

City Council Meeting Transcript - 1/17/2013

[10:03:15]

>> Cole: Good morning. I'm austin mayor pro tem sheryl cole. We'll begin with the invocation. Please rise.

>> Thank you, mayor pro tem. Ladies and gentlemen. As a prayer, I just want to take this moment to thank you what you do for us. The scripture enjoins us to pray for the leaders, for the city, for the peace of the city. Ordinarily, you don't pray for what you hate. We love what you do. It impacts our lives in so many ways, especially in the faith community, and we have a duty to pray for you. We love for you and thank you for the unvaluable work you do for us. Let us bow our heads and pray. Precious father and giver of life, thank you for bringing us into this city, a melting pot, a great city that is in a great state and in the greatest nation god gave to humanity, the united states of america. But we do not take this for granted. We thank you, for we have a place we can call home. Thank you for the city council members. Thank you for the police department, the fire service and our teachers and all the public servants that serve us. We sincerely appreciate what they do and today we lift them up and ask you hold them in our hands. We thank you for what you're doing in our city. We thank you for those who are in front and behind. Thank you for their compassion. We ask and pray you will give our leaders the wisdom to encourage those who are behind and encourage and help them to come forward and also to reward and celebrate those are who are in front. I pray today you will grand them the wisdom as they lead in their deliberations that they govern in righteousness and justice, that they will govern in what they do. We pray for your divine presence. We ask the gates of austin will be open to the king of glory, open to justice, open to community, that this city will be known around the world for a place of community where all gather together, we meet together, we love one another together. I pray that you would bless this city and shut the gate of violence, all kinds of social vices and social problems to this city. I pray you shut the gates of violence in our schools, that you protect our schools and teachers. I pray that you will grant wisdom. I pray for your presence as you give these men and women the wisdom they need to lead and govern this great city. Thank you once again because you make always things beautiful in your own time. This is my prayer this morning. In jesus' wonderful nam I pray, amen.

[10:06:32]

>> Cole: Thank you, pastor. Please be seated. Uil call this meeting of the austin city council to order thursday, january 17. We're meeting in council chambers. The time is presently 10:06 a.m. The mayor is traveling on city to conference of mayor of behalf of the city and will be back at the next meeting. I will not be announcing his absence on every vote, but the clerk will keep record he is not here. I want to remind everyone if you parked in the parking garage and you have a parking stub that needs to be validated, you are required to pay for parking upon exiting the garage. There is a desk outside in the atrium set up to validate the parking stub. Before we begin, the following are the changes and corrections on today's agenda. Item number 16 is postponed to JANUARY 31st, 2013. Item 34, 38, 41, 42 and 43 are recommended by the water and waste water commission. Item 51 is postponed to january 31, 2013. Item 57's sponsors have been added. Council member martinezers morrison and spelman. Item 59, council member

martinez has been added with leffingwell and spelman. 97 Has been postponed to JANUARY 31st, 2013. At 10/30, we will have briefings. The first briefing will be on the annual economic development and opportunity, austin update. Briefing number two will be on the austin energy update on the electric vehicle program. 00, we will have our general citizens communication. 00, we will have our discussion and possible action on bond sales. 00, we will have zoning matters. 00, we will have austin housing and finance corporation meeting. 00, we will have our public hearings. 30, we will have our live music and proclamations where carey rodriguez is performing. The items that have been pulled off consent are items number 23 pulled for a brief presentation by law. Items 31 and 32 pulled by council member tovo. Items 37, 60 and 61 have been pulled by council member morrison. Items 90 and 95 will be at a time certain, and those items' staff will request a postponement of the items. They are related to the east riverside corridor plan. The consent agenda is item 1-64, with the several exceptions I've already read that are pulled off the agenda. First, I want to go ahead and read the board's and commission's appointments. Boards and commissions nominations and waivers. Nominations, austin community technology and telecommunication commission, taylor overstreet by mayor leffingwell. Austin mar yore's committee for people with disabilities. Kathy keller, council member riley's appointment. Building and fire code board of appeals, scott whit, mayor leffingwell's appointment. Now we'll have the nomination to intergovernmental bodies, board nominees, central health board of managers, rosie mendoza, general aproperty by council, the housing authority of the city of austin, tira hal by mayor leffingwell and henry there are es by mayor leffingwell. The travis central appraisal district board of directors, eleanor powell. And we will approve a resolution appointing eleanor powell to the travis central appraisal district of directors. Waivers. We will approve a waiver of attendance requirement in section 2-1 of the city code for the service of rhonda paver on the early childhood council. The waiver includes through today's date. We will also approve a waiver of the attends requirement in section 21-26 of the city code for the service of michael weber on the electric eye tilt commission including absences through today's date. I've already read the items that have been pulled off the consent agenda. And I would like to add that number 53 is also pulled for speakers. Again, the consent items -- or items 1-64, with those items that I just again called off that have been pulled by council members or two or more speakers. Before we entertain a motion to approve, we have several single speakers which will be allowed to speak on the consent agenda for a total of three minutes. The first speaker is robin williams. Robin, are you here? Robin williams. No. Russell eprite (phonetic).

[10:13:03]

>> Actually, I just signed up in case there were any questions of council. So I'm president of pkra for number 14. If there are any questions, I'm available for that.

>> Cole: Council, are there any questions on number 14? Doesn't look like there are but we're glad you signed up.

>> Thank you.

>> Cole: Chip rosenthal. Yes, council member morrison.

>> I believe he's speaking on 37 that I pulled. Mr. rosenthal, are you here?

>> Cole: I don't know. Are you speaking on number 37?

>> I intended to sign up on item 37. Cole: Do you want to wait till we bring up the item?

>> Morrison: Would you like to speak now so you don't have to wait?

>> I prefer to wait.

>> Morrison: Okay.

>> Thank you, council.

>> Cole: Thank you. Diana mcmillan.

>> Good morning. I'm speaking on item 54. My name is diana mcmillan, president of the crestview neighborhood association. I'm here to express the neighborhood support for the resolution addressing the city manager to evaluate the feasibility of using the city-owned property at 6909 ryan drive for a pocket park and family friendly affordable housing. I want to thank council member tovo, council member martinez and council member morrison for sponsoring this resolution. Crestview residents have been asking for a park for many, many years, and their voice has been getting louder as the amount of available land has been disappearing. I have been hearing the request for parks in the neighborhood association meetings. I get letters. I get e-mails. I get phone calls. They're very excited about this opportunity. The residents requesting it have also taken actions. They have passed a resolution and the crestview neighborhood planning contact team, they have conducted a survey on the desire for the park and the uses that the neighborhood would like to see, and even out of that, they have started concepts for the park. I look forward to sharing all of this with you and with the city manager during the community outreach that is part of this resolution. I'm very excited that this is the first concrete step towards the park in crestview. It's an exciting thing for the neighborhood, but this particular property being adjacent to crestview station will also become a destination for austinians. It will contribute to development in that area. I thank you again for supporting this resolution.

[10:16:13]

>> Cole: Next we have anthony marcourt (phonetic). Are you here? Thought I saw you. There you are.

>> Good morning, council members. I'm president of the travis county ems employees association and I'm here to talk about item 21 for providing ems between the city and travis county. Recently, we were told we were getting the necessary resources services within travis county. We for a long time needed additional ambulances to take care of the call volume and the growing population out in travis county and we were told we would get an additional unit and bring two part-time units up to full-time staffing. This was in december. Most recently, two

weeks ago at the travis county commissioner's court, in executive session, they elected to review providing these resources to travis county and on tuesday they declined to provide these resources and further suggested they would like to take the revenue and look into pilot PROGRAMS TO SPONSOR ESDs DOING What's called advanced life support squads which is a non-transport capacity way of providing e.m.s. services. We for a long time needed ambulances. That's the resource that's needed. People need to go to the hospital. There are several time sensitive things that have transport capacities as a necessity to get to a hospital. Stroke, heart attack and trauma. Those are the things that we need the resources to take care of travis county and get them to the hospital when they need go. Unfortunately, by not having these units, we're also taking away from the city resources. Since we are austin/travis county. The front line staff doesn't recognize the county line, we just supplement the lack of resources in the county by sending city resources out to do the job. What I would like to ask council is to look into and consider this interlocal agreement further which provides the necessary resource force us and to do our job properly and perhaps delay and look at that further before moving forward. Thank you.

>> Cole: Thank you. Council member morrison.

>> Morrison: You mentioned -- I believe you mentioned that the county decided in lieu of providing the resources to provide -- did you say to PROVIDE FUNDS TO ESDs FOR A Different program?

[10:19:07]

>> Yes, I forwarded it to city council, the pdf that recommends the recommended changes and that's included in the one of the recommendations is to divert to fund the pilot programs for experimental ideas to move forward with these squad proposals. Another disappointing thing is there is no documentation on these squad proposals. Austin/travis county e.m.s. Provides thorough documentation on what we intend to do and we're fairly open about those things. That's presented in a local agreement several pages long. None of the proposals for the ESDs ARE AVAILABLE, AS FAR AS I know, so we have no idea how quality control goes, what the responsibilities are and why even intend to do in the community. Creating advanced life support is sometimes beneficial, but it can be dangerous if we're just training people up to provide advanced life support services without truly understanding the dynamic of this endeavor. So austin/travis county e.m.s. Spends a lot of time training and we are very responsible about moving forward with advanced life support. It's not to be taken lightly. Unfortunately, I think council should really look at what the ESDs ARE PROPOSING TO DO IN The county.

>> Morrison: Thank you. I wonder if we could have -- i see the director here -- comment on that. I'm trying to understand the flow of money and the decisionmaking and our part in all of that. I'm rodriguez, director of e.m.s. We're in the process of working with travis county to establish a new interlocal agreement. Tony is absolutely correct in that we need the additional resources. I've made presentations to the subcommittee of the commissioners court. I've talked to various members of the commissioners court. I've met with county executive staff. I've covered this with our advisory board and we've made our case. We've put all that information out. One of the concerns that we have is for quite a few years the

county has not added any additional resources to help cover the areas that we need. Presently, we can only cover about 60% of the county. About 64% of the time, when calls occur in the county, i have to send an ambulance out of the city to cover it because there is not enough resources out there. Consequently, we asked the county to add the additional resources so we can do our job, so we can get out and provide the service that's necessary. When we priced it out, they balked at it. It's a lot of money. But when you don't add something for eight or ten years and you see the sticker shock when it comes, it's large. It's about 20% or so. So that caused them to want to go back and re-think about this. The other issue that we have is both the county and the city are concerned in the structure of the agreement in terms that it's a cost-proportional agreement. So everything's based on percentages instead of straight dollars. We want to back off and sign an agreement so that we can move forward in developing a straight-line budget so that we can see item for item what everybody's paying for and so that it can be clear to all of us what the city is paying for, what the county is paying for, what the city may be providing in supplement to the county that it's not getting paid for. We need to put all of that on the table. We finished this very late last night. We finally finished agreeing to all the terms. We have a document prepared in. In that document I receive payment for \$220,000 in arrears. So I need an agreement for them to pay me. It increases the payment from 6% to 5 million in revenue for the city to provide services. That allows me to cover the costs we're incurring at the current rates of pay and benefits for employees. So I need to this to be able to move forward there. The other thing that's important for us is we're also moving forward together with some strategic planning, something that's really not ever happened before between the city and the county that involves all of the players, beginning tomorrow we're going to start sitting down and designing our go-forward plan for designing a new strategic plan to cover city needs throughout the region. So I don't know if I answered or created more questions.

[10:24:04]

>> Morrison: Well, it's a complicated issue. Just to go backwards on comments with your questions, who are all of the players who are sitting down? INCLUDING THE ESDs OR JUST THE City/county players?

>> ALL ESDs, CITY AND COUNTY.

>> Morrison: You say you are hoping to move toward an ioa that actually looks at item for item instead of just percentages. How long is this ila contemplated for and lit allowus to move forward.

>> By march we'll begin an itemized budget to sift through and this ila will last through september and then becomes synchronized with our budget process.

>> Morrison: And if we move through that process, is that going to give us visibility into the issues that have been raised in terms of, you know, siphoning off city resources? You know, I'm respectful of whatever decisions the commissioners court decides to make, but I guess, from our perspective, we need to see how that's impacting our ability to provide services to the residents of austin. And the issue of being underresourced by the county, siphoning off resources for the

city, does that impact us in terms of how we can serve our residents? Does it impact our cost? And are we going to be able to work through those things?

>> That is what it's all about. The whole premise of moving forward with developing an itemized budget will allow us to look at case per case what it is we're doing and providing in the county. And I'll give you the basic example is, in the way that it's designed now, the county isn't clear how much they're contributing to the 47% or 46% of the calls, and we're different there. So by doing this in an itemized fashion, we'll have it addressed. Deputy city manager reminded me that although we do have a goal of march 15th to have the itemized budget completed, it will probably take the rest of the year to hash it out. And he's correct. The goal is to have a starting point, and then through the rest of the year we'll be negotiating our next agreement and also hashing out any differences we have.

>> Morrison: So this agreement is a relatively short-term agreement and will allow us to move into the different framework?

>> That's correct.

>> Morrison: Okay. Thank you.

>> Thank you.

>> If I could say, this agreement will last for a year and locks us into not providing resources the way it's designed right now. Thank you.

[10:27:06]

>> Morrison: Thank you.

>> Thank you.

>> Mayor pro tem.

>> Cole: Council member spelman.

>> Spelman: What's our objective in our negotiation with the county? What are we trying to accomplish?

>> We need to have adequate resources to cover all the services necessary in the county, number one.

>> Spelman: Right.

>> Number two, we need to balance how well we supplement each other. About 3% of the time in the city we use county units to cover calls on the fringes of the city. 46% Of the time we use

city resources to go into the county. Those kinds of things happen, that's why there is benefit to the system. But we need equitable financial balance in the process. So those are the goals.

>> Spelman: What caught my attention was the attention paid to how often city units go into the county and vice versa. If we're running a real regional system, there are no city or county units, there are just a certain amount of units to meet the demand from the entire service area, some happen to be located in the city limits, some are not. But that doesn't matter because what the county is paying for is response to a call rather than having a unit located outside the city limits. Are we moving to their paying for a call-by-call basis?

>> Probably won't be a call-by-call basis because the volume is increasing at such a great rate it will take several years to catch up resource-wide. But you're right. We don't divide it up city-county, a call is a call and we go. That's the reason why we are where we are. My position is we need to stand back and evaluate that. We need to have a complete and clear analysis of what is happening so we can look at the dollar flow in the background to have an equitable solution financially.

>> Spelman: Do they receive the same service that in-city residents receive?

>> I'm sorry?

>> Spelman: Do people in the unincorporated area of the county receive the same service people inside the city get?

>> They receive exactly the same level of service, paramedic, same equipment, everything. The response times are different because it takes longer to get there.

>> Spelman: That's kind of by design because they're paying less money per call. They should be getting less service per call. They pay the same amount per call that in-city residents paid, we would put more units out there and presumably would be shorter response time. Is that accurate?

>> That's correct. And we're going a step further and dividing the county into zones because some areas are more remote and some areas are more urbanized than others. That needs to be considered.

[10:30:03]

>> Spelman: So the game is, if you want better service, you have to pay for it. You're going to get the service we can afford to give you, given where you population and demand is located and given our demands on our time, we can give you what we can give you and if you want more, you have to pony up. They understand that?

>> Yes, and the complications to the city, we have to take actions to shore it up.

>> Which reduces their level of service.

>> Yes. The biggest thing is the citizen gets the service they need. Number two, we don't overutilize our resources and wear out equipment and our employees don't have to work double time.

>> Spelman: You don't want to wear out your equipment or people either.

>> Yes, sir.

>> Spelman: Thank you, sr.

>> Cole: Council member riley.

>> Riley: I understand we're currently in a 120-day holdover period from the contract that EXPIRED ON SEPTEMBER 30th. Is that right?

>> Right.

>> Riley: That period would end sometime around this month?

>> ON THE 28th.

>> Riley: Of course, our next meeting is a couple of days after that. There has been a suggestion that rather than locking ourselves into a contract on the table now, maybe we should take additional time and consider it. Do we have that opportunity? Would we be able to? What would be the implications of postponing action on this and taking a look at our next meeting?

>> What I would like for you to do is to allow me to complete negotiation and execution of this agreement. This agreement allows us to carry on in the way we're operating today. It doesn't add any new resources, it just allows me to operate and get paid the correct dollar amount for that work. Ly use the remaining nine months of this agreement to negotiate the next agreement and that's where the heavy lifting will occur in that nine-month period.

>> Riley: It's not realistic we could take care of all that negotiation in the next couple of weeks? We need a number of months?

>> This agreement will allow me to continue the services we provide today and give me time i need to continue the negotiation process and resolve some of the issues.

>> Riley: In your view, approving what's on the table now will put us in the best position of addressing the issues that have been raised for the long term?

>> Yes.

>> Riley: Okay. Thanks.

>> Cole: Any further questions? Thank you. Thank you. The last speaker we have is roman jalisi.

>> I'm against proposition 49. This is a petty camp ordinance. I can see you have a lot of pressing, serious issues at hand. Presently, there is already safety inspections with the austin ground transportation department. They're very universal. They're based on brakes, your stopping distance, ruer lights and wheels. They're very universal. Can you stop the bike, do the wheels keep the tread, can you be visibly seen? The agenda 49 to have more inspections makes things more difficult for everybody. So I'm against it and I think you guys should be against it.

[10:33:33]

>> Cole: Thank you. Okay. That is ends all the speakers on our consent agenda. Any discussions, council members? Council member martinez?

>> Martinez: I'm asking to pull item 58 off consent.

>> Cole: Council member martinez asked we full item number 58 off the consent agenda. It is done. Intertin a motion to approve the consent agenda? The consent agenda was moved for approval by council member spelman and seconded by council member martinez. All in favor say aye. Passes on a vote of 6-0. Thank you. Next, we'll start with our pulled items. Number 53 was pulled for speakers. Council member morrison.

>> Morrison: Just so I can get a sense for how we'll be sequencing things today, what order will we be going through in addressing the items that have been pulled?

>> Well, the plan is we don't have many items that are pulled from the consent agenda, and i don't think there will be lengthy discussions, so we will finish the -- I mean, the items that have been pulled, and after that we'll do the presentations and briefings, the two briefings, then citizens communication, executive session and hopefully back for 2:00 zoning.

>> Morrison: I guess the question is what sequence will we go through the polled items?

>> Cole: The sequence I have listed in my book.

[Laughter] just kidding. I have them in, simply, 58, 37, 60, 61, 31 and 32. I don't care.

>> Morrison: That's fine.

>> Cole: 23 Is pulled by the law department and that would be next, but those are the council I tells.

>> Morrison: Okay.

>> Cole: And then we can't 00 because of the time certain. Is that fine with you?

>> Morrison: Yeah, it's fine with me. Sounds like the ones we have speakers on, we're taking up earlier.

>> Cole: Yes. To help the speakers.

>> Morrison: Thank you.

[10:36:00]

>> Cole: So item 53, we'll take up. Rochelle day. Rochelle day has signed up to speak. Here we go.

>> Hello. I had planned to concede my time to joanne richards, who is not here yet.

>> Cole: No, but you can go ahead and speak.

>> I'm here to speak about the resolution to amend the u.s. Constitution. Even working on it a year trying to get it along this far. There are also state resolutions that say the same thing, that they're asking the state to approve an amend to the constitution. And I'm sorry. I'm totally unprepared to speak.

>> Cole: Just let us know what you have to say. It's not required you spend the whole time. You miff questions.

>> I'm hoping our resolution will be passed today.

>> Cole: Thank you. Next, michael keen.

>> Good morning, mayor pro tem, and council members. Thanks, rochelle. She was totally unprepared and i wasn't prepared to speak this early. I had some hand south for y'all but we'll do what we can. Thank you for putting this item before council. I think it's important. Rochelle and quite a few other people have worked on this for a year. They don't get paid. In fact, they pull money out of their pocket to get this done. Hours and hours. They sent y'all e-mails and phone calls. It's a pretty good group of people that have done this. And it's throughout the state. To me, that's what free speech is and that's the free speech that should be heard is the people who do this. They're not lobbyists or politicians, they just feel strongly about this. I brought this before the international brotherhood of electrical workers to be voted on. It was unanimous, no descent and got applause for good action. A week later I took it to the central labor council and, again, it was unanimous. They're in favor of this resolution. The exact resolution y'all have. In fact, for ibw, I read the whole thing. You don't want to hear that, do you? They didn't either. The handout I was going to give you had richard trumpka's statement on the anniversary last year showing labor supports action being done on this. I want you to know labor supports moving forward on this and making a statement. We also have a couple of resolutions introduced in the house and the senate which we'll be rallying saturday if any of you would like to attend up at the capitol, the very same resolutions. So, again, thank you for your time.

[10:39:19]

>> Cole: Thank you. Next, amy mashburg. Amy mashburg is signed up not to speak. So that is the conclusion of our speakers. Any further comments, discussions, motions? This item has been moved for approval by council member spelman and seconded by council member morrison. All those in favor say aye. Aye. It passes on a vote of 6-0, with no one voting against. Next, we'll have number 23, which was pulled by the law department.

>> Good morning, andy with the city law department. This item is to approve a settlement in the case of texas campaign for the environment versus lower colorado river authority, filed in houston district court against the lcra regarding the operation of the fayette power plant. The city intervened, since we owned 50% of units 1 and 2. The case originally involved four causes of action primarily relating to the plant's flex and emits. One with of the actions was schedule to go to trial in february. An amicable settlement reached regarding particulate matters emissions, contesting of, one, the lcra agrees to operate the plant within certain parameters regarding particulate matters emissions and, two, the parties agree lcra will install monitoring equipment regarding particulate matters emissions and report the results of the and the public. The ultimate cost for the installing of the equipment will be in the neighborhood of \$800,000 to \$1 million. However, that funding was essentially already contemplated as part of the mercury improvement project going forward at the fay elt project plant. So we thinkates good settlement for all parties involved and recommend approval.

>> Cole: Any questions, colleagues? That's item number 23 has been moved for approval by council member martinez and seconded by council members spelman. All those in favor say aye, opposed, no. The item passes on the vote of 6-0 with no one opposed. Next we'll have item number 58, which was pulled by council member martinez.

[10:42:12]

>> Actually, I've had one speaker signed up. So if we can take the testimony, I'll ask staff questions. John carlton.

>> Cole: John carlton.

>> Morning council, john carlton on behalf of the pflugerville local fire firings association local. I only signed up to answer questions related to the request.

>> Martinez: I'll ask staff questions. If I have some for you, I'll call you back up, john.

>> Thanks.

>> Martinez: I wanted to ask staff, this is the esd2 overlay. We had questions tuesday about this. You know, chief, I'm not sure. My questions are more related to future annexations and what the impact of that is. It's not really operational. I thought it might be. Thanks. So tuesday we talked about this and this is -- so we have esd2 and it operates under the pflugerville fire department. They're asking for an overlay, which would be determined esd2a, which allows them to added a

additional taxing to the citizen gain further revenue for operations. But in the 2a overlay, it is a larger footprint than the original district 2. Is that correct?

>> I'm not familiar with the boundaries but my understanding is if it operates like the original esd2, once the city starts providing that service annexation, esd would annex that territory.

>> Martinez: That's how I understand it. The footprint is larger and the reason it's on our agenda is it is within RTGA, so it allows them to tax the citizens, gain the revenue but doesn't preclude us from future annexation which would then drop off many tax roles and become city of Austin and we had to start providing services.

>> Correct.

>> Martinez: Thanks.

>> Cole: Council member Spelman.

>> Spelman: If we were to annex some or all of this area -- annex some or all of this area in pds2, would we be authorized, prohibited, mandated?

>> When we annex an area currently served by an esd, we send a letter to the esd notifying them of the annexation and they will begin providing service on this date so please cease providing service in the area and take this off your tax roles. So then we would collect our city taxes to fund the services.

[10:45:19]

>> So they would be out, the increase in taxes associated with this action here and we would not be able to take increase in taxes for the area that used to have to pay higher taxes for the esd. Okay. And we would be able to pay for it. Do we have any plans to annex part of this area anytime soon?

>> There are areas in esd2 that are adjacent to our full purpose jurisdictional boundaries we could annex.

>> Spelman: Have we done any cost analyses of determining what the cost of our fire service would be?

>> Like in our annexation model how much do we use?

>> Spelman: If they've become to a certain level of service and we annex, would we be able to maintain a certain level of service without a tax increase on our end?

>> Absolutely, right.

>> Spelman: Okay. That's all I really needed to know. Thank you very much.

>> Cole: I have a follow-up question on that point. I remember we had concerns like that when we were considering annexation in connection with formula 1 in the service district and we provided some analysis. So could that analysis be done or can you speak to that?

>> I'm not sure which analysis you're looking at. Are you asking about our 25-year financial model where we say these are the tax revenues we assume the city will be collecting to cover the services in the next 25 years?

>> Cole: Didn't you prepare something like that?

>> We did for every annexation area.

>> Cole: So we would have this for this esd, also?

>> For anything we posed proposed annex in that area. There are subdivisions that may go through the platle process in the next couple of years so as these come available and ready to build, we'll bring them forward for annexation consideration.

>> Cole: Then get the cost analysis. Thank you very much. Any further questions, motions? Item moved for approval by martinez. Seconded by riley.

[Vote] passes 6-0. Next, calling up item 37 pulled by council member morrison.

>> Morrison: Thank you, mayor pro tem. Oh, we do have a speaker here, so if we could hear from the speaker first, that would be great, chip rosenthal. Rosenthal. And by way of introduction, this is an item to procure and purchase a system that will ALLOW FOR A Smartphone Application that interfaces with 311. So thank you for coming mr. rosenthal.

[10:48:14]

>> Thank you, thank you, mayor pro tem and council members. My name is chip rosenthal. I'm a member of the community technology and telecommunications commission. I'm also a member of open austin citizen interest group. We were founded in 2009. We've worked with the city successfully in many cases on open government and city technology issues. I'm here today to request a postponement on this item for the purpose of conferring with the local open government and city technology community. This item went to the electric utility commission, but the local civic application and open data supporters really haven't had an opportunity to get presentation and get feedback on it. There are three reasons I think it's important that we take that step before we move forward on this tract contract. The first is that 311 facilities are absolutely a top priority for open government and civic application supporters. You can see this evidenced by the level of robust activity that happens around 311, such as the open 311 standard and open-source application such as c click fix. There is a lot of activity around the nation, around 311, a lot of interest in austin. We have been, you know, waiting to engage the city on this, and, so, this is a good opportunity. Another point is that, in december 2011, you took action on an open government resolution identifying four particular key areas of focus. One of those being mobile application technology. Probably the most important mobile application is going to be 311.

When a citizen is out walking, biking, driving, observe something that needs city attention, that animal in the road, pothole, curb problems. They would like a mobile application to be able to report this immediately with gps-located coordinates. Coordinates. It's a great system. A mobile 311 application is probably the most important mobile application which you've identified as an open government interest, which is another reason I think it should go through to this community. Finally, just generally, when we're doing these large public-facing, public civic interest projects, there is a group of folks interested in participating and having feedback on it. I would say, after data portal and web site, the most next important civic project is going to be 311, so I think it's important we establish our processes and benchmarks now on how to engage the community on these civic interest technology projects. So my request would be to ask you to postpone action today, send it to the community connectology and telecommunications commission poss february 13th regular meeting aagenda, the group you've identified as a body to support you and, third, I'd like to an opportunity to engage -- i believe austin energy probably provided this item -- have open austin engage it. That is one city department we haven't gotten connections with and may have been what led to this.

[10:51:38]

>> Cole: Thank you. I think we have a staff response.

>> Always a staff response. I have a question. Good morning.

>> And I actually have several questions for staff.

>> Okay.

>> I pulled the item.

>> Cole: Why don't we go ahead and wait for staff. Let's get chip's questions answered and we'll respond to staff. Council member spelman.

>> Spelman: Fair enough. It's my understanding this is a standard upgrade motorola is offering, am I right?

>> From what I saw in the material -- and again, we haven't had a presentation.

>> Spelman: We have very little backup material, as you know.

>> Yes, there were several components to it. There is a contract extension but also purchase of the mobile application and something called an open 311 bridge. Again, we'd like an opportunity to engage and find out the components.

>> Spelman: What are you hoping to accomplish by being able to engage here?

>> Two things. One is to ensure, wean we deploy an application, it meets the needs and interests of the community. Number two is that we are providing the level of open data AND OPEN APIs

THROUGH THIS Contract so that civic developers and civic open data interests can engage. And if we are locked into a proprietary system where we don't have that access, we have a long-term plan to make sure we do have an open system.

>> Spelman: Appears we are locked into a proprietary system. We'll hear more about that from staff in a minute, it appears. Even if we are, there is data we can get out of this which, for example, would make data to another user who would be able to provide a 311 mobile app side by side.

>> So we're doing matchups BETWEEN 311APIs AND GOOGLE Maps and stuff on the data portal.

>> Spelman: Thank you.

