

Closed Caption Log, Council Meeting, 04/26/12

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>> Mayor Leffingwell: We'll begin today with incident vocation from the reverend kathy norman, the church of scientology. Please rise.>> Let us pray. Author of creation, source of life and ground of all being, whose love, understanding and compassion are without limit, hear our prayer today. We give thanks for the gift of life, the beauty of this day and our many blessings. We pray that the work here today will contribute to the peace, justice and prosperity of our city. We remember the many people of goodwill who serve our community, those that guard the street, counsel the children, take the temperatures, put out the fires and seek good sense and quiet voices, protect them from harm. Help our leaders find the vision, strength, patience and wisdom that they need to tackle the tasks before them and to know that their efforts are appreciated by the people they serve. As we pray, so may it be. Amen.

>> Mayor Leffingwell: Thank you. Please be seated. A quorum is present, so I'll call this meeting of the austin city council to order on thursday, april 26th, at 10:07 a.m. We're meeting in the council chambers, austin city hall, 301 west willie nelson boulevard, austin, texas. We'll begin with the changes and corrections to today's agenda. Beginning with item 13, add the phrase "recommended by the public health and human services committee". Item number 50 is withdrawn. Item number 51, delete the words 26th month and insert the words five months, and delete the words national joint powers alliance njpa contract purchasing program. And delete the number 5,750,000, and insert the number 1,100,000. Item number 73 is postponed until may 24th, 2012. Item number 74, delete the words, and amendment to the, and add the words, amendments to title 25, parenthesis, land development, close parenthesis, and add the words, and dmu zoning districts at the end. Item number 75, insert the word schematic design of so that it reads, approve a resolution in support of schematic design of. Item number 96 is postponed until may 24th, 2012. Item number 24, note that -- 124 that at the time certain, staff will move to postpone this. We will take that item at four p.m. Item number 140, approve -- delete the words cip and insert the words after program operating budget. The consent today for today is items 1 through 94 and items 140, 141 and 142. riley's request he will be shown voting no on items 64 and 65. The following items are pulled off consent agenda: By councilmember morrison, items 16, 17 and 81. Councilmember morrison?

[10:08:19]

>> Morrison: That should have been 17, 79 and 81. I thought you said 17.

>> Mayor Leffingwell: I meant to say 17, 79 and 81. If I did not, I stand corrected. Item 42 pulled by councilmember cole. Item 62 pulled by councilmember riley. Item 68, 69, 84, 85, 86, 87, 88 will be pulled to be heard of a executive session. Item 21 will be pulled off consent to be heard at the same time as item 135, which is /after/of a four p.m. The following items areff

consent due to speakers. Items 44 and 56. Are there any other items to be pulled off the consent agenda by councilmembers?

>> Morrison: Mayor? I believe you said that 88 is part of the group to be discussed of a executive session?

>> Mayor Leffingwell: I did.

>> Morrison: Because we wanted to ask for a time for 88, which sounds like it will line up.

>> Mayor Leffingwell: I read item 88 as pulled toe heard of a executive session.

>> Morrison: I'd like to just add to that that it be a time certain of no earlier than 3:00 p.m.

>> Tovo: I'll be the second on that.

>> Mayor Leffingwell: So this item, all of these items will not be heard, scums 68, 69, 84, 85, 86, 87, 88, will be heard after 3:00 p.m.

>> Tovo: Mayor? I just want t clarify, does that mean that 88 will come 00 as possible?

>> Mayor Leffingwell: Item 88 will come up after 3:00 p.m. Councilmember spelman.

>> Spelman: I had asked for a time certain for item 139 of 6:00 p.m.

>> Mayor Leffingwell: That is not on the consent agenda. But we will note that at the appropriate time when this item is called up, we will set it for six p.m.

[10:11:15]

>> Spelman: Thank you, sir.

>> Mayor Leffingwell: Items pulled off the agenda due to speakers are items 44 and 56. Councilmember morrison.

>> Morrison: Thank you. At the appropriate time councilmember tovo and myself are going to ask for a time certain of 7:00 p.m. For item 113.

>> Mayor Leffingwell: At the appropriate time we will set a time certain after 7:00 p.m. for 113. Item number 66 is appointments to boards and commissions. I'll read that into the record. It will remain on consent. To the commission for women, mayor kathy naranjo and we will approve a waiver of the attendance requirement in section 2-1-26 of the city code for keith jackson's service on the residential design and compatibility commission. The waiver includes absences through today's date. And I have one more correction to item 51 insert the words "by board". So it reads by board with staples contract and commercial incorporated. So that is our consent agenda, we

do have several citizens who are signed to speak up on the consent agenda. I'll call those up before we entertain a motion. Will mccleod? Will mccleod?

>>> Good afternoon, mayor, council. This is kind of odd because I was hoping to speak on items 15, 16, 18 -- well, basically about public housing.

>> Mayor Leffingwell: You can speak on all those items, but you only have three minutes.

>> Only have three minutes. Okay. Well, okay. Once again, you have attempted to censor the public for items on the council agenda. We don't have speed readers in this room. There is typically 40 plus items on the agenda and three minutes will not cover them all. This is censorship, un-american and unconstitutional. This reminds me of the patient affordability act, also known as obama care, which president obama, nancy pelosi and harry reid decided to allow seven thousand plus pages of health care regulation, not reform, but regulation, to be passed without reading it. Is this a democracy? No.

[10:14:34]

>> Mayor Leffingwell: mccleod, if you can confine yourself to items on the consent agenda, please.

>> It is. It's actually about the item number 16, which is approving of an ordinance amending city code chapter 25 relating to council meeting procedures and declaring an emergency. While you're at it, let's get rid of the americans with disabilities act. Such limiting of speech does exactly that. Some of us have speech impediments and stutter, you know. I guess you love having to deal with litigation with the texas civil rights project, don't you? Instead of having 40 plus items and council meetings, why don't we have whatever is not done by eight p.m. Reschedule the item on the consent agenda? My grandfather had words of wisdom. Take your time and do it right the first time or don't do it at all. And nobody likes sloppy work. Rushed work is sloppy. Agreed?

>> Mayor Leffingwell: Thank you. Next speaker is stacy suits.

>> Stacy suits, I'm with friends of the forest. We put on eeyore's birthday party. We're in favor of this item 23 and the ordinance behind it. I do have the notes that the director put on the bottom about this, about our plan that we're using this year as being unacceptable for next year. It causes me pause for concern because this is new to us. This is first year. Last year we had a successful -- had the burn ban in the park and abided by that and enforced that, and we're doing the best we can with this. But after doing this, being charged with security since 1983 for eeyore's, it's -- we're getting really burdened by staff and the requirements and what we're supposed to do to comply with everything. The other issue -- so just going forward, we want to work with the city, with the parks, and have a good, successful, safe event, but we're not happy with our treatment by the parks department from last year. We did not get our deposit back. They hit us with a 49,000-dollar damage to a park that we've been working on the last four years with hundreds of volunteers are fixing up. That got negotiated down to 2500 and now it's 1700. And we're being charged for damage caused by the drought, not by the event. We want our money back. We're

going to appeal to the city manager in the 10-day period to get our deposit back from 2001, and we want parks department to pay particular attention to nonprofit groups trying to do these events in the parks. I used to handle the paperwork years ago. It's horrendous now. Y'all must have to have a paid staff person to handle it now. We don't. We're doing this with volunteers. And this whole process needs to -- we want our money back and we want the process streamlined for next year, and I'm willing to work with any councilmember or their aides to get this fixed.

[10:17:57]

>> Mayor Leffingwell: Thank you. Councilmember tovo has aere, I want to make you aware that we have a question and answer process where we can submit questions and staff will answer them. I don't know if you've seen that exchange regarding eeyore's birthday party. So I asked a question about the comment that you referred to, about the approach not being acceptable. And I wanted to make you aware of the answer. And that was -- let's see, what was the answer? The answer was that overall there seem to be a lack of good planning by the event organizers to address smoking at their event. Then I asked a series of questions like where was the -- how close is the designated smoking area to areas of dense brush, and it sounds like it will be located to an area of dense brush. It sounds like you have not made --

>> that was an area that we worked on to put that dense brush in there. Like I said, this is in a state of flux. We're willing to make this work in the future, but we just don't want to get hammered on this. And the deal is I understand there's a possibility that next year we'll be required to have a fence. And I don't -- I don't see point of that. We can put police line tape around there and designate it. Eeyore's has traditionally been against fencing of the event. In fact, we're the largest special event to my knowledge that is not fenced. We're also grandfathered in the park as the only special event in pease park.

>> Tovo: I just want to make it clear that i think -- I've attended eeyore's, I think it's a great event, I think it's a really important community event and it's been here for a long time and I hope to see it for the next 37 years. But in reading your application I had some concerns too. So I think that is what -- i think that is what gave rise to the comments you referred to on that application. I'm really glad to hear you today say you'll work with the department to make sure that --

>> I'll get with your staff and address these more specifically.

[10:20:02]

>> Tovo: Right. And I think the parks department has identified the areas of concern and they're really the experts on that. But I'm very glad to hear you say that you will work with it because of course the smoking -- the smoking ordinance is to make sure that we keep events like that safe in terms of any fire damage, but also healthy.

>> Last year during the worst part of the drought, i was very concerned about smoking in that park, and we were very diligent in enforcing it.

>> Tovo: Great. Thanks again for your willingness to address that --

>> hope you can come out saturday. And take the bus!

>> Mayor Leffingwell: I'll entertain a motion on the consent agenda. Mayor pro tem cole moves approval? Councilmember riley seconds. Is there any further discussion? All in favor say aye? Opposed say no. It passes on a vote of seven to zero. Again, noting that councilmember riley is voting no on 64 and 65. And folks, if you could hold it down until you make your way outside the chamber, we can go on with the meeting here. That means all of you who are talking right now. I think we can take up one item before we get to our briefing. Item 16 is pulled by councilmember morrison, and we have one speaker. Do you want to hear the speaker first?

>> Morrison: Yes, please.

>> Mayor Leffingwell: Will mcleod. Again, if everyone could hold the conversations down until you get outside the chamber, it will help us with our meeting.

>> Wow. For a minute there I thought I could only speak three minutes for the whole consent agenda. And I think this is why i oppose item number 16. Which is approve an ordinance amending the city code chapter 2-5 relating to councilmember procedures and declaring emergencies. If you give it to the voters and if the voters decide, hey, do you know what, let's have some more censorship, then fine, I don't have a problem with it. But when you pass it behind the voters' back, I do have a problem with with it. Like I said before, there's no speed readers in this room that I know of. It reminds me of the act known as obama care. And it goes to the principle of nobody likes sloppy work. I would rather have you take your time and do it right than to be rushed. And do 20 plus -- 200 plus action items. You know, it's very important that you listen to your community because your constituents, they actually vote you in and they can vote you out. The election is coming up. This doesn't make you look good at all. Now, moving this -- the work sessions to tuesday, you know, that's fine, but how citizens communication at the work session. Let's be the first texas city on the map that allows that. Citizens communication at work sessions. So I request y'all take this in favor to pull this off the amendment and let's at least do one or two things, either let it go to the votes of the american people, the people of the city of austin to vote for it regarding citizens communication, or let's pull it off until the election has been conducted and to postpone it basically to, i don't know, your june meeting or something like that. And it's just -- it's horrible as it stands and it needs improvement and hopefully today council will take the will of the city of austin over here and allow them to speak three minutes on each item that they want to, be in favor, opposed or be in neutral about. I think that's their right under the constitution of the united states and the texas constitution. And it's part of a healthy and robust democracy. We need to be able to engage with our public servants what we expect when I'm paying and everyone else is paying taxes directly and indirectly to the city of austin, texas and the state of texas. Thank you very much.

[10:25:10]

>> Mayor Leffingwell: Those are all the speakers that we have. Councilmember morrison.

>> Morrison: Thank you, mayor. Just to provide a little bit of background on this item, we have over the past year or so passed through resolutions some particular new ways that we work, including the work sessions and things like that. In addition, over the past, I guess, four months, six months maybe, we've had discussion about how best to run our formal council meetings in an efficient, but very participatory way. And with that discussion, we came up with a pilot approach that we put into an ordinance that would expire after this meeting actually, just to try it out to see if it would work. And in fact -- so there's been a lot of time to try it out, to discuss it, and really what we were trying to balance was the ability to move to address issues that folks had come up - - come to city hall to talk about in a timely manner without necessarily pulling everything off the consent agenda, waiting for one speaker to speak on it until 00 in the afternoon. So what we do here is allow anybody that's signed up on a consented item that is not otherwise pulled to speak on it -- speak on the full consent agenda at the beginning of the meeting, which we saw today. And also if an item is pulled, any number of people, no matter if they've spoken on consent or not, can speak on as many of those items as they desire so that we actually have, I believe, achieved a really good balance of streamlining, but including making sure that we are ensuring participation. So with this ordinance that was drafted, we had a discussion about it at the work session and talked through a few things that needed to be adjusted in the draft. And I have a motion sheet that I believe has been passed out and made available to all the councilmembers that actually has drafted the items that we talked about in our work session. So I'll read through those. Under the item section 2-5-33 work session agenda, under 2-5-33-a-2-b, it's going to read council item of interest may be placed on the agenda by merit or a councilmember. As opposed to two councilmembers. The second item is under 2-5-33-b regarding the preselected council items, which is intended to allow staff to know whether or not their assistance is going to be needed during the discussion. And rather than having that preselected council item go to the agenda office by noon on Thursday, it's changing to say that councilmembers should submit preselected council items to the agenda office by noon on the Monday before the work session. And item 2-5-34, where we're talking about briefings, we are adding a line that says the mayor or councilmember may request that a person or entity having information relevant to council provide a briefing to council. Because we have found in the past that that is a helpful and useful approach to things. The existing in the draft d would then change to e. In item section 2-5-36-a, we want to add the phrase, except as otherwise provided in this section, citizen participation is not permitted at the work session meeting. And then we're adding some b and c. B that talks about when citizens' participation is permitted, and that is it's permitted on any item on which council will vote under section-5-35. So that in fact most of the work session is just discussion and rolling up our sleeves, but if there's something posted for a vote, we will ensure citizen participation on that. And then c under that identifies that council may vote to allow citizen participation during a work session or for any work session items. And then lastly, section 2-5-24-e is we're adding, except as otherwise provided in this section. To the existing line, a councilmember may request that an agenda item or hearing be set at a time certain if a councilmember receives the approval of one additional councilmember. And the change here is that the item can be postponed until a later time during the council meeting as opposed to what we had drafted was -- which was until a later time established for the general public hearings, which would have limited it to 4:00. So I believe that these capture the -- some clarifications, some missing issues and some of the tweaks that we discussed at the work session. So with that I'd like to make a motion that we adopt -- we approve item 16 on three readings as amended in the motion sheet.

[10:30:50]

>> Second.

>> Mayor Leffingwell: Motion by councilmember morrison, second by councilmember spelman. I've got a couple of questions. First on 25-35-3-b where it says preselected council items. I wonder if the intent of that is to submit preselected agenda items. I don't think we know what council means -- what council item means.

>> You're correct. I will change that to agenda items.

>> Mayor Leffingwell: That wouldn't be adequate posting for just any item. And secondly, I think I want to ask staff to submit these agenda items by noon on the monday as opposed to the thursday prior. Of course the idea is to that staff can adequately prepare, and I'd like to get the city manager's comment on that and see if it's a workable solution.

>> I think it is, mayor. As I recollect our conversation during the work session, even though the original language was thursday, I think I said from a practical standpoint we had indicated that to the extent that you told us on monday early enough that we would do our best to accommodate it.

>> Mayor Leffingwell: Okay. I just wanted to make sure that didn't present any problems. I would like to offer a friendly amendment to change the word council to read agenda. Accepted? All right. Further discussion? All in favor? Opposed say no? It passes on a vote of seven to zero. With that we will go to our 30 briefing on imagine austin.

>> Thank you, mayor and council. I'm greg guernsey, your defect director of planning and development review department and I'm very happy to be here today to present the briefing on the imagine austin comprehensive plan. This has been a long time coming, 30 years ago or actually longer than that we adopted the austin tomorrow comprehensive plan, and we were much smaller place -- we were a much smaller place and only about 331,000 people and today we're about 824,000 people. We're only 123 square miles. And now we're about 309 square miles. We've grown a lot in that time. And so there are people we want to introduce from the commission and staff and it will take a little longer than the briefing. The manager assured me that I could take a little longer today because this is such an important issue.

[10:33:45]

>> Mayor Leffingwell: We'll give you five minute instead of three.

>> Five minute instead of three. Thank you, mayor. Those are football minutes. This is what we did as far as community engagement, sustainable future. We want to make sure that this plan is actually implemented, so we'll spend time on that and talk about our next steps. I mentioned a little bit about our past and the austin tomorrow comprehensive plan, and I've had the honor and privilege to speak with dick lily over the past year or two about this. Dick lily was the previous planning director that managed to get through the last comprehensive plan and a total rewrite of a

about 40-plus years of the last zoning ordinance. I said I was hopeful that i could sustain the ability to go through a code read or our land development code as he did through the zoning ordinance. We also did a valiant attempt to do austin plan, which was the first attempt to rewrite the comprehensive plan in the late '80's and early '90's. Council and citizens got together and we had a planning committee in the mid 90's to talk about whether or not we would actually try again to redo our comprehensive plan and we chose another route. We chose to do neighborhood planning, which actually was part of the austin tomorrow comprehensive plan. It actually said that we could do smaller area plans, neighborhood plans. In 08 we did an update to the current comprehensive plan and we really found out that although the austin tomorrow comprehensive plan was a good plan, that it was somewhat dated and we needed to really think about doing another plan. And the planning commission and council agreed to put that forward and they actually had the interim update. Council initiated a resolution and you took that on as well. I'm very happy to say. And we kind of -- it brings us here today /after/of a about two and a half years. We had a lot of people participate on citizens taskforce. The people that you chose to serve on this taskforce worked their tails off. They represented many different constituencies, geographic areas, ages, races, and there was a lot of discussion that went on. They met many, many times. And this kind of gives you an idea of the number of meetings that they had, working sometimes over holiday weekends, looking at drafts, getting information back and forth, talking to citizens, talking to the commission. And so that kind of brings us to the planning commission, but at this point I'm going to pause and I'm going to introduce judge margaret cooper, chair of the planning commission, dave sullivan, and they have a few words to speak about efforts that went into the plan and why we're here today.

[10:36:53]

>> Councilmembers, I would first like to thank the council and the planning commission for the cooperation that they have given to the taskforce throughout this process and especially I would like to acknowledge the efforts of the staff, of the planning department who did a great deal to help the taskforce with their work. We had a number of members. Often with very different ideas, but over time I think they were really very tolerant of each other's point of view as we worked to come up with a draft, comprehensive plan for consideration by the planning commission and the council. This was a two and a half year process marked sometimes by quite vociferous discussions and different feelings on the part of many of the members, but I think they worked well together and we came up with a plan that I hope will help austin meet the challenges that lie ahead for many years to come. I think we join with the council in appreciating the fact that it's better to plan for the future rather than just react to changes as they happen because we do have some challenges. We have a wonderful city that everyone wants to live in. And so we hope that this plan will help provide a guide that will be subject, of course, to living, breathing document subject to changes as we go forward throughout the development of our city. And I would like to thank all of you and especially all the members of the taskforce. I don't know if any members are here today, but they were so dedicated and so devoted to this city and to its preservation as we all have known it. And to planning for the future so that it remains a city that everyone can love and enjoy living in. And that is affordable and available for all our citizens. So thank you very much on behalf of the taskforce. I want to especially express my appreciation to every member of the taskforce for their devotion and all their hard work and their support as we

try to move forward through meetings, keep us on track, and I think they helped me a great deal in that effort. So thank you very much. I'll now turn it over to dave sullivan.

[10:39:07]

>> Hello, councilmembers, mayor, councilmembers, city manager, city attorney. I'm dave sullivan, I'm the chair of the city planning commission. I just wanted to point out to you a few things about what we did. We held three public hearings on imagine austin. We characterized the input either of people who were supportive, who were supportive with minor changes, supportive with major changes, or who were in opposition. I would say that the majority of the people at our public hearings were supportive with minor or major changes. Our subcommittee and the full planning commission did address many of the comments and so we did make some last minute changes. We moved up a stakeholder group to make the comparison between the existing city code and what was in the new penative plan. We put that in front of having the professional diagnostic planning or review of it so that the citizens could have a first shot at it. And we did change some of the definitions for the activity corridors and for some of the nodes over the edward's aquifer. That were some of the controversial issues. And there were a few other issues that we did address. So I'd be happy to -- and also our final vote was instance after we made a last few amendments on our last meeting. And so we did adopt it unanimously. And our subcommittee will meet again to review the final printed version to make sure that all of our amendments went into the final version that you're receiving today. And so we can be assured that our -- all of our input was included. I'd be happy to talk to any one of you at any point in time because this is a very important issue and I think my colleagues would probably agree that they would also be happy to talk to you if you want to hear our personal input. And so good luck with this and I'm looking forward to seeing you adopt it in the next couple of months. Thank you very much.

>> Mayor Leffingwell: Thank you. Thanks for your hard work and service on the planning commission, dave.

>> I have on the screen all of the planning commissioners that helped serve during the time we've been working on the imagine austin plan. You can see the meetings they held. There was a lot of input provided by the commission and stakeholders during this process. You have been very active as well as far as bringing us where we are today and so this slide basically goes through the long history that has brought us to this moment, the appropriation of funds, selection of the consultant, approving the citizen participation plan. And I recently came back from a conference in los angeles, a planning conference, and they have a publication called planning for dummies. And at that particular session we were noted for our citizen participation plan and our efforts of outreach. I was very proud of seeing that. And then like I said, it kind of brings us back to where we are today. You set out as part of the goals for this plan community engagement, sustainability and implementation. These were the three pillars that we moved forward for the creation of this plan. And we think that we've done a really good job along with the taskforce, the consultant, all the citizens, to bring us to that point. At this point in time I'm going to turn it over to garner stole, my assistant director, who has been a point person for this project, and I'll let him walk through some other points regarding the plan. Thank you.

[10:43:02]

>> Good morning, mayor and council. On behalf of everybody that's been working on this plan, we're especially please to be here. We know you have a long agenda. We're wanting to be respectful of that, but we also want to be somewhat thorough and present the entire plan. So my role is to tell you -- give you a little bit of background information and then tell you about the citizen engagement process. Background, texas local government code authorizes municipalities to do comprehensive plans. It let's it completely up to the local jurisdiction as to what the content of that plan is and how you propose to use it. The austin city charter as amended in 1985 has a chapter called planning, and that chapter is built around the idea of having a continuous and ongoing planning program called a comprehensive plan. It says it shall guide, regulate future development. It's very specific about its content and how it's to be adopted. And how it's to be used. Its content is that it's clearly speaking to having a comprehensive plan that is truly comprehensive. That addresses virtually all city services and facilities. It says you need to include 10 elements in the plan, and you can have additional elements. So the planning commission recommended, and you approved, that four additional elements to -- in addition to tent that are required by the charter. And those are education of children and families, arts, cultural and creativity, historic preservation and the urban design. The charter says that the planning area is the city limits, and our extraterritorial jurisdiction, which is sort after fluid concept. It changes with annexation and with adjacent annexation. But right now there are 380 square miles in the city limits and there are approximately that many square miles in the extraterritorial jurisdiction. So the planning area is 660 square miles. Just a little bit of information about how the plan is organized when you read it. Before I talk about that, let me point out that since the public review draft was released in september, many, many improvements have been made to this plan. The taskforce reacted to about one thousand comments from the public as well as their own things that they flagged for review. The planning commission held many meetings as greg mentioned and the chair mentioned. We also were very fortunate to get recently a lot of illustrations and pictures and we think plant is a lot more attractive than the one that was released in september. We also added additional spreads to it to try to make it easily readable and understandable. So the plan is organized -- chapter 1 just gives you why we need a plan, what the basic directions are, what are the principal areas of the plan. Number two is all about austin today. And it talks about not only where we are, but recent trends and what planning challenges and issues those trends set forth. Chapter 3, you've seen chapter 3 before. You reviewed it and approved the vision statement that is in chapter 3. Chapter 3 now ends with a section that talks about how we use the vision statement to create complete communities, which is an emerging idea that i think has a lot of potential as we move forward. Chapter 4 is called building the complete community. And this is where you'll find the policies that the charter says the plan should contain. Your policies regarding growth and development. They're found in chapter 4, and they're organized by the 10 elements that are required by the charter as well as the discretionary elements that were added for this plan. Chapter 5. Chapter 5 is new. You've got reviewed chapter 5. It came out of the topic area specific working groups that were a part of this process, and received the most attention and the most changes since the september draft were released. And david roust is going to talk about chapter 5. So public participation plan, I'm just going to briefly go through this. You focused on this from the very beginning. Wanted the plan to reflect the values and goals of the public. To get the public involved we try to make it open, fun and engaging and transparent as we could. I might say at the

outset there is -- there are competing goals here. One, we want to involve as many as possible. Two, we wanted to make sure that people that were involved had a quality experience. And that is why we use some of the techniques we use. In addition we relied heavily on our consultant team, which you selected partially because they brought to austin their values driven planning process. And I'll let david rouse, our project manager from our consultant team, talk about that a little bit.

[10:49:24]

>> Thank you. David rouse from wrt. I'll talk briefly on this because we have a lot to go through. Basically the idea of value driven planning, which we've been working on the process over two decades, it's a structure, the public process and how you develop the vision, policies, actions, through the implementation around community engagement. So that's what we strove to do through this whole process and he really believe that that's come out of this may not be perfect. It's not a perfect world, but it really does reflect the values and aspirations of the citizens of austin for the future of this city. So that's what we strove to do throughout the community engagement.

>> So we used traditional processes. We had community forums. We quickly learned that community meetings sponsored by the city of austin isn't everybody's favorite method of engaging in planning. So we used non-traditional out reaches. We used what was called a meeting in the box, which was a self-directed meeting. And 260 -- I said 260 meetings in the box were completed. That's a lot. When I mentioned that we had completing goals, we wanted to reach a lot of folks and we want to give them a quality experience. Meeting in the i think was a tool that allowed that to happen. I also mentioned the working groups. 90 City staff members served on these working groups. And I think one of the strengths of the plan coming forward, particularly chapter 5, which talks about what we need to do to advance the goals of the plan, have in-depth work from our city staff. Lastly, we again tried to do something a little different with music and special activities when the draft was released. This was to try to reach people that we hadn't reached before, hoping that they might look at the plan and at least know that it's happening and provide us their comments. And a lot of people did, over 600 people came to this particular event. So how many people did we reach? Total of 18,532 inputs. These are not separate individuals, but that many inputs for the plan. How does that compare to other recent events? We were kind of tracking these planning processes that have recently been done or were underway parallel with our process. And as you can see, we are close to the top, if not the top, in terms of numbers of participants. In addition to the numbers, and these numbers on the speakers bureau are not included, we had a community outreach program called speakers bureau, and members of the taskforce, planning commission staff and consultant team made ourselves available and we did 117 presentations to over 2600 people, interviews and discussions throughout the process when the consultant team was in town, we invited people to come in and chat and many facebook advantage of that. -- And many took advantage of that. Direct outreach, trying to reach people that didn't know about the plan, the planning process. We used the utility bills three times, reached over 400,000 customers. We placed inserts into both the chronicle and the statesman. We contacted large employers. We had a little bit of money for paid advertisements. Media coverage. Comprehensive plan is not all that exciting for everybody, but we did get a lot of coverage. We had over 150 articles, according to our count, on this process.

So how did we do in terms of the participants in relationship to austin's population? These are two of the parameters we were tracking. We were actually tracking six parameters. You can see in terms of the geographic distribution, we did well. Ethnic distribution, we did well with one exception, and that is the hispanic or latino is underrepresented. But even that underrepresentation represents a lot of folks. They're 35% of austin now. So greg mentioned that he was at the national planning conference. We are getting a lot of inquiries recently. Since this list was made we probably have gotten four or five inquiries about our citizen participation process. So I'm going to turn it over to david. Do you need the clicker?

[10:54:36]

>> I've got one that works. I'll find out in a minute. I'm going to talk about the second goal that the city council sent for this process, which is sustainability. Sustainability is substantially framed by the three e's, as we all know, equity, environment and the economy, which is how your office of sustainability programs are structured. However, what's really important for this process is sustainability was defined through the community engagement, what does sustainability mean for the community and citizens of austin? So how that was expressed and came out is really in these building blocks that are the meat of the plan, but also in the vision. And that's what I'm going to briefly go through. First talk about the overarching vision statement, which again reflects the community engagement and was crafted by the taskforce really to address everything that they heard through all that part of the process. But then moving forward the elements of the vision. So I'm going to just briefly touch on these because these really frame what this plan is about. The first is austin is liveable. And this covers issues such as housing affordability, healthy and safe communities, quality design. The distinctive look of your neighborhood and districts and austin needs to be special and it needs to continue and grow as the city evolves. Austin is sustainability. This is about resource conservation and efficiency. Water was obviously a key issue with the drought last year. And integrating nature into the fabric of this city. That theme kept coming up again and again, which is at the heart of who you are. Austin is mobile and interconnected. All these surveys and input, transportation always rose to the top as really key concern. And the way this is addressed and what citizens said that they would like to see is more after multimodal system, connecting different travel modes. So there are opportunities for people to walk, to bike, transit, in addition to driving. So that is a theme throughout in connecting that to land use patterns. Austin is prosperous. Obviously your diverse economy is based in your creative industries and other technology and other strong components, but how do we maintain that and grow that moving forward, provide opportunities for local business. And really key to this is the idea of education and skills development, training your workforce and the young folks coming up through the community. Austin values and respects its people. This is key. Equity was one of the three pillars of sustainability and this was really important. Over and over again we heard and we reflected in the plan the idea of inclusion of all segments of the population. This gets at things like jobs and housing options, access to community services, access to basic needs, access to transportation. So this is very critical. Austin is creative. I mentioned the creative -- your creative industry and economy, which is so important, but beyond that the pillar that's a support for your arts and your cultural program for artists, because of all that they contribute to the economy. And the community. And finally, but very important, I touched upon this a second ago is education. Learning opportunities for all ages. There was a lot of involvement in the school districts and others. How do you build those

partnerships among the schools, the community and higher educational institutions to really bring young folks along and train people of all ages within the community. So this is another pillar of that vision statement, which again is as speaker rational. It's looking at what austin, we want austin to be looking towards 2039 and our 200th anniversary. So the vision and the growth concept map really kind of frame the rest of the plan. I'm going to turn it over to greg cadillacson who is going to talk about the get to concept map.

[10:58:45]

>> Thank you, david. Greg clac kson, development and planning review. The core is similar to what we presented a year ago, so I'm going to try to go through it quickly and highlight some of the key differences. The growth concept map tries to apply the plan's principles to the geographic planning area to identify how the city should grow into the future. The key thing that we try to do is really link land use and transportation together to grapple with all of the things that are in the vision. As a note, the growth concept map is not a future land use map, nor is it zoning, just as a future land use map happens at a higher level than zoning, the growth concept map happens at a higher level than both of those. As you know similar to the neighborhood plans, by texas law we have to have a disclaimer to that effect. That the comp plan and the growth concept plan itself do not constitute zoning. Some of the key things that we heard from the public in shaping the growth concept map is promoting a compact and connected city, preserving neighborhood character, focusing new development into activity centers and corridors and developing development away from the barton springs zone, the edward's aquifer and other environmentally sensitive areas. As a result of that, the growth concept map improves austin's air quality and reduces our greenhouse gas emissions into the future. The growth concept map is actually the fifth map in a series that builds all of the parts of the geographic area together. I'm going to walk through these briefly. The first one is our environmental resources. We have a number of maps with environmental resources throughout the plan. This highlights three key networks that really structure how we grow into future. The first is our existing parks and open space. The second is the edward's aquifer. And then the third is the network of floodplains, particularly the very broad floodplains out to the east. The second map identifies key bicycle and pedestrian networks. The pedestrian side, a lot of this comes into the activity centers and corridors that I'm going to talk about in a moment. On the bicycle side, we've identified what we call potential urban trails. These are the big cross city connections that will really help bicyclists get around the city and into the future. Third, our transit networks, largely incorporating campo and capital metro's plan and then our roadway network. And we've identified mopac and i-35 for express lanes, knowing that we need to work with those two roads into the future. The growth concept map has five components, job sisters, other development in the city , transportation features and the use open space network. The first of these, the activity centers and corridors, again we've presented these to you a year ago. These are our regional centers, town centers and neighborhood centers. These are the places that will be the most walkable, most pedestrian friendly and transit oriented offices in the future. They will be the densist, but have all of the abilities you need to work for people for families in austin. One thing I want to highlight is how the centers are identified on the growth concept map. We started by identifying each of the centers with a circle and a color for the intensity, regional neighborhood or town. Where we had some kind of small area plan, neighborhood plan our station area plan, we looked at that and then tried to use that to shape the center. The point of this isn't to say -- be a guide to this parcel within the center, this parcel is

out, it's more a signaling mechanism to say hey, there's another plan here, go take a look at it. One other key change from the preferred scenario made at planning commission was replacing all of the centers in environmentally sensitive areas, replacing the neighborhood or town center designation with a more general one simply saying activity centers in environmentally sensitive areas. The idea there is it will always be an idea of the services need, the infrastructure and environmental contacts will shape how those centers we develop over time. So people were getting hung up on exactly what classification it was. So we wanted to avoid that and just say really the context will direct that. There was a lot of work done on the activity corridors as dave mentioned. The first thing was we renamed them from mix used corridors to clarify that -- to clarify that they don't exactly relate to zoning and future land use categories. The other big change is they've been made much more flexible. Originally when we brought these to you a year ago they were really identifying areas for continuous redevelopment, something like lamar boulevard. Since then working with neighborhood groups, with contact teams, with the public in general, we've used them to identify areas like springdale road where you have just looking at the future land use maps you see nodes at major intersections. They're not quite big enough for a neighborhood center, but all of them in a row is meaningful. The thing that we want to accomplish with the activity corridors is to help us prioritize investments to support public spaces, walkability and bike friendliness to support our next generation of transit improvements. Most of the jobs in the future in austin we hope to be accommodated in the activity centers and corridors; however, we recognize that some will continue to be incompatible with residential areas, so we have identified some job

(indiscernible) employment centers. Avenue and then to walk through how these build the map itself, you can rethe regional centers form the north south of the city. Town centers to the east and south. Neighborhood centers fill in kind of everywhere. And then the centers in the environmentally sensitive areas fill in to the west. And then job centers are primarily located around existing uses that we don't want residences near to already. And then in the activity coreters, really try to connect all of those centers together as well as big parts of town. These are broad areas that connect north to south, east to west. One of the guiding frameworks in the plan is this idea of complete communities, making sure that every part of town is functioning and has the amenities and services needed by residents everywhere. Certainly the growth concept map is an important part of that. These are going to be key areas where different services and amenities are available. However we also need to recognize that not everything is going to be in an activity center corridor in the future. So complete communities really comes in to help us understand how other equipment continues to occur within the city and in the e.t.j. I want to end by highlighting some of the changes made by the taskforce and planning commission in the last few months of the process. First, certainly redefining the activity corridors, but also including the 11th and 12th street urban renewal areas as corridors. Removing the corridor designation from 38th street between i-35 and guadalupe. Changing the route connecting 51st and 53rd and then activity corridors for roads included in the county bond package. For activity centers, the centers in the environmentally sensitive areas, redrawing the downtown regional center and including a detailed view to help the public understand all of the different plans that are involved in that downtown regional center. Adding neighborhood centers in dove springs and at north lamar and rundberg and then a few minor location shifts. On transportation, sh 45 southwest was removed and then high capacity transit was added on pleasant valley. With that I will turn it back to david to talk about implementation.

>> Thanks, greg. Garner mentioned I would cover this last chapter of the draft and i really think this chapter has actually seen the most progress and strengthening from that draft that was released back in october so what it does -- this obviously was a third goal and very important goal set for this process by city council. There are three components and I'll go through these quickly. It provides guidance for decision making, it provides guidance for action through what are called priority programs and the third is it provides a way to monitor and update the plan as you move forward. So it's an evolving document, not a static document. So in terms of guidance for decision making, very simply this plan now provides that unifying direction that will inform all aspects of city planning, operations, decision making as you move forward. These are just a few examples. And also how you work and partner with others to implement the plan. So this provides that central guidance that i think is a critical purpose of a comprehensive plan. Now, coordinating plans is very important. I love this little graphic that I think greg did. You have 27 master plans. You have 28 neighborhood plans. They're some great plans. But with a comprehensive plan that's 30 years old, you've really been lacking that unifying direction that pulls them all together and makes your planning and implementation of all these plans more effective. So that's what imagine austin will do. Just a word about this coordination and thinking about the relationship of imagine austin, the comprehensive plan to all these other plans you have. They really are a different perspective and for different purposes. So you will use plans in different ways as you look at different issues that come before you. And just as an example of that, thinking about zoning decisions because obviously that's a very important -- very important matter that crosses your -- that crosses your agendas. Basically imagine austin now will provide sort of the policy, framework and direction, all the elements of it to guide your zoning decision. Along with from a more detailed perspective, small area plans. So when a small area plan exists and you don't have them for all areas of the city, the zoning decisions that you come up with should be consistent with it. So you will continue to use the small area plan, but you also use the overall perspective provided by imagine austin. Second is the priority programs. And this is really -- i framed a lot of the elements of the vision really in terms of questions. Some of them, how do we accomplish these things? These priority programs are really the game plan that allows you to move forward and accomplish all those elements of a vision. So they'll identify goals and expectation. They integrate all those actions and all the working groups came up with. They put them together in discrete and accomplishable and implementable programs. So I'm not going to go through these in detail in the interest of time except for the last one. I want to touch on the last one a little more. But just in terms of what these eight priority programs are, and they came out of public input, the public had a chance to weigh in and consider and express their priorities and they're reflective in this, the first is to invest in compact austin, investments, connecting transportation land use, which is to important. How you develop your transportation networks in concert with how the city grows and develops in terms of its land uses. Sustainably manage our water resources. I mentioned this before with the drought highlighting the water conservation efficiency, watershed management, etcetera, all come under this program. Invest in our workforce education systems and entrepreneurs. I mentioned this as well. Use green infrastructures to protect environmentally sensitive areas and integrate nature into the city. So thinking of this one, just think about a connected, integrated system of parks, of waterways, green ways, open space, green streets, your tree canopy. All of this being part of the fabric of the city and providing all those benefits and moving forward to accomplish that. And each one of these action programs outlines short-term, longer term, ongoing steps and responsible parties to accomplish these. Grow and invest in austin's creative economy. I mentioned that before.

