

City Council Meeting Transcript - 1/31/2013

>> Good morning, I'm austin mayor lee leffingwell, we will begin with the invocation from thomas spencer from interfaith action. Please rise.

>> Good morning mayor and councilmembers, thank you for the honor of being here this morning, thank you for the hard work that you do for our community. Let's take a moment just to quiet our hearts. Unknowable one, known by us all, we gather this morning in a place that is a symbol of our community and of the hopes and struggles that define in our lives. May those of us who come to this place be reminded of our responsibilities. Not just our rights. Help us to recognize our interdependence, not just our individual desires. Free us from the arrogance that assumes that only our proposals are worthy of merit and the pessimism that doubts all others. Keep us mindful of our limits, but encourage us always to follow the still, small voice that calls us to justice. Help us to remember that while the issues that are discussed here are frequently exhausting, if not exhausting, they are essential because this is the place we come

-- so in the spirit of people dependent on one another, blessed by the countless gifts of creation, nurtured by the sacrifices of our forebearers, we ask finally for grateful hearts as we take up the work of our community and our hope. Amen.

>> A quorum is present so I'll call this regular meeting of the austin city council to order on january 31st, 2013 AT 10:06 A.M., Meeting in the council chambers, austin city hall, 301 west second street, austin, texas. Changes and corrections, let me get the paperwork as we go here, changes and corrections to today's agenda

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[15:33:37]

-- sorry for the delay. The changes and corrections to today's agenda are as follows: Item no.4 is postponed indefinitely. Item no.6 is withdrawn. For item 7 and 24, add the phrase "recommended by the electric utility commission." For item 8, add the phrase "not recommended by the electric utility commission." For item 16, postponed until FEBRUARY 14th, 2013. Item 20 add the phrase "recommended by the austin airport advisory commissioner." Items 33, 45 and 47 are withdrawn. Noting that items 56 through 60, this is an error in the agenda, it was previously set for a 6:00 p.M. Time certain on this date on the 17th of this year. Our time certain items for today are at 10:30, two briefings, project connect regional transit update and a briefing on concepts for the rainy street improvements. At 12:00 noon we'll have our general citizens communication. At 2:00, we will take up our zoning matters. At 4:00, public hearings. At 5:30, live music and proclamations. The musician for today is what made milwaukee famous. The consent agenda for today's 1 through 39, the following items have been pulled off the consent agenda. The following items were pulled off the consent agenda. Item no.9 is pulled by councilmember tovo. Items 17, 18 and 28 are pulled for executive session. Item 29 is pulled by councilmembers morrison and tovo, there will be a request that it be set for a 4:00 p.M. Time certain, but that will be a discussion today. We'll hear that item right after the consent agenda for comments by councilmember spelman. Then we'll discuss the time certain. Item no.30 is pulled by councilmember riley. Item 32, pulled by councilmember morrison. Items 27 and 29 are pulled for executive session. That is the consent agenda for today. So I will entertain a motion on the consent agenda.

[15:36:34]

>> Move approval.

>> Councilmember martinez moves approval. Councilmember spelman seconds. We have several speakers who are signed up to speak on the consent agenda. First is clay defoe. Clay defoe. Scott johnson? Scott johnson? will McCloud?

>> Good morning, councilmembers. Mayor. MY NAME IS will McCloud. The other people can't make it today unfortunately. Mr. Defoe is not here. I wish he was. But number 26 is what i really want to talk about. This happens to do with the extending a local agreement with lone star rail district. I just found this on youtube. [Video playing] [indiscernible].

>> Over here on the candidate's forum back last year, laura presley and councilmember martinez. Councilmember martinez said that on this that he was going to let this go to the voters. This isn't going to the voters. It's about rail, right? About urban rail, right? I think we know the obvious answer here is to vote no.

>> Mayor Leffingwell: That is not about urban rail.

>> Well, it's about lone star rail district. But you do have

-- don't you have something on the agenda about urban rail?

>> Mayor Leffingwell: No.

>> All right. But still it's a waste of money. It's \$200,000 for a total agreement in the amount not to exceed \$550,000 for project connect. We have sidewalks that need to be built. I tried to talk to the city clerk this morning to sign up for citizens communication and I had to call back three times because she couldn't hear me because I was muffled and i was muffled because I had to walk up a steep hill which, you know, again road improvements, street improvements, bus improvements are more better than building a rail line. And this other issue about metz elementary and spending money for the city of buda, you know, there's only so much money we can spend. I mean, and then

-- what's going to happen when we go bankrupt? Because we can. And we shouldn't. Our

-- our

-- the state of financial affairs in this country is sadly dwindling. And I'm always here to represent the taxpayers. Those

-- those housing people that need their rent to be affordable, you want to tackle affordable housing, let's cut spending. Cut spending. Please. Don't spend money we don't have on unnecessary services. This is unnecessary. There are other ways to move austin. Capital metro has done a poor job of public transportation and I'm working to abolish it with capmetro.Net. Thank you.

[15:40:12]

>> Mayor Leffingwell: Those are all of the speakers that we have on the consent agenda. Motion on the table? All in favor say aye.

>> Aye.

>> Opposed say no? Passes on a vote of 7-0. Now I'll recognize councilmember spelman for comments on item 29. Thank you, mayor, item 29 i understand some councilmembers have asked that item no.29 be postponed until 4:00. It has become clear to me over the last 24 hours that most councilmembers are not going to be in support of this, so I'm going to withdraw the item but there are a number of things before we withdraw it. First thing, the first thing is a misconception to what this task force is going to do. If any of you have taken a look at the land development code, last time I looked it was two, maybe longer, three ring binders by yay thick. Hundreds and hundreds of pages of very dense legalese. We are not going to ask 11 volunteers

meeting at most two

-- through a two or three hours a week to go through hundreds and hundreds of pages of our land development code and rewrite it from scratch. That doesn't make any sense. It's going to be rewritten as it should be by city staff with the assistance of legal and planning consultants, people who are paid to spend 40 hours a week, we might in fact have something like 11 people working 40 hours a week going through that line of code to come up with something that's better. It's going to be professional. It complaint be amateur. I'm not suggesting people appointed to this committee by me or anybody else are amateurs, they are professionals but they don't have the time and they are certainly not going to get paid to be able to go through something of that complexity. Certainly not to come back with a result any time soon. Their job is to come up with opinions ... The usual rule is that you appoint all stakeholders to the stakeholder pss because you want all stakeholders to have a chance to voi their opinion. Everybody who is affected by the land development code should have an opportunity to talk about changes in the land development code. But they are not going to do the rewrite, they are just offering their opinion. Same point that I want to make is that because this is

