomed the camera up where they could my employees on my lot where the car is in color. So they said, but we want do it. You need to go through the a.p.d. So I said okay. So I started going through has a whole laundry list of reasons why they can't respond quickly. I'm not going to -- I've got it detailed here everything that happened. Basically let me tell you what happened. finally ge back in response in two weeks, they have archived the video and now they couldn't blow it up and show me who robbed my store

[buzzer sounding]

>> does that mean I'm out of time?

>> Mayor Leffingwell: Your time has expired and I think the acting city manager would like to comment.

>> michael McDonald, in charge of police, fire, e.m.s. and public safety.

>> Yes, sir.

>> And my office, you know, contacted you because my intention was to set up a meeting with you to have the chief of police who worked for me in the meeting. So we're still more than happy to accommodate you. I was uncertain and maybe you uncertain if you knew why I was actually setting up the meeting, had my staff contact you to let you know that's what we were trying to do was accommodate you. The city manager, you know, will try to meet with anyone, but your situation seemed urgent and with my being in charge of that area, that was the reason why he had dispatched me to try to set up a meeting for you to meet with me and the police chief.

>> I did get the email, sir, but the meeting was requested for the city ott and since then there's been two more robberies, just so everybody knows. Two more. One at my place and another at an acura dealership. ott like I requested?

>> Mayor Leffingwell: We'll set up a meeting with chief McDonald and go from there. And I think that's what you are asking for.

>> I was asking to meet with mr. ott.

>> Well, I think what we said is you'll get a meeting WITH chief McDonald who has oversight of a.p.d.

>> Okay.

>> Mayor Leffingwell: And we'll go from there.

>> So denied again.

>> Mayor Leffingwell: Next speaker is linda green. Greene.

[Applause] when will the city council be bravely following the foot steps of college , and 90% of europe to end water fluoridation, w, a toxic waste?

>> I'd like to repeat that. When will city council be brave and follow in the foot steps of college station, lago vista, marble falls, ammo lights, recently jones town, texas, and 90% of europe to end water fluoridation with a toxic waste? And this is a question we've been asking you for the last three years and actually this question has been asked of city council for the last 40 years when they first decided to add this fluoride waste to the water and the public was denied the knowledge that this is not just calcium fluoride or pharmaceutical grade fluoride but actually a toxic waste from the phosphate fertilizer industry. And it does take bravery to go against the lobbyists that push this fluoride waste on to the public. And so it does require you to be brave, and being that you are running for mayor martinez, you are running, and we would hope that you would take a second look at the facts about fluoride in our water. At a recent candidate forum I was able to speak with spelman and he said that you had all decided that you are going to be following the prevailing science. Well, there's prevailing science and there's a kind of dominant science that and others who actually represent lobbyists for big agribusiness, big phosphate business, and it's your duty to actually represent the citizens.

[Applause] at a recent travis county water district control, water county -- travis county water control and improvement district meeting which we attended, we were told the photographer -- the videographer was told by engineer tom napier to shut down the cameras. What kind of science is delivered to a water board and have the press, the media there be told to shut off the cameras? mark papard, a dentist here in austin, was representing the pro-fluoride side and he was actually in the end saying that fluoride is a nutritional beneficial ingredient and that he held up a little piece of paper and said he actually had this study that showed that it's a nutritional ingredient. has never approved fluoride as a nutritional ingredient and neal carman from the sierra club was able to find that he was quoting out of an edition of a nutrition book and the fourth edition in 2004 no included that information.

[Buzzer sounding]

>> Mayor Leffingwell: Thank you, your information has expired. robert McDonald speaking on homelessness.

[Applause] you have three minutes.

>> Thank you, ladies and gentlemen. Pleasure to be back before you and again I bring up the nature of homelessness and i would like to read a quote from our plaque on lady bird lake. Homelessness, little the essence of depression. It is immoral. It is socially corrupt. Is an act of violence. Not surprised when those that have been acted upon with violence fight back with violence. But I think it's wrong to kill, steal and destroy just so you can have something that you didn't have before. That's why I'm homeless. Because I won't go make methamphetamines, which i know how to do. And I could make enough money selling poison to your daughters and your sons. But I won't do it. I'll remain homeless instead. If that's the only economic growth for me to get up from homelessness, you all can kiss my ass, I'll stay on the street.

>> Mayor Leffingwell: Okay, that's on the line. You can continue, but one more instance and I'm going to have to ask you to stop.

>> Sorry.

>> Mayor Leffingwell: Okay.

>> Appreciate it. But it's a touching thing to me because I see it time and time again. I've been fortunate with my homelessness that it occurs and it happens to me because I won't go into debt to keep a roof over my head. Most americans don't understand that. I realize that. And every time it happens to me, it breaks my dreams and it makes it harder totand back up and start another business and do it right. I've seen times where I've been homeless as a business owner and paid my employees to make sure they still had a house to stay at and i couldn't pay my rent. I am totally poor and true living wage. I've never paid any of my employees less than. And as for fluoride in my water, please, guys, how much money will you save if you don't buy the fluoride? I read on my tube of toothpaste don't swallow this. Now, why is the manufacturer going to tell me I can't swallow it and it's not good for me to digest and then i got politicians that want to put it in my water?

[Buzzer sounding] y'all drink the water too.

>> Mayor Leffingwell: Thank you.

[Applause] reeferseed, one more outburst and I'm going to ask to you leave the chamber. No, you yelled. Scott johnson.

>> Good morning, mayor, councilmembers. assistant city manager and staff. Scott johnson. I didn't think I would have this opportunity again so I'm here to talk about central texas electric lawn mower program, a program that I created and co-developed in 1997 with austin energy and the last 11 years have done it on my own. This is not funded by the city of austin. Using this opportunity to try to promote it more fully. It helps people of all economic means to upgrade their gas powered mowers to electric and if they do it this saturday at the home depot they can save 25% off the cost of a corded electrical model or cordless electric model. The reason we're doing it for economic reasons to help people save money as well -- equipment, landscaping

equipment emits approximately 5 to 10% of the total air pollution in an urban area which is very significant. Some of that is ozone forming emission, some are small particles which are unhealthy for people of all ages to breathe in. We would like people to think about the purchasing decisions not only for landscaping equipment but other products and services that either require energy to make or create pollution during the use of those products and services. This particular program is one that's open to anyone in travis county and the surrounding counties that are part of the central texas msa, including round rock. We've done well in the past, we need more participation to continue those efforts in order to scrap the gas powered mowers which are the metal is diverted and recycled made into building material and then the new mowers used often for ten years or more by the people using them. Gas powered mowers -- excuse me, electric lawn mowers work well. There are two options, the mulch-in model and the cordless which is good for medium size and larger yards. When people know there's a cordless option they might be more interested in the mower. You do have to replace the battery at some point, but that battery cost is less than doing a tuneup on the gas powered mower each year for three or four years. There is a cost savings over a five to ten-year period of time that could be in the hundreds of dollars for someone who makes the switch. This is about the cost of ownership. What does it cost someone to own something, not what is the original purchase price. These are at a good savings as see. \$64 Off the cordless with a trade-in. Again, the event is this saturday. People can call me to make a reservation at the number that's listed on there 389-2250. They can go to the website which is at the want to flyer and you can search on the web for it under central texas electrical lawn mower program and find out the program details and call me to make a reservation by tomorrow night by 6:00. Again, 389-2250. Thank you for your kind attention.

[Applause]

>> Mayor Leffingwell: Carol ann rose kennedy. Carol ann rose kennedy. Don't see her in the chamber. Carlos leon. Topic is the latest chem trail info. Just pass all of them to her. She will pass them down.

>> Thank you, mayor leffingwell. I carl low leon am here april 5, 2012 to speak for what's right. Since I last spoke to city council, some days like yesterday were sunny, cloudless and chem trail 3, others were not. In addition to poisoning the wear we breathe, section trail is controlling how our skies look. Unfortunately human controllers work in austin as gang stalkers or group stalkers to control how a person thinks, feels and acts. Gang stalking is when a group of individuals work together to psychologically control a human target so he is driven to paranoia, insanity or suicide. Though the truman show with jim carrey and the game with michael douglas are fix fictional. In real life richard nixon, bobby fisher and charlie sheehan appear to have been gang stalked. They keep details on a target's life, where he goes, with whom he associates, what he does to identify behavioral, cognitive and psychological patterns to exploit. To continuously and indefinitely torture the target. Slide, please. One reason I share this dark knowledge today is the cover story for the april 2012 wired magazine entitled inside the matrix on the screen now. Quote, deep in the utah desert the national security agency is building the country's biggest spy center. It's the final piece of a secret surveillance network that will intercept and store your phone calls, emails and google searches. Watch what you say. This story documents how the nsa will be able to similarly gather and analyze data to create a personal profile for each and every one of us. They could share your individual profile with a gang stalking team to terrorize you into

submission, insanity or death. Even if you fled the country, the unconstitutional ndaa provides the legal cover to continue gang stalking you around the world. Such state sponsored terrorism against citizens would completely destroy what's left of our constitution and bill of rights, the country and the government that our founding fathers envisioned. Bobby fisher,ist greatest chess champion of all time appeared to be gab stalked for his religious belief. Specific to austin, a target can be when a group or individual wants to steal his intellectual properties, take control and credit for it and reap all the benefits. Or to shoot it down and publicly discredit the target through personal, professional character assassination like what was done to howard roark from the fountain head. Today april 5, 2012, I've handed out to you part of my work. Be her hero, be his sweetheart. A self-help guide for men who like women and are cool investing in one's sweetheart and for women who like men who are excited to invest in one hero.

[Buzzer sounding] let's protect our life, liberty and the pursuit of happiness.

>> Mayor Leffingwell: Thank you. Ray nadler-olenick with no topic.

>> Good afternoon. Good afternoon, mayor and councilmembers. The subject is once more water fluoridation. And today I thought we would lighten up with a fun quiz just a few questions to think about. Each of these questions is for at least one of you though I won't be providing any answers. Well, maybe one answer. Here we go. Question 1, which one of you suffers from a fluoride related health condition? 2, Which of you has a spouse who suffers from a fluoride related health condition? 3, Which of you has family with fluorosis stained teeth due to a natural fluoride source? 4, Which of you told me privately in your office in 2009 that you realize the original impetus for water fluoridation rose from a need to dispose of post-world war ii industrial waste? Question 5, which of you says you don't need to be educated? Question 6, which of you has concede understand print you know fluoridated water is bad for kids? 7, Which of you has an aide who won't drink fluoridated water? Question 8, which of you has ose ties to the nation's largest nonfluoridated city? And the benefit news question which of you is self-depicted singing in the shower in a youtube video viewed by thousands. Slide, please. Oops, I gave it away. That's not a fluoride question except it was a good way to take in fluoride without drinking it. It moves me to wonder just what it costs to make --

>> Mayor Leffingwell: That's enough. Just take it down.

>> Produce this 2 minute, 15 second video. Since it didn't involve hiring a tanker truck, it was probably comfortably under \$186,000. But whatever the cost, fluoride-free austin doesn't have that kind of advertising money on hand and that's why we're slow to undertake a petition drive. On a level playing field, we would win. But unfortunately the field is far from level and funding makes all the difference. That concludes today's quiz. I'll post the questions, minus answers, on the fluoride follies blog for our readers to ponder and they might also ponder why a council which by now has so much negative information about water fluoridation is so adamant about keeping it anyway. Thank you.

[Applause]

>> Mayor Leffingwell: Thank you. Michael zitz-evancih. Correct me if i mispronounced that.

>> It's michael zitz-evancih. Anyway, thank you. I was almost [indiscernible] seems like this city council went a little smoother than some I've been to. Particularly austin energy. I was always pulled or pushed way back and

[indiscernible] before i even leave, but also I'm speaking on myself personally though this time as a disabled individual. Don't be surprised if I come up along with a group. That was part of the reason I got delayed some other times, I was trying to be polite and let other speak and I didn't get a chance to speak. But thank you for asking austin ene questions. And continue to do that. Don't just accept what they say. They ask questions, you want and need answers for.

[Applause]

>> Mayor Leffingwell: Thank you. Those are all the speakers. So without objection, the council will go into closed session to take up one item. 071 of the government code, city council will consult with legal counsel regarding the follow item, item 70, discuss legal issues related to the charter amendment election. Is there any objection to going into executive session on this item? Hearing none, we're in executive session.

>> Mayor Leffingwell: Joseph illy. Henry gilmore. This is item related to amending the ordinance that awards taxicab franchise to lone star cab company that will allow additional permits. I believe this is the third reading.

>> Thank you, mayor, members of council. I'm henry gilmore representing lone star cab and we support passage of the ordinance on third reading. Council, this is not just an issue of whether the formula should be followed. If the formula were perfect we wouldn't be here. This is an issue of maintaining competitive and healthy franchises in this system. As most of you are aware, lone star was underpermitted from the beginning. The additional revenues from the 30 permits will help lone star better cover the city and invest in even better technology and pay for marketing that will help raise the company's visibility and increase business. Council is exercising its legislative discretion here just as it has done in the past. When lone star was franchised back in 2007 it was actually supposed to get 75 permits. 20 Of those permits were instead awarded to austin cab. The city didn't follow the city's formula when it did that. When roy's taxi franchise was sold the city divvied up those permits to the remaining franchises. The city didn't follow the ordinance then to see whether those 100 permits were warranted under the formula, the council exercised its legislative discretion. The system is not perfect. There are many things the city can do to improve how permits distributed and maintained, but with these additional permits you help to maintain healthy competition, you provide for better service to the travelling public. Lone star wants to be here for the long run, standing ready to work with the city to make this the best system it can be. I'll be glad to answer any questions council has.

>> Mayor Leffingwell: Questions? Thank you. Next speaker is bertham means. Okay. Signed up neutral. Welcome, you have three minutes.

>> Thank you. Good afternoon. I'm bertham means and I'm president and ceo of austin cab company. The last time I spoke with you I was concerned about the formula because prior to that I was informed that permits could be issued without following the formula. So I'm here to say I

really thank you very much for not abandoning the formula. I would like to say this, it does not sound fair to hand permits to a company without having them to comply with the formula. So I feel comfortable so far, except the exception of the fact that the item number -- I think you have copies of the austin transportation department where march 22nd there will be -- there are available based on the airport traffic and the population, there are 53 permits that could be allocated now. 19 to austin cab, 19 to lone star and 15 in the reserve. And this is the process that has been used for many years. I have also a copy of the MARCH 11th, 2011 FORMULA, And at that time there were eight additional permits available, and of course they were divided by austin cab for austin cab and lone star cab: I'm hoping seriously that you will adopt the formula in the way that it's been presented in the past. I like the idea of the formula because it does not allow for people to promise permits to people, but it's a system and it's well regulated. And this is what we want.

[Buzzer sounds] thank you very much.

>> Mayor Leffingwell: Thank you, ma'am. Sarah watkins? Is sarah watkins here? Jennifer mcphail? David witty? Not here. Solomon casa. Donating time to solomon will be ibene aimersia, saga journey. So you have nine minutes.

>> Thank you. Solomon casa, president of lone star cab company. Mayor and councilmembers, I am speaking in support of agenda 41. The last five years was a challenge for lone star cab company to cover the citywide with only 65 permits. It was only a huge financial burden for lone star to meet additional requirements that our competitors are not -- competitors are not required. We believe that it was part of an effort to help smaller companies to boost competition and to create a healthy industry in the taxi cab industry -- in the taxi cab business. The so-called formula has never been and it will not be a solution to balance the permit allocation. Recently concern was raised about the council to allocate 50 permits to lone star and 30 permits to austin cab. During the february 9th meeting I heard our competition say, and I quote, we grew from 59 permits to 162 using the formula. We feel that this is a way that we should continue to operate because I don't want politics to come into play when someone will say let's give this company 40 minutes, let's give this company so many. It's not the process. Let's see if this statement holds true because 2006 is not long ago to forget. As a matter of fact, three of the councilmembers are still here. After february 2006, the council directed the staff to set aside 55 permits for a new company and 20 permits for austin cab company. I think I distributed the material in front of you. I'm referring to the first page. Accordingly, if you see the first page or exhibit 1, ordinance number

(200)607-2011-043, it was an ordinance increasing the taxi cab allocation for harlem cab company, d/b/a austin cab, from 139 to 159. This ordinance was passed and approved on july 27, 2006. Where did these 20 permits come from? If you see exhibit 2 of the second page, it is dated july 10, 2006 from transportation department to utc. The memo breaks down where the 20 permits come from. Eight from the permits -- from the transportation and airport (indiscernible), which is a formula for 2006. Four from roy's taxi franchise, which out of the 155 permits, yellow cab had to get transfer of 51 and four were returned back to the city. And eight from future growth, that meant borrowing from the future. And that means the 20 permits were not a formula generated according to this document. I would like to go farther and do the math to figure out the

actual number that austin cab is supposed to get if the formula was implemented. As it shows, it was a formula generated permit for 2006. And these permits are supposed to be available to the three companies by may -- end of may. Accordingly out of the eight permits, 25 permits, which is two, supposed to be reserved. And the rest are supposed to be divided equally among the three companies, roy's taxi was still in operation at that time. So the actual permits is austin cab supposed to be only two. As I say, the formula never been the solution and it will not be in the future to balance the permits. I would like to thank you all and the staff for extra efforts. You have given efforts to reform the industry in the past few months. There's a lot of work to do and (indiscernible). I think we need some kind of formula too. At the end my conclusion is that the council approved those 20 permits to austin cab in 2006 and the council's response to this ordinance now have a much better reason. Finally I would like to take you back to exhibit -- the first (indiscernible) and ask a couple of questions. On the first one, the first one showed that agenda item 43 was passed, referring to the third page. That shows agenda item 43 was passed only on one reading. The ordinance was amending austin an company permit allocation, why it didn't require three readings? My second question is on page 1, part 3, that shows that the effective date was august 7, 2006. Only 11 days later after it was passed and approved. So why else request you want this? Thank you very much.

>> Mayor Leffingwell: Thank you.

[Applause] councilmember morrison. Those are all the speakers we have signed up.

>> Morrison: Thanks. Just in response to casa's questions, i guess if we could get staff, I would be interested to get answers to the procedures that we're following now and the times and number of readings? Maybe you don't have what's in front of us. I'll be glad to share it with you. But it talks about when extra permits were -- when permits were last given out in 2006.

>> I actually do have what you have. He gave me a copy of it. I'm unsure of exactly what happened because the charter provisions have been the same. They were the same then as they are now. The only thing I may say is by the posting in this language, we were very specific to put in our posting when it was first reading, when it was second reading and when it was third reading, but in this posting perhaps it was third reading, but it just says approved. I have no way of knowing if this was read three times. I can only tell you that it most likely was read three times and they had the same restrictions at that time that we have now because as we discussed in prior meetings, we had to have three readings, three separate times. We couldn't take final action -- council couldn't take final action until 30 days of a first reading. And then by the charter provision, these franchises cannot be effective until the expiration of 60 days. So that's where 61 days comes in because after today if it's passed we have to wait for the expiration of 60 days which brings us to a june 5 effective date. So I don't want to make it look like we're treating him any differently this time than we did in 2006. The requirements were the same.

>> Morrison: So it may well have been that there were previous items on the agenda for first and second reading?

>> I anticipate that's what happened, yes, ma'am.

>> Morrison: Okay. And what about the 60-day period?

>> I'm unsure. It was approved on July 27th, 2006, and effective August 7, 2006. I'm not sure where the disconnect came in there, but it should have been the expiration of 60 days.

>> Morrison: Thank you.

>> Cole: Mayor, I have a quick question.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: Do either actions -- if we take action on 41 and 42 in approval, does that mean that we have in any way abandoned our procedure for following the formula?

>> No, ma'am. In fact, staff can -- att can address that separately, but my understanding is there are still requirements under the formula. The allocation isn't the only provision of the formula. So we city will be abiding by certain sections of the code relating to the formula, just the allocation itself would be different.

>> Cole: Can you give me an example of what type of sections of the code we will still be complying with?

>> I'll defer to transportation on that. They have more information. Is that all, I'm sorry, for the legal?

>> Cole: Yes.

>> Councilmember, Robert Spillar, director of transportation. I'm not sure I understand the question or how to answer. We'll try our best.

>> Cole: Let me try to phrase it differently. I'm real concerned that we do not abandon the formula. There are citizens and cab companies that have relied on the formula for years. And we are making a special circumstance here in granting permits. And I want to know what impact our actions today may have on the formula.

>> Well, councilmember, let me give you an answer and you tell me if that meets your needs. I believe I sent mayor and council a memo on March 20th that suggests it was sort of what was the impact of this special distribution and how would we get back in line, perhaps, with the formulas we were talking about. And so I gave you a table that suggested that here's what the current distribution is, here's what the effect of today's action would take. That's the 2012 projected formula distribution.

>> Cole: Let me stop you there to make sure that I have in front of me what the effects of what you're talking about. Apparently Lone Star Cab has 53 permits and we would be allocating an additional 30. And so I think that would 3% of the market to 12% of the market.

>> What I have is that you've directed us -- there's two distributions. One for -- yes, I'm sorry, yes, you're correct. It would take you if 10% to 12%. Then there's another distribution we understand contemplated by council that we've told you we would come to you in June for that could bring them to 14%. What we would recommend is we would assume based on the market trends this year that the market for new taxi drivers or new taxi permits is growing and that next year the formula would predict a growth beyond the distributions being made this year. Given that --

>> Cole: That would be pursuant to the formula.

>> Absolutely, the percentage of the formula. And the way we would recommend addressing that is to repay the reserves in a sense so that we are rebuilding our reserves for a new franchise. And that would put us back into alignment next year with the formula.

>> Cole: Okay. And now under my calculations, Austin Cab currently has 151 permits and would receive an additional 15 permits. And that would bring them 7% of the market up to 24.3% of the market. 3, That's correct.

>> Cole: So they do experience an increase, but just not as much as Lone Star Cab.

>> In percentage terms, yes. Under the formula, they would normally have grown from 23.6 to 24.6. Under the proposed distribution today, it's a slightly slower growth from 23 to 24.1%.

>> Cole: There's only a slight difference pursuant to the formula for Austin Cab. And we see with Yellow Cab they went -- I think their personal is the only one that actually went down. They received no new permits, and I guess to make the additional allocations for Lone Star and Austin Cab, they went from 63% of the market to approximately 63%.

>> Yes, ma'am. That's because their actual number of permits stays consistent because they would not be eligible under the formula to receive new permits until they're down below a certain percentage of the market.

>> Cole: Help me understand why -- I guess I'm basically trying to -- we didn't do -- with the exception of Lone Star Cab -- with the amount that we're anticipating that Austin Cab or Yellow Cab would receive didn't change, so I'm trying to understand exactly how the formula works with respect to allocations and what we should expect differently in the future.

>> Right. Under the formula, Yellow Taxi would not have received additional permits either. So that's consistent with the direction this council is contemplating now. So really what you're doing is increasing the number of permits going to the two remaining taxi companies and you're modifying the shares that each are getting of those new permits.

>> Cole: And there's eight permits left for reserves.

>> And that's based on -- the formula, had we used the formula -- we currently have two permits in reserve right now. Reserved for a future franchise. The ordinance -- the process allows us to

build up to 25, which was the thinking that was the minimum number of permits a new franchise might need to start operations successfully. So you can think of those as the bank.

>> Cole: So do we go through a market analysis to determine how many additional permits that we add per year or per two years? When will we allocate the additional permits?

>> Right. Typically the allocation would require setting aside 25 percent of any new calculated total permits going forward. And so 25% come off and go to the bank until that builds up to a minimum number of 25. Now, we may come back and recommend in the future that that bank get bigger to start off -- I'm sorry, 50 to start a new franchise. So the bank in a sense, they were serving for a future franchise would be 50 before we would go out and look for a new franchise.

>> Cole: We have awhile. So if you're saying that we have two now, in all likelihood, it will be a substantial amount of time before we would be contemplating a new franchise.