Housing affordability was a key issue that came up throughout the process. So that's what this action priority program addresses. Housing affordability. And also how that relates to household affordability in terms of transportation costs, energy costs, etcetera. Create a healthy austin program. And finally the one I'm just going to talk about briefly because I think it's very important, it's one that I know there's been a lot of debate about is revising your development regulations to promote all the other goals, not just compact and connected city, but some of the other goals mentioned. So this one really is a way of getting at some of the things that the other programs are promoting as well. So just briefly on how this process will be conducted, this really started -- it starts with engaging the community. The community engagement does not end with this process, but the first part of this really is engage the the community through listening sessions, focus group, public meetings. Debate the issues. Get these issues out on the table. What are the parts of the code that work well, what are the parts that don't? And what does and does not support image imagine austin's vision and goals. So only after you do this do you go through the process of actually updating the land development codes and procedures and related manuals to make sure that you're achieving those goals that the revised code achieves those goals of imagine austin. Promoting the compact and connected austin. Very important, preserving neighborhood character stated throughout the plan, etcetera. And finally, hopefully achieving a clear, user friendly code. I know there are issues now with being able to understand and use the keyed. So that is the output. And again, this will happen with community engagement throughout. Just a couple of last slides to close on, measuring progress. The plan identifies indicators, so you can track how you're doing moving forward. Again, this is an evolving document. It's not a static document, so you can measure your progress. And in accordance with your city charter, there are provisions built in in terms of evaluation. Every year you're going to look at the plan, consider what did we accomplish in the last year, revise your action programs and the associated actions, what will we accomplish in the next year, and per your city charter, every five years a more complete evaluation and what's referred to by the charter as an evaluation and appraisal report. So this is just the beginning. This is the end of the planning process, but it's the beginning of a journey of implementing the plan.

>> So that kind of brings us back down to the staff recommendation, and i want to go through some things that would happen next. Staff are in support of the planning commission version that was adopted by them and recommended to you. There were some -- two things that primarily that staff wanted to point out to you that we do have a disagreement with the commission on. One is highway 45. We think that that really should be on the growth concept map. Not maybe as a solid line, but as a dashed line. And there's some companion text that was actually discussed by the taskforce that was presented to the commission. And that dialogue needs to continue. It hasn't resulted in a it should be in or it should be out. And we'll see what happened. But to recognize that that's going on. The other had to do with language that was adopted at the commission meeting about how we would use past rules and regulations of our land development code. Staff understands that we need to respect the past, maintain -- through this entire dialogue, imagine austin process, about respecting neighborhood character. But there may be improvements that could be made to the code or changes that could be made to the code as it exists today that may be different, but maybe actually better. And so we want to make sure that that is fully vetted because we are really trying to address the vision of the plan and we want to make sure everything is on the table. As far as our next steps, by charter the council has 60 days to consider the plan that's before you. And so you have at least three opportunities to discuss and act on the

plan. And if at the end of that time if you can't reach a decision on that, you can direct it back as provided by the charter to the commission with additional direction. We would hope that you would actually adopt it, though, in the next three meetings before you go on the break. So when there's a lot of people that have worked on this, worked very hard to get you this plan to this point in time before you for your consideration, we want to thank you, the citizens of austin, many, many stakeholders in this process.

[One moment, please, for change in captioners] it's remarkable you have gone through two and a half years of this, many of the meetings were complicated, somehow, I am in awe that you got a unanimous vote from the task force on this plan. Did I misunderstand that?

>> It was endorsed by the task force. It was not unanimous.

>> Spelman: It was not unanimous.

>> No, it was endorsed by the task force and recommended to you by the commission.

>> Spelman: My understanding --

>> greg is correct. It was 21 to 3 from the task force. By the three were careful since that vote, they wanted us to point out to you, they wanted to forward it to you, they just weren't endorsing it.

>> Okay. Will those three be like -- I'm sure this being austin i can count on those three people to let us know exactly what it is we should change.

>> I believe we will, or i could address it to.

>> At some point, I think that we need to go to webster's or funk and wagnals, change unanimous, unanimous which is everybody, austin unanimous is 80%, a moral victory at least.

>> Councilmembers, the planning commission was unanimous. I just didn't hear you correctly.

>> 21 To 3 is certainly a tremendous improvement from where you guys started with the first two task force, one to one to one and so on. I think you guys did a wonderful job. I do have one question. About the broad outlines of this. That was -- that was on your slide number 79, I'm also in awe of the fact that you were only get through 9 slides in less than an hour. On slight 79 you are talking about sh 45 southwest which I will hold on. More important for my concerns, the amendments to -- to chapter 5 in the land development code. I wondered if you could clarify the difference between the staff's recommendation and the planning commission's recommendation on this.

>> Well, the planning commission spent a lot of time in the subcommittee really looking at the language and thinking about it. When they brought this to the full commission it wasn't unanimous as far as the amend is concerned, but there was a concern that -- that as you well know, that when we go through a process of adopting a neighborhood plan, which takes as long

as this process, that there's a lot of consideration for the codes and ordinances that existed at the time when those plans are implemented. And our codes and ordinances certainly change through time, but they want really -- really to those elements, of the land development code not specifically addressed in the neighborhood planning areas, in which decisions are made when they specifically spoke to compatibility standards, that comprehensive plan can be achieved when taken into the neighborhood and area plans. We talked among staff certainly about that, but things changed. The staff's opinion is mainly one that we want to make sure that everything is on the table. Everything is discussed. Certainly we understand the neighborhoods concerns about protecting neighborhood character. But there could be improvements that could be made to compatibility standards. Changes that could be made to the code that actually the vision where we get, you know, infill, density, without sprawling. Maybe ending up with different compatibility standards, better compatibility standards and we just want to make sure that's clear. Sometimes the citizens in Austin, when we look at the words that are written, take them quite literally. And may not see them as being as flexible as saying there are other things on the table to consider. That's what staff wanted to point out. That's a handout that I think that kind of readvised an earlier memo. Staff to a look at and we just kind of put together all of the different ordinances, since we started neighborhood planning that have taken place, we have created smart growth, drink drink-- drinking water protection zone, desired development zone, smart housing, super duplex, super two, created uno, commercial design standards, station area planning, we had the McMANSION REGULATIONS, THE First round and the second round, which actually then ACTUALLY applied McMansion standards to smaller townhouse and condominium projects. We got to the big box ordinance, we did vmu, we changed some occupancy limits, we had the heritage tree ordinance, we dealt with remodels, those are things that happened since '08. Neighborhood plans have been adopted through that time period and depending on what time period you were adopted yes they may have considered those but they may not have considered the things that came after. Frankly, we want to have a very flunk discussion, be mindful, be very respectful of all of the work that's gone in. There are literally thousands and thousands of hours that citizens have put into the plans or station area plans to be able to have the discussion to consider other options that may be the same or better or different.

>> So the basic difference is the planning commission or at least the proposed ordinances of the subcommittee of the planning commission and most of the planning commission wanted to hold pieces of the land development code land development code out as this is just too extensive, don't mess with this?

>> I think their discussions were broad -- much broader, that they actually realized that you could talk about changes. The concerns that staff has is what was actually written. Because in the dialogue of the commission, I think all of them would agree that certainly we should be able to talk about changing compatibility to be better or different. I think what we have as a concern of staff is the words that are written may be interpreted by some as that we're going to rely on these old regulations as a basis to move forward. We really want to talk about our new land development code as a vision of how we would proceed or how we would get there in the future and have everything on the table for discussion.

>> Okay. I think I'm starting to see the -- the differences, thank you. With respect to that issue on your slide 75, conduct a code diagnosis, define elements that work well, don't work well, are in

conflict as you remember from the last time i remember our growing through a comprehensive examination land development code, i remember the late 1990s, i believe it was '98, a whole bunch of people around the room, I believe they met every wednesday for several many weeks, went through the land development code line by line. And so far as I can remember, not a single word of the land development code was changed as a result of that line by line very comprehensive examination. Do I remember exact -- do i remember exactly?

>> That was actually I want to say an exercise to make a more plain english version of our code. It didn't necessarily look at the code in context of implementing a comprehensive plan. It was trying to actually just make it easier to understand. Yes, there was a lot of input to that. There's still some debate on some of the things that were done or not done, I think, as a result of that. But this is really an exercise that would probably take more time. As I mentioned at the beginning of the presentation, we took about 3 and a half years to rewrite our zoning regulations. Well, that's just the zoning, we have watershed regulations and all of the other regulations I've been talking about that have certainly occurred since then. So it's -- it really comes down to a dialogue of changing our code to help implement imagine austin and those things. So that I think was more of just kind of cleaning up language to make it more sense. This would actually be a dialogue about making changing the direction of some parts of our code to implement imagine austin or actually readvising things to maybe provide better protection for environmental areas or neighborhood.

>> As I remember, even cleaning the code up to eliminate redundancies turned out to be a cause celeb in many cases as toby futrell once said every single line of the land development code has a story. Somebody in that room remembered the story, so we couldn't take any of it out.

>> Right.

>> How do you propose very roughly we'll get into the details of this I'm sure later on, but very roughly how do you propose to identify what works well, what does work well, what's in conflict, so on.

>> I think that's kind of on the table. To really have this dialogue, we had this dialogue even when we started the imagine austin process, we had to talk about the process about how we would create imagine austin before we actually talked about the plan. I think that's really what's going to have to happen with any code we write. Because the code rewrite, eye side from bonds and -- aside from bonds, icps, capital planning office providing funds and managing direction on how to organize spending, save money, be more efficient, the code does a very similar thing. Right now, yes, every line tells a story. And we're in a book that keeps getting larger and larger and frankly citizens, property owners, my staff, are actually being buried by this -- this book. And what does each line mean or what doesn't it mean. So I think that discussion really has to kind of take place before we would even think of hiring a consultant to help us maybe talk about ideas, what -- what are those, you know, things that are happening elsewhere that are cutting edge that might be better than what we're doing or different than what we're doing. But that dialogue really has to take place I think after the plan is adopted. Then we would have the discussion of what the best road is. The commission, I think, is actually -- actually weighed in on that. Some of the information that you see here is talking about how we would go about that.

Before we actually proceed. And it's almost like a citizen participation -- a participation plan on how we would rewrite the code just like we had participation plan on how we would write imagine austin.

>> Spelman: We need the plan to figure out how to plan.

>> Correct.

>> Spelman: Sounds to me like it's going to be an enormous undertaking, probably much longer than the development of the comprehensive plan thus far.

>> It could. I estimate, although my staff disagrees, it might take as many as four years.

>> Spelman: I was going to guess five, yeah.

>> Because it took three and a half to do the last zoning regulations. LATE 70s, EARLY EIGHTHS, There maybe a way to produce documents quicker and get information to people quicker than we could have back then f.

>> Spelman: Sure. This is a long-term project. You are thinking in terms of time frame of three to five years. It will probably be an ongoing project. It's not going to be one time and for all and now we're done, we don't have to think about it for another 20 years, you probably nick -- probably nickels and dimes even after you are done, am I correct in thinking that.

>> As I mentioned earlier, the city charter requires us to do an annual review and five year update to the plan. With those things we may see changes along the way which would influence what the code would look like before it's actually finished.

>> Spelman: For example we can't expect 18 years between changes in the code and then a 20% in regulations after an 18 year period. This is a joke, sorry, greg. Okay. I think that I have a sense for what it is you're going to be doing. The process is yet to be defined but this is something that you're going to be working on. Thanks.

>> Mayor Leffingwell: Couple of comments. First of all, one of the earlier slides, I can't remember which one it was, it talked about zoning changes. And used the word zoning cases will be guided by the plan. And I know this has been a point of major controversy, the relationship of the neighborhood plans to the comprehensive plan and so i would like for you to explain to me what guided means because guided sounds a little bit more forceful than what I had in mind.

>> Well, the comprehensive plan is not a zoning regulation. The comprehensive plan is not a future land use map. Those deal with properties at a much different level. You are talking about parcel by parcel level of what is appropriate or not appropriate for develop of a tract.

>> Mayor Leffingwell: I understand that, but what does guided mean?

>> Guided means that basically you're going to look at the neighborhood plans in the future or special area plans, they're going to be informed and work with the comprehensive plan, just as we went through imagine austin, where we had neighborhood plans that define let's say a node, an activity center, that we actually adjusted the imagine austin plan to reflect the actual boundary of the neighborhood plans. We will still have to go through plan amendment process. If there's a change to whether it's imagine austin or a neighborhood plan, it will go through a process that will come eventually to city council with commission's recommendation. But they basically guide, basically inform each other, one doesn't necessarily trump the other. That they both have a place in this process of moving forward.

>> Mayor Leffingwell: Well, I appreciate that discussion. But I would disagree with you slightly in that my understanding was that one does trump the other. That the existing zoning process and the existing neighborhood plan and future land use maps stay in place and that the imagine austin or comprehensive plan is only advisory to that when a zoning change takes place, when it's applied for, the comprehensive plan will be one of the many bits of information that goes into making that decision. But it does not guide the decision and that's -- that's what I would very strongly suggest that you look for better language, advisory to, along with other factors. Because I know that it's been a -- a serious controversy throughout this whole lengthy process that you've been through and i would hate to see if at this point in time anything to kind of stir up another controversy because people say you could interpret this to be the zoning decisions sort of have to be in accordance with the comprehensive plan.

>> The comprehensive plan does not change a neighborhood plan and does not change the zoning with it's adoption. You are correct, mayor, that those things exist.

>> Mayor Leffingwell: I would just suggest that we look for a little bit different language there when we talk about it. Instead of guided a little bit of softer language perhaps, advisory to, the comprehensive plan is advisory to.

>> And the comprehensive plan is advisory document. It's not meant to be --

>> Mayor Leffingwell: There are a lot of things advisory in there.

>> Regulation or future land use map that would dictate land use on a particular comment.

>> Mayor Leffingwell: Yeah. Just a comment. I want to kind of follow-up on councilmember spelman's remarks about the land development code. Everything in there has a story. I agree. But also I think that we have too many stories in there. And I think that it's time to do -- to do a comprehensive look at our land development code because frankly it's gotten so complex that it is not -- it is not helpful to people, as the citizens here, who are trying to make changes and trying to have -- trying to develop projects. I think as we're going through this process anyway, of rewriting the codes, that we should pay special attention to getting rid of a lot of stuff that is -- that is outdated, not appropriate, et cetera. Because I think we need some big changes from the land development code.

>> Any other comments, councilmember riley?

>> Greg, I want to thank you and all of staff that have worked so hard on this, along with all of the folks in the community that have contributed. This really is a tremendous accomplishment. I just have a few questions, mostly things that I was going to ask about have already been covered. But I did want to ask about one item over on slide 54 where we talked about the designation of job centers. I count seven of those blue rings and I'm -- if I understand the concept of the job centers, we expect some activity there, but not residential activity. I can understand why -- why we would have that in regard to a couple of those rings, I see one is fairly close to the airport and another is -- looks like it's close to circuit of the Americas, but I'm not sure about the other five. Can you tell me generally why with those other locations we would not expect to see any residential use in those areas?

>> I think that I will let Greg Claxon.

>> Riley: I'm not looking for a specific -- not looking for a specific answer just in general.

>> I think that we are identifying areas where we have good infrastructure or there's a potential of being good infrastructure in the future, that there are already land that's actually being used, or planned to be used, for -- for job intensive either like manufacturing or warehouse type of uses. That those activities could continue. It's important to keep a balance in a community where businesses know where they can go and where they can grow. Just as well as we know that we have neighborhood areas that need to be preserved in character.

>> In each of those areas there are -- there are industrial or other commercial uses that are not considered compatible with -- with residential use?

>> Or they have infrastructure that would support transportation or rail, those types of things that would support development in the future that may be more intense than what you might find elsewhere in the city.

>> Okay. Well, I may want to look more carefully at those before final approval but we don't need to get into the details of each place now. Over on slide 59, first -- oh well, the last point that I wanted to ask about, I see that the -- was it the planning commission that added high capacity transit on Pleasant Valley?

>> Yeah, I believe it was the planning commission that added that. I think there was a desire to see more high capacity transit along Pleasant Valley Lane.

>> Yes. It came out of the Dove Springs community specifically. And last summer when we were here, we didn't have high capacity transit defined as broadly as we do now. Now it's defined, doesn't mean necessarily fixed transit. It could be just intense bus service.

>> Capital Metro currently has multiple bus lines across the whole length of Pleasant Valley, I'm curious are we talking about something that is beyond bus service or --

>> I know of no plan yond -- don't think capital metro has plans beyond what they are doing now. I do know that dove springs community would like to improve the service. But I don't think they were talking about beyond the bus.

>> Riley: Okay. So step -- something beyond what we have now. Yes.

>> Okay. Lastly, over on the -- on slide 79, I appreciate councilmember spelman's questions about the land development code I won't belabor that. But I did want to ask about the point on s.h. 45. I just want to make sure i understand staff's position. I take it from your comments that staff is not saying that we -- is not recommended that we approve language that -- that 45, rather you are just suggesting that we acknowledge the ongoing 45 without taking a position one way or the other on whether it should be built.

>> That's correct. There's actually language, you can look on the yellow piece of paper that you see in here that there's -- there continues to be a -- a -- great interest and dialogue in austin regarding highway 45 and that there are certain environmental studies that are going on. We don't know what the results necessarily of those studies are going to be. There may be a no bill option to 45 or one that would allow it to go forward. And then if it goes forward, then we would certainly want to make sure that it's done in the most environmentally sensitive manner and there may be even a discussion of what kind of road it would be. Maybe it wouldn't be highway 45. Maybe it will end up being something else. Maybe just an arterial or some other type of roadway. But we don't think that it should be removed from the plan, that it still needs to be part of our dialogue that we really need to kind of fully flesh this out before it's just removed completely.

>> To be clear, if staff -- is staff suggesting that we land on a recommendation for 45 in improving the plan or are you --

>> no. To leave it as -- we would say a dashed line in the concept map that there's a continuing dialogue to recognize that there's a discussion that it could exist or it might not exist in the future. With an annual update or the five-year revision, there may be a possibility it would be shown as a solid line or it might be removed in the future. But now is probably not the time to just remove it and not be part of the plan since it's under discussion right now.

>> Riley: Okay. Again thanks for all of your work on this.

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: Well, thanks very much greg to you and your staff for all of the great work on this. Of course thanks to the planning commission members and the task force members and the many, many stakeholders who have participated over the last several years. I want to just pick up on a couple of the -- well, on the two staff recommended changes. And just point out that those are -- those have -- have both in my mind represent ongoing areas of discussion, substantial discussion during the process itself. And it was my understanding that the comprehensive plan task force also took a 45 that is consistent with the draft that we have before us, which is to remove it from the maps. So both the task force and the planning commission 45 from the map and I would -- i

would -- we will have an opportunity to talk more extensively about this, but I would -- I believe we should be guided by their wisdom on this, they have spent lots of time talking to stakeholders and this has been an ongoing point of discussion. One that received a lot of consideration during the process. With regard, mayor, to the point that the mayor addressed earlier, you know, I do think that the language is important and i appreciate -- I appreciate the fact that the language in the presentation that talks about -- about where is it? Revising development regulations to promote a compact and connected city in the course of the discussion, and pointed out it was perhaps a better way of saying that is revise development regulations to promote the goals of the plan. But we have had ongoing discussion and there have been lots of concerns raised about what that process looks like throughout, throughout the course of developing imagine austin and so I -- so I think that after -- after much, much work, the planning commission has presented us with some language in this that -- that I believe really respects those concerns and integrates some of the main sentiments into the plan and so I would again argue -- suggest that we strongly urge my colleagues to consider carefully the planning commission language that was put into the amended planning commission language that was in the plan that they approved unanimously and sent on. I know it was not a unanimous decision to add that amended language, but it was an overwhelming majority as I understand it. And then the plan as a whole received unanimous approval from the planning commission. And I think that language goes a long way to providing assurances that as -- as the city undertakes a revision of the land development code, the public will have a great role in talking about what that process should look like and reviewing those land development regulations. Because while they are the stories that -- that are part of each of those lines are really important because it represents in some cases some very careful balancing of different interests and careful compromises and some important protections. And I think it is really critical that -- that that process of revising the land development code happen through a very deliberate and very thorough public process. So that we can kind of emerge really with the goal before us of encouraging, really ensuring consistent and reasonable regulations but also preserving and protecting our quality of life and the character of our existing neighborhoods. I think that is really the challenge that we'll have before us. But it's one that we can meet if we have good, careful, public process, that's really all that i want to say today, I just thank you and all of the others for their work. I especially want to thank the planning commission, the task force for going back, after there was an existing draft. Going back after we passed our resolution asking them to do so. They reviewed all of the public comments. They really zeroed in on some of the points of conflict and I think have presented us with a very strong draft here before us. I am very optimistic about the vision that's in the plan of really creating complete communities throughout austin where people can live closer to where they work and shop and play and I think we've got a good path forward. With what's before us today.

>> Councilmember morrison.

>> Morrison: Thank you. I want to start by saying i want to get it out there on the table there were several times over the past couple of years where I really didn't know if we were going to be able to come to a comprehensive plan that could be embraced by our community. But I do think that we're very, very close to doing that and as councilmember tovo mentioned the work that the planning commission and the task force took on at the end of last year i believe was a an absolutely heroic effort, huge efforts, over the holidays, under the gun for a time line, but it was really an important effort to scrub it one last time and to address a lot of concerns, I believe, that

allowed us to get today. I particularly thank the staff as well as the task force members, it was voluminous. Of course we know that it's good to be a living document. It's not a perfect document. But I am particularly hopeful about it because it's focused not only on the physical environment as we mature, but the critical elements of equity, prosperity, social services, affordability are absolutely key and I think sometimes with comprehensive plans we think too much about we're already talking about the land development code. It absolutely key in pulling all of those elements together. Of course we will be hearing from folks over the next month. We're going to be getting modifications, I hope they are small modifications and just tweaks that we can respect what the planning commission has done and their important role in sending us the recommendation. It was the unanimous vote at the planning commission. Which is very important to me. It would -- I dare say, it would not have been a unanimous vote without the modifications that were made, including the one that -- that staff is focusing in on now. I know that we'll have more time to talk about staff's recommendation and what I think is the absolutely critical importance of that. But I do think that it's important to note that the language in there is very open, very broad, really meant to just say that we're not automatically throwing out the carefully crafted compromises that we have reached. And so if we decide to take that out, if there's a will to take that out, it's my belief that that would be a major change to the draft and that we would need to send it back to the planning commission. I hope that we don't have to do that. But really coming to the -- being able to see the finish line, is such an amazing effort, is always a gratifying thing. I have deep gratitude for folk. The only question that I have is that Mr.

[Indiscernible] made in his comments, he said comprehensive planning is not all that exciting for everyone, I just don't know what you're talking about.

[Laughter] thank you.

>> Mayor pro tem Cole?

>> Cole: I know exactly what was talking about [laughter] two and a half years ago, I'll just get that out there like councilmember Morrison got that out there, saying we needed a comprehensive plan -- I didn't think we needed a comprehensive plan. I thought it would take too much effort, would not get enough use and cost too much money. But our city manager came into my office and talked at length about the use of the comprehensive plan. And his concern about us making ad hoc decisions and not understanding the full impact on the city. So I think this is the day that we recognize him for that effort, along with all of his professional staff and along with the citizens that we have roped into all of this work. Now that they have done that, I think that the ball is in our court to finish the work and make the hard policy decisions about how we're going to -- to comprehensively plan and move the city forward. So I have a couple of questions, Greg. I just want to touch on some of the sticky spots. Let's talk about interstate 45. Can you lay out the pros and cons that you heard from the stakeholders?

>> Well, there's a lot.

>> 35? 35 You mean?

>> 45.

>> Interstate?

>> S.h. 45 I'm sorry.

>> It will take a long time to get everybody's comments in.

>> Cole: Not so much the comments but the concerns --

>> I think there is a concern about the location of the road. Certainly from the environmental community, you know, being over the recharge zone and what traffic it might bring of further development out in that area of town. I think there's a concern that has been raised by residents that are already out there or that live within austin's e.t.j. That -- that need to go through that area to come down to work downtown. There's -- there's been mobility issues that have been raised about having another way to get around austin. That -- that right now if you want to get to mopac, you have to take -- go all the way up to ben white, slaughter, to come over to mopac to get further northwest. There are people that have expressed opinions that are even on a more local level that -- residents that live on brodie lane that are just tired of people from, you know, further out that would come by them just to get into town. And so there is -- so on a neighborhood level, it's a big deal because of the traffic that flows already from the south. From an environmental standpoint, it's a very big concern because it might promote greater development, it might endanger the aquifer past a tipping point. From a mobility standpoint, there's concerns about how we get around just physically and that this is a major link. So all of those things are certainly taken into consideration. Some of the neighborhoods that are out southwest feel very strongly that it should be there. Then you have an opinion just as strong that the environmental issues are so great that we really should not do it at all. So -- so those are the issues that are out there. And you know what the planning commission said and task force said and what staff have said. Those are the issues that came forward. I'm sure that you're going to hear about them on may 24th because people have come, quite vocal at the couple of the commission meetings that we had. They came out for the different meetings. Certainly the meeting that we actually held out southwest that -- that those points of view came across very loud and clear on who is for or against and what their reasons are.

>> I think that you have done a great job in laying out the issues on both sides and pointing out the various planning commission and staff recommendation and the only thing that I would add is that campo also made a recommendation that 45 be included in the campo 2035 plan, but there was no plan about funding. And so that's another aspect of the whole comprehensive plan that would make it real that we will have to deal with each budget season and each bond election. But again I thank everyone for the work. Thank you, mayor.

>> Mayor Leffingwell: Thank you. Thank you very much.

>> Thank you. We just have a few minutes, I'll try to take up item no. 42, Pulled by mayor pro tem cole. There are no speakers.

>> Cole: Yes, mayor, i pulled this because it is a procurement item where we actually did not go for the low bid. I wanted to postpone it because we've been looking at these and what will good faith efforts have been done. So I would like to postpone it to our next meeting.

>> Mayor Leffingwell: Motion to postpone item 42 by mayor pro tem cole. Is there a second?

>> Seconded by councilmember morrison. Any discussion of that?

>> Spelman: Mayor?

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: Just a due diligence question for the public works department. I bet you know the answer already.

>> Good morning, I'm rudy garza, city manager. I might be able to help you.

>> Spelman: If we postpone item 42 for a month, took it up a month from now, would that do any damage to your capacity to fulfill your objectives on this.

>> No, that won't be a tremendous impact on our schedule.

>> Spelman: Fair enough, thank you.

>> Mayor Leffingwell: Anything else. All right, all in favor of the motion say aye.

>> Aye.

>> Opposed say no. Passes on a vote of 6-0 with councilmember martinez off the dais. 62, councilmember riley do you anticipate that will be a -- do you have a couple of quick questions or -- or do you have a discussion? We only have five minutes is what I'm driving at.

>> Riley: I think that could be pretty quick.

>> Okay, 62.

>> Riley: It will take longer if we don't have staff.

>> Mayor Leffingwell: 62. We can wait a minute or two and see if somebody shows up that can answer your questions. Councilmember morrison.

>> Morrison: While we are waiting, I did want to make a brief comment on this item. This is an item to look at the reconfiguration of i-35 and east 51 street. I wanted to point out previously this morning we passed item 80 which was a resolution endorsing the east 51st street vision plan that I co-sponsored with mayor pro tem cole and councilmember riley. And I'm very excited about that plan. The folks around that area, after the discussion we had about aid and their performing

arts center, said hey let's pull together a plan, they hired some consultants, pulled all of the stakeholders together and we have a very exciting prospect in front of us and it's so delightful to have a plan come to us unanimously supported by all of the stakeholders and a really great path to move forward and campaign with this reconfiguration, it's an exciting day for e 51st, MUELLER AND WINDSOR Park.

>> Riley: I agree with all of that completely. I did want to ask about a couple of details on the intersection right around I-35 AND 51st. I believe staff have a visual on this? My questions relate to the cross walks at the two intersections under consideration. The one -- the one right at 51st and 35 and the other one just up cameron road. The plan calls for cross walks across two of the three places where you might have a cross walk. But I wanted to ask about that third spot. We do have sidewalks on each side. But I don't see a cross walk indicated there. Could you enter he to that?

>> Yes, councilmember. Could you speak to that.

>> Yes, I was like to substance abuse terri mccooy with txdot who can address that directly. He is our lead on this effort from the texas department of transportation.

>> Riley: Okay, thanks.

>> Rob and gary and I have had a chance to visit about this. Again, thank you for letting me be here. But we all agree that that's something we can do. We can make that happen. It's a good comment and we want to make that work.

>> Riley: Great. We see the similar thing up -- up on the intersection just to the north of cameron road where you have the cross walk shown on -- on two of the three places, is that -- could we also include a third -- additional cross walk there as well.

>> Absolutely.

>> Riley: That's terrific. I really appreciate that.

>> Great.

>> Rob, just one other question, back to 51st and i-35. On that northeast corner, we've had some comment from the public about the conditions that we'll see there. In particular a request that -- well, a comment that the area really could benefit from some shade. As I understand it, this plan doesn't speak to shade or any other things to improve the feel of a place from the pedestrian standpoint; is that correct.

>> Well, let me I guess address a couple of things, the discussion of shade has come up. Certainly this plan contemplates some landscaping in the vicinity of where -- of where the ramp will now come into cameron road. This is the first half of the future solution for this full interchange, one of -- the other side of the interchange, the southbound direction on i-35 still has yet to be added, and so certainly as we contemplate the completion of this solution, I think shade

can come into that discussion as we move forward. I think that -- that this is a -- this is an interchange that is growing in terms of its solution and we've heard that from certain members of the community, especially with getting across this interchange and we're willing to incorporate that as we go forward.

>> Riley: Great. Nothing we're doing now would prevent or impede the addition of shade in the future.

>> We're happy to include that discussion as well for it.

>> Riley: Great. Thanks very much.

>> Okay. With that, mayor, I will move approval.

>> Councilmember riley moves approval of item 62. Seconded by councilmember martinez. Any further discussion? All in favor say aye.

>> Aye.

>> Opposed say no. Passes on a vote of 7-0. Thank you. Caught you by surprise there, I guess. With that, we will go to our 12 noon citizens communications. The first speaker is michael perez.

[One moment please for change in captioners]

>> document development rages on and you work to address the challenges and benefits associated with this growth. But one issue, the urban infant factor may be a bit under the radar. As an example I'm a ut professor -- where is my -- my colleague left. My wife is a physician. We moved to austin city lofts from northwest austin in 2006. Then mayor wynn was at our super bowl party when we dashed to the hospital to deliver our baby. He was the first the building, the acl baby. Times have changed. There are now ten kids his age or younger in our building. 14 Under age 18. As you can imagine, the pool scene looks quite differently these days. While I lactated for the surrounding buildings similar trends have emerged. Parents love it and those who pay mortgage and taxes like it even more. We need to evaluate family needs. There are many including building more family friendly units that I know council representative tovo mentioned. I'll address it further. Parks and playscape. There's not one downtown playscape, we have not one family centric place where families were connect and kids safely play. In my opinion, duncan park would be a perfect fit for multiple reasons I could share later. Sound ordinances. Kids and their families need sleep. You're all familiar with the complexity and nuance of noise and the frequency of resident complaints. Some progress has been made thanks to don pits and their staff. I work with west sixth street bar owners. The biggest frustration for many residents, more or less the city got it right. The ordinance while imperfect has what it should, entertainment, nonentertainment zones, decibel levels, cutoff zones. We have loosened process and rules for sxsw as we should. Key point, to achieve balance in our city all of downtown can't be blasting rooftop patio music until and the ordinance reflects that same fairly obvious point. The problem is enforcement and that some bar owners don't comply with nor fear enforcement. They comply with tabc but many, too many fail to give the city's laws the same

respect. How to change this? In my opinion better enforcement and more severe penalties. It's not rocket science. Yet currently residents remain frustrated, many giving up on the suggested route 311 calls. At a number of levels this is unfair for residents, families and bar owners who do comply and respect residents. In closing, I'll go out on a limb. I'll predict that austin will always be a place where music will be a part of the city's identity, as it should. This will never be a city where you hear someone say, isn't there anyplace to get a beer around this joint? thank you, aaron. Your time has expired.

>> Last line. thank you. Next speaker is eliza may.

>> Question, mayor. Questi questi on from council member riley. first, aaron, i want to thank you for being here and raising your concerns, which I agree with 100%. I do want to ask you about one thing on the downtown playscapes about the -- i realize our downtown playscapes are inadequate and we need more that are centrally located. There is actually one downtown, just at the foot of east avenue, just off the town lake trail. Have you had a chance to visit that?

>> Yeah, I have. and I realize that's not very convenient, but it is something --

>> that's the closest one for downtown residents, yeah. and it is technically downtown, but i absolutely agree that it's not -- it's not central enough. We need more that are right here in the middle that are accessible, and I definitely like the idea of duncan park and I hope we can consider that. And I think it's worth looking into whether there could be any funding in the upcoming bond package to support some playscape there. So anyway, I really appreciate your calling attention to this.

>> Thank you for your words and support.

>> One more. council member tovo? I want to also thank you for being here and raising these important concerns. I think if we're going to have any impact on reversing the trend of families with children moving out of our central city we have to address the issues you've raised, and I just want to also encourage you, before you leave city hall, to look at the red swings that have been put up at city hall that are part of the red swing project and art city austin. It's a temporary but good way to, I think, have a family friendly feature here at city hall. But we have a long way to go. Thanks so much for your input. I look forward to talking with you.

>> Thank you. council member martinez. mayor, I wanted to follow up on your comments about the sound issues. Obviously many of us have worked on that, and i appreciate the conversation that we had a couple weeks -- a couple weeks ago my staff was more than willing to continue to help. I think bobby has reached out to another resident that we met that same evening at your building, but definitely understand your concerns. We feel like we've tried to strike that balance that you talk about, and we realize that while we have rules in place, you know, a few of the -- a few of the venues that don't want to comply with those make everyone look bad and cause a bad scene for residents and for those -- those of us trying to work on those policies. But I remain committed to helping enforcement. In fact, they've asked for additional enforcement employees in the budget request this year, something that I will take a strong look at

to ensure that we provide the resources that are necessary to ensure that our downtown residents and their children are getting the adequate services that they need.

>> Thank you.

>> Have a good afternoon.

>> Eliza may? The topic is geographic representation for council elections.

>> Council members, we have a disk, if you'd please play it.

>> Serving in public office is a lot harder than some people think, because the people who serve have to do the right thing, the legal thing, in the intricacies that are involved. This issue of districts for austin is not a simple issue. I'm glad as we go along that we have the experts who have been with us for a good number of years since we both had dark hair.

[Laughter] steve bickerstaff is an expert in every sense of the word.

>> The revision commission recommended to the city council the creation not only of 14 districts but the creation of what is called an independent citizens redistricting commission that would be responsible for drawing [inaudible]. This commission is modeled after what exists in several other cities in the nation, and is a way in which you can have districts that comply with the voting rights act and with the constitution but also emphasize the importance of people and communities, because it effectively prevents the drawing of districts with the people most involved, that is, the people who are being elected from those districts who have admittedly different goals and objectives than the general public. The proposal from the city that was shown to me yesterday is a proposal to create not an independent redistricting commission, as the charter revision commission recommended, but rather an advisory commission, and there's a big difference. It's a question of whether you want to be aligned with dallas and chicago on one hand or you want to be aligned with the progressive cities of this nation. If you look at the resolution itself, you'll find that in terms of the members of other commission, there are not the limitations that exist in many places throughout the country, on what the commission members can do after they serve, because what you do not want is a member of the commission who is profiting by virtue of serving on the commission, that is, that they can draw a district they could be elected in or get favor from other politicians in order to win elections in the future, and this resolution has none of that. The only reason to want to draw districts to protect incumbents is for the benefit of incumbents and particular supporters. That is not the interest of the citizens. I urge, I urge, I urge the city council to look hard at the recommendation -- thank you. You could continue that with the next speaker, but on her time, not yours. The next speaker is the same topic, kathie vale.

>> Yes, I also have a disk, kathy vale agru committee member and supporter. mayor, can I ask a question real quick before we start that? mayor mayorpro tem cole coal is jerry rusthoven still here. I need the yellow copy -- i need a copy of this to be given to eliza may and daniel -- because you don't have this, do you?

>> [Inaudible]

>> cole: hold on one second. We'll get it for you. Go ahead with the video.