-- this is something we've done many, many times before and we haven't really had a big fight about it. I'm very surprised that for some reason lobbyists became such a big issue in this particular case. When we rewrote the sand ordinance we asked bar owners to come in and rewrite the sound ordinance ... The bar owners helped us figure out how to solve our common problem of too much sound coming out of bars. We developed the
[15:43:03]

[indiscernible] ordinance we asked builders to help us figure out our common problem about houses starting to dominate neighborhoods and getting to be too big. How can we do this in such a way that everybody is going to be okay with it. Same thing is true when we're talking about something as massive as the land development code, in anything more important lking about a project as massive as this. As I mentioned a couple of days ago, when you design a plane you ask a pilot, you also ask a flight attendant, mechanic and passengers if we're smart. We are doing all of that, we're all going to be in at that table. I think it's only appropriate that we ask some pilots to show up as well. In particular because there's no important difference between in this case the pilots and everybody else, lobbyists and everybody else who is already going to be sitting at that table. Yes, lobbyists are paid to be an important part of the development process. Developers get paid for being an important part of the development process, what lobbyists do is assemble sites and entitlements, sell it to somebody else, that's what they get paid to it. It's a financial transaction, that's a perfectly reasonable thing for them to be working on. Architects get paid for designing building, engineers get paid for designing systems to keep buildings up and to keep them working. You have a large community of people who are vitally affected by the development

-- of the land development code who all get paid to do this. I don't see any qualitatively different between how lobbyists get paid and how developers and architects and engineers and everybody else associated with the development business gets paid. I also don't see a qualitative difference between how they get paid and most of the rest of us get paid. I get paid because I bought a h no a relatively small amount amount of money, appreciated in value because my neighborhood is a desirable place to live and when I finally sell that house I hope many years from now it will be worth a whole heck of a lot more, made a whole bunch money out of the deal. I'm not saying that to be flippant. For most americans who own homes that home is their most important financial

asset. One of the reasons why people are so excited about the land development code is because we're talking about an enormous amount of their money. That's appropriate, good thing, for people to get excited about the quality of their neighborhood life and the value of their most important financial asset. But let's not lose sight of the fact that we are talking about a financial transaction at least to some extent. This is a lot of money to a lot of people. That's why it has to be done right. That's one of the reason why I think everybody needs to be at the table to help us do it right. I guess my final point is that we're all in this together. The

-- the pilot, the mechanic, the flight attendant, the developer, the builder, architect, engineer, the development lobbyist and all of us who make use of all of those buildings that are created are all in this together. We're not just talking here about the latest agent smith who looks just like every other agent smith to come out of the law offices of british petroleum. Not talking about people convicted of violent crime, or foxes who guard hen houses and presumably eat hens. There are no victims here. We live in houses assisted by development lobbyists. We are all one big family, maybe not a family that gets along all of the time. If you think about the kind of rhetoric that's been applied to this problem in the last 48 hours, I think it's wildly different from the situation that we actually experience every day. This is not about agent smith. This is about mikhail, this is about alice, this is about michelle, both michelles, this is about jeff, this is about steve, this is about david and richard and most of you know exactly who I'm talking about. I don't need to use last names because these are people that you are all familiar with. I guess my biggest point is when you talk about development lobbyists you are talking about very specific people. And you are also talking about the if accident that it's not just a

-- about the fact that it's not just an inare unnamed class, mish she would robertson lynch, who I would have appointed knows a lot about this code, I think extremely fair minded I think has been vilified at least by extension, the same with a lot of other people whose first names I mentioned have been vilified in the last 48 hours. We don't need to let the kind of washington rhetoric that has stopped congress from being able to accomplish anything for the last couple of years to affect us, too. We know these people. These can be friends of ours, at least people we can work with on a day-to-day basis and we can simmer down that rhetoric and try to all get together and talk about a real problem. In a stakeholder process, you want to include all of the stakeholders not just the ones that you line. I'm not a great politician but I know in governing a great city you have to listen to everybody. I think we're not going to be listening to everybody in as good of a way as we should in this transaction. Nevertheless I will succumb to inevitable and withdraw this item, mayor?

[15:47:45]

>> Mayor Leffingwell: Okay. So councilmember is withdrawing item no.7. 29.

>> Mayor Leffingwell: Excuse me, 29. We will go to item 27 next. Item 27 previously stated we're going to hear it in executive session. Those issues have bee resolved. These are no, ma'am nations nation

-- nominations for board and commissioners on waivers, to the commission on immigrant affairs [indiscernible] is mayor leffingwell's nomination, housing authority to the city of austin, isaac robinson is mayor leffingwell's normal nation. To the land development code advisory group, jim duncan is councilmember morrison's nomination. Will herring, mayorieffingwell's nomination. Steve oliver, councilmember riley's nomination, ryan rice, reese, councilmember martinez's nomination, and chris bradford, councilmember cole's nomination. Waivers request to approve a waiver of the attendanc requirement of section 2-1-26 of the city code, for the service of marla

camp on the sustainable food policy board, the waiver includes absences through today's date.

>> Tovo

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>> Mayor Leffingwell: Councilmember tovo's nominee is jeff jack. I will entertain a notion approval?

>> Spelman: Mayor? In a moment I'll move approval, but I want to let everyone know that I will not have an appointment to the land development code advisory group. The person that I had intended to appoint is no longer eligible because of the decision we made a couple of weeks ago. That would have been michelle rogerson lynch. I would also like to mention that had she been appointed today would have been the only woman on this group so I would like to have another couple of weeks to come up with a woman so we can actually have some diversity on this advisory group.

[15:50:00]

>> Mayor Leffingwell: Your motion is for approval. Is there a second? I'll second. All in favor say aye.

>> Aye.

>> Opposed say no? Passes on a vote of 7-0. Let's go to item no.9, which was pulled by councilmember tovo. We do have two speakers on that if you want to hear the speakers first. Clay defoe. will McCloud.