>> Thank you.

>> Council member morrison.

>> Morrison: Thank you for coming. I know this is a complex issue and this is an issue about proprietariness and there are issues about more than an app that's been provided, so i wonder if you could speak to all of that.

>> Good morning. My name is joe calabris, i manage the 311 center for austin energy. Chip is correct that this is not primarily a noble application request. There is really four parts to this. There is a mobile application, there is a data portal bridge that actually is the avenue to reach the proprietary database. also a one-year contract extension to allow us to fulfill this under contract without a major contract being over. And the fourth thing is it provides us with additional staff contract hours to facilitate internal database interfaces that are necessary for the city. We have a limited amount of time in terms of availability of the motorola staff to implement this. They have various commitments to different cities in order to implement this similar type project. So we've kind of put ourselves in their schedule. Now, that doesn't mean that that can't be moved. It's just that we are in a timeline with them. I have really -- we have no objection to postponing the item, and I certainly would like to give a presentation to the committee that chip is talking about, but I would request that we try to put this back on the council in a month or so, so that we can stay on track with providing the citizens a mobile application.

[10:55:56]

>> Morrison: I appreciate that because I'm very interested in getting you all in front of the commission. I think that some questions really need to be answered, and that is -- I understand that some elements of this, we really have to rely on motorola. But questions have been raised -- well, myself, what layers are not proprietary and just interfacing with proprietariness, and so there is always an interest in the local development community. The question of cost has also been raised. I suspect motorola may be more expensive when doing database work for us than some local developers. Fink you go to the commission, that would be absolutely the right place to have that conversation, and also I assume that the commission could invite in the open austin

folks to be part of that conversation. Is that correct, chip? So that we could move it along quickly?

>> Yes, I work with my fellow commissioners and staff to facilitate that.

>> Morrison: Great. Then I guess I would be interested -- I'm real interested in this project going forward. Believe me. I think it was a year and a half ago when I talked to staff about getting moving on this. I know, at that time, there were evaluations through ctm, through pio, looking at c click fix and other off-the-shelf products. So I think the questions that you will ask will help us to understand, you know, what evaluations were made, what options were considered, and that will bring us all to a better place of making a decision on this. I appreciate your willingness to do that.

>> Council member, one other thing that I want to bring to your attention is that one of the reasons we looked at connected bits and c click fix and city source, which is what cedar park is using, and one of the criteria we were concerned about was the two-way communication with our database status reports and things like that that a customer could get from the data portal bridge. So there were some -- some research done and some investigations on what would be delivered under these various application types, and that was one of the reasons we went with the motorola solution. But we certainly are amenable to giving a good presentation and having a discussion with the committee. And if we can somehow schedule this back on council in a month or so, then that would help us.

[10:58:44]

>> Morrison: Well, I think you said you have a meeting on the 16th. Is that correct? That doesn't sound right.

>> February 13th is the next regular commission meeting.

>> Morrison: We have a council MEETING ON THE 14th. Would that be too optimistic so think we could schedule it then? We could postpone it another two weeks if we need to.

>> I would think not. I think both the commission and the civic technology community would like to move forward.

>> Morrison: One other question for staff, are you familiar with our open government resolution?

>> Yes, I am. One of the criteria we use in the scope of work for this contract was that the data portal bridge comply with that resolution.

>> Morrison: Okay. Great. My last question is I actually admitted questions to staff about this and through our formal q&a process, and thank you for answering those, they went back to all council members. The question I have for staff, not our austin energy staff, but I thought we were talking about getting those questions and answers posted for the public. And that, apparently,

hasn't happened, because that could have helped you all to some degree. At least it would have been a little bit more information. Is there any staff here that might be able to give us an update on when we're going to be able to be getting questions and answers actually publicly posted? Well, maybe --

>> Cole: I don't know. City manager?

>> Can you respond to that today? ..

>> Morrison: Because we get a lot of really good information from our staff.

>> Do you have something to say?

>> I do. Council member morrison, we're working through the agenda office to try to provide that Q&A PROCESS SO QUICK GET Q&As Pretty much as they come and then responses from the departments that come out to all the council members. We're working out all the kinks. We were hoping to have that in place for this council meeting. It's going to take longer and we thou vit done in the next month.

>> I thought one of the plans was to make the answers publicly available.

>> That's correct.

>> Pretty much like with the budget process, it would mirror that very same process and we were hoping to get that done. But, yes, pretty much the same thing.

>> Morrison: So we'll see, for instance, maybe a web site that HAS ALL THE Q&As.

>> Yes, and all the archived questions and answers.

>> Morrison: Great. I appreciate you all working on that.

>> Let me ask him a question. By when?

>> We were hoping to have it for this council meeting in january, so we're looking -- talking to the agenda office manager, we were hoping to get that done in the next month, so we're a little behind.

>> I'm going to hold you to next month.

>> Yes, sir.

>> Morrison: I know the agenda office has been doing good work in trying to get standard procedures for all of us. You have been very helpful.

>> Thank you.

>> Cole: Do you have a comment? I don't know have a question.

>> No, I don't.

>> Thank you very much. I would like to make a motion that we postpone this item till our february 14th agenda.

>> Cole: Council member morrison made a motion to pos item till FEBRUARY 14th.

>> Morrison: To present to the community technology commission commission.

[Voting]

>> Cole: Passes on a vote of 6-0. The next item we have is pulled by council member morrison, also, it's item number 60.

>> Morrison: Thank you. This is the item brought forward asking for a budget work session to consider the multitude of suggestions for mid-year budget adjustments and all the different priorities several of us have raised. And I wanted -- I know this issue came up when we were talking about the resolution in december about looking for a short-term funding for affordable housing. The city manager said that he was definitely going to plan on doing this kind of work. One of the issues that's not listed here that I would like to add in consideration is the arc of the capitol area, which has been serving austinites for decades, and we recently -- they have a lease of some of our property that they're looking at perhaps leaving early, and not that we're talking about an early buyout, because already no early buyout terms we could actually adhere to. What we did come up with in discussion at public health and human services is the possibility that, due to their financial situation and their move -- they're moving to a new facility -- that we may want to consider looking at just additional social service funds for them. So, for that reason, I would like to make a -- well, there is no motion on the table, but make a motion that we approve this item with the addition of a bullet item for the arc of the capitol area.

>> Cole: We have a motion to add or amend item number 60 to include arc of the capitol to the items that we will consider in our mid-year budget conference. That is seconded by council member riley, so we have a motion and a second, and I think council member riley has a comment.

>> Riley: Just for clarification, council member morrison moved approval but there are two versions to have the the resolution in the backup, the second being a redline that includes the african-american cultural district. I want to make sure it includes that.

>> Morrison: Absolutely. A bit of enhanced information, staff is doing some additional work looking at whether or not there are -- is there an ability to actually -- for the arc to sublease that property. So there are various things being explored for them.

>> Cole: I'll point out for clarity's sake that the items on the original motion either came from professional staff or had been submitted by a previous resolution, but we've now added two

items, which is perfectly acceptable, but we've added funding for the african-american heritage district and the arc of the capitol area. So with that being said, we have a motion and a second. All those in favor say aye. Those opposed say no. That passes on a vote of 6-0. Council member morrison, item number 61 is going to be the subject of executive session, but there is a speaker. And do you want to hear the speaker now? Okay. There is actually two speakers. I know I way roy waley. Is ann denton here? Ann denton is not wishing to speak. Roy waley is not in the chambers and ann denton is not wishing to speak. This is an item for exesks executive session, so we'll consider it for executive session.

>> Spelman: Although it's an item for executive session, i didn't know hear anyone who wanted to hear it in executive session.

>> Cole: Council member tovo?

>> Tovo: I did. One of the edits she made allayed my concerns about it. I have an additional comment but I don't need longer to go to executive session. Thank you, though, mayor pro tem.

>> Cole: Thank you, council well, then we've already called up item number 61, and our speakers are not here. Is there any further discussion about that?

>> Morrison: I pulled it.

>> Cole: Council member morrison.

>> Morrison: We had a discussion in our work session and I and others raised concerns. For me, it was important we make sure that it's not just about let's do a bond but that we have a broader conversation and other issues that came up. So I really appreciate the revisions my colleagues have made. I wanted to address a couple of them. I'll go sequentially through here. One of the things that I would hike to make sure we acknowledge in here is that we've got some other pieces of the puzzle already in work, an those are the two resolutions that we passed in december, one about looking for short-term funding and the other looking at the housing trust fund and where that's really going to take us in the future. So I'd like to suggest that we -- well, do you want to get a motion?

>> Cole: Council member martinez made a motion but we did not take a second yet. So we'll just -- I'll second the motion. Splman made a motion and i approve and second the motion.

>> Morrison: Let's see if it's a friendly amendment. I make a motion we add a paragraph that ac my knowledges the work going on, whereas the city council has by resolution 2012-2013-098 and-065, undertake efforts to identify short-term funding opportunities for affordable housing program and long-term opportunities through the affordable housing trust fund.

>> That is extremely friendly. In fact, I am surprised other language to that that moves in that direction did not get into this draft. My apologies for not including it.

>> Morrison: Thank you.

>> Cole: That is a friendly amendment, as far as I'm concerned. I think it's really important that we recognize when we're dealing with the issue of affordable housing now that there will be mid-term and long-term solutions, not in competition with each other. The city made a deep commitment to affordable housing and we're looking for ways to try to honor that commitment and, at the same time, recognize and respect what the voters have said and take action to do both. Go ahead, council member morrison.

>> Morrison: In the first be it resolved, it says -- it had said that the city manager is directed to start steps to hold an election for voter consideration, and I was concerned that, really, that was wadding the cart before the horse. We needed to understand what those steps were and where the bonds -- where a bond might fit in. So the revision, instead of saying take steps, the revision that's been offered is the city manager is directed to identify and take preliminary steps. So I'm interested in knowing what those preliminary steps are. I want to make sure we're not wasting our staff resources and having them do work before we've made a decision to move forward. And I also want to understand what the timing is. What those preliminary steps are and what the needs for timing are of those preliminary steps relative to if we ever set a date, which I presume we will sometime, for another housing bond.

>> Well, council member morrison, I see this as part of a three-part strategy. In december, pursuant to the resolution that you sponsor, we passed that unanimously for immediate funding for six to nine months. The council also passed a resolution to evaluate our practices to see if we could come up with long-term strategies for funding, affordable housing pursuant to the trust fund. These are both important, but they still leave a critical gap as to our six-year funding that was in the november bond package. So this resolution seeks to address it for the six years and it's distinct and complementary to the other actions. That being said, we are acting as a -- almost a citizens bond committee, so we're asking the city manager to bring back a time line. And I am contemplating that it would be given to us on this bond election over a period of two to three months in terms of the steps that would be necessary, in terms of, first of all, our long-term strategy looking at the election date, looking at our needs, looking -- and those would -- at our affordable housing needs in general, like we have had a lot of discussion about this not just being about the shelters but also being about multi-family housing for our low income, between zero and 50%. So I think one of the things that we did not do in the last bond election and council didn't consider these items and they didn't receive the public education that should have occurred about what we actually do, so I'm trying to actually have the city manager make briefings, ask questions, make deliberations about the bonds and then actually think about when we would actually go out for a vote.

>> Morrison: So the preliminary steps. I want to understand what the preliminary steps are. The preliminary steps to hold authorize an election.

>> Cole: The preliminary steps are listed in the second be it resolved clause. The timing of possible elections and associated deadlines, the estimated test capacity and current tax rate --

>> Morrison: Yeah. All of those. So you're telling the city manager to do what we're telling him to do in the last be it resolved? I guess I'm just confused.

>> Yes.

>> Morrison: When I read take preliminary steps to authorize an election, that sounds to me like we've got to file paperwork with the county clerk or if we have to file bond papers, I want to make sure we're not doing any of those.

[One moment please for change in captioners] pa.

>> Those kinds of steps, and answer the questions, also that this in this rest resolution. Obviously at the end of the day we don't authorize, you authorize. So I think the intent was for the manager and staff to do all those things so the council would be fully informed about what we think of the needs are, how the money might be used, how capacity we have without increasing the property tax rate. Those kinds of position are the kinds of information we will provide back. I think council needs to give us some direction from a timeline standpoint in terms of what month you're targeting to place such an initiative before the electorate. I don't know if that's may or when. We look for direction from council in that regard and of course our timeline will be based on that. In fact, we take that and back up, to define, in addition to the information, the other tasks. Obviously there are some things that the city attorney's office would also have to outline in terms of legal procedural things, steps, like we did previously, to get to a point where we're able to have a legitimate proposal before the electorate.

>> Okay. So what I heard is the staff is going to do, based on this resolution, the staff would do all the things in the bullet list, which is there, and then just in terms of preliminary steps to authorize an election, you're going to do things like what is our capacity now. We don't -- it's a very specific task. It's not the same as what are our needs, because what are our needs, that's dealt with in the other be it resolved where all the things are laid out. So I just want to make sure we don't go down the road of getting things in place for an election before we know what that election is, when that election is going to be, because we haven't made that decision yet.

>> My understanding from the mayor pro tem is this is an intent to make sure council has all the information council needs in order to call an election. Is that correct?

>> That's absolutely correct. I mean, we have to -- we recognize the need and i think everyone on this council recognizes the need but there's a lot of preliminary steps. We don't want to do things like they happened in november because we want a different result and to get a different result we're going to have to take another approach, and one of those approaches is to ask staff to do more work and give that directly to council so that we're involved in the decision-making process. yeah, i understand that. I just want to make it clear that we have two different directives to staff. One is to provide all that information to us, which i hear -- I totally agree is going to be very critical information. The other is to take steps to authorize an election, that's a very specific thing, and I just want to make sure that papers are being filed, that we're just -- preliminary steps for an election or anything like that, it's just very specifically, aside from all the information on needs and all of that, it's very specifically figure out what our capacity is. That's the only thing I've heard that really fits under here, under this particular be it resolved that says, preliminary steps to authorize an election. I've only heard one thing right there that falls under that. Everything else falls under the other directive that we're giving to the council -- to the city

manager in terms of what's the timing, estimated debt capacity, that's in there. I'm just confused about why we need this.

>> Ci think that we need it and -- the preliminary steps reference. and I think we need the preliminary steps because we need to signal the seriousness about our actions and the seriousness about what happened and besides looking at near term solutions we're also looking at long-term solutions and we recognize the housing community has lost funding for the six-year period. I don't know what the difference between this preliminary step statement and the other be it resolve that lists out all that information that we're asking -- I think it's just further specification to of the initial statement.

>> Morrison: okay. That's fine. I have one last item I want to bring up and another issue that we have talked about that I had raised is that we really do need to be cognizant of other elections that other jurisdictions are planning for tax ratifications, increases, and for bond election. So I wanted to suggest that we add a bullet to make sure we get that information also. So the bullet under the list of information that staff would bring back would be an update on current plans for tax ratification and/or bond elections of other governmental jurisdictions within the city of austin. So asking for you all to go out and touch base with the other jurisdictions, make sure we know, have they changed their plans, what's on the table.

>> Sure.

>> Cole: that's fine.

>> Morrison: thank you.

>> Cole: okay. Council tovo?

>> Tovo: thanks. I want to echo my thanks for the revisions that the sponsor and co-sponsor worked on. As I pointed out I think that nicely addresses one of the concerns I had issues about with regard to the debt approval line. So that one works beautifully now. I did want to suggest hopefully as a friendly amendment some slight changes to the second be it further resolved. We talked on tuesday a little bit about that it would be, in my opinion, important just to call out a few of the different types of affordable housing so that the public doesn't get a sense that this is going to be supportive of bonds for a particular kind of affordable housing, and so to that I would offer the following suggestion, that we change that further be resolved that the city manager is directed to review previous practices of city of austin and best practices of other cities. Here's the change, to identify long-term sources of funding for affordable housing, including permanent supportive housing, single-family and multi-family ownership and rental opportunities, rental assistance, preservation programs and home repair programs, just so we get in there some of the range of programs that have in the past been funded under general okay r obligations. I have a question for you. The only thing I notice betsy might come down is that is an exclusive list. Did you say home repairs? I did say home repair programs.

>> Because we've been hesitant to list them just to be sure -- that's a good point. Included but not limited to?

>> Yes. I think that's a very good point. That does it for me. It looks good. is thata eokay with you? my english teacher in the 12th grade would balk at us saying that because it's tacitly included in including. But that's fine.

[Laughter]

>> it's friendly to council member spelman and it's friendly to me. So we have a motion and -- who said that? Oh, council member martinez.

>> I want to try a friendly amendment as well. Transportation and planning takes on this issue, but I'd also like to ask for a friendly amendment that it also, prior to coming back to council, that it go through the health & human services subcommittee as well because we certainly do address social services, things like home repairs come through that committee and homelessness, and i would ask that that subcommittee be involved in the process before it comes back to council.

>> Cole: okay. I think that's a very reasonable request. And as I said, we're trying to not lay this all out at once but have an opportunity for us to deliberate on it. So I don't think that interferes maybe with the first round of information you give us, but try to do that as soon as possible.

>> If I i may ask --

>> city manager.

>> Ask for clarification. So all of the work per this resolution, and of course there are some other previous resolutions that relate to this. As we -- we complete that work and we're ready to bring it forward, you're asking that we go through the committee first?

>> Martinez: yes.

>> Okay. If that's the case, i expressed maybe a little bit of concern to you, maybe, mayor pro tem, about the date of february 14. I get a little concerned about -- I was concerned anyway about getting all of this done by february 14. I'm a little more concerned now if there's another step in the process. I know my staff expressed a level of confidence about being able to get all of this work done by the 14th, notwithstanding my concerns, but I am now even more concerned, not that the extra step is wrong. It's just going to take more time. city manager, I was contemplating, if you see in the city -- the second be it resolved clause, you're to report back to council no later than february 14 regarding the timeline.

>> We could meet that requirement simply by providing that much. yes, I'm trying to -- I guess I'm going to ask council member spelman, what I'm trying to do is i want to give you some latitude the to bring this before council, much like we do the budget, much like we would if we were acting as a citizens bond committee and not just drop all the information on this at once, especially since we're including short-term and long-term. So I'm thinking that -- that I need to change this first line to say that the city manager is directed to report back to council.

>> Given your explanation of that particular line, i mean, that's really sufficient. It's understood that we bring the timeline by the 14th, that bringing that can serve as the basis for further discussion.

>> Cole: exactly.

>> Based on that timeline and how the additional information, and when, it would comport. council member martinez. and other committees that we might be going to. Okay. Council member morrison? I appreciate everyone's work on this and getting to a point where -- I'm comfortable supporting it, because I think that one of the most critical things is that we have this broad-based conversation and I wanted to emphasize that because while I fully expect that there will be another housing bond that we take to the voters sometime, I'm just a little concerned -- i just wanted to emphasize that because I hear mayor pro tem thinking -- talking about -- thinking about this -- us in terms of a bond committee, and this discussion is really much broader than just about a bond. That's one part of it. And I just wanted to emphasize the broadness of the discussion because we really do need -- I think when we -- when we go back, if we go back to the voters asking them to approve it, if we can take back a picture of a broad framework for how we plan to support affordable housing and invest in affordable housing, that's going to be a much better dialogue for us to have with this.

>> Cole: I agree. The bond committee is a subset of what the council as a policy making policy will do. under this resolution. under this resolution.

>> Morrison: great. Thank you. any other comments, discussions, questions? We have a motion and second on the floor. All those in favor say aye.

>> Aye.

>> Aye. All those opposed say no. 61 passes on a vote of 6-0. Next we'll call up item no. 31 And 32. Jerry, are you ready?

>> Sure, just briefly in summary, item 32 is a development agreement between us and the owners of the property known as estancia. As the council will recall at the end of last year city staff was requesting full-purpose annexation of this. They had two public hearings and approved on first reading. Steve metcalfe on behalf of the owners of the property have been -- have approached the council and the staff about an alternative idea to do a public improvement district and a planned unit development on the property and to delay full-purpose annexation. City staff and the applicant came to an agreement we would like to keep talking about this item and the development agreement before you essentially puts a pause on the full-purpose annexation. We agree to keep talking. We set a deadline of june 27. If we do not have an agreement on a pid and a pud by june 27, if those two things are not approved by june 27, then the city will once again proceed with full-purpose annexation. The full-purpose annexation has to be completed within 90 days of the last public hearing, item 31 on your agenda. If this item is approved the staff will withdraw item 31. It's just they have a certain timeline and that's about to expire. Essentially we're at is the applicant and developer have agreed to keep talking on the pid/pud idea and give it six more months. If it doesn't work out we'll be once again moving. The reason the staff is

agreeable to this is there's been movement on the developer's part to presenting items for superiority as well as more importantly shifting the request and the delay of annexation from 30 years down to 15. Staff has ideas of our own about superiority that we'd like to add to the -- run by the applicant. Therefore we were asking for simply a pause at this moment and we'd move forward with negotiations. Available for any questions.

>> Cole: thank you. Council member tovo? thanks very much, mr. russ hoai. I do have some questions. On tuesday we talked a little bit about what the cost of deferring -- what is the lost revenue to the city of deferring for 15 years? And seven ye and I didn't know if you had --

>> I'm sorry, but we were unable to get those. We do have a model that presumes a you certain number of years and I don't work that model but my understanding is it requires some work and we haven't been able to do that in the past two days. We can certainly have that information for you 23 we were to come back with a deal or a full-purpose annexation request but we'll have that information before you once again if this agreement moves forward. and so when -- what is the deadline under which if this council doesn't take action to full purpose annex the tract, what is your deadline that you have to meet before it has to be withdrawn?

>> If we wanted to move forward with the full-purpose annexation, we already had first reading on, that is, I believe on february 13, therefore, the last council date that it could be approved would be january 31. so there would still be time to revisit these issues on january 31? And at that point do you think you would have the numbers for what the 15-year and seven-year figures are? I think I made this point on tuesday but I'll say that i think if we're being asked to defer full annexation we need to know what the financial cost is to the city of doing so. And I guess my other -- the other question I asked, the staff talked about the other areas that could be annexed if this tract is annexed that would no longer be eligible for annexation because they wouldn't be adjacent, and that figure is about 900 acres. And so I guess I would like some sense too of what the financial cost is to the city of not annexing those 900 acres, an estimate, obviously, it would be. You don't know how it's going to be developed or other kind of factors. But -- you know, I don't have a good sense right now of what the value is compared to the value that would be offered under a development agreement.

>> Right.

>> A pud, I should say.

>> We're discussing the pid/pud idea, wouldn't involve the full-purpose annexation of a portion of the property -- would involve that, so we could gain access to the property to the south. That's one idea still in discussion. gain access to -- would that allow access to all 900 a

>> yes, it just has to be contiguous. I guess I still really believe we need those figures, and I would like to delay this discussion until the 31st so that we can see what the costs are that -- or what the -- excuse me, what the lost revenue is to the city before we move on. I do have a question -- a couple questions about 32, about the development agreement in 32. And I know it's been expressed as, you know, this just allows the city staff to continue talking with the developers and doesn't -- it doesn't preclude us from moving forward with full annexation after

june 2. I mean, it does preclude us from moving forward with full annexation before june 28, but there are a couple passages I just want to be sure I understand. And actually let me ask one different question first. Is there a time limit -- once this -- if 31 goes away and is withdrawn, the request for full annexation, is there a time period before which the city can refile it?

>> -- Can't refile it?

>> We could not refile a new full-purpose aon until this agreement. But this agreement does call for the -- prior to june 27, the limit the purpose annexation of the property because that will be a part pid/pud process. So we would ask it to be moved forward. If we did this agreement a agreed with the developer we'd be bringing to the council prior to june 27 a limited purpose annexation along with a pid, along with a pud. But we could not proceed as long as this agreement was in effect, which is anything between now if it's approved and june 27, city -- the city does agree not to move forward full-purpose annexation while these yeah, I guess the development agreement, if that's approved by council, precludes you from moving forward with full-purpose annexation but otherwise i think your deadline was february 13. If the city can't meade the february 13 deadline and is forced to withdraw it, are there any laws that govern -- could you file it again on february 14?

>> Yes, if this agreement weren't approved we could file it again b we'd have to go through the publication and noticed hearing process and that process requires us to have one of those places where you have several council meetings in a row because there's a limitation on the time between the public hearings. So there's several windows, if you will, one or two, i believe, throughout the year where the city council meets in order enough that we can compress those, we can meet that time deadline. So yes, we could move forward later in the year if this agreement were not approved prior to june 27. We would just have to look to see what those windows of opportunity are.

>> Tovo: okay, good. So in looking at 32, the recital e, the owner and the city intend to enter into a final annexation and development agreement reflecting additional and more specific agreed terms. To me that -- that really sets a path for the city's will to not annex it as a full-purpose annexation. So that was one point where I felt like, you know, where it's not unlike some other discussions we've had here. I don't want to confuse this discussion by mentioning them, but, you know, in essence, if we decide to move forward today in executing -- negotiating and executing a development agreement, we are, in essence, telling the developer that that's a reasonable alternative to full-purpose annexation, and I think that we have then set up an expectation that that's -- you know, that that's the path we're taking, not just if it can be worked out by june 28. I think there are plenty of nods in this agreement to that being the will of the city. Would you agree that that's the case?

>> I understand. I mean, we have not reached agreement with the developer at this time on the pid/pud idea. We feel we need more time to negotiate. I believe the reason that recital was put in there, if you look at the title of the agreement, it's enter annexation and development agreement. The reason for that is if there is an agreement on the pid/pud deal, then a part of that pid/pud deal would be a new development agreement because essentially what a development agreement is, it's agreement to defer annexation, and so if we did the pid and the pud we would be agreeing to

a limited purpose annexation but agreeing to a delay of the full-purpose annexation for possibly up to 15 years. So I think that that was just put in there to clarify why this is an interim and if the deal does go through, there would be a final that would follow this document. I guess I -- I am still struggling with how we can make a good assessment of whether this is in the financial best interest of the city and how the staff can recommend this as an alternative without knowing what the numbers look like. We've got a very clear assessment of point by point what the value is of the elements that are currently in the pud and the pid, and the ones -- you know, the only ones that I think really -- that the staff have said rise to the level of being -- having a financial value are the affordable housing dollars, the affordable housing contribution, and the wastewater line. But again, we need to have something against which to measure that, and we just don't have it here. I mean, there are many alternatives. We could -- we could agree as a council to full purpose annex it and decide that \$5 million of the tax proceeds over the next 15 years will go toward affordable housing and we'll use those monies where they are best spent, you know, and that may be a better -- that may be a better alternative for the city than agreeing to a pud and a pid that's going to result in lost revenue for the city because we're swayed by the notion -- by the proposal that there be affordable housing there on-site. I mean, it just -- so I'm going to have more questions and could ask them, but again, I'm still struggling with the fact it doesn't seem to me we have the information here today before us that we would need to make a good -- a good decision that upholds our commitment to act in the best financial interest of the city. Is it pretty common that -- or has it happened in the past that tracts that are about to be annexed offer opposition to that annexation?

>> Well, sometimes you hear opposition for rather common reasons, we don't want additional taxes or whatever. But the more common use of development agreement deferral is if an applicant is in the middle of the development review process or [inaudible] circuit of the americas, in the middle of a construction process. In the past we've agreed to deferral of annexation for those reasons. We have, when we follow what's called the map process, the municipal program adaptation process, we have over 100 residents and we have to negotiate the annexation, we have planned

[inaudible] agreements that defer the annexation for five to seven years. We've done that in a couple muds that we've annexed. So those are the reasons I've seen in the past. I haven't seen this exact situation before where an applicant has presented a proposal for, you know, a pid. This is the first time this has happened. We approved a pid before but we entered into that one totally agreeing to it. This one I think requires more work before I can say that we agree to this idea. We're not saying we agree to this idea right now. We're saying we're willing to keep talking to them and see what happens before june. I get your point on that. Again, I think it sets us on a path that's different from full-purpose annexation, so to that extent I think it sets up a different expectation, and I would say that we have -- we hear complaints from people out in the community that they want most -- what they want most is a fair and consistent -- fair and consistent policies and practices, and if we -- if we negotiate, you know, special deals for certain developers who don't want to be annexed, you know, what's going to keep the next tract from coming and saying, look, it's not in my financial best interest to be annexed right now. I prefer a different arrangement too. Anyway, I think there are some other questions but i would like to move that at a minimum we postpone both of these items until our january 31 meeting allowing the staff to provide us with those figures for what the cost to the city is of deferring it for 15

years as has been proposed, and also 7 years, which sounds like it's more in line with what some of the other arrangements the city has done in the past. any other questions or comments? Council member riley. I just want to make sure we have good understanding of the impact of a two-week delay as proposed by council member tovo. Do you see any down side to that?

>> No. The only reason why we've kept the -- what's now -- item 31 alive is that, you know, if the council didn't agree to [inaudible] 32, then we want to have item 31 as an alternative, but we would still be within the deadline if we postpone it for two weeks and we'd still have the same agreement before you in two weeks. So I can't say there would be any negative impact that I can see.