>> Good morning, my name is kathy vale, and I was a member of the city of austin's charter review committee. I was appointed by council member mike martinez. I am currently a strong supporter of austinites for geographic representation. I'm here this morning with other austinites from all walks of life, all political persuasions, all of our beautiful neighborhoods and our remarkable ethnic groups. We are all here today to challenge what we believe is a cynical, manipulative redistricting proposed yesterday by the city council. The city council stated it would create a redistricting commission to map out geographic city council election districts. Council presents its commission as a commitment to fair geographic representation, but it is no such thing. The proposed commission is a poorly camouflaged attempt to hijack austin's grassroots efforts to introduce fair geographic representation finally into austin city hall. Council's proposal appears to be purposefully confusing. This is what is most alarming. We just don't trust this proposal. We believe the right geographic representation plan for austin is the 10-1 plan, ten single-member districts, one mayor elected citywide. But we will participate as members of the proposed redistricting commission. However, if the city council wanted to show its sincere commitment to geographic representation, it would not be creating yet another commission. Instead, the council would wholeheartedly adopt the recommendation of its own charter review committee and put the ten-one on the ballot. But city council seems determined to show falls support for the ideas of geographic representation without committing to the plan the community supports. Council has said it will start a process to create he the citizens redistricting commission that will get them past the election. As defined, this proposal is merely a skeleton of a subterfuge. Why? Many fundamental flaws are clear. Worst of all, the commission will only advise council on districting, not decide. And what do we have? Austin being left to gerrymandering once again. Since the taxpayers and -- as taxpayers and citizens we have no way to stop this, we will join it. The members for austinites geographic representation will apply to serve on the commission. I will apply. We need the criteria set down to serve on the commission and participation is always the best way to be sure the body falls the will of the -- follows the will of the people.

[Applause] thank you. Next speaker is leslie ice aisenman. Leslie aisenman. All right. Next speaker is -- leslie aisenman is here? no, I have a comment on -- congre congre ssmen martinez. I just want to make comments on the previous two speakers and the item that was before us today. The intention, or at least my intention for my vote in support of this, what the commission has recommended is an independent charter redistricting commission to be adopted within our charter, and that can't happen until after a november vote. My understanding is what council member cole and spelman were proposing today was to start the work of redistricting and/or districting for the first time so that it could be handed to that independent charter redistricting committee if it's adopted in november, not to circumvent, not to in any way avoid or ignore what's being recommended. That was my intent of the vote this morning when i supported this item. We have been given a presentation by an attorney from the same law firm as bickerstaff, and that presentation has led us to believe that if we don't begin this work and if we move forward with the november election for single-member districts and/or a charter redistricting committee as well and it's adopted, that based on timelines we may not even be able to hold our first election under the new system till november of 2014, and that was a concern, that we needed to ramp up as quickly as we could so that if it's passed in november and if the

redistricting committee is passed, that we could hand this work seamlessly over and hopefully get to a november 2013 election as opposed to waiting till november 2014. So I just want -- i understand if you're concerned and you feel like we are not recognizing something that the charter revision committee has brought to us, and I just don't think that's the case, and I didn't vote in favor of this item, obviously believing that we did. I voted with the intention of starting the work that you all have recommended to us so that if it's adopted in november, this work that's already been done can be seamlessly handed over. And actually, we discussed this with the attorney that the city has hired from that same law firm who is advising us. So I don't think there is a conflict here, and I don't think it's an event -- or an attempt to circumvent anything that's being done. But I want us to understand that clearly. I don't want there to be any misunderstanding. So I want to make sure that we sit down and discuss this further. We did vote on this today, but that was not my intention. If you all feel that way, i have grave concerns about the action that we took because that's not the intention -- that was not my intention.

>> Cole: mayor? thank you, council member, for that explanation. I think that was a good explanation. It's important to realize that we could not appoint a permanent commission on redistricting until after the election. That would not be appropriate, and I would urge you to get advice from your attorney on that particular issue. So it's only to expedite the process. Mayor pro tem cole? yes, I also want to say that I fully agree with council member martinez and his explanation of exactly what this resolution is aimed to do, item no. 79. In fact, many of the qualifications that are laid out in the resolution was actually taken from work that agr actually did, trying to start the process, like you have represented that you want to do, and i believe that you want to do that, which is to have an independent citizens group. But we simply can't do that until after the citizens actually vote and give us the authority. We don't have the authority to do anything other right now than create an advisory commission, and the concern was timing. If we don't do that and the voters approve a single-member district form, then we won't be able to make the november 2013 deadline. We've been advised about that repeatedly from our counsel. It is totally silent as to the composition of the restructuring. It does not advocate one way or the other. We are simply doing what i consider governing due diligence. If it passes, then we'll have a group in place that we can or cannot go ahead and appoint as a permanent redistricting committee and give further direction on what they can do.

>> If I may respond, please -- only if there's a question for you. Do you have a question for eliza may? eliza may, would you explain any additional concerns that you haven't previously expressed that you want to -- about the comments that have been made?

>> Thank you. First and foremost, we do appreciate the work that you've done, and most importantly, as you all know we've come before each of you. We've had our meetings with each of you independently so that we could explain the purposes of what we were trying to accomplish as we had done already with the committee. That said, we knew -- while you all knew that this, you know, resolution was being worked on, nobody consulted with us during that process as that was being drafted. I think that some of those potential issues that we are now raising perhaps could have been addressed at that point, and I think at this point one of our biggest concerns is of course the lack of transparency from our perspective. And there are, of course, other issues as it pertains to this resolution, of which I know that I'm not here to address all of them, but there are some other issues, in particular, of course, the advisory nature of this --

what this resolution creates. well, let's visit about that. I remember talking a little bit about it during our discussions, your discussions with me, because I believe that I let you know that I was thinking about doing that.

>> Correct. I did do that, didn't i?

>> You mentioned it but we were not invited to the table on that discussion. and I did talk to some members, some legal members of the agr team, but if we need to have some further conversation we can do that.

>> And we're happy to. We're absolutely open to it and we appreciate it.

>> Cole: okay. thank you.

>> Thank you. Lessee aisenman is not in the chamber. Jose quintero. The topic is contact teams under the law of the city of austin.

>> Thank you, mayor. Good afternoon, council members, my name is joe quintero. I'd like to make a little announcement. I am the president of the greater east austin neighborhood association. I want to invite the austin community to an early vote sponsored by lulac district 12 on saturday, may the 5th at park rosa. Bring your family, cast your vote for the austin city council election, and then join us in celebration of cinco de mayo. Our prediction of displacement via the neighborhood plans has come true. Gentrification, displacement of poor mexican-american and african-american homeowners. To me equals the genocide of our people by the austin city council, through agenda 21, sustainable development. I'd like to make also another announce him. I'd like -- announcement. I'd like for the people in austin to look into what's really happened with agenda 21, sustainable development, and this involves your neighborhoods, because it has involved our neighborhood at first. We were the target because we were poor people, and -- in the barrios that we have established throughout the years. Here's a web site called freedom advocates, formerly freedom 21 crews, it's www.freedomadvocates.org. This is another place of the city where agenda 21 has taken place. On a political theory, george washington was right when he said, private property and freedom are inaccept ra bell. And this is -- separable -- inseparable. The contact teams that have been implemented to this comprehensive neighborhood planning is none other than the city government taking over our properties, with inalienable property rights, restriction rights. We have rights to our properties. We don't need this imagination [inaudible]. That's a theoretical fancy agenda, and for me to tell my grandson, imagine green. That's not the freedom we're looking for because you use it as an excuse. There's already a bush published called behind the green mask and as the president of the greater east austin neighborhood association, the people and the neighborhoods should realize what's happened behind the green mask. We have a contact team that's affiliated with the city, and, mayor, you're the last mayor ever came to east -- the last mayor who came to east austin was the honorable lee cook. After that no mayor has ever been to east austin. Whether or not we had meetings and the issue is here, is that you all work behind the dais, so you depend on these contact teams to run our neighborhoods, my property rights. So that's unacceptable. Thank you.

[Applause] actual actual ly, jose, you don't have to come -- it's just a comment. We actually held a council meeting in -- a couple years ago in east austin as a part of our outreach effort, just for your information. James o'brien? James o'brien. Topic is importance of dialogue. You have three minutes.

>> Did you know that when constitution was written, it was written for 2.2 million americans? Currently the austin 7, 2.2 million. We established an entire congress to represent those people. Today we have seven, eigh. Six months ago I awoke on this plaza outside city hall. Something maybe I'd like to call an epiphany. I realized that the front door of city hall was wide open. The city council was truly accessible. You just had to know how to do it. You had to sign up. You had to stand up, and you had to speak up. So I did that. But it is undid notable that we have a serious problem fating human -- undeniable that we have a serious problem facing human culture today. And I do not blame you for attacking this and having shortcomings. We have increased homeless people living on the streets, unemployed living hand to mouth, paycheck to paycheck, foreclosures, predatory loaning by banks. I do not blame you for these things. I have attempted to contact all of you through emails, through voicemails, showing up at your offices and most of the time I was responded to with complete avoidance. I don't blame you for that. You guys are very busy and trying very hard, and i respect that. Chris riley, you came and sat out on the steps with me. I appreciate that. Kathie tovo, multiple times I've encountered you in the hallways and you've taken the time to listen to my ramblings. Laura morrison, lee leffingwell, both of you have taken the time to shake my hand and let me introduce myself to you. Sheryl cole, I apologize i haven't had the time to do the same to you. I do not blame you guys for not being able to communicate with me. I can only really blame myself, but I'm trying, I'm trying harder and harder. So ultimately what is this importance of dialogue is that I want to hear your voices, and with your permission I would like to say forget about this three-minute limit. Can I ask one question to each and every one of you and have a response? this is your opportunity to speak, and not ask questions. You have ten seconds left.

>> Okay. My question is, think about something really serious. What makes each one of you mad? Thinki thinki ng on that. Thanks, james.

>> Can I have a -- anticipation of a response? your time has expired. Dennis paddie, topic is condition of the downtown library, appropriated by the homeless and they have the support of the librarian.

>> It's dennis paddie, p-a-d-d-i-e. Yeah, the restrooms are dirty to filthy. The rug is dirty, the reading room is being squeezed by the computer -- spreading of the computer. The cell phones -- cell phones go off all the time. They caucus, they party, they even make out in some of the places that are reserved for the readers, and when you speak to the staff about it, they say, well, they're following the rules. That means that they're -- they have an open book in front of their heads and if they're not nodding into it then they're following the rules. I spoke to the librarian there twice, absolutely nothing changed at all. But I was there two weeks ago in the morning and there was a sign that said, the line begins here, and there was a line of homeless people all the way around the block to get in. The librarian was standing and doing an intake. And I said to her, you know, "this is not -- this library is being absolutely ruined. The fixtures in the bathroom between the stalls are rusted out. There are no -- you can't close the door to the bathroom stall, the restroom "

and she said, "well, I'm " I said, it's not just me. Everybody feels that way. How many people do you have in here besides old people, the homeless and a few families with their children? The problem is, is that wooldridge park has become an encampment for apparently newly arrived people, and they use the restrooms to bathe, to eat, lord knows what else, and they're there all the time. When you talk to the guard, he says -- the staff really seems overwhelmed, if not intimidated, and I'm ashamed of this. I'm ashamed that the city of austin downtown library is turning into a flop house, and I'm not exaggerating when I use that term. The -- I see talk to the administrative assistant to the head librarian, and she said, well, we're going down there this afternoon, and they went down there and there was a change. However, two weeks later it's all drifting back, because somebody at some administrative level has made the decision that the downtown public library is going to be a clearinghouse, and that all this stuff is permitted. There's a sign that says no food and drink in the public library and there's a coke machine, candy and cracker machine behind. thank you. Thank you, dennis.

>> Something has to be done about this. I'm going to turn a form into -- will you let me speak? I am very sympathetic to your concerns and I share them, and I want to have the city manager have someone from staff to talk to you and see if we can -- if this is all true, we certainly have a problem.

>> Well, I'm an eye witness. thank you. We'll have someone talk to you. We'll have -- just take a seat and we'll have someone get in touch with you. Drew williamson? Is drew williamson here?

[One moment, please, for] .. many people believe the fire was started by a vagrant, some blame the drought, some blame global warming that might have exacerbated the drought. The secret is that the 131-acre tract behind me had a great amount of dead wood scattered throughout the tract. Neighbors who lived in the area longer than I have, believe that most of the dead wood came from cedar choppers, looking for wood posts. The wood cutters would said to have left the slash they did not harvest lying on the ground. Though I do not have a scientific estimate, i believe that at a minimum there were tons of dead wood on the tract, there were likely dozens of tons of dead wood on the tract, it is a common sense assumption that this dead wood made the fire more severe than it would have otherwise been. According to neighbors, the owner knew about the problem, but the land was never cleared. Here are a few pictures. Could you show the slides, of the dead wood. Next slide, next slide. Next slide. This is the dead wood tour. Here are -- these pictures were taken about a year ago, and I have reason to believe that this dead wood is still lying on the unburned portion of the tract. My neighborhood is far from the only location where this situation exists. Neither the fire department or the code compliance department have the ordinance power to order the owner to abate the property. I am concerned that as the grass and bushes grow back, even the burned trees will become more fuel for a similar fire. The public safety commission and the fire department are in the formative stages of developing a new code for construction of new buildings next to wilderness area. This is commendable, but only a partial solution. You need to give city staff the authority to order brush removal in cases such as this. I hope that you will expedite this. So enforcement tools will be ready in the near future. Hindsight is perfect, but these tools should have been on the books years ago. Thank you.

>> [Applause]

>> Mayor Leffingwell: Okay. Without objection, the city council will now go into closed session to take up the following items, 071 of the government code the city council will consult with legal counsel regarding item 68, discuss the legal issues related to policing a charter amendment on the november 2012 ballot; item 69 to discuss legal issues related to the appointment of the city attorney by the city council; items 84 through 88, to discuss legal issues related to the recommendations of the charter revision commission. 072 of the government code the council will consider the item 98 to discuss potential acquisition of land for park purposes on lady bird lake. Is there any objection to going into executive session on these items? Hearing none, we will now go into executive session.

[Rumbling] Announcer: What if a disaster strikes without warning? What if life as you know it has completely turned on its head? What if everything familiar becomes anything but? Before a disaster turns your family's world upside down, it's up to you to be ready. Get a kit. make a plan. be informed today.

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>> we are out of closed session, in closed session we discussed legal issues related to 68, 69, 84 through 88 and real property matters related to item 98. We did not take up item no. 97. So now we'll go back to our morning agenda. 44, that was pulled off the consent agenda due to a number of speakers. We can go to those speakers now. Karl robinson. Karl robinson. Welcome, you have three minutes.

>> Hello, everyone.

[Microopen for feedback]

>> hello, everyone, can I be heard? Thank you, my name is karl robinson --

>> you are not coming through for some reason.

>> Okay.

>> Mayor Leffingwell: We will make a minor adjustment out there, maybe.

>> You want me to go over to the other podium?

[Tapping on microphone] try it again? Ment am I okay? Is that good?

>> Go ahead.

>> All right. Hello, everyone.

>> Mayor Leffingwell: Start his time over, please.

>> All right. Now.

>> Hello everybody! !!

[Laughter] my name is karl robinson, I'm the field representative for davey tree currently contracted with austin energy for distribution line clearance services. Thank you for this opportunity to speak to you today. I moved to austin in 1985 to attend the university of texas and earned my bachelor's degree there in 1990. I have been in the tree trimming austin for about 20 years, a certified arborist since 2000 and specialist since 2003. I am here to oppose the awarding of -- essentially firing davey tree from this contract. As an employee, I have been trimming trees for the city of austin for about nine years. In 2006 [indiscernible] again awarded a five year contract to trim trees for austin energy. Davey at that time was considered the higher bidder. Austin energy consistently told us because we were the higher priced contractor, we would need to be the more productive contractor. We were the more productive contractor fairly significantly. Over those five years we trimmed about 300 more property, 5,000 more trees and 180 more line miles than the company that was deemed the low bidder at that time. We completed more for the work despite working more than 20,000 fewer hours by the supposedly lower bidder and by the industry standard metric, costs per mile, we were actually the low cost contractor for that five year contract. By about 6%, when my employees come and ask about the contracts, they are concerned, I say I think we're okay, we trim more trees, miles, houses for a lower cost per hour, we should be fine. But under the current proposal for 44, we're not fine. So what do I tell my employees now? Good job, you did a great job for five years, you were the more productive contractor, lower cost contractor, but we're not having the contract anymore. Good luck with the new contractor, I hope they treat you well, but they are certainly going to pay you less. My guys have been working hard for me. They have become certified arborists, pesticide applicators, certified line clearance tree trimmers. The city expects us to behave professionally and we are professional. Now if we want to keep our jobs we're asking to work for lower labor rates two or three, up to seven dollars an hour less than we are making under the current contractor if they get improved. It's a great deal for a new contractor, they come in here find a highly skilled workforce, we are desperate because we lost our jobs, they can pay us lower wages and less benefits. Chances are we're going to stay, we live here, we've been here. Our families are here, our children are here. We go to school here, thank you.

>> Thank you. Any questions? Thank you. Steve white? Also signed up against, you have three minutes.

>> Thank you very much. I'm steve white with davey tree and I do want to say that we approach what you do, I know that it's -- we appreciate what you do, i know that it's hard work. I am a native texan, I have a degree in urban forestry, I have been in the utility line clearance business for over 30 years. We're going into our 13th year right now as a prime contractor for a energy. Davey tree is the second largest line clearance contractor in the united states and canada. We have multiple service lines, we have residential, commercial, we have grounds maintenance, we have utility. One of the good things about being diversified in what we do, if there's hard times and residential say or in utility, then other parts of our company can pick up the -- pick up the

pace and kind of help us along. We have the ability to survive hard times. Kind of like the fuel pricing that's happened to us recently. Even though the prices went up, we're still chugging along, we're still providing your services. We're going on 13 years, working for the city of austin. We have -- we have supervisors, supervisors and preplanners, there's 14 of us. They all have different kind of driver's license, 11 of them have commercial pesticide licenses. 10 Of them are isa certified arborists, four of them are utility specialists. I happen to be all of that, I also have a structural pest control license and -- and I am the -- the -- the texas representative for the utility arborists association. The next thing that I wanted to cover was this -- we have -- we have over 46 -- 46 men in our workforce, we have more than that. But with those 46 men, there's -- there's combined 349 years of service on the austin energy system. 40 Of those people are also owners of our company. We're an employee-owned company, we do offer health insurance to every employee that we have. Subsidized by our company. There's a couple -- there's some special projects that i wanted to mention. Other than trimming the southside of austin energy's system, multiple times, we were picked to go clear the cotton wood trees out of the deep eddy pool that were dangerous. We were called to cut down hundreds of trees at the oak wood cemetery because of the drought. So the trees wouldn't fall on the head stones. We did the 1999 thanksgiving ice storm that hit austin so hard. We've done numerous zilker park hazard tree trimmings. And we've done trimming protection for your moonlight towers. There's other ones.

[Beeping] out of time.

>> Mayor Leffingwell: Thank you, steve. David cox. Allan halbrook, donating time is [indiscernible] lopez. Octavio perez. All right. And izzy escobar.

>> You have up to 12 minutes.

>> Good afternoon, my name is allan halbrook, I'm here on behalf of davey tree, you have heard from a couple of employees, we're here to speak against agenda item 44. It concerns contracts to trim electrical trees for around electrical lines. You may have noticed in the paper this morning, that these contracts in item 44, the subject on the front page, with a nice photo of a davey tree employee doing work for the city like they've been doing for 13 years. The problem with item 44 as proposed --

>> you might want to stay somewhat employees to that.

>> The problem is if it's adopted as proposed it will result in a higher cost to the city and to austin taxpayers for the tree trimming services, it will result in less of those tax dollars being returned back to the local community and it will cut the minority-owned and women-owned business participation in those services in that work by about half. Now, how did we get to that situation with this proposal? That situation arose because this -- these bids have been evaluated primarily on an hourly rate basis. When they asked for bids, made the request for bids, they asked primarily for hourly rate information. They also asked for some other information, which will be key in a moment. As it is, based on the hourly rate, yes, davey is the highest bid, just like it was in 2006 when this bid -- these contracts were last let. In 2006, we know from the city's own information that despite being the higher bidder, davey actually cut the trees at a rate of a thousand dollars less a mile than the higher bidder. The higher bidder came in 4% lower, davey

delivered the work at a cost of 6% lower. So we know from historical data that the hourly rate method does not accurately reflect the cost to the city and the taxpayer for these services. The situation is similar, if you were going to get a tree cut in your back yard, you had a couple of contractors who one said I will do it for \$11 an hour and another said I'll do it for \$12 an hour, you don't know who is going to give you the best price to do that work because you don't know who -- how long they're going to take, what the actual cost is going to be. And in fact in that situation, it does -- the cheaper rate contractor, the lower hourly rate did it in 11 hours, but the more expensive hourly rate contractor did it in just 10 hours. That's actually the lower cost to go to the higher rate contractor. That's the situation we have here. We know that for two reasons. One of which I've already alluded to. Davey has been doing this work for 13 years. In 2006 the contract got bid in the same manner and davey delivered its work at a thousand dollars less per mile less than the supposedly lower bidder based on hourly rate. Asplundh. We also know that from the bid themselves, while it was mainly done on hourly rate, there were benchmark rates in those bids. If you look at the handout that came out there, under -- under that -- that top section, cost bid to clear the electrical lines, that's a benchmark rate that's actually the cost to accomplish the work rather than a cost per hour. And you will see there that, yes, asplundh came in at the lowest rate, \$330 per foot, but in that situation davey is the second lowest rate. This is a contract that's going to be let to the two lowest responsive bidders or the bidders in the best interest of the city. Davey has historically demonstrated that it's actually the lowest bidder and even the information that's in these bids shows that it's one of the two lowest bidder for the cost for the actual work done. There are other reasons this is in the best interest of the city. Davey is shown on those hourly rates, which is broken out in the bid tabulation by all of the position, paid substantially more to its worker than the other bidders. That means more of the they's spendings get injected back into the local community and instead of going sent off because they are all three nationwide companies. Finally, I talked about the minority-owned and women-owned business participation. You look at the bid tabulations, and davey far exceeds the minority-owned and women owned participation. Historically, on the last five-year contract, davey met or exceeded those benchmarks. If this -- if this contract is let as proposed in agenda 44, it's going to cut that participation by about half. So this is something that's not in the best interests of the city. What should happen here is what we're asking you all to do is to direct that these bids be rehe felt straighted, not based -- re-evaluated not based on the hourly rate but to reflect the cost to the city on the amount of work done to determine who is the lowest bidder. We believe that can be done from the bids that are out there as they exist. In the event it determined it can't be done, we think it would be best to simply throw them out and rebid it, rebid it in such a manner that we can determine what the actual lowest cost is. In the past when this was bid on the hourly rate it didn't reflect the lowest cost to the city. This time we have more information, historical information from the last five years of contracts, showing what we think can be done and think these bids should be re-evaluated rather than awarded as proposed. If not, we would ask that you rebid them.

>> Thank you. Councilmember spelman.

>> Spelman: I have found this sheet that you were alluding to, did you produce this?

>> Yes, I did.

>> Spelman: How did you find the prices per square foot for asplundh and wright? The price per linear foot, actually.

>> Spelman: I'm sorry linear foot.

>> Linear foot of electrical line. Those are actually some of the bid tab items that are in the bid items. I have those with me if you need to see them.

>> Spelman: There were other bid tab items, i presume.

>> Yes, these are items, i 1 and 2.1.2. I have plenty of copies. If they are tabbed or highlighted for those items, if you would like to see them, we would be happy to.

>> Spelman: Sure, go ahead. Thank you, sir.

>> Sure.

>> That's what I was talking to, are the additional information in the bid shows the actual cost of work performed as opposed to the hourly rate.

>> Mayor Leffingwell: Any other comments? Those are all of the speakers that we have. Thank you.

>> Thank you.

>> Mayor Leffingwell: I will entertain a motion on item 44.

>> Spelman: Mayor, I would like to ask a question of our staff first, if I could. You appear to be ready and waiting to answer a question, let me ask you one, give you something to do. I understand there must be more tabs associated with this, because if we were making our decision on the basis of linear feet, looks like asplundh, davey, wright therefore wright would have been left out in the cold and not davey. There may be something more complicated about this, i wonder if you would tell us what. Byron johnson, I can't see that, but it is an extensive bid tab. It is a fairly significant piece. We also have somebody from austin energy here that can talk about very specific items. But you are correct. There are more items in there. In fact they are not the low bid. They have done great work and yes they have gotten other contracts in the past with us. But there is a more extensive bid tab, yes, sir.

>> Spelman: The people from davey mentioned that davey has in fact done the we, for less than the bid. And that they were actually cheapest per linear foot or for other -- other measures. Than asplundh our other contractor. Is that accurate from your experience.

>> Let me get somebody from austin energy to directly speak to that.

>> Sheryl.

>> Yes, sir. Sheryl, chief operating officer of austin energy. We do track the -- when we did the last solicitation, we only received two bids, asplundh and davey. We did have a desire to have two contractors in our service territory. Even though davey's prices were a bit higher, we did opt to keep two contractors working. We do track on a regular basis what the price per linear foot is of our contractors, I think that historically davey has been very productive. I think in our last report we actually found that asplundh price per linear foot was lower than daveys actually. I think in the beginning of the five-year term they were priced per mile or foot with performing at a higher rate.

>> Spelman: Was there a way in the solicitation of the offer for -- for historic differences in productivity to be taken into account?

>> No, not really. I think that one of the things that we do, we were pleased, that we've had problems historically of getting people to bid into city of austin for this particular skill set so, you know, there really isn't a way to look backwards at past performance on a bid contract.

>> Spelman: Sure, the way we bid it is all prospective.

>> A list of services, a list of equipment, unit pricing as well as hourly pricing, all of those things go into that complex bid tab that byron referenced.

>> Spelman: Hypothetically, is there another way of writing this solicitation which would have taken into account historic differences or perhaps differences in productivity from other cities?

>> I think that I would have to invite byron johnson back to talk to the specifics of any purchasing mechanism that might achieve that.

>> Spelman: Okay.

>> You can't -- you need to look prospectively forward. You can't say that this has happened in the past, again, because first of all davey's hourly rate has changed from their last contract to this contract. It's a competitive process, you really need to be able to have a fair and open competition, so what you do is you look at what everybody's rates, you try to make a scope of work that everybody understands, you try to go through that one and then you take their work. We do look at the fact of whether their work was unsatisfactory or satisfactory and it was satisfactory and all of the companies appear capable of doing the work. It's not a question of that. But you really can't say well, we've done this in the past, so let's apply it and let's give them a contract, even though they are a higher rate for a future contract. That wouldn't be fair to the other bidders.

>> Spelman: I understand. Also would be consistent with state law.

>> That's a correct statement.

[One moment please for change in captioners]

>> there was a second contract that was a different type of transmission lines and distribution lines as two different bids. That gives an opportunity for people to bid on the contracts with hopefully more companies awarding. We also thirdly broke out standard tree trimming or non-line clearance as another contract that would allow other people to do that one that would allow more companies a chance to be involved. So we looked at that approach, met with a community and the community said yes, this is a good approach to do this. Let's be objective, let's not be subjective, and let's try to get as many companies involved as possible.

>> And monday and wright were all involved in that?

>> We invited every one of those and subcontractors to the meetings?

>> So phlebitis of the apple, low bid, that was more amenable then than an rfq process would have been.

>> That's correct.

>> Thank you.

>> Mayor Leffingwell: Councilmember spelman moves to approve item 44. Is there a second? I'll second. Discussion? All in favor say aye? Opposed say no? It passes on a vote of seven to zero. I'll call up item number 56. Citizen speakers, beginning with paul saldana. Donating time is juan arivedes. Carol hadnot is here. So paul, you have up to nine minutes. You're listed as neutral.

>> Good afternoon, mayor and councilmembers, my name is paul saldanas. I'll make this very brief. You might recall that last time we came before the council and brought up our concerns regarding this particular contract, really more specifically the inequities as it relates to the distribution of funding for the minor trade associations. advisory committee met last week and I'm happy to say that i think we've come up with a good resolution that you will hear from staff today. I just wanted to -- I know we have a representative here from the m.b.e., w.b.e. Advisory committee that will speak to resolution that they passed, but basically i just want to give you what the discussion was. The resolution that the advisory committee passed involved three operative parts of the resolution. One was that we direct staff to address the disparity of funding for the minority trade associations. And that they look at increasing or basically mirroring our funding similar to the funding that the minority trade association has received -- minority chambers received. So in other words, they're recommending that the minority trade associations receive a multi-year contract based and structured like the minority chambers, which are basically a three-year with one-year options, so a total of five-year contract. They didn't specify the dollar amount. I think we've agreed to go through the budget process as you start your budget hearing process for the next fiscal year. The other part of that resolution is that they directed staff or recommended to staff that they initiate some type of a study to look and address the overlap of services that are provided for small businesses. And then the last aspect of that was that the contract that's before you today be approved to only fund for the remaining fiscal year of this year. So instead of you approving a contract for a multi-year contract for the almost 800,000-dollar amount, their recommendation was to fund their contract to the end of this fiscal year for a

total amount of \$43,000. And that would allow all of us to go through the budget process and for staff to look at the issue of equity in the districts of funding, but also to assess if there's any overlap in services that are provided for small businesses. So we agree with these recommendations. I also want to make it clear we are okay with the university of texas receiving their funding. We actually learned that they have several contracts with the city of austin and receive funding from several city departments for different initiatives. Our issue is not with the university of texas professional development center. We think they do a fine job. I wanted to make sure and make that clear. So I'm hoping that part of your motion today will be to accept the resolution that , advisory committee and that we will go through the budget process and come and speak to you during the public process and work with city staff to determine what funding amount would be most appropriate for our minority trade association. So I really want to thank you all for listening to us. I want to thank the staff. I think the meeting was very insightful from the perspective that I can't recall ever a time when we had all the different programs and services and city departments who provide services to our small businesses in the same room together, so if anything, we learned a great deal from one another. Most importantly, we're all saying the same thing, a lot more commonities than differences. So I really do want to thank you, I want to thank the city manager, kevin johns and your city a staff. Thank you. I'll be happy to answer any questions you may have.

>> Martinez: Paul, can you do back and remind me you said that the advisory from the committee was to -- that the recommendation from the committee was to authorize funding to get to the budget cycle at the end of this fiscal year?

>> Their resolution basically acknowledges that there has been a disparity in funding and their recommendation was that the funding for minority trade associations mirror that of the minority chambers, which are basically three-year contracts with annual extensions up to two years, I think, so for a total of five years. We dent specifically talk about a dollar amount. What we said is we'll go through the budget process, we'll submit our request. City staff has our budget request that we submitted last year. We'll submit the same dollar amount. But the contract would be structure and mirrored like the chambers, like all the other ones that are with the city of austin. The other aspect of that, councilmember, is that the staff look at doing some assessment of the continuum of services that the city of austin provides for small businesses and to determine whether or not there's any overlap. And we had that discussion at your subcommittee. It may be okay for there to be overlaps because I think training and services are very customized to our members or to our constituents, if you will. And then the last part of that was that the contract before you, that you fund them that would give them enough funding to do the training for the classes that they've already set up. And I believe that dollar amount I think lowenburg, the chairman of the committee, came up with the recommendation of for \$43,000, which would allow them to basically carry out the training classes that they've scheduled up until the end of this fiscal year until september 30th. But that all of us at the same time will go through the budget process to determine and assess what the appropriate funding would be for future fiscal years. And I think if anything that equals the playing field for everybody. Everybody goes through the same process. And if anything, it encourages the staff now to coordinate their services and how they fund and how they coordinate programs and services with all the service providers because clearly the left hand wasn't talking to the right hand. I think finally we got everybody at the table and we're all saying the same thing.

>> Thank you, paul.

>> Mayor Leffingwell: Aaron gutierrez? Donating time is kimberly

(indiscernible). All right. So you have up to six minutes.

>> I just want to say my name is aaron. I'm with the university of texas professional development center. Part of continuing and extended education there at u.t. Just to address a little bit what was spoken about, i just want to point out the contracts you were just mentioning that we do have multiple contracts with different city providers. In the last city council meeting, documents were presented that had a breakdown of our contracts that showed we might have had an increase in almost \$2,000 -- 2,000 percentage increase in funding. And I just want to point out to you that the contract that we currently have with the egrso, economic growth services, is three years. We're actually in our third year right now. So one that's on the proposal now is for three more years with one year options. What we've done in the past is we also have had contracts with different city entities, the communication and tech management with the solid waste services, even with a.p.d. We as an organization provide training. One thing I want to point out is our organization is a self-sufficient organization, which means we are a 19 account, which means we don't have any grant fund. We have to make our budget every year and provide those services. One thing that we do with that is we do service agreements, so the city is one of those service agreements that we currently have. For example, the contract we currently have right now is -- it set for a certain amount per year based on a number of trainings we can provide. If we do not provide those number of trainings, we do not get the full amount of the contract. So for example, we do have a contract right now, I think, and if you look at the amount I think it's \$36,000, but we've only received from them so far is less than 5,000, just based on training. If they need a class they will come to us since we do have a contract with them and we provide the content expert with their experience and expertise and will provide training. One thing I want to just point out again is we -- every class that we offer, whether it be with the city or the ones that we do as public offerings, whether it's a human resource class, we do evaluations on every program. So what we did is we'll ask for our students to evaluate what they're receiving and we have those numbers and we do our research on them. One of the things that we've done with the city contract that we have right now for the small business development program is we've increased the number of trainings from the previous vendors over the last two years. We're currently in year number three. We feel our approval ratings has gone up each year we've been doing it as well. Every class get an evaluation. So /the city/constituent does get those as well as the ones that we have with our public offerings and anything else that we do. We also offer for training purposes is we are an open program for everybody. Anybody that wants to attend our classes, it's free -- they can attend our classes. We do charge for some of them. Obviously the city has a small fee they charge for these classes for small business owners, but /being/(ing)about somebody that's been there for i think the last two and a half years of training, it's a really diverse mix of students that come to our classes. Our programs for the small business, for example, range from any topic of getting up and run, managing your taxes, managing people, and so it's a diverse group that's there. I would say just based on the numbers that I see that it's almost 70% of any minority that is at the program, just learning the classes. One thing that we've included as well is we tried to have other program that are open to, for example, we have a medical technology program. And it's for -- it's actually medical interpreter training seminar. So

there is a language barrier for doctors and patients. That's a program that we actually do have in the public offering within the professional development center. Another program that we're offering now is our paralegal program. We've been doing it for two years now. We also have a paralegal program in spanish specifically. If you need any numbers I'll be happy to provide those. I think you've given -- we've given you copies of that data and shows the number of classes we've had the last two years, over 60. And also we went from 800 students the first year to over 900 students the next year and we'll probably be over a thousand this year and we want to continue that with the training that we will have for the future contract. One thing to point out, the CONTRACT ENDS MAY 31st. So starting june 1st there are no classes scheduled. We currently do not have anything on the table. So we have a tentative schedule we were looking at, but nothing has gone forward because the contract is still in limbo. So we currently do not have ANYTHING AFTER MAY 31st. Normally we would have a contract, it would be for the year, june through june of 2013.

>> Mayor Leffingwell: Questions? Councilmember martinez.

>> Martinez: I don't have any questions. We've all just been passed out a memo from our chief of staff who is over at smbr, and it is the information saldana was referring to from the , small business advisory committee and their recommendation, which was to fund the \$43,000 for the classes that have been scheduled through the summer, which would fund the program through september 30th, 2012, aligning them with the budget discussion and allowing everyone to sit down and come under the same timeline with regards to council's decision on funding allocations. So I will move approval of the advisory committee's recommendation.

>> Cole: I'll second.

>> Mayor Leffingwell: Councilmember martinez moves approval of the advisory committee's m.b.e., w.b.e. Advisory committee's recommendation. Seconded by mayor pro tem.

>> Cole: And I have a brief question of ms. hadnot, please. I just wonder if the black contractors have been a part of these discussions?

>> Yes. We were at the meeting last week.

>> Cole: And so I'm assuming that you're in full approval.

>> No. We approve this.

>> Cole: Okay. Thank you.

>> Mayor Leffingwell: Further discussion? All in favor say aye. Opposed say no. It passes on a vote of seven to zero. I'll call up item 68. There's one speaker signed up, pulled off consent by councilmember morrison. The speaker, if she's here, jen studebaker. You're right, you didn't. It was pulled for executive session. Jen studebaker. She is not here. All right. So I'll entertain a motion on item number 68. Councilmember morrison moves approval. Seconded by

councilmember riley. And let me just ask the attorney that's here, the city attorney, I just want to know if you need additional direction on this or if you're good.

>> None at this time.

>> Mayor Leffingwell: Thank you. Further discussion? All in favor say aye. Opposed say no. It passes on a vote of seven to zero. That brings us to item number 69. 69 Is november 2012, ballot item to provide for appointment of the city attorney by the council. One speaker is -- no signed up not wishing to speak. Councilmember morrison moves approval. Seconded by mayor pro tem cole. Further discussion? All in favor say aye. Opposed say no. It passes on a vote of seven to zero. That brings us to item 79, and that was pulled by councilmember morrison. We have two speakers -- one speaker. I don't think she's here. Jen studebaker? Not here. So that's all the speakers wishing to speak. Councilmember morrison.

>> Morrison: I defer my comments to others that might want to speak.

>> Mayor Leffingwell: Mayor pro tem cole.

>> Cole: I will have hawk and sabina so maybe they can start making their way to the podium. That was an item that i brought with councilmember spelman in the interest of trying to do due diligence in preparing for a potential election on single-member districts by starting that process because of some advice that we had received that we would not be able to reach -- have an election by november '13. And I wanted to ask faulk to just briefly outline some of the procedures that would have to happen to actually implement a change in our structure.

>> I think we've touched on this a couple of times before, but it's been awhile and it is complicated. The section 5 of the voting rights act requires that every change in voting practice, procedure or standards be precleared. That means the department of justice, which is the usual way that you get preclearance, reviews the change and on the basis of materials that you provide in the preclearance submission to them, either approves it or disapproves it. Section 5 makes it illegal to implement that change unless it has been precleared? Calling of the charter amendment election that you have scheduled for november or will call for november, will be a preclearable event. So the actual calling of the election will be required to be precleared. That should be pro forma and not really present any issues. The substance of any charter amendment that affects voting will also have to be precleared and as a general, practical rule you can't submit that and ask the department of justice to preclear it until it's passed?