>> Yes. That's very market driven based on the growth primarily in population as well as plane activity or boarding activity at the airport. There's some big developments coming on this year. That's why we're pretty confident, big developments in terms of f 1 that will drive usage of the airport. So we're pretty confident in saying that the formula would predict a growth in permits needed next year. And so by drawing down on the reserves this year, which was partially what we're doing, and in fact with the contemplated additional permits that will be coming back to you in June with, we would actually create a deficit. That should be more than overcome by the growth in the formula projections for next year.

>> Cole: Okay. Thank you, Mr. Spillar.

>> I hope that answered it. Thank you.

>> Mayor Leffingwell: Councilmember Tovo.

>> Tovo: I want to be very clear about a few things. First of all, if these items related to permits pass today, there won't be an additional 53 distributed through any other means this year. These are in lieu of -- these are basically using the formula, changing the allocation, but there won't be an additional 53. I mean, that's always been my understanding. I just want to get that out there on the record.

>> That is staff recommendation, yes, that we would not calculate the formula as well as this distribution, that's correct.

>> Tovo: Do we need to do anything to make that happen, vis-a-vis the ordinances that we have before us today? Or is that well understood?

>> I certainly understood it.

>> Tovo: Okay.

>> Angela rodriguez from so your question is is there anything that council has to do to ensure that if this is passed the formula isn't used on -- if this passes today, then yes, council would have to affirmatively waive the formula used in code for this year only.

>> Tovo: So that would need to be part of any motion here today?

>> Yes.

>> Tovo: Okay. And then -- thank you for that clarification. I just want to go over the numbers again. So we've had some very legitimate concerns from some of the cab drivers who were very concerned about the possibility that we would be issuing additional permits this year, and that would really endanger their livelihood. And I just want to go over the numbers again and make sure that we're all clear about them. The formula would ordinarily generate a total of 53, and what we would be doing here today if both of these items pass is allocating 45. So in effect we're not even going up to the maximum of the formula. What we've done, as has been said in the earlier comments, we've reallocated them.

>> And I would say you're reallocating from the reserve fund instead of sending the first 25%. To the reserve fund you're choosing to allocate --

>> Tovo: We're using seven of the reserve permits.

>> Yes.

>> Tovo: And changing the distribution.

>> Yes.

>> Tovo: And so I would just point out too our original -- in our original discussion we also talked about legacy permits. The staff has done some work on that. That is an item that was brought to us by the taxi drivers' association, and i believe, though I haven't touched base with them recently, that that is still something they would like to see council consider. So I would suggest to my colleagues that we continue to keep that in mind. We have another eight, as i see it, in the reserve pool that we might contemplate for distribution through some kind of legacy permit program. But in any case, spillar -- one more thing I did want you to clarify. The code now specifies that no cab company should have more than 60%, is that correct?

>> That is correct.

>> Tovo: So this distribution would lower the total share for yellow cab down from 68 to 63%, but they still are not in compliance with the code. Maximum limit.

>> They would still not be eligible for distributions under the formula.

>> Tovo: very much. -- Thank you very much.

>> Mayor Leffingwell: Councilmember martinez.

>> Martinez: I wanted to ask, we've heard staff say a few times that -- I don't know if it's your opinion or if it's something that council has adopted, but we keep talking about needing 50 permits to start a new franchise. Where did that come from? Is that in the formula or just staff's recommendation?

>> No, actually, it's not a formula. It's staff's recommendation based on what we think is required to cover the urban area as well as downtown and make a business go of it, if you will. That may need to be adjusted as we move forward just as you know we're getting bigger as a community, so that's one of the things we've realized we may need to improve. I'd like to introduce carl and he can give you more information on that.

>> Carlton thomas, austin transportation department. The number 50 we don't have information as to why it was determined, that particular number, but it is in the code and we are directed once we receive 50 permits in steve, we consider a -- in reserve, we consider a new franchise.

>> Martinez: So the number 50 is in the code?

>> It is.

>> Martinez: And is it in the code as a reference point to creating a new franchise?

>> Exactly.

>> Martinez: So if we wanted to contemplate something different we would have to amend the code to say 30 or 40 or whatever that number?

>> Yes, sir, councilmember. Like I said, I believe probably that number, when we look at it, that made sense at one time based on the size of the city and the number of boardings at the airport. What it takes to get a minimum business going.

>> When you talk about future years and how demand will probably increase and will demonstrate a need for issuance of more permits, when do we anticipate having that study done and complete as to letting us know whether or not that demand is there or predicted to be there.

>> In about six months is when we do the annual calculation.

>> Martinez: So it would be after the formula one race that's coming this year, and that weekend will probably factor in heavily into those numbers?

>> I would think so.

>> Martinez: Okay, thanks, mayor.

>> Mayor Leffingwell: Councilmember riley.

>> Riley: I wanted to just ask -- come back to the question about additional permits of the issues later this year, if any. Now, if the council did pass the resolution back on december 15th of last year that contemplated the release of permits in two phases this year, is that correct?

>> Yes, sir. That's what I was referring to. I believe legal has notified you that we plan to come at the first of june to respond to that second part of your directives. Assuming that's still the council's will.

>> And in fact, the language of that resolution calls on direct staff to return to council for action allocat 20 permit -- to come back on june 7th for action allocating 20 permits lone star and 10 permits to austin cab. So there's 30 dirt permits.

>> Yes.

>> Riley: All of which would be in excess of the formula?

>> Well, there would be eight left in the reserve that we would draw down on. So that would put us at a deficit of 22 permits in the reserve.

>> Riley: Of course, these are expressly directed to be allocated not to future franchise, but to lone star and austin cab.

>> That's correct.

>> Riley: So those are permits to be issued to those two companies in excess of the formula. the way we would proceed is by creating a deficit in the reserve and then allow the formula to pay that back first.

>> Riley: Right. So not only are we issuing permits in excess of the formula, would we be issuing permits in excess of the formula today with this action, but under our prior action, assuming we stick with the direction we gave to staff in december, we would be going an additional 30 experiments beyond the formula in june?

>> I believe that that would be a separate action by council, yes. But today's stays within the number that the formula predicts, just changes the distribution.

>> Riley: Well, in terms of permits actually going out on the streets to existing companies, it's clearly in excess of the formula.

>> Yes.

>> Riley: All right. Thanks.

>> Mayor Leffingwell: Councilmember riley, you pulled this from the consent agenda. I'll give you the first opportunity.

>> Riley: Yeah. I understand I already hear a motion in support and i will not be supporting the motion. I think some very valid concerns have been raised about sticking with the formula. The formula -- under the formula, we would be releasing 38 permits to existing companies. 19 To lone star and 19 to austin cab. And then we set aside some for future franchise reserve, we would have 15, 12 from this year and three from last year. And instead of doing that we're now releasing 45 permits and both to lone star and austin. We're not setting any additional ones under the reserve -- into the reserve as the formula would contemplate. And in addition to that based on the council's prior action it appears that we're headed towards issuing another 30, all of which are in excess of the formula. Now, I agree with gilmore that the formula is not perfect. We have had a lot of issues with -- that we've been trying to solve for a long time. We've got issues with peak demand. We know we've got issues with maintaining the availability of accessible cabs for those who need them. We would like to keep up with our peers on -- in terms of maintaining a green fleet, which we're currently failing in. Other cities are in front of us in terms of having a green taxi cab fleet, even though that's something that we've heard from our community we'd like to be out in front on. We're severally not. Those are all issues that we have with the current formula. So I'm not wedded to the current formula and I'm prepared to gart from it if we actually make progress on the problems that we know exist in our current system. Unfortunately with this action we're not making progress on any of those fronts. We know that there are ways of dealing with peak demand. We hire a nationally known experiment to recommend certain ways of dealing with that. And paid for that consultant's report. This action today is in complete disregard of that report. We're not following any of the recommendations that monody made in terms of peak demand permits. We're not making any progress towards a greener fleet. We're not making any progress towards greater accessibility, greater affordability of accessible taxi cabs. So I think we can do better than this. So I will be voting against this. I do hope that we can continue efforts on all those fronts and if we're going to be issuing more permits in june, maybe at that point we will be able to make progress on some of those other things like the green fleets and the accessible tax cabs, but with this action today we're not doing any of those things that have been problems. We're abandoning the formula and in doing so we're not making progress on any of the issues that we've had with our taxi cabs. So I cannot support the motion.

>> Mayor Leffingwell: Motion by councilmember martinez to approve on third reading. Seconded by councilmember morrison. Councilmember martinez.

>> Martinez: I want to say I appreciate councilmember riley's comments and his position, and he's right, we may not be making strides towards greening our fleet, but here's what we're making strides toward and that's leveling the playing field and giving the smallest company an opportunity to improve their business, increase their business and increase the service to the citizens. So I think there's something to be said for that. I agree. And we will have this opportunity to look into green initiatives when we come up for franchise renewal. But this is really about issuing some permits to a company that's been running at 50 permits for the last six years and improving that service and leveling that playing field. So I think there are some benefits to voting for this and I will remain in support of it.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I want to speak to my second, not only to agree with what councilmember martinez said, but also to recall that in the original resolution that kicks this process off, there was an element that addresses looking at ways to green our fleet. We have made progress in terms of raising the drop fee for the -- so that the taxi drivers will have some additional revenue and we're looking at other -- as well as cleanup fees and we're looking at other elements of taxi stands and things like that. So this is one step in a whole group of things that we're doing and there's a lot of work to do. But I will support this motion because I think this is an important step.

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: I agree and i intend to support the motion as well. I'll just say to me the decision we make in june is a support one, but I feel very comfortable with the decision here today for the reasons that my colleagues have stated. But I do want to ask rodriguez, if you would help us clarify some language that will make sure that this is not in addition to another 53 and I would then propose that as an amendment. Would this cover it, that the council waives any additional permit distribution through the formula at this time or something along those lines?

>> We could say -- you could amend it to say that. We would include a part to say that or perhaps even this allocation is in lieu of further allocation under the formula and then I'll insert the appropriate code provision.

>> Tovo: Is that acceptable -- I guess that's your job, mayor.

>> Mayor Leffingwell: Councilmember? That is acceptable to the maker and the second.

>> May I add to remind you if you plan to do the same thing for item 42, you will have to make a similar amendment motion.

>> Tovo: Thank you.

>> Mayor Leffingwell: I'll just say I will be supporting this too, and obviously pursuing a greener vehicle fleet is something that we all want to talk about in the future and something we all want to see happen, but when we talk about that, and if you come back and talk about when -- in june with part b of this, I think we've also got to talk about the cost impact because the additional cost to the operators, to the drivers and presumably that would have to be passed on in the form of increased taxi fees. So that's something we can just be prepared for in june. If there's no further comment, all in favor of the motion say aye? Opposed say no? It passes on a vote of six to one with councilmember riley voting no.

[14:59:00]

[Applause] and that takes us to item 42, which is third reading for additional franchises for austin cab company. Additional permits. And we have a number of speakers signed up on that if we want to go to those speakers first. Mary steele? Joseph illey. Bertha means. means, did you want to speak again? This is austin cab company's additional permits.

>> I signed up for both. I just want to be sure that we will follow the formula, and it's not clear to me right now -- maybe I wasn't hearing you when you spoke with regards to the -- which item are we going with?

>> Mayor Leffingwell: We just passed the third reading on the additional permits for lone star. This is for additional permits to austin cab. This item here.

>> I think I was hoping that we would go for the item. Number 40, I think 42.

>> Mayor Leffingwell: Yes, we're on 42 now.

>> And I hope that this is the one that we will -- that we will be able to vote on behalf of, both companies, because we have 53 permits. And when you look at the 53 with the other one, it doesn't match. It needs to be even. 19 Austin cab, 19 for lone star. Thank you.

>> Mayor Leffingwell: Thank you, ma'am. Jennifer mcphail? Not here. David witty? Not here. Nega (indiscernible)? Not wishing to speak.

(Indiscernible), not here. Antony fonta, not wishing to speak. Will mcLeod signed up against. You have three minutes.

>> Good afternoon, council, mayor. I oppose -- for the record my name is Will McLeod. I oppose items 42 and 41. We're speaking on 42. I signed up to speak on 42. And the reason why is --

>> Mayor Leffingwell: Excuse me. You were signed up not wishing to speak on 41. This is 42.

>> Okay. 42. Sorry about that. I am against item 42 because we should be doing more for the public transportation here in Austin. Houston has what is called private jet any services that -- jitney services that compete with the metro. We need to do something here, we need to go back to the drawing board with our taxi cab ordinances and set up a system to where it is a fixed fair instead of a metered fare. Not all your cabs, but just one cab company whether it be Austin cab or Lone Star cab, and set money aside and make this happen because public transit right now can only do so much in Austin. And there is not a public transportation solution over on Parmer and parts of northwest Austin. We need to definitely scratch one of these ordinances and rewrite it to where the city of Austin owns a certain percentage of taxi cab companies and charges maybe a fixed fare of five dollars or \$10 round trip. If you can go to Houston Metro's website, org, there are some jitney services that are operating in uptown Galleria, Post Oak, downtown-midtown, that will -- that tells you what jitney service is. And we should not just focus, but the expanded Austin. We cannot be a green or clean city if we don't have something like this, something like a jitney services. We need to have jitney services and we need to scratch one of these ordinances and start again from the drawing board with that I yield the balance of my time. Thank you.

>> Mayor Leffingwell: Next speaker is Albert Metz. And Albert is signed up against and has three minutes.

>> I don't understand how you could give austin cab more permits when they don't want people that are in wheelchairs in their cabs.

>> Mayor Leffingwell: Thank you, albert. Those are all the speakers that we have signed up wishing to speak. And so councilmember riley pulled this agenda item.

>> Riley: Can I ask a question of staff? means raised a question about that, whether she's getting -- whether her company is getting the same number of permits with this action that she would get under the formula. As I understand it, the formula would have called -- would have allowed the release of 19 permits to austin cab, and this action, as I understand it, would release 15 minutes to austin cab. Is that correct?

>> Yes, she gets four fewer permits.

>> Riley: She is not getting as many permits as she would get under the formula?

>> Yes, sir.

>> Riley: She's getting four less than she would under the formula.

>> Yes, sir. She would end up with 166 versus 170.

>> Riley: Okay. Thanks.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I wonder if i could ask staff, first of all, we just heard the comment about taxi cabs and giving people in wheelchairs rides. Could you review for us what the requirements are in terms of being able to provide for people with disabilities and are there avenues for an individual to pursue if they feel like there is an issue?

>> Let me start by telling hee equipped vehicles that each of these organizations have. Yellow taxi has 22 a.d.a. Vehicles. Austin taxi has 11. And lone star has five, is my understanding. In terms of requirements for how many, the totals that are distributed under the formula do not include a.d.a. taxis. Those are in addition to the formula. Are there any other special requirements?

>> Initially all three companies and the three companies at that time were roy's taxi, yellow cab and austin cab, all three companies received 11 accessible vehicles. Yellow cab, roy's, they also got the accessible that left them with 22. When lone star came on board they got five. Currently the code requires that six to six and a half percent of the fleet is a.d.a.

>> Morrison: So I guess my question is if somebody has a question about fair treatment or whatever, what would be their process? Could they get in touch with you all to helped in the situation?

>> They should dial 311, make a complaint and our taxi folks could get in touch with them.

>> Morrison: That gentleman is in the back. Maybe when we're done here you could ask him. In terms of the numbers, the fleet size, I'm looking at the ordinance, and the ordinance for austin cab says it's going from 159 to 177. Which is the 15 plus three. And the ordinance for lone star goes from 55 to 88, which is the 30 plus three. And I believe that that is because there is a reason there, but in fact it tells me that -- if I'm reading the numbers right, austin cab is getting 18 right now. Could you speak to that?

>> As I mentioned, last year's permit allocation allowed for both companies to receive three permits each. That includes those permits, three additional permits for austin last year and three additional for lone star last year.

>> Morrison: Okay. So the point is that -- i just wanted to clarify that what we're doing is adding 18 for austin cab right now.

>> They're actually adding 15. They are currently in position of the three permits that they received last year.

>> Morrison: So maybe you can help me out here, the ordinance in the backup strikes 159 and replaces it with 137. Am I reading that wrong?

>> Mayor Leffingwell: 15 this year and three last year?

>> We're updating the ordinance to include last year's as well as -- we didn't update the ordinance last time?

>> Angela rodriguez. That's exactly what happened.

>> Morrison: Okay. Thank you. So door is open for a motion on item 42. Mayor pro tem moves approval. Seconded by councilmember spelman. Councilmember tovo.

>> Tovo: I'm going to suggest the same amendments that I suggested last time rodriguez will help me restate it.

>> Yes, ma'am. I will restate the portion that amend the ordinance as is to restate that these are given in lieu of any future permits that would have been allocated under the formula and I will specify which provisions of the code we're waiving to do that. But I will craft that upon your authority here today.

>> Mayor Leffingwell: Acceptable to the maker and second?

>> Tovo: As long as it doesn't keep it from ever future distribution.

>> No, ma'am. Limited to this year only.

>> Cole: That's acceptable.

>> Mayor Leffingwell: All right. All in favor say aye? Opposed say no. Passes on six to one with councilmember riley voting no. That takes us to our zoning cases. Two p.m. zoning cases.

>> Thank you, mayor and council, greg guernsey with the planning and development review department. I'd like to go through the neighborhood planning and planning items. These are what we can offer for consent approval. Item 71 is case npa-2011-009.02. This is in the central east neighborhood planning area for the properties at 1807 east 13th street and 1212 chicon street. The change, future land use map to mixed use land use. The planning commission recommendation was to grant the mixed use land use. And this is ready for consent approval on all three readings. Item number 72 is case c-14-2011-0149.5 h. This is the related zoning change for that neighborhood plan amendment. To change the property to general commercial services, mixed use combined district zoning. The planning commission recommendation was to grant the cs-mu-np combined district zoning and this is ready for consent approval on all three readings. Item 73 is case 02 for the property at 2200 tillery street. This item has been withdrawn. No action is required in item number 73. Related item, item 74 for the property at 2200 tillery street, staff is requesting a postponement of this item to your april 26th agenda. The related restrictive covenant item, item 75, case c-14--84-3 '61 rct for 2200 tillery street, staff is also requesting a postponement of this item to your april 26th agenda. The restrictive covenant for this item is not ready yet. Item number 76 and 77 regarding the coronado hills neighborhood planning area, these items will be discussion items. Item number 78 is case c-14-81-013 rct for the property located at 304 east william cannon drive and 6607 circle s road. Planning commission's recommendation was to grant the restrictive covenant termination and this is ready for consent approval. Item number 79 is c-14-81-058 rct for the property located at 4317 gill list street and 1308 casey street. The soap zone recommendation was to grant the restrictive covenant termination and this is ready for consent approval. Item number 80 technique a discussion item. Item 81 and 82 are related. Item c-14-2011-167. Item 81 is a discussion. We do have speakers signed up on that. 82 And yeah are related. 82 Is a zoning change request to general commercial services neighborhood plan combining district zoning. The planning commission's recommendation was to grant commercial services conditional overlay neighborhood plan combining district zoning and this is ready for consent approval on first reading only. A related case across the street is item number 83, case c-14-2012-0015 for the property located at 315 pressler. This is a zoning change request to general commercial services neighborhood plan or cs-np combining district zoning. The planning commission recommendation recommendation was to grant general commercial services conditional overlay neighborhood plan zoning on this property. And staff would offer this item for first reading only. Item number 84 is case c-14-2012-0016 for the property located at 4806 and a half trail west drive. Staff is requesting a postponement of this item to your april 26th agenda. Item number 85 is case c-14-2011-0169 for the property at 7016 east ben white boulevard westbound. This is a zoning change request to general commercial services mixed use neighborhood plan combining district zoning. The planning commission recommendation was to grant the cs-mu-np combining district zoning and this is ready for consent approval on all three readings. Item number 86 is case c-14-79-074-rct. This is for the property located at 7016 east ben website boulevard. R. week. This is to grant a restrictive covenant termination that was recommended to you by the planning commission. And this is ready for consent approval. Item number 87 is case c-14--79-285 rct for the property at

7016 east ben white boulevard. This is also a restrictive covenant termination that was recommended by the planning commission for termination and this is ready for consent approval. Item 88 and 89 are both discussion items. That concludes what I can offer for consent at this time.

[One moment, please, for change in captioners]

>> Mayor Leffingwell: That is the consent agenda. Councilmember spelman moves approval. Mayor pro tem second. Is there any discussion? All those in favor please say aye. Opposed say no. Passes on a vote of 7-0.

>> Thank you, mayor and council. That brings us back to items 76 and 77. 76 Is case np-2011-0029, the john's/coronado hills and item 77 case c14-2011-016, coronado hills neighborhood planning rezoning tracts 108, 113 and 114. I'm going to turn this over to my staff. Dee and greg and greg will be presenting these items for your consideration. We would present both items before you and we'll walk you through the motion sheets later. Thank you.

>> Good afternoon, mayor, mayor pro tem and counselors. My name is greg dutton with the planning and development review department. As greg mentioned, I'm here with my colleague dede quinley. For your consideration are three tracts in the john's/coronado hills, case np-2011-0029, c14-2011-, 016 so we'll be going over tracts 108, 113 and 114. These tracts were postponed at the march 1st council meeting at which time the neighborhood plan was fasted on first reading. These tracts are presented tonight or this afternoon on first reading as well. So I'm just going to give you some background on these tracts. 108, 113 And 114 are located in the eastern part of the coronado hills neighborhood. This shows where it is located on the future land use map. I'm going to give you a little more detail starting with tract 108. This shows tract 108 outlined in red and its proximity to the old town condominiums which are outlined in the orange. As well as the buttermilk branch creek and the remainder of the coronado hills neighborhood. Here's an aerial of tract 108, located at the intersection of highway 183 to the north and 290 to the south. It's currently undeveloped. It's approximately 22 acres in size. It's surrounded by multi-family to the northwest and commercial to the northeast and it's roughly bounded by little walnut creek on the west and highway 290 to the south. There's a flood plain you can see in this map here. The 100-year flood plain is shown in blue and that also shows you where little walnut creek and buttermilk branch creek are as well. The current zoning is sf-3. Staff and neighborhood and planning commission recommendation are to rezone to go-np, and the property owners' recommendation is for cs-mu-np. 113 And 114, this is another map showing you 113 and 114 and their proximity to the old town condominiums outlined in orange. Little walnut creek, buttermilk branch creek and the rest of the coronado hills neighborhood. Here's an aerial image. Tracts 113 and 114 are two separate parcels but they are owned by the same owner and they are part of the same mobile home park. Each tract is about two acres in size. Highway 290 is to the south. The tracts are surrounded by residential to the west and to the north. Commercial to the south. And vacant property to the east. The current zoning is cs on 14 and cs and gr on tract 113. Recommendation from planning commission as well as the property owner is to leave the zoning as it currently is with commercial zoning. The recommendation from staff is to change the zoning to mhmp to match the mobile homes that currently consist there. This would make the property conforming. And the recommendation from the neighborhood is rezone to sf-6 np.

There's just another image showing you the proximity to old town con developments and that concludes my overview. I would be happy to answer any questions at this time and the property owners are here as well.

>> Mayor Leffingwell: So council, we're considering -- we'll take separate motions, but we're considering items 76 and 77 together. They relate to the same tracts and we have separate motions. We'll go through that in a moment. I just want to clarify that we'll take the public input on item 76 and item 77 together. So if there are no questions -- okay, councilmember tovo.

>> Tovo: I just want to ask a question about the map, if you can bring it up again. I'm sorry. It was the first image you had up there. There you go. There's a little piece that juts out to 290. Is that correct?

>> On tract 113 there's a little piece that juts out. Tract 114 is part of a parcel that extends all the way to 290, but that front half is already zoned commercial and there's a motel and a restaurant there so it's already properly zoned. So we hadn't intended to discuss that. Just the back half with the mobile home.