>> Riley: okay.

>> Mayor pro tem? council member spelman?

>> If we withdrew item 31 and moved to item 32 and gave you several months to negotiate this with the developers, it's my understanding we'd have to notice again and we'd have to hold another couple public hearings on contiguous thursdays. So there would issue a little bit of a timing issue. We have to do it on one of the two or three windows we'd have later in the year and we'd have the noticing cost. How much is the noticing cost, jerry?

>> For full-purpose annexation it's less than the limited purpose annexation, ironically. But generally speaking, i think it's a couple thousand dollars, 4 or \$5,000.

>> 2, 3, 4, Thousand, not a big chunk of change. There's nothing built on this plot now, right?

>> Right, it's under ag exemption.

>> So there's no sales taxes to be made. We would not be able to pick up any property taxes until next year whether we annexed them now or in october or december 3 is.

>> There's no cost to the city, whether we annex them now, depending what's on the ground, january 1 that would make a difference.

>> When you are done negotiating this agreement, whenever that is, between now and june 27 or earlier than that if things move more quickly, at that point you'll have an estimate for how much money we'll take in and how much it's going to cost us to provide service?

>> Yes. and at that time you'll also be able to estimate what the previous knew foregone because we're not doing full-purpose annexation of the entire lot. You'll have all that information that council member tovo is going for.

>> Yes, that will be part of our june analysis, the negotiations, considering the deal. We'll be considering those factors, yes. it seems to me that given the down side risk is only a very small amount of money and it's it's in my opinion, really likely we're going to have to do the noticing and the public hearings anyway, that it makes more sense not to postpone it just for a couple

weeks but to postpone it for the entire time period that jerry is talking about. At that point we'll actually have all the information, council member tovo, that you're asking for, and we'll be able to make exactly the sort of decision you're talking about with a lot more information available because we'll actually have negotiated at least a tentative agreement, which we could agree to, and we'll know what it is we're foregoing by accepting the agreement. So I'm actually much more comfortable with the june 27 deadline given it's not going to hurt us and it's probably going to give jerry a lot more time to provide the information you're looking for. I'll entertain a motion. Council member tovo?

>> Yeah, I had a motion that I may withdraw. I don't think I have a second anyway. I understand your point and I think that makes some sense. As long as there's a very clear message that goes out to the developer that we're going to have a real discussion about this in june, you know, and moving forward with the development agreement to negotiate and execute a development agreement here today does not mean we won't make a decision in june to full-purpose annex them if the numbers don't look good for the city.

>> If I may add, june is the deadline to have everything accomplished by, so under a schedule -- a rather scary schedule, that we have looked at, to get all this done by june 27 will be before the council as quickly as late march or early april with some items for setting the public hearings for the limited purpose annexation, et cetera. So june 27 is when we'd have it all done. Before then we'd have -- there will be multiple items that will be coming before the council as a part of ... council, we have people who have been waiting to do the presentation until 10:30. I get the sense that we're about to wrap this up, but i just wanted to let you know that I'm going to have to postpone the item unless we can do that in the next couple minutes. I do have one last question. I think it makes sense to ask it now rather than after our break. How does the schedule you've just described allow us to contemplate full-purpose annexation if the numbers that we have at that point suggest that it is not in the financial best interest of the city to move forward with a limited purpose annexation? What I heard you describing were hearings that are very specific to a pud and a pid and a limited -- how do we derail that train if in may or whatever period of time it doesn't look like the numbers bear out for the city?

>> If the city doesn't come to an agreement, if we don't agree to the submissions that are proposed in the pid and the pud, then we would not be recommending it when it came before the council. We'd instead be recommending full-purpose annexation. Now, we might have to -- if we reach that decision, say, in may, that would mean we couldn't proceed forward until after june 27, we'd have to let this agreement expire. But if we do come to an agreement, I'm just letting you know that it would not be -- in june we'd be letting you know, it would be before june.

>> Tovo: got it. Thank you. any other questions, comments, motions? Council member spelman.

>> I'm prepared to make a motion but I want to be sure I make the right motion.

>> Cole: one second. Council member tovo, did you have a motion on the floor? I think rather than suffer the humiliation of not having a second I'm going to withdraw it. thank you, council member tovo's motion is withdrawn. Council member spelman is about to make a motion. I'd like guidance from the city attorney or jerry on this. I would like to allow you to do what it is you

want to do, which I understand it is by the 27th of June bring us back an entire package but along the way there may be interim points where you're asking for judgments in March and April. If we postpone this item until June 27, you couldn't give us that stuff, is my understanding. So what's the proper parliamentary procedure that would allow you to give us the interim products?

>> It would be actually I think to approve item 32, which delays -- which is the agreement that allows us to keep talking, gives us the June 27 deadline. And then that would mean approval to execute the agreement that's before you, pretty much finalized right now. And then if that were to -- if that vote were affirmative the staff would withdraw it on 31, which is the full-purpose annexation third reading item. And if we come to an agreement as a result of the continued negotiation we would start the full-purpose annexation process later this year. I understand what you're getting at. Alter that very slightly since item 31 has already been passed on first reading by the council, it seems to me it's up to us to either withdraw it or keep it going. It's all right, now, not -- our item, not just yours. I would move we postpone item 31 indefinitely, which he said up killing it and adopt item 32. Council member Spelman makes a motion we withdraw item 31 indefinitely and adopt item 32. Is there a second? Second by council member Riley. All those in favor say aye.

>> Aye.

>> Aye. And those opposed say no. That motion passes on a vote of 6-0.

>> Thank you, council.

>> Thank you. Next we'll have a Kevin Johns on the economic growth incentive.

>> Morning, council. City manager. Kevin Johns, director of economic growth. I'm going to cue up a short presentation. Let me make some brief introductory comments to set the stage. As you will withdraw, the special council subcommittee on economic development met beginning this summer and through the fall to do a review of our economic development incentives and the incentive process. There were several specific requests coming out of that for EGRSO. One of them, the first, is this annual presentation of the status of the economic development agreements, which we will present, and then a presentation from the chamber of commerce, our partner, on opportunity 0, which is in its last year, and opportunity 3.0. The purpose of that is to get a clear picture of the target industry clusters and how that fits into the companies we're recruiting, the impact of those, not only the direct impact but also the impact for our broader business community, and lastly, the goals and trends that they have identified. So you'll get a comprehensive look today as the first item you've requested, the subcommittee has requested. Additional items that have been requested but are not complete yet are a survey of all of the 11 companies we have incentivized. There was a request by the subcommittee to survey those companies to find out how many of their employees are local hires. We have requested that information from those companies and are waiting a response. Additionally we were asked to look at best practices. We have begun that process. We're in discussions with the international economic development council, which is the largest economic development organization in America, in the world, to assist us in finding those best practices. The fourth and probably most important is the actual response to the recommendations of the subcommittee, and so our focus is

to expedite the two surveys, provide the report today, and then take the combined information and put a response together that addresses some of the concerns in a comprehensive way. So this particular report has been posted, so it is open to the community, and also on-line are three q and As FROM OUR EARLIER Subcommittee work sessions. So I will begin with this particular presentation and then the grawr austin chamber of commerce dave porter will respond. And if it's acceptable we would like questions at the end so you get the full impact. So let me just remind you, the purpose is to fulfill the first of the requested action items from the subcommittee. Slide 3, which is this particular slide, shows all active companies dating back to 2005. So this is a comprehensive picture of all of the incentive agreements. There are 11, and the oldest is 2005, samsung, to the newest ones, which are just -- which were just completed last year. You'll note that the subtotals on the bottom, approximately 8,000 jobs, have been incentivized, 4 billion of capital investment, and from the web loci analysis, \$39 million in net new investment. In this -- in just looking at this broadly, you'll note that in two years during the recession there were no recruitments whatsoever. And in 2010 there was a major change in the process for economic incentives, which was the addition of the web loci analysis, which runs the cost, which includes the cost of police, fire, parks, all of the services that are required as well as the benefits, which include all the revenues and fees. The combination of those results in how much not to give equation, so that all of our incentives are cash positive. Slide 4 shows the seven companies which have been open long enough so that we can do an evaluation or an audit. You'll see in the subtotals there's two things we primarily require. One is investment and one is jobs, and the first two columns, these performance measures have been evaluated as of december 31, 2011, so we're really a year behind the cycle. We're now looking at the 2012 numbers. But the jobs required in total were 263. The amounts that we have verified were 2,043. So it means one of two things. Either they're hiring faster or they're going to hire more people. Either one is a good friend -- goodtrend for us. In the investment requires it's good to remember they have to do the capital investment before they can put the people in them. They have invested -- the investment required was \$2.5 billion. The amount that we have verified to date is 4.7 billion. So over \$2 billion more, actually, invested than was programmed. Council, seven companies that we incentive are working with at least 280 companies locally who are providing them with services and supplies. We verified the amount of these services to be \$409 million in 2011. This is important not only because we not only incentivize the companies themselves and get the direct jobs and benefits, but they contract extensively for supplies and services with hundreds of local companies which we are able to document. These were verified this -- in 2011 as \$409 million. These are the city commitments. This slide shows all the active incentives. They range from the \$200,000 for facebook, legal [inaudible] to much larger investments by samsung. Council, I want to remind you and our viewers, people who haven't followed the contracts before, that all contracts are performance-based. That means that the company has to create the jobs, has to create the investment. They go through two audits, an internal audit by egrso's compliance team, and an external audit. If the company -- if the audits conform and the company is paid -- has paid its taxes, then we return to them the amount negotiated. So it's always performed-based and it's always after the fact, after they've gone through two particular audits, and it's always after they paid their taxes, we remit to them the amount that was negotiated. Now, on the next slide we'll see the actual incentive payments. As you can see that some of the more recent companies, farethane, no incentives have been paid yet. Because this is through 2011, eBay AND FACEBOOK Have also not received incentives. Those are in process, the evaluation is in process. Here, council, I want to show you how the city dollars leverage state dollars. The state

dollars are key to successfully recruiting the companies because the size of the texas incentives. Under current state policy city commitments, though smaller, are necessary to draw down state dollars. On average the state -- the local dollars leverage at least 2 to 4 times the amount that is then provided by the state. Performance monitoring is extremely important. Slide 9 shows four companies that have not or could not meet the performance measures. In these instances we stopped the payments or did not pay if they were unable to produce. Just as a reminder, again, that we have two categories that are principal and incentive requirements, and that is creation of the capital investment. In this case the companies did produce the capital investment, \$572 million of. So even though we have stopped incentivizing those companies, they are here and they're paying 100% of their taxes for both property and sales taxes. So we still reap the benefits of the companies' investment here. Voluntarily sun power withdrew when the market conditions changed. Hewlett-packard was initially compliance but was unable to create the jobs in subsequent years. The same for sematech, similarly, they were able to create jobs. They did make the capital investment, but through hardships in the market they were unable to provide the jobs. They were later recruited by new york, and so that is the only company of the four that has actually down signed. Home depot was affected by the housing market, and i think that the summary is that the \$572 million that is still generating taxes is a very good sign for the city. This last slide, council, what you're looking at is unemployment beginning with the market collapse in 2008. As we began to add more jobs from these targeted recruitments, you'll see that it had an influence both in the image of austin recruiting these major companies as well as in the jobs created. It began to affect the trend in the economy, although they were -- there were other factors in the economy other than just recruiting these companies. These 11 major recruitments and targeted industries that INCLUDED FACEBOOK, eBAY, Apple, they did have an impact on keeping our economy and the businesses that support them intact. So our next presenter will be dave porter, with the chamber of commerce, our partner.

>> Good morning, mayor pro tem, council members, dave porter with the austin chamber, and if I can be figure out the clicker, kevin, which one to get the slide going?

>> They're pulling it up.

>> Okay.

>> While they're pulling up the slides, and I know that you have a color copy, i just want you to know how much we appreciate the partnership that we have with you, with the city council. There's much more to opportunity austin than the times that you see us here before you asking for incentives, and I want to just briefly -- I know i just have a few minutes. You're behind schedule, but just to give you a quick update on our program and where we are today. I'm briefly going to talk a little bit about the background, how we picked -- or how we came to our targeted industry sectors, the incentives -- some of the incentives kevin mentioned, by industry sector, a little about business retention and our education talent, and briefly about our next phase of austin opportunity 3, which is begin in 2014 and end in 2018. I think this is an interesting chart that goes back to the tech bust in 2000. The red dots is our austin economy, the loss of jobs. We lost over 40,000 of our best paying jobs. We were the first to be hit, the first of the major metropolitan areas in the country to be hit, and we were the last to come out. And then if you look further down in 2008 through now, under the great recession, we were the last major metro

to be impacted and the first to come out. And I think there's good reason behind that. It's because we've had a great partnership with the city and their other regional communities in diversifying our economic base, and I'll talk a little bit about that as well. This is a pie chart of -- we've raised almost \$33 million from the private sector. 90% Of it from the private sector, 10%. The city of austin is a great contributor to opportunity austin. We spend just about as much money on education and talent as we do in business recruitment and diversification. Our greatest asset, the reason so many companies want to be in austin is because of our talented, educated workforce, and that is what drives companies, number one, to look at austin. And we have a number of programs under our education and talent that we spend money on. I'll quickly name a few of those. One of those, we trained over 500 volunteers on financial aid saturdays. We're trying to get more kids from high school to go to college. A lot of the families did not realize they were eligible for financial aid. We have trained over 500 business volunteers in our five-county metro on 13 -- 13 different -- 36 different saturdays since 2007 to perform financial aid services to help families fill out financial aid forms to go to school, to go to college, and as a benefit we've received over \$105 million in financial aid from state, federal and institutional support as a result of those financial aid saturdays. That's just one example of what we do with education talent. It is the key. The moment we lose our edge in education and talent, we'll stop seeing the relocations, we'll stop seeing the expansions of local companies. That is our key asset. Going back to 2004, how austin has ranked from an economic standpoint compared to the top 50 metros, we 6% job growth, number one in the country. We launched opportunity austin back in 2004 as a partnership with the city of austin, and we have remained the most prolific job-creating metropolitan as a result over the last ten years. This is a quick snapshot of last year. 4% job growth, which is phenomenal. You look at places like atlanta, georgia, that lost over 200,000 jobs. It's going to take a decade before they even get back to where they were before the recession of 2008. We added over 35,000 jobs in our metropolitan area this past year. A lot of questions about how our target industry sectors, how do we select those, how did those come to be? Going back to 2003, 2004 at the height of the tech bust, where we lost all those jobs, the way that you identify your target industry sectors is you take a look at what is your skill set. What jobs -- the people -- the 40,000 jobs that were lost, what's the skill set, what's the educational attainment? You look at other industry sectors that those people could go to work in. So our consultant, there are consultants throughout the that do nothing but labor analysis for communities. Ours is market street services, and they came up with these target industry sectors, and we revise them every two years. If you go and look at our industry sectors in 2004, so much has changed in technology going to our latest round, which is 2010, where there is -- there is a convergence of so many of our technologies, and we try to stay up on those and be vigilant about those and recruit companies that can take advantage of the skill set that we have in these targeted industry sectors, but it's a moving target because the economy is moving at a quick pace. Technology is changing, and so a lot of our efforts initially have been focused on technology, which create the most wealth in the community, but I'm going to be talking to you just briefly about opportunity 0 and some of the things that we're going to be doing for those that don't have a college education, some target sectors in that particular area. But these -- these are our targeted industry sectors for opportunity austin. So as a result of relocations going back to 2004, the yellow bar line is the incentive used. We have 31 relocations in 2004. We used incentives once. The county did one incentive. 2005 We didn't do any incentives pu we had 26 -- but we had 26 relocations, 36, and you can read and see -- so forth. Last year we had 30 relocations, companies, primary employers that moved to the area. We used incentives, the city of austin, three times for

the three largest of our projects that were looking at moving here. By industry sector, again, one of our primary purposes is to diversify the economic base, much like your 401(k), you don't want to have everything in one particular stock, you need to diversify so in case one sector goes down, hopefully you will remain healthy in other industry sectors. Much like your 401(k), these are our industry target sectors, and you can see that we've had great success in recruiting a large number of different types of companies in the targeted industry sectors, some with incentives, some without incentives. You'll see that in the medical device biosciences, we haven't had to use incentives yet. At some point with the med school coming down the line in a few years, we may attract a large enough employer. Most of the medical device biosciences are small employers, 25, 30, that wouldn't qualify for incentives, but I think we'll start seeing more activity there. A lot of people often ask, where do all these companies come from? We've had 256 companies move here, relocate since 2004, california. They continue to shoot themselves in their foot and will continue to be out there in a big -- we'll continue to be out there in a big way tried to recruit those company to austin, texas. The second source is texas, other locations in texas. We do not market ourselves. It's not -- it doesn't help out economy. The state economy, when we grow recruit someone from dallas to austin. However, if they call us and need our help with something, we will obviously help them, but we will not provide vefnts for a company moving from dallas to austin. It's a no-sum game, when you're moving companies within the state. So we've had 50 companies move here. And then internationally, which we don't do a lot of marketing, we've had 28 companies move here since 2004. Some people think that we win all the projects. We don't. I have listed a few of the projects that we have lost since 2009, where they finally went to. We were a finalist for these projects. Various reasons why we lost those projects. A lot of them have to do with the cost of labor in our market compared to the markets where they ended up, and also the incentives offered by the other locations. But we don't win every project, and I wish we, but we don't. -- Wish we did but we don't. These are some great projects but I just wanted to show you that we don't win all of them. We win our fair share. A summary of results since 2004 as a result of our partnership with the city of austin and 13 other communities in our region. Over 175,000 net new jobs. This is even through the great recession. We've added 175,000 net new jobs to the region. Almost \$9 billion of wage growth. Regional retention visits is very important. The target industry sectors I mentioned, we also use that that as a framework to go out and call on local companies within those targeted industry sectors that are already here to find out more about them, to learn more about their needs and issues so that we can go better sell austin, texas as a place for other companies, and also to help those companies stay and grow here. It is cheaper to keep a company here, to grow them here, than it is to go out to california and recruit. So we spend a lot of our time and focus on business retention and expansion. So a little bit about opportunity austin 3.0. The targeted industry sector is advanced manufacturing, which includes semiconductor and advanced technology manufacturing. General manufacturing, we have seen more leads in general manufacturing, hid global as an example, u.s. Pharathain. Multimedia technology, which means mobile lab software, music film, life science and power technology. All of these are going to be part of our new target sectors beginning in 2014. We do -- are going to have a different matrix, a different set of results. It's always been driven by job creation and the increase in wages. Our new matrix, we're still going to have those. We're looking at over 100,000 net new jobs beginning in 2014, ending in 2018, but a couple of the things that we're going to be looking at and being directly involved with i think is very exciting for me professionally and personally is we're looking at poverty rates. We want to reduce the poverty rate. In 2013 it's estimated to be 18.5%. The projected trend over the five years, from -- to 2018

is that it will increase to 22%. But as a result of opportunity austin's effort we want to reduce that from 22% back down to 15%, which is a 6% reduction over what's projected, okay? And so educational attainment is always one of our standards and goals. We have a -- we want to see more people get a college degree and go into -- have a career path. We're also going to have a matrix on commuters who drive alone. Right now 74% -- I know this is disappointing, council member -- 74% of people drive alone. We want to reduce that. We want to reduce that down almost by 3% by the end of 2018, and then the congestion index, we also want to reduce that. So there's going to be efforts, there's going to be resources. Our goal is \$25 million to raise for this new effort, 0, which again will be launched in 2014 through 2018. So there's much more to it than us coming before you for incentive requests. There's a lot going on in different areas, but I will tell you the single most important thing we do is education, talent. If we lose that asset it all goes away. thank you, mr. porter. We definitely appreciate that presentation. I want to ask you if you would be okay if we saved 00 when we come out of executive session.

>> That's fine -- my president mike rollins is here to help answer questions and jeremy is here. So we will be here.

>> Thank you. I appreciate that --

>> meaning I didn't answer everything for you? well, I'm sure there's going to be questions so I want to go ahead and let us start citizens communication, so we'll probably do that about 2:00.

>> Okay. let's start citizens communication. you're speaking on the crestview neighborhood packet park.

>> Yes, ma'am. can you hear me okay?

>> Cole: yes.

>> Spelman: are we ready?

>> Good afternoon, thank you. I'm cat correa, I serve on the crestview neighborhood pocket park, the leadership team and now the crestview park committee, and our mission is to establish a pocket park within our neighborhood and also the justin lamar tod. The tod ordinance identified this project as potential parkland back in 2018 and established a -- 2008 and create a timeline for creating the park. Austin claims to be a city within a park yet our park system goes underfunded and under staff. The national parks system recommends one person per 15 acres of parkland and austin has 1 person per 17.5 acres. So aside from substad, our park land is not growing. Our highland neighbors to the east don't have a park and they trained the traffic island as their park. 18 acres and they received grants, planted trees, installed benches and it's the only park until you cross i-35 to the east. Hyde park neighbors claimed a traffic island to create breakdowntown green. 2 acres located on 51st street and serves as the only parkland for that large and busy neighborhood. Cherrywood green on 34th street was transformed in an empty park -- an empty lot into a park and it's also 2 acres and the only park in that densely developed neighborhood. Isn't it clear that central austin is desperate for public parks and open green space? We're willing to take anything we can get to work with neighbors by hand to turn a patch of land

into a peaceful public setting. A recent analysis identified the gaps in the city's pocket park system and revealed 59% of inner-city residents do not live within a pocket park, a quarter mile or even half a mile. Central austin is adding more infill and density so we must preserve open green space where we have the opportunity. The tod has this one chance for a park, and with a park that offers pedestrian and bicycle access to the train station, the tod would become a more desirable and economically viable development location. Thousands of people are moving to austin in the coming years, and they're coming for a great economy, a steady job market, interesting culture and entertainment and also a diverse population, and parks and outdoor recreation is a really important piece of that. And we're here to help you. We're here to help turn this park into -- turn this land into a park. We're here to do the hard work with you. Th people are ready to work with the off leash advisory council to create a do park, which austin really needs. So we're not asking for another zilker park in north austin, but we are fighting for the few remaining scraps of land. Yes, green space is expensive, but it's about quality of life, and I know that between us and austin energy, parks and rec and the parks foundation we can create a park that we treasure for generations. Thank you.

>> Thank you, ms. correa. Next speaker is paul robbins. Welcome, paul, you'll have three minutes.

>> Council, at your last meeting on december 13 you held a briefing on water conservation. A number of facts and figures were given to you, many of which are debatable. Unfortunately the format was choreographed so that no debate was allowed. As someone who has studied conservation programs in great detail, I intend to bring out facts to balance the december presentation over the course of the next few weeks or months. Given the paltry amount of time I have right now, though, I'm going to focus on one of the larger issues, which is rates. Slide, please. Council, you were shown a graph similar to this in december. It showed that average consumption has gone down 13% in the last six years. The implication is that since such marked declines in consumption have occurred, the water utility must be doing something right in their conservation programs. However, I believe that a huge amount of the savings in this graph is due to austin's high rates. In 2011 austin had the highest water rates of the top ten cities in texas. In fact, rates have gone up 58% in the last six years, 44% if you take out inflation. Now, make no mistake, high bills, lower consumption. But these are not high rates created by conservation programs. These high rates are caused by high expenses. To categorize this as conservation is really outrageous. According to the utility's own calculations, about 26% of the per capita decrease over the last six years is from high bills. According to my calculations, it is 57%. Either way, this is huge. Think hard, council, water 4 is now a conservation device, because it drives up rates. Inefficient management is now a conservation device. If anyone in the water utility buys a new desk for their office, this too becomes a conservation device. The flowery picture that was painted in december is misleading. There are still major problems that need to be fixed that for the most part are not being fixed, and what is council doing to lower water rates other than the intention to raise capital recovery fees, there appears to be no direction on this matter. My time is nearly up, but I'll say again, when you limit debate on an issue, you only get part of the story. This same criticism might be leveled at the slanted economic development presentation that just took place. Good evening.

>> Council member.

>> Council member spelman.

>> Spelman: thank you, sir.

[Applause] robbins, when you calculated that 57% number, and you found effectively that most reason for the reduction in gallons -- in water usage was because the cost has gone up, what elasticity did you use? 17, Which is what the utility uses.

>> Spelman: okay.

>> The reason for the difference is that, one, according to the water utility's calculations, they are using water -- combined water and wastewater rates, and they are not taking the rate stability fee into account. So by their calculations 26% of their savings is coming from high rates. From my calculations, which takes into account the rate stability fee and using only water rate increases, it's 57%. the way the elasticity is usually is much more consistent with your way than the way we were led down a few weeks ago. So 57% seems like a reasonable number to me.

>> I'm a reasonable person.

>> Spelman: I think you are. More important than being a reasonable purpose, you're using a reasonable midwest 17 elasticity is relatively conserve tich. The average elasticity found in -- found in studies -- of results near to ourselves 3, which would bring us up to 300% reductioning would be attributable to the increase in rates and -- decrease in rates -- increase in rates. It is conceivable we could be in that situation.

>> Perish the thought.

>> Thank you, sir.

[Applause]

>> next speaker is lynette alley. alley, you'll have three minutes. She's going to be speaking on the crestview neighborhood park.

>> My name is lynette alley. I'm a long-time resident of crestview neighborhood. I'm speaking up for our neighborhood that has no park. Very early on in this new 21st century the city of austin began holding monthly meetings with crestview and wooten residents for the purpose of developing a neighborhood plan. I was a participant. One meeting addressed the probability that the 73-acre huntsman property would be sold and city personnel opened a discussion about how those 73 acres could be used. The city proposed that the new form of multiple-story buildings with businesses on the ground floor and living spaces above would be ideal along lamar. Residents agreed. There was also a discussion of setting aside some of the 73 acres for a neighborhood park for crestview. Elation, just the thought of having a park lifted our spirits. Suddenly the draft copy of the crestview/wooten neighborhood plan dated 2003, the park results page says to be completed. Apparently sometime in the future. A few years later there were tod meetings, primarily for a train station where the railroad tracks intersect with lamar. Again, a

park for crestview was discussed. Crestview station is now a regular stop for passenger trains, but again, park results still incomplete. Today there are only five and a half acres left for a possible park for crestview neighborhood. There are hundreds of crestview residents who really, really want a park, and helped to choose the amenities of a splash pad and a dog run and a safe play place for children. There are also residents in nearby neighborhoods who want to share a green park with a splash pad and a dog run and a safe play place for children. Please work to designate this property as parkland. A park for crestview is long overdue.

>> All right. thank you, ms. ali. ally the next speaker is carlos leon, he'll be speaking on sandy's chemtrails, truth, read the bible and get right wi god.

>> Thank you. My name is carlos leon. I'm here for speak for what's right. Hurricane sandy, which had the lowest barometric pressure on record was energized and directed by chemtrails and other government sponsored weather modification weapon try, tragedy that helped obama get elected. A militant muslim who talks like a zionist jew but claims he's a practicing christian, but he projects the I will lewis of a family man. Newsweek proclaimed him our first gay president, a statement obama has neither denied nor attacked, probably because he fears the naked truth coming out on himself professionally, something he can't control. According to a thorough investigation the white house produced birth certificate claims obama was born in hawaii. It was shown for 16 plus years his literary agency stated in writing on the web site that obama was born in kenya, a reality that makes obama ineligible to be president according to the highest law of our land. The constitution of the united states of america. However, obama the fraud and his obama botts has repeatedly demonstrated they believe they are above the law. Yesterday hiding behind children to announce executive orders to go illegally circumvent kindergarten for gun controls is insanity from obama the coward. Obama and his min yards are the ones who need background checks, have mental health examined and be disarmed, restrained and reeducated. Folks, this is spiritual warfare. Evil must be defeated. Get right with god, in jesus' name I pray. Amen.

>> Next speaker is rae nadler-olenick speaking on black pediatrician speaks out about water fluoridation, part 1.

>> The title is self-explanatory and copies will be provided for those who aren't here to see it now. Roll it, please. yolanda white. I'm a primary care pediatrician who no longer supports water fluoridation. Pediatricians like myself are taught to pay very close attention to the proper weight-based dosage for each drug, and to make sure that our patients do not receive more of a drug than is necessary or safe. But unfortunately when it comes to fluoride, this basic precaution is not being followed. In fact, the dose of fluoride that's supposedly effective in preventing dental cavities is very close to the dose that, according to the environmental protection agency, can cause harm for some children. So it has a very narrow therapeutic window. Since children now receive fluoride from so many different sources, it's virtually impossible for a doctor to determine exactly how much fluoride each child is actually getting, and if you can't determine the amount of fluoride, then you can't determine the dose. And if you can't determine the dose of fluoride, then you can't determine safety. As a pediatrician I am deeply concerned that fluoride is not good for babies and that they are at risk for harmful side effects. The most clearly visible side effect is dental fluorosis, a permanent staining of the teeth caused by fluoride's interference with

normal tooth development. There's a significant number of children in the united states who now have some form of dental fluorosis. According to the centers for disease control dental fluorosis affects 41% of teenagers. That's millions of children who now have a visible form of chronic fluoride toxicity. As a pediatrician I'm concerned that fluoride could also affect tissues and organs that are not visible, like the bones, the thyroid and the brain. My concern is based in part on a large body of research finding that modestly elevated levels of fluoride can reduce a child's intelligence, especially if there's a deficient intake of iodine. Children are disproportionately affected by fluoride for several key reasons. They receive a greater fluoride dose per body weight when compared to adults, they have far more fluoride incorporated than adults, they have lower excretion, meaning more is back into their bloodstream. And their developing brains are more susceptible to toxicity. This can affect educational achievements, and these unique characteristics of children can no longer be ignored.