>> Well, again, we have wasteful spending, professional service agreement between the city of austin and troublemaker studios to create a pilot program that will establish a creative industry incubator [indiscernible] for media industry and authorize funding for the program in the amount of \$200,000 for a one-year term with two extension options. My father is a small business owner. He has his own business. He's had his own business for over a decade. He's never gotten corporate welfare from the city of san antonio and never gotten corporate welfare for the city of austin. This

-- you know, it's

-- [indiscernible] media industry, if they are struggling they are though the working too hard because it's all about advertising. I'm a website owner, I know how to advertise. Prints business cards very cheap. Why are we giving \$200,000 to promote a film and digital media industry? That's the question. When it can go to other uses. That's a new bus. That's new

-- new sidewalk cleaning. The drag stinks. We could wash downtown sidewalks. We can wash the drag sidewalks so they don't smell. That's \$200,000 right there. But we're going to spend it on an industry that obviously I believe they are not working hard enough. To have to come over here, to ask you council and to beg you for money. Because I want my handout, too. Where do I sign up?

[15:52:45]

>> Mayor Leffingwell: Those are all of the speakers that we have, councilmember tovo?

>> Tovo: I have a couple of questions for staff about this item. Sounds like a very interesting initiative and [indiscernible] for pursuing it. I wonder if you could tell us a little bit more about the process that you use to select troublemarry

-- troublemaker studios and what their obligations will be with working with other organizations here in our town.

>> Thank you, kevin johns director of economic growth. Professional service agreements are

exempt from bidding. The reason we selected troublemaker studios is as a result of the review of the study commissioned by the council on the impact of the creative industries on the economy of austin during

-- during 2005 to 2010. If you will recall, the results were that the economy of that sector, the creatives grew 25% during the recession. It now is

-- as of 2010 was \$4.3 billions, 49,000 people were employed and \$71 million worth of tax generated. The recommendations that came out of

-- that came out of that and the findings were pretty consistent and so this is an effort to try and respond to those. The reason we selected troublemaker studios was because they're local, they're the preeminent filmmaker in austin. They have generated several hundreds of millions of dollars of international, national films. They've degreed over a billion dollar

-- they've grossed over a billion dollars worth of revenues and we have asked them if they would implement a pilot project, if they would implement the incubator on our behalf because they are in a position to

-- to commercialize all of our local creative businesses, our artists, our musicians, our digital effects people, all of the companies that are looking for a way to get their work on air, this allows us to do that. So

-- so we've followed the process of doing a professional service contract, similar to what we've done with the incubators at the university. This is

-- this is

-- the template is the austin technology incubator at the university. In terms of the performance measures, we think that we've been very creative in the sense that we are

-- we are guaranteed in this pilot that a major motion picture will be made in austin every year. If you will recall from the

-- from the

-- just

-- i think the general knowledge, you know, that the study showed that we are at a distinct disadvantage for

-- for making movies in austin, making television programming in austin as a result of the incentives from other states. They just incentivize us a lot more. Plus there's complications at the state level as well. So we can't match head to head those films. We can't incentivize \$10 million to have a film made here like they can in louisiana. Our strategy is by using troublemaker studios and their skill set to anchor the incubator and to grow it and are guaranteed at least one major film here every year, which is a film of at least \$5 million. They are required to generate at least 130 jobs. Plus within 60 days they put a business plan together to work with all of the local stakeholders. We have a representative from the film commission here which fully endorses the project and we hope to grow the industry substantially in that plan, it will allow

-- it will require that films and television shows and tv commercials that are also made at trouble maker, not necessarily but troublemaker, but by other people using the studios would also use our local musicians, artists, digital people. The request here today is a follow-up to the study that you asked for, kind of a hybrid of economic development which is job creation and film, but also the growing, the technology and the local creative businesses around a really strong anchor. We're asking to negotiate the contract, the jobs, the film, the plan, a minority hiring component, a pipeline to

-- to the schools and to the universities are all a piece of this. We haven't finalized it yet, but we do have kevin dart from troublemaker studios who is here today, too. But I'm glad that you are

asking it. We're real proud of this. We really think this has potential for return on investment for the creative industry.

[15:57:59]

>> Tovo: I think it's unusual because we are putting a substantial amount of money into it but don't really know the materials of the agreement. When you compare it to larger deals, we usually have an agreement in front of us with clear economic measures, other partners involved so I mean I appreciate the additional context. I guess what I'm most interested in, since it sounds as if they will be doing some work, it's not clear to me how much of this is currently

-- within the work they do, creating internships for students, working with U.T. Other things of that sort. I guess that I really want assurance that they are going to be working with some of the other partners in our community who are already doing this. I think because we have a professional service agreement that was not open, so it was not an opportunity that was open to everybody, it was something that was designed with Troublemaker Studios in mind, you know, we have other organizations in town that are doing some of this work. I want to be sure they'll have an opportunity to be involved in it. One that sprang to my mind was Austin Film School. I had a meeting with their director recently and learned more about the opportunities they do with students here in our community. I would love to see an organization like that be part of this initiative. So how are you going to assure that some of the smaller organizations that are also working and have been working in this community for a very long and have certainly contributed to Austin developing its creative wonderful creative class and opportunities here, how are you going to ensure that they are not left out of this process?

>> We have a great deal of respect for our shareholders. Austin Film School I visited there, they do a great job. Our cultural arts division currently funds them at \$57,000 a year. The Austin Film Society is currently funded. I think at \$160,000 a year. % so we're not leaving anybody out. What we're doing is proposing a pilot project and given

-- giving ourselves a year to try to figure out how to put those players in place. So that they can grow, so that they can get the clients that they have. For example, the Austin Film School, as you know, has multiple small businesses within their walls and our hope is they would then get business on the major motion pictures that are made. As you know, Troublemaker Studios is also in the television business, so there's the potential that we will be measuring, setting performance measures for the role of our local businesses in those television shows. In Austin, in commercials, we are in the process of negotiating that. However, we do have a commitment for at least one major motion picture, for work on the television programming, we don't have an amount because they haven't launched it yet for commercials, again we haven't pinned it down, because we don't know what that really looks like. In terms of the

-- owe money in terms of the wide exclusive plan that you are working for in the creative larger

-- fully incorporated into the incubator. One of the models is something out of New York that is maybe familiar to you called Made in New York. The New Media Center. And it is

-- it is a public/private partnership where all of the arts advertising, television, anybody who tells stories and wants to communicate it, has a

-- has a

-- an incubator kind of a lab where they can collaborate together. So our goal is not to do the New York situation directly, but to try to grow this cluster industry, which carried us through the recession, in some kind of meaningful way according to the two recommendations in the

-- in the study. I've asked for, we will include in the contract that there will be quarterly reports,

there will be an annual report to the art commission, to the film commission and to the city council. The city council presentation would be on the order of how you see isaac barkus come here and present their finding for the year and give you feedback. We will monitor it very closely. The primary stakeholder is the austin film society. Simply because of the premises and because they are a lar non-profit immediately adjacent to them. I don't want to belabor the point, but we are very extensive to trying to be inclusive and making the whole industry grow, create businesses for austin, for all of the organizations that contribute to a storytelling, film, creativity. We have a minimum requirement of 130 jobs. We hope to surpass that. I hope thatness as your question.