>> Tovo: So what about -- are we dealing with any piece right now that is -- that fronts 290? I think I see a little square that does.

>> Only on 113. There's a small portion that fronts 290.

>> Tovo: Did the neighborhood contemplate -- and I don't even know if this is possible, leaving that little piece commercial zoning and then leaving the -- and recommending that the rest be sf-6?

>> I didn't hear that from the neighborhood. I believe we were -- we were only really discussion it as a whole parcel.

>> Tovo: Okay. Thanks. Then my other question for you, what is -- what is the dense -- do you have a sense of how the density level of the mobile homes on that site compares to sf-6? Is it relatively similar in terms of a density? I know the uses aren't allowed in sf-6.

>> I don't actually have a feel for that.

>> Tovo: Okay.

>> It's certainly denser than, you know, single-family, but as far as how it would compare to sf-6, I'm not entire shutoff sure.

>> Tovo: Am I right in thinking the old town parcel is sf-6 or has some sf-6 on it?

>> That parcel which is old town phase 1, that's currently zoned mf-2 and mf-3.

>> Tovo: Okay. Thanks.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Just a couple other questions about 113 and 114. And maybe you mentioned this before. The property that's in between 113 and 290, what zoning district is that?

>> The properties that are just south of 113?

>> Morrison: Right.

>> Those are commercially zoned.

>> Morrison: So they are commercially zoned. And councilmember tovo asked about that one little block being commercially zoned and it wasn't. Was there any discussion about can commercially zoning 113 and then doing residential on 114?

>> There was not during the planning process. I don't believe that discussion took place.

>> Morrison: Okay. That sounds like something that might be interesting to consider. I don't know what people's input would be on that, but would that be something that feasibly could be done under the posting that we have and all?

>> I -- I think that today under the posting any decision regarding the zoning could be made so if there was discussion about 113 going one way and 114 going a different way, yes, that would be possible.

>> Morrison: Okay, right, and in fact I'm looking at it now. Since there are different tracts, we could clearly do the planning commission recommendation on 113 which is commercial and th neighborhood recommendation on 114 which is sf-6.

>> It would be possible.

>> Morrison: Okay. Thank you.

>> Mayor Leffingwell: If there are no more questions for staff, we'll go to our public hearing and the city is the applicant so we'll go to those in favor first, and first speaker is a little bit confusing here. Zeta easterday signed up neutral. Zeta? Are you in favor or opposed or neutral? Okay, well, come on up, then. Is bonnie turick here? Okay, you will have up to six minutes.

>> Thank you for this opportunity. I speak as a resident of coronado hills and a member of our neighborhood association. And I want to speak to the two issues of 108 and 113 and 114. I feel like the lorax, sort of, because I'm trying to preserve the integrity of a wonderful neighborhood for future generations of austinites. You already received emails from our neighborhood association president in the care of our planning department implementation and I've spoken to you in march regarding reasons why the residents include single and can condominium residents oppose the zoning change to 108. We met in good faith for three to four years working on a plan mandated by you for our neighborhood. One of the last processes was for zoning changes. We

thoughtfully proposed zoning for 108 and very reluctantly left 113 and 114 alone. The only reason we left them as originally zoned was because planning staff had erroneously told us we could not include a zoning change to 113 and 114 in our plan. At planning commission meeting in march, we learned this was not the case, but by then we had already submitted to you our plan. We do not want a mobile home park abutting old town condominiums in future years for our neighborhood. Our association does not have the funds to hire a lobbyist as do the owners of 108. Our neighborhood in years to come if allowed to be left intact will be one of the greatest assets to austin. A neighborhood of single and multiple-family homes and green spaces for affordable living. If allowed to be dissected piecemeal by uninvestors, you will have effectively eroded part of austin's ability to be affordable for all residents. Have only recently objected. At least one owner of 113 and 114 has been notified for the entire three to four years of all of the planning meetings and those notices were ignored until the day before your last council meeting in march. Which is when we learned that the owner of 113 and 114 objected to any change in zoning. We played by your rules for three to four years, envisioned a plan for the future of our neighborhood for the years to come. We, and this time I speak for many of our neighbors, oppose any zoning change to 108 unless it reverts back to sf. And we certainly oppose any zoning which subverts the plan by allowing zoning change process to occur immediately as opposed to the plan that prohibits zoning changes for two years if the plan is approved. As to promises of bike paths and so on with variances in the creek and other environmental concerns, a bike path sounds real good, but implementation is entirely a different matter. For 113 and 114, we do not want a mobile home park. Again, as I said, abutting old town. We were misled or the proposed zoning would have been part of our original plan. We look to you to do your part for the planning of our community as a part of greater austin. If you have any questions.

>> Mayor Leffingwell: I have one. On tract 108, my motion sheet shows that you are in agreement with the planning commission's recommendation which is for go-nc.

>> Right. Right.

>> Mayor Leffingwell: And for -- for the future land use map office.

>> Right.

>> Mayor Leffingwell: I just wanted to make sure.

>> Yeah, I -- the present owners want to change that and that's what we're opposed to.

>> Mayor Leffingwell: Okay. Gotcha. Councilmember morrison play a question.

>> Morrison: If we could talk about tract 113 and 114, again, our motion sheet says that your recommendation for zoning is sf-6 np. Is that your understanding? Because I heard you say that maybe formally you all had landed on mobile home but you didn't really agree with that.

>> We were told that we couldn't monkey with it so we said, okay, if we can't monkey with it, we can't monkey with it, but we didn't like it.

>> Morrison: But actually what I see here is that the neighborhood supports sf-6.

>> Right.

>> Morrison: Would you say that's an accurate reflection of --

>> yes.

>> Morrison: Okay. So it sounds like you monkeyed with it.

>> After -- after -- we were emailing until midnight the day before your last council meeting trying to figure this out because the first time we had notice that we could do anything and the owner had done something.

>> Morrison: It sounds like we got it reflected here so that's good.

>> Yes, ma'am.

>> Morrison: And I guess one of the things I was thinking about and sort of alluding to with my questions to staff, 113 -- excuse me, 114 is right up against the old town condominiums. 113 Is more toward -- is not right up against them. Did you all consider or do you have any thoughts to share on the idea of making 114 the residential that you are recommending but allowing some commercial zoning on 113?

>> We had not because there's commercial in front of that that abuts 290 and so we thought that commercial was sufficient. We just haven't considered it.

>> Morrison: Okay.

>> Is that accurate?

>> Morrison: Okay. Thank you.

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: I have another question for you. It's really the same question I asked a minute ago. So in looking at what some alternatives were on that tract, did you consider making the zoning match old town and have it be mf rather than sf-6?

>> I think there is a representative from old town who could speak to that more directly and accurately than we could and I would like to defer to that person if that's okay.

>> Tovo: Sure. Sure. That's just fine. Thanks. And I guess I want to clarify that it's my understanding, I hope staff will chime in here, that -- and you probably understand this too, that the mobile home use won't go away.

>> No, no, no, we're not -- we don't -- that's the last thing we want to do is dislodge anybody. But as far as we're planning for the future.

>> Tovo: Right. Absolutely. Understand. Thanks.

>> Mayor Leffingwell: Next is michael woosterhausen. For three minutes.

>> Good afternoon. My name is mike woosterhausen. I'm the president of the coronado hills creekside neighborhood association. I thank you for the opportunity to speak before council today. This is really a simple matter. For the past two years people who have lived in our neighborhood will continue to live here, are familiar with the area and have a vested interest what benefits our neighborhood met to discuss what would be best for long-term planning of our neighborhood. The process involved not only specific property zone, it involved a more lengthy process of discussing both neighborhoods and talking about the positives contained in each as well as the opportunities for improvement in each. We approached this project as an opportunity to strengthen our neighborhood. By working together as a community. I'm confident that achieved a better result than would have been possible had any of the participants, the john's neighborhood or the coronado hills neighborhood acted alone. During the neighborhood planning process, lot 108 was discussed. It appeared this large undeveloped property was not working with the existing single-family zoning. We arrived with general office as the next best solution. We met with the property owner on two occasions to see what specific plan the property owner had for the property to determine if we as a neighborhood could support the zoning for this property. No real specifics were brought forward other than possibly selling the property or developing some sort of retail hub with a trail behind it. We believe it would be detrimental to the neighborhood to go against during the neighborhood planning process. Throughout the planning process we looked not what would be best -- what would be best for the long term of the neighborhood. fall ins line with the long-term interests of our neighborhood. and oppose c.s. zoning. In summary, the coronado hills creekside neighborhood association for lot 108 and supports sf-6 for lots 113 and 114. Thank you for your time and consideration.

>> Mayor Leffingwell: Next speaker is meredith morningstar.

>> Good evening, mayor, councilmembers. I am meredith morningstar. I am the chair of our contact team for coronado hills. And I've been involved in the process of working our neighborhood plan since the beginning. And since our last time in front of council, we did pull these three pieces of property because we wanted to have dialogue and see if we could come to an agreement with the property owners. Also having meetings with some councilmembers, I found out that a hike and bike trail is really important and we don't have any parks in our neighborhood. All the property is zoned. And what I've discovered is along the little walnut -- i mean, little walnut and buttermilk branch creek is the flood plain and I think that would prohibit development right up against it. Also in my mind that should prohibit something like maximum commercial property because these creeks are already very -- they are very much in danger. They run along major highways. There's a lot of pollution and major development right up against them is only going to damage them more. And I think a hike and bike trail along there would make sense because you can't develop right over these creeks because of the flood plain. Also, in meeting with developers, we seem to be at a stalemate. They don't give us an idea of what they

want and for the residents of our neighborhood having the noise and light pollution to a high commercial area butting up against residents just does not make sense to us. And the noise factor, I've heard the argument that the noise won't travel uphill and over water. That's just not true. It does. So any other zoning, I think we decided with city staff that general office made perfect sense to us for this 108 tract. We also have talked about 113 and 114 in our neighborhood, and the front of that 113, that little box that sticks out, the residents love the idea of all of that staying commercial and the property behind that going to sf-6. Multi-family --

[buzzer sounding] didn't enter our mind. That's my time.

>> Mayor Leffingwell: Thank you. Councilmember tovo.

>> Tovo: You were just finishing up on a point I'm curious about. You said multi-family wasn't part of the discussion?

>> No, actually when western address 113 and 114, at the time staff was under the -- under the belief that we had to bring properties into compliance. And that -- those properties have been mobile home situations since, like, 1955. So we were told we had to give it mobile home. We weren't aware of having other options until we went before the planning and we found out we didn't have to go with just mobile home. And so other options opened up to us that actually made residents really happy. And I -- I would like to say about staff that I don't fault them at all. They are -- they were very patient, they were very knowledgeable, I think they did a great job. And they were doing what was their directive testify thanks for saying that. I know they work really hard on neighborhood plans so that's kind of you to acknowledge that. And then the other part of what you were saying that I wanted to zero in, you did say all along 290, that your neighborhood was comfortable -- there is that little knot that is proposed to be sf-4 too. Do you think consistent with that your neighborhood planning team would have been okay withdrawing a line across and making that portion commercial?

>> Absolutely.

>> Tovo: Okay. Thanks.

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: morningstar, go back to tract 108 where the neighborhood decided quite reasonably I think to zone it general office, and the owner of the tract wants to do something, it's my understanding this is not a very specific proposal, and you are quite properly I think concerned about the effects on the creek, noise pollution, light pollution and it's not a very specific proposal. In your own personal opinion and that's projecting what you think your neighbors would do, I'd be happy to accept a guess on your part. If a specific proposal were to come in at some special date which addressed the creek issues, mitigated the concerns of light, pollution and noise pollution and so on and did not fit under general office, would you entertain that proposal? Do you think that's the sort of thing you guys would consider?

>> I think we would be willing to have dialogue, yes.

>> Spelman: Okay.

>> I think I would like to say that a cs zoning borders just shy of industrial and that -- that doesn't work for our neighborhood.

>> Spelman: I understand. I agree completely with you. I just wanted to be sure the door was open if somebody had a very specific proposal and were addressing the specific issues you were considering, that would be something you could talk about.

>> Yes.

>> Spelman: Great. Thank you.

>> Mayor Leffingwell: All right. Scottish bott.

>> Good afternoon, councilmember and mayor. This is first time coming here to speak on behalf of this problem. My name is satish bott. I'm part of the mobile home park in that property. And our recommendation is to keep as it is because it is one property owned by us and if you divide the part of the property as a different zoning, then it definitely reduces the commercial value of the property. And we have been running successfully since 1991. And this park has been there as we mentioned --

[inaudible] but I don't have any objection to if it were just the whole mobile park and changing the zoning, but because it is commercial in the front with a motel and the little restaurant in the front could be why the same property on two different zones makes it commercially businesswise not a good decision if we want to sell in the foot or make some other changes. And that is a [inaudible]. I would be happy to answer any questions if you have.

>> Mayor Leffingwell: Councilmember. Councilmember tovo.

>> Tovo: You would prefer there not be two different zonings on the parcel.

>> Or keep it as is.

>> Mayor Leffingwell: Next speaker jim bennett. Against something. Some part of this.

>> Mayor, council, jim bennett here on behalf of the owners of tract 108. I would like to point out first of all to council that the neighborhood planning process was in process when my client secured the property. Once they secured the property and got on the tax rolls, then they started receiving notices that there was a plan under foot so they started participating in the plan. Unfortunately at that time the plan had already been -- the flum had already been prepared recommending office zoning on the tract. As indicated to you by dutton, this is approximately a 22-acre tract. At the rest end of this tract or the west side of this tract there is a creek and there is a 200 to 300-foot flood plain as well as a bluff that's about 20 feet deep. So this tract being on the periphery of the whole neighborhood plan surrounded by 183 and 290 is physically separated from the rest of the neighborhood plan in that there is no connection between this property, 108,

and any roadways or accessibility to any of the other properties further to the west of the plan. The only way you are going to be able to get there is either by 183 or 290. is too restrictive for this prope inasmuch as it is an isolated tract to periphery bounded by u.s. Highwa 183 of which this council would consider and planning staff perhaps ch zoning when located at the major intersection of two I don't remember highways. Major highways. We have met with the neighborhood association since the last meeting. Really wasn't necessarily anyone's fault, but it wasn't a real cordial meeting. However, we have also offered to prohibit certain uses on the property which we felt were not appropriate and those uses are identified as adult oriented uses, campgrounds, commercial blood plasma centers, community events, dropoff recycling facilities, hospital services, pawn shops, transitional housing and vehicle storage. Council, ordinarily if this property was not in a neighborhood plan that you are looking at now which we are on the very extreme far end of it probably a zoning change to cs would not be that controversial. And we would request that council -- additionally, i may say that if you say, okay, come back in two or three years ago then try to sell it to a developer or try to sell it to a developer now saying --

[buzzer sounding] -- hey, three years from now I'll sell you this if you can get the zoning, that doesn't work so well.

>> Mayor Leffingwell: Thank you. Next is timothy waugh. And you have three minutes. Hi, timothy wall. I'm one of the owners of tract 108 and probably what I have to say will repeat some of what jim bennett just spoke about, but i thought I would summarize our position on why we want cs zoning for that property. First of all, the property is completely buffered from the neighborhood by little walnut creek. And it extends along the edge of the property line and the creek provides both a flood plain and a cliff to buffer our property from the neighborhood. It's also located on highway 290 near the intersection of -- at the intersection of 183 and that's a high traffic area which under normal circumstances could have a ch zoning, and we're only asking for cs zoning. Further, we're willing to provide a conditional overlay with the property excluding certain businesses which we believe the neighborhood may not feel are appropriate. Jim bennett listed those businesses. I don't think I need to repeat them. We are also willing to provide a hike and bike trail along the creek bed if that's desired by the neighborhood. Thank you for the opportunity to speak.

>> Mayor Leffingwell: Thank you. Fajid hamasse.

>> Good afternoon. I think in this hall I'm the only one probably have walked the creek and that b acres. I spend a few hours every month with bad back. The problem is if you go there, we are totally, totally separated. We are like island, a triangle. The noises from 183 and 290, if I would put a grocery store, supermarket, it will not damage the neighborhood. Right now when you drive on 290 and 183 what you see a mobile home park, the old restaurant and an old motel. If somebody could put a nice retail center over there it would improve the value of the property. We didn't buy this property to strike it, make money, we just bought it because it was a good opportunity. I'm hear since 1975 so it's not my intention to sell it or run away. I have a business here, about 30, 40 employees. So I think you have to go to that property to realize we have no connection to the neighborhood. The noise is not an issue. The pollution is not an issue. The traffic is not an issue. As jim mentioned there is no connection between us and the neighborhood unless you want to fly over 300 feet of creek. I've been there, spent a lot of time. I think if you

assign office zoning to this property, it will be never developed. Financially it's not -- it's not there. The money is not there. No developer, no banker is going to loan you money for the office building by itself sitting there and across the street on the walnut creek plaza is all those offices are vacant. Across the street there is 80,000 square feet office building just became vacant. Put office zoning in its like saying let's don't do nothing. Since I been in austin that piece of property only property in austin has been sitting just like that over there. So if you want to put office in don't do nothing. Nobody is going to buy it. We are not going to develop it. Nobody is going to even put a residential neighborhood. Nobody is going to spend the money for the residential neighborhood over there. Who wants to live on the flyover of the 183 and 290? Nobody. Please consider we are like island. We are totally separated. It's one of the biggest creek in austin. They cannot see us. From their neighborhood i have tried. You cannot see the bank over there. Bank is the neighbor on 183. You cannot see the bank at night. You cannot see the poles of big lights. So if you are not connected, we are just like an eye land. The traffic is 180 to 290 and people come to our property for business. They are not going to go to their neighborhood. I don't understand why is such insistence to make it office building. And some of the neighbors which I respect them they said they want operation between 8:00 to 5:00. Let's shut the city hall.

[Buzzer sounding]

>> Mayor Leffingwell: Thank you for your time. Councilmember tovo.

>> Tovo: Just a quick question. If you are contemplating the choice between the current zoning and the zoning that the neighborhood recommended, what would be your preference? Would you rather keep the tract sf-3 or would you rather see it rezoned to go-np?

>> I would like to have it office but I have other idea in mind which overarrowhead all of those but I don't want to discuss it today. I have other ideas which overrides both of those and something in the future, but I'm hoping that we have a logical and engineering approach to this and what is best for the neighborhood and what is best for the community for tax bases and improving the value of the property and make the property and the neighborhood look better.

>> Tovo: I understand that you would rather hav csmunp, but I just wanted to be clear.

>> Mayor Leffingwell: Is there anyone else who would like to speak on either item 76 or 77 that has signed up that has not spoken? We're taking these together. So if you'll just -- are you signed up on one of these two? Okay, just give us your name and you have three minutes.

>> May night is theresa reel. I'm representing the old town homeowners association. 9-acre condo association which is located beside tract 113, 114. We are 75% owner owned. There are 183 units. And we jointly own the land, our streets, our sidewalks and our greenbelt. We maintain them ourselves and we've been doing that since 1972. I have a few pictures i wanted to show if we can bring those up.

>> Mayor Leffingwell: Do you have those?

>> Pictures. That's not it. Yes, the video. I just wanted to give you a feel for the neighborhood. For the fence line we share with 113, 114, a few of the pictures we had emailed. If we could start at the beginning. This is old town phase 1. This is the central park, our phase 1 pool. This fence line is what we share with the mobile home park. If you look, you can see the roof of the mobile homes on the other side of that fence line. This is the phase 1 that's beside tract 114. That blue line is our fence line. This is the motel that was built in 1953 before it was annexed into the city. This is the restaurant. I don't know how long it's been. The tax records don't show this. The other pictures are of the mobile home park. It was actually added behind the motel in 1966. Also I believe before it was in the city limits. Just some pictures of the mobile home park. A lot of the trailers are end of use. That's pretty much it for that. We're requesting that those -- the tract beside 113 and 114 be sf-6 np. Now, we did discuss with staff after the planning commission meeting possibility of low density multi-family. As you've -- I guess made a question, the future land use plan calls for single-family, so therefore we would have had to amended the land use plan. So that's how we end up with sf-6. We had some concern about university hills about mobile home park zoning. That's when we started discussing is there other options for the future. We know that it's grandfathered, that it --

[buzzer sounding] -- and that grandfather carries on to the next owner, but we would like to look for the future, some sort of residential.

>> Mayor Leffingwell: Okay, ma'am, that's your time. Thank you.

>> Any questions?

>> Mayor Leffingwell: Anyone else? Anyone else that would like to speak in this public hearing on either 76 or 77? Okay. So the way -- these items are -- I know this is going to be confusing, but just follow the motion sheet and we'll consider the tracts separately with three different motions. We'll consider 108 and then another motion for 113 and then one for 114. But in each motion we'll be considering the flum and the zoning together and this is first reading so the valid petition has no effect. So I'll entertain a motion on tract 108. Councilmember. Councilmember martinez, do you have a microphone? You move staff recommendation on tract 108.

>> Martinez: Staff recommendation on tract 108. First reading only.

>> Mayor Leffingwell: Yes. And close the public hearing. All of these will be first reading. And the staff recommendation would be the same as the planning commission recommendation. Second? Seconded by councilmember spelman. Further discussion? Councilmember spelman.

>> Spelman: This is for staff. I understand that there is -- as usual, when we pass a neighborhood plan, that there is a restriction on zoning changes that are contrary to the neighborhood plan over a two-year period. I wonder if you would describe that for me.

>> After the plan is adopted?

>> Spelman: Uh-huh.

>> Yes, after the neighborhood plan is adopted, there's a one-year restriction on zoning changes if those zoning changes trigger on neighborhood plan attempt.

>> Spelman: Okay. It only one year. And if -- what would trigger a neighborhood plan amendment and what would not?

>> A neighborhood plan amendment gets triggered if the zoning change is great enough such that the future land use map has to be changed.

>> Spelman: Okay. If, for example, at some benefit tonight's client wanted to build something on this track which was consistent with csmu, would that be sufficient to trigger a neighborhood planning amendment?

>> It would. So the change from office to commercial zoning would trigger a --

>> Spelman: But that would be for one year. That couldn't happen. After a year it could.

>> Right. So there's actually a year -- I should clarify. There are two application windows when you file a neighborhood plan amendment, february and july. And it's a year from that depending on where you are in the city, you can only apply during a one-month time frame. So it would be at least a year.

>> Spelman: So if we passed this thing between now and july, which I think is extremely likely, then it would be july 13 would be the earliest that they could come in with amendment.

>> Yes. I believe that's correct.

>> Spelman: Thank you.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Could you also speaking a little about -- it's my understanding the neighborhood contact team can apply ought side those windows so if a property owner works with the contact team, I've seen this happen where the contact team makes the application so it can be done outside that window.

>> Yes, the contact team can do that.

>> Morrison: Okay. So in fact if there were negotiations and that that good stuff.

>> Mayor Leffingwell: Further comments? Councilmember riley. Rye rye yes, I will be supporting this --

>> Riley: I will be supporting this based on the planning commission and staff and the neighborhood. I have some concerns because it strikes me that the outcome of this vote, assuming it passes, may not necessarily prove to be in the best interest of the neighborhood

longer to. If in fact the property were to remain vacant, then -- at a minimum there may be some lost opportunities. As several speakers have noted, there is a creek flowing through the area where there could be a trail. One speaker noted that it's in the flood plain, but just because it's in the flood plain doesn't mean there would be public access or a trail. There are many places where we have property in the flood plain where the neighborhood would like access but doesn't have access because there's no right of access to the property. It seems like the neighborhood may well have something to gain from working actively with -- with the property owner both to secure an easement for the trail and -- and to work on -- to see if there is some development that could take place on the site that would suit the property owners' needs and would also be an amenity for the neighborhood. It is conceivable, I think, that there could be some development on the site, other than office development that could actually serve the neighborhood well. And I can certainly understand the neighborhood's concerns about purely speculative rezoning in the absence of any kind of a plan or details about the development that is going to take place and so I respect the neighborhood's judgment on -- at this point, but I also think there may be an opportunity there to work cooperatively with the property owner towards a vision for development if it could actually be positive. It strikes me there may well be types of retail, for instance, that could be of value to the neighborhood if the neighborhood would like to see a bookstore or a coffee shop or a grocery store or anything like that, then it seems like there's a basis for a conversation that could take place about what's going to go in there, how it going to be designed, the lighting, protections against noise, provisions for hours of operation, prohibition of certain uses. The neighborhood could gain retail uses that would be valuable amenities for the neighborhood, could gain a trail to property that would not otherwise be available and could actually connect with other trails that are likely here as a result of a trails master plan that the city is about to embark on. So anyway, it seems like there may well be a basis for continued conversations between the neighborhood and the property owner and I hope that those conversation will continue regardless of what happens here today. With all that say, I will be supporting the motion.