[Applause]

>> thank you. Walter is going to show the second half of the video? Is that right?

>> I'm also concerned by research findings showing that dental fluorosis is higher in the black community, even severe forms, where the teeth can start to erode and develop plaque black and brown stains. This environmental injustice needs to be addressed. Even though federal agencies recommended lowering fluoride concentration in 5 parts per million, that's slow to implement in each injures jurisdiction and it's not enough. Over-the-counter water filters can't remove the fluoride. So my heart goes out to pregnant women, seniors, those with kidney, thyroid and other health conditions, who can't afford a water purification process to remove the fluoride. They shouldn't even be put in this position, because water is for everyone, but fluoride is not. Therefore, it's my professionally recommendation that we discontinue water fluoridation in the united states. I know I don't want to drink fluoridated water and i commend residents of portland, oregon, for fighting hard to keep fluoride out of their water and also states like new hampshire and cities like milwaukee for included infant advisories on their water bill. This past may new york city held their first children's anti-fluoride rally. Sooner or later you too will have to make some very important decisions about fluoride, and so it's better to be safe and responsible now so we won't have to pay for it later. It's all about prevention. Thank you.

[🎵 Music playing 🎵]

>> one thing to note, white lives in atlanta, a city with a large after african-american population and a small hispanic, only 5%. She's reporting what she sees in her own practice when she focuses on blacks. But hispanics also cute a vulnerable subgroup subject to the same environmental injustice she talks about. When she says it's all about prevention, she means all the fluoride-linked conditions we know about, not just fluorosis, but bone, thyroid, kidney disease, cancers. To speak out in the hulking shadow of the atlanta-based cdc which drives fluoridation nationwide is a heroic act we can all learn from. Thank you.

>> Cole: thank you, walter.

[Applause] next we have anthony walker. Flush speaking on building trust with apd in the community, the byron carter shooting.

>> I want to take this time and opportunity to say happy new year, hope we can find common grounds in 2013 to sit at the roundtable and work out our differences and come up with solutions to problems. A few years ago I came to council and I told you what the [inaudible] said, is that anytime that our government fails to respond to the critical needs of the people, that that government needs to be reformed or it needs to be abolished. Past november austin voters sent a message. That's where the city council is going to be reformed. In a few days -- in a few days america is going to be going across -- america across the board is going to be celebrating [inaudible] holiday and there will be so many speakers offer, motivation speeches, within two or three days they're going to forget all about the speeches. If they're so sincere in austin then how come we still live in a city where it's divided on racial lines. One particular thing we've been having real problems with is the austin police department. There is no way possible, i have been involved in a lot of police officer shootings, trying to resolve situations and there is no case I have been more involved with than the byron carter that was unjustifiable. There is nothing you can tell me that byron carter did that night besides being black, african-american, a negro, a man of color and being racial profiled by the austin police department. If you're so sincere about being [inaudible] you have a police officer monitoring the department. That's where they take complaints. They made a recommendation after they -- they made a recommendation with us it was determined austin was involved in that shooting. In order for them to make a recommendation toaf to find something serious to make a recommendation. You can't tell me if you want us to have trust and you're going to see what they said and at the same time return it to the community and tell them how to trust an agency, what you want to reseal that document. If you want to have trust, unseal it and let us know what they found during their vegas. If you look at the whole situation, the grand jury did not even indict that office. You can't tell me a black man is going to hit an officer and won't be indicted. With a vehicle? There's no way you can tell me, there's a lot being hidden in this investigation and we're not getting the truth, the community isn't getting the truth of what's going on. You as our leaders, our leaders of the city of austin, a democratic leadership, is not responding to the people, what our concerns are. Just going to sit back and allow this to happen? We need to know exactly what it is, what did they find, what did the police monitor find during the investigation. At least come up with the truth so we all start moving forward in the right direction. But, you know, right now we have a serious problem. But it's up to you to make those type of changes. So, you know, I ask you all to -- ask the city of austin to release those files so we can start moving forward. We want to have trust, but right now we don't. This case isn't going nowhere until we put closure to it. You listen to your bogus leader department, they're leading you into a gutter, leading you down the wrong road by taking that recommendation, but I'd like to -- thank you, mr. walker.

>> Does anybody have questions? thank you, mr. walker.

>> That's what I thought.

>> Council member spelman? I have no questions for mr. walker.

>> I'm sorry, I thought you had questions. I have a question for our legal department which was somewhat maligned a few moments ago but I think i can trust your answer on this. Why is it we haven't released the results of the monitor's investigation? If you don't know, if you want to hand this to somebody else --

>> I would ask that if you give us a minute we'll get somebody down here who can answer that. next we have henry levine. walker, it might take about 15 minutes to get an answer to the question of why we have not received the police monitor findings on byron carter, but you can hear that on the tv. I just wanted to let you know that's what council member spelman --

>> [inaudible]

>> cole: okay. Mr. henry levine? Go ahead.

>> Among the 40 largest , the trust for public land ranks austin 19. Over 51% of the city's population lives more than half a mile away from a park, far short of austin's own quarter mile benchmark. My family and I live in crestview. I walk but often drive my daughter over a mile to the nearest playground. We are three miles to the nearest splash pad, six miles to the nearest fenced dog park, 5 1/2 miles to the nearest nature trail. As you can see on page 2 of the handout the trust for public land has designated areas along lamar, justin tod as an area in critical need for more publicly accessible green space. As the five and a half acres august energy facility on 6909 ryan drive is under review for development, i would like to point out that this parcel of land is crestview's only viable opportunity to develop a much needed and long-promised park for our neighborhood. This property represents the last piece of publicly owned land in central austin appropriate for this purpose, to allow the site to be developed as high-density affordable housing, however well intentioned, would undermine crestview's critical need for a park. The last 20 years has seen explosives growth throughout austin yet the lack of affordable housing indicates that current incentives the city offers to developers is woefully inadequate. This five and a half acres will do little to quench the need for affordable housing so why should crestview sacrifice the last and only piece of property suitable for a park in order to placate affordable housing advocates with a token development. In 12 years austin's population is projected to reach 2 million. By 2050, 5 million. If we don't plan for parks and green space now, when and where are we going to do this? It seems that without leadership in action austin's park score ranking will continue to plummet along with our quality of life. Higher density and affordable housing are both a reality and needed, but not at the cost of cementing our neighborhood's only option for green space. Please, make this property a park. My daughter and the children of crestview will thank you for generations. Thank you.

>> Cole: thank you. Rochelle day? Rochelle day? Melissa zone? About the crestview neighborhood.

>> Good afternoon. My name is melissa zone, and I'm a homeowner in the crestview neighborhood. I'm here to ask for your support for dedication of the austin energy parcel at 6909 ryan drive. As the future home of the crestview neighborhood park. This would improve the area for residents of both the crestview neighborhood and the lamar justin tod. This is a wonderful opportunity, especially for the children of crestview who currently don't have a park to call their

own. The proposed park would help to integrate our neighborhood with the Lamar Justin Tod by creating a visual connection that would attract residents to higher density mixed use development, by providing an important basic public facility that will greatly improve the aesthetics of the area. Our neighborhood has shown tremendous support and willingness to assist city staff in making this park a reality. The proposed park would set aside the city's goals and objectives outlined in Imagine Austin plan, the Lamar Justin Tod area plan, the Crestview neighborhood plan, and the city's parks and recreation long-range plan. All of which point out the need of such a public facility in the need. I understand these are plans, not fixed development order. Real estate market trends and other factors will ultimately determine the speed and the specific details of future development within our area. However, the city has an opportunity to satisfy an abundantly documented need for a recreational facility in our neighborhood, a need that has been clearly identified in numerous city planning documents. For example, chapter 4 of Imagine Austin contains policy language providing for the development of accessible community-gathering place within the city, especially within activity centers and along activity corridors SUCH AS TODs. The multiple planning documents I refer to all of which point to the need to have a public park in our neighborhood, have created an expectation in the minds of our residents that they could reasonably expect a park to be built within the time frame outlined in the Tod. I applaud your intention to explore the best option for improving the Ryan Drive property. However, the residents of the Crestview neighborhood believe the city has already determined through its planning efforts that this site is ideal for a park. I respectfully ask you to work with our neighborhood to make a real difference for our children. And I noticed that Ricardo from PARD is here if you have any questions for them as well. Thank you.

>> Cole: thank you, Melissa. I believe, is it Ann and -- Council member Tovo. I want to make a quick comment before we move on from this. I think the neighbors are aware we passed an item on consent that speaks to that President I want to thank you for the work you did in raising this issue and asking the council to move forward rapidly in thinking through this park notion and what is the best future for 6909 Ryan, and if -- I want to just also call your attention to the backup. I think most of you have received the revised version but what we tried to do is capture, really, the variety of ways in which this particular tract has been envisioned over the years, and it is indeed called out as a potential site for a pocket park as well as a potential site for affordable housing. So I really look forward. I'm very glad for the support of my colleagues on the passage of that resolution today. I think there's a lot of potential for this tract and I really believe that the public process that would follow the city manager and the staff's work will yield some really great ideas about how that -- how that tract could be a benefit to the community, and especially the Crestview and neighbors right around it. So thanks again for all your work.

>> Cole: thank you, Melissa. Council member Spelman had a question, I believe, for legal, and they're here. I'll repeat the question. --

>> I've got the question. Tell me the answer.

>> And maybe I can go ahead and address this with the council. I'm sure the council is aware the office of the Police Monitor is made by the terms of the meet and confer agreement the city has with the Austin Police Association and pursuant to the terms of that agreement the work product of the office of the Police Monitor on an individual case is considered -- or deemed to be

confidential under the state civil service law to the same extent that the internal affairs investigation of apd is considered confidential as a matter of state law, unless the result of that investigation is a disciplinary action against the police officer, in which case the investigative file materials do become public. In the case that the gentleman was addressing, there was not the disciplinary action against the officer, and so as a matter of contract and state civil service law, the individual materials of the police monitor's office related to that matter are confidential. is it legally permissible for us by contract to change that provision and make it available to the public in all circumstances?

>> We could change the provisions of the contract through our negotiated process with the police union, yes, sir. but we couldn't change it now, but we're coming up for renegotiation later this year, and that would be one of the things which is on the table; is that correct?

>> You're correct, sir. We are midstream in the contract right now but expect to have our contract negotiations this year.

>> And while that is true we certainly cannot change state law. if it goes into the g file it cannot be -- it doesn't come out unless there's disciplinary action. Is that right?

>> That's correct. The parties are actually able to modify the provisions -- or the pr 143 by contract with a member -- representative of the union. We couldn't change it bilat ri but with the contract.

>> What we change by the contract is whether it is placed in a file that cannot be released to the public or whether it's placed in a file that can be released to the public. That's what we have control over in.

>> That's right.

>> Mayor pro tem?

>> Council member martinez?

>> I don't know if you were here during the sanders case but I know ann was, this was the exact same opinion that was given on why the city wouldn't release the key point report, and then subsequently to the statesman -- it being leaked somehow and the statesman getting ahold of it, we reversed that legal opinion and said we could release this, and there was no discipline handed out in that case. So I'm trying to understand the differences, if there are factual differences, what are they?

>> There's a different provision of the meet and confer agreement that actually governs the release of information in an independent investigation report from the part of the meet and confer agreement that governs the monitor, and what we were dealing with, council member, on the independent investigation report was that section of the contract that dealt with those types of reports. The way the circumstances evolved over time was that the -- we met the requirements of the contract that enabled the city to release the full key point report is what it was called, to the

public, even though there was not discipline against the officer involved. But that was based on specific language in the meet and confer agreement that does not apply to the investigation conducted by the police monitor's office. so if there were an investigation in this case, in the carter case, done by an independent firm, then that would meet the criteria for releasing the information?

>> Yes, sir, at the conclusion of the report, of the independent investigation process, there would be a report generated, and assuming that it met the requirements of the contract, which basically just means it's a report that's completed and turned over to council, then the subject matter of that could be made public, in the same way that the key point report was made public at the time that it was.

>> And so in follow-up to council member spelman's question, he asked about amending the contract, and obviously we can -- every time we renegotiate the contract, we can, you know, ask for additions to it, revisions to it, but could we under the current contract by mutual consent release something such as the police monitor's report if the association and the city both agree?

>> I suppose that the parties could actually amend the contract midstream, as you're suggesting, from the city's perspective -- from the city's perspective that would require the approval of the council since you're the governing body that ultimately controls that agreement. And so we would have to get the council's permission and approval to modify the contract, and I'm not sure what apa's internal process is for amending the contract, but to make that change would be, in effect, an amendment to the existing agreement. there's nothing in the existing agreement that would allow us by mutual consent, without rewriting the contract and without a council vote, the president of apa, representing their body and the city manager representing this body, couldn't mutually agree to release information without an amendment to the contract?

>> I think the way we would look -- we would analyze that is it would require a amendment to the existing meet and confer agreement that would have to go through the council process and whatever apa's process.

>> And so maybe that is a provision that we could negotiate in subsequent contracts that by mutual consent of each party to the agreement information such as the police monitor's investigation could be released on a case-by-case basis?

>> Yes, sir, that could be a provision if the parties were willing to agree to it, that the council would, in effect, sort of delegate to the city manager the authority to release material that's otherwise considered confidential under that agreement. Yes, sir.

>> Cole: further questions? Thank you.

>> Certainly.

>> The city council will go into closed session to take 1071 of the government code the council will consult with legal council regarding item 6, legal issues related to open government matters, item 61 and 68 will not be discussed in executive session. Item 68 is withdrawn. Is there any

objection to going into executive session? Hearing none, the council will now go into executive session. ecl)

>> Cole: Okay, colleagues, councilmembers, we are out of closed session. In closed session we took up and discussed legal issues related to item 67, and to clarify, we did not take up item 6. We did not take up item 6. We have some clarification -- we have some clarification from ann morgan with some questions asked during citizens communication. Ann, would you like to proceed?

>> I just want to clarify the questions that were asked about the independent investigation earlier. In the situation with the key point report in the sanders lawsuit, there was a memorandum of understanding. It did allow us to release that independent report. did not modify the contract, simply clarified the party. You asked earlier about the carter case, there is no independent report.

>> Cole: Thank you. Any questions? Okay. Next we'll have a presentation from staff on our bond sales. Item number 69.

>> Good afternoon, I'm dennis whaley with pfm. Elaine is passing out the presentation. Today we have a bond sale for about \$143 million for a rental car facility at the airport. This will be a negotiated sale. Bracewell and giuliani is the securities council, bond counsel mccall parker. Wells fargo is the lead underwriter and estrada hinojosa is a co-unit writer. On page 3 the purpose of the sale, bond proceeds will be used to construct a five-level parking garage. The top four levels will be for rental car facility. The ground floor will be public parking. The garage will be built on the eastern half of what is now surface lot a. This will be connected to the terminal by a covered pedestrian walkway. A page 4, these bonds are not a general obligation of the city of austin nor are they a general revenue obligation of the airport. They are secured by and payable from the customer facility charge. Known as a cfc. And this is a daily fee paid for the rental of the vehicle. It is a fixed rate bond issue with a final maturity of 2042. The transaction is a little unique compared to others we have brought to you and that is a single source pledge of the cfc revenues from the rental of vehicles. So the ratings that you see below are consistent with the ratings for our rental car facility financings. Standard & poor's rates these a minus, fitch triple b plus, moody's b double b 1. These are all solid investment grade ratings and we are also evaluating the possibility of purchasing bond insurance should it be beneficial to the financing of the bonds. S 5 we have a timetable where we're requesting council action today. This is a parameter sale. If the transaction meets certain parameters, council is authorizing the city manager or the cfo to approve the bond sale. We'll post the preliminary offering statement tomorrow, price bonds the week of the 28th, WITH THE CLOSING On -- during the week of FEBRUARY 18th. And then the last page is just a graph over the last 10 years of rates and how rates have trended downward and that we are still in a market that is very favorable to the issuance of bonds. So with that I would be happy to answer any questions and thank you for your time.

>> Cole: Thank you for your presentation. I just have a couple of questions. I'm looking at the bond ratings that you presented, standard and poors a minus and fitch and moody's. How do those compare to the ratings in the past? They look low to me.

>> They are. The city of austin geo rating is aaa by all three rating agencies. The water utility is rated in the double a range by all three utilities. And austin energy is rated high a and low double a. So yes, this is different than what you typically see. And the reason for this is it is backed by this one source of money, which was a customer facility charges, and it's just not as broad as electric utility and all of the revenues that it generates and the water utility or the city of austin, which is bonds are backed by property taxes. So yes, the ratings are lower than you normally see, but we can take comfort in other facilities of this type that have been built around the country, the ratings are exactly in this range.

>> So the ratings are directly related to what you have standing behind the bar rowing.

>> Yes, that's correct. It's the pledge of the type of revenue you have behind the bonds.

>> Cole: Well, now, you said that the bond are not a general obligation of the city or a general revenue of the airport system. So I'm guessing if it were, then the ratings would be higher.

>> Yes, if these bonds had a backing of property tax -- absolutely, yes.

>> Cole: Okay. Thank you. Any questions? Councilmember spelman.

>> Spelman: To what use are we currently putting the cfc?

>> The cfc is being held -- it was used for the prior garage on top of the current parking facility and now we are holding the funds in anticipation of having some money to put toward this new facility.

>> Spelman: So we no longer need the full cfc revenues for support of -- actually it doesn't matter. We're leasing the top floor of the current garage for the general public. Is that right?

>> Top floor of the current garage?

>> Spelman: Well, this is the three floor -- in front of the airport. And the third floor is being used for rental cars.

>> Yes, sir.

>> Spelman: And we are paying for some portion of that garage with the cfc funds.

>> Yes.

>> Spelman: Okay. So if we returned that top floor to the general public, cfc will no longer be used for paying for some portion of that garage, it will be used to pay for the --

>> complete facility.

>> Spelman: New facility. And we are taking in enough in the cfc revenues to pay for this without any need for getting money elsewhere.

>> That's correct, yes.

>> Spelman: Okay. Will we need to change -- increase the cfc charges?

>> Cfc is currently 595? And that's what it has been. Yes, the cfc is currently 595 and it was not intended to change.

>> Spelman: 95 Per ticket?

>> We are day.

>> Spelman: Per day. Oh, I see. 95 Per day and that takes into total revenue which is comfortably in excess of what we anticipate after we auction this off our costs are going to be.

>> Yes.

>> Spelman: Okay. If there is any left over, what are we going to do with it?

>> Revenue from the cfc?

>> Spelman: Uh-huh.

>> Well, the bonds don't finally mature until 2042 so the money would continue to stay in the system to support future years.

>> Spelman: We'll have to pay interest, won't we?

>> You are paying interest on the bonds.

>> Spelman: Right. We'll be able to pay the INTEREST WITH THE CFCs. We don't have to raise the bonds what we into the interest to be.

>> Going to turn it over to jim smith for a second.

>> Spelman: Thanks.

>> THE CFCs THAT WE'VE Been collecting in the past exceeded our projections when we built the only GARAGE, SO THE CFCs PAID Off our obligation on the third floor of the garage a couple years ago.

>> Spelman: Okay.

>> So the cfc we've been collecting since then has been accumulating in anticipation of the construction of the new facility. So we're not proposing to sell bonds for the entire project cost because we've had a cash reserve accumulating for a number of years now to reduce the number of -- amount we would have to sell bonds for.

>> Spelman: So we'll have a fair amount of equity in the garage as it's being constructed.

>> Roughly about \$35 million IN TERMS OF EXCESS CFCs Being applied to the project.

>> Spelman: And that was taken into account by the rating agencies when they assigned the a minus rating?

>> Yes.

>> Spelman: In the probably unlikely event the cfc revenues are insufficient to pay the interest rates, is there a course for the bondholders? Can they get the money from someplace else?

>> Not at the airport.

>> Spelman: Okay.

>> Dennis was referring to the rating is based on the fact that this is a single revenue source. So unlike the airport revenue, the general airplane revenue bonds which get parking, all sources of revenue, this does not have access to that.

>> Spelman: Gotcha.

>> So the only source the bondholders have to recover is rental car cfc.

>> Spelman: What revenue source do we anticipate auctioning that off?

>> I'll let dennis answer that.

>> Spelman: Okay.

>> Borrowing rates? Between 6 and 7%. Taxable bond sale.

>> Spelman: It's taxable bond, of course.

>> Cole: Further questions, motions?

>> Spelman: Move approval.

>> Cole: I'll second. All those in favor of item number 69 please say aye. Those opposed say no. That item passes on a vote of 6-0. Good work.

>> Thank you.

>> Cole: Next we'll go to our morning briefing for questions. Kevin Johns here and from staff and David Porter and Mike Rollins from the chamber. Welcome, Mr. Porter. I'll start out. I had a question about why we only had performance through December 31, 2011.

>> That's all right. I'm Kevin Johns, economic growth. The evaluation that we do each other has not been completed for this year. Each company has 60 to 90 days, I can't remember which, in order to complete it. And so the evaluation, in order to be comprehensive, we had everything available as of December 2011. Soon we will have the balance of the information they are this year, but we don't have that -- balance of the information for this year but we don't have that yet.

>> Cole: -- I want to call you Dave. Is that okay -- Porter, I was really intrigued by the chart you made about payroll jobs and year over year changes coming out of the recession and going into the recession. Can you -- can you briefly explain again what this is showing us about trends? And what we can expect in Austin?

>> Well, I think the key trend that -- are you 4% job growth we witnessed during the recession?

>> Cole: Yes.

>> So Austin was, as I mentioned early in the presentation in a graph, we were the last major metro to be impacted by the recession and the first out. So while we did lose jobs during a short period of time, we regained, we were the first city to regain all the lost jobs. And in fact, over a several year period during the great recession, we even had a 4% job growth during the recessionist. Recession itself while many cities had negative numbers. We were the only positive job producing city for 14 or 15 months running. So that -- we continued to add jobs quicker after we lost a bunch.

>> Cole: Let me ask you this. Because you talked about the fact that most of the companies that you are recruiting and competing with are in Texas and California. And I think you put California above that. What are the primary reasons that you think companies are leaving California and coming to Austin, Texas?

>> Well, one of the surprises to us coming in the recession that began in 2008 and we had three or four of our best years in terms of companies actually taking a look out of -- that are currently in high-cost areas like California, the upper Midwest and the Northeast looking at every cost, whether it was labor, real estate, taxes. You know, the regulatory environment. Looking for states that are more business friendly, more predictable, and we actually had more site visits, company visits during those three or four years than the previous four years. So what we see and continue to see, there's still a lot of question about the national economy, but companies, healthy companies are taking a look at the bottom line at every dollar, whether it's in rent, labor in taxes, and looking for environments such as Texas, such as Austin, where it's more predictable and less expensive.

>> Cole: Well, we considered a resolution earlier today about affordable housing and we talk about affordability in general a lot, and I am trying to understand whether -- and I think this is generally true, but i just want you to tell me how it works, because austin is more affordable, but it still need to stay affordable, that we are being more successful at recruiting companies.

>> Yeah, jeremy, is that something that you prefer to try to answer? So it was about affordable housing, recruiting companies staying affordable. One of the issues -- one of the challenges we have is austin is in texas one of the most expensive places.

>> Cole: Right.

>> And we know that housing is part of that. So affordable housing is very important. As people continue to move here, whether we're recruiting companies or people without jobs that's moving here, affordable housing is a key issue and it's an issue that employers, whether they are local employers looking at expanding or new companies looking at coming in, they want to know where are their employees going to live based off of the salaries that are going -- people are going to be paid. So affordable housing is very important.

>> Cole: Okay. Austin was ranked number 1 as the fastest growing job market. What do you primarily attribute that to?

>> I think it's -- i mentioned the -- number 1, our selling tool and our greatest selling tool is the human capital. It's our workforce. We have the sixth most educated workforce in the and companies are wanting to move the places where they can hire smart people and austin is high on that list, and plus we're this a very affordable state from a tax standpoint. So I think that the -- and plus we've had a very proactive program marketing austin, central texas. On average we do 16 marketing trips a year. Many of those trips city staff will participate, but we go spend a lot of time in california marketing the assets that we have here and trying to bring more jobs, good paying jobs to austin.

>> Cole: Thank you, mr. porter. Is there any other questions? Councilman spelman.

>> Spelman: Kevin, we porter has suggested, as you suggested, we've had tremendously good success with our economy in the last few years. We have a low unemployment rate, we've been producing large numbers of jobs. We're in really good shape economically, certainly compared to the vast majority of the cities in the united states. So we don't need to oversell it. And I'm a little concerned about the overselling implicit this chart here, the recession and unemployment trend where it's beautiful, but this arc comes up and goes back down and the arc fits the data nicely and I can see the red dots where we make deals and that's great. But of those 7,022 jobs committed, by my rough count, the number of those jobs that actually hit the street over this time period was something like 500 or 600. The vast majority of the samsung jobs were actually booked before the period again. And of the deals we made, they are just getting started and most of them haven't hired anybody yet. Seems to me the value of having made these deals is to ensure our future is going to be good but not that it's got even us over this hump and out of this recession otherwise. Does that square with your understanding?

>> Yes. In putting this chart together, we did have very serious debate about the point you just made. At the same time, we wanted to recognize that the impact of getting e-bay, of getting facebook, of getting apple to invest 3600 jobs and \$300 million, those things, they gave a perception around the -- around the globe that austin was a place where you had confidence to expand. So probably the greatest impact was on local businesses that knew they were going to do work with them rather than those companies. Sure, the 8,000, 9,000 jobs that were announced all had a major impact, but as you pointed out they are over a 10-year period. But it was the fact that we were able to recruit these expansions of these very important companies to target these important cluster industries that was more important than the jobs actually created.

>> Spelman: The psychological effect and the anticipation effect was a lot more important than the fact we got a certain number of jobs just over this time period.

>> That's exactly right.

>> Spelman: That sound right to me. This is kind of a hypothetical. If we have this arc starting around 3%, which is pretty much we don't have any unemployment, we have very little unemployment at least officially. If you -- that 3% is what we used to call frictional unemployment, people who just left a job but haven't found a new one but are going to get one pretty quick. Then up to 6, 7%, and it's going back down fairly close 5 for the city, which is quite good relative to other cities. But this is a hypothetical question. I notice while we were down around 3, there was a fairly long period where we didn't make any deals at all. An imagine the following argument, that is if our unemployment rate gets to be fairly low and we have a pretty good -- good reason to believe that apple is still coming on line, they are still staffing up she facebook is still staffing up and so on, we know we've got more jobs in the pipeline, does it make sense for us to slow down or conceivably even stop making further deals for new startups, for new relocations?

>> This is a very good discussion and we have it on a regular basis with our partners the chamber for the obvious reason we need the refine the companies we are recruiting. There's three goals. One is diversify the economy so we don't have another bubble burst in one port of it that we lose 40,000 jobs in a software industry or in some aspect of it. And so I think we have to be very smart about the diversification of the jobs and the kind of companies we recruit. And you see that in the chamber's new look where now they are looking at the technology manufacturing, which we haven't recruited much in the past, and the bubbling up of the medical industries. So I think first is a goal to diversify the economy so it stronger overall against any unexpected turndowns in the economy. The second I think is very important and that is we have a constant flow of graduates from the universities. We have multiple universities and those students we want to keep here. And so we want to recruit for the -- for the future high paying or good paying jobs for that flow of people who continue to graduate every year, whether it's , concordia, edwards, and so we want to focus on how we get those people jobs. And then lastly, and perhaps most importantly, is the hard-core unemployed or the hard to employ, which do not show up on any of the -- any of the official rolls. So those people who are people who have released from prisons, who are formerly unemployed who have a high school degree or less, we have measured, as you know, in a report the unemployed, hard to employ and those who have given up that it's about 10,000 people in austin. And that population we need to recruit the

manufacturing and technology companies for those people because they are the greatest users of our social service delivery system so there's an enormous cost, and then plus they just have the right to be part of the economy as we grow. So for those three reasons, the diversification of the economy to address any unexpected turndowns, the maintenance of the human capital from the universities and to address the hard-core unemployment, I think that we really need to be more careful about the kind of recruitment, but i think we need to maintain a focus on what got us here.