>> Cole: When you talk about an item that has to be are precleared, this particular resolution dealt with simply beginning the process of forming an independent advisory committee. So I'd like you to say a little bit about an independent advisory committee as opposed to an independent committee.

>> I was going to get there in a rather long-winded way.

>> Cole: That's why i stopped you.

>> The notion that as i understand it that council faced was that because the substantive change that they anticipated the change to single-member districts would itself have to be precleared. And then any plan that was developed by whatever mechanism was called for would itself be another preclearance event. And when you take into account that doj gets a minimum of 60 days for consideration of a preclearance request and you add that time together with the time for the process of doing all the things that have to be done to develop a plan, you very quickly come to the conclusion that a substantial amount of time is involved to get to a final precleared districting plan. And if the council's concern, as I understood it, was to try to have everything on a new plan to see what the situation would be, to have everything for a new plan precleared in time for a november 2013 election, if the may to november ballot item were placed on the charter amendment ballot and were passed, what would be involved? And when you look at all of the time elements you very quickly come to the conclusion that it's very tight to get that process completed and precleared by the time, for instance, that fund-raising would begin six months before the november 2013 election. As I understood it, the proposal for a taskforce to begin now, an advisory body to begin now, was an attempt to see if some of the initial legwork could be accomplished so that if and when a charter amendment going to single-member districts passed this november, you would be able to shorten the time frame for getting all of that post-charter amendment work and plan development work done in a timely fashion and in a way that might get you to a november 2013 election date.

>> Cole: And so, if we were to pass some change in our governance structure on november 12th, 2012, then we would be on a very difficult timeline even though this doesn't speak to what structure that would be, regardless of that structure.

>> I think that's a fair characterization. While I will not say that it's absolutely impossible to get to november 2013 election, depending, of course, on what the structure you -- that gets passed would be, it would be very difficult. If, for instance, a proposal of the character that we understand is being circulated by the austin

(indiscernible) for geographical representation were to make it on the ballot and pass, that proposition has a very elaborate process both for the selection of the independent redistricting commission it calls for and also for the process that commission has to go through to develop and ultimately adopt a redistricting plan, a districting plan. That includes lots and lots of public hearings. And when you take into account some of the time frames that are specified there, you find that it takes something on the order of about a minimum of eight to 10 months just to complete the process.

>> Cole: So in your estimate if -- I'm just trying to actually nail this down with some time lines and how long that would be. If single member districts passed on -- on november the 12th, and even if we managed to get started under the agr proposal, it would be eight to 10 months before what?

>> Before you would be in a position to have a precleared plan in hand. And if you started right after the canvassing of a november election, that eight or 10 months would put you very late into the summer before you had a precleared plan or a plan to propose to doj. It would be very difficult, I think, to complete all of the process that is called for and do it in a deliberate and

carefully considered manner to get to a november 2013 election date. Let me remark that the agr proposal is, I understand it, contemplates a may 2014 election. So it has enough time built in to its process and there is enough time between the november 2012 charter amendment election and a may 2014 council election to complete all of that process. Were there a different single-member district process called for, we don't know shape and character would have, but it would presumably have some of the same kind of elements. If it called for redistricting commission, there is some kind of fairly elaborate selection process that takes time. You understand that regardless of the form developing the plan takes or by what body, there are going to be a number of public hearings and iterative processes as whoever the deliberative body is, considers plans, reacts to comments from the public, adjusts the plans, has more hearings and finally gets to a final plan. So the time frame perhaps could be abbreviated, but probably, again, to guarantee a process with deliberation and public participation, probably not going to be a lot shorter than the process envisioned in the austinities for geographic representation proposal.

>> Cole: So how, if we also put an item on the charter to move the election from may to november, and that item passes, what impact would that have assuming the agr item also passes?

>> I think it would be difficult to go through the agr proposals process in a time that would get you to a november 2013 election. Certainly could get to a november 2014 election. There would be plenty of time for that just as there would be plenty of time in the proposals process to get it to the may 2014 election. I think getting to november 2014 is not a problem under that kind of a process, but it might be very difficult to get to november 2013 election under that process without having to truncate fairly significantly some of the application process that's called for for the independent redistricting commission or some of the process that involves the development of the plans and the participation of the public and comment periods, public hearings and so on.

>> Cole: Okay. Thank you, sid. fox, I'm sorry. I brought this item to try and clarify a very complex issue, and it doesn't look like passing it at this time is going to actually do that. And we have a lot of issues on the table that until some of them start to unfold, we're not sure how to proceed. So I'm going to go ahead and make a motion to postpone this item without action indefinitely.

>> Mayor Leffingwell: Mayor pro tem cole moves to postpone indefinitely.

>> Spelman: I have further discussion. Let me just close the circle. The reason for this item was to get started early, recognizing that if agr passes or some other proposal for an independent redistricting committee such as was recommended to us by the charter revision commission passed on in november, we'd be still facing something like eight months at a minimum, plus a couple of months at the front end and at the back so we wouldn't be really able to get to november 2013. The idea for this was to get started early. If we were to get started early and pass this item, establish a committee along exactly the same lines as the charter revision committee suggested, and as far as I can tell along exactly the same lines as austinities for geographic representation is suggesting, would that committee be able to continue its work past november and just fold over into a charter authorized committee to finish that work? Is that a legal possibility?

>> I think there are a number of obstacles to that. The process -- I'll just use the agr proposal as a model because it's the most detailed thing that we're looking at. It calls for a very specific process to be undertaken in order to choose the members of the independent redistricting commission. And even if you have done something in parallel prior to that, I think it is at least arguable that that does not satisfy the new process that is called for.

>> Spelman: New process is very specific. This is per force different from that process, because we're looking at a different date, may 14th rather than november 14th. And one can argue we can't do it this way.

>> That's true.

>> Spelman: Okay. Would the same thing apply for -- well, we have the same problem with hitting november 2013 with anything involving an independent redistricting committee. We could, if agr does not get on the ballot or it gets on the ballot and does not pass, presumably we wouldn't have that barrier. We would have more flexibility because something that the city council put on the ballot could be different. Of course don't have control over whether agr gets on the ballot or not.

>> That's true. And it is certainly true that another proposal could have shorter time lines, could be more flexible about adjusting time lines or having a more abbreviated process either for selecting the committee, the independent redistricting commission, or for the process itself. It is possible to do a redistricting plan from start to finish faster than is called for in the agr model. At some point it becomes practical as well as a political question how much process do you want to have for the benefit of public participation? And when you start to look at what I imagine is going to be a process that is fairly actively participated in by the citizens in this town, especially the first redistricting, I think as a practical matter -- not necessarily a legal one, you would want to err on the side of having more process, more opportunities for inclusion and for participation rather than fewer. And if you few that as the appropriate approach the time frame for getting from a november election in 2012 to a november 2013 election with a precleared plan at hand in some point not terribly different than the time at which fund-raising, for instance, begins six months ahead of the election or even somewhat after that is a very tight time frame.

>> Spelman: So if we started november, we probably wouldn't be able to make november 2013. We certainly wouldn't be able to make it under the agr time frame. It would be very uncertain as to whether we could make it and have any kind of independent redistricting commission at all, or along the same lines as has been recommended to us by the charter revision commission. And it is not practically possible for us to start now and have that same people fold into an independent redistricting commission authorized by the charter. Are all those statements accurate?

>> I think that's a fair summary.

>> Spelman: Okay. So we tried, we can't make november 2013 is what you're telling me. If we wanted to have an independent redistricting commission as a centerpiece for a single-member district proposal.

>> You're asking for a lawyer to give you an absolute answer?

[Laughter]

>> Spelman: Would a reasonable person believe that this is a practical possibility, in your opinion?

>> I believe that you would be rushing the process to get to november 2013.

>> Spelman: Okay. That is a political question, but as we all heard a couple of hours ago, more people participated in our comprehensive planning process even than portland, oregon. So I suspect that the process is going to be an important part of anything we do in order to come up with single-member districts.

>> I agree with that.

>> Spelman: That wasn't a legal question, but I'm glad you agree with that. Thanks very much. Let me say one more thing, mayor, if I could. The reason -- actually, I do have a legal question for you. We just passed on a 7-0 vote an ordinance that puts on the charter a movement of the general election date from may to november. So we'd strike may, put in november in the charter. What does this mandate that our next election would take place in 2013 or 2014 or when?

>> As I understand the draft, which I've just gotten a very bare glimpse of, but the notion of moving from may to november does not without other action change the election cycle that you're already on. And there are, as i understand it, none of you up for election next year.

>> Spelman: That's correct.

>> So a november 2013 -- if you moved may 2013, which doesn't have anybody running, to november 2013, it wouldn't have anybody running either. So we're looking at a november 2013 first election date, unless some other provision calls for an earlier election.

>> Spelman: Okay. Thank you, sid. Mayor, the reason I bring it up is because we're on the horns of a dilemma. If we have moved from may to november, then there is two ways we can do it. We could move forward, move from may 2014 to november 2014, and that has the effect of lengthening the term of three of our number. I have no problem whatever with that personally, but there may be a political liability associated with that in the sense that some people who would otherwise be predisposed to vote for a november election may be less willing to vote for it because it is also going to have the side effect of the terms of city councilmembers. The way to do that is move from may 2014 back to november 2013, reducing the term of three of our number by six months. That would alleviate the political fallout. On the other hand, that is a practical impossibility if what we want to do is include an independent redistricting commission as part of our single-member district proposal. And hope it passes. So we're kind of on the horns of a dilemma here, and what sheryl and I were trying to do is get us off of that dilemma by speeding the process up. Since we cannot speed the process up, that's also a practical impossibility, it seems we're stuck on that dilemma and we'll have to decide how to handle it.

>> Martinez: Mayor?

>> Mayor Leffingwell: Councilmember martinez.

>> Martinez: I appreciate the questions and comments. That's what I was trying to refer to earlier and i appreciate you legitimate us clear that up and go into executive session on it. The only question I would have is why would we be approximate postponing it as opposed to just withdrawing it? I think a postponement signifies that it may come back at a later date and if it were to come back, based on the questions I'm hearing, it would be more than likely be very different than what is on the agenda. So I would prefer withdrawal rather than a postponement, but it's just a suggestion. You guys have made --

>> Cole: I'm happy to do that, mayor.

>> Mayor Leffingwell: Mayor pro tem wishes to withdraw her motion.

>> Cole: I withdraw my motion.

>> Mayor Leffingwell: And the item. And if there's no objection we will withdraw this item from the agenda. All right. That takes us to item number 81, pulled off the consent agenda by councilmember morrison. We do have two speakers.

>> Morrison: I'd be happy to hear the speakers first, member.

>> Mayor Leffingwell: Todd wicker sham. And donating time is in this case riza. Nick apparently not here. Todd, you have three minutes.

>> I will attempt to be very brief. My name is todd wicker sham and I'm currently working with the local solar industry. And we thank you for considering creating a local solar advisory committee. We ask for your support for that. We believe it will ultimately increase the number of jobs here locally. It will lower utility bills for austin energy ratepayers and it will maximize the benefit for our community. There's a number of manufacturers here, installers and others. The committee itself is a great cross-section of different people in our community. We've got c care, the chamber, members of the solar community, both manufacturing people, installing people, component people, as well as citizens, ratepayers and others. So I greatly appreciate your consideration of this committee and ask for your support. Thank you.

>> Mayor Leffingwell: I will say that I totally 100% support this item. I support the creation of a local solar advisory committee. I do have concerns about not giving all councilmembers an opportunity to nominate persons for this committee as we traditionally do for taskforces like this. Councilmember morrison?

>> Morrison: Thank you, mayor. I'm excited about being able to move forward with this resolution. I appreciate everybody that's been part of trying to put it together because the bottom line is we have differing perspectives among people in our community, among our staff members in austin energy about what we truly can accomplish in terms of local distribute the solar in the

city of austin. And what we've come to is a great common ground that let's constituent sit down, let's do some real analysis and let's come up with a common understanding and recommendation with a plan that we can actually achieve so that we can achieve the growth of the solar industry that todd mentioned as well as great environmental aspects of being able to be self-reliant on our energy. So the -- everyone, if you'll look at the -- we have a yellow version of the resolution on the dais. There's two other changes in the resolution from what was proposed. One is it changes to 13 members on the committee and the other thing it does is in case of vacancies, rather than coming back to the emerging technology committee, based on a recommendation that it would be a lot less unwieldy to have the committee itself just fill the vacancies, we've changed it to that. So the intent of this is fully that even though we don't have austin energy staff on the committee because I guess we don't put staff on committees, they are absolutely integral to making this work and coming up with a recommendation. So we are relying on the city manager and the general manager of austin energy's support on this and we want to make sure the understanding is that we want -- what we need is a report back and a recommendation back that is embraced by staff and the committee and so that's what we're looking for. With regard to the committee itself, the members of -- yesterday in our emerging technology committee meeting, councilmember riley and I had worked on coming up with, first of all, a breakdown of how to actually get categories of different perspectives that we need. For instance, different perspectives in the solar industry as well as different perspectives from the community, including economic development, consumers, including industrial, commercial and residential, etcetera, as well as someone from the resource management commission and the electric utility commission. So this is a case where we needed to fill certain spots and identifying those folks was a really big job to make sure that we got a different speaker architect active. -- Perspective. I do want to remind my colleagues that I can list off a variety of times when we have taken a different approach than just one councilmember, one appointment for groups that we have identified. With the comp plan taskforce, that was a recommendation that the comprehensive plan and transportation committee brought to the council, and this is a recommendation, of course, anybody is willing to suggest amendments -- anyone is able, of course, to suggest amendments. Our transportation mobility bond committee, that was actually created by three specific councilmembers that didn't actually make up a committee. The airport advisory committee was just brought to us, basically worked through one councilmember. And brought to us. And then of course, my FAVORITE, the McMansion taskforce was something that councilmembers -- three councilmembers worked on and brought to the council. So I don't think that there's anything out of the ordinary here, especially because the makeup and the balance of the divergent perspectives is so critical to the success of the committee. Without that I'd like to move approval of the item as identified a the motion sheet.

>> Mayor Leffingwell: Motion by councilmember morrison. Councilmember riley?

>> Riley: I'll second that. And mayor, if I could, just to add a word. I completely agree with the comments of councilmember morrison and just to add a little bit to that, I think it's important to recognize that we currently have a very healthy and thriving solar industry here in austin with some very talented, thoughtful and creative folks who are eager to work towards the betterment of the industry. And so in shaping this taskforce -- and let me say at the outset that the whole concept for this taskforce came principally for folks we had been working with in the solar industry and not just from council. And as we sat about trying to shape this committee we

worked actively with all the folks who had been involved in discussions. Principally related to the rate case, but also related to a number of solar issues that are pending currently. So we talked with the folks who were involved in that to try to get a good idea of who should be at the table. What are the important perspectives, the need to be considered as we go about reshaping our solar program. And there was a lot of very thoughtful consideration about what different perspectives needed to be present as part of that discussion. I think it's fair to say that within the committees -- there were certainly others that we might have liked to include on this, and -- but we respected the interest of the committee in trying to keep this to a workable size and maintain an appropriate balance of the different perspectives. So we tried to respect all of that input and come up with something that would empower this committee to work effectively towards a good balanced set of recommendations for the betterment of the industry. And I'm satisfied at the results of what we've come up with, but I certainly welcome any input from other councilmembers who would like to contribute their perspectives.

>> Spelman: Mayor?

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: Like my fellow members of the emerging technology committee, I am wholeheartedly in support of this resolution. My regrets that I was not able to make it to the meeting yesterday. Had I been there I would have voiced this suggestion then, but I'm going to voice it now instead. And that is that I believe that this is exactly the right committee with two exceptions. It does not include -- seems a lot of what this committee will be talking about is the potential for third-party financing and third-party ownership of solar installations. Having representatives of the biggest rooftops is going to be an important part of the work of this committee, I suspect. And the two classes of big rooftops that are not currently included that I think we might want to include are big commercial buildings and large multi-family residential buildings. And allow me to suggest a representative for each of those two categories. John sutton from the building owners and managers association of austin. And sunshine mathen from sunshine communities, representing not only multi-family residential units, but also nonprofit perspectives, which are important whenever you're talking about third party financing but tax incentives or the lack of have a large bearing on the availability of solar installation. So I'd like to make that as a friendly amendment to add those two names.

>> Morrison: I would certainly accept that as a friendly amendment with the addition that we change the number of 13 to 15.

>> Mayor Leffingwell: Councilmember riley. He also accepts. Councilmember martinez?

>> Martinez: I appreciate the work of the committee and certainly want to be supportive of the work you've done and the recommendations. Can someone tell me what the ethnic and gender diversity of this group is?

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Well, I'm jumping in here to say off the top of my head no, i can't. Although I can -
- I can tell you one thing, the gender diversity is not great.

>> Martinez: And it appears such. I don't want to make assumptions either, but it also appears to be ethnic -- not very ethnically diverse as well. So I would have concerns. And I wanted to ask is there an impetus behind adopting this today or could we postpone it to the next council and still meet time lines and goals and things set for us?

>> We do have --

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: We do have one time could not strait in here we're working to. I'm open to adjusting, but we wanted to make sure that the final recommendation comes to the city council prior to the start of the 2012 resource generation and climate protection plan update, which I believe is -- we're talking about -- I think I heard november for that. We would have to ask staff.

>> Martinez: And maybe it doesn't need to be postponed. Let me ask another question of the committees. Was there any outreach to our minority trade associations? I see that you have a chamber -- a greater austin chamber member on here. What about the minority chambers and the minority trade associations? Was there any outreach to those groups?

>> Morrison: The greater austin chamber was involved in discussions because -- mainly because of the pecan street involvement. And we did not -- I am not aware of any explicit outreach to the minority chambers. It was more -- I think we did sort of more of an inside out approach based on these different -- these different categories. I'd be happy to -- if there's some kind of mechanism we can use to adjust things to move forward, but adjust things if we find ways to do that. I'd certainly be open to that.

>> Mayor Leffingwell: If i could make a suggestion that we approve the resolution creating the advisory committee today and then come back on the 24th and discuss the actual composition of the advisory board. And it possibly could be, as we've done in the past, suggesting or strongly recommending that we consider persons who represent the groups that are listed here. That would be one way to address the obvious concerns that have emerged here. Councilmember spelman.

>> Spelman: I understand your concern, mayor. And I'm not sure whether there is a legal instrument to do this or not, but it would certainly be easier and faster if we could. Would it be permissible for the city council to delegate the responsibility for choosing the people on this group to the emerging technology committee subject to some sort of constraints with respect to respecting, I think, diversity and any other criteria that the council would like to put forth?

>> I think that's okay. I think the council could say that they wanted a committee to do it within certain parameters that the council would set.

>> Spelman: Okay. Let me see if I can push you a little further. In faculty meetings at the university of texas we often make decisions on a no protest basis. The way that works is some committee would suggest something and then within a certain period, like a week, the rest of the council would have a chance to voice an objection. Is there some analog to that type of process we can use?

>> Unfortunately, councilmember spelman, no.

>> Spelman: Okay. I just keep pushing until i hit the envelope.

>> I do believe that the council -- the council within certain parameters could say we're going to approve this with the provision that the actual appointment is going to be done by the technology committee, but as far as the full council then objecting, that would have to come back to the full body.

>> Spelman: Okay. I just got a wild hair and decided to pursue it.

>> Mayor Leffingwell: Councilmember martinez.

>> Martinez: There may be a simpler solution. What if we were to adopt this item as is with the main ones intact and appoint them, but allow a provision to allow up to 20 members if necessary. We may not need to add anyone to this group, but if there's a recommendation, then this group could add to their component if necessary.

>> Mayor Leffingwell: So would that be one member -- one person per councilmember, one nominee per councilmember?

>> Martinez: No. Based on the -- because there's 13 in here.

>> Mayor Leffingwell: 13 plus seven.

>> Martinez: But two were just added as a friendly amendment. So up to 20 would only leave five more.

>> Mayor Leffingwell: Why not make it 22 then.

>> Morrison: But, mayor, i think what I'm hearing is a suggestion that will allow us to improve the diversity and that would be done in a described, proactive way, whereas if we delegate one to each councilmember, we won't know what kind of diversity we're achieving or if we're achieving that goal.

>> Mayor Leffingwell: I think we voiced this issue on several taskforce appointments recently. And the way that has been addressed is to discuss it in a work session.

>> Morrison: We have staff here. Maybe we could get some time to ask that.

>> Mayor Leffingwell: Okay. Timing, mr. vice?

>> Morrison: vice, if I may, we were interested in being able to incorporate the result of this committee work into our update and the resource generation and climate protection plan. And so we wanted to make sure we had time to get back. So do you have the timing on that update work?

>> Council, jeff vice, austin energy. I do not. And I was trying to obtain that information, whether or not it was the beginning of november. I apologize. I followed up with the staff that had been working with your offices because obviously it sounds as though perhaps they had indicate when had that date was, but I don't have an answer for you just yet.

>> Morrison: And when we were in our meetings we robgo and s on borne in our meeting and I recall we wanted to ensure this was on a quick timeline. So I would prefer the option this that councilmember martinez suggested, and we can easily call a special meeting of the emerging technology committee to do that, and if there is a way -- I guess, also, city attorney -- for individuals on the council to provide input to the committee members about people that might improve the diversity and be interested in serving on this?

>> I believe then that should be done today in the direction that they give to the committee. I think that as a body, i think the communications need to be -- the direction needs to be done today unless --

>> Morrison: Of the individual names?

>> Or direction about how to do it. But I think individual names I would suggest that you have a non-council person who would do that, not have a councilmember receiving that, maybe a staff person to do that and then forward that information to the -- so there's not discussion outside of an official meeting about that name of a person.

>> Morrison: So we could give direction with this resolution asking councilmembers to provide input to our -- maybe our etg staff member.

>> Correct. Whoever staffs that committee.

>> Morrison: Whoever staffs the committee to provide ideas for individuals to be -- to serve on this committee with a special interest in improving the diversity representation and then the second part of the motion would be that we would increase the size of this committee up to 20.

>> That's fine.

>> Morrison: That's a motion.

>> Mayor Leffingwell: Councilmember riley.

>> Riley: Just so i understand, is the amendment to actually go ahead and increase the size to 20?

>> Morrison: Up to 20.

>> Riley: Okay. I can accept that. What I would suggest -- my impression is the members that we've list heard are eager to get to work. And what I would suggest is that we bring this attention -- this issue to the committee's attention and have them discuss it. It was actually the committee that brought at least to my attention the concern about the size of the committee and what I was hearing was that there was a preference for staying within the 10 to 15 range. But I think they would also recognize the importance of having a diverse group and so I think there could be some discussion both within this advisory committee and at the emerging technology committee about whether there could be any substitutions or additions that would be helpful in adding to the diversity committee. And then those recommendations -- there could be a recommendation from at&t that comes forward to council at its next meeting. But in the meantime the committee could go ahead and get started on its work. I think one thing that is significant is that -- is the addition of language in this resolution that empowers the committee to fill any vacancies. We have recognize that had this committee needs to be able to function well on its own and needs to be in a position to replace members as they drop off for whatever reason. So I think that indicates some level of respect for the autonomy of this committee, and I think that based on that same level of respect for the committee, we could have them consider it and then be involved with their own recommendations on this same subject, and the council could weigh all that and make a final decision at its next meeting, with the input of the emerging technology committee based on discussions at the committee's next meeting.

>> Mayor Leffingwell: Okay. So the motion is to approve the resolution with the change that was, I believe, explained by councilmember morrison and accepted by councilmember riley, and I'm going to support this. Looking at the list, for the most part these are people that I think will do a great job on the committee. And it's not that I have any particular objection. I just wanted to discuss the principle involved. And so I think we've arrived at a good solution to this problem.

>> Morrison: So just to clarify, we're going to in our emerging technology committee, approve this today?

>> Mayor Leffingwell: And there will be additional names -- by a process previously described that will add to the diversity of the committee.

>> Morrison: Thank you.

>> Mayor Leffingwell: Councilmember martinez.

>> Martinez: I want to make sure that we give direction from the dais that we reach out -- that the committee reach out to the minority trade associations and the minority chambers. Thanks.

>> Mayor Leffingwell: All right? All in favor of the motion say aye? Oppose said no. It passes on a vote of seven to zero. Now we're up to item number 84. Item number 84 was -- we don't have any speakers signed up. It was pulled for executive session. Discussion? -- It was pulled for executive session discussion, I believe, 84 through 88. So we'll entertain a motion on item number 84. Councilmember martinez moves approval --

>> mayor?

>> Mayor Leffingwell: Excuse me. Yes.

>> Excuse me, assistant city attorney, for item 84, the ethics review commission, if it's not clear in backup, the effective date for that will be august 1.

>> Mayor Leffingwell: Is that in the item, august 1 is in the ordinance?

>> The version that I have does not show that effective date and I want to make sure that -- that it's clear.

>> Mayor Leffingwell: Okay.

>> Motion by councilmember martinez and seconded by who? By councilmember morrison. With the addition of the august 1st effective date. All in favor say aye. Opposed say no? It passes on a vote of seven to zero. 85. Councilmember morrison.

>> Morrison: I think that we could use some more discussion and work on this. This is the new nine-day before the date of an election reporting. And so I'd like to move that we postpone this until may 24th.

>> Mayor Leffingwell: Motion by councilmember morrison to postpone until may 24th. Seconded by councilmember martinez. All in favor say aye. Opposed say no. It's postponed until may 24th. 86. Councilmember morrison.

>> Morrison: Same for this one. This is about independent expenditures. I'd like to move postponement until may 24th.

>> Mayor Leffingwell: Councilmember morrison moves to postpone item 86 until may 24th. Seconded by councilmember martinez. Discussion? All in favor say aye. Opposed say no. It passes on a vote of seven to zero. And 87? Councilmember morrison.

>> Morrison: This is the item that is up for -- that the city provide a campaign finance database. And I would like to move approval with some input from staff on effective dates.

>> Councilmember morrison moves approval. Is there a second? Seconded by councilmember martinez. All right. Councilmember morrison, we have a question?

>> John steiner, assistant city attorney. The current draft provides that the city clerk shall create a database no later THAN AUGUST THE 1st, 2013. On june 28th, 2012 she is directed to report back to council on the implementation of the database, have an estimate of the cost. And then the general ordinance will take effect on the default did of may the 7th, but parts three and four, which require electronic filing in compliance with whatever the requirements of the new database are, won't take effect until the database is prepared. So that part will be EFFECTIVE AUGUST THE 1st, 2013.

>> Morrison: Thank you. Move approval.

>> Mayor Leffingwell: Councilmember morrison moves approval. Seconded by councilmember tovo. And that is with the -- i don't want to say the changes, but with the things pointed out by mr. steiner. All right. Discussion? All in favor say aye. Opposed say no. It passes on a vote of seven to zero. That brings us to 88. We do have two speakers on this item. Fred lewis? You have three minutes.

>> Hello, I'm fred lewis and I was on the charter revision committee that came up with the recommendations regarding bundling. And basically wanted to say that there are two parts of this, and they're equally important. One is the disclosure. It is my understanding -- i actually haven't looked at the bundling reporting that we do, but that it is very difficult to make sense of. That it's not standardized how people report bundling, so the committee recommended standardization and some basic information be provided and and so that there be transparency in bundling process. The second thing that we recommend it was limits on bundling by registered lobbyists. And let me make it clear that it was only for registered lobbyists and their firm. The reason we focused only on lobbyists is because there is a special situation regarding lobbyists with potential undue influence since they are paid as part of the profession to influence government and because the city has recognized that in the past and has low contribution limits. We propose that the limits -- we propose that the limits be applied for bundling simply to lobbyists and their firms. The second is limits on contributions also apply to bundling. The we have we have limits on contributions is because we don't have an individual to have undue influence or have the appearance of undue influence. However, if an intermediary can bundle together the contributions or lots of contributions, then they have the appearance or actuality of undue influence. And so the problem of a person either giving an amount of money that has undue influence or bundling an amount is similar. And so for that reason the committee recommended in the limited circumstance of a lobbyist that there be reasonable limits on how much a lobbyist or their firm could bundle. Thank you.

>> Cole: Mayor, I had some questions.

>> Mayor Leffingwell: Questions, mayor pro tem.

>> Cole: Hello, mr. lewis. I had a couple of questions. It has been pointed out to me repeatedly, and especially now, and I know you were very involved in the charter revision committee, that there's a direct relationship between the amount of money that a candidate receives and their ability to get out a message and then the number of people who vote so that when austin changed its campaign limits to \$350 per individual, that's when you actually saw a dramatic decline in voter participation. And I just free for all brainstorm, I wanted your opinion on that.

>> Well, there's a huge argument about that. There are lots of cities that have no limits, and/or very large limits and they have poor turnout as well. So I don't think there's any correlation among them. Bundling events, raising money under the limits will continue. The only thing that this says is that bundling by lobbyists will be limited to five contributions per campaign period.

>> Cole: I'm planning to vote for this item. I'm just probing to see how much discussion happens in the committee because i really want to make sure that that rationale is available for the public and that we fully understand it and its implications. So that's the reason -- that's the whole reason for this line of questions.

>> There was a a lot of discussion in the working group. There was some discussion in the committee. I believe the vote on the disclosure was unanimous. On the bundling I think one person voted against the limit. But the rationale is this.

>> Cole: But the person who voted against the limits, which were they thinking? Do you know? Or was the idea -- what i was thinking is that a lot of times it's not known how difficult it is in particular in our races to raise money. And people think you just have money. And a lot of times you have unintended consequences and if you don't have money are you able to -- are you able to run. And there are many of us sitting up here who did not have a large amount of campaign debt and if we weren't able to take it from our own private money we wouldn't be sitting here. But I think the goal of the committee is to make it more transparent and easy so that we're all on a level playing field. And I don't necessarily think that bundler, no bundler, friends or no friends, or volunteer time has to sit in that situation. I'm just hoping that all of that was kind of a part of the discussions.

>> We did discuss everything and people did express views such as that. I think the concern was that we have in austin, we've had for almost 20 years a low limit on what lobbyists can give, \$25. And it seemed ano, ma'amlous to the committee that a lobbyist could bundle, solicit and give to a candidate 25 or \$50,000 with no limits. And that seemed to be a circum vince of what the purpose of the lobby contribution of it was.

>> Cole: I fully agree that the lobbying numbers should be disclosed and it's a different question when you're talking about lobbyists. I just wanted to explore with you kind of the whole campaign finance spectrum because I knew you had experience with that and you were just standing there, so I thought let's have this discussion. We very rarely have it in public and we're doing more of it. And so I just kind of wanted the spectrum of your opinions, and I think I got it on the lobbyists and full disclosure and trying to limit those contributions. But the flip side of that is if you take that off the table, do you also -- what do you do to encourage small dollar donations or ordinary individuals to contribute or is that just a candidate's problem or is it now we have candidates are rich people?

>> There are things that can be done, but that's a long discussion. I do think it's important on to point out that in the runoff we do have the special campaign fund, which has been beneficial to candidates who have made it into the runoff and have accepted its terms.

>> Cole: Exactly! So would you be in favor to increase that fund?

>> Me personally, absolutely.

>> Cole: Just in terms of your opinion.

>> Absolutely. Anyone who has ever heard me knows I favor that.

>> Cole: Okay. Thank you for that. I was just trying to get that out there, because if we're going to place limits on what you can raise we need alternative ways or people can't get out their message and they don't know who you are.

>> I'll say something since you brought that up. When the public funding for the runoff was passed in 1994, there was a provision that said that when Austin Energy's software was technologically capable of allowing citizens to check off giving money to it, that it would be implemented. We have paid millions of dollars of software, it's 18 years later and that still hasn't been implemented.

>> Cole: Thank you. That's good information.

>> And that certainly would help. I'm sure there are at least a few citizens other than myself who would donate.

>> Cole: You're a good donor. Thank you.

>> Thanks.

>> Mayor Leffingwell: Susan Moffett?

>> I'm Susan Moffett, a former member of the working committee. As for our other recommendations the committee believes the provisions in this ordinance are critical to improving transparency and promoting voter confidence in city elections. First the ordinance would require improved disclosure of all bundled campaign contributions. I have tried to use the current system and it requires repeated laborious searches to find and compile information about bundling and making it very difficult for the public to determine the sources or the total amounts of large donations that are channeled through a single entity. Further, bundlers are not currently required to disclose basic information that would allow the public to identify connections that may exist between a bundler, his or her contributors and any registered lobbyists in the bundler's employ.

[One moment, please, for change in captioners]

>> to preserve public process in the confidence, to diminish the appearance of impropriety and minimize the role of political contributions in the legislative and regulatory processes and awarding of oapt to lobby the city council from making contributions to mayor and city council and to office holders, unquote. Despite the current provision of this provision -- many lobbyist or firms circumvent the limits by bundling contributions, effectively gaining the same favor, influence, access or the appearance thereof that our city code explicitly seeks to prevent. The proposed ordinance doesn't ban bundling by lobbyists but it substantially closes this loophole by placing reasonable limits on the amounts they may bundle and it does provide much needed public transparency for bundled contributions in general. If you cannot support this -- excuse me, if you cannot support the ordinance, I would respectfully ask you to please go on the public

record with your reasons, but I do hope that all of you will do austin voters the honor of supporting these important, responsible and reasonable reforms. Thank you very much. mayor, don't let her go away.

>> I'm not. I'm right here. I'm beeping. I want to talk to you a little bit about the stuff I talked to fred about.

>> Okay. because i understand the need for disclosure and undue influence and lobbyists and all of that concerned.

>> Right. and I think we need to do something about it than a make sure it's on ian make sure it's fully disclosed and no matter how much money somebody gives you it shouldn't change your vote but the concern that it will or if everybody doesn't know about it that's a problem. And so I agree with that. I'm trying to deal with people cannot afford to run for office.

>> I understand -- go ahead. even people that are highly educated high income level. And we have people serving -- it's almost the same geographic representation that don't represent the community we serve. So what do we do about that?

>> That's a very big question and fred said and i totally support his recommendations and we should go ahead and add the box to check for public campaign financing. But we did have that discussion at great length both in the working group and in the committee, and our committee included several former elected officials who also said, gosh, it's really hard to raise money if you don't let the hired guns loose. But they all ultimately agreed that that was actually not a good thing for appearances, if nothing else, and that it only applies to paid, registered city lobbyists. So anybody else can still bundle. You know, your best friend can go out and enlist their 50 best friends to max out on you and that's not an issue. What it would cap are situations, which are fairly common, where a firm tells all of their employees, you need to max out because this is the way we're going. And that is something that really does out in the real world make people wonder. And I think that for our system to work, and especially -- this is one of the things that the committee talked about at great length, we are contemplating a really big change in our electoral system, and we don't know if it's going to pass, but, you know, the feeling out there is it has a better chance of passing now than it ever has, and particularly when we're about to have a dramatic restructuring, it is a very important time to make sure that we have a process that is transparent and that really, really avoids the appearance of any kind of impropriety. And I think our city code currently has that very compelling rationale for exactly why we would do that for paid city registered lobbyists only. There were people who said we should apply it to contractors too, and we didn't go that far with it. I think this is a very reasonable place to come down. It does not ban it outright. It just caps it at a reasonable level and it certainly lets anybody else in town bundle. and I just wanted to ask you about two other things because it's not -- it is related to bundling but, you guys also increased the flexibility to retire debt that you had after a campaign. And what was that discussion about?

>> Well, we recommended it, we didn't actually do anything. I i'm sorry, i meant your recommendation.

>> Let's see. The discussion around that was, again, it was interesting to have the perspective of our committee members who were former elected officials and they said yes, it would be really helpful if we could have a bigger amount to deal with, because things have gotten more expensive and austin has gotten bigger and if we could put \$40,000 in our office account instead of 20,000, that would really help, but the corollary to that was the committee as a body felt very strongly that the extra money should not be allowed to be used for things that could be construed as campaigning. And so that was -- that was where they wanted to draw the line there. The yes, we'll recommend putting more money into the officeholder account, but no, it shouldn't give you an unfair advantage as an incumbent to be able to use those funds for activities that could be construed as campaigning. Does that make sense?

>> Cole: yes, it did. And we were kind of wrestling with that line there.

>> Sure. but the other thing that I'm wondering, since you mentioned the change in governance, did you all talk at all about the -- like rules, can you receive funds from people that do not live in your district?

>> You know, I don't recall that coming up, fred. Do you remember? Did that come up? Do you want to hop up here and talk about that. because I'm really curious because in some districts we -- it might be only the bundlers who would contribute.

>> It was discussed in the sense that there was concern, you know, because there were a lot of people who said, oh, if we go to single-member districts that will take the big money out of the races and it will all be good, and several of us pointed out that that actually doesn't do that. You know, unless there is something that said nobody from outside this district can contribute to a race, it could just make those races cheaper to buy. Fred, do you have something to add to that?

>> Unfortunately the courts haven't been very favorable to limits on contributions from people outside the districts.

>> Cole: I didn't know that. Thank you, guys.

>> One of those other decisions I don't favor. one of them, huh? Coal I'm good, thank you. I'll entertain a motion on item -- that's all the speakers we have. Entertain a motion on item 88. Council member morrison moves approval. Second by the mayor pro tem. Further discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0. So without objection I will recess this meeting of the austin city council and call to order the meeting of the tax increment finance board of directors, and we have someone from staff to take us through that agenda.

>> Good afternoon, tif board members, president, vice president and directors. This afternoon we have two items before the tif board. The first is approval of the minutes from the april 5 meeting. The second item is to consider recommending -- excuse me -- consider recommending

amendments to the tif project and financing plan. I would be happy to summarize for the tif board the recommended amendments, if that would be helpful. i think it would be. Go ahead.

>> There are three essential recommendations. One is to increase the geographic boundary of the zone. This would pull the buoy bicycle and pedestrian under pass into the project area -- excuse me, out of breath, ran down stairs.