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: Very briefly, I agree with everything councilmember riley said. Retail, any other kind of retail operations wants to make sense of this has to meet all those requirements protecting the creek, the neighborhood from light and noise and other things, that's good to be a difficult thing to do which is going to require a specific proposal and will have to be negotiated with the neighborhood. zoning will have to be negotiated with the neighborhood. or some other form of retail zoning it might not need to be.

>> Mayor Leffingwell: All in favor of the motion say aye. Opposed say no. Passes on first reading on a vote of 7-0. We'll take up now the motion on tract number 113. Same idea, considering on first reading only the -- we'll be considering both the flum and the zoning together. First reading. Is there a motion? On tract 113. Councilmember spelman.

>> Spelman: Mayor, I move to close the public hearing and on first reading change the zoning to the planning commission recommendation with the addition of mixed use being added to gr and cs. I'm not sure how that would be described. Would it be gr-cs-np.

>> Just gr-cs-np.

>> Spelman: What is the planning recommendation?

>> It's -- one of the tracts is entirely cs, the other is cs and a little gr. It's just to keep it as it is.

>> Spelman: Keep it as was being allowable, that would be the motion.

>> Mayor Leffingwell: Okay. Motion by councilmember spelman, seconded by councilmember morrison.

>> Morrison: If I could comment, the reason I think this makes sense is because I do think to try to split the baby here and have some commercial and what I will support for the 114 will be the residential and the will allow it all to be residential. I do think we need to give a little bit of thought to what the flum is going to need to be if we're zoning so maybe staff could help us -- I don't know if you can help us right off the bat or you want to --

>> yeah, the flum should be mixed use. If you are going to add m.u.

>> Morrison: That would be an amendment. I mean the motion would just be mixed use. And what about the intensity of the mixed use? It's whatever lines up with the gr and cs?

>> That I'm not sure. I'd be happy to defer to greg guernsey. He might be able to answer that.

>> Mayor Leffingwell: guernsey, is there a high density mixed use residential?

>> Morrison: Does it need to be high density or is there some -- other options.

>> Under the mixed use designation, we have a category that would include gr that would be the mixed use category. There's a neighborhood mixed use category but it only goes as high as lr. Gr-mu, the first mixed use category would be mixed use.

>> Morrison: and i do look forward to talking with -- hearing concerns or thoughts on the matter from the neighbors since we're only doing this on --

>> Mayor Leffingwell: Councilmember spelman, is that okay with you to change the flum to mixed use? All right, the motion on tract 113, first reading only, close the public hearing, modified planning commission recommendation for mixed use. All in favor say aye. Opposed say no. Passes on a vote of 6-1. Councilmember tovo voting no. Now tract 114. Same approach. Entertain a motion on tract 114. Councilmember morrison.

>> Morrison: Yeah, my motion would be the neighborhood recommendation with higher density single-family.

>> Mayor Leffingwell: Councilmember morrison moves to close the public hearing, approve the neighborhood recommendation on first reading only. Second from councilmember spelman. Any discussion on that? All in favor say aye. Opposed say no. Passes on a vote of 7-0.

>> Thank you.

>> Mayor Leffingwell: 80. Are we up for 80.

>> Number 80, case c14-2011-014, for the property located at 3010 honey tree lane. Building b. This is to rezone the property to single-family standard lot. Sf-2 zoning was original request. The city council on your first reading granted sf 1 zoning. This property is owned by the water utility and is going to be abandoned from its prior use and they are seeking a zoning change to allow development of the property similar to what's on the adjacent properties. The adjacent properties are zoned sf-2 by the council's recommendation on first reading or approval on first reading. This would allow one single-family dwelling to be constructed on the property. There was a meeting between the water utility staff and the neighbors and they could not reach a consensus on what the zoning should be on this property. You do have a petition before you that stands at 86 1/2%. As I said, the request is for single-family 1 zoning which is more restrictive than the surrounding sf-2 zoning which pretty much surrounds it all sides except for a tract that's outside the city limits. There's a representative from the water utility here this evening and there are representatives from the neighborhood I understand.

>> Mayor Leffingwell: I have a basic question. This is second and third reading. And it does not call for a public hearing. The public hearing, has it been closed or not?

>> I think the public hearing is left open because we wanted to have a dialogue from the parties if there was any --

>> Mayor Leffingwell: Okay. It would be helpful to show public hearing in the language. All right. Any more questions of staff? In that case the -- we can -- the city of austin is the applicant so we'll go directly -- unless water utility has something to say about this, we'll go directly to the speakers.

>> As I said before, there is a member of the water utility here.

>> Mayor Leffingwell: For questions. Thank you. Oscar leal. You have three minutes. You are signed up against.

>> High, my name is oscar leal and my wife and I own the property on honey tree lane and we're not here opposing the sale of the property but we do-pose the

[inaudible] of this property. We feel like we're blindly negotiating with the applicant who is not in the process of developing the property and we hope if we stay with our petition and at that stage it would be able to negotiate with anyone -- the purchase of the property with the intent to develop. At that point we can always go back and negotiate any setbacks or any other requirement. So that is why after our meeting and after not getting much feedback from staff and not -- they weren't very receptive to some of our recommendations we decided maybe it would be best to keep our p zoning and just wait for that property to be sold before we move on to negotiations of a requirement. I'll take any questions that you might have.

>> Mayor Leffingwell: Next speaker is stanley young.

>> Stanley young. I just wanted to say again that we are interested in keeping open the dialogue and we think that by sticking with the petition we would actually be able to have a dialogue with the eventual developer. And that's the reason why we're trying to stick with the petition so that we can actually have meaningful discussion with whoever is actually going to be working with the property. And that's it.

>> Mayor Leffingwell: Thank you. So I'll entertain a motion on item number 80, which is ready for third -- second and third reading. Councilmember martinez.

>> Martinez: I wanted to ask staff some questions on this before I make a motion. Greg, I believe you will be able answer these. If the city of austin is the applicant, we're going for a zoning change. It appears likely to die with a valid petition tonight. If that does occur, does that prohibit any potential new purchasers from seeking a zoning change if they were to purchase the property?

>> It does. And it could not come back --

>> Martinez: Why wouldn't staff withdraw this item and try to sell it and let a potential purchaser come back?

>> I'll allow the representative from the water utility to come forward and they can speak to what they want to do. But you are correct, they would be prohibited for up to 18 months to seek the same zoning or a more intensive zoning, but whether or not they would -- the water utility would wish to withdraw the case I'll leave to eric.

>> Martinez: I have another question of law. Since we're the policy making body, can we take action to withdraw this item?

>> Mayor Leffingwell: You can take action --

>> Martinez: Because i make a motion to withdraw this item.

>> Mayor Leffingwell: I've never heard of that before. If that's what you want to do, why don't you just make a motion to deny.

>> Martinez: I'm asking law for their opinion. The city is the applicant and we are the governing body. Can't we --

>> I would be happy to look at that but I have to admit it's something more complex I can answer off the cuff.

>> Martinez: Move we withdraw this item, the zoning request.

>> Spelman: I'll second for purposes of discussion.

>> Mayor Leffingwell: A motion and I'm going to -- I'm going to abstain from this because pending legal advice, I don't know if we can do that. But motion by councilmember martinez and seconded by councilmember spelman.

>> Mayor and council, I just want to make sure it's also clear that since the planning commission did not recommend the request as requested by the applicant and it's before you on the dais, even if the case is withdrawn, they would still have to wait for a period of time. What you may want to consider, you could indefinitely postpone this item and allow some more dialogue to come back. Utility could maybe amend their request and come back with something else at a later date and allow time for more discussion, but technically since the commission did not recommend what the utility requested and it's on your agenda right now by ordinance you would not be able to -- or I should say even if it was withdrawn, there would still be a limitation on bringing back the same request for a period of 18 months.

>> Mayor Leffingwell: So it would be -- there would be no difference between denial or indefinite postponement or withdrawal?

>> Indefinite postponement would still allow the utility if they would like to amend the request for --

>> Mayor Leffingwell: No difference between denial and if it's withdrawn, they would still have the same waiting period. Is that correct?

>> That's correct.

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: I would like to withdraw my second and offer a substitute motion to indefinitely postpone further action on this case.

>> Mayor Leffingwell: Councilmember spelman votes to postpone this item indefinitely, seconded by councilmember martinez. Councilmember riley.

>> Riley: Ask a question of mr. young. young mention that -- that -- that -- in discussions with staff that the neighbors didn't get a [inaudible] reception as they would like. Was there a sticking point that you weren't able to make progress on?

>> I think the best characterization is that we were going in trying to find a solution that both sides would be willing to support coming to council with. And that did not happen.

>> Riley: But was there a particular issue that came up? Was it a matter of -- was it a disagreement as to appropriate setbacks? Was it about the appropriate height? Were there any --

>> yes. All of the above.

>> Riley: So there was just not common ground at all.

>> I think the best characterization is that we had discussions--well, we started the discussions -- might be more than what you are asking; but I'll go down this path. And the city zoning staff started the discussion by saying they were not going to change their recommendation of sf-2 with no other restriction. So that set this tone for the entire discussion.

>> Riley: If you -- if staff were willing to engage in a dialogue about -- about those sorts of things, about placing some restrictions on the development of the site, do you think the neighborhood would be up for coming back to the table to talk about with that?

>> I think one of the issues that came up during that discussion -- well, it was made clear during that discussion and in subsequent discussions among the neighbors, we would really rather work with the actual development entity that has something involved instead of an entity that is just going to turn it around and sell it immediately at that point, with no real interest -- well, a interest probably, but no intention to do any development.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I have a question of the water utility. Thank you.

>> My name is eric

[inaudible], project coordinator for austin water utility and the applicant for 3010 honey tree lane, building b.

>> Cole: Okay. Eric, help us understand what the rationale of the water utility is.

>> When we went to the meeting, we were basically trying to figure out what exactly it was that the neighboring residents wanted as far as additional restrictions on the property in exchange for approval of sf 1. When he started the meeting, they basically did state that they wanted to leave the zoning public, but we did touch on two ideas. And those two ideas were the restriction of single story restriction and a 25-foot building set back on three sides which were the front and two sides and 10-foot rear setback. I told them it wasn't really up to me to make that decision, but I would take those ideas back to executive team of austin water utility. And they also stated that they had to go back to the neighborhood residents to get confirmation on what they would agree on in lieu of the approval for sf-1 zoning. So we did set a date of the week of march 19th for them to get back to us on what they wanted. So we waited till about that time. I sent an email on the 22nd asking what was the agreement and that's when miss hillary young indicated in the email that they couldn't come to an agreement and they are going to let the petition stand as is and they are going to leave it up to city council to make a determination for the zoning.

>> Cole: Okay. Now, help me here, but it's my basically understanding that when we own property and it's public and then a city department requests that it be upzoned and fully realizes that that property will be sold, then the upzoning of that property is going to result in additional revenue to the city.

>> Yes. We did conduct the appraisal on the property to reflect what the market value would be for the property as is. And as if it was zoned to sf-1 to figure out what that would be. And I wasn't sure, I believe the case manager wendy rhoades did forward that to you guys, I believe, I'm not sure if that happened.

>> Cole: Go ahead and tell us what that appraisal --

>> for the public zoning as is, the value would be 217,000, and if it's sf-1, the value would be 271,000. So those would be the starting bids depending on what you guys designate the zoning.

>> Cole: Okay. So was that part of your rationale or was it mostly the height and the setback?

>> The rationale behind it is because of the way that the [inaudible] of the property. The single story didn't seem to be very fair given that three of the four homes that surround the home are two story. As well as the way the lot is configured. The front of the home would be basically looking at some backyard fence of the

[inaudible]. So it didn't make sense. Whoever purchases this property spends had kind of money, at least allow them to opportunity to decide what type of home they want to build and where it's going to be located at. So that was kind of like the rationale. We discussed on that before. We knew the single story restriction is what they originally went when this all started.

>> Cole: Further questions? Councilmember morrison.

>> Morrison: So our motion to table is to postpone indefinitely, and I am going to support that and I think that, you know, fundamentally when this property was all subdivided in the subdivision, it was never intended to develop this. And so now -- sure, we have a responsibility to try to carefully, you know, get the value out of the land and public assets, I understand that, but if we're talking about imposing limitations on something that would be built there as single-family, well, that makes a lot of sense to me in an area where you never intended to have it because all those families are backyard that are now going to be significant. You have people going down and all, and the bottom line is we don't just upzone things so people can make as much money as they want. So I hope there could be a sale, there could be a discussion and there could be some real clear guidelines that everybody can agree to. I think this is perfectly reasonable.

>> If I may, I have one more restriction that we did actually impose to property and that was actually the bee cave subdivision must abide by. That was one additional restriction the utility was going to put on the home and that was actually at the request of one of the neighborhood residents when they got wind we were going to rezone the property. We thought that was actually a fair request and we had no issues with it. So we -- we were going to do that. Just to give you a heads up.

>> Cole: Well, I certainly appreciate your rationale and I just wanted to bring up the fact that policy of potentially upzoning so the receives reef new and I never intended to new. We have a motion and a table. Any further comments? All those in favor of the motion say aye. There's no

opposed, the motion passes on a vote of 6 unanimous with mayor lee leffingwell off the dais. Next we will go to item number 81.

>> Thank you, mayor pro tem and council. Item 81, this is a zoning change with a conditional overlay recommended by staff and endorsed by the commission for maximum of 300 dwelling units. The property is just about four acres of land and is currently developed with a commercial shopping center. There's a vacant restaurant and a separate dress store, retail store on the property. The properties in the area are primarily zoned commercial cs zoning. There's a little bit of gr also in the neighborhood. The surrounding uses include some multi-family. This would -- retail sales, automotive sales. To the north is an affinity dealer and also there is restaurants, retail and some additional multi-family.

[One moment, please, for change in captioners] not sure how to -- how to place roy whale aye who signed up neutral. Not wishing to speak. Arnette? Mary arnette?

>> Good afternoon, council, my name is mary arnette, I'm with the friends of shoal creek neighborhood association. We have established this neighborhood association for the last two and a half years. Normally I only work on crime and safety issues and clean up graffiti. So I'm very familiar with the ross property. When I saw how things were going december to january where some of the stakeholders were being excluded from talks i decided to step up to the plate and help educate some of my neighbors on the issue. I put out a newsletter and let them know what cs zoning could really mean and what could come down there if we disagreed with the mf 6. And I -- after the big meeting where 120 people came, people who are not paid members of nfc were asked to leave the room. After that meeting i conducted a survey by email. I had about 60 respondents and about 70% of the people were in favor of the project. And the number one reason they were in favor of it was they didn't want to accept the unknown of what could be. Because cs zone asking have some very unfavorable uses that could spring up. I want to say from what I've heard from the developer, it should be a well designed project. They build it and they manage it. That's a very big deal. They're going to be our neighbor for a long time and they have a proven track record. I'm talking about alliance realty. This developer has done an excellent job of engaging with all the stakeholders to address concerns regarding traffic. I've studied traffic counts for many years in this neighborhood. We had the big wal-mart site. Traffic counts have actually gone down on ashdale since '07. And also on rock wood. So that surprises a lot of people because traffic on anderson lane, the counts show that it's actually gone up a thousand cars a day. But for various reasons traffic inside our neighborhood has gone down. One thing I want to talk about is the word -- I've 00 this morning. People keep use the word affordability and I being a renter want to let you know what that means to me. I would like more apartment buildings to be built. I would like developers like alliance who show good faith and good efforts to address neighborhood issues to be driven opportunities to speed things along because we are at above 95% occupy what that means for a renter, when I rented in 2000, the duplex I live in, I had to rent it sight unseen. It was a very tight market then. And the records have gone through the roof in that so we need to bring more things online. I don't even care who their -- if they're high end, low end. I don't care. We need more apartments. That's what's going to make it affordable for those of us who don't live in subsidized housing. So thank you for your consideration today and i hope that you help them expedite this project.

>> Mayor Leffingwell: Scott sam? Are you here? You were scheduled to donate your time to michael weigh weland, but he didn't get it, so you have three minutes. Okay. Ron thrower.

>> Mayor, mayor pro tem, councilmembers. Ron thrower. I just want to make it very clear from the very beginning of why I'm here tonight. And that's not as a paid consultant on this project in any way, shape or form or as a future consultant for this project. In fact, I'm here on behalf of somebody that I could never be paid by and that would be my parents. My parents live a stone's throw from this project, and they have been aging in place very well for the last 50 years, almost 50 years in the house that I grew up in. They are very aware of the ramifications of the zoning that's in place today on the property and they are very aware of the need of density along the corridors in austin. And they are very supportive of the mf 6 zoning that is proposed for this particular project. Looking at the surrounding land uses in the area, i cannot think of a better fit for mf 6 zoning given the car dealership, given the apartments on the westside, given the apartments on the southside and the other commercial across ashdale. Again, I think it's a very appropriate use for this. My parents feel the same about this. They would certainly be here today if they could, but they're not able to. And the only issue that i have about the agreement that is put in place by the developer with the neighborhood is the fact that they are not promoting any connectivity of this project over to ashdale and I certainly think if you're trying to push all this project out on burnet road, I think you're compounding a traffic situation there that nobody wants. And there's already commercial development that has access to ashdale. This is not going to add a whole lot of trips to ashdale and I think having connectivity to ashdale is extremely important otherwise everybody has to come and go out to burnet road. And I think a commissioner on the planning commission summarized it up well where he said not every commercial development can act like they are only accessing a cul-de-sac. We have to have connectivity and I think this is a very appropriate project to have connectivity to burnet road and ashdale. I'm available if you have any questions.

>> Mayor Leffingwell: Thank you. Calista johnston? You have three minutes.

>> Good afternoon, mayor and councilmembers. My name is calista johnston and as far as I know while looking around the room, I'm probably the most directly impacted by this project. I live in the summit condominiums, and they're directly across the street from where this project is going to go in. I am for this project because mainly what's in there right now is a ross dress for less and a former chuck e. cheese. I bought my condominium in cheese development or location had been empty since then. It is a magnet for transients that come in the neighborhood. It has an open face dock in the back. We have transient population that sleep in that dock. And right now if you drove by you would see a lovely plethora of grafitti all over the front of that and I've called 311 on several occasions to cover it up and they come back and redecorate. This project would be -- as mary arnette pointed organization I'm one of the people concerned about the unknown. Right now it's a five acre commercial lot and if this project is not approved, then what will happen is they're going to be another hardware store. It was a homer's at some point in time in the past. Or some other large commercial development that's going to come in. And then there will be traffic flow, a constant in and out. And what I've understood for this project based on the meetings that I've went to at north shoal creek, that this project is going to be geared toward people that are younger professionals that will be at work during the day and they'll be there at night and there won't be a come and go as it is right now with the ross dress for less that's open

from nine a.m. to nine p.m. I think it would be -- it's much needed in this area because as she pointed out, there's a need for affordable housing. We do already actually have some affordable housing. The summit condominiums is 100 unit condominium. Most of our condos sell anywhere -- one bedroom sell generally around the 70,000-dollar mark. But we do have people who rent out their condos, so they rent them from \$695 to 750 for a one bedroom. Frankly for me, there would be a personal impact in that I down the road would like to rent out my condo, and so if there's an apartment complex across the street, they're creating a little competition there, which is great because if somebody moves into that area and they love the area, which the area has developed quite a bit since I've been there and there are lots of restaurants and alamo draft house and other things that people can walk to, and they say hey, I don't want to pay the rent at this place, let me go across the street, then there's a market for people to come and rent my place. I think that connectivity to ashdale drive would also benefit us. There's currently connectivity direct east of our property is a mcdonald's. And people in my condo complex and people from across the street at ashdale gardens walk into that. Am I done?

[Buzzer sounds]

>> Mayor Leffingwell: Yes. Thank you. Brandon easterling. Signed up in favor. You have three minutes. It is.

>> Afternoon, everybody. Brandon representing alliance residential. We are the applicant. Really I just wanted to allow you folks the opportunity to ask me any questions. I don't have a whole lot to add other than the fact that we feel as though we have made a very concerted effort to meet with all the impacted neighborhood groups. We have spent at least two months trying to work out an agreement, of which michael as he indicated, we were 99% of the way there until the last minute. We are still willing to live up to our end of the bargain. I think as sap indicated in their vote last month that this site makes a lot of sense for this kind of downzoning and obviously you've heard from some of the supporters as to those reasons why. I'm here, if you guys have any follow-up after discussion, what have you, I'm welcome to come back up and answer anything.

>> Mayor Leffingwell: Thank you. Now neutral is roy whaley. Three minutes.

>> Howdy howl, roy whaley, vice-chair of the austin sierra club. And you're almost right, mayor, this is a project we want to support and almost can support because it does fit the guidelines of what we see as good density. It is on burnet road, which could be a major transit corridor. So that is a good thing. It is a downzoning. It's going to take something that is all impervious cover and we're going to have some green space there now. What we would like to see is -- and I had some discussions with brandon and michael. The idea of having on the garage, solar panels so that we can have all of their exterior lighting taken care of there. Water capture not from rainwater capture, but where we should be going, which is requiring all new construction to do a certain amount of non-potable water capture inside to use for landscaping and other non-potable uses. We need to go that direction. As I've heard once again, every 20 years we double in size. That is going to work right until our resources don't double in size because for every 20 years we have less and less water. And that is what we have to be looking at, so we have to take care of water capture and reuse, water conservation there on-site, make it a leed certified building. And these are the things that we could then enthusiastically endorse,

although I know I'm upsetting some of my friends today, and I'm sorry. Let's see. What else do I have here? That's it. I mean, I'm also a resident of the area in crestview. So traffic is a concern. And bicycle traffic in particular. One of the things that i think the city of austin needs to be looking at, since y'all have so much of the control over the space in front of this project, that we start having turnouts for buses so that when a bus stops to pick up people, which they will be doing more and more as we add more and more traffic to burnet road, I think that will drive transit and make it work in austin. So we have places for the buss to turn out so that traffic doesn't back up and stop completely behind that bus. We need to address the traffic light at -- is that wooten or teakwood, I don't remember which, but you have two traffic lights at grover and then the other part -- not grover, but owe less ohlen and then steck. We have to work on traffic flow so those are all synchronized. The city needs to help out so that traffic can flow there. This can be a very good idea. We can add the density. Burnet road is changing. It's not the museum that it used to be. And we can make this good. Thank you very much.

>> Mayor Leffingwell: We'll go to those signed up against. Beginning with kenneth webb. Is kenneth webb here? All right. Will mccleod? You're kenneth webb? You have three minutes.

>> Mayor and councilmembers, and thank you for opportunity to be here. I won't use all of the three minutes. As the president of the north shoal creek neighborhood association, i am withdrawing the objection to the rezoning.

>> Mayor Leffingwell: Thank you, sir.

>> Do you have any questions of me?

>> Mayor Leffingwell: Councilmember tovo, i believe, does.

>> Tovo: I do. So if I understand you correctly, you had been negotiating -- the north shoal creek neighborhood had been negotiating with the developer on the project. You had come to some agreement. Then the neighborhood association was opposed, but if I heard you correctly, you have withdrawn your opposition.