>> Spelman: So instead of thinking about just gross unemployment, it's a good rough cut measure, how was our unemployment rate like, it's better than the vast majority of cities, that's a good thing. But in terms of your objective, it's not getting that unemployment rate as low as possible. It's getting the unemployment rate among people who are hard to employ as well as possible, for example. It's making sure that we are able to keep the talent we got and it's making sure that unemployment rates, income rates, manufacturing -- the value of our productivity does not fluctuate too much so that we're as recession proof as it is possible for a city in north america to be. Does that sound right?

>> Yes, I think that's right. I think we have an opportunity because of our position to be very smart about how we recruit and also we want to recruit areas that have the long-term strength that we aspire for the economy. And lastly, I think a lot of the issues that we've seen that are popping up in the areas of education which you see as a major thrust of the chamber, it demands us look at ways to get stem research and kids in the pipeline, especially kids of color in the pipeline so that they can have the jobs. So we both need to educate, train and attract that whole population which is, what, 20, 30% of the poverty in the city right now.

>> Spelman: Thank you very much. I appreciate it. I guess a couple questions of david too, if I could. porter, I want to congratulate you. I counted the number of times you used diversify or diversification and it was somewhere between six and eight. I got tired of counting at some point because it was a lot. And you used the phrase education and talent at least as often and this is exactly the sort of -- of johns just said and exactly what i think we need to hear particularly when our economy is going so well. There's a role for what you try to do but it's not just to drive the gross unemployment rate down, it's to fill in gaps in our economy, it's to make sure our economy is as recession proof as possible, it's to help the people living here right now. I congratulate you for recognizing that. And for this particular graph which suggests that we're spending the vast majority of opportunity austin's money on exactly those issues. Is that accurate?

>> Right.

>> Spelman: How will the pie chart for austin opportunity 3.0 look?

>> It won't. We're going to spend roughly 0 as we have on 1, opportunity austin 1 and 2.0. It's still going to be a large number on education, talent, diversity and mobility, transportation mobility.

>> Spelman: Let me ask you the other version of the question. How is this different from 0 or how is this different from the economic development budget of the vast majority of chambers nationwide?

>> Well, it's -- you know, one thing, you know, one of the questions you asked Kevin, the competition for jobs is fierce and there's still a lot of question about those -- the entire U.S. economy. What -- I was just recently looking at a slide or a comparison of the funding requests, 25 million to fund 0 and that is pretty much in line if I'm correct or maybe slightly lower than some of our competing cities that have had for decades a sustained economic development program. So it is expensive, it's very competitive. The types of things that we're doing, the incentives are for game changers for either certain portions of our population or for technology related, you know, from an incentive standpoint we don't do very many.

>> Spelman: I understand. And most of what we're doing is going to be a social game, not a monetary gain.

>> We're going to continue to be very diligent, looking forward to the right company that has the Austin values and -- but it's going to be competitive out there. I still think if you look at the numbers, while unemployment looks low, there's still yet a portion of our workforce that's unemployed, there's a portion underemployed, then there's a portion that have just quit looking for jobs. So I think our unemployment rate may not be truly reflective of what's really out there.

>> Spelman: And I think what I was trying to allude to a few minutes ago, we have a lot of people out there who are just not on the books that we have to take care of to the extent we can.

>> We have on average 140 people every day moving here to the five-county metro. Every day.

>> Spelman: Well, that -- that actually was what motivated my earlier question to Mr. Johns. One of the reasons is because they know we've got jobs. If we stopped having jobs, they would stop moving. It's a double edged sword, we've got jobs and that's good but we've got more people on I-35 in front of me slowing me down and all the other things associated with increases in population and density and things like that. So it's not -- it's not an unallowed good to be economically more viable than other places.

>> Yes, but I would rather have some of the challenges that we face versus those that don't have jobs at all. As I noted or noted in my earlier presentation is spending less time in our car, commute time. And that's all going to be up to Jeremy. Jeremy is in the back of the room and Jeremy is going to take care of all those problems for us.

>> Spelman: I can see him shaking his head. I'm sure you will be able to take care of that despite that. This may not be the best time to engage in a complicated conversation, but how is it that we're going to translate these exactly on target goals of 0 into reality given the means at your disposal? We have the incentives and the contacts and the recruit work you have shown how good you are at and how are we going to be able to turn that stuff that you know how Johns and his people know how to do into reductions in the poverty rate, the child poverty rate, increase

and reduction of number of commuters who drive alone and things like that and I think going to be difficult to do.

>> It going to require a lot of team work, team work from the workforce organizations, from our transportation organization, from the training so that if we are able to improve on the education and the stem programs and they work directly with the companies that ultimately hire them, then we'll tackle some of these very difficult poverty issues head on. So I do believe it's possible. There are good models around the country where this has been accomplished. It's difficult, but it looks like it's an opportunity for us. 0, but it an opportunity i think the staff and the city and the chambers of commerce are all up for.

>> Spelman: I appreciate your saying that and I want to congratulate you for adopting these as goals and not juts the standard garden variety. This is what our problems are looking like right now and they are going to be harder to attack, but i appreciate the idea of team work and I appreciate your ability to use words like diversification, education and tall he want and child poverty rate and all the rest of the stuff to be able to sell an economic development program to a hardcore incentive sinnic like myself. If you can sell me on the idea of economic incentives, this is is way to do it and you've done a wonderful job soar take. Thank you very much.

>> Thank you.

>> Cole: Let me ask one followup to councilman spelman's question. Was there a recent goal --

>> it's been really the evolution of our program. Since 2004. Really the first -- we do this in five-year increments and so 2004 to 2008, let's get back in the game, let's replenish the jobs lost. Do the basic 101. Opportunity opportunity 2, we added some meat to it. And I think we have come as a community, as a region -- again, this is a regional strategy for economic development. We have come to that point where it's time to focus on other key areas other than recruiting jobs, helping local companies, which is important, we'll continue to do that. We have to look at other key issues in our community and have -- we have just evolved as a program, as a partner with you and to having these new types of matrix.

>> Cole: But has that been listed as a specific goal recently or is that just kind of part of -- part of your original mission but you are just now getting --

>> that's under opportunity austin 3.0. The new goals, the new matrix that begin in 2014. 2013 Is the final year of 0, but during this year we're in now, we will begin fundraising for opportunity 0, begin selling the program to investors. Right now we have over 380 investors in opportunity austin. We're going to have to reach over 430 to get to our goal of 25 million. But it's -- the matrix have evolved as the program has evolved.

>> Cole: And that's where the poverty concentration has recently come.

>> Yes.

>> Cole: Councilmember morrison.

>> Morrison: Thank you, that was one of the things i wanted to talk with you about so I appreciate the questions councilmember spelman has already brought up. And as we have seen, it's actually on your last slide, you are explicitly listing that the goals -- these are opportunity austin goals, you have included, that for instance, I'll just read that out for explanation for folks, that poverty rate, make sure I'm -- make sure I'm interpreting this right, you are saying that we expect the poverty rate in the region in 2013 to be 5, with the projected trend as we know it now without doing anything, without opportunity opportunity. By 2018, we would expect that to actually have increased to 22%.

>> Correct.

>> Morrison: And your goal with opportunity austin is that rather than it being 22% in 2018, that it should only be 15.8%.

>> Right.

>> Morrison: So that's the goal that you have. So number 1, instead of it going up, it's going down. And in fact the difference between where it would be and where you want it to be with your goal is a matter of 6.2%. So I applaud you all for really taking that in. You have one for child poverty rate also which is rather frighteningly extraordinary the numbers that you have here that right now it's 25% and the projected trend is 30% by 2018 and that's clearly just not acceptable. And my question is, you've come up with some very specific numbers about your goals for improvement over the status quo. How did you come up with those numbers? Like is it a model that you use based on, you know, if you can keep people employed and moving up in jobs and likes like that?

>> Right. It was part of the consultant that this market street services that has developed every one of our strategies, taking a look at our community, where we are, what should we be measured by, where are the holes in our community. Again, each five years we've had a separate set of goals. Let's get back in the game, let's create some jobs, opportunity austin, number 2, let's continue but let's add some more to it, but it's all about where -- if you look at the community as a whole, you know, there's a growing gap between the haves and the have nots and we need to start addressing in this program we'll start addressing the have nots. What drew, our senior vp of education, his whole program and the money he's going to be spending is trying to get more kids from high school into higher ed or career paths. If they aren't going to go to college, let's help them find a career path here in central texas, in austin, texas tech. Central texas.

>> Morrison: So I think that's terrific and so market street has some magic -- magic black box they can put all these efforts into and spit out expectations like --

>> there's probably a dozen firms that do analytics like that and market street -- i mean, you could hire 10 of them and probably 9 of them would come up with something similar to this. They may not recommend all these things, but these are things our board -- we had a committee look at this for -- since last may that, you know, what are the matrix going to be. Here are the changes in our community and we need to begin broadening this out a bit.

>> Morrison: I appreciate that because I think a lot of the conversation we've heard over the past two years, especially if we're looking at a 380 agreement, but just in general is like what are we doing for the people that live here. What are we doing for the kids that are growing up here. It's great to have highly educated, highly skilled people move here, but we want to make sure everybody is able to prosper.

>> And that is our goal too.

>> Morrison: That's great. And I appreciate you listing out and it's interesting to see the changes in the target industries over the careers because I think that's -- as you said, a lot of it is just how technology has changed. But also the fact that we -- well, the fact that manufacturing is one opportunity for helping to get people on a path where they can share in the opportunity.

>> Right.

>> Morrison: And so market street is also the one that I think I heard you say is also the one that helps us determine what we want to look at or what you want to look at and suggest as target industries. Is that correct?

>> Well, and one of the things that we do is we show them a list of prospects. Here are the leads that we have worked with that working with the city and other regional partners, these are the types of leads -- last year, actually 2011, of all industry sectors, general manufacturing, we had 52 leads. So that tells you that there's something going on in general manufacturing, looking at texas, at central texas, and so we provide that type of feedback to market street. And they take a harder look at the numbers. What's generating that. And so because of all the problems, issues going on in mexico, you see a lot of high value types of manufacturing want to go come back over on this side of the border. So we think that there's some good opportunity in general manufacturing. So they absolutely agreed if one of our largest industry sectors in terms of prospects is general manufacturing, why don't we spend some time targeting that.

>> Morrison: Great. Okay, and I appreciate that, and I just have one question for you, kevin, in terms of the comments that you made. I was glad to hear that you all have actually moved forward, I think I heard you say you have moved forward on doing a survey of companies that we've done 380 agreements with to ask where their employees live. Are they austinites or do they live outside the city. Am I correct?

>> Yes, I believe that was your question, but yes, we've sent those out and we'll be doing regular followups with the companies.

>> Morrison: Great. So do you have any sense for when we might expect to hear -- when we in the community might expect to hear some results from that survey?

>> I'll be doing a followup, we'll do a followup and i will send out a communication within a couple of weeks and give you a progress report. Since this is a voluntary thing, we've been very nice about asking for it, but we'll have to get the h.r. Departments of these 11 major institutions to deliver. But I'm confident that we'll get a good selection and we'll communicate within the next

two weeks so that you'll see where we are on both that, also on the best practices that councilman tovo had asked about.

>> Morrison: I realize there's no contractual requirement for these companies to do that and i hope they understand it will help -- I think it will help our conversation and help us figure out as we talk about changes we might want to pursue. Help us figure out what's reasonable, what's needed and just have a better conversation for the future.

>> I think they understand and they are good corporate citizens. I'm confidence they will respond, but I'll let you know.

>> Morrison: Great. Thank you very much.

>> Cole: Thank you, kevin. Any other questions, comments? Okay. Thank you for the presentation. It was very informative. Next we'll have a presentation from austin energy on plug-in electric vehicles, a program update.

>>> Good afternoon, councilmembers, mayor pro tem. I'm carl popun with austin energy and today I'm going to give you an update on the plug-in electric vehicle program here at the city of austin. So the overall vision of the program has been outlined by previous city council resolutions as well as assynergy with austin but basically the electrification supports environmental community, utility and economic benefits. And so a lot of the programs for 2012 are new or they've been revamped so that's one of the reasons why we're coming to you today to bring you up to date on a lot of activity in electric vehicles. So the signature program, the plug in everywhere, that's our public charging station network. It has gotten a lot of recognition around being the first public network in the poured by 100% renewable energy, in this case our green choice program. There's our plug-in partners which started off originally as a grass-roots campaign to show the need or desire by consumers to have plug in electrical vehicles. It is now our level 2 home charging rebate program. Texas river cities is a department of energy grant that austin energy leads and that's a regional or central texas plan around electric vehicles and I'll include an update in that and the participants and where we are with that grant. We also continue to work with our partners at pecan street and that gives us the opportunity to study the largest nonfleet electric vehicle adoption in the u.s. And then recently we did revamp a program to incentiveive two wheel called the e-ride incentive program. There are fuel savings. There are reductions in co 2 and basically those reductions are about the equivalent of every electric vehicle to road, that person is planting approximately 12 trees a year by driving electric versus a traditional gas car. Another advantage of electric fuel is it's relatively stable and cost effective compared to gasoline. What this graph is showing is over the decades some pretty steady equivalent, about a dollar for a gallon of gas equivalent where gas itself rises with different market and different event and reactions to the gasoline market. One of the reasons why the utility is very interested in electric vehicles, not only is it obviously revenue opportunity because we sell electricity, but it's also very important to us and to adoption of how that charging occurs. So the graph on the right was produced by pecan street project and this is the graph that shows one house that has a plug-in electric vehicle, and what they predict will happen if we do nothing smart about the charging, people will come home after work, charge, fill up right away as fast as they can, and the problem with that is that has some undesirable effects which includes charging

being done at peak. So hence there's more CO₂ emitted from the generation during peak, it's higher cost and there may be some issues with just the grid impact. So charging off peak, what's desirable and programs we have in place or activities in place to encourage off peak charging is less CO₂ emissions and lower cost and it's the significant revenue opportunity. So previous one was pecan street slide that showed a theory. This is real data. This is a real household participant. And what it shows here is there's really two things that affect the 24-hour load or demands of a house. And traditionally it's been all about air conditioning, that's shown in blue, but the new contender is the electric vehicle. This has a Chevy Volt so compared to next generations it's a pretty small battery and relatively small draw and the potential pros and cons increase exponentially as the battery packs get bigger. So the trend is bigger and faster so motor trends 2011 car of the year was the Chevy Volt which was that first on the 24-hour home curve of charging. Then you start looking at the next generation Leaf, they have about doubled the battery pack and double the rate. And then 2013 car of the year, this isn't the electric vehicle car of the year, this is Motor Trends car of the year is Tesla S and it has a comparatively very large battery pack and so if you look at the potential for above peak charging it really starts getting up there where theoretically if someone put enough miles a day on their Tesla S, it would look more like a sandwich shop and strip mall because they spike so high with that hungry of a demand. So how are we addressing it? So right now we're addressing it through combination of business models, collaboration and outreach. New technologies. And then trying to understand better with partners consumer behavior. So these are all the things we're doing today, but a lot of activity is planning for the future so this is a list of first generation responses to first generation electric vehicles, but a lot of the activity is on the second generation vehicles and how the utility can respond to those areas. So adoption in Austin, so from this time last year we have three times as many electric vehicles on the road. Nationally it was two times. So a little bit heavier here in Austin, but quite frankly we do not know where we're going to be in 2020. This was a model produced by Espry in our service territory and they based it off traditional hybrid vehicles in our demographic and market. So the road map, part 1 of the road map, that's 100% complete so we do have public charging, pre-paid cards, we do have revamped programs. A lot of activity today is expanding or interest in those programs into workplace fleet and multi-family programs, continued process improvements so we have the stability of the mechanic market as more people decide to drive electric vehicles and continue to work with our partners and studies and pilots. And then down the road is potentially new and specific business models and ancillary services and faster charging management programs. I wanted to highlight a few community and business partners that we're working with. And this is not an all extensive list, one is National Instruments became my first workplace charging pilot program. Town North Nissan became our first pilot as a dealer, they purchase 12 months of public charging, they buy it from us, Austin Energy, but give it free as amenity with every new Leaf driver in Austin. Car to go, they started with two electric vehicles. They now have 18 in our service territory and those are 100% fueled by our everywhere network. And then we have over 29 registered electricians for edge signals, a community of electricians to do the signals. -- Installs. Austin Energy has been the recipient of three grants along electric vehicles. Charge Point America, 100% complete, that did the initial deployment of 113 charging stations. Texas River Cities is a central Texas plan around EB and the main deliverables have been delivered and that's a community plan. And then we recently charged winning a proposal called Texas Fuel Independence Project, so that allows us to execute a lot on the Texas River Cities, but expand the scope to include natural gas and other alternative fields. So you can see here is a very diverse group of stakeholders participated in the Texas River Cities plan.

Excuse me. This was by no means just an austin energy thought but you have university as well as state, local, federal government, big companies, small companies, community groups all getting together to publish this knew public domain plan. It's over 500 pages. It's available on the web, com, the most comprehensive plan published in north america. -- Texas river cities.com. This is my final plan. Austin is recognized as a leader in this field and i want to personally thank this group for that leadership and vision of giving us the tools and the vision to move forward.

>> Cole: Thank you very much. Excellent presentation. Councilmember martinez.

>> Martinez: Thank you. I just had some general comments and maybe a couple of questions from actual user standpoint, I've had a volt since may of 2011 and it's worked out incredible. I'm averaging 430 miles to the gallon and it's because my commute trip is short, but it really works for me. But what doesn't work in certain cases is that -- you know, you said we have 150 charging stations around the city. And I remember when we launched the program and i believe it was a goal of trying to achieve a little over 300; is that correct? And if so, what is our plan to achieve that?

>> The grant originally allowed for 113. We're now at 150. I do not have a public charging goal of 300 so that might have been previous to my time. My focus really right now and for our road map is workplace charging and more participation in multi-family housing for charging. I think eventually we will get to that number, but i don't have a metric from a public charging network, sir.

>> Martinez: And along the lines of home charging, how many folks have taken advantage of the rebate program to add a -- the 220-volt home charger?

>> We have about 120 participants in the home charging plug-in partners program to date, since inception.

>> Martinez: Because as you mentioned and very much like my habits, you get home 00, you plug it in because you are in the garage and you go inside and it starts charging right then during that peak demand. If we had -- for those 100 or so home charges, do we have control so that when they plug in it doesn't start charging right away, it would start at midnight during nonpeak demand hours?

>> Right now the utility does not have control, individuals have the control. Most charges have automated timers as well as the volt specifically has a timer you can set up. However, what we're doing right now is analyzing what if we do nothing and that's part of the baseline data gathering of pecan street and our partners so we're trying to understand that behavior. Time of use pricing, we're interested to see the acceptance of potential plug-in vehicles to be incentivized to go to whole house use and that kind of behavior that drives. It's more about monitoring, understanding and just putting more tools in our tool kit.

>> Martinez: And so do we have data of the existing 150 charging stations showing us which ones are most utilized and which ones are underutilized and if so are we planning on shifting some of those that have never been used or well under utilized to a more high demand area?

>> It comes into play with new chargers where we put them and yes we have that data. Since inception we've had over 9200 charges in the public network so we thought the hot spots. The ones in city hall are quite popular and central austin. The only charging stations that I have scheduled to be moved that was at a public park in southeast austin due to vandalism and we are going to be relocating those to a central location based on where demand is going.

>> Martinez: Do we have any of the charming stations that have never been used?

>> We have a few but no single location has never been used but there's some places that might have four and one on the end has not been used.

>> Martinez: Another suggestion is when we partner with these entities to put in those stations, some of them have exclusive electric vehicle parking only. Others have fuel efficient or I think that's how it's phrased, fuel efficient vehicle parking only. So every time someone in an ev goes to that location, they are filled with hybrids that are nonelectric hybrids. So utilization of those charging stations is precluded because you can't park there. So I would suggest if we as a city are going to be paying for that infrastructure and putting it in place for this program that we would have an understanding with those accepting the charging station that it really is for electric vehicle charging and not just any fuel efficient hybrid ve there. The example I will use is acc, rio grande campus, i believe they have four, maybe six charging stations, but you can never use them because every time you pull in there's a fuel efficient nonelectric vehicle parked in those parking stations. And I think it would just help the program be even that much more successful if we're really wanting people to utilize the charging stations.

>> I think that's an excellent suggestion, councilmember martinez.

>> Martinez: The last one I'll make is the one down stars. For someone who lives in downtown area, I believe there are two here, I think amli and one in whole foods. Those people are going to have to pay for parking to charge their vehicles at city hall. I don't know if we can work with our parking company to figure out a way to validate their parking if they are charging their cars, but again it's just another disincentive to utilize the station because we do charge for parking if you are not here for city business, and if there are residents near, and there are some because i see them being utilized and I've talked to the folks. They say I have to pay for the entire time it's being charged because I'm parked down here.

>> That's excellent input and similar input we've received from some of our drivers and partners.

>> Cole: Councilmember spelman.

>> Spelman: Looking at slide number 10, which is that one, the one where you are forecasting the increase in the number of plug-in electric vehicles over the next eight years, I notice we have 329 plug-in electric vehicles plus one more for councilmember martinez, 330 total today and

your forecasting somewhere between 10,000 and 37,000 by 2020. Am I reading the graph correctly?

>> And to be clear, that is not austin energy or city of austin forecast, that was done by the electric power research institute forecast so those are the numbers that they did for our forecast area. They did this a couple years ago but that is correct.

>> Spelman: So that 10 is the low bar. They are pretty sure we're going to have at least 10,000 and less than 37,000, somewhere in that range?

>> According to epry, my personal opinion that's a pretty optimistic projection even with the low, medium and high bar. I personally think we're tracking to middle to low but that's what the graph says.

>> Spelman: That makes the second question easier. If we're talking about somewhere maybe 10, maybe 15,000 plug-in electric vehicles, I haven't done the math yet but I bet you have, what percentage roughly of our generating capacity will be required to service these vehicles?

>> Well, typically a car, a chevy volt today is about one-third to one-half of a household. And if you look at 400,000 household meters, so 10,000 would be a percentage of the 400,000, that would be one-third or one-half. The bottom line even if we hit the high mount it does not affect generation capabilities at all. It's important to notice 80 to 85% of charging is done at home and so the facility is already there. It's less about public charging from an individual perspective for most drivers, it's more about the home charging.

>> Spelman: So if I want a rough cut sense, I can take the number of plug-in vehicles and divide by two and that's roughly the number of household.

>> Household equivalent.

>> Spelman: 5,000 Is not that much compared to what we've got.

>> It's a very the projections, there's been a lot of projections as well as our own analysis is even at the high adoption we have plenty of -- it's not going to negatively impact or skew generation.

>> Spelman: And the primary effect on generation is peak period. There's a way of postponing until a lower period or charge it more slowly when you are during peak period or something like that.

>> Exactly. There's a lot of generation being used or not being used 00, so why not take advantage of this great opportunity called electric vehicles to go ahead and use that energy effect.

>> Spelman: Thank you very much.

>> Cole: Any other questions? Councilmember riley? No. Thank you. Council, without objection we'll recess this meeting and call to order the meeting of the austin housing finance corporation

and take up consent items 1, 2 and 3. Betsy spencer will offer the following items for approval, approval of the minutes, approve the resolution authorizing the termination of a restrictive covenant to remove federal affordable housing restrictions and approve a resolution appointing jeanette goodall as secretary of the austin housing finance corporation. Thank you. There you go, betty -- betsy.

>> You said it all, betsy spencer, treasurer, and i offer those items on consent.

>> Cole: The items from the austin housing finance corporation to us as that motion was made by councilmember morrison and seconded by councilmember spelman. All those in favor say aye. That motion passes on a vote of 6-0 with no -- I'm sorry, a vote of 5-0 with no one voting no.

>> Thank you.

>> Cole: Mr. jerry greg.

>> Thank you, mayor pro tem and council. Greg guernsey, let me go through the items that we can offer for consent.

>> Cole: Hold up one second. I did not resume the meeting of the austin city council. We are now out of the meeting of the austin housing finance corporation and resume the meeting of the austin city council. There you go, mr. guernsey.

>> Thank you, mayor pro tem. Greg guernsey, planning development and review department. Let me go through the items we could offer for consent or consent postponement. The first item is item number 70, 14-2012-0070,. Staff is requesting a postponement of this item to your january 31st agenda. The next item, 71, 72, 73, 74 and 75 are all related items. Let me read those and this will be also postponement request. 01 for the property located at 3260 west ave 3205 and 07. Applicant requested postponement to january 31. Heritage association is in agreement with that. However, they've asked that you consider postponing it to a time certain of 6:00. The applicant does not object to that request. Item 72, c 14-2011-0131, 800 and 808 west 34th street, this is the related zoning change to item number 71. Again, the applicant has requested postponement until THE 31st. The neighborhood has agreed but would request that you consider to set it at 6:00. Item 73, c 14-2011-0132, locate at 3316 grand view street. Applicant has requested postponement. And the neighbors request at 6:00. Item 74, c 14-2011-0133 for the property located at 801 west 34th street, 3205 and 3207 grand view street and 3206 west avenue. The applicant has requested POSTPONEMENT TO 31st. The neighborhood would agree but asks you to consider 6:00.

>> Cole: When you keep saying the neighborhood 00, this is for today?

>> NO, FOR THE 31st. Item 73 for the property located at 715 west 34th street, the applicants request postponement to january 31. The heritage neighborhood agrees but ask you consider the 6:00 p.m. time certain. 02 for the property located 9310 georgian drive to change the future land use map to neighborhood mixed use, land use, and the planning commission recommended the

neighborhood mixed use land use and this is ready for consent approval on all three readings. Item 77, case c 14-2012-0101 for the property at 9310 georgian drive, a rezoning request to neighborhood commercial, neighborhood plan or Irmunp combined district zoning. The -- I should say the planning commission recommendation on that is to grant -- to grant neighborhood commercial, mixed use conditional neighborhood plan. This is ready for consent on first reading only. Item 78, c 14-2012-0060 for the property located at 8401 south first street, staff is requesting postponement to january 31st. Item 79, staff requests postponement to JANUARY 31st. We do have a valid petition on this property. It's item number 79. Item number 80, c 14-2012-083 for the property located at 800 west 6th street and 602 to 702 west avenue, staff is requesting a postponement of this item to your february 14th meeting on item number 80. Item 81, c 14-2012-0092 for the property located at 8801 1/2 south congress, a zoning change request to general commercial services. Zoning and planning commission's recommendation was grant general commercial services, conditional or cs-co and this is ready for consent on all three readings. Item 82, c 14-2012-0093, 10,925 bradshaw road. This is a request to change to single-family residence, standard lot zoning. Zoning and platting commission's recommendation was grant the sf-2 district zoning with conditions. Ready for concept approval all three readings. Item number 93 -- excuse me, 83, case c 14-2012-0114 is going to be a discussion item. We have speakers that have signed up I believe in optician and would like to speak to this request. Item 84, c 14-2012-0123, 1123 east 11th street, staff is requesting a postponement of this item to january 31 and I'll note you will also be considering an urban renewal plan amendment that evening so this will probably come up at 00 when it will be considered, but staff is requesting postponement of item number 84 to JANUARY 31st.

[One moment, please, for change in captioners]

>> item number 87, case c-14-, 20120143 for the property located at 4303 burleson road. This is to zone the property to limited industrial service district zoning. Zone was to grant li zoning and this is ready for consent approval on all three readings. And finally, item number 88, case c-14-4-2012-0012, will be a discussion item.

>> Cole: Colleagues, i believe we will talk up the items on consent, then on postponement and then discussion items. guernsey, on consent i believe you offered item 76 consent on all three readings. 77 On first reading. Item 88 consent on third reading. Item 82 consent on third reading. Item 85 consent on first reading. Item 87 consent on third reading. Is that correct?

>> That's correct. And understanding that's also closing the public hearings.

>> Cole: Yes. That would be closing the public hearings. We have not gotten a motion on the consent agenda, but I'm looking for one. We're not doing the postponements. We'll do the consent agenda, then we'll take up the postponements and then we'll do the discussion items.

>> Spelman: Mayor pro tem, I think I may have misheard you. Did you say what we would do on item 81?

>> Cole: Consent on all three readings. And 88 is a discussion item not on the consent agenda, is that right?

>> Cole: 88 Is a discussion item.

>> Spelman: I thought i heard you say 88 was a consent item and 81 was -- left out 81. I wanted to be sure I heard you correctly.

>> Cole: 88 Is a discussion item and 88 is a consent item.

>> Spelman: I move approval of the consent agenda as you read it.

>> Cole: Councilmember spelman moves approval of the consent agenda. Councilmember morrison seconds that motion. All in favor say aye? Those opposed say no. That passes on a vote of six to zero. Okay. Next let's take up the postponements. First let's take up the staff postponements of mr. guernsey. Item number 70 is a staff postponement, is that correct?

>> TO THE 31st.

>> Cole: To the 31st. Do you have anything else to tell us about that or we'll just entertain a motion?

>> No, I think it's a staff POSTPONEMENT ON THE 31st. We're not aware of any neighborhood opposition on that particular item.