[16:03:05]

>> Tovo: I have a couple of quick ones, you mentioned the austin film society and austin film school both refer funding from the city but are those cultural arts contracts?

>> Yes, they are.

>> Tovo: That's a different contract, open call, everybody got to apply, those were awarded based on a jury. There is a little bit of a difference here.

>> Absolutely.

>> I want to be sure we are acknowledging this is a different process.

>> I'm just indicating that we respect them, we like the work that they're doing, since we're financially supporting them, of course we want them to grow and receive more money and pars in it in the commercialization that we hope to get out of this. I didn't mean it was the same process.

>> Thank you for that additional explanation. It does sound collaboration will be part of the expectation. But I just want to verify that. Collaboration with some of our other organizations here in town will be part of the expectation, will be part of the agreement that you execute with them.

>> Absolutely. That's critical to its success.

>> Good. And then lastly, what is the economic reserve fund? Is that strictly within economic growth and redevelopment.

>> That is the fund that we use for apple. That is the fund we use for ebay. Since this is a hybrid, this is both an economic development project where the company is required to create a certain number of jobs, this one has certain minority requirements, as well as an incubator. It is -- it is a logical source of funds that we don't have to find additional dollars for those.

>> Great, so there is no fiscal impact on this year's budget. It really is great, I look forward to learning more about [indiscernible] in new york, which

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>> thank you, very exciting.

>> Provided inspirational elements. I'm certainly happy to hear from the representative from troublemaker studios if he or she wants to add anything.

>> This is kevin dart. I like his name.

[16:05:10]

>> Thank you, council woman, thank you, council, we are at troublemaker are very excited to work at the city and to increase the creative media in austin. The city came to us with the idea and we love the idea to open our doors wider to the community, have more community involvement in troublemaker and our movie making process. It's an exciting opportunity. My

understanding is we will work in the negotiations on the contract, get the milestones in there and move forward. So.

>> Tovo: Well, thank you for being here today and of course thank you for being in our community and all of the good work you do.

>> Thank you.

>> Mayor Leffingwell: Councilmember morrin?

>> Morrison: Thank you. I just have one question, i don't know if mr. Dart or mr. Johns wants to answer it. I noticed in the backup you were talking about doing internship program with u.T.

Through their rtf program. It occurred to me, i understand this is just a pilot program. It occurred to me that a.C.C. Also has an rtf program and, you know, i think especially if we're making sure that we get the different skill levels, being able to take opportunities

-- take an opportunity to engage in this opportunity I wonder if you've contemplated either now or in the future if it grows, incorporating the a.C.C. Folks in the program.

>> In my mind it's always been just colleges in the central texas area in general, u.T. Obviously biggest, but also a.C.C. We've had interns from texas state university. So it's

-- definitely a.C.C. Would be part of it.

>> Morrison: That's going to be part of like the pilot program or part of the expansion? You are thinking right now it would be anybody, not just at u.T.?

>> We'll work out the details and we'll include a.C.C. If it's not

-- you know, in the next six months, we will certainly include it in year two. But we'll work it out. I think that it's a great opportunity.

[16:07:13]

>> Morrison: Great. Okay, thank you.

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: For that matter i hope you'll consider houston tillotson, too. I like the way you're approaching it as central texas universities, generally. With that I will move approval.

>> Councilmember tovo moves approval, seconded by councilmember thomas. Discussion? All in favor aaye.

>> Opposed no. Passes on a vote of 7-0. We will go to our first morning briefing, which is project connect's regional transit update.

>> My name is robert spiller. Director of the transportation department. This morning for my presentation, I have also invited two of our partner in the regional transit process, todd [indiscernible] from capital metro, as well as joe black from lone star rail district. They will be assisting in this presentation, hopefully demonstrating one of the key things that we want to show to you is that we really have been operating as a successful partnership for some time. Engaging in this regional transit discussion. Not by ourselves as we've been asked by citizens, but with our two other transit interested parties here and along with campo, of course the capital metro planning organization. What I want to talk to you today is how this plan helps us achieve a compact and connected community as we move forward, talk to perhaps something that some of you know about is the evolving regional transit plan that is being brought up from the grassroots in this community, including all of the activities that our three organizations have done. I want to talk to you about pursuing a exact and connected oriented solution, we will show you what we've been doing as a region in partnership with our other transportation providers to reach that vision of connected and compact. Talk about certainly unveil the proposed regional high capacity transit vision and talk about partnering and next steps. We'll be taking turns through this

presentation handing off and so hopefully that will give a good example of how close we're working together. So first of all, why is austin, why should austin be concerned about mobility? You know, for some time we know that we've been growing, even back in 2000 the community readily talked about the need to do something other than just highways. And true to the predictions, we've tipped to grow, even

-- continued to grow, even last year just in january being identified by forbes magazine as the fastest growing metro area in the country. These are actually city of austin population projections as we move forward. Working through a regional system I think that there is pretty goodbye-in from the

-- good buy-in from the leaders in this area, commy leaders that have been participating in campo's working group, we have to think multi-modal, we can't do it with highways alone. That's been something that i think has been near and dear to the city f some time and really gaining good traction. This is a good example, i think, of why austin being at the center, heart, the economic and geographic heart of this region needs to stay involved in a regional transportation discussion as we move forward. There's been a number of regional and city and local plans talking about the need to focus on compact and connected and the

-- from a regional perspective, a good example is the 2035 campo activity centers. They defined a number of activity centers throughout the region. They said as we grow, if we're going to be successful from a mobility perspective, we need to really focus into these activity centers. That of course has been