[Laughter] the second is it would pull the gabe else park 2 phase project into the tif area, which would bring in over 55 million in estimated property valuations. The second recommendation is to increase the project costs and the resulting debt to an amount totaling 8 million -- excuse me, to an amount totaling 20.4 million. And the final recommendation would be to increase the projected property and sales tax revenue that would be coming off of the zone to cover that debt. is that the proposed consent agenda?

>> Yes. council member martinez moves approval, seconded by council member spelman. Discussion? Council member morrison. I just wanted to make one comment. One of those issues that this brought up for me, I'm fine with this change, but one of the issues it brought up for me is just the global question of how much of our property are we eventually planning to tif because there's a lot of talk about different options for financing lone star and urban rail and all of that, and I did have a good chance to chat with staff, and as i understand it, that sort of overall tifying discussion is on the table and we should expect to be hearing something about it and having a discussion about it. I guess next at audit finance, as I understand it. Is that correct?

>> That's my understanding.

>> Morrison: that's fine. Because I think the point was made when we had our discussion about this item last time that we do have to realize that the money that's going into the tif would otherwise have been going into the general fund so there has to be a good foundation for that. But if we're going to tif up to 5%, which is our current policy, and there are some other bigger numbers being thrown out there of our valuation, that means we're going to see a decrease in our general fund directly from that also. Now, I know there are arguments that the tif then generates property value increases, so it's a circle, but it is something that we need to be careful about and plan for. So I appreciate staff's work on this and I look forward to having a conversation. all in favor of the motion say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0. So without objection this meeting of the tif board of directors is adjourned. We'll call back to order this meeting of the austin city council and we'll go to our final briefing, which is 96, the recommendations from the leadership committee on permanent supportive housing. Oh, I'm sorry, that item was postponed earlier today. So we'll go to our zoning -- pardon? -- Go to our zoning cases.

>> Mayor, and council I'm jerry rusthoven with the planning and development review department. Item 99 is cd-20110100. It is a development assessment for the covered bridge for the pud. This project is located at the intersection of covered bridge and state highway 71 west.

We are here today because the pud ordinance estimated by the council several years ago required a briefing before the council upon completion of a development assessment. I'd like to emphasize that there is not a vote required of the council today. We are just here for a briefing and a presentation, but the applicant after this briefing will be submitting an application and we'll be back before you later at a future date to do the -- for the actual approval of the pud. The proposed development is a 38-acre development of uses that would generally be allowed in the gr-mu or general community mixed use category. The developer is proposing to build 250 multifamily units, 8,000 square feet of general retail, 8,000 square feet of restaurant, 16,000 square feet of administrative business office and 105 bed congregated living facility to serve alzheimer's paicialts. The proposed impervious cover, is 30% of the gross site area. Current code allows 25% of gross site area. However, I would like to emphasize that the reason that the -- one of the superiority items the developer is proposing as part of the pud is that there are existing restricted covenants as part of the oak hill plan that was done many years ago back IN THE 1980s THAT WILL Allow this -- these properties to be developed as a 50% impervious cover limit. There is an existing site plan, which is alive right now, on tract 1, which is the frontage on highway 71, that would allow for a retail project that has 17,800 square feet of retail, 16,000 square feet of restaurant, 25,000 square feet of administrative restaurant, 39,000 square feet of medical office and 5,000 square feet of medical services offices located on this property. The developer at that time could develop the site plan if they wish. In lieu of that the applicant is proposing a development that I've outlined earlier as well as the alzheimer's facility behind it and would agree to lower the impervious cover from 50% down to 30%, which is still 5% above current code, but is 20% less than what they would be allowed under the restricted covenants. In addition the applicant is proposing to reduce the proposed traffic from 27,000 trips a day, roughly, down to less than 5,000 square feet a day -- I mean, 5,000 trips a day to lower the number of drips on to highway -- driveways on to highway 71, to increase the parkland fees because of the increase in multifamily from -- from \$7,000, and to comply with the heritage treaty green building requirements of the pud ordinance and the pest management requirements of the pud ordinance. So to cut to the chase, basically the applicant is proposing an increase of 5% over what is allowable under today's code, in impervious cover but is willing to forgo the 50% impervious cover, which he is allowed under his existing restricted covenants for different land uses. So with that I'm available for any questions. council member martinez? thank you, mayor. Jerry, can you remind me, this is what we jokingly referred to as the pud worthiness engagement?

>> Uh-huh. I don't know what we called it --

>> assessment.

>> Martinez: assessment. There you go. I knew the mayor would come up with it. How many of these have we had?

>> This is the third one. if I could brag for just a second, the rewrite of the pud ordinance is actually having a good effect. We don't have an inordinate amount of pud's coming before us and if they do they must meet stringent requirements to get through the front door and have this pud-worthy assessment before the council. So with that, of all the tier 1 requirements in the pud, I assume they're all met.

>> That's correct. did you mention that earlier?

>> Yes, they have actually submitted the actual proposal but they say they've complied with all tier 1 requirements. so to get to this point to present it to council they have to have met the tier 1 requirements.

>> Yes. are there any tier 2 requirements which are voluntary but not mandatory?

>> Yes, most specifically it strictly in this case is the environmental question of of foregoing the 50% impervious covered they're allowed through essentially grandfathering through strict covenant and lowering it to 30%. They're using the pud tool to go that 5% over but they're giving up a lot to get down to that point.

>> Martinez: thanks, jerry. Thanks, mayor. council member morrison. thanks, mr. rusthoven. Since they're going over the 25% does that mean it would be an sos variance that we're essentially doing and we'd have to work under that?

>> We've talked about that several times in previous cases. I'll leave that till we get to the actual case, but yes, generally speaking it would help if it had six votes to approve when we get to the pud.

>> Morrison: it would help? If it's an sos variance then it does require six votes, that's a majority to pass.

>> Yes. and you're saying it's not grandfathered -- it is not grandfathered and it's just a foregoing of that 50% with the understanding that it's going --

>> right, what it has are restricted covenants that are a contract between the city and the property to allow them to go to 50% so we feel those are legally pretty solid.

>> Morrison: okay. So I guess I think that it bears commenting now that if this pud comes forward and is a zoning case and does need an sos variance that's a super-majority that's required and I think that's the kind of thing -- I know you might not want to have a ruling on that until the case is actually here but i think that's the thing that we need to get on the table during the assessment.

>> And I failed to -- this would be an sos variance.

>> I failed to note this. The developer is proposing that one of the tracts is sos water quality if not sos impervious cover so they'd still do 30% impervious cover but provide sos ponds. On the main tract, the highway 71 frontage, they wouldn't provide sos quality but they'd be providing off-site detention for additional flows coming further upstream off of highway 71. so does that make it even a different kind of s.o.s. variance?

>> No, I think that would be working towards environmental superiority versus what they could do today.

>> Morrison: all right. Thank you.

>> Mayor leffingwell: okay. And as I understand it, they do have an entitlement to 50% on the combined tracts, 50% impervious cover?

>> 50% Across all acres. it's only because they're requesting pud zoning that there may be this s.o.s. Variance issue.

>> Correct. but without the pud zoning they could build 50% impervious cover.

>> They could build 50% today and -- without the same water quality controls?

>> Exactly. They could be 50% today. It would be limited to retail on tract 1 and multi-family on tracts 3 and 4. I just wanted to make that clear because that's the way i understood it, although technically it requires an variance, it's only because of the new zoning that they're requesting.

>> Question. council member tovo? I guess i understand it less well now than I did the first time through. after my explanation?

[Laughter] with no offense intended to the mayor or anyone else who has spoken, but I thought i heard you say that the 50% had something to do with predictive covenants on the site.

>> Yes, all the restrictive covenants go back to the 1980s AND ALLOW 50% Restrictive covenants.

>> Who were they with? Were they public?

>> Yes, public restrictive covenants with the city of austin that allowed 50% impervious cover. We've approved a site plan on tract 1 that allows 50% impervious cover and we would approve as well a site plan for multi-family on the backtrack that is up to 50% impervious cover. What they're proposing right now is to go down to 30, which is not quite the current code, which is 25, but they would take it down from 50 down to 30 and agree to do the increased ponding requirements. so the -- did this have a chapter 245 hearing?

>> No, it did not, but what we did do is as a part of the development assessment, they assert -- they claimed that they had these rights under the restricted covenant, so we did run them through the committee that does 245. We didn't do a formal 245 ruling because they weren't requesting one but we did look at the restricted covenants and verified they were, in fact, valid. The one was pretty easy because we've already approved the site plan under it but we verified for the other tracts that they had the similar entitlement. when was the original site plan approved?

>> I'd have to ask the applicant that, but it's been approved twice. The existing -- it's called covered bridge villages. It's a retail site plan for the 71 frontage, but I know it's been through two different approvals. and it's still valid?

>> And it's still valid and alive today, yes. so how -- how will we -- how soon will we hear back from you about whether or not this would require an -- whether this would require a super-majority of council?

>> I think when the applicant submits the actual application for pud and when we come back to the council for approval we will let you know whether we felt it needed six votes or not. But I know that's been an issue in the past, and I've seen it -- it's been suggested that six votes would be the cleanest way to do it. yeah, and I do think -- I appreciate council member morrison for raising this because I do think -- I do think it's an issue that does speak to the pud worthiness of it. Whether or not that would require a variance to --

>> when we have the approval we'll have -- when we ask for approval we'll have the answer.

>> Tovo: okay. this is one of council member spelman's deals where unless we tell you not to, it's hud worthy? Is that the way it works? Council member spelman? I didn't realize I had one of those deals. it's like a ut faculty meeting.

[Laughter] which tract -- which tracts are covered by these restrictive covenants? You said tract 1 was. Was the other one?

>> It's tracts 1, tract -- tract 1, tract 2, tract 3 and tract 4 is just an additional piece that was added on to it that provides access to development. So it's tracts 1 through 3. so is 1, 2, 3 meaning pretty much the entire site. 4 is six acres --

>> the driveway. the driveway, just a sliver. So pretty much the entire site is covered by a restrictive covenant. If they replace the site plan with a new site plan and change nothing else, could they build a new site plan and use the restrictive covenants as an excuse to be able to get 50%?

>> Yes, or they could build what the site plan is alive today for the main tract, tract 1. And that's already approved. so we have no leverage on them to be able to get them to go down awards unless we approve something like a pud which would give them another class of entitlements which they might prefer.

>> Exactly.

>> Spelman: gotcha. Thank you. Anythi anythi ng else? Okay. Thank you, jerry.

>> Hi, mayor and council, greg guernsey, planning and development department. 00 ordinances and covenants. These where the public hearings had been closed and I'll go through those items that I can offer for consent. The one item I can offer for consent is case c14, item 103, case 314-2011-0111 for the property located at 12030 north lamar boulevard, and this is change zoning to neighborhood commercial conditional overlay or lr-co combining district zoning to change conditions of zoning and this is ready for consent approval on second and third readings. all right. I'll entertain a motion to approve item 101 on second and third readings. mayor, I think it's 103.

>> Item 103. okay, 103, sorry. Motion? Council member morrison moves to approve. Council member spelman seconds. All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0.

>> Thank you mayor and council. 00 zoning neighborhood plan amendment items where the hearings are open for possible action. First is item 104, case npa 01 for the property at 4806 1/2 trail west drive. This is a neighborhood plan amendment, staff is requesting a postponement of this item to your may 24 agenda. 105, a related zoning case to the previous item is case c14-2012-0016, again for the same property at 48 # 06 1/2 trail west drive. Staff is requesting a postponement of this zoning case to your may 24 agenda. 106 is case c14-84-361 (rct) for the property located at 2200 tillery. This is a restricted covenant termination. Staff is requesting a postponement of this item to your may 24 agenda. 1 c14-2011-0088, for the property located at 2200 tillery street. This is a zoning change request to general commercial services mixed use neighborhood plan or cs-mu np combining district zoning. The planning commission recommendation was to grant general commercial services mixed use conditional overlay neighborhood plan or cs-mu-co-np combining district zoning with conditions. It's ready for consent approval on first reading only. I've had a discussion with a gentleman by the name of daniels who signed up in opposition. After talking with him and the property owners they've allowed this to go on consent for first reading. We would bring back this item for second and third readings on may 24 with the restrictive covenant termination. let me daniels here? And do you agree with what was just said by mr. guernsey? You don't wish to speak? All right. Go ahead.

>> Thank you, mayor. 108 is case c14-2011-0160. This is the property at 7600-7900 south congress avenue. The applicant has requested a postponement of this item to your may 24 agenda 109 is c14-2011-0131 the property at west 34 street. Staff is requesting postponement of this item to your june 14 agenda. Item no. 110. This is case c14-2011-01 # 2 for the property located at 3316 grand view street. Staff is requesting a postponement of this item to your june 14 agenda. 111 case c14-2011-0133 for the property located at 801 west 34th street. Staff is requesting a postponement of this item to are june 14 agenda. 112, c14-2011-0134 for the property located at 715 west 34th street. Staff is requesting a postponement of this item to your june 14 agenda and I'll just note the previous four items I spoke of have all been postponed by the planning commission to their may 22 meeting. That's reason we're asking for it on those items. Item 11 on changes and corrections earlier today i think there was a request to 00 this evening. I could leave it on the consent to just -- leave it on -- we will take it up at 7:00. We'll take it off the consent. 114 is case c14-85-178 (rca). This is a restrictive covenant amendment for the property located at 2801 and 2829 south lakeline boulevard. Zoning and platting commission recommended the restrictive covenant amendment and this is ready for consent approval. 115 is case c14-2012-0013 for the property located at 11602 jollyville road. This is a zoning change request to neighborhood commercial or lr district zoning. Zoning and platting commission recommendation was to grant the lr district zoning and this is ready for consent approval on all three readings. 116, case c14-2012-0006 property at 9511 north fm 620. Staff is requesting a postponement of this item to your may 24 agenda. 117 is case c14-2012 (0017, for

the property located at 8007 san felipe boulevard. This is a zoning change request to community commercial-mixed use or gr-mu combining district zoning. The zoning and platting commission recommendation was to grant community commercial-mixed use mixed overlay or and this is ready for consent approval on all three readings. 118 Is c14-2012-0019 for the property located at 10812 north fm 620 road. This is a zoning change request to community commercial or gr district zoning. The zoning and platting commission's repgths was to grant community commercial conditional overlay or gr-co combining district zoning. This is ready for consent approval on all three readings. 119 case c14-04 sh (rca) for 1910 1/2 wickshire lane. Staff is requesting a postponement of this idea to your may 24 agenda. so the consent agenda for those zoning cases where we have yet to have a public hearing postpone items 104 and 105 and 106 until may 24 and po post public hearing and approve on first reading only item 107, to postpone item 108 until may 24, postpone item 109 un june 14. And to postpone until june 14 items 110, 111, 112. Item 113 will be heard after 7:00. And to close the public hearing and approve item 114, close the public hearing and approve on all three readings, item 115 and 116 until may 24. I think that's the consent agenda.

>> We can keep on going if you like, to 117. oh, got a few more pages here. 117, Close the public hearing and approve on all three readings. Close the public hearing and approve item 118 on all three readings. Postpone item 119 until may 24. Okay. Council member spelman moves approval. Council member riley seconds. Discussion? Council member tovo. mayor, I would like to recuse myself from items 109, 110, 111 and 112. council member tovo is recused from items 109, 110, 111 and 112. So further discussion? All in favor of the motion say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0 with the exceptions n recusals on those items by council member tovo.

>> Thank you mayor and council. That brings it back to the zoning ordinance restricted covenant items where the hearings are closed. And what I'd like to do is kind of run through those items. Again, the public hearings are closed on this item. Item 100 is npa-2011-0029. john's coronado hills combined neighborhood planning area. This is the planning area. 101 in this case is this is the john's neighborhood planning area rezonings, and also item no. 102. Is case c14-2011-0116, the coronado hills neighborhood planning area rezonings. You do have a motion sheet that's on the dais. And certainly the item related to item 100 and 101 could be done with an affirmative vote of five members or more of the scwowb. City council. I know there are two off the dais at the moment. 102 would require at least six votes if you were to approve what was on -- approved on first reading, because we do have a valid petition on one of the tracts, and with the approval of item 100 as adopted on first reading, if there is a consideration that possibility item 102 you would like to do something different than what was approved on first reading, then I would suggest we talk about item 100 because that's the neighborhood plan. 102, would involve two contested tracts, one which has a petition by a property owner, their agent and the owner are present in the audience that are in opposition, and that's on 102, and that's in the coronado hills neighborhood. Tract 108 has the valid petition. 114, that property owner is also opposed to what was approved on first reading but is

not present, it was explained that they could have filed a petition, but chose not to do so. you said 114?

>> Right. That's tract 114 on item 102. Tract 108 on 102, the property owner did file a petition against what was approved on first reading and I see everybody is back on the dais. that is correct. Question by council member morrison. I'm not seeing anything about tract 11.

>> 113 -- About tract 11.

>> The important owner was fine with 113. That was for the zoning that allowed them to do flexibility with what they wanted to do in the future. They only objected to the 114. can you remind me, so 113 we zoned -- gave it a higher intensity zoning, I think.

>> Right, that's correct. [inaudible] keep it at ff 6 next to the old town condominiums. Is that correct?

>> That's correct. 100, if you were pretty much happy with what occurred on first reading, and it might give some indication what you might do on 102, then you can certainly go ahead and make a motion on 100, then we can go to 101. You still have opposition to those tracts -- two tracts, on 102, this is in coronado hills rezoning, tract 108 where you have a valid petition and this is motion no. 4 on your motion sheet. The applicant has filed a petition against the rezoning, to anything other than the cs and co-np zoning. Currently they're zoned sf-3. Tract 114, which is motion 5, they object but have not filed a petition to the rezoning. So -- or to the rezoning. So I leave it in your hands what you would like to do. so item no.

>> 100 -- no, 4, tract 108, has a valid petition.

>> That is correct. that is the only one --

>> that's correct. so, council, I guess we'll address item 100 first, 1 council member spelman moves approval on second and third readings. Mayor pro tem cole seconds. Is there any discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no? Passes on a vote of 7-0. 2, which addresses agenda item 101. I'll entertain a motion on that item. move approval on second and third readings. council member spelman moves approval on second and third readings. Is there a second? Second by council member morrison. Discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0. 3, which is agenda item 102.

>> And that has -- which has the set parts. As a matter of fact, this is for -- except parts. As a matter of fact, this is for accepting tracts 108 and 2, but the motion will have to accept items 108, and -- tracts 108 and 114.

>> Right. If you -- if you move forward on -- actually accepting, that would be 108 and 114. If you approve what you approved on first reading, i mean, you could just make the motion to approve what you approved on first reading, if that's your desire, and then proceed then to adopt what you did on first reading on 102, tract 108, and tract 102, 114, if that's your desire. If you wish to change your vote to make a different motion and approve something else, then you just need to note otherwise. Otherwise you could take 102 in its entirety -- i thought that's what I just said. 3 is item 102 with the exception of tracts 108 and 114.

>> Spelman: mayor? council member spelman. g could we do this all in one motion? If we believed we had six votes could we do 102.

>> Yes. he has something to say.

>> I'm sorry to disagree with greg here, but actually because of the way neighborhood plans are organized, you need a -- code requires a separate vote for any tract that has a valid petition.

>> Spelman: I see.

>> So it would be best if we could just go through the motions on the sheet. in that case i move to approve item 102 with the exception of tracts 108 and 114. motion by council member spelman, second by council member morrison. Further discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0. 102 -- 4, which relates to tract 108. And this has a valid petition on it. move approval, mayor. mayor pro tem cole moves approval. And it doesn't say here, is this second and third?

>> This is second and third, and the motion would be to approve what was approved on first reading.

>> Cole: yes.

>> Mayor leffingwell: right. Approve on second and third readings by mayor pro tem cole. Was there a second? Council member morrison. All in favor of that say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no? That passes on a vote of 7-0. And brings us to motion no. 5, tract 114. All right. Council member spelman moves approval of item 102, tract 114 on second and third readings. And that would be the same as what was approved on first reading. Is there a second? Council member morrison. All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0.

>> Mayor and council, that concludes the zoning map amendments, not text amendments, so map amendments this evening. mayor, do you want to bring up item no. 122? i think -- all right. I see. Mayor pro tem requests to consider item 122 first. Mayor pro tem.

>> Cole: yes, mayor. This is an item that has been in discussions pursuant to a resolution that I think we need to work a little bit more on the language, and staff has started to do that. But I'm not comfortable with that it gets all we intended for the resolution to do. So I'm going to move to postpone it to our may 24 meeting. motion to postpone item 122 until may 24. Is there a second to that? Council member riley seconds. Council member morrison? this is an item that was brought to us for a hearing on march 8, and at that time I forget exactly who it was that moved to postpone it for these seven weeks to have discussion, and I'm very concerned about continuing -- continuing with the postponement without having a discussion because my understanding is that -- I mean, I haven't heard anything -- nobody has reached out to me, except for a few rica people who said it's fine, that they support t but apparently there are some -- support it, but apparently there are some folks who are interested in -- all this does is add a notification to folks when they have a right to appeal so that when something is happening, they will know that it's happening, so they could exercise their right to appeal, and in my understanding, I'm just learning, is that the recommendations that are coming out from the additional discussion is to actually weaken the existing code. And I think if we want to have a discussion about weakening the existing code that doesn't have anything to do with notification, we need to separate that and have it as a separate discussion but we should move forward now with the notification, which is something I believe you, mayor pro tem, and council member tovo, brought quite a while ago to correct something, a very unfortunate situation. So I can't support postponing it. I think we should have a conversation now. Seven weeks is plenty of time and we're moving in the wrong direction. further discussion?

>> Tovo: yes. council member tovo. I have some rusthoven just to clarify. So we -- I was a sponsor on this, along with co-sponsors mayor pro tem cole and council member martinez, and we had posted -- I think we had to withdraw it -- we initiated it on december 15. I have in my note that the planning commission took it up, they postponed it on the 17th of january, they -- on january 24 meeting they postponed the planning -- the public hearing at the request of a business representative group. Is that the real estate council?

>> Yes.

>> Tovo: okay. That is the same group that I believe is asking for a postponement again today. Planning commission sent the item back to codes and ordinances, held open the public hearing. The planning commission, codes and ordinances heard it on february 21. They then heard it again on february 28. Was the real estate council allowed -- or afforded the opportunity to participate in those public hearings at the codes and ordinances committee?

>> Yes, we had a public hearing. Anyone who wanted to speak was able to.

>> Tovo: great. And then it's my understanding -- so the planning commission has discussed this multiple times. There was lots of opportunity for public input at those sessions. It's also my understanding -- well, it came to us for council action as council member morrison said on february -- on march 8 we had a pretty lively discussion at that time about the concern, and I believe I expressed my concerns in postponing it for seven weeks. You know, this -- let me just provide a little context as to why we're even looking at this. We have a code now that offers an interested party the ability to appeal a use determination. Does the code at this point afford them an opportunity to be notified of their right to an appeal or that -- excuse me, that a use determination has happened?

>> Today it does not, no. so, you know, we had a case where a group of neighborhoods were very concerned about a possible use. They had a right to appeal under the code, but they didn't know that a city official had actually made that use determination. So when they went to appeal, the time period for that appeal had long expired, and so, you know, we're now -- our city is now involved in a lawsuit over this, and it's taken a considerable amount of staff time, a considerable amount of council time in responding to citizens' concerns and a lot of volunteer time on the part of some of our constituents and figuring out what their opportunity now is to make a comment long after the appeal process has concluded. So, you know, we did pass a resolution to initiate a zoning change -- excuse me, to initiate this change, to make sure that people who have a right to appeal a use determination are notified in a time where they can actually exercise that appeal. I think it's really critical that we move forward on this, and I want to point out that, you know, the very group that is -- is asking us to postpone it has been involved and has requested several -- several postponements in the past. Have you had an opportunity to meet with some representatives?

>> Yes, we have -- from the real estate council?

>> We've had two meetings, a member of my staff has met with somebody the week before last and then last week we had a follow-up meeting that I was involved in with a member from the actual staff of rica as well as three attorneys who typically do development cases before the council. and I believe one of those representatives actually is working on one of the cases that gave -- the main case that gave rise to our knowledge that there was no notification.

>> That's correct.

>> Tovo: okay, thanks. , You know, I have received some of the concerns from -- that have been raised about this, and I think that our staff have had an opportunity to review them. Our planning commission has likely heard the concerns as well. I'm really satisfied with what the staff have done. I think they've worked hard to work on some language that really does explore -- really lays out a process that will work well, and i would -- I certainly won't be supporting the motion to postpone. I would ask that we go ahead and hear it this evening and pass it on first reading. motion on the table to postpone until may 24. Council member spelman? I was under the impression that the folks who had concerns about this ordinance had specific recommendations for changes in it and were prepared to agree to the ordinance, to support the ordinance if they could get a fairly small technical changes in it. I was surprised to hear there

was a motion to postpone. I wonder if somebody could explain to me why to postpone it. staff, do you want to answer that question?

>> Last week there were some issues raised by the real estate council and the other folks that were there. I wouldn't say we came to a conclusion in that meeting as far as everyone was on the same page, as far as what the ordinance did or didn't do. They had some proposed changes that they would like to see. We felt that, you know, that those proposed changes weren't necessary, maybe. We could certainly continue to talk with them, but there was not -- I would not say that we ended up on the same page, but yes, there are some things that they would like to see changed in the staff draft ordinance. jerry, did you -- well, first, they suggested, as I understood it, three fairly small changes. Do you have an objection to any of those changes from your point of view? Is it going to change the meaning of the ordinance importantly?

>> I think one of them is pretty minor, and I think with some clarification -- i think all three of them, to be frank -- we drafted the ordinance so we feel it addresses the resolution obviously or we would not have written it the way that we did.

>> Spelman: sure.

>> We feel that one does change existing code as far as what is appealable and what is not appealable. We feel another change is just a -- it's just a request that when someone requests a use determination, they tell us certain parameters what they're asking for, so we would prefer to stick with the language we had because it requests those parameters when they make a request of us. And the third request, again, we feel somewhat changes what's allowed under existing code, and we'd like an opportunity to talk with them more about that if we could as opposed to making a change to the staff document or request the council make that decision. it sounds like actually you're not very far apart.

>> I don't think we're very far apart, no. is it your impression that you could resolve this issue to your satisfaction and the satisfaction of the people you've been talking to in a short period of time?

>> Oh, I think we could continue to talk with them. I can't guarantee we're going to agree, but we will continue to talk with them. I was asking your impression whether it was likely, not whether it was a guarantee.

>> Probably not on the first point, possibly on the second two.

>> Spelman: I see. Okay. Thanks. I thought council member riley had his hand up. council member riley? Did you have a question? jerry, I want to make sure I understand you. You say you do see some value in continuing conversations on at least a couple of the points?

>> Yeah, I would say that when we had our meetings with them everyone did not walk away and say we agree on exactly what this says. but did you all reach closure or do you feel like there's some further conversation to be had?

>> I think with some further conversation my hope would be that we could convince them that we're right, of course. I don't know if we're going to get there but certainly we could continue to have those discussions.

>> Riley: okay. Mayor, I've heard from a dozen or so folks all saying they really think that this needs some more work, and i haven't gotten any input from the public to the contrary. And so I see some real value in taking some more time. council member tovo. rusthoven, i just want to be sure that i understand what the three suggested changes are, because I do think they substantially change what's in here, and I'm not sure -- I mean, you know, certainly if we pass it on first reading, they would have an opportunity to meet with you again, but the first one that I've got is 25-2-2b, and the suggestion is that the language right now says, if a particular use is not classified within a zoning category or land use definition, and they have requested that the language principal be added in here. If a particular principal use is not classified. But I believe the situation that gave rise to -- i guess -- let's see, how shall I say this? That inspired this change was an accessory use, and so this would, in effect, eliminate accessory uses from consideration, which is not something we want to do. Do interested parties now have an ability to appeal a use determination that is an accessory use?

>> Correct. That is -- council member, before we get too far into this, we're actually discussing the case right now. There's a motion on the table to postpone it, and if that motion fails we would discuss the case, so I would respectfully suggest that we deal with the motion or a substitute motion. As I said, if this motion fails we would discuss the case. okay, thanks, mayor. I do think -- I do think relevant to the postponement question is whether or not -- you know, there is just a little bit of tweaking that needs to be done or whether there is some fundamental disconnect and that we've got an organization that has suggested, you know, a fundamental difference here. So -- well, I'll make a substitute motion that we hear this and approve it on first reading. motion by council member tovo to approve on first reading only.

>> Morrison: second that. second by council member morrison. I'd like to make a comment. I think this is absolutely the right way to go because the issues that are on the table are issues that are now council decisions. The staff shouldn't be negotiating about weakening our code outside of what we even talked about in the resolution. Substi substi tute motion on the table, which would be to approve on first reading only. Council member tovo? so if I could -- would now, mayor, be an appropriate time to follow through those three since we're now discussing the items? you 30 recess time, and perhaps if it's going to be a lengthy discussion we should go into recess and take it up after. it could be, yeah, thanks, maybe we should recess it and discuss it in a bit. without objection we're in recess.

[🎵 Singing 🎵] coleen christian

>> riley: okay. Okay, are you all ready for some music? Okay, can I ask you all to quiet down? Shhhh. Okay. Are you all ready to hear some music? All right. I'm city council chris riley and it's my great pleasure tonight to introduce to you all wendy colonna. Wendy is originally a louisiana girl with a blend of cajun and italian ancestry, a combo that translates well in her music. A young woman who has decidedly come into her own, she fills her musical space with a throaty voice, deep down roots and soul. Many of her songs were influenced by carol king, marvin gay, randy

newman and ray la mon obtain. In her 12 years of living and performing in austin she has been named best singer songwriter by the austin american-statesman, won multiple song writing awards and been an active participant in raising financial support and awareness for the health and wellness of the automatic music community. Colonna's latest we are one please welcome wendy colonna.

[🎵 Music playing 🎵]

>> that's wendy colonna.

>> Thank you everybody.

>> Wendy, that was awesome. Where can we buy your music?

>> You can buy it on-line, pretty much in all the major on-line stores. You can buy it at waterloo records. You can also buy it from my web site, wendy colonna.com. com, and that's c-o-l-o-n-n-a.com.

>> Yes.

>> I already mentioned you've got a gig coming up at period nal he is sellers in stonewall.

>> The exciting gig is at thread gills on may the 11th. And dave madden and his band and me and dave and chad and tomica jones and her band will all be playing and we'll have circus style performances, jugglers, dancers, hooping -- lara borrow will be hooping. -- Scarborough, so that should be really -- the one to come to. may 11 at threadgills.

>> Yes.

>> To show our appreciation to you being here I have a proclamation to present on behalf of the mayor and the whole city council. It reads as follows: Be it known that whereas the city of austin, texas is blessed with many creative musicians whose talent extends to virtually every musical genre, and whereas our music scene thrives because austin audiences support good music produced by legends, our local favorites and newcomers alike, and whereas we're pleased to showcase and support our local artists. Now, therefore, I lee leffingwell, mayor of the city of austin, texas, music capital of the world, do hereby proclaim august 26, 2012 as wendy colonna day in austin.

[Cheers and applause]

[cheers and applause] period nals pedernales

>> it's my honor to present a proclamation in honor of clean air. And we know how important that is, especially this time of year. We'll wait just a second for the -- boy, that was quick. That was good. I appreciate it. Thanks. As you know, we are in ozone action days. The season began on april 1 and it will last through september 30, and this is a time of year when we're especially

focused on clean air and urge austinites to be careful about what you do and do everything you can to reduce air pollution, and that is especially important on those days during the season when it's an ozone action day. And does anybody know how we know it's an ozone action day? For one thing, you get up in the morning and you hear it on the radio, right? That it's an ozone action day, or tv, but in addition to that we fly a big orange flag outside of city hall that says it's ozone action day, and those are the days when we ask you to be especially cognizant -- aware of air pollution. And if you can, walk to work. I know it's a little hot in the summertime, I'm just kidding, but try to carpool or take some alternate -- or take the bus, something like that. And help us in our region remain in a non-attainment status with regard to epa air quality under epa standards. So it's -- I have this proclamation which I'll read to talk about this day it says, be it known that whereas emissions from cars and trucks contribute to the creation of ground-level ozone and smog. The resulting poor air quality can threaten the health of citizens and cause other adverse environmental effects. And whereas, to improve the overall air quality in austin, the city of austin committed in 2007 to have a carbon neutral fleet of vehicles by the year 2020, and whereas recently austin resource recovery added four hybrid trash trucks to its fleet that decreased fuel consumption and lowers co2 emissions, those providing austin with better air quality plus fuel savings, and whereas, environmental protection is a priority for the city and we encourage all citizens to continue converting to energy-efficient appliances and alternative energy sources and taking alternative forms of transportation. Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim every day as keep austin's air clean day in austin, texas. Hard to say. Thank you.

[Applause] now I'd like to introduce tom decoster to say a few words.

>> Well, good evening, austin. It's a pleasure to be here. I'm tom decoster. I'm with parker hanifin corporation. These new hybrid trucks are pretty special. Not only do they save up to 50% of the fuel but they also reduce carbon emissions by 220 tons. That's the equivalent of planting 5200 trees for ten years and letting them grow for ten years, or put it another way, it's like taking 40 mid-size cars off the road every year. We're proud of austin's commitment to environmental sustainability, and we're pleased to be part of their attainment. We're also very proud to be partnering with keep austin beautiful, a local group that seeks to inspire and train citizens on environmental sustainability, and to further our commitment to keep the city of austin a great place to live, parker is donating \$1,000 in support of keep austin beautiful, and rodney?

[Applause]

>> thank you, tom. How great is that? We get to partner and get a thousand dollars. Isn't that great? I'm rodney ahard and I'm the executive director of keep austin beautiful. Keep austin beautiful is honored to be a part of keep austin's clean day. You know, when we sit and think about beauty, you know, I think a lot of times we often only think about the physical structures. We think about trees and plants and things like that, but we really need to look at beauty in a holistic perspective. It includes our water, it includes our air, and so this is a true, great example of the city partnering. We have environmentally conscious businesses, and we also have the great citizens of austin to continue to work to keep our city not only clean were you to keep our city beautiful. So thank you.

[Applause]

[applause] I have a proclamation now for mental health month in austin, texas, and all of us know how important that is. Just speaking from my perspective, I have been on the stakeholders' psychiatric advisory group to central health, which is our healthcare district here, since 2005. That's a pretty long time, probably longer than some of you out there have been alive. And that's -- that's how long we've been working to improve mental health services in our city, and I'm very proud to say that we've made some very important progress over those years, and we're poised to take another large step, making a bigger step of progress with the establishment here in austin in the next few years, I'm very confident it will happen, of a medical school at the university of texas, with associated treatment and research facilities and a good new mental health facility in a new hospital near the present brackenridge hospital here in austin. So it is my great pleasure to read this proclamation. Be it known that whereas one in five children in our community, regardless of race, ethnicity, religious background, is affected by mental illness, and an estimated two-thirds of them do not yet have the support they need to succeed, and whereas may 9 has been set aside as national children's mental health awareness day, to raise awareness about children's mental health, to reduce stigma and celebrate resiliency, and whereas, the city of austin supports the development and implementation of a system of care to ensure children, youth and families have access to services and supports that build upon their strengths and best meet their needs, and whereas, we urge all members of our community to learn more about what good mental health means and to support appropriate and accessible services for those who have mental illness. Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim may 2012 as national health month in austin, texas. Congratulations to all of you for your contribution.

[Applause] I'd like to introduce christie keene of the child and youth mental health service advocates.

>> Thank you. On behalf of the child and youth mental health planning partnership, we represent a wonderful group of strong advocates for children's mental health here in austin, texas. We are made up of a collaborative of many, many agencies and local nonprofits. May is mental health month. In anticipation for may, we're here tonight. And we celebrate national children's mental health awareness day on may 9. It is our goal to increase awareness of mental health issues, particularly in children and families here in austin, and to decrease stigma. Thank you.

[Applause]

[one moment, please, for]

>> good evening, I'm councilmember kathy tovo and it gives me great pleasure to present a distinguished service award to one of our ray windsor of our watershed protection and development review.

[Applause] and if you'll give me a minute, I'd like to read this distinguished service award on behalf of the city council and the mayor. For his untiring service and commitment to our citizens during his 30-year tenure as a dedicated employee of the city of austin, ray d. Windsor is

deserving the public acclaim and recognition. Upon starting with the city in January 1982, Ray designed engineering projects in response to the 1981 Memorial Day flood. For the next three decades, Ray dedicated his career to protecting the public from flood hazards. From transitioning the city into the National Flood Insurance Program to having our floodplain management program recognized by FEMA's community rating system, Ray has helped Austin become a national leader in floodplain management. And all through the years he has done this with the kindest and most gentle heart. This certificate is presented in acknowledgment and reaction thereof this 26th day of April of the year 2012 and it's signed by the Mayor of Austin on behalf of the City Council. Congratulations and I would Windsor up to say a few words.

>> Thanks so much. Wow. It's all come to this after 30 years. But I wanted to thank all the citizens of Austin for allowing me to work with the city and work with them all this time. I want to thank all my colleagues, present and past. That covers a lot of people over 30 years. I'd like to thank my mentors, both older and younger. Some of whom are here. And I want to thank my parents for moving here in 1942. I still am a native Austinite, I'm still here, and will continue to be here for awhile. But when I first started here in 1982, working with the city, this city had gone through a traumatic flood, the 1981 Memorial Day flood. And little did I know at that time what I was getting into because I didn't -- never thought with any imagination that it would turn into a 30-year career in floodplain management. Yet here we are today. I have no regrets and gladly pass the torch to my colleagues. Thanks very much.