>> Cole: I'll entertain a motion. Councilmember morrison moves that we accept the postponement of item number 70 ON TO JANUARY 31st. Councilmember spelman seconds that motion. All in favor say aye. That passes on a vote of six to zero. Then I have number 78.

>> On 78, staff is requesting postponement to THE 31st.

>> Cole: Councilmember spelman moves approval of item 78 to postpone to JANUARY 31st. Councilmember martinez seconds. All in favor say aye? Those opposed say no. That passes on a vote of six to zero. guernsey, the next item that I have is item number 79 from staff.

>> All right. Staff suggested the postponement because the mayor's not present and there's a valid petition.

>> Cole: Item number 79 has been moved to approval for postponement by councilmember martinez to january 31st and that has been seconded by councilmember spelman. All those in favor say aye. Those opposed say no? That passes on a motion of six to zero. Item number 80, guernsey, I have as a staff postponement.

>> That's correct. The commission has yet to make a recommendation on this particular case. And staff is asking postponement to the valentine's day meeting of february 14th.

>> Cole: Councilmember tovo.

>> Tovo: I'll move approval, but I would like to ask if this would be scheduled for the downtown commission.

>> I can check into that. I'm not aware if it's scheduled for downtown commission. I know this is not a p.u.d. Request, but I'll check into that.

>> Tovo: Thanks. I didn't see that it had been, but I wanted to make sure I didn't miss that.

>> Cole: Commove moves approval for item number 80 to be postponed to february 14th. Is there a second? Are you seconding the motion?

>> Morrison: No. That was seconded.

>> Cole: Already seconded by councilmember spelman. Now we'll have discussion. Councilmember morrison?

>> Morrison: Thank you. Greg, so you will take it to the downtown commission?

>> If it's already gone we will not take it, but if it hasn't -- I think that's what you're asking for.

>> Morrison: Exactly. Okay. Thank you.

>> Cole: There's been a motion and a second to postpone item number 80 to february the 14th. All in favor say aye? All those opposed say no? That motion passes on a vote of six to zero. Next staff postponement i have is item number 84.

>> That's correct. Staff is asking for a postponement of this item to your january 31st date. And there's a companion item 00 on that agenda for an unban renewal amendment. We're just making sure they're being brought to the same meeting on the same day.

>> Cole: I'll entertain a motion. Councilmember morrison moves that we postpone item number 84 to january 31st and that's been seconded by councilmember spelman. All in favor say aye? All those opposed say no? The item passes on a vote of six to zero. guernsey, that's all I have in terms of the consent agenda and staff items for postponement. Is that correct?

>> That's correct.

>> Cole: Okay. Councilmember tovo.

>> Tovo: Mayor pro tem, i don't think we voted to postpone item -- I hope we didn't vote to postpone item 71, 72, 73, 74 and 75, which I am --

>> Cole: Those are not staff postponements.

>> Tovo: I'm sorry.

>> We're going to do the applicants next.

>> Cole: We'll do the applicants second. We just got those items out of the way.

>> That's correct. And mayor pro tem, if it's helpful, item 71, 72, 73, 74 and 75 I think the applicant and the neighborhood all agree to postpone it to the 31st and that the heritage neighborhood asked that it be considered at six p.m. The applicant doesn't -- actually doesn't oppose the time, but it's at your discretion whether or not you would postpone it to or the normal time of 2:00.

>> Cole: Okay. Councilmember tovo, did you have a question?

>> Tovo: I just simply want the record to reflect that I'm recusing myself from these items.

>> Cole: Councilmember morrison.

>> Morrison: I'd like to make a motion that we postpone this until -- I'm sorry. IT'S STILL THE 31st, AT Six p.m.

>> Second.

>> Morrison: All five.

>> Cole: So that's items number 71 through 75. Okay. Councilmember morrison has moved that we postpone items 71 through 75 to january the and that has been seconded by councilmember spelman. All those in favor say aye? All those opposed say no. That item passes on a vote of six to zero. Five to zero with councilmember tovo recused. Okay.

>> I think we have one more postponement request that was a neighborhood request for postponement.

>> Cole: What item is that?

>> Item number 86.

>> Cole: 86.

>> And I understand the applicant is in agreement with the date of february 14th.

>> Cole: So we have the applicant and the neighborhood agree on a postponement to february 14th for item number 86. I'll entertain a motion. Councilmember spelman moves approval to postpone to february 14th, item number 86. Councilmember morrison votes -- launched a second. All those if favor say aye. All those opposed say no. That motion passes on a vote of six to zero. guernsey, it looks like to me we have a few -- one discussion item, item number 83?

>> Right. And we also have item number 88, which is the sell strom house, but I can present 83 if you would like at this time.

>> Cole: Yes, let's do item number 83.

>> Item number 83, case c-14-2012-0114, it's for the property located at 2440 wicker sham. This is a zoning change request from multi-family residence low density or mf 2 district zone to go community commercial mixed use or gr-mu combined district zoning. The site is almost two 96 acres in size. And the request is to allow the future construction of a mixed use project that would have residential on the upper two floors and on the lower floor some retail. It was recommended to you by the planning commission on a vote of eight to zero to grant community-commercial mixed use conditional overlay or gr-mu combined district zoning. There were numerous uses that were prohibited that would include automotive repair services, automotive sales, commercial off street parking, community recreation public, congregate living, dropoff recycling collection facility, hospital services, general hotel-motel, indoor sports and recreation, off site accessory parking, outdoor entertainment, pawn shop services, private primary and private secondary educational services, residential treatment, service stations and theaters. Also there was a limitation that the property be for residential uses limited and allowed in the -- limited to the mf-3 density standards. The hours of operation would be limited to sunday through to and friday through saturday from six a.m. to 12:00 a.m. Also there's a prohibition on liquor sales as a principal and accessory use and limit the total number of vehicle trips per day to 2000. They have turned in a traffic impact analysis and that's currently under review and prior to coming back for third reading staff would actually recommend that that condition be deleted and then we would actually defer to the tia, the traffic impact analysis. When this item was presented to the planning commission, and as part of their recommendation the applicant agent included or agreed to a limitation on liquor sales, however the owner did not fully understand the implication of liquor sales and would ask you to consider the sale of beer and wine, but not those other forms of liquor that may be harder than that. And so I think that's something that they're bringing forward now. You have a letter, i believe, on the dais that shows support of the honor co-homeowners association that they are in support. They do not object to the beer and wine sales. Also I received today, which I do not believe that you have in your possession, i received today a letter signed by malcolm yates of the east riverside neighborhood contact team and it states that they've had an opportunity to review the proposed project and the developer had previously executed a public restrictive covenant in conjunction with this zoning case that would limit the to sunday through to 12 on friday and saturday. And they also have no objection to beer and wine sales through the grocery during these hours and that they would also support the zoning change request for w those limitations. The property in this area are generally developed with condominiums and apartment uses and they're also generally zoned mf-2 throughout this area and you can see by the exhibit that's now being displayed where this property is located. We have received letters of opposition to the request and maybe some of those that have filed the opposition may be here this evening. I understand the applicant plans to go forward and vacate the plat and replat because there was a note that referenced a limitation on the number of dwelling units that was related to a parkland dedication ordinance, but I'm not aware of a site plan actually being filed at this time that staff is reviewing. Inch at this point I'll pause if you have any questions. The applicant's agent, vaughn, rick vaughn, is here, and there's at least one person that has signed up in opposition to the request this evening.

>> Cole: There are several speakers. Let's hear from the applicant. Thank you, greg. Mr. guernsey?

>> Good afternoon, mayor pro tem and council. My name is rick vaughn and I'm representing this case before you this afternoon. I think greg did a real good job of summarizing what's been happening. The one thing I might add is at this time staff has finished their review of the tia and it has been approved and there will be no system improvements with that. Everything is a level c or better, so we're in good shape there. This project is unique in that we have a developer, a builder who wants to do a subchapter e compliant program. In order to do that we need to have the gr-mu zoning. The gr is important for two reasons. Number 1 is the setbacks from wickersham and oltorf. Lr and mf-2 both have a 25-foot set back related to the zoning. And it's also on the subdivision plat. What we'd like to do is do with the gr so that we could get down to the 10-foot set back, move the buildings up and do the proper landscaping and facades to enhance the project. Secondly the far and the lr doesn't allow us to do the project as proposed. This is not speculative zoning, this is actual zoning for a use. You have before you a rendering which a local architect has prepared in conjunction with his preliminary designs. The civil engineering and architectural work is underway right now and probably 75% complete. We're looking at two stories of residential over top of a retail base on the first floor. We've had a lot of interest in this. Some of the people that are looking at moving in, starbucks, my client has worked with starbucks, we're not going to have a drive-through facility. Which it has been pointed out by one of the opposition, the question was raised. There are no loud speakers. There's no 16 hours' worth of drive-in. We have limited the hours of operation to a reasonable amount which is acceptable by the neighborhood associations and the neighbors in monaco. Some of the other people that we're looking at would be a neighborhood grocery facility. And with that we would ask you that we reclarify the planning commission's motion and allow them to go ahead and sell beer and wine only out of the neighborhood grocery. The two stories with 64 units of residential above you can imagine someone is eating dinner and want a glass of wine they can go down and buy a bottle of wine or on a sunday afternoon get a six-pack to drink with the football game. We feel it's a reasonable request. We feel if you look at just now sells beer and wine. So there's not too many grocery stores that don't have the ability to at least sell beer and wine. We're not asking for liquor sales. Never have. We are not asking for a cs-1 zoning. We're sticking with the gr, which will allow this project to be developed in a reasonable and allowable manner. Yes, we know we have to go through the normal development process. The first process of course being zoning, which we're here before you today. Then we know we have subdivision. We're going to vacate and replat. We have site plan, which right now is about 75% designed. We're looking at the water quality and detention, everything is going to be according to the standards set out by the city. There may be a couple of variances we have to --

[buzzer sounds] get, but that's --

>> Cole: Thank you, mr. vaughn.

>> But we will go to the boards and commissions for those variances if needed.

>> Cole: Okay. Thank you.

>> Spelman: Mayor pro tem, just a quick question. You mentioned just a minute ago that you're not proposing any drive-through uses, but I sigh the drive-through uses are not on the prohibited list. Do you mind if we add it on the prohibited list?

>> As far as I know that would be okay. That would be fine.

>> Spelman: Thank you, sir.

>> Cole: Okay. Thank you.

>> You're welcome.

>> Cole: We have signed up to speak mark nutson and donating time to him is maria hearthson, are you here. Donating time to you is maria disand veronica mathias. Veronica, are you here? Maria, are you here? Would you please stand? Thank you. Veronica, are you here? Okay. nutson, you have a total of nine minutes.

>> Thank you very much. The monaco hoa is -- this project was originally a five-acre project that was designed to -- that was never intended to be more than -- never intended to be two, two-acre projects. The phase 2 of the monaco project was never built. The developer went bankrupt back in 1986. We bought it at a bankruptcy auction. Wanted to put something nice in. We were unable to come up with a really good thing that made sense, that made economic feasibility, until we came up with the subchapter e approach. The neighborhood loved it, all the homeowners in monaco like it. We have not -- we do not know of any resistance to this project within our neighborhood by any of the homeowners within our what we do know is that a gentleman by the name of abdul patel and this is on the letter from the monaco hoa, from you guys, has been trying to buy this project from me for a and i think abdul believes that if jim whitliff, can succeed in sinking the zoning that he will then be in a better position to get me to sell to him. He's mistaken. It isn't going to happen. The hoa is not support his uses. They do not want to do what he wants to do. He's the owner of the sunrise market and check cashing places throughout the city of austin and these are not typically attractive neighborhood things that have anything near the quality of what we're doing. I presented to this council a letter in support by the hoa and a letter in support by the neighborhood association, which is the east iltorf -- both of these associations and both of these councils have received copies of all of the negative material that has been generated by whitliff on this property. And their position is it's not applicable. None of it makes any sense. It's smoke and mirrors. whitliff is pointing out patel's objective, which was to originally do various things not anywhere near a subchapter e and he's saying this is illegal, this is illegal, this is illegal. when you do a replat and rezone none of these old things that we put on the old project apply. For example, he was identifying a 36 unit limitation on the previous plat. That was put on the consent by me because that was the number of parkland units, parkland fees that we paid. That was the only reason that limitation was put on there because we prepaid the parkland fees. And when we were filing the final plat he said well, since you only paid for 36 I'd like to limit it to 36. That's okay with me. Okay, when we replat I'm hoping to get a credit for the 36 parkland fees that we paid because now we're planning on doing almost 64 units. Does anybody have any questions.

>> Cole: Councilmember riley.

>> Riley: Yeah, thank you for the presentation. Just one question. I noticed when I look at that side there's an old curb cut and a small paved area in the front of the site.

>> There is.

>> Riley: Was there formerly some use there on the site?

>> What that is is there was formerly an electric connection there and a cable tv connection there. And we'll work with electric and cable tv to move those.

>> Riley: But the property itself has always been vacant.

>> The property has been vacant since -- at least since 1986. I don't know if there was a farm or something on it before that.

>> Riley: Okay. Thanks

>> Cole: Thank you, mr. nutson. jim whitliff. Okay, jim, it is my understanding that maria and veronica actually donated their time to you, is that correct?

>> Yes, ma'am.

>> Cole: Okay. So that means that you will actually have nine minutes to speak also.

>> Thank you. Mayor pro tem and council, my name is jim whitliff. I'd like to start off by saying that I know you have a letter from the hoa president of monaco, rick thompson, some innuendos about me and my involvement and my reason for doing this. nutson just made some statements and innuendos. I'm here to tell you categorically, clearly, abdul patel has not talked to me about this project since the day approximately one year ago knutson said he's not going to sell the project to him. Back in 2009 I did represent patel to try and buy one acre of this property to put a 5200 square foot convenience store on. At that time I had numerous meetings with eroc, the neighborhood association, and with the monaco homeowners. Eroc's position was whatever monaco agrees to we'll probably agree to also. So we had numerous meetings. We crafted an agreement and what I have up on the board here is this is the east riverside oltorf combined neighborhood plan which the council adopted in 2006. I just want to point out to start page 26 of that adopted neighborhood plan, it does state in there that there should be no rezoning for rezoning's sake. First do no ha harm. Any change in zoning should be able to demonstrate the benefit of the change to the community. So my reason for being here is because in 2009 when i was involved we crafted an agreement, it was all in writing, it was all clear. And I understand that agreement has no legal binding impact right now on knutson, but what he's doing right now in my personal opinion is 50-pounds of potatoes in a 10-pound sack. It doesn't fit on this site. And I'm here to tell you, because I've done in the last 30 years my share of hundreds of zoning cases, hundreds of site plans, i think I understand the code, and because of my familiarity with this project, I took a look at it and I was flabbergasted with what I saw. Is a so I went back and

talked to the people that i had met with maybe a dozen times back in 2009, the old hoa president, bryan deemery, some of the residents there, and I asked them if they were aware of this. And they weren't. They were not aware of it. And I did put information together and I did share it with them. My purpose in being here today is only to point out to you, you have the ultimate decision to make, but I want to point out to you that with this rezoning, knutson and vaughn said it will violent two restrictions on the subdivision plat. That's true they can vacate that plat and start over, but I would think that the reason those restrictions was on there was not just housekeeping or accounting to note that he's only paid for 36 parkland units. The city always has a deal where if you have more, you will pay the difference. You will pay for what you use. But I wasn't there in 2001 when the plat restriction was put on, but it was put on, as well as the other plat restriction that says no cuts or fills over four feet. So I'll kind of blast through. Those are the two restrictions there, no cuts and fills over four feet, development limited to 36 units. I will point out on that subdivision plat that's knutson's signature on it, so he knew what he signed there. This is the site plan that they presented at planning commission. It was given to me by the case manager, lee heckman, and then this is the site plan that came out of the traffic impact analysis. It was submitted on DECEMBER 31st, 2012. And as you can see there is a drive-through lane on it. I guess it's water under the bridge since they're going to eliminate the drive-through, but what i want to point out to you is that when I go back and look knutson's old now expired site plan for this property from 2007, this was the slope map that he put in it at that time. And all those gray areas are slopes over 15%. And as it says in the lower left corner here, the city code does state -- let me catch up with myself. Section 258301 that you can't put parking and driveways and slopes over 15%. The areas I've colored in red are simply an overlay from their approved slope map. vaughn said their engineering is 75% complete and he admits they will need some variances. My question is going back to the whole eroc thing of community benefit, is it really a community benefit to approve zoning knowing that it triggers three environmental variances, board of adjustment parking variance and vacation of restricted plat notes? So that's the first issue. The next issue is cuts and fills over four feet. Again, on the subdivision plat it says no fills over four feet. I just did the math. I put this thing together, overlaid it on there tow poe map, and I see three areas there where the fills will be five feet, six feet, seven feet deep. Again, these are environmental variances. This one, the city code does require because they're slopes over 15% they have to do an environmental assessment on the property and part of the environmental assessment is a vegetative report. What 258123 of the code says is vegetation report must demonstrate that the proposed development preserves to the greatest extent practical significant trees and vegetation on the site. Again, this is going back to their 2007 site plan. Here's a list of trees back from 2007. They had -- they had 23 class 1 trees that were eight to 13 inches in diameter. An eight inch persimmon and a couple of eight inch plus cedar trees. 26 Trees, none of them will be preserved with their site plan. Should they be punished for this by not getting zoning? No, but should you know that your zoning triggers the need for these environmental you should know that. This is a page out of their traffic impact analysis. And what it says is they're asking for a 27,625 square foot shopping center, a 3,000 square foot convenience store, 64 residential units. I did the math. That's 238 parking spaces. Their plan has 149 parking spaces and it's already triggering three environmental variances. I can tell you right now there's no room for 89 more parking spaces on this site. vaughn said in his presentation we need gr for the densities. I'm telling you it's 20 pounds of potatoes in a 10-pound sack. And I think that it's too dense for the site. The agreements back in 2007, here's a copy of the agreement that was prepared by then monaco homeowners association president bryan deemery, and he said

we'll support the rezoning that was in place at the time with certain conditions on the attached exhibit a. So those conditions were, as knutson mentioned, building size 152,000 square feet, no personal services, no laundromat, which is on the list now and this there were numerous people back then who said they did not want a laundromat on the site. Maximum of 18 units. Site development limited to 57% impervious cover, they're pushing 80% right now. There was also something about constructing an outdoor plaza and community seating area and limiting the hours of operation until eight to 10. Again, signature at the bottom of this page, this is an agreement to all those mark knutson back in 2007. So I just want to point out that approving this rezoning will bring these people forward to you with their hands in the air saying we need a board of adjustment parking variance for 89 spaces because we don't have enough parking. We need --

[buzzer sounds] we need three environmental variances.

>> Cole: Thank you, mr. whitliff.

>> Thank you for hearing me.

>> Cole: Next we have arsela counts. Speaking against.

>> Afternoon. My name is (indiscernible) koontz. I'm a resident of monaco condominiums. In 2009 the residents of monaco consented after much debate to the rezoning of 2400 wickersham lane with conditions. We limited to

(indiscernible) limited to commercial use and a maximum of 18 residential unions with no more than 57% impervious cover. Additionally they were to be no alcohol sales, no 24 businesses, and this proposed rezoning case breaks all the promises that were made to the residents of monaco condominiums. As far as those things are concerned. What should have been an asset to us is what's proposed now would be a burden to us. We'd have a -- all the trees removed on site to be replaced with 30,000 square feet of commercial property, including -- including what I heard was proposed, a 24 hour convenience store and the sales of alcohol. And this isn't what the -- this isn't what the residents of monaco had agreed to before. We signed the same papers knutson signed, the same papers that whitliff showed just a moment ago. We don't want to trade our trees and our privacy for a commercial dumpster that's going to be placed 40 feet away from our property. And we don't want to handle the overflow of traffic from the no less than 89 parking spaces that they'll be short for this proposed building. And further more, when we were shown the proposal for this, we were told that it would be a one-story building, not a three-story monstrosity next door to us. So I just wanted to say that on behalf of the residents of monaco condo, to please not allow this rezoning. We don't want to -- don't want to impede anybody from doing their business, but we also don't want the quality of our lives infringed upon. Thank you.

>> Cole: Thank you. Jeffrey luna? You will have three minutes. You signed up against.

>> Good afternoon, city councilmembers city councilmembers. Thank you for hearing my comments. My name is jesse luna and i live at 2301 willow creek drive. My home is a few blocks away from oltorf, 2404 wickersham, at the corner of wickersham and oltorf. I'm here to

make one request to you, please follow up the planning commission recommendation on this case and don't allow alcohol sales. At this location as far as the rezoning. I'm a long time resident in this area. The corner of wickersham and east oltorf is

(indiscernible) in all four corners. It would hurt our neighborhood quality of life. As you probably know, we already have serious problems with crime, vagrancy is on the rise in the area. Zoning this property for liquor sales would make a bad situation worse. I have collected almost 100 petition signatures from my concerned neighbors in this area who are opposed to alcohol sales at this location. We have also issued fliers in our neighborhood and received many phone calls and emails from others.

(Indiscernible) not to sell alcohol on this property. The planning commission was based on making this project, now it appears that they're going on and asking you for permission to sell alcohol after all. It's not right and it will be very bad for our neighborhood. I ask you, please, please support the recommendation of the austin planning commission not to allow alcohol sales at 2440 wickersham. Thank you.

>> Cole: Thank you, mr. luna. Okay. The applicant, rick vaughn, do you have a three-minute rebuttal?

>> Thank you, my name is rick vaughn. Let's hit on a few very quickly of the points that were raised. whitliff brought up the fact that the neighborhood association did not want speculative zoning or pie in the sky zoning as he likes to call it. This is not speculative zoning, this is zoning based on a development project. A development project that is not going to take out all the trees. There are some trees -- and like jim was saying, there are some cedar trees and some different trees in there that-- up at the top that will have to come out, but again we'll have to mitigate and replant for those. But it certainly doesn't take out all or even the majority of the trees that are on that site. The bulk of that site, as you saw in the aerial that was on earlier, is clear. So we're not talking about a lot of trees, we're not talking about speculative zoning. Parking, I'm not sure where -- what they're doing is they're looking at a very old site plan. We have a site plan that we can pull up that will show you what we're proposing is to do one level of subsurface parking. So we will have enough parking to sustain the commercial and the residential. Now, you can see on the site plan before you the building going along wickersham and then turning and going down oltorf and you can see parking underneath the building or superimposed. That is additional parking that we're showing for this. We're not trying to do a project that is going to come in and go to the board of adjustment and ask for the world. We're not trying to do that. We're trying to present a project that can comply with subcaptain e and a project that can enhance the values. When you look at the problems that jesse talked about as far as, you know, crime and all of that, this is a vacant lot right now. It has been. With going in and putting in an upscale retail-residential community center --

[buzzer sounds] with a community grocery store --

>> Cole: vaughn, that is the end of your time, but I'm sure you will receive some questions.

>> Okay. If there's any questions i will be glad to answer them.

>> Cole: Okay. Councilmember spelman? Did you have a question?

>> Spelman: That's my name.

>> Cole: I saw you move your mic. I wasn't sure you had a question.

>> Spelman: Thank you. vaughn, I understand -- I think I know the answer to this question. Let me start with the basic question. The staff was recommending lr zoning. You're asking for gr zoning. Am I right in guessing that you want gr zoning because lr zoning is not consistent with the site plan in front of us.

>> That's correct. We need gr because of the set backs. Lr provides for 25-foot setbacks. Gr provides for 10-foot.

>> Okay.

>> To comply with subchapter e and the new development standards we need to pull that building closer and the 10-foot setback under gr will allow that. Likewise the far on this site, for lr, does not allow the development as it's planned.

>> Spelman: What far do you need?

>> I don't have my notes in front of me on the far. I'm not -- I can't tell you what far we have on there right now.

>> Spelman: Any far you need.

>> We do for sure, I don't have the number off the top of my head.

>> Spelman: Anything else that is distinctive between lr and gr that you need gr for?

>> Really that's the gist of it is the development standards as far as set backs, far, the impervious cover we're not exceeding the impervious cover, so that's not a point of contention at all. We are agreeing -- staff had brought up before planning commission that if we go with the gr-mu we could conceivably come in with the mf-4, mf-5 type of density and we've agreed to limit that to mf-3 densities, which is consistent with what's around there. And we're only talking about 64 living units on top of the commercial. We're trying to do a compatible, compliant project here. I know from personal experience, parks department and planning department, on the note for the 36 units, whatever it was, they back in that period of time, they were asking all of us to add notes like that because of what was paid for the parkland. So I don't know.

>> Spelman: You may have noticed I did not aou about that and I was not preparing to. I will ask you one other thing, though, sir. If you build this project you alluded a few moments ago to some variances that you're likely to need. whitliff described what variances he thought you were going to need. I wondered if you could describe that for us a little bit more specifically. What do you think you will need from the board of adjustment in order to build this project?

>> I don't know that we're going to need anything at this point from the board of adjustment. I think again, we're only 75% finished with the design, but we will probably need to go to the environmental board and planning commission on the cut and fill. The four feet.

>> Spelman: Okay. So you will need more than four feet of cut and fill in some parts.

>> It's looking like that, yes.

>> Spelman: Okay. Are you going to need any kind of an adjustment from the tree ordinance?

>> No, because the number of trees that are coming out are not that many and we can mitigate for those.

>> Spelman: Do you have sufficient -- in your view do you have enough parking spaces?

>> Yes.

>> Spelman: whitliff said you were 89 spaces short.

>> I'm not sure that he's taking -- I can't speak for him. I don't know if he's taking into account the subsurface parking or not. I don't know if he's taking into consideration some of the parking credits that you get. And things like that.

>> Spelman: Okay. Thank you, sir.

>> You're welcome.

>> Cole: Any other questions of mr. vaughn? Councilmember morrison?

>> Morrison: A couple of issues that got raised. Number one, you're looking to be able to sell beer and wine at a grocery store?

>> Yes.

>> Morrison: I think gr allows -- I may need some help from staff. Allows restaurants and would allow beer and wine also at restaurants, is that correct? And restaurants are not on the prohibited list?

>> Yes. Food sales in the city of austin, we allow beer and wine sales with that. The city of austin does not actually regulate the type of alcohol that's sold, although we do have zoning that would limit the amount of alcohol that is sold, whether or not it would be liquor, like a liquor store, liquor sales, or just food sales. If you sold more alcohol than food under a zoning regulations right now, you would be classified as liquor sales and would need cs-1 zoning and so they would actually have to come back and refile an application to have that considered. But you can have up to the 50% under food sales and so 's, randall's, the convenience stores in the city all operate under that

>> Morrison: So is this a mechanism to put in a constraint that with this zoning they're only allowed, number one, to sell beer and wine and only in convenience stores?

>> You could limit the alcohol to be only served with food sales. I mean, alcohol to be sold with food sales. I mean, you could contribute restaurants. I don't think that's your intent. But we could not limit the type of alcohol that's sold. So no, you could not create a public restricted covenant or add a co that would say only beer and wine. They could do that with the neighborhood association as part of their agreement, but it's my understanding talking to law and the department in the past that tabc does not allow us to restrict the type of alcohol that may be sold.

>> Morrison: You can't restrict the type of alcohol, but what we have from the neighborhood is we have no objection to beer and wine sales. I think that that's an issue. From the neighborhood grocery so there's two things we can't limit. Is that what you're saying? We can't say if you're going to have a restaurant it can't sell beer and wine.

>> You could probably prohibit the sale of alcohol, period.

[Overlapping speakers].

>> Morrison: Unless it's a private restrictive covenant with the neighborhood?

>> That's right. If they wanted to speak to the type of alcohol that would be sold, we could not enter into a public restriction or co to do that.

>> Morrison: Because this was my understanding it was very specific of what the neighborhood was agreeing to. They thought at first it was no liquor, but now they've said you're interested in beer and wine and they said okay, beer and wine is okay. So I guess I have concerns about that. And I have a feeling knutson might have a comment on that.

>> If I may.

>> Morrison: Yes, please.

>>

>> there's never been any intent to restrict alcohol with food sales so restaurant or that type of thing.

>> Morrison: Although if i may. Let me ask you to be on hold right there. The condition that the planning commission put in, which was prohibiting liquor sales as a primary or accessory use, does that allow liquor sales in restaurants?

>> No. I think they're intent was to prohibit it entirely.

>> Entirely. So I just want to get clear that what came out of the planning commission, the understanding was there would be no -- the fact of the matter is there would be no liquor sales at restaurants. And so I just -- my understanding.

>> It is a principal use, which then would probably be a liquor store or cocktail lounge, neither of which would be allowed or as an accessory use. So I think that might be speaking to the accessory use component.

>> So selling beer and wine or liquor, drinks at all, in a restaurant where more than 50% is liquor sales, is that an accessory use.

>> That could be considered part of the use. Generally when we have a food sales use or a general restaurant, we do not prohibit as part of that use the sale of alcohol.

>> And I'm trying to understand what the condition that the planning commission came up with allowed?

>> As part of their recommendation to you they spoke to it as prohibiting it as an accessory to that. My understanding by what they've read, and I don't know what the intent of each commissioner was when they voted on it, but certainly it was clear that they were trying to prohibit the liquor sales.