-- echoed by a number of plans, including capital metro's open all systems go plan, the imagine austin plan that called for compact and connected and has been talked about consistently by the transit working group formed in 2012 by the capital area metropolitan planning organization. If we look at the heart of the region at what is widely known as the largest activity center, the central area, we have heard from a number of places, be it the chamber of commerce as well as our own planning organizations and our own planning department, the downtown and the university area represents a huge number of employment within the region. In fact, it's the fourth most highest or the highest concentration, fourth highest concentration of central city employment compared to our peers around the country, washington, d.C. And new york and chicago are ahead of us in terms of that concentration. But being the 13th largest city, this is really an advantage for us because we know where a lot of workers region our region are headed on a daily basis, I will point out, a subtle point of statistical analysis, when we talk about employment, that doesn't count the 60,000 plus students that are also headed to this same area, so you have to always add that 60,000 u.T. And a.C.C. Students to that area. Quite a population. And this area continues to be desirable destination. I want you to get an image of 14 new frost buildings or the equivalent of 14 new frost bank buildings coming to central austin. That's what's under development right now. Or planned in the near future in central austin is u.T., Downtown, cap complex area. So not a lot of new appointee buildings, but a lot more development in that same area of equivalent of that number of frost buildings. I also wants to talk about the second major activity center within the central austin area. And how it is important and that of course is the mueller area. As you know, mueller is tied to the number of vehicle trips that are going in an out of that area as we invest in transportation technologies that allow more people to use technologies other than the private automobile. They can continue to densify and grow. Act, if we extend rail to the mueller area, we know that they have a future capacity of something like 15,700 jobs. They can't reach that job, but they could if we put rail transit in there and more people came on rail. Again, to give you a mental image, that's about the equivalent of san

marcos, which is pretty incredible and so if anyone questions the importance of serving mueller, I would think that we should think regionally would anyone question serving san marcos with a future rail connection, that's how important mueller is to us. Not only does it provide opportunities for maintenance facilities but it connects the region, it connects our medical facilities throughout that eastern corridor, the hospitals that are gaining additional investments just this morning. So that's an important element and we need to continue to think about serving mueller as an important destination at the heart of our region. Transportation and mobility not just about getting to work, getting homes, it's also about having a lot of fun, this year we're going to set a record with a record number of special events. They're getting larger, not only f 1, but of course south-by-southwest and all of the other great activities, people want to come downtown for a variety of I objects. So we need

-- of issues. So we need to make sure that we have adequate transportation for those folks as well. Anecdotal, we did a very good job during f 1. The number one question i got peppered with especially from overseas, where is your rail system. These buses are great, but it sure would be easier if we were on rail. Clearly we need to think about our special events that are going on. What are we doing about keeping us exact. Pedestrian, sidewalks, cars, as well as transit. The city has actually been investing in a lot of smart infrastructure. As you know, with your help we've been finishing intersections, interchanges, those at state highway 71, oak hill, investing in near term improvements there, a number of other interchanges completed. There are a number of managed facilities being constructed and what's remarkable is there's potentially another three billion dollars plus worth of new roadway improvements headed our way over the next five, 10, 15 years. What's important about these are these are not just knew highway lanes, they are smart highway lanes that give transit potentially an advantage coming in and out of the central core, that's what's important. You will see the city transportation department continue to work on your behalf to make sure that these projects come to fruition as we move forward. We are also working on transit, we will ask todd to help us out.

[16:16:49]

>> Good morning, todd [indiscernible] with capital metro. Switching gears a little bit, talking specifically about project connect and the efforts that this

-- under tan for the past year. Led by and has been continues to be led by the transit working group. That is a group organized by campo, chaired by leffingwell, councilmember spelman is also represented and as well as other stakeholders from across the community. That group has been working with the technical team, consisting of rob, joe, myself and many others over the past year to see

-- to develop this high capacity transit system. We began with a very deliberative process. The first question we ask is wh would high capacity transit make sense in the austin region. We developed some criteria, focused on centers as rob mentioned, congestion, the urban core, what are the constraints that we have to face and looking forward to the

-- to all of the tremendous growth coming our way. As we work through this process, ultimately we emerged with

-- with prioritization of corridors as shown here on this map with the dark

-- to the central corridor and the north corridor merging at the very top. Lighter are middle tier, somewhere below that, in terms of prioritizing where high capacity trans at this transit makes sense for this going forward. This is the process that we used. After we developed the criteria and the corridors, the next step really was to flesh out the details of the particular types of

service. We really had a set of tools in the toolbox, if you will. We had regional rail, represented by lone star's type of service, commuter rail similar to the red line that capital metro is currently operating. Of course urban rail, bus rapid transit, then an important piece as well as the use of the express signs that central texas regional mobility and others are developing in the region because those are critical for transit for our buses and that the

-- in the sense that they get them out of traffic, provide better reliability, faster travel times to make them much more attractive for customers. So drilling down a little bit here into the details of the map, we'll be glad to answer any questions you might have about this, we really have a -- have a comprehensive system, again made up of the various different components, the mix of services, we tried to place each of those in the

-- where they make the most sense based on the various criteria we used. And come up with a cohensive system that serves the entire central texas region. One other point briefly

--

[16:19:42]

>> well, sorry.

>> That's all right.

>> Is that this is not all there is for transit in this region. There is underlying local bus service that's really critical to what we do. It's not shown on the map because it would really make it too complex to read. But that will always be a mainstay of what we do as well. It's those local bus services that connect to this high capacity transit system. So how are we developing it? Well on the bus side there are some critical elements that are under construction today and that would be our metro rapid system. As you may know, we are currently in construction on two lines, one that originates in the north side at our tech ridge park and ride on i-35 comes down north lamar through the central core of austin and out south congress down to slaughter lane and the second one will be on burnet road following a similar path through downtown austin and then out south lamar those two are under construction, the first of which is expected to open in about a year. As well as I mentioned the express service with the work of ctrma and building the managed lanes or express lanes on mopac. Capital metro intends to take full advantage of those by adding an additional bus service as well as directing our current services that operate on mopac on to those lanes and we expect to see significant benefit there. As well as the region contemplates the addition of more of those types of lanes, we will

-- we will again tie our transit service with them. So the work that's currently underway with a big focus on i-35, potentially looking at

-- at express lanes there as well or

-- or some form of preferred access for transit, well then transit would be planned there and coordination. And finally, some additional extensions of our brt system, metro rapid, over time as well. With that, let me turn it over to joe black and he will talk about the regional rail elements.