>> Yes, that is correct.

>> Tovo: Were there some other -- has that been a result of additional negotiations or additional discussions among the neighborhood association?

>> Discussions among the membership of the neighborhood association and analysis of our position. There's been no negotiations or really no discussions between the developer and the north shoal creek neighborhood association since that resolution was adopted.

>> Tovo: Okay. Thank you for being here to convey that information.

>> Mayor Leffingwell: Councilmember morrison has a question for you, I think. Sir? webb, another question for you.

>> Morrison: I do have another question. Could you -- I'm just curious about the process. It was a neighborhood vote in the first place to support, then it was a vote in opposition. Has there been another vote or is this a -- what was the process?

>> Yes. I think I can answer that question. Our developing committee, development committee, drafted a covenant agreement that was proposed to be presented to alliance for their consideration. They had agreed to some of the provisions for that verbal albert ramonly, but they -- verbally, but they cannot committed to it in writing. In a special meeting of the neighborhood association in february, we voted for the approval of that drafted covenant agreement as a condition for our approval for the rezoning. And that information was transmitted to the city and with the statement that in the absence of that covenant agreement, we could not agree to the rezoning and therefore objected. Almost immediately after that we were presented with a covenant agreement. And that changed the picture somewhat. But there were some differences between what we were looking for in the covenant agreement and what alliance had proposed. There were continuing negotiations with them and they revised that covenant agreement several times. The big differences that our development committee wanted -- a covenant agreement that would stay with the property in the event that the zoning was approved, they bought the property and sold it. And that's a possibility. Their agreement was the effect that I think there were three conditions to the covenant agreement. Number one the zoning would be approve at mf 6. Number two, they would purchase the property and begin development. And there's some possibilities there that the zoning is approved, they would not continue with buying the property or beginning the development. So we would be left with the mf 6 property, but no development proposed at that time. That last covenant agreement was presented to us the day before the zoning and platting commission meeting and the day before our next general membership meeting. And those were some of the reasons that the resolution was adopted. There were some misgivings in adopting that resolution, and by the board of directors, I've been authorized to negotiate and to withdraw the objection that we had.

>> Morrison: Okay. So as far as you're concerned now there is a restrictive covenant that would go on the property that addresses the issues that you all thought needed to be addressed?

>> Yes. They indicated that they would agree to the covenant agreement as they signed it.

>> Morrison: Is the neighborhood association going to sign it also? Is that a private restrictive covenant that you're talking about, do you know?

>> Yes. We will approve the covenant.

>> Morrison: So it is a private restrictive covenant.

>> Between alliance, residential and the north shoal creek neighborhood association.

>> Morrison: Okay. Great. Thank you very much. I appreciate that.

>> Spelman: Mayor?

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: I believe i whellan expressing a slightly different point of view. I wonder if you would come up and discuss this restrictive covenant.

>> Michael whellan on behalf of alliance. I want to be clear we have signed a covenant agreement and have provided to the north shoal creek neighborhood association. It is an agreement. It's not a restrictive covenant that will run with the property because the zoning has the big conditional overlay items that would not be able to be changed without coming back to a public hearing process. And we have a third restrictive covenant dealing with the drive-through on that commercial tract that would only be allowed to have access on to burnet road. So there are three separate ways that they've gotten protection.

>> Spelman: The most weigh webb was talking about is immediate construction or begin construction soon. And that would not be the subject of a restrictive covenant. It would go with the land. It would have to be a covenant that would go with alliance.

>> And with the site plan. And that's what this is. It's subject to us getting this mf 6 zoning with those conditional overlays, and what I would recommend is that we do first reading only. And when we close we'll have this as part of the stack of documents for close at second and third reading.

>> Spelman: Fair enough. How soon after the closing would you be willing to begin construction?

>> I have no idea.

>> Spelman: I was wondering what it says in your --

>> [inaudible - no mic] f

>> [inaudible - no mic] f

>> as fast as we can. When we close we'll have the equity. That's when you have the equity ready to go. As fast as we can.

>> Spelman: Good enough. Thanks.

>> Tovo: whellan, i have another question for you before you get back to your seat. Could you review the agreement that you're discussing that you've signed with the north shoal creek neighborhood. Did I hear you say that it's not a restrictive covenant?

>> It's not. It is an agreement with them. It is not one that runs with the land, it's one that runs to alliance residential. Alliance residential is held responsible with regard to this agreement.

>> Tovo: Why wouldn't that be handled through a restrictive covenant?

>> This is the format that we designed and we agreed to with them and that they proposed to us. And this is what we signed.

>> Tovo: What would be the enforcement mechanism on that? A lawsuit? They would have to bring a lawsuit against you?

>> Yeah. Which you would have to do with a deed restriction anyway.

>> Tovo: I'm just wondering --

>> lawsuits are great from my perspective.

[Laughter]

>> Tovo: Not so great from the neighborhood's perspective.

>> But to enforce a private restrictive covenant would require a lawsuit regardless. And lawsuits are -- carnage is carnage.

>> Tovo: Can we quote you on that? That's a great quote of the day. This is a commentary more than a question, but I am a little curious about the choice to go with just what seems to be a more informal agreement rather than a restrictive covenant. So I'll just throw that out there. I know we're considering it on first reading, but I hope that might be part of the consideration.

>> Mayor Leffingwell: We can't put our consideration on the part of a private restrictive covenant anyway.

>> Tovo: Can some of those items -- could some of the items be folded into the conditional overlay? Can you give us some sense of what some of the points are in it?

>> I think everybody has a copy of it at some place. The site plan item was the driveway on to ashdale should be -- if one is required by city staff it should be right in and left out. There was going to be an area that the development committee marked -- I could hold it up, but it won't help. They marked a large area and somewhere in that area we need to have three thousand square feet of open space placed there rather than somewhere else. It needs to be there to drive pedestrian traffic there. We have -- that's part of the challenge here. Some of the items are not conditional overlay type items. We have a pedestrian bike path or lane between the commercial and residential parts of the development. We have that any drive-through traffic for the commercial uses on the cs zoned property shall both enter and exit burnet road. That's not part of the zoning case -- since that is not part of the zoning case, we'll have a separate item. We were supposed to have a grassy tree lined boulevard with wide sidewalks and possibly with nice street lamps and park benches along ashdale as well as burnet road. Burnet you have already the great - the requirements of core transit corridor, so that wouldn't be. They use reasonable efforts to incorporate and design and build apartments along ashdale to include front porch stoops to encourage neighborhood friendly, pedestrian friendly development. Design both residential and

commercial to -- in both the commercial and residential to include bike friendly amenities such as convenient and usable bike racks and lockers and bike storage for the residents.

>> Tovo: A wide variety.

>> We have something for everybody. That's the rice riley provision. We have all these different provisions here. Something for everyone.

>> Tovo: Is there an affordability provision?

>> I think you heard from summit that the housing stock in this area is to some extent aging. This is the first new multi-family in the last decade for this market, this kind of square mile area. And I think that helps in terms of affordability.

>> Tovo: Thanks. I've got a question for city legal. Can some of the items be folded into a conditional overlay based on the little you heard?

>> I think most of them would not be appropriate, but happy of course if the reading, maybe on what council approves today. Going forward we're happy to sit down with staff and the applicant to look at that.

>> Tovo: That would be great.

>> Mayor Leffingwell: Will McCleod.

>> Yes. I am not against -- I am against item 81 just because mf 6 conditional overlay is about five stories. Have you ever seen 5350 Burnet road? Has anyone drove down Burnet and saw that ugly little skyscraper. It's tacky. I don't want that on 8100 Burnet. Why don't we keep it commercial? The developer can actually draw up plans to actually remodel that Ross store and bring more customers out there. And at that particular Ross location, there are about -- Hispanics make 75% or if not 80% of the customers that shop there. And the African-American population and Asian population is very prominent. Inside Ross, the current Ross store. The Anglo community is only like maybe four or five percent that shop in that store. This lady earlier was mentioning affordability. That lives in the Summit, I believe. Those condos start at \$100,000 to \$120,000. I have looked for apartments in 2009, and that's how much those condos were asking for. That was starting at. That's not affordable. What is affordable is something below 600 bucks a month and I don't think that this new development is going to be affordable in any way, shape or form. And -- and this little pamphlet here it says does Burnet road look like a residential street? No. It's not. It's a commercial street. The affinity dealership a commercial, McDonald's is commercial, Key Staff is commercial. Let's keep it commercial. I don't want any more condos in the city of Austin if we can avoid them at all cost. The domain, how many people -- how many occupants are there at the domain? Is that totally occupied? 95%? I don't think so. What are we trying to accomplish? We need to keep it commercial so that way the community has a shopping center and it brings business and tax revenue to you guys that you desperately need. Please keep it commercial. I am speaking for those people that cannot show up today, a couple of friends of mine that do live in that area and work in that area and like getting their designer suits and, you know, shirts and

work shirts, and work clothing for under we will dollars. Please keep it commercial, keep have a conscious, have a heart. Respect the african-american and asian community. Keep it commercial. Thank you.

>> Spelman: Mayor?

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: america mccleod and the mortgage on a 120,000-dollar condo is \$644 a month. So we're talking about \$600 a month for 120,000-dollar condo at current interest rates.

>> Mayor Leffingwell: Donna eager. You withdraw your opposition? Peggy palacio. Massio. Not here? David orselik. Signed up against.

>> Close enough. I'm here as a resident of allendale and I'm also a member of the zoning and platting commission of the allendale neighborhood association. My chair could not be here today. I'm a little conflicted about this development. It looks like a very pretty development. It will certainly change what some people consider appear eyesore right now, the ross dress for less location. But basically I want to use as an example 5350 burnet road. That zoning was changed over the objections of zap and staff by the council, and the developer, the owner of the property said he was going to build some condos there. And then when he got the zoning he turned around and flipped the property. So when zoning is given, when zoning is changed, anything can happen. I do have some reservations about this property because currently the driveway is on burnet road. And this is going to add a tremendous traffic burden because we've seen this burden at 5350 burnet road. 170 Units at 5350. We have parking on lawnmont, which goes right next to that development. It sometimes makes lawnmont into a one way street in effect because we can't get two cars through there at once. And sometimes the traffic on burnet road really backs up when someone is trying to make a left turn into 5350 burnet road when they're going north. In the movie field of dreams, the lead character is told if you build it they will come. And that's what he did and they did come. And that sounds like what we're doing here. And if this were just an isolated development, maybe it wouldn't be a problem. Maybe it would be a great change, but once burnet road is lined up and down the street with all these kinds of developments, it will change the envisioned zoning and purpose of burnet road into something that we can't change back. And then when people can no longer travel along burnet road, they'll travel in my neighborhood along shoal creek boulevard. And shoal creek boulevard going right through our family friendly and safe neighborhoods, will no longer be the family friendly and safe thoroughfare that it is right now. And this will happen up and down burnet road and all the neighborhood associations, neighborhood groups that live along burnet road. So I'm saying to you just because this is a nice looking development doesn't mean we have to do a zoning change, doesn't mean we have to change the nature of burnet road. It sets a bad precedent and it's an incompatible land use. The zoning is actually for higher than 60 feet. I'm hoping that the conditional overlay limits it to 60 feet. I talked to you about the driveway on ashdale. There needs to be a driveway there. Otherwise this is going to add to the traffic nightmare that is going to be burnet road. And there are no affordable housing units. This is -- can be said to be the canary in the coal mine, but it's a test, 5350 burnet road. And that hasn't worked very well and we can't afford more 5350 burnet roads. We can't afford to make the traffic through our

neighborhoods much worse. And we need to leave our neighborhoods, which are now family friendly and safe, in that condition. So please deny this zoning. Thank you.

>> Mayor Leffingwell: The applicant has three minutes rebuttal.

>> Michael Whellan on behalf of the applicant. I think that he makes a great point that zoning does stick with the plot. And what we're asking for is down zoning today, not upzoning, downzoning significantly. And he also -- the trips that are allowed on the tract are over 3600 trips. So along with the down zoning we will be cutting the trips by over 1600 in terms of what's allowable. And finally, I think -- I don't want to have a trial within a trial if you will and talk about Lawnmont and 5350, that case, but I think the geometry of the two streets is different and I know that on Lawnmont they're already having discussions about residential permit parking there. This case is different. The residents on this street want us to be parking on both sides to slow down the traffic because the geometry of the street is different. It is wider. And there's no stop signs between Burnet Road and I believe Shoal Creek, but for the four or five blocks all the way down. Really several blocks where there's no trips. Anyway, if you have any questions be happy to entertain them. I know this is first reading only. Thank you very much.

>> Mayor Leffingwell: Councilmember Riley. Those are all the speakers, by the way, that we have signed up.

>> I just want it had to ask about access to Ashdale. I heard a couple of speakers address that. What I heard was that most folks in the neighborhood were opting access to Ashdale. I think you mentioned there is currently a covenant -- there's currently an agreement to restrict access to Ashdale.

>> That was the request. Again, I know I'm being fired at. I just don't know whether it's Lebanon, Sierra, Jordan at any point in time. What I had here was North Shoal Creek Neighborhood Association wanted no access to Ashdale. Steve Setner of Sustainable Neighborhoods wanted access to Ashdale and then there are as you've heard some -- there is some interest in access. So we were trying to manage the competing stakeholders and came to an agreement with North Shoal Creek Neighborhood Association. Webb represents to agree to file a site plan without that driveway, but if the staff required it, we would have to add it back, but it was on that limitation of left out right only. We have -- we're agnostic as to whether the driveway is there or not.

>> Riley: But you have committed to file a site plan without it.

>> Correct. That is correct.

>> Riley: Okay. And then I guess a question would be for staff. At this point is there any way of making any kind of assessment as to whether staff would -- during the site plan review process, whether there would be any requirement for access to Ashdale?

>> We can look at it when the site plan comes in so we have a better understanding. Whellan has actually got a proposal already prepared as far as the layout, we could take a look at that before it comes back for second and third reading.

>> Yeah. We have a very rough two dimensional kind of what it might possibly maybe in the future look like. And could do that. And we would -- we agree having the -- our original design had the connectivity because it does make for better flow for everybody, neighborhood and the multi-family and folks on burnet road. It just helps the entire situation. And it was part of I think setner's concept was to have that level of connectivity. So we are in favor of it. Maybe it was a little strong to say agnostic, but we didn't know who was shooting at us at the particular moment in time when we were talking. Maybe we'll go back with webb and revisit that issue as well. If it's true that the most people affected, summit and thrower's parents are interested in having that level of connectivity. Maybe we'll have some opportunity here to have that conversation.

>> Riley: Okay. Thanks.

>> Mayor Leffingwell: Mr. whellan? I could almost swear I heard you talk about restricting it to right in, left out. Did I hear right.

>> It is odd. Right in and left out. It is odd. I'm not sure how it gets designed that way. That will be another bit of a nightmare.

>> Mayor Leffingwell: Maybe you could have a flyover there.

[Laughter]

>> you joke about that. We were requested by one neighbor to build a flyover over anderson lane as part of our responsibility. tovo nodding and will try to find a way to get that into the controversial.

>> Mayor Leffingwell: Get to work on with that one. guernsey, it's marked on my sheet as ready for all three. But I think I heard ready for first only.

>> That's correct. We can do first reading this evening and we can work with the developer if they do want right turn in, left turn out. We have done that before. As jerry just told me, we affectionately call them pork chop designs. Those driveways. The last one I can remember is on bluebonnet off of south lamar.

>> Mayor Leffingwell: All right. I'll entertain a motion on this item.

>> Spelman: Mayor, I move to close the public hearing and pass this on first reading.

>> Mayor Leffingwell: That's the planning commission recommendation, close the public hearing, first reading only by councilmember spelman.

>> Spelman: If I may also offer direction to staff.

>> Mayor Leffingwell: Seconded by councilmember martinez.

>> Spelman: Greg, I'm almost sure I did not hear whellan say he preferred right in, left out. I think that was a joke.

>> I'm just saying if that's what everyone would like, then we can certainly work with that.

>> Spelman: I think you should definitely talk about it, but I wanted to have the record reflect that I don't believe this was mr. whellan's preference. Thanks.

>> Cole: I have a question for mr. guernsey. guernsey, I wanted to ask you a couple of questions about the education impact statement .i believe it showed there wasn't a problem with the middle school or high school, but there was a concern with the elementary school. Do you know how large a concern that was?

>> The educational impact statement as I said, they're kind of like a guide. They're not necessarily a test that a case would be based solely on the merits. But right now it's my understanding that austin independent school district, they generally have a capacity of which they call like 125%. And once the school goes over that, then they actually start looking at school district boundaries, possibly doing additions to the school to accommodate the additional amount of children that would be going to that facility. So in this case they indicated that under the current population for -- i guess it's pillow elementary. It's at 130% capacity. And so it's anticipated that with this development it will go up each higher. And in the future the school district will have to look at either changing boundaries or modifying the school to make this accommodation for these additional children.

>> Cole: Okay. Thank you. Mayor, I'll just add that i will be supporting the motion and I am pleased that we made a decision to consider the education impact statements. And that it always puts us in a difficult position because we want to encourage inner city development and is this a testament of why we have to work with our schools to do that because we can have certain neighborhoods that have overcapacity as a result of that and then other neighborhoods that we do not want to encourage development from. And so I just appreciate that you brought that to our attention and that it is the elementary school.

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: I appreciate you throwing in on that. To my am this is the first development that's actually triggered an educational impact statement, although i think we've seen some done on a voluntary basis with other projects. And I think -- I hope this will become a discussion point and a planning tool for aids because it does -- if this project does generate children as you've pointed out, it will push pillow elementary, which is already overcrowded, into a more overcrowded state. So in looking at the -- in looking at the parameter, it's a one and two bedroom units are mostly contemplated here and the rents are relatively high for that kind of product. So you know, it may yield more children than they think. But I think it is still extremely valuable to have this and I'm glad we're working with these and i hope it will encourage a dialogue with the school district about the children who might be coming from this development.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Thank you. This is a difficult case for me. There's a couple of issues on the table. One is we've had this situation before where we have a piece of property that was opted out when the vmu work went on and so it was not selected for vmu. And now we're looking at essentially vmu densities with the neighborhood working with the developer to come up with ways to make that density workable for them. I think that's very important. To me. But there are two issues here. One is if it were vmu there would be an affordability requirement. I'm not of the same minds that more -- all we need is more supply of apartments and that will handle our affordability problem we've had a lot of discussion about long-term affordability today. On the other hand, i understand that there were some -- that there are other benefits that are being brought forward perhaps to sort of even all o that out in terms community benefits. What I'd really like to do is to be able to understand and maybe we can have some more conveyance in the coming weeks, understand how they're weighted. For instance, when we talk about the new kind of covenants of really understanding if they're equivalent benefits being provided, that would help me a lot in feeling like this is appropriate step to take. The second element is of concern to me is the issues that the expectation of the neighborhood is actually going to be met because of the fact that some of it is just a written agreement as opposed to a conditional overlay or restrictive covenant. And it's not clear to me -- I heard the neighborhood saying that it was really important to them that they know that zoning goes with the land and that the conditions be permanent. And it sounds like some of these are not permanent. And so I'd also like to be able to continue conversations about how we can match up with that expectation as closely as possible. So for now I'm going to vote for this motion, but I do have those two concerns.

>> And councilmember, the applicant's agent, whellan, did give us a copy of the agreement. So staff will be looking at it now that we have a copy of it. Councilmember riley.

>> Riley: I am going to be supporting the motion, but i have concerns about access to ashdale and I would like to look at that before second reading and see if we can assess whether there would be a requirement of access on to ashdale. I think we've heard a number of legitimate concerns about expecting all of the traffic to pile on to burnet. I'd like to give that further consideration before second reading.

>> Mayor Leffingwell: All in favor of the motion to close the public hearing and approve on first reading only say aye. Opposed say no. It passes on a vote of seven to zero. Council, we're now in recess for live music and proclamations until approximately 7:00 oak.

>> Mayor Leffingwell: Okay. It's time for live music at austin city council. And tonight we have a presentation for you from ava arenella. She's a jazz singer from right here in austin. You're a native, I assume. Grew up performing in musicals all around town. Her love of jazz standards stems from her admiration of all things vintage and nostalgic. Since forming her band two years ago with guitarist and musical arranger matthew watchler, she has had the opportunity to play at many events and galas around town, including ballet austin, which she opened for the grammy award winning jazz singer curt elington. She can be found on the cover of influential magazine and performing at satellite bistro and central market. Ava, it's all yours.

[Applause] ♪♪♪♪ ♪♪♪♪ ♪♪♪♪ ♪♪♪♪ ♪♪♪♪

[applause]

>> Mayor Leffingwell: Very nice. Okay, you get to do a little free advertising here. Tell us about your website if you have one.

>> Yeah. com and we have some shows coming up this weekend at satellite bistro and also at tran tells, a great italian place in westlake. We also play at central market. We also do private parties and weddings, that sort of thing.

>> Mayor Leffingwell: Good luck. I'm sure you've got in some good plugs here. That's great. On now I have a proclamation for you. We're going to name this day after you. It reads, be it known that whereas the city of austin is blessed with many creative musicians whose talent extends to virtually every musical genre and whereas our musical scene thrives because austin audiences for good music produced by legends, local favorite and newcomers alike, and whereas we are pleased to showcase and support our local artist. Now therefore i, lee leffingwell, mayor of the city of austin, texas do clear by proclaim april fifth, 2012 as ava arenella day in austin, texas. Congratulations to you and best of luck to you.

[Applause]

>> Mayor Leffingwell: It's my pleasure to issue a certificate of congratulations to some folks from our own municipally owned austin convention center. And it has to do with the building that they occupy, which as you know is over on -- just off of cesar chavez near red river. You know, I've said often that the convention business and the tourism business is actually my favorite green industry because people come here, they send their money and then they leave and we don't have to furnish electrical wiring for them and water pipes and education. We don't have to do that kind of business. So it is the ultimate clean industry, I believe. We're very proud of what you guys have done here. And this certificate is for being the first convention center in texas to achieve a leed gold certification for existing buildings and for scoring the highest point total of all convention centers in the eb category. So let's give them a big hand.

[Applause] advancing the city's goals, as you know this is a leed's gold building and we have a city policy that all of our new facilities owned by the city of austin will be at least leed silver. So you've got one step above that. So the austin convention center is deserving of public acclaim and recognition. The leed green building rating system is the internationally accepted benchmark for the design, construction and occupation of high performance green buildings. Leed promotes a whole building approach in sustainability and recognizing performance for environmental health. The austin convention center's sustainable practices run the gamut from using wind energy, led lighting, recycled carpet installed without glue, without glue and low flow toilets to employing green cleaning practices, composting and planting landscaping that uses minimal water. Our operations manager david thomas with the commitment and dedication of the staff has reduced the carbon footprint of this building by 93% since 2007. We're pleased to recognize this significant achievement with this certificate presented the fifth day of april, year 2012 by the city council of austin, texas. Signed by myself, mayor leffingwell. So let's give them all a big round of applause.

[Applause] we'll let monica hammond from the convention center say a few words.

>> Thank you, mayor. Appreciate it. I wanted to let you know that we're very honored to accept this for achieving the leed gold certification. We're proud to be the first gold building receiving the award for the city of austin. Our leed initiative as you mentioned was led by david thomas, our convention facility manager, and representing the employees is who put so much work into the initiative are anthony collier and david dominguez. We also received support from other departments, public works, the office of sustainability. We greatly appreciate all of your initiatives. Peter davis with public works was very instrumental in helping us to finish it. The green building council awarded this certification and in our minds it does not stop at the award. This is the way we conduct our operations on a daily basis, and will continue to make improvements each year in an effort to support the city of austin climate protection plan now set in place. We appreciate the recognition and your support of our efforts.