>> So if that went through, they would not be able to sell liquor with -- at a restaurant. Okay. --

>> I can speak to that. And that is lee heckman presented this case to planning commission. Unfortunately greg wasn't there that night. What was explained to me in the hallway, and this is how this misunderstanding came up, was lee asked me if i had any objection to off site sales. I said I'm not sure what that means. And he said well, he said that wouldn't prohibit anything with your restaurants, that would -- he said that has nothing to do with that. But would you have any objection to that? And I said I'm thinking to myself, I know what off site utilities are and I have no objection to what somebody else does on other property. We're not going -- we're not doing anything off site. So I said I don't have any objection to off site sales. What I found out the next day was that what they meant to tell me was on-site sales for off site consumption. And so that's what was discussed at the planning commission. The planning commission was actually surprised that i didn't have any problems with off site sales. I didn't find out until after the meeting what that meant. And so I called greg and said, there's been a huge misunderstanding. And I don't know if we can clear this up at city council or go back to planning commission, but our restaurants that we're planning for this site definitely want to be able to have a margarita, definitely want to be able to have a beer, and the convenience store definitely wants to be able to sell beer and wine. I'm totally willing to eliminate any type of liquor store or liquor store sales, but that's as far as it goes. I'm not -- I've never been willing to do anything but that. So we came here to the city council to try to clarify that. If you guys would like us to go back to the planning commission, I'm more than happy to do that.

>> Morrison: I appreciate that because I'm thoroughly confused about who said what and there are several players here.

>> That was my understanding. And so when that was presented, the session was closed at planning commission, I wasn't offered a chance for rebuttal, so i thought I'll sit in my chair and talked to them afterwards and we'll get it squared away. So I actually, I talked to greg and I met with lee and I thought we had this resolved, but the monaco hoa has no -- has no desire to limit beer and wine. Their position is, gee, whiz -- and I don't know why this young lady was not at any of the meetings with the monaco hoa, but she wasn't. But the key here is we're planning on putting in a gate with a code, with a key code, that allows the monaco hoa residents to walk over to our facility, shop, use whatever they need, go to the convenience store, go to the at and t store, go to the insurance store, go to the pizza parlor, do all the things they want to do, and they don't have to get in their car and drive. We're also putting in 64 condo units above this retail. It makes no sense to ask those people to get anywhere to get a six-pack of beer for the u.t. game. They should be able to get in their elevator, go downstairs to the convenience store.

>> Morrison: I get that. I guess I'm concerned about the east riverside-- the erock neighborhood planning contact team was very clear about what they were comfortable with and that is we have no objection to beer and wine sales from the neighborhood grocery during these hours. So they might in fact -- the fact of the matter is what came out of the planning commission disallowed anything. Even the restaurants. And so if in fact they understood that and now they're saying, well, this would be okay, I haven't really heard from them about, you know, the real situation.

>> Councilmember and members of council, this is only ready for first reading. The staff could go back and speak to the contact teams and since I received this just a little before your meeting and ask malcolm yates for clarification on their part if they were speaking to restaurants or just convenience stores and what would be sold or not. I'll also offer that we'll talk with probably tabc and see what the limitations are. As far as I know most grocery stores don't sell hard liquor under their rules and we'll clarify that and bring it back and put it in your support material if you decide to approve this on first reading.

>> Morrison: I have some other questions but I see councilmember spelman reaching for the microphone. If it's on this topic, please go ahead, if I may.

>> Cole: Of course.

>> Spelman: Another way of handling this would be for knutson would be to make a private restrictive covenant with the homeowners that the grocery store would not sell hard liquor.

>> Yeah. There's no intention to let the grocery store sell hard liquor. And tabc actually issues a hard liquor license. There's two versions and i only know that because i used to own convenience stores.

>> But you could at least go back and get a hard liquor license. We couldn't restrict you from doing that. But if you had a private restrictive covenant with the homeowners association, you could do that the.

>> I don't want to have a liquor store on the site. I don't think it's best for the neighborhood. I think the grocery store to be able to serve the community. And I think part of serving community

is selling beer and wine. I want the restaurants to be able to serve the community and I think part of serving the community is being able to give them a margarita with their -- with their dinner.

>> Spelman: I agree. And it may be that this ends up not being an issue with the homeowners association, but if you would ask them and offer them --

>> I'm more than happy to get that clarified with the homeowners association prior to the 31st when we have our final second and third reading.

>> Spelman: Thank you.

>> Cole: I had a question. guernsey, are you -- suggested that we could pass this on first reading and you could do some of the follow-up work and when we come back, were you suggesting that we pass the planning commission recommendation? That's before you. Staff had a slightly different clarification.

>> Cole: Can you tell is how that lays out?

>> It doesn't clarify the alcohol issue, but it speaks to the density issue that vaughn spoke to, the lr-mu district. He's probably closer in compatibility with mf-2 rather than mf-3. The setbacks are different from the front setback being 25 feet versus the 10. The impervious cover limitation, it's 80 versus 90. So there's not a great deal of difference. But I don't think it would affect this project either way. The far is significant. 5 far. So for each square foot of land area you would only get half a square foot of building square footage and I think under this project they are looking for something more than they have, less than one, because they do plan to build three floors of development on this property. So it's a matter of different design. We don't have the site plan in-house yet, so I can't speak to the particulars of that, but based on what i heard this evening and my discussions with the owner, the agent and my staff, their intention is to build something that you saw similar to what you saw this evening, which is to build a three-story building, two floors of residences and retail down below that meets closer to our commercial design standards which run more contrary to maybe what we allow under the current lr district standards as they're written today.

>> Morrison: It would have resulted in a density of about mf 2, is that correct?

>> That's right. And the commission recommended the mf-3. Keeping in mind that all the development in this area were under our current or previous regulations with mf, which pretty much spreads out the units and encourages more open space rather than building up to the street.

>> Right. I notice on the map all the zoning around it is mf-2.

>> That's correct.

>> Morrison: So I'm interested in whether or not what mf 2, if you had a limitation of mf 2 density on this project, what would it do to the project --

>> we would not be able to build it. We were asked to do a -- basically the project -- can you put the photo up again? Hello? Can you put the photo of the project up again? The project was kind of a brainchild of my learning about subchapter e. I've been a huge fan of subchapter e.

>> Morrison: Oh my goodness.

[Laughter]

>> and so many people are not. And I don't understand it. So the long and short of it is when I saw subchapter e i thought this would be perfect for this neighborhood. You cannot build subchapter e in lr zoning. When I first talked to staff and showed them the picture that's in front of you now, they said -- and this was at planning commission. They said gee, this is the first time we've seen this. And I said holy cow! This has been our plan all along. So I asked my consultants, why haven't you shared this picture with staff? So staff's recommendation was lr and so what I have been told today is they're continuing with that recommendation, but they're not opposing gr. And I was like, why can't you just give us a favorable recommendation of a gr?

[Laughter]

>> Morrison: Any comments on that, mr. guernsey?

>> We made a recommendation to look at the compatibility, the density of what's around it. And I think if you take a look at it, you will have circumstances like this in the future where you're going to have older development coming up with the knower type of development that is under subchapter e and there are a lot of things that have passed in the last about six or seven years that we've had that is changed. Parkland dedication rules have changed because now we've been asking for a time of subdivision off now we can require parkland with the site plan. We didn't have the ability for smu or subchapter e to allow buildings to be brought up for because the standards were to set back from street more with commercial land and residential. So you're going have mixtures of these different types of development that come forward. I think going to the mf 3 is far better than what would have been under gr-mu, which would have been mf 4, which would out of character. This is one district up from that. And it is a smaller site. So it's actually probably more compatible than what the original request was when it came in.

>> Morrison: And do you have any sense for the number of units you would be allowed if it was allowed to mf 2 density?

>> All I can say is that when -- when I was presented with doing an mf 3 limitation, I asked our consultants does it let us build this project? And they said yes. And I said then I'm fine with it. If mf 2 doesn't allow us to build this project then I'm not okay with it.

>> Morrison: Okay. I would be interested to know if it did allow to you build it. You're saying you're not even sure.

>> No. I'm saying that I'm sure that mf 3 will and I know that mf 2 won't.

[Overlapping speakers].

>> Morrison: I'm curious about how many units you would have to cut off.

>> I'm not sure, but I know that this concept I think is going to make this whole neighborhood beautiful --

>> Morrison: I get that part. I get that part.

>> I'm really excited about it.

>> Morrison: And my last question is where do you plan to put the dumpsters?

>> The dumpster locations haven't been designed yet, but this is what we have to think about. First of all, I'm one of the monaco condominium owners. I own unit number 414. You may have seen on that previous application where it shows in my handwriting unit 414, the stuff that jim whitliff was putting up. You might have also noticed on that final plat that jim whitliff put up the 36 unit limitation was handwritten by me while I was down at the city --

>> Morrison: If I could interrupt you for a minute. I really just want to know --

>> the dumpsters.

>> Morrison: Since it's going to be basically it's an interesting configuration because it's -- there's condominiums around it. You're sort of fitting yourself in. So I would be interested in seeing if there's some way -- I don't know if you guernsey, in the zoning or if there were a private restrictive covenant to some way ensure that the dumpster placement would be compatible with the existing residential that's already there.

>> I can respond to that because we've talked about it at the hoa.

>> Morrison: Okay. Let me hear from the staff person.

>> The minimum standard in the city of austin is i believe only 20 feet. So whether you have commercial or multi-family, it would back up to a single-family neighborhood, the minimum requirement is 20 feet. I think there was a suggestion when I saw in some of the materials, there was a suggestion of being at least 40 feet away from the property line for the dumpster facility. That was mentioned somewhere I think in what I've seen, i don't know if it was vaughn brought that up or if I saw it from something from rick, but if you want to ensure that the dumpsters meet the standards, you could probably make as a conditional overlay that they would comply with the compatibility standard for a dumpster, which would only be 20 feet, but it sounds like it will probably be a lot more than that.

>> Morrison: And also, are there some dumpster constraints in subchapter e?

>> I think as far as screening --

>> Morrison: Screening, right.

>> You wouldn't necessarily want the dumpster to be in front. I don't think that's the idea here is to put the dumpster in the rear. Both of them would require screening.

>> Morrison: But is this subject to subchapter e?

>> Yes, as far as coming forward with some of these uses.

>> Morrison: But is it -- only certain property in this town is subject to --

>> that's right. But it would be a mixed use project, but it wouldn't be able to be brought forward the way I think he really wants to bring it forward to the street.

>> Morrison: So we could require a screening of dumpsters in a certain district.

>> That's right.

>> Morrison: Did you have something to add to that.

>> In one of the hoa meetings we've talked about dumpsters and retaining walls and things like that. One of the things that the monaco hoa has spent a lot of money is a big fence between them and the property next door. And the reason is because there's an undesirable element in that property. I participated in that, in putting that fence up, and it's been a good thing. One of the things that we've talked about is okay, how do we continue to maintain the security for them and how do we keep everything pretty? Well, first of all, I want everything pretty too because I've got 64 residents up above this and I don't want them looking down into anything that's undesirable. The parking for this is under the building, which is part of the reason why we're going to need more than four foot cut and fills. But that's really the only variance. We are not taking out much in the way of trees at all. Most of the trees that are on this site are down in a drainage area and they're staying there because it's part of our drainage.

>> Okay.

>> Any way real quickly let me talk about dumpsters. On top of this retaining wall we'll have this fence --

>> Cole: knutson, you need to be responding to a question. Councilmember morrison, did you ask a question?

>> Okay.

>> Morrison: I am interested in the possibility if this goes forward of having an overlay that has distance and screening requirements for dumpsters.

>> Yeah. And I'm perfectly happy to work something out that gets the signature of the hoa. They're on board with this.

>> Morrison: Thank you.

>> Cole: Councilmember riley.

>> Riley: Yeah. So I think you were talking about your conversations with the other residents about the dumpsters and you worked something out?

>> We've met at the offices weekly. The hoa has come over to the offices of weekly engineering and we've talked about where the dumpsters would go, we've talked about screening and fencing and dumpsters. We've talked about back access for them coming through the gates so they have access to our community. But they don't want other people to come into our project to have access to their community. So they want a key code on this door. And I've said that's fine too. We're putting in a little -- I'm not going to call it a bike trail, but a hike trail with picnic benches and things so there's a balcony -- there will be an outside balcony for a restaurant use and that balcony will be able to go down into our little greenbelt area. This greenbelt area is very important to me. So the key here is the dumpsters will be screened. I am looking at building a first class project here. Not something where dumpsters are sitting out in the parking lot.

>> Riley: In the support letter we got from the homeowners association, there is a reference to a restrictive covenant. Do you actually have a restrictive covenant drafted?

>> The restrictive covenant that I've already executed regarding hours because they and malcolm yates at the eroc were concerned about hours and I said look, I'm totally on board with hours because the people that are living upstairs, I'm not expecting them to live above a 24 hour anything. So I've already executed a public restrictive covenant with lee heckman and greg guernsey's office, already executed, drafted by your legal department.

>> Riley: It just addresses hours. It only addresses hours.

>> It only addresses the hours.

>> Riley: And the project that you showed with the two levels of residential above the retail, that could work with the planning commission recommendation as long as the prohibition on liquor sales is delete, is that right?

>> The key on liquor sales is -- again, I'm not an expert on this. I only know what was told to me in the hallway.

>> Riley: But that was the only thing in the planning commission recommendation that would not be consistent with the plan --

>> that's the only thing is I want the planning commission recommendation for instore sales to be reversed. Other than that I'm on board with everything the planning commission said.

[One moment, please, for change in captioners]

>> disallowing council member riley accepts that amendment.

>> And that's all on first reading only.

>> This is on first reading only. Any further discussion?

>> Yes.

>> Council member morrison?

>> I'd like to suggest perhaps a friendly amendment. I'm concerned about making it clear that we want to get these issues about sales figured out and that hopefully there would be private restrictive covenants put in place, and so I fully understand that there's been a lot of confusion. So my druthers, which I'd like to suggest, is we pass the planning commission recommendation as is with direction to ask staff to work with the applicant and the neighborhoods to come back with a proposal of how to actually impose whatever restrictions it is everybody thought they were adopting.

>> Council member riley? we have a letter from the homeowners association signed by the board president that says -- even says -- has this part underlined "we do support beer and wine sales for the planned naibt community grocery start neighborhood grocery store in the covenant. It says at the end please request this only for request --

>> I'm sorry?

>> We've had a hearing loud and clear from the homeowners association that they don't have a problem with the proposed liquor sales, and so I think -- i think just deleting that prohibition would be a lot closer to the preference that we've heard from the hoa than the planning commission recommendation would be. That's why they took the trouble to put a paragraph in there explaining that.

>> Council member morrison has offered an amendment to council member riley, which was not friendly. Council member morrison would like stof further discussion. yes, please, and I'm just concerned about a complete prohibition means okay, and actually if we remove that line in the planning commission, it actually is going to allow liquor sales in restaurants, and so we're just assuming that that's all right with them too. And that's what concerns me. right, and this is on first reading only, and so if for some reason they object to people having a margarita in the restaurant that are going to be here, I'm sure we'll hear that before second reading. that's fine, and I just want to make sure that, greg, if you can be sure to do outreach to all the neighbors and the neighborhood planning contact team.

>> We'll contact monica -- monica, the homeowners association and the east riverside/oltorf combined neighborhood contact team. and in addition it appears there are some homeowners --

let's -- some folks that are part of the monaco that haven't been part of the discussions that might have a different point of view, so if we could make sure we get to hear from them.

>> I know that the lady that was here, was from monaco, get her name and also contact her before -- we have a motion and a second on the floor. The motion is to adopt the planning commission recommendation without the alcohol prohibition. All those in favor -- mayor pro tem, excuse me. do you have a question, council member morrison? yeah, I wanted to address the issue of dumpsters. It sounds like with this land they're absolutely planning to be very compatible, but since this is zoning a piece of land and not adopting a particular site plan, I'd like to suggest that we incorporate some kind of limitation and compatibility requirement for dumpsters with regard to screening and distance from other residents.

>> Council member morrison makes a potential friendly amendment to council member riley. Council member riley. we dumpsters are addressed in subchapter e and we've heard from the applicant he has every intention of adhering to subchapter e so I don't know we would need to go above and beyond that in zoning --

>> maybe I just misunderstood from mr. guernsey. So screening and distance requirements are already part of what the zoning would be with no special overlay?

>> There would be some -- if you want to be sure that there is absolutely no -- regardless of what development may occur in the future, a step back or accept back for the dumpster you can specify that now. You could certainly do that at second and third reading although if there is a concern that comes up, i think -- I think the applicant maybe has had agreed to something even larger than what the minimum requirement would be -- but I'm concerned it might be tied to a particular plan, and you're saying as long as it's mixed use, it's subject to subchapter e. Is that correct?

>> Guernsey: right. It could come back, there may be a develop, it could be subject, and if you want to provide the minimum compatibility setback for whatever that use might be and for whatever time, you could specify that. That would only be 20 feet, though. We would typically require in a compatibility standard.

>> What I would like to offer up, if this helps you, I'm more than happy to offer up some type of agreement with the monaco hoa. They want this project as much as I do. They think it's going to really, really elevate values in the area, it's going to really elevate the neighborhood. It's going to offer a lot of additional security. One of the things I've indicated to them, because of the limited hours, we're going to try to gate our 00 at night the entrances close. If there's somebody in the store or restaurant that needs to leave, then there will be an electric eye that opens the gates from the back side, but from the front side the only people that will be able to get into our parking lot are going to be residents that live there that have key cards. So they really like that. So with the idea of this, we can -- we can make the dumpsters something that goes on to the agreements that we work with them so that they -- so that they like what we're doing. They're going to have to endorse our plan anyway. so you're saying that you can put in -- somehow at this stage of the game in your agreement with them you'll put in some kind of commitment --

>> something about dumpsters, right. okay, thank you. we have a motion and a second. All those in favor say aye.

>> Aye.

>> Aye. Opposed say no. The motion passes on a vote of 6-0. Now, council, we will go to item no. 88. Is mr. sadowsky here? There he is.

>> Good afternoon, mayor pro tem, council member steve sadowsky with historic office planning and reare you department. We have this afternoon the sellstrom house at 2617 pecos street. This case comes to you on the recommendation for historic zoning from staff and the landmark commission, but the planning commission voted to -- to recommend against historic zoning. The house was built in 1961 albert and eleanor sellstrom. sellstrom was a professor of french and italian at the university of texas, served as the chair of the department for over six years and very recently retired. He and his wife are still alive and they recently sold the house. The current applicant bought the house and intends to demolish it if it does not get landmark designation. The house was designed by leonard lundgren, who is the firm of lundgren and moore, a very prominent firm here in austin. Leonard lundgren was a local boy, born in del valle, went to ut, established his architectural practice here in austin. Ed moore was his partner, graduated from ut a year after leonard lundgren did and they stayed in business together until the mid-70s when the businesses all -- leonard lundgren continued his practice on his own. lundgren just died last year. His -- lundgren was a world-famous architect based here in austin, and I say that with a little bit of gravity because he was the first austin architect to have buildings throughout the world, especially in the western hemisphere. I want to take you on a little tour of this house. This house is an excellent and intact be example of mid century modern architecture, which thrived in the 1950s and early 1960s. It's known for several things. It's very low slung architecture. It's usually built into the side of a hill. We'll see another one of lundgren's houses in this presentation. It shares a very similar setting as this one does, and it was known -- or the style of architecture was known for incorporating traditionally outdoor elements inside. So it had a -- these houses had a lot of glass, they had a lot of interior stone. They were very organic compositions, and you can see how much different this house is from the bungalows and the cottages of the 1930s and '40s that preceded it. This was a vast change in architectural aesthetics and one that lundgren was a masser of it. In fact, he won the 1954 merit award, for one of his designs, the pike house at ut. This house sits up on a rise and it also incorporates some of the different aesthetics of mid century modern. Mid century architects were not concerned with traditional forms and styles and therefore they included different types of -- or different ways of incorporating forms and styles into this architecture. So you can see the deck railing here. It's been suggested that these are stylized longhorns sellstrom's association with the university of texas, but you can see the exterior stone, the round arched doorways, framed with stained glass. There's another view of the railing of the deck, a view of the side of the house, so you can see how horizontal this composition is, again, a hallmark of the style. It uses stone and wood in different formations, so it was really a vast change from the architectural designs and styles that preceded it. Going inside you can see how much stone was used on the inside. This house is a really -- a gem of architecture with the arches and the niches carved out of the stone, the extensive use of glass. Look how much light is let into this house, as opposed to the houses of the '20s, '30s and '40s where windows were more functional in opening but did not allow as

much light into the house because of climate control. The original plans for this house are at the austin history center, so it is easy to tell that this house remains 100% intact. When I spoke with sellstrom in november he said that the only thing they added to this house was the pool in the back and a small out building for the pool. So you can see the house looks exactly the way the plans were designed by lundgren's firm. Looking at some other houses that were designed by lundgren and moore, the first is the lochte residents on foot hill drive and lundgren and moore had a number of houses that were built in the bal con he's drive, foot hill drive area, this is 1952 so predates sellstrom handout by 9 years. You can see the very low slung house, very horizontal composition. The zidel residence in taylor is landfilled in historical places. Built in 1963. Notice the horizontal composition of the house. Fuller residence on bonner terrace in south austin, 1955. The cook residence in 1956. Couldn't get a closer photograph of this, but you can see that its setting is very similar to the sellstrom's house and that it's set up on a hill. It has a lot of native stone and large expanses of glass. Here's a medical clinic that lundgren designed in 1957 at 17th and nueces. Again, a lot of the stone you can see looking down the side of the building how much glass there is in this building, again, a radical departure from what preceded it. The hague residence on spring lane is a year older than the sellstrom house and it carries a very similar design. It's not as intact as the sellstrom house. All the windows in this house have been replaced. But again, you can see the very deep eaves, the low slung composition and the ornamental porch railing. Lundgren and moore went on to be world famous for their holiday inn designs, and the very first round holiday inn in the world was built here in austin, texas in 1967. At the time it was built it was the tallest masonry building in the world. Lundgren went on to design holiday inns throughout the western hemisphere is. Here's one in san diego, the one in acapulco and at the bottom is the one in panama city panama. The one in long beach, california is probably closest to the one here in austin, but again, you can see the signature design for holiday inns that they propounded throughout the world. The firm also designed the adams extract building, which was on south i-35 before it was demolished about ten years ago. This also won an award for mid-century modern design, and you can see all the elements of design in this building. At the bottom is the pike house at ut, which won the aia's outstanding merit award in 1954. That is still standing. That concludes my presentation. sellstrom, as I said, was a prominent professor at ut. The house is associated with him but also with leonard lundgren. All of leonard lundgren's design were here in austin except for the zidell house. His designs were throughout the country and the western hemisphere and he was the first austin architect to have a presence outside of the city. Council members, I'm not harboring illusions about which way this case is going but I do want to make a plea for continuing our thinking about -- preservation thinking. 30 Years ago nobody had a second thought about bungalows in this city. Now people pay top dollar to pay to living in a bungalow in austin. If we had dismissed -- if we dismissed mid-century modern design like we dismissed bungalows 35 years ago, think of how much different our city would be now and how far of our historic character we would have lost. Preservation is an ongoing tool to preserve the heritage of our city. So much of our housing stock here in austin, so many of our neighborhoods are post-world war ii. We are going to see more houses that were built after world war ii, and we need to keep an open mind when we an extraordinary one, a special one, like the sellstrom house designed by a world famous architect, we need to take a second look at that and consider alternatives, or ask the applicant to consider alternatives to demolition. thank you, mr. sadowsky. We'll hear from the applicant, or we also have speakers. Bennett? Ma'am, why are you up here as bennett bennett?

>> Mayor pro tem, our primary speaker this evening on this case is karen crump, and with your permission if she could go first.

>> Cole: yes, that's fine.

>> Okay.

>> Cole: hello, karen.

>> Thank you, mr. bennett. Mayor pro tem, the honorable members of council, good afternoon. Thank you for your time today. I am here on behalf of ashley amini who is it is the owner of the property and is the family member of which you see as the owner of the home. That is a family trust-owned property. We are here in opposition to the zoning of this property as -- and in requesting that the council follow the recommendation of city planning. Thank you.

>> We were -- karen, hold on one second here. bennett, did you donate your time to karen? And if --

>> if necessary.

>> Cole: okay, if necessary. And if ashley amini is here -- she is here? Were you donating your time to karen?

>> [Inaudible]

>> cole: that's fine. I just wasn't here when you -- okay. Go ahead, karen.

>> Thank you. I don't expect to take all the time. This should be brief. Thank you. We are here to request a no vote on this -- this item, and it is for -- not because we clearly understand and respect the need to preserve the historic nature of our mid-century architecture, but this is not the house. This house has dangerous conditions that I'll refer to in a moment. It's a house that cannot be remodeled and it's a house that is energy inefficient. It is a house that the neighbors surrounding the home have come fully in support of demolition because of the safety concerns of this home and the egress of the driveway, the inherent danger of this driveway opec os much the -- on pecos. The plan is to rebuild the home in a design that is consistent with the neighborhood that will preserve the trees and that will, in fact, conform to the lovely nature of the enabled. I briefly want to go over the history of this house, just to give you a little bit of background information. amini closed on the property in june of 2012. In august she filed a demolition permit after discovering that there were problems so extensive that she would be unable to fix them with either trying to change the driveway or fix some of the drainage problems. The city inspector originally agreed to the permit but the historic landmark commission pulled it from the agenda. In november the historic landmark commission voted in amin I's wishes to zone it historic to prevent demolition and last month the city and planning commission voted against having it be historic. This property doesn't mean the criteria for historic zoning. While we mean exactly no disparagement of lundgren, who was a phenomenal architect, not even the holiday

inn that was referred to is actually designated as a historic landmark. There are many homes that would --

>> cole: thank you, karen. bennett, would you like to donate your time? You have an additional three minutes.

>> Thank you. Thank you, mayor pro tem. The cook property, which you saw, is a perfect example of properly stacked stone. This house, the -- the railings that you saw are not up to code. In fact, there is more than 12 inches of space between the rails, causing -- and providing a hazardous condition to the -- for a child to fall through. It doesn't mean minimum height requirements. The windows are made of one-eighth pane and are energy inefficient. The stacked walk work which is referred to -- not the same that was mid-century modern. The house is not visible from the road. There are actually dense trees that will be preserved after demolition that -- so there's actually no community value in that you can't see the architecture that they're trying to preserve. Most importantly, there are serious safety concerns. The driveway is extremely dangerous. You must back out of the driveway and right across the street is reed park. The house cannot be remodeled because of the positioning on the property. It's actually so close to the other property line that you couldn't even move the driveway in order -- with -- where the location of the house is right now in order to fix that egress problem. The neighborhood supports demolition and I'll go through that. Carlos salve rin I states the position of the driveway creates a hazard to anyone walking opec os or to reed park across the street. It's frequently used by children. Ben bailey, the adjacent property owner, I believe if this is demolished and redeveloped I believe she can correct the access, eliminating the public access issue. Another person says the house is run down. It has little to no architectural value to our neighborhood or the city of austin. There's no reason it should be granted historic status. Patty and john seoul,s currently a rundown eyesore. No historic value that warrants special treatment or protection. The driveway is dangerous to the owner of the home and those walking along pecos. Michael leave I've states the fact that a vehicle can't back out -- almost totally blind is scary. And martha states it seems only -- to eliminate the public safety concern through demolition and redevelopment. Stewart bernstein states, we oppose the zoning. They would be better served with a new house rather than the old property. We don't want to establish a precedent of establishing historic preservation homes against the will of the homeowners. She purchased this with this intention and she was initially given a green light to do that so she could build a green home that is consistent with the neighborhood that does not have the safety concerns as the existing property. We respectfully ask that you vote no on this issue, although it is clearly an important issue to preserve mid-century architecture, not with this house.

>> Cole: thank you. Ms. ashley amini?

>> Hi, I'm ashley amini. Thank you for taking the time to hear me today. I think that karen pretty much covered most everything, but the one thing I wanted to add is that I have been in contact with lisa lundgren klein, who is the doctor of leonard lundgren and we've been emailing and she told me that she thought if her father were still alive, that he would be on board with my opposition to the historic zoning of this house, which I thought was interesting and significant, but mostly I'm here today to answer any questions you all might have about the property or any of the issues that karen brought up.

>> Cole: thank you. We'll call you back up if we have any further questions.