[16:21:52]

>> Thank you, todd. And thank you, mayor, mayor pro tem, city council for the invitation to come speak today. Thank you very much to rob, also, one of our great regional partners in this effort. I want to emphasize just really quickly, build on something that rob said talking about regional partnerships. This is the best way to get this done. Rather than having a collection of siloed projects that we're working on in a vacuum, we are truly looking at this as regional

partners to create one seamless transit network so at the end of the day the customer gets a quality ride and sees us as one system instead of a collection of systems that are owned by different authorities. And I think that's really a powerful vision. To move on to the rail vision, probably the most important thing about this particular map is to note that by the year 2025 we will have in place a regional high capacity transit system, the backbone of which will be rail, which will serve seven cities in central texas. Whereas right now we have a rail system that serves two, mainly, leander and austin. We will expand that by five cities by 2025 to connect this regional system. It includes service to austin, leander, buda, kyle and san marcos on the south, on the 35 corridor to the south and on the north side to georgetown and round rock with connections designed, designed and connections scheduled coordination design so that folks don't have to carry a bunch of paper time tables in their pocket. It will be a very convenient system to use when you transfer from one system to another it will be seamless, information, smart phone applications and really a fun system to use, worthy of austin's kind of mantle as a tech center. It will be a fun, hip system to use, it will be very functional. The one thing about rail and bus rapid transit and express bus, one of the biggest selling points is that it is a congestion-proof mode. What we mean by that is it doesn't operate in mixed traffic. Therefore it's reliable 98 to 99% of the time. If the time table says we're going to get you downtown by 8 al, by gosh probably 99% of the time. It's a reliable method, it's fast, also very easily expandable. Very responsive to demand. If you have higher demand on the transit network, generally you add a train or car to your trains, not so easy with highway modes, of course you have to add another lane. Transit especially high capacity transit is very much more responsive to changes in demand. I want to talk about rail extensions, also. The solid blue lines that you see on the map are the ones that we are working toward 2025 to have in place. The future rail extensions are the dashed lines. Those will connect the airport, pflugerville, manor, elgin, taylor, also the south congress and north lamar corridors with a seamless, connected high capacity transit system. That's part of that vision map that you saw earlier, which we'll come back to in a few minutes. What project connect is doing again creating a regional partnership, it has created a regional partnership that links those transit investments to make sure that we are moving forward with regional priorities. We are moving forward with a system that at the end of the day will be seamless, easy to use for the end user. Links those activity centers. In fact most of the campo activity centers in our region by 2025, then we will pursue regional extensions as opportunities allow. Financing and other opportunities allow. Building on something that rob said with the slide regarding 60,000 students downtown, if you look regionally and include the l star service to san antonio, this regional high capacity transit system serves a potential travel market of upwards of 300,000 students, faculty and staff. If we can attract 10% of those folks out of their cars to ride high capacity transit by giving them a quality ride and pursuing partnerships with those institutions, that's 30,000 vehicles off of our roads every day, a huge, huge benefit. At this point I'm going to turn it back over to rob to kind of tie it altogether.

[16:26:02]

>> Right.

>> As joe said, we are back here to the system map. I want to hit on the process going forward. The transit working group is continuing to work on a regional funding concept that would show us how over the next 20, 25, 40 plus years to reach this regional vision. Clearly our goal is to have a regional system or bring a regional system forward for folks to think about and consider so that it would give us a regional system in 2025. Next steps, within the region consideration, is

for campo, capital metropolitan planning organization to incorporate these organizations from the traps sit working group to the 2035 and 2040 plans. The 2035 being amendments to what's already there. 2040 is the adoption into the next regional plan. Which I understand starts the spring. With the help of capital metro we invited peer agencies to town to take a look at our planning process, both for project connect and the urban rail project as we

-- as

-- sort of as a pause before we step forward here. I can tell you that they were all impressed with the outcomes or with the work to date. Certainly they pointed out actions that we need to take that many of which we already knew about and were

-- were in the process of moving forward with. Solid technical plans, stay the course, was one critical point coming forward. You know, this is a growing area, they said. You really need to move forward to

-- to improve mass transit and high capacity transit mobility within the region. Certainly in fact -- enact funding, management partnerships now, they said, you know, you've got a great informal partnership, but you need to move forward with a formal partnership with the acting agents moving forward. Th also mentioned that urban rail has elements for success, but certainly needs city and capital metro and lone star cooperation and we move forward. As we move forward, this is one of the other things that we've been talking about is the region through campo needs to come forward with a single set of mobility priorities. So that when the chamber or city delegation or lone star delegation or capital metro delegation go to washington or talk with policy makers, that maybe at different levels of government, we're all talking about the same five or six projects, whether they be highway, rail, bicycle or whatever in a single series of priorities. On that, by the way, the

-- the report out from the peer review was delivered to your offices this morning. It will be on the public website in the morning along with a

-- with a

-- with a public press conference tomorrow. Project connect next's investment planning and outreach in 2013. The purpose of this slide is to really let you know as well as other political bodies that we're probably going to be wanting to come talk to you quite often this year. We have a lot of exercises going forward on all of the project connect projects, including improvements to the red line, the north korea

-- the north corridor, urban rail, lone star rail. We are also in the process of partnering with capital metro in terms of bringing a regional rail lead to town and I'll tell you about that in a minute. As well. This past year as todd said we started construction on the bus rapid, which is very exciting. We're partnering with them to make improvement on the street system. What is important there, peter [indiscernible] in town, the fta administrator, he talked about the changing atmosphere in washington with regard to criteria for attracting federal funding. They actually are getting more attractive for projects like austin is bringing forward right now. They focus on economic development, including affordable housing, I think that's important, actually in the new formula you are able to count affordable housing twice in terms of the criteria for attracting federal money because they are trying to wed the concept of affordability and mobility together. As I said, we are partnering with capital metro. We have found a potential rail lead and we're working on contracting right now. The position will be jointly funded by capital metro and the city of austin, relying on the federal grant, the stpmf funds that we attracted. Key responsibilities will be to lead program level efforts. Assure technical competency and certainly assist us as we pursue attracting federal funding as we move forward here. With that, this is the

last slide. Well just wants to point towards what's happening next. First of all, just reiterate that the three transit agencies are working very well together, also working with other transportation providers very closely. You heard central texas regional mobility authority mentioned. They are very critical to providing the lanes on which future express transit will run. We are working to connect regional activity centers, that's very important. Rail is I think identified widely as a critical element of our future mobility as we move forward. Not just by the three sponsoring agencies here, but by the members of the transit working group and we will continue on your behalf partnering with our fellow transportation agencies.

[16:31:43]

>> Mayor Leffingwell: Comments? Councilmember martinez?