[Applause]

>> Tovo: I'd like to Colleen Christian up. She works for our Health and Human Services department here at the City of Austin. And it gives me great pleasure to present this next proclamation as a parent of a four and a five-year-old, I know from firsthand experience just how important vaccinations are and so it really is a pleasure to thank you for your work here today. Be it known that whereas vaccines are among the world's most successful and cost effective public health tools for preventing disease and death. And whereas children need a series of vaccinations, starting at birth and completed by the age of two to be fully protected against 14 serious diseases. And whereas immunizations are among the best ways parents can protect their children against potentially deadly diseases and save health care cost. Whereas National Infant Immunization Week has served as a call to parents, caregivers to help keep children immunized, on time, every time. Now therefore I, Lee Leffingwell, Mayor of the City of Austin, Texas, do hereby APRIL 21st, THROUGH THE 28th, 2012 as Infant Immunization Awareness Week. Thank you. I would like to invite Christian to say a few words.

>> Thank you, Councilmember Tovo. We appreciate that. I'm looking at this audience and I'm thinking a lot of people don't like us today because we immunize you. And I want to at the time let you know the reason we really immunize children is, one, your bodies work great and when we provide vaccines to you your body says yes, this is good, I will protect for you the rest of your life with this vaccine but we immunize children because they carry greatest burden of the disease. Hospitalization and death may come from these diseases that I hope you never see. And to the parents, I want you to remember that immunization is the most cost effective and easiest to protect our children and families. Across the world we're seeing a huge decline in measles, but here in the United States we've seen a tripling of the preventable cases in the past year and

the people who are getting sick and the people getting hospitalized have not received their shots. Remember to age appropriately immunize and get your flu shot every year, everyone. Thank you.

[Applause]

>> Tovo: I'd like to invite up the children, the students, the teachers and the other individuals associated with the blair woods project. Today's proclamation recognizes the great work of the individuals who have been involved in the blair woods project. For those of you who don't know the blair woods project, blair woods is a 10-acre sanctuary of woods, prairie and wetlands in an urban setting in the east side of austin. And this is land that was gifted to travis auto ban by the late frank blair with the texas zoology project. For the past three years, fourth, fifth and sixth graders from norman elementary, the after school program, have been assisting with the ecological restoration of the site. I'm just delighted that some of the students have been able to be here today to tour city hall and also to be here for this proclamation. This project is the partnership between the travis county audubon society and environmental survey consulting, which is a local ecological restoration firm. And this is a really exciting and innovative way for students to learn about science, but also to exercise environmental stewardship. They learn in the classroom and out in the blair woods. They learn about invading species, they learn about plants, wetlands, ecosystems and about the animals that are out there. And then they go out to blair woods and they conduct experiments. They bring back specimens and they learn more about it and they educate their peers. So it is a very exciting project and it's a delight to be able to present this proclamation. They're actually engaged while they're out in the blair woods, they are engaged in becoming botonists, water quality what a great way to learn. So I want to thank all of the participant whose have been involved in this program over the years, the teachers and the administrators and the principal at norman elementary. The staff of environmental survey consulting, shannon holly, who now serves as a policy aide in my office, who led the cartography team for two years. And also the travis county audubon members. And on behalf of the city of austin, I would like to present this proclamation today to nancy manning of the travis county audubon, and she will also recognize some others in the organization who have been critical to its success. So be it known that whereas the education team of the travis county audubon society have been working with norman elementary a project to restore blair woods for the past three years and whereas fourth, fifth and sixth graders in the thoughtful norman tigers group have surveyed the plant and animal life, analyzed erosion and creek conditions, and participated in work projects to protect and improve the area as part of their after school tiger time activities. And whereas the program has enabled the children to learn about land stewardship, the environment and conservation, and to put their book learning into practice to improve a natural area in their neighborhood. And whereas we appreciate the effort of the volunteers to impart this specialized knowledge to the children and the work of the students to keep austin green. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim the audubon norman elementary collaboration at blair woods as the ecological restoration project of 12. Congratulations.

[Applause] -- of 2012. Ms. manning?

>> Thank you.

>> Thank you. Well, you've said it all. And we're just -- travis audubon is so excited that the city is recognizing these remarkable children from norman elementary for their conservation work and learning at blair woods. There was a picture up there a little bit ago that illustrates how exciting this program is. Last friday the 13th, april the 13th, they participated as -- they actually have to play the role of botanist, zoologist, cartography. Here they are rowing out to the middle of the pond, testing the water sample. They had a great deal of fun. This is an example. How they spend several hours in their learning projects we put them to work in restoration and we provide experiences like building trails, maintaining or planting aquatic native plants. And one year we actually had them rolling mud balls into native seeds, then they threw the mud balls up the inflow creek area and then covered it with erosion matt. A year later they were able to come back and see that the native plants had grown up and were now controlling so very impactful program called explore and restore developed by the illustrious judy walther of environmental survey consulting. And their work supports the restoration and citizen science that is so critical to proper management of the habitat and wetlands the blair woods. So we're just grateful to have the opportunity to connect these children to nature and provide these exceptional outdoor environmental programs and hopefully pass on our passion for land and water conservation to these extraordinary children. Thank you.

>>

>> Riley: Hey there, I am austin city councilmember chris riley again and it is my great pleasure to have a couple of fun proclamations to do just now. The first of these is a really special one recognizing an old friend of mine, david smith. And I've got to tell a little story about this. When I first ran for council a few years back, a lot of my plans thought I was crazy. But one friend in particular stepped up and sent me an email immediately and said, you are going to win! And it was later on when i first ran the hill country ride for aids that i realized that that same spirit goes through the whole ride because as you ride that ride you'll see all these signs saying you are awesome! You are going to win! You're just going to do great things. And all the riders are just filled with encouragement and excitement. And that is really the kind of spirit that has made that ride so tremendously successful. Not only is that ride been voted the best bike ride in austin for the past couple of years in the austin chronicle, but it's also the largest fund-raiser for aids in central texas for a couple of years now. In fact, it's raised millions of dollars for aids and it's all due to the work of many people, but especially the leadership of david smith. So it's my great pleasure now to recognize his work now that -- I'm sorry to say david is actually going to be leaving the ride after this year's ride, which actually occurs saturday. And so I want to take this opportunity to present a proclamation on behalf of the mayor and the whole city council, and it reads as this is a distinguished service award to david smith for his work as executive director of the hill country ride for aids. David smith is deserving of public acclaim and recognition. Under his incredible leadership during the past 12 years the ride has raised more than four million dollars to provide life saving care to our neighbors living with hiv and aids. We're pleased to acknowledge his hard work and dedication as he steps down from his position as executive director of this very popular fund-raising effort and we extend best wishes for continued success in his future endeavors. Presented this 26th day of april in the year 2012 and it's signed by mayor leffingwell on behalf of the whole city council. So david, thank you so much. And I invite you to say a word or two if you would like.

[Applause]

>> thank you, chris. All those signs were for you. I'm really grateful and touched and humbled by this. And feel like the luckiest man alive to have gotten to work with the people that I've worked with over the last 13 years. And our ride is this saturday, so all my volunteers are working. And when I left the office they asked why are you leaving? But I've gotten to work with the greatest people in the world and I think we live in the greatest city of the world and austin should be so proud. Hopefully on saturday we'll get to pass five million. And even better, this is one of the largest aids rides in the entire hundred, we're larger than chicago, new york and maybe most importantly, and we love to say it, bigger than dallas. So thank you so much. I really appreciate this.

[Applause]

>> Riley: Okay. And another fun one now. For national bicycling month. And a couple other bike related events. If you looked at this week's city council agenda you might have noticed an unusually large number of bicycle related items. We had at least three bike related items from council, in addition to a couple of proclamations. And there's a reason for that, because across the united states may is recognized as bicycling month. And we take it very seriously here in austin. So we have a proclamation to recognize that. be it known that whereas austin's reputation as a bike friendly city makes our city attractive to businesses and citizens who enjoy the outdoors and healthy lifestyles and has consequently had a positive effect on our economy. And whereas the city of austin encourages the education of bicyclists and motorists on the proper and safe operation of bicycles to ensure the safety and comfort of all vulnerable road users. And whereas the city of austin encourages more austinites to choose cycling as a viable and environmentally sound form of transportation and exercise that improves our quality, reduces traffic congestion and conserves energy. And whereas two special days are set aside promoting bicycling this month. Wednesday, may ninth is bike school day, and friday, may 28th is bike to workday. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim may 2012 as national bike bicycling month here in austin. So I want to present this proclamation to a couple of folks who are deeply involved in all matters related to cycling here locally. We have nathan wilks from our city of austin neighborhood connectivity division, the bike-pedestrian program in our public works department, as well as aileen who serves on our urban transportation commission as well as a number of local community groups related to cycling. They work hard everyday to promote cycling and they'll be deeply involved in making this year's bicycling month the best one ever. So thank y'all so much for all you do.

[Applause]

>> I'm honored to accept this proclamation on behalf of public works and the neighborhood connectivity division. The importance of the proclamation is that of all the e's, the six e's, engineering, enforcement, education, evaluation, equality, the last being encouragement, bike month is an encouragement effort that gets people out on bicycles. So I encourage you guys all to take part in bike to workday and bike to school day. And I think bike to workday IS ACTUALLY MAY 18th, Which is a friday, instead of the 20th. So thank you very much.

[Applause]

>> I'm just going to mention one more activity taking place throughout the month of may. The austin police department has their bright cycle lift program, encouraging everyone to use lights on their bikes at night. So it will be doing some bike light giveaways during the month. for that.

[Applause]

>> Cole: Well, my very favorite people come on down, the girl scouts. Come on, come on, come on. Come on, ladies! I am very honored and pud to present a proclamation on the 100th anniversary of the girl scouts of the u.s.a. Get so they can see the pretty girls in the camera. There we go. Be it known that whereas this year marks the 100th anniversary of the girl scouts of the u.s.a. Founded when juliet gordon lowe gathered 18 girls to provide them the opportunity to develop physically, mentally and sprinklely. -- Spirit ali. And whereas the award winning girl scouts leadership program helps girls discover themselves and their values, connect with others and take action to make the world a better place, and whereas today more than 50 million american women are girl scouts alumni and 3 million girls and adult volunteers are active members. In central texas alone, there are 20,000 girl scouts and 12,000 volunteers. And whereas we are pleased to join girl scouts of the as service and voice for girls and recognition the time and talents of volunteers for their 100 years of leadership. Now therefore i, lee leffingwell, mayor of the city of austin, do here by proclaim the year 2012 as the year of the girl!

[Cheers and applause]

>> this is a great honor and this has been a wonderful opportunity. Thank you. Mayor pro tem cole, we're grateful for your support of girl scouts. As she said, girl scouts is 100 years old. This is the year of the girl and we are celebrating and we're working toward gender equity in the workplace within one generation. So we want to make a difference in the workplace. Some of the other things i wanted to share were read in the proclamation because girl scouts has not only been around for 100 years, but we have grown and thrived andrew horansky done more and more for the girls over the years. Girl scouts is about the leadership experience. And right now girl scouts of central texas serve 46 counties. We have four areas of focus. One is girls go tech, is our stem initiative. Stem stands for science, technology, engineering and math. We are about bringing those skills to all girls. We also have programs for girls green and in the environment. We want girls to take care of the environment and help the -- help others to learn how to take care of the environment. Girls go creative is our arts and also just creative thinking. We want girls to be able to be those problem solvers that we need in the community. And then we have girls grow strong, which is our leadership component. Our girls earn the highest honor in girl scouts, the gold award, and that's because they're giving back to community doing projects that will be -- have a lasting impact on the community. So we're proud of their accomplishments. And in the advocacy where girls have a voice to speak up for what is right and to make -- influence laws. So those are some things that we're doing and girl scouts are making the world and their community a safer, healthier place to live. And one of the things i would like to have one of our girls come up and share, a poem she wrote. So thank you. This is sarah young.

>> The year of the girl. 100 Years of being strong, from learning what's right and learning what's wrong. 100 Years of being proud, being heard and being loud. As long as they sing the things they do, will effect both me and you. The patches, the badges and the journeys too, teach them new skills and new things to do. If only everyone else was a girl scout, then the whole world would work together and know what being heard is all about. Thank you.

[Applause]

>> Mayor Leffingwell: We are out of recess and we will take up item 122. And after consultation with the city attorney, I'm going to rule the substitute motion out of order because the motion to postpone is a priority motion and any modification of that motion would have to relate directly to the postponement. So the main motion is on the table. Mayor pro tem? Can't hear you.

>> Cole: I will table my motion to postpone for approximately one hour, and give the parties who are here a chance to talk some more.

>> Mayor Leffingwell: So mayor pro tem wishes to withdraw her motion and table this item for approximately one hour. And who was the second? Councilmember spelman. Is that agreeable to you? All right. So the motion to postpone is temporarily withdrawn and we're going to put it on the table for approximately one hour. And if there's no objection, I'd like to pick up some of these items that have no citizens signed up. And go ahead and address those and then we'll go back in order after that. So the first is item 123 which is to conduct a public hearing and consider an ordinance adopting local standards for care of parks and recreation department's youth recreation program. We have no speakers signed up. Are there any comments from the council? So the motion is to close the public hearing and approve item 123. Motion by councilmember martinez, seconded by councilmember spelman. Discussion? All in favor say aye? Opposed say no. It passes on a vote of seven to zero. Next is item 124, to conduct a public hearing and consider an ordinance amending city code section 25-1-21 relating to requirements for flag lots.

>> Good evening, mayor and council, george zapalac with the department of planning and review. This item was on your agenda back in february and you continued it to this meeting and asked staff to make some modified recommendations and take it back to the planning commission, which we did. We had it scheduled for their april 10th meeting, but because they were involved with the comprehensive plan hearings at this time, they postponed it until april 24th, which was last tuesday. They did take it up at the time and made a recommendation and we have the revised material before you on yellow paper, which is just distributed; however, since you've not had time to review it, staff would recommend a postponement until may 24th.

>> Mayor Leffingwell: I'll entertain a motion to postpone item 124. Motion by councilmember martinez, seconded by councilmember riley. Discussion? All in favor say aye? Opposed say no. It passes on a vote of seven to zero. It's postponed until may 24th. Item 125 to conduct a public hearing and consider an ordinance adopting the sixth plan modification to east 11th and 12th streets urban renewal plan. There are no citizens signed up to speak.

>> Cole: Move approval.

>> Mayor Leffingwell: Mayor pro tem moves to close the public hearing. Seconded by councilmember martinez. Councilmember spelman?

>> Spelman: Please show me as recused on item 125.

>> Mayor Leffingwell: Okay. All in favor say aye? Opposed say no. It passes of a vote of 67 to zero with councilmember spelman recused from this items. Items number 126 through 130, which is the pilot knob m.u.d. And this is the second public hearing. And there are no citizens signed up to speak. Councilmember martinez moves to close the public hearing on items 126 through 130. Second by councilmember morrison. Discussion? All in favor say aye. Opposed say no. It passes on a vote of seven to zero. We'll now take up items 131 will you 130, which is the southeast which is the --

>> 131 through 134.

>> Mayor Leffingwell: 131 through 134, I stand correct fire department I said that wrong. No citizens signed up to speak. I'll entertain a motion to close the public hearing. Councilmember martinez so moves. Councilmember spelman seconds. Discussion? All in favor say aye. Opposed say no. It passes on a vote of seven to zero. 136 We've already done, have we not? We did the tif board item. So item 136 is to conduct a public hearing and consider amendments to the tif zone number 18. No citizens signed up? Councilmember spelman moves to close the public hearing and approve on all three readings. Seconded by councilmember martinez. Discussion? All in favor say aye. Oppose said no. It passes on a vote of seven to zero. Item number 137, conduct a public hearing and consider an ordinance amending chapter 30-3-161 of the city code.

>> George zapalac, planning development and review. This amendment was initiated at the request of travis county to establish provisions for joint use driveways for subdivisions in the extraterritorial jurisdiction of travis county and requirements related to nonresidential subdivisions. There's a requirement that they provide plans of the driveways when they submit their subdivision construction plans. The amendment has no practical effect on the city, but because we have a joint subdivision code in , both the city and the county are required to recommend any amendments.

>> Mayor Leffingwell: I'll entertain a close the public hearing and approve the resolution. Councilmember spelman so moves, second by the mayor pro tem. Is there any discussion? All in favor say aye. Opposed say no. It passes on a vote of seven to zero.

>> Mayor Leffingwell: I believe that that's all of the items that we have no citizens signed up to speak. Let me see. We'll take item 138, which only has one person signed up to speak. Meredith powell? Is meredith powell in the chamber? Not in the chamber? So I'll entertain a motion to close the public hearing and approve the resolution.

>> [Inaudible - no mic].

>> Mayor Leffingwell: Pardon?

>> [Inaudible - no mic].

>> Mayor Leffingwell: No. Yes, it is, excuse me. Almost got away with that.

[Laughter] please come up and speak and then after you get through please give your name and information to the city clerk.

>> My name is mark could you hen. I am the president of the city yoga associates of austin. We are a nonprofit church as such. This is before you, you have a request for a waiver of the ordinance that prohibits the sale of alcoholic beverages within 300 feet of a church. This -- when we have our services, it includes meditation for long periods of time. It also has -- by the nature of our spirituality, the people who come in are kind of offended by the use of alcohol. We leave our doors open while we have our services in case someone wants to come in and out. And so -- and we have valuables inside. And it's very dangerous and inconsistent with our -- our religious practices to serve alcoholic beverages right out in front of our -- basically right out in front of our facilities. We've been there since 1998 and this is an international organization recognized as a church in 10 countries, including in the united states and 20 cities. And we have a policy in locating ourselves next to a place that serves alcoholic beverages. And we would request, respectfully request the city council to stand behind the churches in this community and refuse the application for the waiver.

>> Mayor Leffingwell: Thank you. Mrs. . Those are all the folks we have signed up or expressing a wish to be heard in this public hearing. Please give your name to the city clerk.

[One moment, please, for change in captioners] council I, without objection we'll table this item for approximately one hour. Let's table it for 30 minutes and if he gets here sooner we'll take it up. Any objection to that? So I think that takes us back to almost regular order. And go back to item 121. And this is to consider an appeal of a decision by the residential design compatibility commission seeking -- denying a modification of a request for additional second story, et cetera, so first, before we begin, I'd like to see if there's anyone in the chamber who might be requesting a postponement or has an issue of standing with regard to this item. Hearing none, we'll hear a report from the city staff on this appeal.

>> Good evening, council MEMBERS, john McDonald with the residential review section of the planning and review department. The appellant carrie and max krupp are appealing the denial of a modification request to increase the 2% above the maximum allowable of 40%. Granting the appeal would allow the applicant to have a floor to area ratio or 3,071 square feet. The maximum floor to area ratio would have been 2,804 square feet. Backgrounds, on february 27, 2012, that a special called meeting of the residential design and compatibility commission denied the modification request by a 3-1 vote. Four commissioners were present. Three voted to deny the modification for the increase in floor to area ratio. The appellant challenges the residential design and compatibility commission's decision to deny the increase in far, and they have an attached appeal letter to that effect. And the appellant requests that the residential design and compatibility commission's decision be overturned and allow the appellant to grant the modification request to build a second-story dwelling unit above an existing detached garage 2 increase in floor to area ratio for the site. This item was also taken up on november 8 and

november 29 at the board of adjustment. It was postponed from november 8 to the november 29 board of adjustment meeting, in which the request was denied. any questions of staff? If not we're going to have a presentation by the peament with a ten -- appellant with a ten-minute time limit. I'm going to set the clock for ten minutes.

>> Good evening, council members, my name is david cansial owes i, I'm here for max and keri krupp, also with us is sarah bullock mac intire for further questions if you have any. What I'd like to do is run through our powerpoint that we've prepared and and first, let me premise -- or preface my presentation with our appreciation of the commissioners at the rdcc and the board of adjustments and the time that they do spend on these events. We know that it is voluntary and not every case is very simple, so we are certainly not here to disparage them in any way. We feel that this is a case, though, however, worth reconsidering. So with that this is an appeal to request a -- excuse me, an appeal to an rdcc decision denying the 2% far, which would allow -- if allowed -- if approved, a second-story addition on top of an existing detached one-story structure at 3700 lawton. Lawton. Background history, site information appeal to an rtcc decision denied the 2% far to allow the second story addition is what we're here for. The existing home is a two bedroom two bath with 2670 square feet. It's a two-story structure including an unused roof deck. We're proposing 3,098 square feet. We propose a second story over the detached garage. The existing impervious coverage is 42.7%. The proposed impervious cover would be 43.3%. This would create an additional 367 square feet over the allowable far, or 5.2%. The total proposed second-floor addition would be 428 square feet approximately, give or take a few feet. Some boa history as pointed OUT BY MR. McDONALD, ON November 8, 2011, the request for five foot rear 2 bar was asked to accommodate the second floor structure. The boa postponed that case based on our request for further information regarding a tree located between the primary and detached accessory structure. We postponed till november 29. We returned with the city arborist report that reflects significant damage to the tree would be done if the second floor was built the way that the boa had recommended, it be can't levered out -- cantilevered out toward the tree because it would eat away the canopy. They approved a rear setback approach of 5 feet, it's set in five feet from the rear. They also approved the first floor setback issue, which is the 1944 cmu one-story garage that had a three foot distance from the property line, so they allowed a 7-foot encroachment on it. They denied the far, obviously, at that hearing, and deferred to the -- the decision to the rdcc. The rdcc history starts on january 31, 2012. We presented the board of adjustment approvals. We presented multiple elevations. We presented multiple floor plans. We showed exterior site photos. We showed 25-plus letters of support from surrounding neighbors. We commented that there had been a verbal indication from the oakmont neighborhood of no opposition. This is a neighborhood that is not an active neighborhood. They really are not an official neighborhood plan in the sense that we think of here at the city. They just are the oakmont heights neighborhood. The owner did speak with the person in charge and there is no opposition we know of written or verbal otherwise. The rdcc, however, requested us to reengage surrounding neighbors. Specifically the ones to the rear across the alley that front on to the opposite street which is west 38th street and a couple others that hadn't responded for or against verbally or in writing to the multiple public notices that had gone out. So we were postponed to the 27th. The homeowner [inaudible] engaged absentee owners. We confirmed no opposition. New exterior elevations were drawn to show the size and scope of both detached structures, existing and proposed. The rdcc expressed its concern regarding primary and detached structure. The rdcc states that the primary structure is too large when proposing addition to the garage.

They proposed that the applicant actually partially demolish the second story of the preexisting home. The rdcc motion passes to deny the request 4-1. We leave the chambers. Rdcc revotes in our absence to correct a violation of roberts rules, and then a motion to approve is denied 4-1. And it's interesting because the chairman had specifically said he supported our request when we were there, but when the second vote took place, he reversed his position. We only know about this because a board member came out and addressed us afterwards. There's been no contact from staff whatsoever. So we were kind of uneasy about that. A hardship is that the site is a corner lot. The street side setback restricts usable area more than interior lots. This is a growing family that needs more space. The husband is an active duty military officer and is gone six months out of the year at a minimum. They need to be close to camp mabry. They did not design nor build the current home. And current -- the current home was approved and built by the city in 2004 prior to the adoption of sub-chapter s, otherwise known as the McMANSION ORDINANCE. The rdcc was concerned that the proposed second story created too large of a structure in concert with the existing primary structure which again was approved in 2004. The primary structure is a noncompliant -- is noncompliant with sub-chapter s in that the west side of home encroaches into the buildable tent area. We feel that the rdcc is wrongly penalizing the owner inherited design that they did not produce. They should not base the decision for denial of additional far on a detached accessory structure on a legal noncompliant structure. And it's our opinion, but we don't have many facts in front of us, to delineate certain cases. That the rdcc has a history of approving much higher far requests for houses throughout the city, not just west but east, north and south. So if we look at a neighborhood overview you'll see a balloon of the, a, that's the subject site in question. We've got mopac to the west, west 35th to the south, bull creek and jefferson to the east, and of course we're on the corner of 37th and lawton avenue. Here's a site survey. The large yellow is the footprint of the 2004 legal noncompliance structure. The arrow is the footprint of the proposed second floor. The square around it is the footprint of the existing cmu one-story building. Here's a picture from the corner of lawton and 37. You'll notice the porch and the rest of the house is oriented towards lawton instead of the front of the lot, which would traditionally be 37th street. Here's a close-up picture. Here's another close-up picture. Here's one from a different angle. Here's a picture of the garage. Here's a backed-out picture of the garage. Here's a further backed-out picture of the garage that shows a multitude of mature trees, which we argue provides a lot of screening for any secondary floor. And here's a rendering that we propose that it will look like if it's ever approved. We feel that you'll notice the stairwell is oriented toward the middle of the lot so it's not adversely impacting any adjacent neighbors, on the right side it's set off of the existing public alley and of course again we feel this will be screened from a lot of the view because of the mature trees. Here's sort of a side angle looking down the alley. Again, more trees. Here's a backshot of the building with -- from the alley. You can see the primary structure in question by the rtcc sticking up behind that. Here's a shot from the adjacent neighbor's house. I should note that the adjacent neighbor on 37th does support this request that we have more than 25 signatures on file in my possession. If you'd like to see those. Here's a rend reng of what that would -- rendering of what that would look like, that same angle. You'd see the second story, you'd see the top of the stairs by code. Here's an inside shot of the yard with the tree. We're trying to keep the tree. It's almost a protected tree. It's just about 19 inches. We feel one day it's going to be much larger. It's a very healthy tree. Here's the simple floor plan of the existing garage which won't change on the first floor. Here is a straightforward second story floor plan that shows kitchen, bath, livable area and the stairs. I'm about to run out of time. Can I run through this and just wrap up, if that's okay? your time is up.

>> I've got some very succinct points I can run through real quick if that's okay. if you wish we can have one of the people who's going to speak after you in favor to donate minutes to you. Kerri krupp? Would you like to donate your three minutes?

>> Sure.

>> Mayor leffingwell: okay. You can take her three minutes.

>> Thank you so much. Again, here is a proposed garage elevation view from lawton avenue. Here is what you would see walking outside the back side of the house, facing the rear facade. Here's a west elevation, again, from the adjacent lot. Here is the preexisting 2004 noncompliant structure. On the left side it's fully compliant with current McMANSION RULES AND TENT Regulations. On the right side it obviously is not. That side, so if we start at the bottom, look at the door and the covered porch, obviously first floor. Above that is second floor, which is mainly and only a third bedroom, a master suite. This pop-up area above it below the roof is only an interior stairwell. There's no additional attic space. There's no -- attic space. No buildable area. It's an interior stairwell that leads to an outdoor deck which the krupps can't use due to the heat and so forth and their small children. We think it's overregulatory for the rtcc to suggest that we should demolish this structure when it was legally permitted before subchapter f ever came into fruition. Here's a close-up of the site area. We'll notice the site at lawton and 37th with the, a, balloon. We have a large duplex nonconforming noncompliant across the street. Southeast of that we have a large condo complex. Directly across from our garage on lawton we've got a number of rehabbed single-family residents that have two-story with street facing balconies. To the northeast we have a large multi-family. To the west -- development. To the west we have a number of homes that have recently been remodeled, that have accessory structures that have two-story accessory structures, et cetera. And we think this mix, obviously this is wedged between bull creek, 35th, jefferson, mopac and lawton as a cut-through, and we feel this is sort of on the outskirts of that neighborhood as an exterior lot. And I think in sum, the owner has been navigating the permit process since september of 2011. Multiple meetings with development staff. The owner has attended two separate commission hearings of two meetings each over a four-month period. 5 in the rdcc seem confused and ill prepared to make a decision despite a comprehensive packet. They ignored the neighbor support. They based it on the building prior to subchapter f. They also seem to agree that the second floor addition created a better sight aesthetic. They switched the motion in the absence of the applicant. The decision appears to be arbitrary in comparison to other case seeking far increases. 2% far increase over the max. We formally requested a council overture and they cc'd the decision. Finally, if I could have sara -- actual actual ly you're note supposed to even have -- you're not supposed to even have additional time donated.

>> Of course. so -- unless there are questions, we'll go to the other speaker, which is sara mac mac entire. Sara?

>> I'm going to refer to the designer, sara mac intire and --

>> hi. I guess the points he was hoping to address is that the -- he intends to keep a growing family in the austin area, that the property remains owner occupied, it increases inner-city

density, supports bike pedestrian traffic, decreases vehicular traffic, increases housing affordability by providing a rental unit, the project is in keeping with the coa land use guidelines promoting denser development. There are 20 plus neighbors who provide written support and more neighbors provided verbal support. The neighborhood group doesn't object and the board supports setback requests unanimously. It's in keeping with previously remodeled single-family sites. It's surrounded by a mix of condo and family uses. It allows the type of development citizens are always hearing about, owner occupied property to be utilized to its highest and best use, that promotes healthy family friendly urban neighborhoods. thank you. All right. Now we're going to go on a presentation by respondent, by -- do we have a respondent on this? Unfortunately I've just been advised by the city attorney that there was no notice for this appeal, and so we have to discontinue so that the proper notice can be given. I really apologize for that, but those are the rules and I'm sorry to have to tell you this, but really our hands are tied on this. So I guess without objection this item is withdrawn from our agenda. Maybe we could hear from the city attorney to further explain.

>> There is -- yeah, this is extremely unfortunate, and our, you know, apologies to the applicant. The city code has a general provision on all appeals to council have to have a particular notice. And then in most parts of the code where there's a specific appeal created, it references that provision specifically. So the people -- the staff that are applying the code are told that notice is required, but in this particular rdcc provision, it doesn't circle back and reference that, but this overall notice requirement for all appeals to council is still applicable, and so it's an unfortunate and understandable mistake, but notice was not provided. I would suggest that perhaps the most - the easier way to -- easier way to handle would be to postpone to a time certain and then provide notice within that period. we could certainly do that. I don't see much difference from withdrawing it, but if that's your recommendation, I would entertain a motion to suspend this appeal hearing and postpone -- what time -- how long do you think we need for this process?

>> Next meeting.

>> Mayor leffingwell: may 24. So I'll entertain a motion to postpone this hearing until may 24. Council member morrison?

>> Second.

>> Morrison: mayor? can we get a second and I'll come right back to you. Council member spelman seconds.

>> Spelman: I'll second. and council member morrison? I wanted to comment to staff, I know that -- thank you for that explanation, and a little while back we passed a resolution that asked staff to go back and look at our code and all the appeals references. So it sounds like this will be a good place to address --

>> absolutely. way to address that also. Thank you. council member spelman. I'll follow up that, mr. lloyd. In addition to looking through the code to look for other instances of this, is there a change in procedure necessary to prevent appeals from ldcc -- rdcc decisions to the council having to go through this drill again? This was occasioned by the fact that the procedures

associated with rdcc appeals -- appeals of rdcc decisions were not properly -- did not have the same material in the code that they usually have. Is that accurate?

>> Yeah, it didn't -- staff is used to seeing -- whenever a notice is required, there's a specific reference to the main notice provision. The made notice provision applies, whether it's specifically referenced or not, but I think there's a pattern or practice in how our code is drafted that led staff to conclude no notice was required, and I think what council member morrison suggested is that we fix that and close that loop, and when we come back to council with kind of a more overall comprehensive rewrite of the appeal process, then we'll certainly include that. I was less interested in the overhaul and the comprehensive process. You just fix this one particular thing, that's all.

>> Okay. can I be assured this won't happen again for the rdcc appeals?

>> Absolutely.

>> Spelman: thank you. so we will reconsider this appeal on may 24, and I would like -- I am so sorry that this happened. It is a foul-up in the system, and -- and it's unavoidable that we have to suspend this hearing. I would suggest that when you come back, you prepare your presentation for ten minutes, because according to our rules we're really not allowed donation of time on the presentation. There can be doangs of time to folks -- donations of time to folks who want to speak in favor, but the initial presentation by the appellant is limited to ten minutes.

>> Yes, sir. thank you. I'm sorry again.

>> Thank you.

>> And the city clerk just reminded us of the need to vote as well. So -- yes, well, we're getting to that.

>> Okay. motion on the table. All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0. Now we'll go to item no. 135, And we're going to hear items 135 and 21 together. So what I'm going to suggest is I'm going to -- we have a number of folks -- yes, ma'am?

>> Item 135? Do you want me to do the legal fact finding first or do you want me to wait until the speakers? go ahead and do the legal fact finding first and then we'll get the speakers.

>> Item 135 is for a change in use in parkland. Chapter 26 of the texas parks and wildlife code provides the use of parkland for non-park purposes may be approved upon a finding that there's a feasible and prudent alternative to the taking of the use of the land and all reasonable planning minimize harm to the park. This is a temporary license agreement for the austin pets alive, and it

is an expanded scope from where we were in november of last year. any questions for staff?
Council member martinez.

>> Martinez: thanks, mayor. So jeannie, just everyone here understands what we're doing, but I just want to clarify and put it on the record that even though we've used this facility for an animal shelter in previous decades, because we're now entering into a license agreement we have to hold a chapter 26 hearing?

>> That's correct, because this is a nonprofit. It was originally the city of austin operating that facility, and so it's considered a change in use, and so we're following that chapter 26 process.

>> Martinez: okay. And so the hearing is for folks who either want to support and/or oppose us using the facility for this purpose.

>> For non-park purposes, that's correct.

>> Martinez: thanks. Thanks, mayor.

>> Spelman: mayor? council member spelman. jeannie, while you're there, how long will this temporary use permit go on?

>> We entered into this agreement in november of last year. It was for 18 months, so it takes us through may of this year.

>> Spelman: okay. And so all we're talking about here is a chapter 26 hearing, which would allow for a more permanent use, but the agreement --

>> it allows for an expanded scope from when we were here previously before.

>> Spelman: okay. Okay. It's not extending the term or changing the terms other than the expanded scope?

>> That is correct, sir. thank you, ma'am.

>> Mayor leffingwell: okay. So as I just said, we're going to hear these items together, item 135 and 21. We'll have the public hearing for 135 and that will include the public comment on 21, and then we'll go back and vote on them separately, 135 first and then item 21. So we'll go to our speakers, christina jacka -- jacksta? Waved? Ellen jefferson? And donating time to you is michael McDonald? Is michael here? The other michael McDONALD. All right. You're here? Claudia arlankin? Claudia? She's gone. Okay. jefferson, you have six minutes.

>> Okay. Thank you very much for listening to us about this. We are wanting to use the facility, I think everybody is already aware, we want to use the facility as a substitute for the facility that we're currently in on manchaca road that is being -- the facility is being developed. So we have to be out by the end of may, and we have proposed some amendment changes to the license agreement, which I think is being handed out right now, and I thought I would go over those, but

I also want to just reiterate that we have taken -- over the last year taken 12% of the animal shelter's intake per year -- actually the last two years, which is about 3,000 animals, and so losing the facility that we're in, it jeopardizes all of our operations, including the animals that we take from the city of austin. So we're -- we are hopeful that this will work out and try to make it hopefully as painless as possible and build on the relationship that's already in process there between the city and apa. So the -- let's see. Looking at the temporary license agreement, the 0, we are just asking for the -- this agreement to end on may 10 so it goes through the entire extension of the first one. 1 Is just -- is an expansion to include animals from the austin metro area, including -- and also the austin animal center animals, including animals that are given to us from the public as well, from austin. 3, and I'm just going to run through these quickly. If you guys have any questions, I don't want to waste a lot of your time. The animal inventory on the premises may not fall below the minimum daily dog inventory, and this is the inventory of at risk animals that we pull from the animal shelter, from the austin animal shelter. 4 is reporting that the monthly reports will continue to come in for the animals that we pull from the austin shelter, and i think that's it, actually. So it's really not very many changes at all. We're just hoping for really minimal changes so that we can move as quickly as possible and get in there without missing a beat. We have four weeks left before we have to actually be gone from our facility, and all of our cages need to come out, we need to take down a lot of the infrastructure that was put in, even though it's temporary infrastructure, we need to pull it down before may 31. So the animals actually have to leave in enough time for us to do that. thank you.

>> Uh-huh. Thank you. sasha edwards? Welcome. You have three minutes.

>> Thank you all again for your support in our city's no-kill efforts and success. Know that with your support you have saved lives of thousands of animals. I'm here to support the completeness of the site for austin pets alive. It's been established already since currently austin provides funding for the austin humane society, as well as [inaudible] which offer important services for our city and surrounding area. The humane society has indicated not only they work with austin animal services but they also pull animals from other municipalities, ban bastrop, williamson county to name a few. They place them in their adoption program. They received over \$25,000 in funding from austin animal funding and also w emancipet, they received \$5,000 a year, plus emancipet is using it to house pets. It equals about 640 a month, which is about 8,000 per year. Their service location stretches as far north as georgetown, as far west as womenler by, lago vista, as far south as lockhart and san marcos. Animal service is not asking them to stop providing services because they understand how vital these lifesaving programs are. Parvo puppies. Three years ago the animal service director gave mission orange partner \$50,000 for the medical care of 100 parvo puppies. That equates to about \$500 per puppy. Apa took care of 224 parvo puppies in 2011 alone at no cost to the city. If the city had to outsource that based on what they did three years ago it would have cost the city \$112,000 last year alone. Not only would it have cost the city over \$100,000, but there is no way the city could save all the parvo puppies. Right now the city's only parvo program is austin pets alive, saving all the parvo puppies at no charge. Apa plans to keep doing what they're doing, saving every cat, kitten, puppy, small breed dog no matter why they're sick, every orphan indicatey, every medically treatable animal that isn't being serviced by austin animal center that would have been killed and each year apa takes more and more animals. We have a site that's available. It's not costing the city of austin anything extra. And there will be no service interruptions, and now with kitten season in full swing till fall

that's very important. So we need to address this regionally. We're a group of communities that is interwoven across several counties and the focus should always be saving animals. As all of you are aware, the nation and even some countries were following the successes of our no-kill program here in austin. Let's make sure we stay successful by supporting these programs and our animal welfare community. Thank you for your time. thank you. Faith wright? Faith wright? Okay. You have three minutes.