>> Thank you. that is the end of our speakers. Is there any questions, comments, discussion, colleagues? Council member morrison has a question for mr. sadowsky. steve, I really appreciate your comments. Well, I always appreciate your comments, but especially at the end of your -- of the things that you told us today, highlighting the fact that we really need to think historically and understand that what we think about as history sort of evolves as we all age and as things move along, and the fact of the matter is that mid-century, you know, things from the '50s are -- do have a very meaningful place in the architectural history of our city. So -- but that's just something -- that's an idea that's only now sort of taking hold, and I think in the preservation community, I'm not speaking specifically of austin, but over all, and if you read preservation magazine and all of that, you start seeing a lot of the '50s things. So I'm thinking that, you know, there's a lot of education that needs to go on in our community, and i think -- I mean, I was thinking, wow, what if those bungalow houses actually, in those neighborhoods before they started getting decimated, had gotten that idea and we had local historic districts in place, and, you know, I wonder if there was actually some sort of proactive work that might go on to help us, you know, just overall in terms of having people appreciate the historic nature of their neighborhoods and maybe people before they start to get decimated, would want to put local historic districts in place. Do you know, can you speak to that at all? Do we have some of that going on? I know there's a heightened awareness that's certainly growing.

>> There is. There is, and unfortunately outside of the -- what we really consider as the historic neighborhoods, that awareness falls off dramatically, areas like tarrytown. We've seen a massive change in tarrytown since it was built in the '40s. Because there's not the appreciation there that there is in an area like enfield or travis -- like enfield or travis heights or hyde park that have older house, that really have a sense of history. We have been working with the heritage society to offer workshops for neighborhoods who are interested in developing local historic district designation and nomination, and there is plenty more that can be done. We get -- we attend -- can I stop you right there? Are there any sort of '50s neighborhoods that have started learning about local historic districts?

>> No. that might be an interesting thing to do. In fact, I'm making a note to myself to call happy harris right now.

[Laughter] tomorrow, because he's very involved in the heritage society and he's been president, maybe still is -- heritage society, and maybe still is of the west austin neighborhood group, because I think that's exactly the place to start, is to actually reach out and say start thinking proactively.

>> Definitely. We'll accept any help can get.

>> Morrison: great.

>> I do want to add, too, though, that our office has been -- one of the services that we provide is that when a perspective homeowner, a realtor or a developer is thinking about buying a property with the intent of demolishing the house that's there, so many of them call us and say, does this

house have any historic merit? Because especially a realtor can then tell a client who's thinking about scraping a house, this may not be the house for you because this will go to the landmark commission. There will be a city review of your proposal. So if you're thinking about scraping it, you might want to either consider another plan for the house or consider another house to buy that maybe doesn't have historical significant. So I just want to put that out there for more developers, more realtors, more prospective homeowners. We are here to help you and provide you with the information that we can so that you can make an informed decision about the property that you buy.

>> Cole: thank you, steve. Council member tovo. very quick question for you, steve. I really appreciate a lot of your comments as well, including the last ones. Am I right in thinking that a home, if a structure is 50 years or older, a demolition permit needs a city review? Is that right?

>> Yes, that is correct. Actually if it is -- if the structure is over 40 years old and it's total demolition, we review it.

>> Tovo: 40 years. Well, I think it's --

>> but our standard for landmarking a property is 50 toaf to have I think it's very important the work you're doing to -- init's important if a property owner buys it, they don't have a right to demolish it, that we have in our city-stated this is a community value we share of preserving structures, and so it always makes me nervous when we have these conversations about people who have purchased it and didn't realize there would be a city review. So thank you very much for the work that you're doing with our real estate community.

>> Thank you. council member martinez. yeah, steve, i want to thank you for the work you've done on this case. The level of community of planning commission recommendation, which would be a denial, but I would like to consider some way of lundgren, maybe at the holiday inn, which is really his significant work, in my opinion. I realize the significance that you're trying to convince us of in regards to the bungalow, but I think his most significant work could also be recognized in some other fashion, so I'm happy to work with you on that. I don't want to zone the holiday inn historic and abate all the taxes,.

[Laughter] but I think we can certainly already acknowledge his work and his legacy he's left here and around the world. So I'll move planning commission recommendation. we have a motion to adopt the planning commission recommendation. I'll second that motion and point out that this is a historic zoning case, and that I support the planning commission recommendation mostly out of the safety concerns and also the concerns about taking the property off the tax rolls, still appreciating the need for preservation that council member morrison and council member tovo have so he will gantly pointed elegantly pointed out. There's a motion and second on the floor. All in favor say aye.

>> Aye.

>> Those opposed say no. That vote passes 5-1 with council member -- 5-0. Passes 5-0 with spelman off the dais. Council, we will now go to our 4:00 zoning items. Mr. guernsey, are you ready?

>> I'd like to offer a few items for postponement, 00 public hearings, possible action. Items 90, 91, 92, 93, 94, 95, and these involve the east riverside corridor zoning district adopting a regulating plan and the various cases, 91 being -- 90 being that item, 91 base npa-2012-0021.02. 92 Being npa-2012-0005.04. 93 Being c14-2012-011 1-a. 94 Being c14-20111 b and item the 5, c14-2012-0112. And staff would request a postponement of these items respectfully to march 7.

>> Cole: march 7?

>> Uh-huh. In addition staff would also request a postponement of item no. 96. 96 is an item that relates to the university neighborhood overlay relating to affordable housing regulations. It's my understanding our neighborhood housing and community development office and the stakeholders that have been involved are all in agreement to postpone that particular item to your february 28 meeting. That's item no. 96.

>> Cole: okay. We have two items. The first one is item 90 through 95, being offered and recommended by staff for postponement to march 7. Can I entertain a motion? I would -- I'd like to make a motion that we postpone to february 28, as I mentioned before, i think we all realized finally at the end of our discussion that we had our public hearing for november 8 so I think they've already had two months and it's time to really wrap this up.

>> I'll second that motion with the caveat that obviously we'll want it back on february 28, but that does give us the option on the 28th to go ahead and add a little more time to march 7 if there's a compelling reason. So I will support the motion. great, thank u. And I would like to mention that a lot of our discussion on tuesday at the work session about this postponement was about how we really need to not do it in march, so I hope that folks will -- because things get so busy, so I hope folks will really buckle down and try to get through the issues. I'll just add that I think it's important that staff get its work done right, even though it's been a long time, and so we can of course do exactly what council member martinez said, extend the time in february if that becomes necessary. So I will be supporting the motion. Council member spelman? I have to ask you, greg, in view of the fact that we -- we said we didn't want to do this in march, you're recommending 28. I wonder if there's a reason for it.

>> He talked to some of the stakeholders that were involved with the discussions. We only saw one-week difference between those two. It's still before the break and sxsw, so that's why we suggested that day. what's the practice value of that one week?

>> I don't know all the details. I didn't talk to all the different parties. I know jerry had spoken to some of them in more detail and might be able to offer more detail.

>> Council, jerry rusthoven. I spoke to one of the parties involved, myers, and I learned when I was talking with her about the 28th versus the original april 11 date. She told me they had scheduled a meeting on february 28, that they needed something just after february 28. So when I

said it looked like april 11 was going to happen I suggested march 7 and she said that was okay so that's how we came up with the march 7. stakeholder meeting, could you describe for us who the stakeholders would be who would be attending this particular meeting? myers to come up and address that.

>> Is ms. myers here? Oh.

>> Mayor pro tem, when we were working through the schedule in a meeting earlier this week, we talked about how we could effectively move forward with the staff. So there's a group, for example, that's meeting some aspects that are problematic to them on monday, the 21st, this coming monday. There is another meeting, i believe, scheduled on the 28th of january, and then another meeting after that, and then we had thought that we could perhaps have a lunch stakeholder meeting on the 28th, thinking that we were going to april to have a bigger, more public meeting with concrete suggestions and concrete language for people to react to. It is not intended to be limited to any particular group of stakeholders. It was intended that it would be open.

>> This is a regular group of stakeholders that have been meeting on a regular basis for several months, then?

>> I think there's -- there have been -- we've had several stakeholders that have been meeting and have met with various -- well, i think every member of the council or their staff since the public hearing in november. While council member morrison is correct, it's been several months, some of that time was holiday time. Some of it, it's not easy to get scheduled, and so it takes some time to get on people's schedule. But we've been working. We've met with erica leaks several time, we've met with sue edwards. So it's not that we've not been working on the issues. The general consensus was that we needed -- as the information became more well-known to the commercial property owners on east riverside, that there seemed to be more issues than i certainly was aware of. So we're just trying to work through those, meet your goals and try to come up with a win-win situation. I think, myers, you can do a reality check for me. I think there's a widespread perspective that the only live issue is the drive-throughs. Is there more than that to talk about?

>> Yes, sir.

>> Spelman: okay. Thanks. myers, some of your testimony. Would you give us some ideas of some of those other issues that need to be worked out?

>> Well, I have been working with the director of resource recovery, universal recycling ordinance for the last three years, about recycling and things, so I've gotten to know him fairly well, and there are some prohibitions -- provisions in the east riverside plan that talk about single dumpster, where it's supposed to be, when things can be picked up. And so I asked bob, because I know that the highlander street typically picks up during the hours that are prohibited by the plant because of safety reasons and traffic reasons and access reasons. So I asked bob, because it's not the same as was in the master plan you did if something had changed, because obviously my clients, the drive-throughs, they're concerned about those kinds of issues too because of their parking lots. Lots. And he told me that he didn't think that -- he had not seen it and that he

believed his staff hadn't really reviewed it yet and had some issues with those provisions, which really have nothing to do with drive-throughs. well, let me ask you this. The march 7 date that staff recommended, had the stakeholders agreed to that? Are they more comfortable with that date or --

>> I think we're more comfortable with time so that we can get on people's calendars and have meetings, and so that everybody is heard, but I want to be clear, there are more people in the stakeholder group than the drive-through restaurants, if that's what you're asking me. There's a lot more people in the stakeholder groups than the drive-through restaurants. Pharmacies, the banks, gas stations, the auto uses, that's the -- there were some urban planners. It was a fairly mixed group that met on monday, which was, I think, about 25 to 30 people that met monday.

>> Cole: okay. Thank you. Thank you, ms. myers. Council member tovo, do you have a question? I don't have a question, I just have a comment of I appreciate the motion and the second. I think I talked quite a bit about it on tuesday why i thought it was appropriate to move forward so I don't need to reiterate. I want to ask staff between now and the time it comes back to us if this motion is successful in february, that you make sure that the other stakeholders who have been involved know about this ongoing work. My concern as I expressed on tuesday is that we've had hundreds of people active in the riverside -- east riverside corridor planning over the last four-plus years, and this -- the concerns that have come up right now ought to be addressed in that same kind of very open public forum as has been characteristic of the earlier planning processes. So if you can please make sure that some of the other stakeholders know that this additional work is going on so they have an opportunity to participate and comment as well. And I will be supporting the motion for february 28.

>> Cole: okay. I believe that I am going to withdraw my motion, which was a motion made by council member martinez for february the 28th and let --

>> morrison: my motion.

>> Cole: was it your motion? Okay. So I do not second that motion. I will not be supporting the february 28 date. I will support the staff recommendation, march the 7. So we have a motion and a second on the floor. All those in favor say aye.

>> Aye.

>> Cole: no.

>> No. chris, did you vote no? That motion dies on a vote of 3-3.

>> Riley: I'll try this. I move we postpone till march -- is it march 7?

>> Cole: march 7, yes.

>> Spelman: second. we have a motion and a second on the floor. All those in favor say aye.

>> Aye.

>> Cole: aye.

>> That motion passes on a vote of 6-0 with no one voting no. Thank you. Now, council, we will move to item no. 96.

>> Mayor pro tem and 96, staff is requesting postponement 96 to february 28. My understanding that the stakeholders involved with this amendment and our neighborhood housing and community development office, and we are all in agreement to delay this for postponement to february 28. 96 has been moved for approval to postponement for february 28 and a second heard. All those in favor say aye.

>> Aye.

>> Opposed assist no? Passes 6-0. 97, conduct a public hearing and consider an ordinance authorizing a floodplain variance.

>> Mayor pro tem, I move to postpone until january 31. Is that accurate? Jerry, I believe -- year, did you ask for a postponement on item no. 97? Did you request that?

>> [Inaudible]

>> spelman: there you go.

>> Actually had to do with -- let's go ahead -- we have a motion to 97 to -- i thought -- jerry, did -- we did it -- we couldn't because it had to be taken up at 4:00. yeah, we need to do it now. Okay. Do I hear a second?

>> Yeah.

>> On 31 january. to january 31, item 97, seconded by council member morrison. All those in favor say aye.

>> Aye. those opposed say no, that item passes 6-0.

>> Item no. 98.

>> It's a change in parkland, which is a chapter 26 hearing. The park is hemphill park. There is no mitigation for this particular piece. Austin water utility, which will be repairing a wastewater line, will also as part of their mitigation repair rock walls and some concrete that need some work, so there's not actually any mitigation on this peels. The legal fact finding is there is no other reasonable and prudent alternative to the taking of the dedicated parkland, which includes all planning to minimize harm to the park.

>> Cole: any questions? Council member tovo?

>> [Inaudible] moves approval, seconded by council member martinez. Any questions or discussion? Council member spelman? will the wastewater line be visible to somebody walking in the park?

>> I don't know the answer to that question. I believe the work they're doing for the harm is to remove all that harm to the visibility. But I could follow back up with you in respect to that. I'm virtually certain the answer is no. That's why I asked the questio

>> I thought it was no too but I was -- we have a motion and second on no. 98. All those in favor say aye.

>> Aye.

>> Aye.

>> Cole: opposed say no. The motion passes on a vote of 6-0. Item no. 99.

>> Thank you.

>> Cole: thank you, jenny.

>> Mayor pro tem and council, james she northward, chief of -- austin county medical service. Item 99 is to conduct a public hearing regarding the application submitted by american medical response of to renew a nonemergency transfer chanch under chapter 10-2 of city code and approve the franchise agreement on first reading. American medical response of texas has held a franchise with the city of austin since 1996 and on october 25, 2012, austin/travis county ems received an application from american medical response requesting a renewal of the franchise for another five years. All requirement -- required application elements have been submitted and the application fee has been paid in full. On november the 14th, 2012 the austin/travis county ems advisory board recommended approval of the franchise renewal for a five-year term on a vote of 7-0, with one member abstaining, and that is part of the approval process for this transfer franchise. American medical response has proven over the past 16 years that they can provide satisfactory service to the austin community and staff is recommending the approval of this franchise for a five-year term on first reading.

>> Cole: thank you. Any questions, comments? Council member martinez moves approval of item 99, seconded by council member tovo. All those in favor say aye.

>> Aye.

>> Aye. all those opposed say nay. That motion passes on a vote of 6-0. Council, we have concluded all of our business before us today. We have live music and proclamations, but I will make a motion to adjourn the meeting without objection, and those who have to attend live music and proclamations can. Thank you for your help today, guy on pecos opeck

>> cole: am I on? I don't think I'm on. Oh, I am on? Okay. Are you all ready? Yeah? Okay. May I have your attention please? Joining us today is fidler, singer and songwriter carrie rodriguez. She captured the public's attention a decade ago performing with singer songwriter chip taylor, and has established an impressive roster of touring, recording and co-writing affiliations, with lucinda williams, ricky lee jones, john prien, mary goper, guitar eyes bill fry zel and others. She made her solo album debut in 2006 with seven angels on a bicycle and enjoyed major label support for 2008, she ain't me. The release of her fourth album give me all of you was a giant step for rodriguez. She wrote, co-wrote and handpicked the songs from the repertoire of long-time collaborators. Town send, the automatic biographical album was recorded by her band and recorded by town send. He is known for work with billie joe phelps, cricket steel. Capture the band is live in the studio. The energy of the band is central to this album, he says. Please help me welcome carrie rodriguez.

[Cheers and applause]

[♪♪ music playing ♪♪]

[cheers and applause]

>> thank you. That's luke jason.

[Cheers and applause]

>> okay. We have a few questions for you. Do you have a web site?

>> I do. It is carrie rodriguez.com.

>> That's hard to remember.

>> Uh-huh.

[Laughter]

>> where are you playing next?

>> Well, I've got a new record coming out tuesday, as we mentioned, and we'll kick off the cd release with 00 tuesday, and you can also hear us on johnny's program on kutx, friday night, the 25th, we're playing at the state side theater, which is right next door to the paramount theater, show starts at #k. where can we purchase your music?

>> You can head down to your local record store, waterloo records and buy one there. You can also purchase it on-line through my web site, itunes.

>> Cole: great, thank you.

>> Thank you. Thanks you all. Appreciate it.

[Applause] 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 where our music scene thrives bow austin audience 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 live music capital, do hereby proclaim january 17, 2013 as carrie rodriguez day.

[Cheers and applause]

>> good evening, my name is council member kathie tovo and it's my gresh great pleasure and privilege to jane dunn sibley down to the podium along with several of her collaborators. I'll tell you a little bit about her. She will be the recipient of our distinguished service award. As many of you gathered here sibley has been a leader of the austin arts and historical groups for 50 years, and her accomplishments are so numerous, they're really too numerous to detail here today. So I'm just going to briefly outline a couple and then we have a few other speakers who are also going to tell you a little bit more about her. So when I moved to austin -- sibley -- more than 20 years ago, one of the first music venues i went to was not on sixth street or in the campus but was on symphony square. It is, as many of you know, a magical place in the middle of our downtown where you can -- in its outdoor stone amphitheater experience not just fine music but really the beautiful natural setting along waller creek. Wednesdays during the summer months are particularly fun because during those times symphony square celebrates children art park day, and invites the children of austin to come and participate in storytelling, music, arts and all kinds of festivities, and for blocks around symphony square the excitement is just palpable and you can hear children laughing and just delightedly looking forward to that event. And the fact that symphony square exists and does so on a site in the middle of our downtown along waller creek has everything to do with the energy, devotion and sheer will that jane sibley brought to the task of saving those buildings from destruction and revitalizing what had been a blighted area of our central city, and I encourage all of you somewhere around, there is a video that details some of that project and it's really a fascinating discussion about how that project came to be and the enormous task sibley and others took on when they decided to create that place for all of austin. And here in city hall we need only look across lady bird lake to see another substantial contribution jane sibley has made to our city, in collaboration with several of those of you gathered here today, jane sibley helped craft a vision and raised the funds necessary to establish a state-of-the-art concert hall that allows austinites and visitors to our city to enjoy some of the finest dancers, musicians, artists and other performers. So on behalf of the entire city council it's my pleasure to read the following distinguished service award. For 50 years of amazing service and outstanding contributions to the austin arts community, jane sibley is deserving of public acclaim and recognition. Laguna gloria art museum, the austin symphony and the texas historical commission have all benefited from her leader leadership and financial acumen. She is out responsible, informed, thoughtful, open to new interest, creative and dedicated, jane sibley helped move austin from a small town with no history of art philanthropy to a city which boasts the recently born long center for the performing arts paid for almost entirely by private donations. As president of the austin symphony board for 40 years, she kept the organization afloat during its lean years a then enabled it to flourish. We especially thank her for the lovely historic symphony square complex and orchestra of quality musicians. We are truly indebted to the strong, capable independent woman for making so many positive changes to the arts

landscape in our city. The certificate is presented in acknowledgment and appreciation thereof this 17th day of january in the year 2013, by the austin city council, and it's signed by the mayor and all of the council members. So thank you so very much.

[Applause] and now I'd like to meredith powell up to the podium and also bootell, who are going to say a few words and then we'll hear some thoughts from our honoree.

>> I am so honored to be standing next to you and have the opportunity to just talk about a few of your contributions have that made such an incredible difference, not only the organization that I'm the director of but also this community, the executive director of art alliance which is founded as art giltsdz of the fine arts association and in 1963, when you took on the responsibility to help a friend run the kids area at laguna gloria for fiesta, I'm sure he did not know the next year you would be asked to be chair and that year you had absolutely changed the course of the future of this organization. sibley was very committed to creating a committee structure that would really organize how the volunteers got together so that it was very efficient, very informed and also social and fun all at the same time. That committee infrastructure now consists of 22 committees and more than 50 volunteers that meet on a monthly and weekly basis to produce the festival today. So thank you for that contribution. In addition, that year was the first year that the festival actually made money. It made \$10,000, and so it was a festival that was, you know, raising a thousand here and losing a thousand there. sibley made a commitment and wanted to see this happen that we would make money off of this stuff, not only scr have a good time. Since then the festival has committed millions of thrars that were reinvested into the grounds of laguna gloria as well as making a million-dollar economic impact to the city of austin. So thank you for that as well. On a more fun note, the cast cascarones made a contribution, and while it's not fun to clean up what an amazing tradition. Hopefully we can bring that back one day. And a final note, when we sibley in 2006 it marked our 50th anniversary, one of the questions was, what would you say the sales pitch to somebody who wants to get involved in the arts in austin? And what she said was, bring your checkbook. So thank you so much.

[Laughter] for everything that you did and what was one year of service as a festival chair to fiesta has be changed the community's cultural structure. Thank you very much.

[Applause]

>> hi, jane, and congratulations. I'm paul butell, the managing director at the long center for the performing arts, and delighted to be here today, and we've got some board members who are here today as well, and jamie grant, our executive director would have lo to have been here but he's in new york attending an arts conference right now. And I've had the privilege of knowing jane for the 30 years that I've been working as an arts administrator in austin. I think I've been at four different gigs during that course of that time, and jane has been at one -- well, she's done a lot, obviously, but I've known her through the symphony, through 30 of those 50 -- 40 years, pardon me, and that's just -- she has created a legacy that few, if any in this city will ever again equal. So surely everybody in this room knows jane as one of THE LEGENDARY THREE Js. The other two being jerry smith from the ballet austin board, jo anne christian, from the austin lyric opera board. THE THREE Js WHO WERE THE Motivating factor, the tireless dreamer and workers

who worked over a decade to bring the long center dream to fruition. Jane knew, as did jerry and joann, that the future success of the symphony as well as the ballet and the opera, depended upon a new first-class performance home. And that austin also needed a new performing home for the dozens -- hundreds of burgeoning artists and arts organizations that are coming up in the city and needed first class space to help them pursue their dreams of excellence. And I'm proud to say, jane, that we think the long center is fulfilling that dream. Our halls were in use this past year for almost 300 nights each, for the rollins theater and the dell hall, serving hundreds of austin artists, and in our annual -- our annual attendance is now approaching 300,000, so that's truly remarkable, and for that we thank you, jane, for all that you have done and all that you've helped, and jerry and joann, and everybody here in this room, I think have made possible for the future. So thank you.

[Applause]

>> of course I think all these things are very true.

[Laughter] but I will say this. All along the way I have had fun, fun, fun, and my association with all the people I have were friends, we started out friends and we're still friends, which sometimes is difficult, and my secret to success for laguna gloria, fiesta, was somebody suggested we put -- that we salt the popcorn heavily and put it next to the beer.

[Laughter] I've never forgotten that, because that worked.

[Laughter] and as far as long's is concerned, we fib alley decided we weren't going to plan the details of the long center. We disifd what we wanted were fine accuse ticks i can -- acoustics and plenty of ladies rooms. And I said, we got them. Si think that's success. And the symphony has -- i have jeannie smith, who's my sidekick or -- she's more than that, at symphony square, and she's keeping the ball rolling, and racetrack properly located. You know, we talk about the arts and here we are doing grease traps. Grease traps are properly located. That's part of it. But anyway, as I said, it's all been fun and I have had a wonderful time and I want to thank the council. I think you're doing a darn good job, and when you don't I will tell you.

[Laughter]

[applause]

>> I'd like to invite many who's gathered here who would like to come participate in a photograph to come on down. Thanks. okay, phobe, we just have one more proclamation to do is we're going to go ahead and do that, if you don't mind. Just one more proclamation be left. Okay. I think we're ready to move on to the last proclamation now. I'm council member chris riley and it's my privilege to be able to present the last proclamation tonight, which recognizes walkability week here in austin. You know, we recently passed the austin -- the imagine austin comprehensive plan, which envisions a more compact and connected city. One important aspect of being compact and connected is improving the walkability of our city. There's a lot of interest in walkability around the world these days. It comes on the part of all kinds of folks, a lot of younger folks are interested in reducing their dependence on cars. A lot of older folks also have

an interest in walkability, and that's especially important here in austin where within the next 15 years about 20% of our population will be 65 or older, and as we age the for safe and healthy transportation options grows exponentially as we get more of an interest in leading independent lives without necessarily having to drive everywhere. So walkability is on everybody's mind and it really is not just about transportation, it's about -- it's about creating great places. Not just downtown but all over the city. It's about creating places that invite you to take a pleasant stroll and that allow you to do so safely. So it's exciting time to be focusing on this issue and it's particularly exciting here if austin to be able to host two of the leading experts on walkability here next week, so we're claiming the week walkability week in honor of these two speakers who are coming to down to address walkability and to bring attention to a lot of the work that's going on and help us figure out what we need to focus on going forward. First, next wednesday, january 23, the one and only dan burden will be here at bass lecture hall at lbj from 4:00 to 6:00 p.m. He's coming for oorpt oorpt and aarp, and tonight we have jessica lehman from the aarp and I'm going to ask her to say a few words about that event. I'll say I've had the chance to meet dan burden before. He is a really wonderful speaker. He's known for giving these walking tours where he points out what to do and what not to do if you're trying to create a good walking environment and he's respected around the country, certainly and in many parts of the world, as a very -- as leading authority on the issue of walkability. And then the very next night another exciting event from he will endunham jones will be at first evangelical free church, 2230 monterey oaks boulevard. That's on thursday, january 24. She is visiting thanks to the city compact and connected speaker series and also sponsorships from the austin board of realtors, and the real estate council of austin. Her talk is entitled retrofitting suburb spaces in the lively places, creating neighborhoods and districts we love. We have here tonight laura touns from cnu -- central texas, and I'm going to ask her to say a word. We also have staff here who have been involved in that speaker series and I want to acknowledge them and thank them for all the work they're doing in putting together that tremendous series to help us actually make progress on this aspect of our comprehensive plan. And in addition I couldn't talk about walkability out acknowledging the efforts of capital metro. Capital metro has been doing a lot to make austin a more walkable place. The leadership and staff at cap metro understand that transit and walkability go hand in hand. Every transit trip begins and ends with a walk, and the transit system itself can help make the city more compact and connected for all. So capital metro has undertaken an ambitious five-year plan to make all of its bus stops accessible, which is not that common for every major -- any major city, currently 30% of the bus stops are not ada accessible. Most are the hard ones and yet capital metro is committed to getting all of them accessible by the end of 2017 so it's tremendous work they've been doing to improve the connectivity of the city for everyone. And we have with us lucy galbraith from capital metro so I'll ask her to say a word. First let me read the proclamation, which is why we're here in the first place, to recognize the -- this exciting week. It's on the official proclamation paper, and it says, be it known that whereas a walkable city as envisioned by the imagine austin plan is important to all austinites, and whereas older citizens rely on safe walkable streets to remain independent and active, and whereas walkability is a key aspect of good transit, and whereas walkability isn't just a downtown idea, it's a city-wide goal. Now, therefore, i, lee leffingwell, mayor of the city of austin tech, do hereby proclaim january 20, to 26th, 2013 as walkability week. And I'll present a copy of that proclamation to each of our guests tonight and ask them to say a few words. Jessica, do you want to start off?

>> Thank you so much. As a staff member of aarp what we know about our membership, which begins at age 50, is that while they're incredibly diverse group of people, one universal principle that most of them adhere to is that they want to stay in their homes. They want to age in place in their own communities, and that is not possible if, you know, the resources that they need are not accessible. They need to be able to get to their doctor, to get to the pharmacist, to get to their friends and family and not be isolated in their home. And so walkability is a huge issue for us and something that's so important. I'm so glad to hear your comments about cap metro because absolutely they're going to need -- as you age you're going to need to take public transit when you can't -- you know, when you have to hang up the keys, which at some point many of us have to do, and you have to be able to get to public transit and walk. So, you know, to work together and to know that those two go hand in hand are so incredibly important. So we're so excited to have dan burton come next week, january 23, at bass lecture hall to talk about how what we can do here in austin to make that a reality. So thank you so much.

[Applause]

>> thanks, jessica. And lara touns from congressman organism.

>> I'm happy to be here today as a representative of the board of central texas chapter of the congress for new urbanism, and of course we're a national organization that supports good planning, you know, sustainable cities, connected neighborhoods. So of course walkability is a major part of that, as are all the options of mobility that we need as a city to be able to have options to get around. So we're really happy that this is happening. We're real excited about the year ahead for austin as we go into seeing our comp plan come into place, and of course a major goal of that plan is connecting and being able to walk and being able to have options to get around to where we want to go in our city. So we're really happy to be a sponsor of the speakers that are coming in week, and appreciate this proclamation. So thank you.

[Applause] thanks, lara, and finally lara al grate.

>> So I should t b stops accessible. All transit trips start with what we call the first and last mile or first and last hundred yards or whatever, and walking is one of the best ways to access transit. We also have of course bike access and car access and mode access, but we're really happy to have walkability that increases our ridership, and it isn't just for the people over 50. Accessibility turns out to be handy for a lot of people. If you've ever pushed a stroller or carried something heavy you've probably appreciated having those accessible features. We think of it as access for everybody, and we're really very proud to be part of this panel and look forward to walkability week in austin. Thank you.

[Applause] . ecl)