[Applause]

>> Mayor Leffingwell: Distinguished service award daniel -- donald patrick, who has served the city of austin in the capacity on the e.m.s. Advisory board and other capacities for so many years and has made such a big difference to the success of our emergency services here in austin. So for his commitment, collaborative efforts and valuable input to several emergency medical services daniel patrick is deserving of public acclaim and recognition. patrick has served as a board member and chair of quality assurance team, has co-chaired the transition team and is vice-chair of the e.m.s. Advisory board. His commitment to prehospital medical care in our city spans 40 years. The certificate is presented in acknowledgment and appreciation of his four decades of service this fifth day of april in the year 2012 by the city council of austin, signed by myself, mayor lee.

>> Leffingwell: patrick, congratulations on this. And come on up and say a couple of words if you would like.

>> I'm happy to be here. I have friends here, my twin brother, my wife and other notables are here with me. I appreciate it. About 40 years ago I had come from vietnam and realized that we had ambulances that were hearses actually with one attendant and I knew that was wrong and began making a fuss about it. They said okay, you're the chairman of the committee. So anyway, it went from there. And I guess I've been chairman of the committee for most of this time. And I've certainly seen every executive director come and go. And a few fire chiefs even. But I'm delighted to be recognized and thrilled to be here tonight with you and I can't tell you the difference between taking someone in a hearse and taking them to the austin and having austin e.m.s. Pick up somebody professionally and so caring and so thoughtfully. And I -- I'm tingling thinking about it. I really am. And I appreciate being honored, and I want to mention my good friend sitting over here too. Thank you. Thank you for coming. And I'm thrilled what e.m.s. has become. We were lucky. There were a lot of smart people who wanted to pitch in and we got the council involved and when that happened of course things happened. So you can have all sorts of dreams, but if you don't have a council with a vision to realize what's best for people and what they have to do to make sure that happens you fail. But councils over the years have recognized a necessity for what we do, the need for ever improving commitment and training.

We have incredibly well trained paramedics who do just about everything but heart transplants. And I've had a stop a couple from doing them.

[Laughter] anyway, thank you very much. patrick, I've been in this system now for six years. And when I got here I was as lost as you can be. Austin is a complicated community. It's big. There are a lot of things going on. is an organization that you have to learn. You took me under your wing and you taught me a lot of stuff. I appreciate that. We got you something that's big and heavy and you can put up on your wall.

[Inaudible]

[applause]

>> Mayor Leffingwell: We're approaching that time of year here in texas where we have got to have an increased awareness of wildfires. And if there's been a lack of that in the past, certainly last year changed that for most of us. In the spring, early part of the year we had wildfires out near oak hill, south of oak hill. As a matter of fact, tomorrow we're having a press conference out there to talk about how that was handled and it was handled very well with minimal loss of property. And no loss of life. And that was due to the hard work and preparedness of our emergency service personnel, including our great fire department. And of course in the fall around labor day we had wildfires that really made national and international news here. We're very fortunate we didn't have any significant fires here in the city of austin, but we had fires in spicewood and we had fires in leander and pflugerville and most of all a tragic and massive wildfire in bastrop county in which thousands of homes were lost and a lot of people were killed and injured. And it was something that we look back on now and we decide we've got to find ways to do better -- better efforts at preventing, and we've worked on that. Just a few months ago we convened a group of people, fire chiefs and police directors and mayors and county commissioners from all over a five or six county area here, we met in the palmer center to talk about how we can be better prepared and better able to deal with these things when they happen. So today's proclamation is about that. be it known that whereas austin and travis county residents value our natural environment and enjoy living near the wild lands and greenbelts in our community. And whereas despite recent rains, drought conditions are persistent and frequent in our area. It's not a matter of if, but when a wildfire will occur. And whereas april traditionally brings together weather conditions that heighten the risk of wildfires throughout texas, marking the beginning of wildfire season here and statewide, and whereas we call on all residents to make austin a fire adapted community through awareness and actions that mitigate dangers to themselves and their property. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim april 2012 as wildfire awareness month in austin, texas.

[Applause] assistant fire chief harry evans.

>> Mayor, thank you so much. I'd like to first start by thanking you, thanking the councilmembers, thanking the city manager, public safety commission, the fire chief on behalf of all the firefighters. We've had unflinching support from mayor and council as we went through this epic wildfire season last year. And through those preparations we've done a number of things, a couple of shameless plugs here. We've developed a ready, set, go booklet. It's available

at austin smch storing or in at any fire station in the county or city, the same booklet. And there are things you can do as a homeowner to lower your risk to wildfire. So it's real important it's out there and it's an opportunity for that as well as door hangers, 10 simple things that you can do to reduce your risk of wildfire. So mayor, once again thank you for this, thank you for your support and we'll continue to support to any need.

>> Mayor Leffingwell: Thank you.

[Applause] now you have to take a picture.

[One moment, please, for change in captioners]

>> Mayor Leffingwell: So as most of you know, austin has for many years now been developing a program to gradually begin a transition in an affordable way, of course, to a more green, renewable energy in our portfolio at austin energy, which are sitting on the electric utility. To that end we instituted a program called green choice, which meant that folks could sign up. It was a voluntary program, still is a voluntary program, sign up to be green choice customers. That meant that their electric bill would be adjusted to -- to reflect the costs of green energy as opposed to fossil based fuel and energy. I think we've had what is it, six, batches?

>> Six batches.

>> We're in batch number 6 right now. I will tell you this, those who were fortunate enough or are -- or visionary enough, I would say, to get in batches one or two, over the last several years, they have seen 1 electric bills lower -- their electric bills lower than their friends and neighbors who didn't participate in the green choice program. And I think that's a message that we have to convey is that this whole program is a long range thing. We've got to think about the future, not what our bill is going to be next month, but what it's going to be next year and the year after that. So we encourage all austinites to think very seriously about becoming a green choice customer. I will tell you that the entire -- the city of austin is a green choice customer as of last year, all of our buildings are 100% green choice. So I have a proclamation, in honor of this occasion it says be it known that whereas green choice customers have helped make this renewable energy program number one in the country for nine years in a row, and have helped texas exceed both its 2015 and 2025 renewable energy goals, as early as 2011, and whereas green choice renewable energy subscriptions are equal to the amount of energy subscribing, supplying more than 800,000 austin homes each year, 80,000 homes each year and whereas --

[laughter] -- 800,000 that would be all of them, wouldn't it? Whereas more than 25% of the pioneer green choice customers showed a true commitment to their program, by renewing their participation, even though they were paying considerably more now for their fuel than they had been and whereas three vital groups, residential, commercial, and government customers have come together to make austin one of the greenest cities in our country, now there ever i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim earth day as green choice subscriber appreciation day in austin, texas. Congratulations to your department, congratulations to austin energy. And would you like to make a couple of comments about the program?

>> I certainly would.

>> Okay. All yours.

>> Thank you, mayor. I do want to say that this program, the green choice program is now in its second decade. And it is definitely one of the pioneering programs, along with our green building program and all of our energy efficiency programs. Most of the people realize how lucky they are to live in a city who is so diligent in -- in making thoughtful and well-considered choices about their future. Those nine years that we've been ranked number 1 by the national renewable energy laboratory, those are the only nine years where there was a ranking. So we've had a very successful first decade. Our subscribers are very loyal to us and they come to us for all kinds of different reasons. Some of them for a stabilized fuel charge. Some of them for the chance to possibly be paying less as batches 1 and 1 did and saved a lot of money and -- batches 1 and 2 did and save a lot of money and some of them because they enjoy being leaders. And enjoy being part of the citizenry of austin that does lead in texas. We've had people come from all over the world to study our program from france and spain, malta, korea, japan and other large utilities around the country, call me all the time and say, now, how are you all doing this? How exactly are you doing this? And we're happy to share with them how we've been successful. I know that -- that many of our city leaders, as well as the councilmembers, are green choice subscribers, i want to acknowledge them and to thank them for that. Without our city leaders and our executive team, on board at austin energy, we couldn't do any of this. And thank you to all of -- all of our residential subscribers, who I get to talk to on the phone every day, and they are just such beautiful people. Come see us on earth day. The mayor is going to kick that off for us at the mueller development and we'll be part of those activities sunday, april 22nd, OUT AT MUELLER. So come see us and let us thank you personally. Thank you.

[Applause]

>> Mayor Leffingwe Okay. Paul, do you want to come up? Please, come join us. All right. The last -- but certainly not the least, the last proclamation of this week's city council meeting and it is a tremendous privilege and an honor for those of you watching online and watching at home on channel 6, I know you know who this gentleman is, this is paul qui, the champion of texas top chef recently. He lives here in austin and I'm going to say a few words. I'm going to present him with a proclamation for his -- his winning top chef and then ask him to say a few words about his experience and whatever else he wants to share with us. So tomorrow we will also present the mayor -- the mayor will present him with a key to the city, we will hold a reception here at city hall. But today we wanted to present him a operation. He's truly a hometown hero for austin, not just for the notoriety on top chef, but also for his positions as executive chef at uchiko and owner of the east side food king trailers in austin. His career bridges the gap between traditional brick and mortar restaurants and our growing community of food trailers, being quality cuisine to both sides of the freeway. Paul received his education right here in austin at le cordon blue and continued under tyson cole at uchi after being inspired by a mule there. He's truly established himself as a shining star in our food community and the world's food community, not just because he's an amazing chef but also because he chooses to give back to his community and stays involve, more specifically with one of my favorite non-profits here in town, urban roots. Austinites have been well aware of paul's talents for years, we're proud after winning top chef the

entire country knows how extraordinary he is as a chef. His win really just clarifies what many of us already know, that austin is an international hot bed of culinary activity, he has presented -- represented austin so well and we could not be more proud of his accomplishments. And for me, paul, it just like to say congratulations again and thank you for being a part of our community and being such an incredible ambassador during this show. You represented austin so well, you made us look to hip and cool and laid back. We are, you just make us look that way. I have a proclamation that's signed by the mayor, it reads be known that whereas paul qui executive chef at uchiko and proprietorship of east side food king trailers, already had a reputation with concocting dishes with an eye toward local flavor, whereas one of 29 chefs competing to the 9th season of the bravo reality tv series top chef, his cooking skills were tested against chefs from many areas of the country known for their excellent cuisine. Whereas paul qui impressed judges, fellow contestants and the viewing public alike with his creativity, flavor combinations and artistic presentation, the judges praised him for making the best meal in the show's history in the finale. All of which helped put austin on the culinary map. Whereas we are pleased to congratulate paul qui for winning of the title top chef during the top chef texas season and for representing austin and the state of texas so admirably to a nationwide audience, now therefore I lee leffingwell mayor of the city of austin, texas, do hereby proclaim april 6th 2012, which is tomorrow at top chef paul qui day in austin, texas.

[Applause]

>> thank you so much. I feel like every time I get up, I get really nervous. And it's just a huge honor to represent a city like austin and I'm very proud to be from austin, working in austin, I just want to say thanks to my girlfriend. She's been a huge support to me. You know, my mentor tyson cole and without him I would never have fallen in love with austin and you know i love this place and I'm very, very proud to represent it. Thank you so much.

[Applause]

>> we are going to take some photos. So we have a little bit of time since the mayor is eating a sandwich, so we're going to take some photos with paul and if you want to come up and say hi and maybe take a photo with paul, we'll be here just a few no carrierringconnect 57600

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>> we'll convene the ahfc meeting and that will be quick and we can go back to our zoning. Without objection I'll recess this meeting of the austin city council and call to order a meeting of the austin housing finance corporation board of directors. spencer to take us through the agenda.

>> Good evening, board of directors (indiscernible). The austin housing finance corporation. We have six items for you. The first item is approval of the minutes from the meeting on march the 8th, 2012. And items 2 through 6 we offer on consent.

>> Leffingwell: So that was quick.

[Laughter] so the consent agenda is items 1 through 6. Do I hear a motion to approve consent agenda? Vice-president cole so moves. And board member spelman seconds. Is there any discussion? All in favor say aye? Oppose said no. That passes on a vote of six to one with board member martinez off the dais. 6-0 With board member martinez off the dais. So with that, no other business on the ahfc meeting, without objection that meeting is adjourned, and I'll call back to order this meeting of the austin city council. And we still don't have a full council, so we can go back into recess and call to order a meeting of the tif board. And we have a staff member to take us through that agenda.

>> Good evening, board president and vice-president and directors of the tif board. My name is fred evans, I'm a redevelopment project manager with the city's redevelopment growth services department. We have two items on the tif board's agenda tonight. The first one is approval of the minutes from the first meeting of the board and then second is a briefing that I have prepared for the board.

>> Leffingwell: We'll entertain a motion to approve item number 1. Board member morrison moves to approve. Seconded by board member riley. Discussion? All in favor of that say aye? Opposed say no. That passes on a vote of six to zero with board member martinez off the dais.

>> The briefing this evening our objectives are to review the current structure of the project and financing plan for tif increment financing reinvestment zone number 18, discuss new economic factors that are impacting seaholm district redevelopment, outline recommended changes to the tif project and financing plans and review our next steps. Tif number 18 was created to finance the construction of public improvements that support redevelopment to the seaholm power plant site. The tif boundaries are cesar chavez on the south, seaholm drive along the west, including the future extension of seaholm drive to third street. Third street along the north and the future extension of west avenue along the east. The project financing, project financing plans for tif number 18 were adopted by city council in march of 2009. The tif will collect 100% of the property tax and sales taxes generated within the boundaries. The original 30 year revenue 6 million net present value in the \$2,009, and were to be used to fund the city's contributions

towards rehabilitation of the historic power plant structure, construction of public plaza and construction of public street infrastructure in seaholm drive and west avenue. Under the current financing plan for tif number 18, the city's total commitment to seaholm redevelopment capital costs is 18.6 million. The financing plan also established a funding strategy that relies on four revenue sources. The majority of the funding, 6 million, would come from property and sales tax proceeds collected through the tif. 9 million, would be funded by utilities 7 million would be funded by a quarter-cent cip monies. And the remaining 34% or 4 million, would be funded by parking garage revenues. After the project and financing plans were adopted in 2009, the seaholm development district has experienced two significant funding challenges. 8 million in quarter cent cip funding that had been earmarked for the seaholm street infrastructure as well as the bowie underpass bicycle and pedestrian project. Those funds are not immediately available and the city is seeking alternative funding strategies for both of those projects. It should be noted that the bowie underpass, bicycle and pedestrian project, was not included in the original tif scope. Additionally construction cost estimates associate the with both seaholm, street infrastructure and bout we underpass have increased significantly. The seaholm street work scope and cost have increased beyond what was estimated at the time of the seaholm master agreement, it was negotiated before a detailed design had begun. During design development we have received input from multiple city departments, including the water utility, public works, transportation and austin energy. The major cost drivers that emerged include a retaining wall that's required between the union make right-of-way and seaholm drive along the west portion of the site. At the retaining wall we found -- we'll have to be very robust in design to protect the 72-inch water line that parallels it. Another water main has been added in west avenue and we're adding pavers and bollards in west avenue to achieve a more pedestrian friendly environment. On the bowie underpass project, the project scope has been increased to add railroad track realignment at the behest of union specific, so cover the cost of replacing the northernmost span of the existing railroad trestle and to accommodate cost increases negotiation with union make performing a bulk of the construction work. But we do have good news. Tif revenue projections have increased because of increases in the development program and associated property valuations. The table before you right now is showing a comparison between 2009 and 2012 projections by the items on the capital cost areas. The power plant rehabilitation, we initially 5 million in tif proceeds toward rehabilitation of the power plant structure. This remains unchanged. 1 Million of tif proceeds have been committed towards construction of the seaholm public plazas. Again, this remains unchanged. The street work had been 2 million to be covered by both the tif 7 million in quarter-cent proceeds or quarter-cent cip funding. The total cost estimate has increased to seven million, all of which need to be tif funded without the quarter cent funding. The bowie underpass project, while not originally in the tif, had anticipated 1 million in quarter-cent funding. The total funding shortfall 8 million on that project, all of which needs an alternative funding source. The total increase in 5 million for those two projects, potentially requiring when combined with the need to replace a quarter-cent 3 million increase in tif funding. Our recommendations to accommodate the new funding issues are on modify the tif project plan and financing plans in three ways. First, by adding bowie underpass project to the tif funded project components in the seaholm development district. Then to further increase projected tif revenues, enlarging the tif project boundaries to encompass the gables project area that began construction this year as well as the bowie underpass project. And with this boost in revenue, we -- our current projections indicate that we might be able to retire the tif supported debt in 25 years debt of 30. -- 25 Years instead of 30. This shows the tif boundaries and pollute

area highlighted is the additional -- pollute area highlighted is the additional area that we propose to add to the tif area that would encompass the bowie underpass and the gables park plaza phase 2 project. This would add approximately five acres to the tif area. When all factors are combined, we have a pro forma with tif supported capital costs totaling 4 million, including associated debt service expenses. And active revenues 18 million net present value over a 25-year period. This leaves a projected 78 million net present value, which provides we think a reasonable contingency for economic uncertainties. This compares to a difference between project cost and refuses news projected when the original plan was put in place.

>>> We believe the recommended project and financing plan changes will achieve three important outcomes. Replacing the quarter-cent cip funding with tif proceeds, covering construction cost increases associated with the seaholm street work as well as the added bowie underpass project, and possible reduction in the term of the tif from their years to 25 years. -- From 30 years to 25 years. The next steps we propose taking are to notify the other taxing entities of our proposed changes to the tif project and financing plans. Even though none of the other taxing entities opted to participate in tif number 18, state law requires that we notify them of our proposed changes. The outreach to travis , central health, would be conducted during the remaining part of this month. We will then return to council and council and tif board of directors, first on april 12th for council to set a public hearing, then on april 26th to conduct the public hearing associated with the tif amendment, and then returning to council and the tif board on may 24th to formally adopt the amended project and financing plans. At this time I would be happy to take any questions.

>> Leffingwell: Questions? Director morrison?

>> Morrison: Thank you. I do -- thanks for this helpful explanation. It was very clear. I have one question. You're talking about the quarter-cent cip. Is that the same as quarter-cent from both the cap metro return?

>> Yes, it is.

>> Morrison: So that money is no longer here. Is that because we just decided to spend it on the night train?

>> Greg canales is here to respond to that.

>>> Director, that was associated when capital metro approached the city several years ago as part of the negotiation of the quarter cent agreement and as part of that we renegotiated the interlocal and part of that renegotiation required the city to take on some of the responsibility for some of those projects that were previously funded. And these were one of the projects that kind of fell off the quarter-cent project funding list and it became our responsibility. In the interim we've been working on coming up with solutions and this was the most apparent solution for that.

>> Morrison: Okay.

>> After the fact was the night and weekend service, after the original renegotiation.

>> Morrison: The reason I ask is because when we were considering the funding of the evening train hours and all when we asked about where was the money going to be spent, and they said we're finding other ways or where the requirements had changed or whatever. So it seems -- I guess I'm just concerned that we could have funded this if we hadn't funded the evening train. Not that I'm saying that would have been our choice, but I guess it would be important to know what choices we're making.

>> It went back to the renegotiation of the interlocal. When staff at that point -- when capital metro approached them about their sales tax revenue, not keeping up with the repayment scheme, that repayment scheme was renegotiated based on projected sales tax revenues. In order for us to keep some of the existing projects that were going forward, we did -- the first thing we did, we issued I think approximately \$12 million of debt, so those projects could keep going forward. The remaining of those projects actually became unfunded because they had not -- they were not yet in the queue. And this was one of those projects because of where this development was, the expenditure, the out lay of these funds had not yet occurred yet and put it back on us to find the different funding source.

>> Morrison: So they actually fell off the list?

>> Yes. And in accordance with the original renegotiation agreement.

>> Morrison: Thank you.

>> Leffingwell: That revenue stream is long gone. What we're talking about here is the debt that was owed from the previous years when we were getting that quarter-cent every year, but we're not anymore and haven't for several years.

>> There is still a commitment to that quarter-cent funding overall and again, as capital metro's finances come back into help.

>> Leffingwell: Councilmember spelman.

>> Spelman: Let me see if I can rephrase that slightly differently. We're talking about by adding to the tif area, the gables development, that would be spinning out about \$12 million in property tax revenues over the life of the tif. Is that accurate?

>> I don't have that break down in front of me, but combined with the current pro forma on seaholm itself, it came to the 21 million.

>> Spelman: Okay. It added up to the point where we're actually picking up the increase in cost of the project plus the quarter cent. And that adds up to 12.3 million. So it's that kind of a number.

>> Correct.

>> Spelman: The gables project -- the argument for the tif is that it's necessary to do the power plant rehabilitation of the plaza and street work and so on in order to support the seaholm project. You could build the seaholm project without this stuff. The gables project is going to be built whether we do this stuff or not, is that correct?

>> Correct. It's under construction.

>> Spelman: [Inaudible]. Another way to think about the same thing, isn't it?

>> I believe you're correct.

>> Spelman: Okay. Seems to me the right way to think about this then is it is this the best way to spend \$12 million, and more generally, is it necessary for us to do all these things in order to support the seaholm project? Would we get a seaholm project that we're in the ballpark was good, or in any at all, if we didn't do all these things with the \$21 million?

>> The expansion achieved more than just the objective of picking up the bowie underpass. It also helped fill the gap and funding on the seaholm street work and covered cost increases on the street work.

>> Spelman: I understand that. That's where I came up with the 12 million bucks. I understand that. I guess I wonder whether or not there is any capacity for downsizing, value engineering, any of the project components so that it can say what ends up being a 12-million-dollar general fund expense? Is there anything we can do to reduce the size of this project without doing damage to our capacity to be able to build seaholm the way we want?

>> These are our best estimates at this time of what the costs are. We have spent two years on the retaining wall design. That was one of our biggest cost drivers. That was the design that was required about a million and a half over what had originally been estimated. And it's -- we spent two years trying to contain those cost increases just on the retaining wall, but we were not able to do that.

>> Kevin Johns with the economic office. We have worked with public works and transportation for some time trying to see if we could downsize any of the elements in here. And that's why we're here today is because it doesn't seem feasible. Well, we've got to build it exactly the way we thought we were going to build it east Austin when it was considerably seven and a half million dollars cheaper.

>> Exactly. What they have found, for example, with the 72-inch water main, that it just simply requires a much larger -- Fred called it a robust retaining wall. And we've been over that with all of their engineers with the directors, the two departments, and it's just -- it's not feasible in their professional opinion to downsize that. The original cost was several million dollars lower. So in the items that we're talking about, the reason we're here, you're asking all the right questions. The reason we're here is because we've come to the conclusion that the infrastructure cost can't be reduced.

>> Spelman: Is there -- the reason, remind me, for the bowie underpass is so that we can extend the pfluger bridge and allow bicyclists a mean from getting from south austin over the pfluger bridge and the overpass we just got through building into downtown. Is that accurate?

>> We have an easement through the gables property to carry the hike and bike trail through their private drive to a new underpass that would take pedestrians and bicyclists under union pacific railroad and bring them up at bowie street in the hat of the mark district.

>> Spelman: That's what the underpass is doing. I remembered correctly what it was for. Have we -- again, my apologies for asking an unaskable questions, but i need to do my due diligence. Is there any other way that we could consider getting bicyclists off of pfluger bridge into gables into downtown other than through this apparently extremely expensive underpass?

>> I have not been personally involved in the various alignment and options analyses, but there were extensive alignment options and analyses before we landed where we are today. We could compile that. Councilmember riley may recall those better than myself.

>> Spelman: I would expect that councilmember riley would know a lot more about that than I would. I will happily hand the floor over to him if he has something to say about that.