>> Hello. My name is faith wright. I'm the operations manager for automatic pets alive. I appreciate you taking this up tonight and giving us this time. I don't want to spend a lot of time going over a whole lot of information. I wanted to share with you what my day was like today at apa. 00 this morning receiving emails of bottle baby kittens that had come in that were orphaned. One was a 3-day-old, several 2 day olds and a couple ones that were three weeks old. We had to immediately get transport down there and get those kittens out. I then had parvo dogs start showing up. I had more bottle baby kittens starting to show up. I received an email at about 00 that aac was in need of me to do a space pull, which means they were ten kennels short and I needed to get there and get dogs out so no tough decisions had to be made today. I took ten dogs from them. Three have sar coptic mange, one in an isolation ward. We got all ten out. Aac was great. They helped me transport. I explained with tonight's meeting going on I would have a hard time getting volunteers to do the transport and I wouldn't be able to get a van out there. They were great. They got all the animals into an animal control truck and brought them to us. I had hannah on with us, a customer service representative with aac. We reviewed notes and got the animals to us. It doesn't top there. We've had more parvo dogs come in. While I was in this meeting I had one more parvo dog, four more litters of baby bottle kittens we've been confirming on. I have transportation getting out there. All we're asking is that we're allowed to continue this relationship, we're allowed to have apa help the city keep our no-kill status. That's all apa wants to do, is have your blessing at allowing us to keep as no-kill. That's it. Thank you. thank you. Albright. And your donating chris morris, likewise, waving your time to speak. Catherine moore? Waving. Wendy wootsec? You're waving your speaking time? All of these folks are in favor but not wishing to speak now. Roana distanfelled. All right. Come on up. You have three minutes.

>> I've lived in austin 27 years and in that time the city council has done a lot of things I've been in favor of and a lot of things i haven't been in favor of. But one of the very few times the city council really made me proud was when they passed a resolution to make austin a no-kill city. And last year when austin actually became a no-kill city, I was really, really proud to be able to say i lived in austin, and I was not at that time a volunteer with austin pets alive. I've only been a volunteer with them since january. But in that time I've come to appreciate what an intre gradual part austin plays in making it a no-kill city and that's possible because of the facilities and resources that apa has that aac simply doesn't have. The medical facilities that we have, the volunteers that we have, the behavior experts that we have, allow us to pull animals from aac and other places that otherwise would be killed, not euthanized. Euthanized is when they're actually too sick to kill dogs, that really can't be adopted. But there are so many animals that are adoptable that maybe they're a little sick, they just need medical facilities and time to heal, maybe they have some behavior issues, that somebody needs to work with them. Aac doesn't have those resources but apa does, and it's thanks to apa that austin was able to achieve that no-kill status, and without apa having its resources and having its facility and having a place to do

all this, austin is not going to remain a no-kill city. I want to continue to be proud of austin. I want to continue to be proud to be an austinite, and I really want to be proud of my city council once again. So please help us continue to help aac and continue to keep this entire regional community a no-kill area. Thank you. thank you. Lorri michelle. Lori michelle? Okay. And we have 17 other folks who are signed up in favor not wishing to speak. And going to the -- through the list, is there anyone who signed up to speak on item 21 who did not get a chance to speak on this item? Looks like pretty much the same folks. So we'll first address item 135. And it will be to consider -- have a public hearing and consider resolution directing the city manager to amend the temporary license agreement. Entertain a motion on that. I move approval. council member martinez moves to close the public hearing and approve the resolution. Second by council member morrison. I have a question. council member martinez.

>> Martinez: thanks. I wanted to ask you a question about this. Item 35 is the public hearing for the change of scope and use for dedicated parkland.

>> Yes. so if -- and council member spelman brought up things like the length of term with this license agreement. That would not be codified under this. That would be under item 21?

>> That's correct. so this simply changes the scope and what we're going to adopt on 21 defines whatever the license agreement might end up looking like.

>> That's correct.

>> Martinez: great. motion made, second on the table. Further discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0.

[Applause] now we'll consider item no. 21, Which is to authorize negotiation and execution of an amendment to the temporary license agreement. I'll move approval, mayor. council member martinez moves approval, second by council member morrison. Any further discussion?

>> Martinez: yes, mayor. council member martinez. so there are a couple of things. It looks like we have -- every one of us has been passed out a temporary license agreement. Is this what has been negotiated between animal services and apa?

>> No, for this -- for this -- abigail family services offices. No, for this, we will -- after the motion passes, we will then negotiate and execute an amendment to the existing license agreement, so we're going to begin with what we've already done back in november and then add an amendment that broadens the scope perfect the chapter 26 we just had. so what is this that's put before us.

>> I don't know what you have. jefferson, can you speak to this?

>> This is -- this document jefferson's proposed changes to the existing license agreement, and right now staff is in draft phases and we're -- we've begun with this. I was given this months ago. jefferson, can I ask you a couple questions about this? So have you guys been in negotiations with staff on this -- in this document or is this something that you all just crafted and have proposed?

>> Right. It's something that we've crafted and proposed. but has staff had an opportunity to view it and have there been discussions about points of disagreement or points of agreement?

>> No, we have not sat down and talked about the amendments, but we -- we've given just the staff and i know they've had received it. I know it's come before health & human services and there's been questions about reserve kennel space for the animal shelter if apa were to take over tlak. There's been questions about ongoing maintenance and upgrades to the tlac site. Is that contemplated in this document or in the conversations you're having?

>> This is -- none of that is in this document. And part of what I was going to say and I ran out of time and got nervous. But we -- we are committed to making the property safe for the animals. We obviously can't spend, you know, a million dollars fixing it up in the 12-month agreement, but we're committed to fixing anything that is fixable with a short-term solution. We're also -- I forgot the second part of your question, sorry. the ongoing operations and maintenance and keep up the facility if you were to enter into a license agreement to take over the facility. We understand that there are substantial repairs that need to take place and --

>> right. Well, there are. I mean, the whole facility -- I think everybody knows could be completely demolished and built new, but to make it usable I think that we could do simple things like concrete paint or like a liquid granite substance that can go over the concrete and I talked to a couple contractors about that. So there's been simple solutions that we can make the cages safe for the animals for the short-term.

>> Great. Thank you.

>> And we'd like this to be cost neutral for the city. That's our intention.

>> Martinez: great. smith, when it came to animal advisory commission there were some concerns about austin pets alive coming into the town lake animal shelter because of some of their practices of taking animals from outside the austin area and you brought those concerns to us. They seemed to make valid points at that time. Have you guys discussed that any further or is there anything else that you can share with the full council about that point that you brought to us?

>> Well, I still have the same concern, that, you know, a substantial amount of the lives of animals that apa saves are from outside the austin/travis county area's where we service, and I still have concerns that bringing animals into our community to compete for adoptive homes is potentially challenging for us. And so that hasn't -- my concern hasn't changed. I think we'll see overtime, you know, how that plays out. do you -- how many animals has apa taken from us in this time that we've achieved no-kill? Have they been taking animals on a daily basis?

>> Oh, absolutely. like we've been no-kill since last march, right? It's been a year. We celebrated a year. So in that year how many animals have they taken from us?

>> I don't have that raw data in front of me. in that year have they taken animals from out of austin?

>> Yes. and so we've been able to achieve no-kill with them taking animals --

>> well, I mean, we -- i have presented it before and unfortunately I don't have it in front of me right now, but the -- the data on apa's web site, I think it's till jefferson clearly states where the animals are coming from and you can see from last summer how the numbers, you know, begin to change where they're assisting other communities and the agreement with san antonio happened only in december. So all of this stuff is evolving over time. I don't think we can look at the friends from the last two years and extrapolate because all of this is evolving as the months go by.

>> Martinez: I understand. Okay. Thank you. D I wanted to ask a follow-up question other than what I started on item 135. I'm sorry, mayor. I'll be brief. Deborah, so on this item, item 21 is literally directing staff either to or not, depending on the motion and the outcome of that motion, to enter into a license agreement.

>> Yes, sir. and we could, as a council, direct staff to enter into a license agreement for a certain period?

>> Yes. whether it's through may, as was mentioned earlier, or through may of 2014, '15?

>> Yes.

>> Martinez: okay. So with that, mayor, I'm going to make a motion that -- but I want to make this motion specific that we enter into negotiations, but we come back to council on may 24 for execution of this agreement, and that the starting point be the temporary license agreement that's been proposed by austin pets alive, but to also negotiate a multi-year agreement with austin pets alive that contains the following components, and I'll provide this to the that we enter into a multi-year agreement beyond this one-year license agreement if austin pets alive commits to saving all healthy and treatable bottle baby kittens, parvo puppies and small dogs on the city's no-kill list during the term of the agreement, that austin pets alive commits to saving an additional five behaviorally challenged large dogs per month during the term which is more than the city staff is currently reporting as the last category, which doesn't have to be in the motion, just the first sentence, that austin pets alive commits to developing a program to rehabilitate the additionally -- the behaviorally challenged dogs that it also commits to save, which is also something we haven't fulfilled as a city, our behavioral program, and that austin pets alive commits to refurbishing the kennels and cages to meet the texas state animal shelter statements at tlac. I have this written down and I'll be glad to provide both of these documents but I'll make that motion. let me just ask the attorneys if they can -- if this is within your scope to handle it as a essentially, a new resolution to authorize negotiation of two different agreements. He has it in writing. Is that sufficient? it would essentially be one agreement with direction to negotiate.

>> Mayor leffingwell: okay. for an extension.

>> Those are additional terms that he would like renegotiated in this agreement. I just want to make sure that we're prepared, that this can go on. A motion by council member martinez, he furnished the language to the clerk. Is there a second? Second by council member morrison. Is there any further discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. It passes on a vote of 7-0.

[Cheers and applause] we'll go to item 19, which is a public hearing to consider -- 139, which is an ordinance to consider amending city code chapter 25-2. We have a number of folks signed up to speak. If it's all right with council we'll go ahead and go to those speakers. First is jessica leman. Jessica? Okay. So you have -- you have three minutes.

>> Thank you. Hello. My name is jessica lemon I'm the associate state director for outreach for aarp in texas and I'm here on behalf of 40,000 members in austin to support the zoning ordinance regarding the regulation of use of building and land for payday and auto title vendors. I would like to applaud this city council for their efforts thus far to promote economic development and responsible lending in austin. This work began last year with the strong action you took in the approval of the transactional ordinance and now before you is an opportunity to further this work for this important zoning component. The clustering of these learned in an area, their close proximity to a highway and their saturation of strip malls has a large negative impact on communities. They bring a perception of economic decline, an image that there is no disposable income putting potential community investment at risk. If there is no investment, there are no new jobs and no tax base for important services and infrastructure improvements. In addition to saddling a community with a bad image, these businesses also slow property value appreciation. Aarp members care deeply about their property values. For the vast majority of older adults their home is often their single largest investment and they do not want to see that harmed by the proliferation of these businesses within close proximity to each other, nor do they want them to be the first thing you see when you pass by their community on the highway or find them in every strip mall. Finally, these businesses also prohibit traditional lenders from entering a community. They become the de facto atm in a neighborhood at a price austin residents can't afford. By preventing additional includes drink we can begin to address one of the many factors that lure borrowers into the never-ending cycle of debt often associated with payday and auto title loans. It's a cycle of debt making it easy for a borrower to take out a new loan to pay an existing loan that sets them up to fail from the beginning. While texas doesn't keep these types of statistics, oklahoma does and in oklahoma the average bar takes out nine -- borrower takes out nine loans a year, not because they had nine emergencies, they had one emergency. And took out one loan but couldn't pay it within the terms of the agreement so they had to keep borrowing, rolling the loan over again and again. These lenders already have a stranglehold on many communities in austin and this ordinance doesn't address that. So by addressing future clustering we're eliminating the on ramp to the cycle of debt in new communities. Placement of these businesses in strip malls have a similar effect as clustering because it makes it very easy to a borrower to look for paying bills at nearby stores rather than finding an alternative that would

save them financial and emotional stress later on. Aarp heard hundreds of stories from people who have been financially devastated because people can't pay them off within the terms of the loan so they get trapped in this cycle of debt. If there are concerns about unintended consequences, know that dallas has done something similar and her surrounding communities have gone further in their zoning ordinance to regulate the regulation of these lenders. In each case this ordinance has proven to be an effective tool in making communities more economically viable, and again, we thank you for all you have done so far and we urge you to pass this ordinance in its entirety to safeguard the financial security of austin residents and economic development of our communities.

>> Cole: thank you, jessica. Next we -- next we have olli pastoria -- olli is not in the chamber. Next we have jerry mitchell. And jerry, lucille flores has offered her time to you so you have a total of six minutes.

>> Thank you very much and good evening members of the council. My name is jerry mitchell. I'm a volunteer with vincent depaul society catholic church in northwest austin. vincent depaul society is a ministry dedicated to helping people in need, and every week we go out and meet with dozens of people throughout austin, catholic and non-catholic, who need spiritual and financial help and guidance. I know how committed the council members are and how aware you are of the devastating impact that the predatory lending by the auto, title and payday lenders have on people who are in need of emergency financial help, but I just wanted to put a face with -- with those individuals tonight. I have with us lucille flores, and lucille, if you'd just stand up for a second. Lucille, some of you may have seen in television interviews last night and also in the austin statesman today. I met lucille a couple months ago when she needed help with her rent, and i soon discovered that she had had a dire financial emergency because both her daughter and husband had died in the space of a very short period of time at the end of last year. In order to meet huge funeral bills and medical bills and the basic necessities of life, she had turned to an auto title loan, and tonight I was saying, well, how did you discover that? And she said, oh, I just saw them advertising out on burnet avenue and I was desperate, I tried my bank, I tried a number of sources and I turned to one of those storefronts that we see all along burnet and throughout the city. In fact, lucille found out that after her initial joy of getting the loan in about 15 minutes, in 30 days she had to pay the loan off or do a roll-over fee. The next four months she spent \$2,500 in fees and interest and I believe she lowered her \$3,000 loan by about 3 cents. And finally, through help of an anonymous benefactor she was able to pay off that loan and get out from under that cloud of financial debt. But that's not typical of most of the people that we see and the people that you all help so well with the ordinance that was passed last august. This ordinance avoids and works as jessica has just explained on the concentration issue. We know that part of the business model of payday and auto title lenders is the concentration. Concentration in strip malls alongside laundry row mats and foot outlets, pay billing offices, cell phones, make it very easy to lure people into these offices, so that aspect of being able to locate together with these kinds of businesses and in numbers certainly is part of the business model. Anything that can be done to avoid that concentration will limit the access that consumers have or the ease of access to such businesses. In addition, we know that many of the owners of payday and auto title companies also own the pawn shops, they own the other payday or auto title shops, they own the rental equipment shops, so we know that they often conglomerate together and this ordinance will help prevent that and make it more difficult for them to refer one individual to another. I

remember lucille telling me that when she went in to get her loan, they also said, well, do you have something you'd like to pawn? Do you want to go next door and pawn this item? So this zoning ordinance deals with that. We know that as jessica mentioned, it's been done in irving and dallas, san antonio, brownsville, mesquite and been effective. We know in the mesquite case in 2008 they had 22 of these operations, and today they have 19. That's a reduction of 10%. In the last two years we've had an increase in austin of 60% going from 96 of these establishments to about 153, and growing every day. The business model is concentration by trying to check and trying to limit that concentration, will do a great deal toward helping people like lucille and the many faceless individuals that we all hear about but don't always put a name and a story to their situation. Every store in one of these areas as jessica mentioned, draws about \$200,000 out of the pockets of people there, while multi-use development normally is going to help economic development, in this case it shows it has the exact opposite effect. It gives the appearance of decline in neighborhoods, retail establishments, small stores and business owners see no reason to relocate if everybody is borrowing money because obviously then they don't have money to consume and to buy the products that these types of stores make the offering. So economic development does not happen, and by limiting concentration we hope that we can help the economic development in these underserved areas and help those individuals get out from the cycle of poverty and debt that the predatory lending practices encourage. Let me just thank the council for considering your support of this ordinance. I thank you for keeping austin in the forefront of the cities, and I thank you for remembering that fairness for all the citizens of austin is critical and is a valuable value that we all value and support. Thank you very much.

[One moment, please, for] the same approach that cities of dallas and san antonio have a use permitting approach and dallas has certain restrictions in terms of the proximity of the stores. Irving has a provision that whereby if the establishment chooses to do any kind of upgrade that impacts 25% of the store location, they would then have to comply with the standards, so it would actually reach into the existing businesses in the community whereas this austin ordinance does not at this time.

>> Okay. the -- have any of these ordinances been challenged in court that you're aware of?

>> I'm not -- I don't -- I'm not aware of the -- of the challenges, the legal challenges. I do know that in san antonio check and go I guess wasn't happy with the special use permitting process and did file suit against the city this summer. I don't know what the status of that lawsuit is but the city is vigorously defending it and feels they're on strong ground.

>> The basis of the suit was a special use permitting which we're not considering here.

>> Right. thank you for your help.

>> Thank you. yannis banks?

>> Good evening, name is yannis banks. I'm representing the texas naacp as well as I talked to nelson lender from the austin branch and he's in favor of this bill. I'll be brief. We have some football fans who may be interested in the draft so I don't want to be too long with you all. We are supporting this resolution because we know from looking at it, it's been a national issue, our

national association, it's been on our radar, the state's radar. When we look at the data african-americans are two and a half times more likely to use this product. When you look at hispanics, we make up about 77% of all customers. It's our communities getting trapped in the cycle of debt. So we like what you're trying to give regulations to these communities, we know what can happen from this. So by having to do a stand-alone business and having to spread out, it gives people more options. We've looked at the data as well and shows that 33% of the people who use it, which is a majority of people on the pie chart, they do it out of convenience, whether they need it or not, it may be -- something may happen and they're thinking about their other options, they see it because it's in a cluster, I can just go here, whatever I need I can go get it without thinking it through and saying I have other options. They may feel like they're in a rush, in a dire need and they go that route. We look at where you have a stand-alone and you give them the separation, people can sit back and actually may have a chance to think about what are my other options besides just this, and I'm not just doing this here. We commend you for the work you're doing and we support you wholeheartedly. Thank you. kim tut? Kim tut pass? Okay. Ken white? Pass. Joseph moore? Pass. Manuel camero. Signed up against.

>> Good evening, mayor and council members. I am opposed to this legislation being passed. The reason being is that I -- my personal opinion is this is actually a liquidity issue for the most part and education and a liquidity issue. Unfortunately, yes, sometimes people feel like they have to have access to money, and let's just say something does come up. I myself have used them in the past, and I feel like it's been a benefit to me. Have I heard of people that have gotten into that cycle of debt where they get one loan and then they feel like they have to get another one in order to keep up with the payments? I have heard of that. Have I ever been stuck in that situation? I've been lucky enough to say no. But what I've noticed, or at least for myself, when i needed to go ahead and get a loan and I looked around, and I was like, you know what, my credit score was messed up at that time, and I looked at my income and i had my vehicle and I was like, what can I do at this point in time? I go to the bank I was using at that moment. They said sorry, we can't do anything for you. And I'm like, you know what? I just need a few hundred bucks. This will get me through. It's going to take me a week or two, maybe even three or four weeks to go ahead and pay this off. But once you're able to do that and you're able to go ahead and take care of whatever that emergency may be, I would hate for anybody else who was in my situation to be able to turn around and say, that was once available, that access to liquidity and to be able to make those choices for yourself and independently make that choice for yourself, because it's not an easy thing to jump in there and get a loan. They require documentation, proof of employment, you know, proof of ownership, if you own the vehicle, those types of things. And so when you go in there knowing exactly what you're getting involved with. This is -- they're not pulling a fast one on anybody. They've never pulled a fast one with me. I've used the different locations, you know, throughout austin in the past. And you know what? It's really more of an access to liquidity issue in my opinion. And thank you for the time. thank you. Joseph moore? Joseph moore is not here. So those are all the speakers that are signed up to speak in the public hearing. So I'll entertain a motion to close the public hearing and consider the ordinance amending chapter 25 too. Council member spelman? mayor, I have a great speech but I won't give it partly because it's late and partly because almost everything I was going to say has already been provided to us, much more eloquently by our speakers. So I'll just move to close the public hearing and adopt this ordinance on all three readings. so moved by council member spelman to close the public hearing and approve on all three readings, seconded by council

member martinez. Further discussion? there is one more thing. Some late backup has been made available to all of us in these handy yellow sheets, passed out earlier this morning. Provides some information which I had a chance to talk with a couple of you about this. I won't mention it any further other than there is information available here, and I'm given to understand that additional information has already been made available to all of us via email. I should probably check with staff to see whether that is accurate or not.

>> Greg guernsey, planning development department. I know our attorney chad shaw received that same information. I think it's in yellow. And there's actually two packets that were presented to us today. chad, could you talk to us about the status of that.

>> I'm chad, law department. I believe there was a cd that contained -- I believe you're right, that contained both. I think the documents you have and several others so i just wanted to make sure that those arrived.

>> Spelman: yeah. Thank you, chad. motion on the table. Council member morrison? I wanted to raise one clarification on this ordinance. 25-2-816 B2, are you following me here? This is important. I want to make sure you hear it. This use may not be located on a site that is within 200 feet of a property in a residential zoning district, or on which a residential use is located. We used to have that language in some of our other codes, because we were trying to make sure it was separated from residential uses, but because we have residential uses in mixed use and bmu, we have in those other areas changed the language to say -- so that for instance, we have condominiums that are in a mixed use area. And so we've changed the language to say within 200 feet of a property in a base, combining or overlay district in which a residential use is allowed or in which a residential located. So that means that if it's mu, mixed use, it would be protected also. So I would like to ask if you would consider that a friendly amendment.

[One moment, please, for]

>> I spoke to the developer today and he intends to have three bedrooms per house minimum and so this will be a family style development. And it will also provide diversity, provide more housing availability to more people to live in this area. And, finally, I know that there is concern in the neighborhood that some of the roads are substandard, in particular peaceful hill road, and one of the benefits of this development is that the developer will be required prior to obtaining the zoning post fiscal money to improve peaceful hill. That money will go to the public works department and at their discretion, they will use it to improve the road and that wraps up my presentation and if you have any questions, I will be glad to answer. questions for the applicant? questions for the applicant? We will go ahead and go to speakers. We have no speakers signed up in favor. We will go to those against. Kathleen rohajo and how about jody maddingly. You have six minutes.

>> Knew. I would like to propose we go in particular order for brevity and more clarity. There is several of us that are going to speak in opposition, john stokes, brister milton, myself, kathleen and andrea and I am sure a few others. go ahead and come up in the order you want to speak in and announce yourselves.

>> Thank you. just announce your name on the microphone. Before you start, chris clark, are you here? Is chris here?

>> He is on his way, I think. not in the chamber so you have three minutes.

>> I understand. I think his intense was to add a few minutes so I can wrap up at the end but he is not here at the moment. he has to be in the chamber before he can donate time. If he gets here before you finish, as of now you have 3 minutes.

>> I definitely want to get through this in 3 minutes. My name is john stokes. I want to first thank the council members and their staff who took a great deal of time to listen to our concerns in great detail. It is a complex issue. I come here as a friend of williams elementary school, and I want to explain exactly what that's about because we think williams elementary school is the missing link in this entire discussion so far. To clarify, this is our valid petition of 35%, just for clarity. , Most of those people are single family houses and the rest of that wrapped around is all industrial, so this 35% represents a very large majority of the people involved. We -- this is the valid petition that we circulated and you will see it's for sf2. We have some reasons for that, that we list there, and that was the first thing we came up with, without knowledge of what would really be the best thing. That is in there, and that is the initial valid petition. However, this, I think, even though it's not considered valid legally is the more important petition from the friends of williams elementary school. You may have this, this, we passed around because it became clear to us, as we investigated this further and talked to pta or parents and listened to our engineer who had analyzed this, this thing is a hazard -- an immediate hazard to the safety of the children of williams elementary school. We have no problem of getting this many signatures in four hours and each of these pages represents up to 14 children -- that's their ages. I will explain exactly what our issue is and then I will turn this over to people who can speak with more authority. This is the actual googins map that you did not get -- the google map of what you did not get and what you missed in your map is that large upper left red area, which is actually williams elementary school, the applicant's front door is 350 feet from that school. You are closer at that school at the front door of that property than you are to the back line of that property. You will see here that the issue that this that property dumps into mayrow street, directly in front of williams elementary school is the sole loading zone and unloading zone. It is a very hazardous place as it is, as you will hear, and this development shoots like a bullet right down mayrow, the traffic will go. We have had an engineer who has analyzed it and it's shocking how bad the increase will be. I will let him explain exactly why that is. This is a lay-out that kathie will speak to but so you get an idea of the scale of this. It is nly 350 feet from the front door of that applicant's tract into williams elementary school and then there is a straight shot down mayrow that consists of a loading zone and then you see two city bus stops on this street.

[Buzzer alarming] and we think that's what we need. I will conclude with this. and your time has expired. Thank you.

>> Okay.

>> Tovo: Mayor, may I ask a question. council member, tovo.

>> Tovo: stokes, do you have another speaker who will address safety issues along the street or shall I direct them to that now?

>> That is a very major part of the presentation. I will be happy to.

>> Tovo: Then I think we can hear all of the presentations and I can answer questions at the end.

>> I am hoping to answer questions at the end, too.

>> Tovo: Okay. Very good. Thanks. next speaker in your choice of order.

>> Thank you. My name is brister melton. I came to the neighborhood association through the sierra club. They suggested somebody help them with their environmental issues of this project. It ends up I could help them with a lot of other things i have done for neighborhood associations around the community and this is dealing with traffic on this project. My fist slide, please. This is the one right after john stokes, brister melton. The original neighborhood traffic analysis was not meant to be -- thank you. The one after that one -- was not meant to be -- the next one. The next slide. Thank you. Was not meant to be a complete evaluation. Of the traffic in any given area so they did not initially look at mairo street, which is a direct connector to this project to south congress and as john mentioned it, runs right in front of williams elementary school. Williams elementary school also does not have a round about that goes to the front door. Everything has to happen on mairo street. So staff -- when this was brought to their attention, staff re-did their neighborhood traffic evaluation and found that the traffic on mairo would increase 26% because of the subdivision, but they did not take into consideration that it's a direct connector from the park ridge garden development to the mairo street into williams tree and south first street. The original neighborhood traffic analysis on park ridge gardens showed that subdivision be split halfway between peaceful hill and ralph ablamado so when you put the half of park ridge gardens that was supposed to go into peaceful hill through peaceful hill through this proposed application, it ends up with, you get an increase of 134% in traffic on mairo street. The neighbors out here say they got troubles already and they need to get their troubles in front of this school with traffic, taking care of right now; their existing traffic is bad and they need to get that taken care of. This increase of 134% in traffic needs to be further evaluated before anything else can be done. There is a couple of other issues about drainage, trees. guernsey mentioned there was only a couple of heritage trees. I understand there is four heritage trees on the property. There is also this project, drains right on to the wrecking yard that's immediately downstream that dumps into

[buzzer alarming] boggy lane and that's a tough one to figure out there. Thank you, guys, for your time. council member tovo has a question for you.

>> Tovo: melton, i think you probably are the best one to answer this question. You were just starting to talk about drainage and I wondered if you might finish up that point.

>> That's a difficult thing to address an entitlement, and I am not sure how you would address something like this on a side plan, this -- the increase run-off -- there will be increased quantity of run-off. It is the amount of flow rate that is -- that is limited by city code, but the water -- the amount of water coming off will increase so it will flow across the wrecking yard for a longer

period of time, which exacerbates any issues that there are with any toxic materials in the wrecking yard from the generations that it's been in operation, getting washed off into bog by Boggy.

>> Tovo: And this is, in your opinion, would be caused by an increase in impervious cover on that site, less the recommendation of sf2 versus sf6?

>> Well, unfortunately any increase of impervious cover would increase the amount of water coming off from the site. It is something I want to bring up. I don't know what the answers are. I am sure the answers can be determined. Site plan states a little bit more appropriate. But even the entitlement stage, it is worth considering there is a nonconforming use immediately downstream of this property that run-off does flow through and nonconforming use does have some problems.

>> Tovo: Thanks.

>> Mayor. council member riley.

>> Riley: Bruce, just looking at the google map street view, it looks to me that there is a sidewalk all the way down mairi from the site to the school. Is that correct?

>> I believe there is, yes, on one side.

>> Riley: So at least for families that would locate in this subdivision, they would have a pretty easy -- the kids there would have a pretty easy walk to the school. Isn't that right?

>> It's not far.

>> Riley: Does the sierra club see any value in families with children living close to schools -- so close that they could make a walk to school like a lot of kids used to do?

>> I am sure that would be a community value that we could support.

>> Riley: Okay. Thanks. next speaker.

>> Good evening. I am kathleen rohajo, I am the treasurer for williams elementary.

>> Is jody maddingly here? All right. You have six minutes.

>> Thank you.

>> I am also a parent of a 10 year old who attend williams elementary. I also live in park ridge gardens, which is the subdivision that would be connected to mairi, at least traffic wise, in terms of the proposed development and I want to mention something. Aisd actually sends a school bus to pick up williams elementary kids from our neighborhood and we are in walking distance. So I think your point was well made. I just want to emphasize that aisd recognizes that there is a

safety issue there and they send a school bus -- I drive my son for reasons that we are involved with things at the school in the morning, and then I have to get to work, but if aisd has to send a school bus for the elementary kids, even when there are some sidewalks in the area, i definitely think that points out the safety issues. Now, I am going to get back on track, if you don't mind. As was pointed out before, the closest -- the school is in very close proximity to the development. And it has its pluses. The minuses we have issues. We have safety issues that already exist. One of them, you can see here. If you don't mind going back for a second. Okay. When you -- when you -- about two -- let's see, 300 feet. 2100 Feet away, you get to south first going directly at mairo from that proposal subdivision. Capital metro drops off folks there. There is a stop there and students use it to get to school. Students use it to get on and move on to bedicheck. We know what happened recently in the bedicheck area which is not something conducive to what we want the see happen in our neighborhood at all, so we have a concern about the fact that we are going to increase traffic and, again, add to the already existing issues that we have. Between the proposal development and south first, where the capital metro bus site is, the only thing between the folks coming through or the kids walking through there and that is our traffic guard person in the morning. That's it. There are no other things in place like you see now in the bedicheck area. I want to mention that some of the risk factors that I should probably summarize is there is a high traffic volume. We have issues with cars exceeding speed, not only on mairo, but on the neighborhoods where kids would have been able to walk from. The increased number of parked cars is an issue, and the inadequate/lack of speed control devices that I mentioned before. On the slide, if you can go on to the next one -- this one here. This is an example of a peak time and you can see -- the orange arrow is pointing to a little child who is about to get out of the car on unsafe side of the street, due to parents making assumption here, it wouldn't be me doing that, but i think they are trying to ensure they don't get into the whole engagement of what is going on in front of the school in the morning but it is an example of what is going on there and if again, just to emphasize, when we don't have the type of items that help to bring a safer environment, as kids are going to and from school, then we have to address these risk factors. I already mentioned bedicheck. Obviously we lost two lives there. This is what it looked like before safety infrastructures were put into place, if you can move on. This is what it looks like now. We want to know that our neighborhood can be safe, that our children at williams, that i as a parent who lives in the neighborhood can know that we can work together to arrive at this before adding even the most ideal subdivisions of -- for more families. I want to close by saying, again, I am a parent. I respect and want and desire responsible development in my -- in our city, in my/our neighborhoods >> so that's what I came to point out our concerns of safety, and i, again, will make one more point. Surrounding peaceful hill, surrounding shallot way, which is a street I live on in the subdivision that would be connected up, if you could get a visual of that, there are half finished sidewalks. There are no sidewalks, and i will definitely close with this point. Students wait at the end of the block for school buses to come to take them to high school, middle school. There is no sidewalk where they stand, where they stand and there are no safety lights there at all and they sit there in the grass, next to the ditches that are created for the water flow. That's where they are every morning where I leave. All I want to ask is that we consider the safety before we build. Because I feel like we are adding fuel to the fire if we don't have that responsible conversation first. Thank you. thank you.

>> Mayor.

>> Mayor. council member spelman.

>> Spelman: Ma'am, I am looking at ariel map from shallot way from the dead end into the property in question, all the way from ralfa blamado and I am looking at what looks like sidewalks on both sides of the street. Am I misunderstanding you?

>> Yes, there is sidewalks on both sides of the street but there is not a way to get out of the elementary to williams tree, you can walk up a sidewalk to get you to peaceful hill but there is no sidewalk at that peace that I could walk mine from ralfa blamado, no sidewalk there.

>> I am looking at ralph blamado, there is no sidewalks at all, it seems like if you want a safer one, to be able to cut through the subject property could be safer, for the development we are talking about.

>> That is an important point but then I become part of the problem if I increase traffic flow to the front of the school if the issue of other kids aren't walking aren't resolve first. By choice I drive my son so i can be involved early and drive on to my job. By choice I do that, get involved with the pta and do a lot of stuff in the morning but there are students that have to walk and we need to ensure safety while the cars are also moving through.

>> Let me ask you a hypothetical question, if we can find some series of instruments like stop signs or speed bumps or flashing lights, the school times, would that sude your concerns about this development?

>> It definitely would lead to me supporting responsible development but I think what you will hear from others that come after me is that what I am bringing up are the issues of safety for the students but there are other issues. There are other fires going on with what is going on in our neighborhood and I think we need to look at a all of these things including what we bring to the table. Thank you. council member tovo.

>> Tovo: Yes.

>> Yes, ma'am, sorry.

>> Tovo: Okay, has the pta communicated with the school district or the city transportation department about your safety concerns and the need for some of your things you identified, sidewalks, speed control devices and others.

>> No, the pta has not formally done that. At this time here the petition reflects what we were able to do as far as reaching out to others and communicating to them, allowing them to express where they stand and each one of these pages represents 14 students and that was just in a few hours. So we feel confident that the neighborhood -- the neighbors are concerned about addressing the issues, but, no, not formally. My hopes were in conversations with other pta board members is that we could utilize this form to move forward since we do have this immediate need right now.

>> Tovo: I see, but to your knowledge, the school administration and the pta and the parents themselves haven't in the past communicated these safety concerns?

>> Not to my knowledge. I am actually a new neighbor but not to my knowledge.

>> Tovo: I appreciate that. It sounds like with or without this development, there are safety issues you may want to bring to the attention.

>> And me as a parent, I do plan to be involved with that.

>> Tovo: Thanks very much for being here.

>> Thank you. Any other questions. Next speaker.

>> Members of the city council, thank you for the opportunity to speak. My name is Andrea Dilley. I have a 3 year old at home and another on the way. Excuse me, Andrea, is Neil Stokes here? You have 6 minutes.

>> Okay. Wonderful. I have a 3 year old on the way -- excuse me, 3 year old at home and another one on the way. My family -- I am sleep deprived so pardon any -- my family has lived on Peaceful Hill Lane for three years and are committed to our neighborhood and very concerned as noted by Kathie about child safety issues related to the rezoning application. The northernmost portion of Peaceful Hill which consists of down hill slope around a blind curve has been repaved and widened. There is currently no posted speed limit on the road and cars often go 45 miles an hour in our estimation. The city intends currently to dramatically widen the southernmost portion of Peaceful Hill, thus making it easier for more cars to travel more rapidly through the neighborhood. In addition, the city wants to create a direct cut through from Peaceful Hill Lane to Park Ridge Gardens. This will encourage additional traffic across Peaceful Hill through a school drop-off zone as noted by Kathie and on to South First, a major arterial road. This cut through is specifically forbidden by the council in 2005 when the Park Ridge Garden project was approved. I am unclear as to why the city considered this cut through a bad idea in 2005 but currently considers this cut through a good idea. It should be noted that there is currently no significant pedestrian safety infrastructure in our neighborhood currently. And this proposed development offers no specific plans to guarantee any new pedestrian infrastructure. As a consequence, conditions on this once quiet street and the nearby school zone will be even more hazardous than they already are. We believe that the current pedestrian hazards through our neighborhood and school zone are already unacceptable and as we would like specific -- very specific and extensive speed mitigation infrastructure improvements be created before we would support any rezoning in this area. Promise of improvements of future infrastructure we consider insufficient. Our safety concerns, as you know are not theoretical. Peaceful Hill parents are acutely aware of the safety failure that happened near Bedichek and Kathie mentioned that previously as well. We are also aware of the extensive outlay and construction of pedestrian safety features that were installed months after the fact and we hope the city learned from this tragedy and secured the safety of our children before another similar tragedy occurs. Our children are the youngest and most vulnerable citizens of this city. When it comes to safety, school children and their parents should not be considered another interest group. Child safety, we hope, would come first, and we

consider compromises regarding this principle both unacceptable and irresponsible. Children deserve the absolute best protection the city can all other concerns please take our concerns seriously. We hope if you do, peaceful lane may not be safe in its current structure but at least it won't become more dangerous for or children. Thanks for your consideration. thank you. Next speaker.

>> Can I have the slides from michael [indiscernible] please.

>> Good evening, council members, my name is michael foss, the executive director from the heritage tree foundation. The slide I have up there shows the two neighborh adjacent to the site, the salvage yard, and the lot is limited by the heavy wooded access. I feel the road that is less dense, fs6 is more appropriate given the existing neighborhoods and the narrow access roads. I walked this site and you can see the red circles show where the heritage trees are located. There are four -- four protected heritage trees, four protected pecan trees located on this site. The heritage trees ordinance protects the heritage trees but this site design can accommodate the trees. If the site is too dense and there is no site that can include the heritage trees, then they can be removed or transplanted. Since only half the critical rezone is protected in construction, trees will be negatively impacted during construction or transplanted. Lower density zoning would allow more protection for heritage trees and result in a more sustainable and green development. Now in the lower right-hand corner of this slide, this is a site plan, just a proposed sketch from the developers moore's website and shows where those trees would be located in that development. The final slide, this shows the four protected heritage size pecan trees at the red arrow there. This area with pecan trees would make a nice small park area for the residents but there may not be room for this if too much density is allowed. In closing I am opposed to granting fs6 zoning and if change is granted, I urge zoning be reduced as much as possible, preferably to single family. Thank you. ronnie clark. You are the only one left, so i knew it had to be ronnie clark. You have three minutes.