>> Martinez: Rob, thank you and you guys really appreciate you being here and doing this, giving us this update. And for me what I really take from this is how close you guys are working together with the transit working group and that is what we have sorely needed is that

-- is that definitive collaboration where everybody hands are on desk, everybody has the same vision in mind and that we create a regional plan that shows the community this is exactly how we can reach you and provide services to you. You may not be urban rail, but you may be bus rapid or express or you may be commuter through lone star, but we can get to you, we can serve you. And that to me is very important. So I just wanted to commend you guys. Wanted to, though, ask you all if you would be willing, todd if you would be willing to coordinate getting them to present this to the capital metro board as well. And quite frankly, any other entity that would like to hear this presentation, whether it be the county or -- or other folks that we're going to need as partners in this.

>> Yes, sir. Absolutely we would be glad to do that at capital metro. As well we are planning to present to the campo policy board in the next month or so. So

--

>> we will be glad to talk to other cities throughout the region and counties, et cetera. Great, thank you.

>>

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I bet you can guess what I'm going to ask you about.

>> I can guess.

>> Morrison: So one of the things that we've talked about in the past is the concern about once rail comes through, gentrification and also sounds like the feds came did to our rescue, tying financing for rail to commitments to maintaining or having affordable housing tied to the area. So I'm excited to hear that. So my question is, I don't know if you can answer this right off the bat or if we'll need to talk about it, you can get back to me, but often hear attempt to achieve affordable housing by setting goals, by having incentive bonus incentive programs, by -- but sometimes we have fees in lieu, sometimes we do waivers to those. So my question is what are the feds going to require in terms of criteria and commitment to affordable housing. I think we need to pay close attention to that, say what we're doing on east riverside will qualify.

[16:34:26]

>> Absolutely. The intent of the federal process todd if you want to add to this, you're probably a better expert than I am. Is to make sure that affordable housing has good access to the major employment areas. I think this is one of the things that's exciting about mueller because of course

they they have quite a bit of workforce, affordable housing, first-time housing opportunities. I think times when we talk about affordable housing, we forget that it's also about people needing to buy their first home and

-- and need to buy the average or below. So

-- so I think mueller provides a lot of opportunity in fact i understand they are adding additional affordable housing and elderly housing right now, that actually makes mueller very attractive to also serve. As you said, east riverside as well. Which as you know as we've come forward, previously we've said give very much some of the river crossing issues, we need to focus north of the river perhaps first. But certainly riverside is still on our horizon. What I have found from other parts of the country and other infrastructure projects that I've worked on, whether it be transit or roadway, when the public sector makes investments in an infrastructure, it puts the same pressure to gentrify on that neighborhood. People want to move to where the new infrastructure is. Because it's nice. What I've seen in other cities that's very successful is when that infrastructure is wrapped with appropriate policies and supporting policies that it doesn't have to push out the lower income housing or affordable housing as one might think. There are great success stories. Be it in

-- in portland, seattle, salt lake, where affordable housing has not been maintained by expanded. I think something else in this region that goes to the heart of connected and compact is people are accessing affordable housing right now, the problem is that many of them are having to drive 20 miles and so as we

-- as terry mitchell i heard quoted listened to him the other day, he said transportation is about affordability and vice versa. If people define affordable housingability have to drive to our outlying suburbs they are directly contributing to our mobility problem. So it's only logical that we wed those two. Maybe that's a roundabout way of answering your question but it's very important. It's not just the infrastructure responsibility, it's also the policy that wraps around that infrastructure.

[16:36:54]

>> So I

-- so I appreciate that

-- I'm not sure that i got my question answered.

>> May need to talk to you more to make sure that i understand it.

>> I want to make sure that the plans, policies, regulations that we're putting in place now where areas will be developing over the next 20 years where we do want to

-- to in the near term future, put in applications for federal financing for rail, what

-- what is it

-- what are the plans and policies have to look like.

>> I understand.

>> To qualify.

>> Right. That's probably a longer answer than I can give here, but it's very much on our

[indiscernible]

>> Mayor Leffingwell: Could I

-- can I jump in with a shorter answer?

>> [Indiscernible]

>> Mayor Leffingwell: A lot of us attended a meeting here, probably been over a year ago now, where the discussion was at the federal level. There's a connection between affordable housing

and transportation. And that at the federal level, if

-- if for example collaboration between h.U.D. And fta, so if you approach h.U.D. With an application, for a grant, they're going to want to know okay how about transportation, what kind of affordable transportation is available for this housing development. Conversely, when you approach him for an fta grant, they're going to know how is this going to promote and help affordable housing. So

-- so we are doing it at our level, they are doing it at their level. And so

-- so when you can show that connection, for either

-- in an application for either one of those types of grants, your chances of success are improved.

>> Right. I guess the concern that i have is you said specifically you get double points that you can show for your fta grants if you have those. Is it enough to say that we have a policy at the city of austin that we

-- though we support affordable housing, I hope that's not enough. Obviously they want something more detailed and so that's the conversation that I would love to have with you and maybe we can set down with betsy spencer at the same time and get a grip on that. Because I want to make sure that we keep our options open and that we're specifying our policies and regulations in enough detail. So that they will qualify for us as we go forward.

[16:39:20]

>> Sure, sure, absolutely. I think again that I would go back to mueller as a good example wherein that planned development there are requirements and actually proof that it's delivering affordable housing. That's very attractive.

>> Morrison: Right. The important thing for

-- it appears to me is that there are requirements and we can prove that those requirements are effective. And so sometimes we won't have the proof yet because it will be an area that's not yet developed.

>> I would look forward though that conversation.

>> I think that will be very interesting. [One moment please for change in captioners] I think it's great that we're in a position and you guys are working that way to make it seamless.

>> Mayor Leffingwell: As chair of the transit working group I can assure you that a major focus that we're still dealing with is what is that umbrella organization going to look like. Councilmember cole.

>> Cole: First I want to thank all three of the agencies for being here and putting together this presentation and working so closely together because we certainly realize that we're going to have to have a comprehensive system to let the city know that we are trying to solve the problems throughout the city, which lead me to my first question, which is a follow-up of councilmember morrison's question. When we talk about transportation and affordable housing being tied together for leveraging at the federal level, does that also mean that you would expect affordable housing dollars to be available for affordable housing to actually be used as part of the leveraging equation?

[16:41:49]

>> I think certainly if using those affordable dollars to make affordable housing bloom along the line is certainly a positive towards attracting federal monies for the transportation side. Whether we'd be able to actually count that as part of a local match, I don't know the answer there yet.