>> Riley: The bridge was originally intended as an alternate to lamar. There was a fatal accident with a bicyclist on lamar and that is what moved us ahead with the alternative. We went through a long process of debating whether to add a cantilevered path like we have on the great bridge here, and for a number of reasons we decided against that and decided to go with a freestanding bridge, not just as a fresh new connection into downtown, but as an alternative to lamar. And at the time that that bridge opened, we actually prohibited pedestrians from being there on lamar. And let me add that so the original idea was to provide a substitute for being there on the lamar bridge. The idea was that you would be able to get from the southside of the lake up to a point on the northside of the lake that would be comparable to as if you had been in the lamar right-of-way. Unfortunately the cost on the bridge ran up higher than expected and the money was exhausted before we had actually gotten as far as it was originally contemplated. So that put us in the position of figuring out how to fix that problem. But a committee -- a taskforce was assembled and I was a part of that taskforce and it met for a couple of years, a year or so, and to look at all different sorts of possibilities. There was a northeast option, a central option. There were all kinds of different options. We went through them all exhaustively and finally landed on this one configuration that would take people across cesar chavez and then up the center of that - - of that -- what's now the gables project. At the time it was still the lumberman's project, i think. And then up through -- under bowie. And there was -- throughout that process there was a lot of discussion about all the different alternatives. We looked at the possibility of having people go all the way over to shoal creek, for instance. We looked at all the different variations. All of the alternatives were rejected for various reasons and many because they would involve so far a detour that would be no longer a meaningful alternative to the lamar bridge. Bearing in mind that you're trying to substitute for the lamar bridge. So routing people all the way over to shoal creek really -- it wouldn't serve that purpose. So that's a long way of saying yes, we looked at all different kinds of possibilities and this is -- this is the design that was finally landed upon and we

still haven't realized the original vision of providing a meaningful alternative to lamar, an effective alternative to lamar.

>> Spelman: And there's no place better to cross the railroad tracks. The big problem here has always been the railroad tracks. If you don't do it at lamar where you have a tiny shoulder you have to dig a tunnel.

>> Riley: But possibility was the possibility of having an arm extending from the bridge and going under the train tracks where that sidewalk was. That was explored in-depth, but it just did not work for a number of reasons. So really the only alternative that was left was to go under the train tracks.

>> Spelman: Okay. And anywhere we go under the train tracks we have the retaining wall problem because we have a 72-inch line --

>> director spelman, those are two separate issues. The retaining wall is on east side of the railroad tracks between seaholm drive, the future seaholm drive extension, the railroad tracks, the bowie underpass is on the west side of the tracks emerging as it goes under. So they're not --

>> Spelman: A conflated the two issues. Sorry.

>> I would offer that unfortunately I didn't bring them down with me, but I do have a detailed break down of the projections on the seaholm property versus the gables property and I can provide them to your office. I don't believe it totaled up to 12 million because we had increases spinning off the seaholm property.

>> Spelman: Okay. I was just doing the math available to me. I'm not surprised to find that it's slightly at variance. But there's still a fairly dramatic increase in the cost associated with the bowie underpass that's different from the retaining wall overage, but there's a reason why it's several million dollars more than we expected it was.

>> Correct. We've been negotiating with union pacific for a number of years. They have some very specific asks and requirements for us to proceed. And one was they have added to the scope of our work a track realignment study. That curvature there on the north bank is their sharpest turn in the whole system apparently in north america and they've asked us as a condition of proceeding with our objectives of performing a track realignment study and picking up the cost of softening the curve along the curvature. They also in negotiations with them, it appears that it would be in both parties' best interest to let them construct the actual new bridge over the pedestrianway and the span replacement that's also part of this project now. And to do that all of those items of course had cost impacts.

>> Spelman: It's triple the cost.

>> And part of it is that union pacific has let us know when they go under contract for construction that they require a significant san angelo. And so we postpone -- significant contingency. But we expect to go into contract with as high as a 50% contingency.

>> Spelman: So it hasn't really tripled in cost. It's more like 50% increase.

>> Plus the additional cost of having -- the potential additional cost of having union pacific perform the span and track replacement.

>> Spelman: Given that union pacific is at least talking about vacating the entire track and moving further east with its own track to leave us with the use of that track for the lone star rail instead, that seems rather brazen of them to make us pay for smoothing out their rough edge just before they leave town.

>> I'd like to think they were just about to leave town.

>> Spelman: Yeah. I now have more reasons for wanting them to leave town. Tell me about the 8 million increase in street work. Why is that more expensive?

>> We have added on west avenue. All this ties back to the estimates that were done before design even started. On west avenue, though, we're taking it to a more pedestrian friendly environment, adding more pavers and bollard ladders and more lay down curve and festival street concept. That added to the cost. The water utility initially didn't plan to have a water main extension down west avenue, but now they've asked us to include that in the scope. That has a cost. And then the retaining wall, the really big ticket item, on the west side along union pacific.

>> Spelman: Why is this project paying for water utilities, extension of a water line?

>> It's part of our master development agreement. The city's investment was in the public -- in the public infrastructure and that included we committed to 100% of the cost of the street infrastructure. Including utilities.

>> Spelman: Okay. If you could give me a breakdown on each of those increases in cost, I would like to take a look at it. Thanks.

>> Okay.

>> Mayor Leffingwell: Thank you very much. That's all we have on our agenda, so without objection we'll adjourn this meeting of the tif number -- tif number 18, and call back to order the meeting of the austin city council and take up items 88. I believe we're taking 88 and 89 together.

>> Thank you, mayor and council. Greg guernsey, planning and development review department. Item number 88 is case npa-2011-0023.01. This is the second and third reading of the university hills/windsor park neighborhood plan. This is an amendment to that neighborhood plan, change in flute land use map for the property located at 6500 and 6502 manor road. This is a change of the future land use map to commercial however, council, on your first reading on FEBRUARY 2nd, NOTED THAT The neighborhood plan map should be changed to neighborhood mixed land use. Item number 89 is case c-14-2011-0087 for the property located at 6500 and 6502 manor road. This was a zoning change request to general commercial services neighborhood plan combining district zoning. Council on your first reading of this item, you

approved lr-mu-co-np, which stands for neighborhood commercial mixed use conditional overlay neighborhood plan. I'll note that since the meeting back in february there was a meeting convened in march with my staff, the applicant, the neighborhood contact team, the windsor hills and property owners and they did not reach a consensus with regards to these applications for the change to the map, the flume map or the zoning change. On the zoning change itself we do have a valid petition which stands at 38.25%. I'll be very brief and just let you know that this property is composed of two tracts. They are developed. They abut residential zoning. And residential uses to the north. Commercial uses that are along manor road. The properties are 4 of an acre in land size. I think at this point I'll pause. The applicant, the sneeds are here. Also their representatives from the neighborhood.

>> Mayor Leffingwell: We've already been through that presentation from the applicant, but we did keep the public hearing open.

>> That's correct. It's posted on your agenda as public hearing and noted in your backup.

>> Mayor Leffingwell: We don't need the standard presentation from applicant and all that. We can go directly, if there's no questions for staff, go directly to public hearing, and the hearing will be for both 88 and 89. And the first speaker in favor is mildred sneed. You will have three minutes.

>> Mayor, councilmembers, I'm mildred sneed. I'm one of the owners of the property at 6500 and the owner of the property at 6502 manor road. We've never really given a formal presentation of what we're looking to do. We've mainly been involved in rebutting what the neighborhood association has been saying that we cannot do. So I would just like to give you a brief overview of manor road itself and what is going on there so you will have an idea as to what we're requesting. If you look at the map at the very top, you'll see , which is the major commercial entity in the northeast section. And there are hundreds of cars there everyday. It's not showing, but directly across the street from that is the wynn elementary school. And dropping down from that is the proposed there are store that is -- dollar store that is being built right now. And this is south on manor read. Coming down to the next intersection is a convenience store, two convenience stores and then a car wash. Travelling on up from that, but still going south on manor, is a biological ran lab and a church, then the auto zone. And from the auto zone directly across the street is our buildings. And we have two totaling about -- a little less than 5,000 square feet. Then another convenience store. On the west corner of the northeast side there are two more lots zoned lr, which is the zoning that we're seeking. We're trying to move from the current lo to lr. And in doing so be able to -- we had asked initially to be able to sell our properties, but we were not able to come to an agreement with the neighborhood association, so we said we would keep our properties and thereby open businesses of our own. Presently we have a real estate office there and a four-plex. And the property -- the best use is not for an office or a four-plex, it's better for some form of retail outlet because of the traffic count, which is approximately 10,000 cars per day on manor road, and 2400 on the cross-section on northeast drive. So what we're looking to do is do something that takes advantage of this amount of traffic. It will not increase traffic because the traffic is already flowing off of 183 down manor south, going through and up to u.t. So what we're hoping to do is hold -- open a community-type business that

would service the area. And what we're looking to do is put a dry cleaners there. And there's not a dry cleaners within -- within at least 10 blocks of where we are or more.

[Buzzer sounds] can I take kenny sneed's time? Because I have one more thing I want to share.

>> Mayor Leffingwell: He's not signed up. What's his name, kenneth sneed? You can please sign up with the clerk and you will have an additional three minutes. Will you sign up down here with the clerk? Go ahead. You have another three minutes.

>> While he's doing that can I -- okay.

>> Mayor Leffingwell: Yeah. I meant for you to go right ahead.

>> The images that you're seeing right now, the first image was the image of the h.e.b. The second image, that's the h.e.b. shopping center. And then the second image is the double -- I'm sorry, is the dollar store, which is backing up to a property, a single-family home. And that's really what i wanted to show is that we're not doing anything that is different than what is already there. The neighborhood is similar to koenig, the properties on koenig lane or cesar chavez where the community is really infused in with the businesses. So this is an old area and when the property was built it was built very close to the houses and you will find that all along that street. Before I run out of time i wanted to -- [inaudible]. This is an agreement that we've reached with estrada dry cleaning and formal wear. Estrada has been in business for 52 years, so they know how to do the dry cleaning. They would be doing the dry cleaning, and we would be the pickup and dropoff center around the formal wear in 6505, which would be a tuxedo placement we met with them and got this agreement and subject to a zoning change in order for us to be able to do what we want to do. And this is just a memorandum showing that we have entered into a contract with him to go with estrada dry cleaners and a tuxedo rentals. We would also like to have this zoning include -- we are looking to change from -- to lr, dropping all the -- dropping everything under lr except personal service, general service retail and restaurant limited. And we're asking for restaurant limited simply because if in the future or children inherit this, because we're older people, we want them to be able to sell this property and have some options other than just those two.

>> Mayor Leffingwell: You have 10 seconds.

>> Okay. So that's basically it.

>> Mayor Leffingwell: Thank you.

[Buzzer sounds] all right. So now we'll go to those speakers signed up against this, beginning with johanne parts. And donating time is angela garza. Are you here? Fanny akemhabal is here. Vera givens? You're here, vera? Okay. So you have up to 12 minutes.

>> Good evening. I am johanne bartz. And I'm a resident of university hills. I'm the vice-president of the university hills neighborhood association. And I'm a member of the area contact team. What I want to speak to you tonight about is the fact that so far in the presentations before

planning commission and before you all the university hills neighborhood community has been labeled as pretty much not worth anything. We have all the bad things you could possibly not want anywhere, according to what was said by the people with the sneed people's request. It is. And the reference was made that university hills is not a good single-family community, but rather is an rather rife with multiple criminal problems and therefore the community's opposition to the sneed commercial up zoning request is without merit. In deciding the matters of any issue, as you all well know, the university hills neighborhood association does not involve itself in gossip, personal opinions, assumptions, indications, inferences or allegations. Rather, as has been established, the university hills neighborhood association relies on research and documentation to determine the facts of any issue with which it is involved. And in order to turn around this very bad impression given on the record before the planning commission and before you all that university hills community is really bad, we have taken some steps. In that regard the university hill neighborhood association initiated a public information request to the public information office for area a.p.d. Statistics covering a 13-month period for specific criminal activity. Central to verification of the sneed allegations is obtaining information on the alleged of a hours noise, music and large gathering of individuals in the loyola business park. Lbp. According to the pio, however, a specific a.p.d. Category for the alleged problems at the loyola business park, such as - - we're just picking it out of a hat. They couldn't give me anything, such as a violation of a noise ordinance, unlawful assembly, criminal mischief or activity is required before the data specifically attached to the allegation can be provided. And to date lacking a specific identifying , no verifiable data is available from the pio on this particular area of concern whether it occurs at the lbp or at any other university hills location. In addition to requesting data on the lpb situation through our pir, the university hills neighborhood association -- directed patrols be initiated in the lpb area to assist in determining whether or not the allegations involved at this site had any merit. This is a very standard procedure. Not an unusual request at all. However, we haven't received that. To date to the best of our knowledge, the requested patrols have not occurred, possibly due to the need for increased policeman power at the recent south by southwest and throughout the downtown area in general as I understand from recent issues in the paper they seem to have continual need for wall street a few police down there. Regrettably therefore without confirmation that a problem even exists at the lpb and what that problem statistical report for the university hills community remains incomplete and we also are on record and it's well-known that we don't deal in incomplete reports. If and when we ever get that information, we'll be more than happy to give you a very full report. I will tell you this, overall the information that I did receive from the pio, we're in pretty good shape. Especially when I see some of the things that are going on in the other parts of the city as per the newspaper. I'm looking forward to getting the rest of that information. But in the meantime, the pio data that has been received to date reveals an interesting and serious development pertinent to the sneed's commercial zoning request. And I was very surprised. By a significant majority, consistent and repetitive criminal activity is concentrated on or next to commercial major arterials bordering the university hills community. These major arterials are highway 183, ed bluestein boulevard, highway 290 east, manor-springdale road and northeast drive. And a more obvious connection between commercial zoning on major arterials, whether up zoning or anything else, and the proliferation of criminal activity, resulting in adverse effects on the residential community, would be difficult to find. Therefore the university hills community from its inception has been and will continue to be a family oriented, law-abiding residential community with limited large commercial development on the periphery of the community. And

that is where it is at this time. It has not encroached into the residential area at all. We do not intend for it to regardless of what your

(indiscernible) plan says, that's another matter that we can discuss at another time. Within that context, within the context of keeping it a residential community, the safety -- I stress the word safety in everything I'm saying now. The safety of our children, our schools, dottie jordan park, the university hills library, our residents of all aims and ethnicities, our churches, our streets, and area businesses both large and small, for the safety of each of those entities shall remain the focus of all the university hill neighborhood association interactions with leaders of austin, elected and/or bureaucratic, respectfully johanne bartz. Do you have any questions?

>> Mayor Leffingwell: Questions? Thank you.

>> Spelman: Mayor? bartz, while you were talking I was able to bring up a map that has all of the crimes reported near 6500 manor road for the month of march 2012. It's actually a real easy thing to do. If you have need of that sort of information in the future, call my office and we'll show you how to use crime lab.com.

>> Yes, I'm familiar with I really appreciate your suggestion. However, the number of things that we wanted to zero in on, and that included such things as prostitution, transients, gangs, you name it, we decided the pir was the way to go. And they gave me in addition to that quite a bit of other information which we did not even ask for. But as I said, I'm very pleased overall with what we have discovered. And you might remember, this is for a 13-month period. And I'll just give you a couple of -- prostitution, which is supposed to be rife in our area, 13 months, one. Transients, eight. I'll go on on from there. Gang, only one, only one incident could be positively in a 13 had not month period of gang related. This just gives you some idea. But I appreciate that very much. Yes, I would like to meet with you anyway on that.

>> Spelman: I must have misunderstood you because i was under the impression that you didn't get information you could use from the police department.

>> Not on this particular item with that business park. That was a major part of their allegations against us. There is a disco there that runs until all hours of the night with people, crowds, noise, music, the inference being drugs, etcetera. That's the one that we really wanted to get. That's the one that I'm not getting from a.p.d. And pio can't give it to us gives them a specific category.

>> Spelman: I see.

>> But other than that, no. Got lots of it. It really great.

>> Spelman: Thank you, ma'am.

>> You're welcome. Anything else? Thank you.

>> Mayor Leffingwell: Next speaker is lynn marshall.

>> Thank you. I'm Lynn Marshall and I am the vice-chair of the University Hills contact team, and I am going to address the interactions that there have been and the numbers of meetings. I do have -- if you wish to have these, a chronology of the various meetings, if you need them. The contact team position is to maintain the existing zoning as per the neighborhood plan that was adopted in 2007. These were -- all properties were discussed extensively with staff and at that time staff elected to remove those properties from consideration for upzoning because other -- and suggested that other properties be upzoned for more commercial use instead and that was done with the neighborhood plan. This matter has been discussed at six regular and one specially called contact team meetings, one special public meeting called by the planning staff, and a University Hills neighborhood association meeting. So it has been well discussed and public testimony has been taken at each one. Five of those meetings took place prior to the February 2nd meeting of the council, at which time it was asked that we continue the discussions. There have been two meetings since then. Originally we were informed that the purpose of the upzoning was to increase the possible sales price. Since then it has apparently been considered at various things, including cosmetic salon or the -- now the formal wear and the dry cleaners and things like that. We have considered information at each of these meetings. Each time there has been no change to the votes taken by the contact team and the residents are concerned about the commercial zoning encroachment into the University Hills neighborhood up Northeast Drive and that area. We all remember that Greg Guernsey stepped in one time at a planning meeting to tell us that once the zoning is changed, it goes with the property. We've been being asked what kinds of businesses we might like to see in the neighborhood, and he reminded us that you get the zoning, you don't get a particular business. And the neighbors and the residents, property owners, are quite concerned about the increase in zoning. Which I think was originally changed from residential for that property sometime around the late 70's or early 80's for the purpose of having this office. So it's been changed once already. Again, the contact team position is to maintain the zoning as it was determined in the neighborhood plan in 2007.

>> Mayor Leffingwell: Okay. Those are --

>> Tovo: Mayor? Marshall, I have a question. In one of our discussions, another member of your planning team talked about -- talked about how during the planning team discussions you actually discussed this tract in particular. I wondered if you might just share that.

>> These properties and the others in the area were discussed with the planning staff. And their concerns also were -- was that this would increase -- increasing the zoning there would start what some people call zoning creep into a residential neighborhood. And at that time other properties were receiving additional upzoning for commercial purposes and those were left at the low -- at the existing zoning they were at the time. They're two different pieces.

>> Tovo: So it was sort after balance. It was a compromise that your planning team reached between rezoning some -- that seemed more appropriate for an upzoning.

>> Yes.

>> Tovo: Than leaving this as is. But you did contemplate specifically rezoning this property?

>> Yes. And each time there has been a meeting we have -- we have heard testimony and asked for new information to consider, and each time we have discussed it and kept it, in our opinion, at the current level.

>> Tovo: Thanks.

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: marshall, I'm just looking at the zoning map, and help me understand this. On the southside of manor road -- I realize it's not quite an east-west street, but this section of it it's more east-west than it is anything else. On the opposite side of the street I've got general retail on the east side of springdale. So east of springdale you have general retail. Right across the street between springdale and northeast is general retail and on the southwest corner it's general retail. On the northside of the street it's limited retail immediately across northeast. The subject property is lo and then we have a single-family house next door. But up the street going back towards loyola lane it's retail all the way. It seems to me that the creep has already happened.

>> Well, I think those other properties were originally set that way at the time that subdivision was done. I believe. I mean, I could be wrong, but I believe that was the case. Springdale mall and the loyola business park, which is where my business is if anyone has any questions about the supposed night life going on.

>> I don't have that experience. But this is that property is generally residential and abuts a number of houses that are single-family houses where people own the property and live in the property. And so one that is across northeast that is zoned -- is a single-family dwelling, there is no business activity there so far as i know. 30 Or 40 years ago it was rezoned to allow a man who lived there at the time to have a welding shop in his garage, I think. It is not used and doesn't appear to be -- have any use as -- and that's in windsor park. The neighborhoods divide at northeast. So that was the windsor park portion of the plan.

>> Spelman: So at least once you cross springdale road, it's residential all the way along the northside of manor?

[One moment, please, for change in captioners] spelman,.

>> The 290-183 area.

>> Well, I understand. I get turned around.

>> Okay. So the south side is retail for the most part but north side is -- tell me about the south side.

>> Well with, that triangle -- the triangle that we have placed there is the awe a toe zone and the piece -- is the auto zone and the piece across, the cool corner, maybe, there are several -- there are a few convenience stores and things like that.

>> Spelman: Gas station over here and back this way, it says general retail.

>> This' the auto zone.

>> Spelman: That's the auto .

>> Springdale merge and changes name quite a bit.

>> Spelman: I understand. So if the large street is largely retail. The north side of the street is residential and you want to keep it that way?

>> Yes, and the neighbors have expressed that at each of the meetings. We have had 7 or 8 meetings at which people spoke in a very concerned matter about the zones and something is happening next door and such, so of the people who live and own property in the immediate neighborhood were quite concerned as well as other neighbors who -- residents who attended these meetings. We have been meeting on this since september. And, also, scheduled additional meetings to address.

>> Spelman: Thank you, ms. marshall.

>> Thank you. thank you. Is there anyone else who would like to speak in this public hearing on either item number 88 or 89? If not, that's all of the speakers that we have and we will take up these items separately and, first, item number 88, which is the flum change from office to commercial. Entertain a motion on that. Council member morrison.

>> Morrison: I wonder if we might consider taking the zoning up first because it's the zoning. I just had that with the attorney. The recommendation was not. Now he's -- go ahead.

>> I also might ask for guernsey's assistance on this, just to discuss the flum change before the zoning change and given the different voting requirements, given that he's more experienced in this area.

>> The outline is generally that you shouldn't zone contrary to the plan. We have a neighborhood plan and if you take action -- again, the plan is advisory. It doesn't require -- I mean, you are -- you are the entity, you are the board that actually makes that determination, what that plan means when you come to decisions but I wouldn't recommend, also, that you take the plan first. There is a petition, though, on the zoning case, and it would require a supermajority vote of you, which would be 6 out of 7 to override the petition that has been filed from the neighborhood or the adjacent property owners within 200 feet to change the zoning from its current way. i actually had the same thought as you. But we could always, you know, if -- if the council wanted to do it and someone on the prevailing side wanted to ward we would do that so we entertain a motion on item 88. This is flum. Council member martinez moves to close the public hearing and deny the motion to change the future land use map. Is there a second to that? Seconded by council member morrison. Discussion? Pro tem cole. Mayor pro tem cole. No? So motion on the table, a second to deny. All in favor of that notion, say yay. Yay. Opposed say no. That passes on a vote

of 7-0. So future land use map will remain office. That brings us to item number 89. Council member -- I am sorry. I can hear you but I am not sure anybody else can.

>> I didn't know that it was required that anybody else would. But I move to close the public hearing and deny the zoning. council member martinez moves to close public hearing and deny the zoning request in item number 89. Is there a second to that? Mayor pro tem cole. Is there a discussion? All in favor say yay, opposed say no. That passes on vote of 7-0. So the request for zoning changes is denied.

>> Mayor and council, that concludes the zoning items for today. That brings us to item number 92. That brings us to item number 92. Item number 92 is to conduct a public hearing to receive public input for the purpose of developing the city's fy '12 '13 department of housing and urban development and community development program. So we go through the speakers. The first speaker is Katherine Stark. Katherine Stark. I have you are neutral and you have 3 minutes.

>> Good evening, mayor, council members, thank you for staying. I am the executive director of the Austin Tenants Council and I wanted to come and talk about the need for affordable housing that is dispersed throughout the city so that people can live where they want to work, where they want to send their children to school, where we need affordable housing throughout the city, not just in certain sections of the city. I also want to talk about the need for more affordable housing and for services for tenants. Contracting and leasing an apartment has gotten much more difficult and much more complex and legal than it ever was before. If you look at the average lease these days, some of them are anywhere from 7- 10 pages long, with lots of addendums, and so the majority of the citizens in the city of Austin are tenants and I want to assure that they still have services where they can go and get information and assistance. Sometimes it is almost easier to buy a house than it is to rent an apartment, between credit scores and background checks and everything else that's going on in the rental market. It's very difficult to rent and to understand exactly what your obligations are and what your landlord's obligations are, so we feel that that's a valuable service and I want to encourage you to continue with the affordable housing, CBGD dollars are some of the most scarce dollars and getting scarcer and they have built a lot of affordable housing that's long term affordable housing, that we still have and so I want to make sure, and encourage you to keep a lot of the money in the housing area. Thank you. Thank you. Next speaker is Jennifer McFail and following Jennifer is David Witty.