>> Okay. Good evening. As a concerned neighbor and a long-time resident, I am opposed to the plan development zoning change for the following I believe that the proposed 80 condominium development is a grossly inappropriate use of this particular land on peaceful hill. Its development would result in excessive residential concentration, unsustainable traffic, congestion and school safety concerns. Also, I have no reason to believe, as of yet, that the ed moore group as any real concern in how their footprint would affect the surrounding property owners and general neighborhood at large or has any interest in addressing the present issues with the neighborhood group. moore was up here earlier and said that he had some supporting neighbors and there is yet not anybody that we have spoken to that supports this. There was one gentleman here during the zap meeting that was for it. But that has not been -- not been seen. Being that my husband and I own about 7% of the land in which the proposed development backs up to, we are on the eastside. We can -- I consider our concerns legitimate. One of the things that I did want to mention is with the park ridge gardens development after they were finished and fully developed, we had increase of water that come through our property during the rain and so it's a gushing creek and for days we have this water running through our property and then after that, the water seems to kind of settle and it just -- it just saturates the ground and it becomes stale and foul smelling. This water also runs through our property, through rob orman's property, the capital hill -- the capital imports, and I don't know if you are aware, last year he had

taken out several -- six acres worth of trees and foliage and now ditmar bridge is now closed because of all of the deterioration and the roads, the bridges actually washing out. There is nothing to hold it back. So that is a major consideration with the impervious cover that would be imposed in all of this acreage in the back when we have so many problems as it is. I also would like to mention that I have been told that the retention ponds at park ridge gardens are not being maintained, that they don't have any money to maintain them and that comes from the homeowners association and they cannot collect the fees, so the detention ponds don't get maintained. And so all of us that are south of that -- [buzzer alarming] -- get the -- are affected by it. thank you. Those are all of the speakers we have signed up against. We have three minutes for applicant rebuttal.

>> Council, once again, I am ed moore, representing the peaceful hill condominiums. I wanted to kind of address something that was brought up by one of -- by council member riley. This development will provide pedestrian access to the school and, as a matter of fact, the developer has said, and perhaps this could be part of the approval of the zoning, that he will build an extra wide sidewalk that will provide access from the park ridge garden subdivision to the sidewalks that are on mairo that go directly to the school. Now, the lady that was talking about the school safety issue said that people in park ridge gardens have to take a school bus to go to school and that's because, if you look at the map of where this property is located, it blocks people in park ridge gardens from walking to the school. This property is currently a forest that frankly is used as a campground for people who are homeless, and so nobody can walk through there. It is almost dangerous. It is dangerous to the neighborhood that this property is not developed. This neighborhood will be safer when it is developed with families, but the point I was going to make is that people in park ridge gardens, children will no longer have to take school buses to go to school because they will be able to walk through this development. The developer is willing to provide extra big sidewalk, a thoroughfare for pedestrians to get to school without having to drive and create all the unsafe conditions that you've heard, which, by the way, I think this development is not -- it is kind of hard to require a development to make a school safe. That's -- there is other procedures that the city has to make school areas safe. The other thing I want to say is that this property will never be developed as sf2, to be adjacent to these industrial uses and the salvage yards. It is not going to happen. This is the opportunity for this area to be developed as housing, close end for families. Thank you. council member morrison has a question for you.

>> Morrison: Excuse me, sir, i want to ask you a question. I am trying to understand your statement that it would never be developed as sf2 or sf3, I don't know, but it would be developed as sf6 but it's actually single unit structure.

>> Right.

>> Morrison: So what is the difference there? Why do you think there wouldn't.

[Multiple voices]

>> I think greg explained that this proposed development is going to have about six and a half units per acre. Also, it's going to have common areas for the maintenance of the grounds, and for those two -- for the reason that -- the main reason is because we are going to have enough units

to support -- support the development and condominium style development is more conducive. It's more -- it allows for more entry level housing, where people may not be as insistent on not having industrial use behind their backyard as somebody is paying for sf2 house, that by virtue of the fact that the density is so low has to cost more than entry level housing. In other words, entry level housing -- I am sorry -- allows for a lower cost, which is traditionally closer to industrial uses. Therefore, it can transition to the single family.

>> Morrison: So if people are paying less, they are willing to live next to a salvage yard.

>> That's the truth.

>> Morrison: And if you say six and a half, is that six and a half units per acre, is that based on the planning -- or zap's recommendation of 60 units?

>> Yes, yes, and that's the other thing -- the zoning we asked for would have allowed 78 or 80 units and so the recommendation of the -- of zap greatly restricted the number of units to where it's really not that much more than the sf4 which is like 5 and a half. My client feel like the additional units that he could build, plus he's, by trade, a builder. He's going to actually build these homes. He feels like that with the additional density that he can get with the sf6 zoning, six and a half units per acre, that he can make a viable project for families.

>> Mayor. council member morrison and then spelman and then tovo.

>> Morrison: I had a question for staff. staff questions.

>> Morrison: Greg, could you run through those ratios again of units per acre. So we are talking here about 60 units and I think it's on 9 and a half acres.

>> About 6.3 units per acre. And I am take what the zoning and planning commission recommended. My staff calculated it is about 67 units per acre of parkfield which is the project to the south.

>> Morrison: That's sf4.

>> That's sf4 and generally, sf4a density and sf6 density are about the same. Gross density, about 4 units per acre. They are actually comparable but what we are actually talking -- what was actually recommended by the commission and built to the south. Sf2 or 3, the minimum lot size 5750 but generally, if you took that, it's about 7 and a half gross and about 16 per acre -- 6 units per acre is what the sf2 would be.

>> Morrison: Six units per acre.

>> And this is generally speaking. Generally. My staff hasn't calculated what that subdivision actually is but they looked at the lot sizes to the south and counted the number of units to come up with the 67 -- speaking, generally sf2, we do fine in the city, it's about 6 units.

>> Morrison: Actually if you do sf3 and they were all duplexes, you get twice as many units per acre?

>> Yes.

>> Morrison: So currently sf3 --

>> you could, you could. It's not -- it's a little bit --

>> Morrison: I know it's not straightforward.

>> Yes, because the lot size is larger at 7,000 versus 57 --

>> Morrison: That's true. It wouldn't be directly double. Can you also remind me of impervious cover limits, for sf6, it is 55%?

>> I am going to look it up because I don't remember that off the top of my head, but sf2 is certainly, it's 45%. Sf6 is 55%. Sf4 -- or 4a, I think it's about 65%. council member spelman.

>> Spelman: Did we require an analysis the effect that this development would have on adjacent schools?

>> No, because there wasn't enough units to trigger an educational impact.

>> Spean: I remember the nam of the instrument. How many units do we usually need for that?

>> I think for new developm, I think it was 100 or 2, but this is only 60 units so it is substantially lower.

>> Spelman: Give me a sense of the ratio, could a development of this size and this level of density, approximately, what proportion of units are likely to have school children? Do we know that?

>> I would be hesitant to ask. A lot of the townhouse condominium development you have like this, a lot of times, there are units where people don't necessarily want to have a yard, and so you might have seniors that would move here. Maybe -- they may be living in the neighborhood. They like the neighborhood. They want to move somewhere else, like a transitional housing type, where they can move away from the yard and still stay near their neighbors. You have singles a lot of time also move into the development because they don't necessarily have time to deal with the yard and young families that would move in. This would be a starter home and a lot of times those are the type of families you would see that would move into detached condominium type of development.

>> Spelman: In terms of the effect on schools, at least in terms of the number of children contributed to the school --

>> we can probably talk where the school district and see if they have -- if they can give us a guesstimate of what they think it would be. I would hate to give you a number off the top of my head. moore may actually be able to give you a better number on depending on how they will market these type of facilities. The ones I am familiar with that we have, the clientele is a little different because there are people that don't want a yard. They might want more open space nearby them.

>> Spelman: Sure. Sure. I understand. It's conceivable in fact you get more of impact on the school of sf2 or sf3 because you have more yards, probably more likely on a unit for unit basis at least to have that school age kids?

>> Yes. As the bedrooms increase.

>> Spelman: Right.

>> Likelihood of probably having children will probably increase as well.

>> When those kids start walking to school, presumably a large number of them will be, is there anything that we typically do as -- is there anything we typically do to ensure safe routes to school for kids?

>> We certainly have programs that talk about safe routes to school. I have not investigated this and I don't know if my staff has gone into as much detail. I know the neighbors certainly have talked -- certainly the pta and the school but I can talk with our transportation department and we can talk with aids, if there was a discussion about this particular location of crossing, from the south to the subdivision and across peaceful hill.

>> Spelman: I am not a traffic engineer but it seems to me that one of the first things you are going to do if you are going to see a doubling or more of the amount of traffic on a street adjacent to a school is to look closely at the speed of that traffic, the time of day that traffic is likely to be passing the school, and what else you might need to do in order to calm that traffic down, particularly during times of drop-off and pick-up. And I presume this is a fairly can technology. We have a sense of going about it is obviously not something you had a chance to investigate on this. and I think the neighborhood folks that came up, from peaceful hill, once you get below boldridge drive, it is a much different street. It is really one where it's real ther -- I will say eclectic as far as grouping of uses. There is auto vehicle storage yard. There used to be a tin place, a plastics facility, random single family homes that are on peaceful hill, on bald ridge. The road is not very wide and people do slow down. When this -- the subdivision that's zoned sf4a staff did not recommend it because of the surrounding land uses, the warehousing and the industrial type uses in the area. But it was a smart housing project and I think there was a desire to have a development so council took a chance on having this development here. It kind of changed the picture, I think, for staff, and when looking at the zoning case because now we have actually a lot more single family homes in the area and probably will lend itself to being a transition, if they were developed as sf2 or sf3 or sf6, you would see some development on this property that would certainly have probably regardless of which type would connect to peaceful

hill to shallot way to the south, that's something that would be reasonable, even if it were not sf6 and were sf2 and sf3.

>> Spelman: That brings up my last question, and it was going moore but here you are so I will ask you. mayrow apply for smart housing status.

>> I am not sure. He said no.

>> Spelman: I was about to ask him, you might know. Do you know what the price point is going to be on this.

>> I won't venture to guess on this. I am sure he can.

>> Spelman: moore, what are you going to sell these houses for, sir?

>> Council member spelman has more here.

>> The developer has discussed this with me. We are talking about under \$200,000, probably about an average of 175,000.

>> Spelman: About 175 and how many square feet the house likely to have?

>> Between 1500 and 1800 square feet. Originally he was talking about 2 and 3 bedroom houses. He is leaning more towards 3 bedroom houses now.

>> Spelman: So 3 bedroom houses, extremely small lots, a little over \$100 a square foot?

>> Yes, sir.

>> Spelman: Thank you very much. council member tovo.

>> Tovo: moore, I have a few more questions for you as well.

>> Mayor leffingwell: Mr. moore.

>> Tovo: Has your client developed a product like this before so we could assess how --

>> yes, he has -- this is his first project in austin. His name is derek diaz and lives in beaumont, texas. He is a builder by trade. He will build the homes on this project, unlike some other developers who entitle property and sell it to home builders. He will build the homes himself and he has done a lot of building before but this is the first project in austin.

>> Tovo: Has he done other project s that are like this, relatively small square footage but multiple bedrooms, appealing to families, sort of courthouse housing type product?

>> Yes, he has. He has sent me pictures of that. Unfortunately, I don't have that with -- I don't have that with me tonight but he has shown me pictures of small family housing.

>> Were they single family or or of a condominium townhouse?

>> He likes the flexibility of having the condominiums. You have more flexibility in the way you lay out the houses and the type of the private part you build so he likes the flexibility of having a condominium style.

>> Tovo: I know council member spelman asked you this question but I didn't completely understand your question. What is your anticipated market price?

>> Average of \$175,000 per home.

>> Tovo: What kind of -- you talked about a common courtyard, was it, or some kind of designated, private outdoor space. Is that right?

>> Yes. The developer wants to have at least one park area within the development and all of the area between the homes will be common area, as is usually the case for condominiums.

>> Tovo: But there won't be any designated space per units? It will all be -- all of their outdoor space will be common area?

>> All of the area will be commonly maintained by the homeowners association, but you do ask a question that I am not able to specifically answer. I know other condominium projects there is something called exclusive use areas that the person who owns that condominium can use the area within 10 feet of the house, and that may be the case that they exclusively use that area that's, for example, their front yard. It would be their front yard and in a more single family development but the maintenance will all be done by the homeowners association.

>> Tovo: There are other amenities that the developer plans that would be particularly appealing to families, like a pool? Common computer areas, whereon reck areas, anything like that?

>> I have not discussed a pool I have discussed a park with some playground -- playground equipment. Also, the one thing that I've told the leader of the homeowners association is that the developer has -- is willing to build a large pedestrian sidewalk that will go from shallot way to the south over to mairo on the -- on the west of the property and that will provide access for people in the park -- children in the park ridge subdivision to walk to school.

>> Tovo: Yes. That seems like that would be a big advantage. You talked in your powerpoint presentation, I think you used the phrase financial surety towards safety issues in that area. I wondered if you could give us any more specifics about what you meant, whether it was a safety concern -- I am sorry, other safety issue that is this developer would feel compelled about addressing in the area.

>> The developer is actually required to post this because it was found that the street infrastructure in the -- in the neighborhood is substandard, and it's not -- there is no specific way that that money is going to be used, other than for pedestrian and vehicular traffic. You will go into a fund that is available to the public works department to build public works improvement for transportation and pedestrians in the way they see fit but it is pigeonholed for the peaceful hill area. -- We don't know when that will happen, but at least it's a step towards making the improvements that are needed on peaceful hill happen.

>> Tovo: And I guess this is really my next question is probably for staff. Thank you very much, mr. moore. I appreciate your information. It sounds like -- well, getting back to his seat now. guernsey, I think this question is for you. Do we have any information in our back-up that goes through what those improvements are and what the amount is and how -- how that -- how that dollar amount will be spent in terms of infrastructure improvements, sidewalks, that kind of thing?

>> At the time, when we get to the construction drawings, from curbs, gutters, retention ponds, the basic infrastructure, we will come up with estimates and fiscal posting required at that time. If that's what you are talking about.

>> Tovo: I am really trying to determine -- it sounded like there would be some -- potentially some sidewalks, some -- I don't know, would there be speed bump requirements. Is staff going to require any of those sorts of changes before moore talked about, infrastructure.

>> We do the analysis when the plans are submitted. If there is something agreeable moore was, I guess, proposing we could certainly take a look at that now. This is only ready for first reading so we could have a dialogue before this would come back, if it comes back, and then take a look at those things that he's proposing, to see how they will fit into if site plan.

>> Tovo: I think you said in response to the other questions, I think I heard you say we can get more information from the transportation of what would be helpful.

>> Yes, transportation, and neisd about the safe route, i noted that, and also if there is an idea about how many children that aids may know about a similar type of development. Those are two questions I heard earlier.

>> I appreciate council member spelman and the questions we raised, I think we all managed to go through the educational impact statement right here with moore and so it is a useful tool. I did have an opportunity to get some information from aids and it is calculation -- and of course I would request that you verify all of this because we were asking multiple questions and I was doing back of the envelope kinds of questions, but the multiplier that they used -- 234 duplexes and multi-family and 4, so when you factor in the different -- I mean, there are many, many, different variables and when they do their analysis, I assume they also look at things like price point and amenities and some of the other considerations and then once they get the number of potential children, they have a way of assigning them to elementary school, high school, middle school, so that it's -- it's less straightforward than it would sound when we read out the formulas.

[One moment, please, for change in captioners]

>> there was a concern they were going to take access to a portion of peaceful hill, which it's a much less standard of a public street than you would look at the northern section of peaceful hill. When you get to the northern part, there's curbs, gutters, it's a wide expanse of street, but as you get to the lower portion of peaceful hill it's a much different roadway and maybe the neighborhoods can expound on that better. When I've driven down it, as I can recall, it was about 18, 20 feet of pavement. If there was a large truck coming the other way you had to kind of slow down and you wanted to wait to make sure you didn't get hit, and there were actually larger vehicles that would traverse the roadway as you get closer down to -- as i remember, the truck that passed me was one that was dealing with the larger vehicles, I think, that were crushed, that had to be carted off from that facility that's right at the corner. but at this point there's no legal impediment to access through this site?

>> Well, if you notice that the loop goes around and it doesn't have a direct connection over to peaceful hill. That was basically the design, so I think there was a pedestrian access easement that goes through there, but I'm not aware of -- and even then I'm not quite sure for that. I remember there was no roadway connection that was envisioned to go to peaceful lane because of the concern of the roadway. I guess what I'm getting at, the zoning and platting committee recommendation did not run afoul of any prior covenants or restrictions?

>> Not tha aware of.

>> Riley: okay.

>> [Inaudible]

>> I'm not aware of an ordinance that would prohibit this property to take access to peaceful lane.

>> Riley: okay. If this does pass on first reading, that's something we will certainly want to investigate before second reading, so there will be -- there will be ample opportunity, and we'll need to get ahold of the ordinance and see exactly what was passed.

>> And we could take -- if there was an ordinance it would be rather unusual to have a street dead end into this -- dead end into this property and not allow the access -- the neighbors clearly have a remembrance of something that happened back then. We can do that and get ahold of the ordinance and make sure we know exactly what's in place now and make sure we're not running afoul of anything. Last question, if -- if the zoning and platting commission recommended requiring a connection to shallot way -- if there is that connection in place, would it be required to have sidewalks?

>> We would have sidewalks that would probably be internal to the development, what you based on what i understand, there is a desire by the developer certainly that they don't want to have an -- they want an internal pedestrian way as well.

>> We've heard a desire from the developer but certainly what would be required under code.

>> You wouldn't necessarily have that, unless you dedicated them as a private street.

>> Riley: right. So what I'm getting at is it might make sense if we do approve this, at least on first reading, to go ahead and add a requirement for sidewalks along that street of some certain width, and typically what would you say -- well, actually i guess I could discuss with moore exactly what he had in mind, but it might make sense because we're not sure it would be required by code. We could go ahead and put that in place as a condition of the.

>> We could talk with -- of the --

>> we can talk with our law department about that and moore when he comes back.

>> Riley: okay. And I do have just a couple questions for mr. moore. I guess we could start with that point. When you -- a couple times i heard you refer to the developer's willingness to have a very -- a nice wide sidewalk through -- along the street through the development. Could you give me an idea of how many feet you're thinking of?

>> Well -- excuse me, this is ed moore. Traditionally sidewalks are 4 to 5 feet. I think if you had a 6-foot wide sidewalk, that would practically be --

>> 6 feet? On each side?

>> Well, I think for this connection, that it would only really be necessary to be on one side, because the streets of this development, it's hard to explain, will be on this side and here's park ridge, so we would kind of avoid sending people through the development and they would skirt the side of the development on a 6-foot wide sidewalk.

>> Riley: oh, okay.

>> So 6-foot wide sidewalk.

>> With 6-foot wide sidewalks, it went through the development but in the most direct route that would go from park ridge gardens to marow street. and you indicated that the developer feels like that this would be viable with this f6, and i take it that means even with the cap imposed by the spg commission of 60 units that it would still be viable. Your client can live with that?

>> Well, yes, if I could take a minute of the council's time, I do think that since the planning -- i mean zack didn't actually have a calculator in their hand, that they actually intended to allow about 66 units and there's a calculation you can go through for that, which is that the -- if you split the 5 units per acre that the sf-4 has and the 80 that we wanted you were going to be more like 7 units per acre which comes out to about 66 units on our site. We feel much more comfortable with that, but I've told my client that 60 may be as much as he gets, and we're, you know, working on the numbers now to see if -- if that's what we have, if we have a viable project or not.

>> Riley: okay. And my last question relates to communications with the neighbors. The way -- I've heard a couple reports from neighbors that there's been some difficulty in communicating with either you or your client. Now, I understand you have had some meetings with the neighborhood association, but apparently there's been some -- some folks have felt like there's been some lack of responsiveness there, and, in fact, I see a couple folks from the audience saying there's been no contact, and what I want to ask is, if the council were to pass this on first reading and ask that you engage in conversations with neighbors in advance of second reading in an effort to find some -- some common ground, some areas where you might be able to provide some -- some elements of the development that might be viewed as beneficial to the neighborhood, and that could include things like details about the sidewalks, would they rather see sidewalks on both sides of the street and how -- how wide would they like the sidewalks to be, things like that, would you be willing to engage in conversations like that between first and second reading?

>> Absolutely. I've actually made some friends from the people that live in the peaceful hill area. I'd love to talk to them more about this. A buddy of mine -- bruce and I worked together for years, and I enjoyed meeting with bruce and discussing what he likes to see in a development. The two leaders of the hoa that I've spoken to, I've had a good relationship with them. And one of them, as a matter of fact, told me that he sees a lot of good in this development and he wants to see it developed. He just wants to, you know, have some input into what happens. So I've gotten a lot of good response from the members of the neighborhood association, the people that live in the neighborhood. After our first zap meeting I must have stood outside here in the lobby area for about 45 minutes talking to a large group of the people. So definitely I enjoy talking to them. Many of them have kind of turned out to be friends.

>> Riley: okay. And I understand, but there are some folks who apparently have not felt that there's been enough responsiveness there, so to whatever extent you're able to go an extra mile and respond to whatever requests come from the neighborhood between first and second reading, I think that would be very helpful, and I would hope that there would be room for a dialogue that could lead to some benefit for both sides. council, it may be in this case you may want to keep the public hearing open so you can hear what both sides have said and have staff come back with some comments and you can hear from the applicant and we can hear from the neighborhood about what their responses might be to whatever we find out. all right. Council, this is ready for first reading only, and let me -- let me just finish what I was saying, and there is a valid petition, which, of course, has no real effect for first reading, but ultimately it does. But the valid petition would apply to anything other than leaving it as dr or zoning sf-2. So -- council member riley? mayor, I move that we leave the public hearing open and on first reading only we approve the zoning and platting recommendation, which includes setting a maximum of 60 units, a public restrictive covenant for the conditions of the neighborhood traffic analysis, prohibiting the use of gating and requiring a connection to shallot way, and I would also add that we require at least a 6-foot sidewalk on that street connecting from shallot to mayro. And I will also hope that there would be continued dialogue before second reading between the neighbors and that we would also investigate carefully the ordinance that was previously passed, that made restrictions on the access between shallot and mayro. motion by council member riley. Is there a second to that motion? Second by council member spelman. Further discussion? Council member morrison. yeah, I wanted to ask council member riley about whether he would consider

something a friendly amendment. One of the things that concerns me is the drainage issue that they're talking about and the difference between -- it's interesting, the difference between sf-6 and sf-2 is not that great in terms of number of units, but it does allow greater impervious cover, 55% as opposed to 45%. And so -- and interestingly with sf-6, you can actually be more creative in clustering and things like that, so perhaps even potentially being able to do it with less impervious cover, and if it had less impervious cover perhaps help the drainage issue. So my suggestion would be that we add a constraint that the impervious cover be limited to 45%. council member riley? well, I -- I'd be agreeable to that on first reading with the understanding that there will be continued examination. What I heard was the developer was going to continue looking at the numbers and if it comes back on second reading and there is some -- there's some reason why 45% impervious cover just wouldn't work, then we would still have the ability to adjust that on second reading.

>> Morrison: right. And I would have my -- the ability to change my vote. Thank you. council member spelman, do you accept that?

>> Spelman: happily. I also have a similar request of council member riley. Did you in your original motion have anything to say school safety? Like there was a lot of stuff that you were giving direction to staff on. I can't remember whether that was one of the items. well, the -- the zoning and platting commission did include conditions -- actually I'm not sure exactly what's encompassed within that part of the -- greg, could you shed any light on what's meant -- the zoning and platting commission representation includes the recommendations to -- recommendation includes the recommendations --

>> that's talking more about improvements to peaceful hill. I've understood from your dialogue there are certain questions you want the staff to address about school population and a safe route to get to the elementary school but if there's something else you want to add you could certainly do that and we would look at that as well as other things you brought up in your discussion.

>> We're not requiring a tia for this project because it's not large enough, is that correct?

>> That's correct. 60 Units is not enough -- we wouldn't generate enough traffic to be worthy of a tia. So we don't have the usual things like examining the velocity of traffic, other than a rough estimate for the amount of traffic in each of these streets, we really wouldn't be able to learn very much else? there is a neighborhood traffic analysis, which is in here, but no, it's not like a traffic impact analysis. but we do have somebody on your staff who is conversant in an approach to ensure there's safety outside of school zones?

>> Guernsey: right. If you'd like staff to go look at something in particular, we can certainly do that before we bring it back. the particular thing I'd like to look at is to ensure that you have done what is reasonably necessary given the fact there will be a doubling on mayro lane to ensure that kids will be dropped off, picked up and walk safely to school. Is that specific enough?

>> Guernsey: yes.

>> Spelman: good. further comments? Motion on the table, modified by a couple of friendly amendments. Council member tovo? yeah, I think we've heard enough concerns here tonight that I don't feel supporting this as it is, but I appreciate the staff's interest if this does pass and commitment to sitting down and talking through some of these issues, and i moore, if this does pass on first reading that you will work with the neighbors and with the transportation department to see if some of these concerns can be resolved. I take council member council member riley's point well that, you know, in many ways this is exactly the kind of development - or exactly the proximity of housing we want to a school because it is a good way to support neighborhood schools if you're located in such close proximity that you can walk, that most of the students can walk. And I hope there will be more discussion in this time. Thanks. Anythin g further? All in favor of the motion say aye.

>> Aye. opposed say no?

>> Mayor leffingwell: no. Passes on a vote of 5-2 with council member tovo and yours truly voting no. Okay. 122 which was laid upon the table.

>> Cole: mayor? mayor pro tem cole. mayor, the rationale behind this item that was brought by council member morrison, kathie tovo -- council member tovo and myself was simply it -- council member martinez --

>> cole: martinez? Well, why am I -- mayor pro tem has the floor, if you wouldn't mind. Thank you. in any event, there has been some discussions among the stakeholders during the interim, and i think that I am ready to make a motion to move approval. mayor pro tem cole moves approval of what --

>> cole: of item no. 122. are there any changes to item -- I have some amendments to make -- i would like to ask mayor pro tem --

>> cole there will be some changes that will be made based on the discussions between the stakeholders. So if everyone would put in their hands the ordinance 122, there will be an amendment to item f -- well, you can include these in your original motion.

>> Cole: okay. There's a motion sheet that I believe my second -- council member morrison is going to walk us through.

>> Mayor leffingwell: okay. So you make a motion that -- to approve depending on what council member morrison adds to it? Is that right? well, you have a motion in front of it, i make a motion to approve 22 with the amendments, and those amendments will be outlined by council member morrison. all right. A motion to approve item no. 122 As outlined on the sheet that we have. Is there a second by council member morrison? And council member morrison is going to describe your motion.

[Laughter] thank you, and I do want to -- I want to thank you michael wells in the audience here and my staff and some other people we had on the phone and others. There's a little bit of arm wrestling that was done but once all the dust settled i think some common ground was found so

that we could really move forward, and i really appreciate everybody's willingness to work on that. So in the ordinance there is a part -- part 2 is adding a new division, and that division is where we're going to suggest some changes. This is where we're adding the process for notification, and in subsection f there, you'll see it says, the director may not make a decision on an application that is subject to a use determination, and we want to change that to, that is dependent upon the use determination to clarify that just because it was -- had a use determination a long time ago, there's no holdup. It's just if there is one, that it's dependent on at that point. Right above that in subsection e3a, this is a situation where they're providing notice for a non-project use determination but doesn't have a specific address, and so in that case we need to do the general notification to community organizes, so that's going to read that the notice would go to the applicant and to registered environmental and neighborhood organizations, and then in subsection h -- council member morrison, let me stop through because I would like to as wilke to come to the podium in case there are any questions. council member pro tem? Council member morrison has the floor.

>> Cole: okay. I guess I'd like to see if mayor pro tem would like to raise anything specifically on those two with mr. wilkes. yes, I would, since this is my motion and I'm going to share that with my second. The first one that we talked about was a change to make it where the director may not make a decision on the application that is dependent upon, and we changed the language to make it, subject to a use determination. We eliminated the "subject to" and made it "dependent " now, tell us in practical terms what that means.

>> Michael wilkes, real estate counsel of austin. I wish I could tell you that. A lot of the people that were involved in this deal with this on a day-to-day basis, I'm not that familiar with it but we explained to council member morrison and her staff. so as far as you know your organization is not opposed to that language?

>> Correct. and the same is true for other language that was outlined to make additional notification to neighborhood organizes and registered environmental organizations?

>> We did have questions about that but upon further clarification we're comfortable with that as well.

>> Morrison: thank you. And on to subsections h -- back to council member morrison. subsection h, this was a concern that wilkes and his colleagues had raised that there may be no end to the possibility of an appeal on a particular land use determination, so what we wanted to do was put a stopgap in there to let it be known that once a determination is made, once the appeal has been done, you can't come back around if it comes up in conversation again. So we're adding some language, it will say a use determination is not subject to further notification or appeal under this section if it has been considered by the board of adjustment in response to an email or notice of the determination was previously provided under this section and no appeal was filed.

>> Cole: mayor? mayor pro tem cole. it is my understanding, and I want you to clarify this also, michael, if you have a comment, that this was very important to the real estate community out of

concern that there would be an endless level of notifications on appeal, even after there had been a previous determination. Am I correct?

>> Yes, you're correct. This was one of the critical changes for us. We wanted to prevent two bites at the apple and to make sure that once the book was closed on a use determination, that that was -- there was some finality to that. So we we feel very strongly in this change.

>> Cole: thank you. Thank you, mayor. council member morrison? and just the last one, and that is in section i4, a use determination issued by the director under this section must -- must describe any special circumstances of use determination as opposed to any conditions on the use determination. So I think that that was just a clarification, that it really was just about specific characteristics and not what the condition of the place was. I think that that helped to clarify for rica and their folks. special characteristics?

>> Morrison: yes.

>> [Inaudible] I guess -- which would you like, mr. rusthoven? Special characteristics of use determination or of the use determination?

>> Of the use determination. of the use determination. Thank you. And I do want to thank the sponsors of this again, mayor pro tem and council member tovo and martinez, for jumping on this to get it fixed, and I really appreciate being able to get through this tonight. motion to -- all three readings, mayor. -- 122, close the public hearing and approve on all three readings as modified on this motion, which will be furnished to the clerk.

>> Tovo: mayor? council member tovo. I do have a few questions. My motion sheet has two of the four changes. So my question, now that i have the sheet, is about no-- the first item, the director -- what is the substantial change from subject to to dependent on, in your opinion and in the opinion of our city attorney? Is there any difference in how this will work with that language changed?

>> In my opinion there's none. lloyd, is that your opinion as well? I just want to be sure we haven't lost any -- any important --

>> yes, that change was presented to me and I see no problem with it, but I don't think it really changes the ordinance in any regard whatsoever. thanks, and I have one more for you. With regard to the change to subsection 8, initially there was -- there was a suggestion that sounded to me like if there was one use determination on a particular site, another use determination wouldn't trigger an appeal. Just to be very clear, in this change to subsection 8, we're talking about the same use determination, but once people have had an opportunity to appeal and it's -- either the appeal has concluded or if they've had an opportunity to appeal and they did not afford themselves an opportunity, it's done, they don't later have a right.

>> That's right. But just to be clear, i mean, if we have this ordinance, you know, it applies to the novel uses that don't squarely fit within any of the defined categories, and under the section that you're reading, if a -- if a determination is made with regard to a use and notice is mailed and

either it goes to the boa on appeal and there's a decision made by the boa, or there is no appeal filed, there's an opportunity for appeal and notice is provided but no appeal is filed, then that closes -- that closes all future rights of appeal for that particular determination. So if a use is determined to fit within a particular category, notice is provided, no one appeals, then if somebody else tries to do that use somewhere else across town, there will be no right of appeal for that. That's how the -- that's what this provision provides. can you say the last point, if there is another -- if there is a similarly situated tract for -- who brings forward a use determination they wouldn't have a right -- wouldn't have a right to appeal.

>> [Inaudible] that a use is categorized in a particular way under the development code and notice is provided and there's an opportunity for appeal and either the boa rules, an appeal is taken or there is no appeal filed at all, in either case that determination is going to be deemed final and it will not be subject to appeal in later projects. That's how I interpret this language.

>> Tovo: hmmm. Can you talk us through a scenario where that would -- where that would occur? Because that does -- I guess now that I think -- I think I understand better now what you're saying, but if there is another -- if you're talking about a particular tract and they've gone through one use determination appeal and there is another novel use on the same tract, that doesn't stop anyone from appealing that particular use determination?

>> No, absolutely not. , You know, jeff jack, when this went to the planning commission and he was there ex officio, he threw out a hypothetical that's always stuck with me and he said, somebody comes in and they want to do a laundromat and a massage parlor together so you can get a massage while you're doing your laundry. What category would that fall into? Would that be personal services? And if somebody comes in with that use in one part of town, one property, and the director makes a determination, and I don't know how greg would rule, but greg makes a determination and that's not appealed, then if that use catches fire and people want to do it in other parts of town, it would no longer be subject to appeal. Notice had been provided as to how that use was going to be categorized. It's provided through the community registry so there's broad dissemination, and the question would basically be closed. But definitely if it were some other different type of use that required a determination, certainly it would be subject to appeal.

>> Tovo: okay. Thank you. That clarifies those issues. Thank you to my colleague for working through these amendments and thank you to wilkes for your willingness to do that. I think that it's going to be a good thing to be able to move on with this, as i said in my earlier comments, I was compelled to sponsor this because I feel it is a fix we need in the code and I'm glad we were able to come to an agreement on how that would work. So I will certainly be supporting the motion. all in favor of the motion say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 6-0 with council member martinez off the dais. And now we'll resume with item no. 138. And I believe we had left it with the. the applicant -- the applicant being not here. the applicant is not here. cohen by the affected use are both present, and maybe the best thing is just to let the applicant come

forward. sergio lozano on behalf trainer, who is the property owner, on the property, and I believe he has a request of you and I'll just let him speak for himself.

>> Mayor leffingwell: mr. Lo lo zano? Welcome. You have three minutes.

>> Mayor, members of the council. I wish the best in the upcoming elections. I know that most of you will make it and I don't know why you are doing it because 00 and you are not getting paid enough to do this. But I wish the best in the upcoming elections. My name is sergio lozano. I'm a licensed professional engineer in the state of texas, in current good standing, and tonight I'm here to represent the property owner for this particular item that we have for discussion tonight. I just want to bring to your attention that this particular item, I was here before you on december the 8th of the year 2010 where this item was -- or this exact same issue was passed by consent and the ordinance was adopted ten days after it passed. I understand there were some issues with the notifications and that is what has brought us back here. cohen except tonight, and I understand that he's asking us to withdraw our case if we'd consider moving our tenant to a space that is going to be more than 300 feet away from his business -- or his place of assembly, and i have not been able to reach scott trainer, and therefore i will be asking for your consideration on allowing us a postponement to this item until I am able to confer with my client since i haven't had that opportunity today. cohen will not be here in the month of may, so we'd like to accommodate him being present, and I believe there are some dates available in the month of june that well like to come and see if we can reach an agreement with cohen, or not having to be before you at all if we choose to have a separate location for this convenience store. If you have any questions, I'm here to answer them. you're proposing a date in june, postpone until a date in june?

>> That is correct, mr. mayor.

>> Mayor leffingwell: june 7?

>> That will be fine with us, sir. request for a postponement till june 7. Council member spelman so moves. Is there a second? Sir, please -- come on up. I will ask you -- introduce yourself --

>> my name is mark cohen. I spoke to you before. I was counsel to the senate jurisprudence committee and I'm the presiding judge of the municipal court of rollingwood. I know postponements -- i know about postponements, the only reason I tell you that, and I know how long it takes for a legislative body to do their work, because i have all that experience. But there is nothing that can possibly happen between now and another hearing that would ever make it okay to sell alcoholic beverages on the street outside a church. There is no reason to do a postponement --

>> mayor leffingwell: mr. Co co hen, we're only talking about the postponement.

>> Yes, I am. you're opposed to the postponement or to a certain date. right, and I'm saying there is no reason to do a postponement because nothing is going to change. I've been here for six hours. My wife -- my wife is very ill. It's very difficult -- you know, I have to take six hours

away from my law practice. I'm volunteering. I'm not getting paid to be here, and if there was a reason for a postponement, i can understand that, but there is absolutely nothing that can change our mind to allow alcoholic beverages. we understand. The motion on the table by council member spelman to postpone until june 7. I'd like to see if there's a second to that motion. mayor -- is there a second to ma motion? mayor, I'd like to revise my motion. council member spelman? I understand that you're not going to change your mind but this fellow needs to talk to his client and he can't make any decisions -- it sounds like you can't make any decisions without talking to your client in advance. Is that correct, sir?

>> Me? no, not you, the person behind you.

>> Sergio lozano. That is correct, mr. spelman. and in deference cohen you're willing to wait until sometime in june. cohen, are you going to be available on june 14?

>> I am, it's my anniversary. Please don't make me sit here for six hours on my anniversary. June 28 is the day before i leave on a vacation, so i can be here then. That's -- that is -- I think that's your last -- you do have a meeting on the 28th; is that correct?

>> That's right.

>> So if you're going to repostpone it and make me come back here for another six hours for no reason, that's fine. June 28 would be the only date that I could possibly do that. mayor, I move we postpone it until june 28. motion by council member spelman to postpone until june 28, seconded by the mayor pro tem. Discussion, council member tovo?

>> Tovo: a quick question. Is may 24 a problem? I understood you're going to be out of the country but sounds like you've got --

>> yeah, my wife has just finished chemotherapy. I'm taking her on a month vacation to recover, and that's for the month of may. We're leaving tomorrow. So I won't be in the country --

>> tovo: okay. Thank you for that. Thank you. Okay. all in favor of the motion say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 6-0, council member martinez is off the dais. So I believe, city clerk, those are all the items on our agenda for today. Without objection we stand adjourned at 10:01 p.m.