>> [Indiscernible] first is that one of the biggest challenges to living in the city of Austin for a person who is low income is affordability of housing. Most people that receive social security supplemental income get 698 a month and that's to live on the entire month, all of your month's living expenses, not just your rent. So it's very challenging if you are on SSI to be able to find an apartment, and then there is an extra layer if you need accessibility, it is even that much harder, and we want to be on record in support of the barrier removal program, because it adds to the housing stock. It adds accessibility to the housing stock and I can tell you that for the first 19 years of my life I lived in housing I couldn't access. I had to rely on my family to enter and exit my home and to use the rest room. So every time I had to use the rest room, I had to wait for everybody else and it does have a profound effect on your quality of life. It has a profound effect on your quality of life not to be able to enter and exit your own home, and so you can't really -- I can't emphasize enough how important that is and the first apartment that I ever lived in, I -- on

my own, I used a lot of money to make that accessible to me and it was a difference between night and day, in terms of my actual life. Since we have disability rights laws and I am able to have legal rights to be in the community and have some of those same considerations as everybody else, it's like I have lived two lifetimes. The lifetime I lived before disability rights and my lifetime after disability rights, and the two don't compare so I just want to remind you that's a very valuable service and we should do everything we can to not only keep it going, but improve it for the future as people age. And then the last point is to say that we support the Austin Tenants Council, Tenants Rights Program. I believe it's 60% of all of their tenants rights complaints are disability related so it is a key component of enforcement in our community to make sure that housing stock is accessible before it is ever built so we don't need an ADP program. Thank you. Thank you. David Witty. David Witty is not here. Spencer Duran.

>> My name is Spencer Duran and I am the current chair of the Austin Children Roundtable. The Austin Children Roundtable if you don't already know is a membership organization composed of nonprofit affordable housing developers and as the nonprofit affordable housing community we are putting the truly affordable units here on the ground in the city, and oftentimes we access public dollars that are allocated through the action planning process. I have included for you guys -- I didn't have time for the full powerpoint but what is essentially our needs assessment of the snapshot of the affordable housing needs here in Austin right now and is also our position paper that discusses public dollars, federal, state, and local for the use of affordable housing development. Right now we actually pulled our member the city and looked at housing authorities -- the Travis County and the City of Austin, and we found that other respondents to our kind of quick poll of nonprofit affordable housing providers for rental is there is 20,000 households that are on a waiting list here in Austin. So there is 20,000 households that have actually expressed an interest in acquiring affordable housing that have known to actually where to go and they are sitting on waiting lists right now. And we also -- we have not just the waiting list. We have about 122,000 units that need to be put into play and that represents about 6 billion of investment just to bridge the current housing gap. That's not taking into account our rapid growth. One thing that we are focusing on right now, in addition to the action planning process, is the 2012 go bond election, and as the children of roundtable, we are basically pushing for \$110 million to be sent for housing affordability. You can see in the hand-out how public investment has declined fiscal year after fiscal year after fiscal year. About \$8 million of this investment has occurred since 2007's fiscal year, so the affordable housing bonds are actually supplementing the lack of federal dollars that are being invested for housing development, so it's really, really important these funds go to affordable housing development across the full housing continuum. We should be serving people with zero income, well below 30% MFI, all the way up to supporting home repair and first time home buyer programs. So that's what we are asking for today is these funds be used to fund the entire housing spectrum.

[Buzzer alarming] Thank you.

>> Martinez: Thank you. The next speaker is Charles Clautman. Welcome back. You have 3 minutes.

>> Thank you, Council member, Council. I am Charles Clautman with meals and wheels on more and chair of Austin Housing Coalition. I want to thank you for your past funding. I am not here to

criticize you. You get that plenty of times. I am here to highlight your foresight, your compassion and overall good governance. Good repair program began three years ago administered by neighborhood housing and has done a wonderful job under director spencer's charge. Over the accomplishments of the 3 year period as we prepared 400 homes or will by the end of the year. It is forced collaboration or offered collaboration which meant the agencies doing home repairs, we have been able to work a lot smarter, faster and cleaner and better. We do a much better job than we used to don't we have the leverage grants just this year of over \$2 million from the state and other private agencies. We have learned to do a whole house approach. Worked with austin energy and travis county to try to work at the same house at different times, where we don't undo each other's work. We have tried to manipulate and change the way we do our work, where we work smarter, cleaner, and actually greener, somehow we can do home repair in a green way, it is amazing. We set a nationwide standard for home repair, people all over the nation are calling us finding out how we do it. I think baltimore and us are kind of leading the charge. It's amazing. It's humbling. We preserved affordable housing. When you repair a home, I am guessing this, but we probably preserve that house for at least 20, 30 years, if not more, because we are doing quality work and making it last a long time. In doing so, we have stabilize neighborhoods. We have a huge -- our -- our low income homeowner lives in areas that are in great gentrification pressure, in 78702, it has doubled the last ten years and other zip codes in south austin, northeast austin have grown up dramatically and they are getting pressure to move out and to go south and east and north and by preserving this and keeping them safe in their house and making them spend so much money on utilities and not having them spend money they don't have on home repairs, we have been able to stabilize the neighbor. We have helped aging elderly and let them age in place and not leave their house and they have their grandchildren and great grandchildren over without fear of harm. The problem is now we are out of money. We used up the good repair money. We are fighting hard and long hours to try to increase and to get -- [buzzer alarming] -- now, that was a quick three minutes. All right. You know my point. Thank you. Any questions?

>> Martinez: Thank you, sir. Next speaker is stewart herish and after stewart is marilyn heartman.

>> Members of the council, my name is stewart harry herish and most in austin, I rent, I worked for city of austin over 30 years and have been paid or unpaid consultant for many nonfor profit organizations for the past three years. I am speaking tonight about the needs assessment for the action plan. I am speaking for myself and i speaking for any of the organizations that I provide support either on pro bono or fee basis. I work for organizations that provide affordable rental housing for some people who can only afford rent in the 135-dollar to 350-dollar range a month. Those organization who is otherwise could serve extremely low income renters would be unable to do so if there is a city decision to decrease its commitment to housing affordability. With this in mind, I first provide you a chart showing you the completed bond fund rental and homeownership housing, not what was listed in the applications but what has actually occurred since 2006 to the end of february of 2012. 7% of the completed housing went to those between 0 and 30% medium family income, 45% to those between 31 and 50% medium family income. Very few households from 50-80% mfi were served. Bonds went to individuals and language were very low income and extremely low income. These families and individuals are the poorest among us and you should be proud of the voter supported housing bonds that have made a difference for our brothers and sisters. The second chart, however, shows decreased funding

from federal and city sources since 2006, and if my math is right, city potential annual investment in housing affordability, other than the general obligation bonds went from over 17 million in 2006 to a little over 9 million in the coming fiscal year. This represents an annual disinvestment in affordable housing to the tune of 8 million projected over 7 years, this is a 61 million-dollar disinvestment pattern we are facing if we continue doing what we are doing. The go bonds were marketed in 2006 as a supplement to existing investment and housing affordability, not a tool to supplant local and federal investment but supplant is what they have become. Please recommend funding in this year's action plan at a level that makes general obligation bonds a supplement as originally contemplated. I also ask you to align your review and inspection resources to match the good people who are trying to produce affordable housing, so when we line up our money we can actually get our plans approved and be under construction and provide this very needed public benefit. Thank you for you do and for your consideration this evening.

[Buzzer alarming] marilyn heartman. After marilyn will be stephanie thomas.

>> Good evening, I am marilyn, i am from nami austin, the local affiliate on the national lines on mental illness and representing many citizens who have serious mental illnesses and as such am advocating strongly for more permanent supportive housing in the 2012-13 action plan, echoing community homelessness coalition conducted a survey in the austin homeless in 2011 to identify the most vulnerable. Vulnerability refers total tax those likely to die within five years unless they are housed. 48 Percent self-reported to have mental illnesses, the percentage may be higher. 72 Percent have substance use disorder, 34% have both and 25% are trimorbid, having a mental illness, substance use disorder and a serious medical condition. There are people who are -- these are people who are unable to live independently. They need an array of services, best permanent supported housing or pfh, of those that we have, we have placed 10, but demand for pfh pass available units plus the available 350 units already committed to in 2010 and will continue to do so in years to come. The need now is estimated to be 1889 units. At the same time, 138 homeless people perished on the streets of austin in 2011 plus 150 the two previous years and I assume many of them had serious mental illnesses. In enlightened society, this is unacceptable. Judge nancy hogan hargan is spearheading a mental health plan and her object is 7 individuals that had psychiatric diagnosis who were booked two or more times in a two year period and chronically homeless. These 107 people accounted for 981 total bookings averaging 3 per person per year. They consume 37,396 total jail bed days. The average per person for the 3 years was 349. In other words, on average, each person spent nearly one year of the three in jail. At austin state hospital or ash, 5% of the patients have already been in ash or the local mental authority systems and on average any given month, 10 percent of those discharged from ash are readmitted within 30 days. Ems usage, top 20 homeless users of those services in 2010 accounted for 858 contacts. A total cost of over \$778,000.

[Buzzer alarming]. thank you. Next speaker is stephanie thomas. And following stephanie is ann howard.

>> Hi, my name is stephanie thomas. I am with adaptive texas, also the. You have heard from, I think very eloquently from spencer and from stewart about the restrictions of funding for really affordable housing, for people at the lowest income levels and federal dollars for housing are

being cut so that is another restriction, but, frankly, by putting restrictions on housing that require that large percentages of the lowest income housing go for permanent supported housing, you are putting further restrictions on the availability of housing for people of low income, whatever their situation. I am not against services for people. I think it's a great idea. I think people need support but I don't think they need to be tied to housing and I think that is actually a very negative thing for people, that I think people should have their support and they should have their housing, and if they tick off their landlord, that shouldn't pull away their support and if they tick off their support givers, it doesn't jeopardize their housing and that's what happens when you tie the two together and it is a dangerous combination, I believe. And people that I know that have been in that situation feel very much the same way. There is restriction -- there is restrictions that are being suggested for if bond money, -- for the bond money and also the scoring of housing through the city right now puts it so that it's almost impossible, unless you are doing supportive housing to get the points, to get the dollars to do the housing with, so it's being very restricted very much so and it's the wrong direction to go. Support supports and support housing just don't tie them together. And don't cause people to have to go into these kind of restrictive housing situations that really are not available to everybody and that do not provide the service that they seem like they should be providing. I think that you really need to target the lowest income levels, because they are the people who are hit the hardest and they are the people with the least other options and that's the least amount that is being built in this town right now and that's really the main point I wanted to make. I also agree with all of the testimony that jennifer gave about affordability in general and about the need for barrier removal program and the need for enforcement. Thank you. thank you. Ann howard.

>> Good evening. My name is ann howard and it's my privilege to serve as the first executive director of echo, the ending community homelessness coalition. This is the my first appearance before you as such and I am very happy to be here working for you. It's safe to say that the action plan will address the needs of the homeless among us, and while the homeless are a complicated bunch, the obvious need is more affordable housing and particularly permanent housing and permanent supportive housing for those who are hard to house and keep housed. I am convinced that your resolution to create 350 units of psh was the right resolution. It's a very good first step, but it's also one that we are still looking to fund and to build. Late yesterday or early today, the days off seem to run together, I emailed you a letter from the echo board of directors about the significance of the go bond funding to help create these units. Tonight I want to highlight the work of echo volunteers. The coalition is strong and it's working. We recently counted 90 folks attending monthly meetings of our four workgroups and ten committees, all focused on strategies to prevent and end homelessness. As you know, change is coming from with washington dc, down via the hars act and a I am sort of knew but I like what I am learning about hars and I the think you will, too, it requires communities who money to work closely together, bringing providers of services and housing together. I would sum it up as an effort from moving away from managing homelessness, and, instead, to work to end it. An example ofentraled intake or assessment process. This means we will be doing things differently across our community and really across our country. I am sure you will be hearing about it and it will be very hard work to convince and to work together with providers who are used to doing something based on their funding and their programs, but to have to really ask the questions, what does this client need and what resources in our communities best meet those needs. With your support of echo and specifically investing in our data system, you are helping us make sound, data driven decisions

and this community, i would say, is ready to embrace these changes and to successfully drawdown even more h.u.d. funding. I need a drink of water. We are in the second year of our ten-year plan [buzzer alarming] to end homelessness.

>> Mayor leffingwell: okay. Thank you. Thank you.

>> Now you can get a drink of water. So is there anyone else who would like to speak in this public hearing? Seeing none, I will entertain a motion to close the public hearing. Council member morrison moves to close the public hearing, second by mayor pro tem cole. . " yay. Opposed say no. Passes on vote of 7-0. Takes us to item number 93.

>> Good evening, judy plumber, office a of real estate services. Two items tonight, item number 93 is your public hearing for a chapter 26, for a change in use for a temporary use, and item number 24 is the authorization negotiate and execute that temporary agreement. The legal fact finding for item number 93 is there is no other feasible and prudent alternative to the -- I don't know why I am out of breath. I tried to do it in one sentence there. But there is -- that there is no feasible and prudent alternative to the taking of dedicated parkland which includes all planning to minimize harm to the park. thank you.

>> We have several folks signed up to speak. We will go to those now. First is janell sherbal. Not here. Cassie garik dallas there is sham and donating time to you is don bodruw.

>> Hi, I am kathie and the executive director of

[indiscernible] international. I want to thank the supporters here with us. We have board members with us, long time volunteers and staff that are here. Also what is being pass ad out to you is a list of signatures that we have gotten in support of keeping the hostel in our current location. We have over -- actually, close to 900 signatures with lots of wonderful the comment -- wonderful comments on why the hostel should stay in the location and what hosteling as meant to people so everybody should have copy of that. Today the I want to talk about how hosteling international in our current location meets park purpose. In october, 2010, I did a survey of our guests and found out that 60% of our guests utilize city of austin parks outside of the park that we are in. So that means our guests are going to barton springs, going to the hike and bike trail, all the wonderful parks that austin has so they are utilizing the parks. In addition, we have several guests that come to town and they want to take advantage of biking in town. We partner with barton springs bike rental as well as other biking companies and guests will go out and explore the parks on their own, which I think is a great -- a great way to see the city. We also partner with keep austin beautiful, in 2010 we received beautify cation grant from keep austin beautiful and we continue to partner with them, throughout the year for clean ups and be participating in clean sweep april 14th and that's a very strong partnership for us. In addition, we serve lots of community residents through our various programs. I know you have heard me talk about this but I will speak on this we have a strong program with rei and teach travel classes there and the people who attend them are city of austin residents. In addition at the hostel, we host programs called community walls, cultural kitchens, where we bring in austin youth to the hostel, to meet people from around the world, experience culture, and find out what a hostel is about. In addition, we have two travel clubs, one at texas state, but we also have one at the

university of texas that has been a program for about four years, so that's a student club that's encouraging students to travel and see the world. And, lastly, we have a travel scholarship, so for the last four years we have been doing a travel scholarship where we give two 1,000-dollar scholarships to austin residents to see the world and they come back and the hostel we have a session where they talk about their travels, what they learn and share food from that country. My point is that we serve the community. We don't just serve the international travelers, we bring in austinites to explore culture, understand the world, and for that reason, I feel like we meet park purpose, in addition to our other partnerships of keep austin beautiful as well as the residents using the -- or the guests using the park. I also want to mention that we do have support from our neighborhood -- the er ok contact team. They have been really vocal about how they support the hostel staying in the location. They love having us as a neighbor. I also passed out a letter from the team that has comments from a lot of the residents in the erok neighborhood, just wanting you no to know they would hate to see the hostel go and they enjoy us as a neighbor. Lastly, we did talk about concession shortly and I wanted to mention that we definitely are opening to partnering for concessions with the parks department and we feel like we have a built-in base of customers so it could be a successful partnership, should we decide to do that moving forward. That's it from me. Thank you for your time. thank you. Nancy harris.

>> Hi, my name is nancy harris. I am from the national office of hosteling international out of dc and kathie said it very eloquently so I won't take up much of your time, just to reinforce what she said, we are very committed to keeping this hostel open. We hope you see it the same way. Thank you. thank you. Nick lazino. Nick is not here. Trevor and richard gadden, also declining, and those are all of the speakers we have signed up for the public hearing but the item also calls for consideration of a resolution which is item number 24. Yes, ma'am? Did somebody say something? No one else wishing to speak in the public hearing. All right. So I will go back and start over. Those are all of the speakers we have to speak in the public hearing but the item also calls to consider a resolution for meeting temporary use which is item 24 and we have two people signed up to speak on that item. The first is terry mitchell and that's probably what you were talking about.

>> Thank you very much and thank you for having us here tonight. My name is is terry mitchell and I have been involved the austin hostel since its inception. The southwest texas council of hosteling international's mission was to establish a hostel in the '80s and it was at that time when I met charles jordon, then parks director and he showed a volunteer group of us some facilities that were in town that were actually dilapidated buildings that he thought would be good for our the hostel. We chose the termite infested, rotted building on lake shore boulevard. The history of this building was that it was originally an indoor swimming pool for some apartments there on lake shore boulevard and then it was a building to house the shells or the boats of the austin rowing club and the south incorporation was building the austin rowing club a new facility and so in building on lake shore boulevard was available to us. The council had several fundraisers, including tug of honor across town lake. This was between the north austin yuppies and south austin bubbas, john kelso challenged teams on a weekly basis. The university of texas had students draw up drawings for it and it was renovated for specific requirements for a hostel which is considered to be the best little hostel in is texas. We worked with austin energy to get solar panels installed we pay hotel tax. We pay rent. There is no cost to the taxpayers for our hostel. We take care of the building. In the early '90s international shores was a new designated

name of that area of the park. Since we provide accommodations to people from all over the world. Our guests spend money on food and entertainment in austin. The mission of hosteling is to help everyone gain a greater understanding of the world and its people through hosteling. And as mark twain said, travel is fatal to prejudice, bigotry and narrow mindedness. This hostel is near and dear to my heart and I am asking the city council to render this an excellent source for parkland. thank you.

>> Thank you. james beard. All of the speakers are for, incidentally.

[Laughter] mayor, thank you, council. I have been a citizen of austin off and on since 1988 when i first came to the university of texas, with which is pretty close to when the hostel first opened here, and I have left. I have come back and I have traveled quite a bit and I have always taken advantage of hostels around the world as a safe, affordable and friendly place to find a place to stay and explore different cities. I am really proud of the fact that austin has this opportunity to offer to travelers here. I stayed in hostels in the united states and I have stayed in hostels abroad, of course and it is just a great opportunity for people to come and experience our city, to see what we are have to offer, to be a part of all of the different events that are here. Austin has become much more of an international city than it was in 1988 and I am very proud of that, and I believe that having a hostel here has contributed to that internationalism and, also, is a core symbol of being a part of an international community. A city of any size that has a hostel is part of a network of cities all around the world, and I am really glad that I can be a part of austin. I have served as a study abroad adv university of texas and I have sent my students to some of the events that hosteling conducts here, to learn more about the places they are traveling. I have also worked in the service industry at magnolia cafe here and I have waited on people from all over the world and I have feeling many of them have come from the hostel. We are not that far away. In any case, I would like to voice my support for our hostel, staying in the place it is, and being a wonderful asset to our community. Thank you.

>> Mayor leffingwell: thanks. That's all of the speakers that we have signed up on item 24, also. So entertain -- council member martinez.

>> Martinez: Do we need to take up 92 or 93 first or 24? we are taking up both at the same time. Close the public hearing and approve resolution in item 24.

>> Martinez: Okay. so moved by council member martinez.

>> Martinez: Yes, I want to i just want to make a few comments. The hostel has been there a listening time and we talked about it over the years about essentially finding a new location and that still is on option in the future but until we find a suitable location, i can't think of a better place to keep the hostel, right downtown, now that the boardwalk is going in, to be event a stronger amenity for our park system and for the visitors who come to austin so that is why I am supporting this. I think that if we, as a council, want to choose some day to move the hostel to another location, that's our decision and that's future council's decision but I think it should be an area where stakeholders agree is much better located and a much better facility than what they have now and you see that as an option so that's why i brought this item forward to come council

to have the chapter 26 hearing and to extend the lease. So I will move approval of both of these items. council member approves. Second by council member spelman.

>> Spelman: Also, in addition to thanking the people for sitting patiently for this entire meeting, for doing the hard work you do to provide the best little hostel house in texas.

[Laughter] and also, I would like to thank sarah hensely and her staff from working with the folks from the hostel and making it so people can stay at the wonderful place that it is. I invite you to call it the jerry rusto hostel.

>> Morrison: I do want to say i support this and will want it going forward. I do have a question, that the resolution in item 24 are rather generic. They just say and go and negotiate -- authorize the staff to negotiate and execute a temporaies -- temporary agreement and I wonder if it wouldn't make sense -- I know we talked about the intention of ten-year agreement and also the intention to have extensions on to that, and there are a lot of things up in the air about this, especially in terms of potential concessions and all. I wonder if we might add some meat to it and ask to get a report back on how things are going. I am not sure what that's a motion to amend. I think you can add that direction for ten year.

>> Yes. We planned on that, but, yes.

>> Morrison: Okay. Direction is for a ten year and the authorization is for negotiation, execution but if you could please keep us, you know, informed on maybe a biweek wily basis or something because I know -- biweekly basis because I know there is a tight time line for these folks. Is that correct?

>> Absolutely.

>> Morrison: Okay. so motion and second with additional direction from council member morrison. Council member riley.

>> Riley: We talked previously about the possibility of -- of new concessions on this this site which would enable us to work -- to partner with the hostel, essentially, so that we could offer services, both to visitors at the hostel and to austinites who want to come down and make use of the park area around there. Has that been explored?

>> Sarah hensely director of parks and recreation, we had one meeting we talked about going forward and how to structure this and we did talk about coming back and having further discussions about what kind of concessions, what would be amenable and how it would work and so now it's when we will sit down and get into the crux of what would work with the current hostel situation and how they are structured. The one thing we don't want to do is put undue burden on them to have to run a concession and have that a part of this building that would cause more problems than it's worth and certainly not allow them to do the job they are doing, so kathie and I have talked about it. She's very amenable and we will work through something but i want to make sure it works well for the hostel and as well as the public and it is a win win and not something we do and it fails. So I think the good idea is we come back with updates and it may

take us a little time to really find the right mix, but we are both interested in trying to figure out something but there is already dialogue talking about things they will do to help us with internships and all sorts of things, and so long term may be more concessions but we already come up with other ideas for programming and everything.

>> Riley: Okay. Mayor, if I may comment.

>> Mayor leffingwell: go ahead.

>> Riley: I am going to support this motion, too, I am a big fan of hostels. I have stayed many hostels other places and visited the hostel here recently. It is great to have on this site and I also recognize that state law places some restrictions on our ability to lease out parkland, and I think that -- that places some responsibility on us to be very carul about any -- any use of park land, especially use that is not one that people typically associate with the use of a park, and i think ideally, we would be able to find ways that we could partner with the hostel that would -- that would -- that would be a win w hensely mentioned that would enhance the visitor experience at the hostel for folks coming out of town and would also support the use of the area for folks here in austin who want to come down and maybe rent a kayak, throw a frisbee, badminton, and it seems like people who are at the hostel, to be there, to check things out to folks whether they are staying at the hostel or not and so it could actually enhance the park land for austinites as well as visitors and I think that would be consistent with the intent of state law, as well as our own interest in making sure that we are being good stewards of the city assets like we have is there on the lake. So I appreciate the -- cassie's willingness to work on that and everybody else at the hostel, for all they do and I also appreciate the staff at the parks department, her being willing to explore the possibilities there because i think we can come up with something that really does -- it really is a win win for everybody. " this is for 93 and 24. All opposed say no. Passes on a vote of 7-0. That leaves our agenda. Without objection, council, we stand adjourned at 8:53 p.m.