>> Cole: What I'm really getting at is unfortunately our affordable housing bonds did not pass, so

to me we would be in an even more detrimental situation based on what I'm hearing from you now if we don't have funds allocated into the future for affordable housing even with obtaining our rail money.

>> I would tell you that if we can point to positive results, affordable housing actually being constructed, that's probably stronger than another city that says hey, we have an untried policy that will demonstrate it. So I think we have good examples of where our policy has resulted in affordable housing. We're certainly one of the few cities that have in the past funded affordable housing. I think certainly that's a policy discussion going forward whether we need to supplement along with that transportation investment.

>> So if you find out the answer to that question to the extent that it does have an impact, the fact that we don't have future funding through go bonds for affordable housing with our ability to leverage federal dollars, I think it's important for us as policymakers to know that.

>> Certainly, councilmember.

>> Cole: One of the things you said was that the region needs a single set of mobility priorities. And I'm wanting you to tell me what that look like.

>> Sure. Our metropolitan area to the north, the dallas-fort worth area, have done a very good job that when they send any delegation to dc, just for example, they go with the same list of five or eight or 10 projects. They're n modally specific. They go with this highway, that transit line, that set of sidewalks, whatever it might be. But everybody is singing off the same song book. In this region, they've been very successful

-- this is not a complaint against austin. It really is very similar with other places. Since multiple delegations to washington and often they might have different lists of priorities. There's been a lot of discussion about that at the campo policy board. In fact, campo just adopted a definition of what is a regionally significant project. Our campo regional plan typically is much larger than most people's because we have projects in there that some people might not think is regionally significant. As we start to narrow that down into the regionally significant project, it make it easier to prioritize that list of projects across the region and say these are our top five or top 10 projects. That's where I think the region is headed, councilmembers is a single prioritized list.

[16:45:05]

>> Cole: So that will be the work of campo.

>> Yes. And all of our agencies in participating in helping them get there. Todd is the chair of the technical committee.

>> Just to add to that briefly briefly the campo policy board did ask the technical advisory committee of campo to develop prioritization for corridors for campo and that would feed into the 2040 plan. So similar as we described here for transit working group and for the transit side, this process of prioritizing corridor, a similar thing would happen under the auspices of campo and ultimately as we prepare the 2040 plan, merging those two the transit side, the highway side, bike and ped as well, have again

-- i agree with rob, having a unified set of priorities is very helpful from the experiences of others across the country in attracting federal funding. So that will be our objective.

>> If I could on that, it is very likely that you would have a top transit project and top highway project, for instance, because they pull from different federal funding sources, but it's possible you would have a combined highway project, i-35 is an example, where a major element of the improvement might be considered transit and the rest of the improvement considered highway and the two federal funding sources in lin

>> Cole: We have a lot of discussions at campo about i-35, among the regions. Let me ask you one last question because I know it's always dangerous when you draw a route, but -- this might be more of a question for joe. I'm looking that of the regional rail service connections for listings san marcos, georgetown, round rock, and we don't include san antonio. Is it because it's on such a long timeline?

>> Why don't you answer that. I created the graphic and we ran out of room. San antonio is down there. That's why that arrow goes south.

[16:47:12]

>> Cole: Okay. I'm glad to see that.

>> We concentrated mostly on the campo area just for readability, but the long-term vision as i defined it with that, smartphone apps, scheduled coordination, we're going to do what I'm calling right now project connect south in san antonio so the vision would be that you could get on a street car one day in san antonio, transfer to lstar with a very easy connection, time coordinated with the same fare instrument, you're getting information in realtime on your phone as you're traveling, get to austin, get on urban rail and get to the capitol or another employment center. That's the long-term vision. It most certainly does include san antonio. We're fort behind in san antonio right nown that comprehensive regional planning right now and it's a bandwidth issue, but it's absolutely included as one of our high priorities.

>> Cole: And I simply bring that up because i think it's easier for the public to digest the more comprehensive the plan is. And I just

-- even if it's a longer vision for that particular city, going from austin to san antonio i think is high.

>> I agree.

>> Col THE LAST THING IS I was at one point we were talking about rail not necessarily the initial rail, but some phase of rail actually going to the airport. And then I noticed on this that we have an abia rail extension by lone star. Is that correct?

>> Yeah. One of our medium term plans and actually, we're starting to explore this right now because union pacific is looking to divest themselves of an unused rail spur. It used to serve the air force base, which is now mostly unused. So there's available right-of-way there that we're looking at. It wouldn't be

-- most likely wouldn't be part of the initial lstar project, but it's potentially there. It connects to the lstar line or the future lstar line. And could be used to connect the austin airport with the san antonio airport. We do have a stop planned for the san antonio airport. If we wanted to do something there earlier, there's a possibility that we could look at doing some kind of anarly service demonstration project there, but we're looking that the right now. The first step would actually be to determine from up if that right-of-way was available, how much it would be and what kind of fund opportunities there might be to do something like that. It's certainly always been within our medium to long-term plans to connect the two airports with regional rail.

[16:49:48]

>> Cole: Okay. Thank you, mayor.

>> Spelman: Mayor? Rob, like everybody else, I'm very happy with the fact that you did not focusn any piece of the system, but look at the whole thing. Eventually in order to sell any piece of the system we need people to look at that whole thing and say I can imagine myself using some piece of this whole system and that will help us sell eve of the individual piece. That said I

can't help but mention that the due date that seemed to be closest was the one associated with the part of the system that we've been spending most of our time talking about, which is urban rail. I wonder if you could give us an update on where we are on urban rail and what the council need to do to help you get there.

>> Yes, councilmember. Actually, if we could go back to the slide, I'd appreciate it. Let me go to that map and make it easier. As you know, last spring i made a presentation to council where we recommended that mueller to the new airport that we split that in half and 401(k) on north of the -- and focus on north of the river. Not because of necessarily financial issues, but more that we knew that the piece gettinoss from the river to the airport might take a longer discussion to simply get there. We went out to the process through a process for scoping meetings, with fta in the lead. And one of the things we heard from the public as well as policymakers, or two of the thing, was we need to continue to consider the alignments. That was important to cap cap and we are very

-- to capital metro and we are very committed to doing that. And so we are getting ready to restart a process now that we have a regional plan because the other thing we heard from the public is how does the proposed investment fit with regional system and that fit very well with project connect. We will be restarting the public outreach. There was one slide where i said all of the projects that are listed here will continue to move forward in cooperation with each other. We're going to restart the public outreach in early march, I hope, rediscussing the alignment, reopening the alternatives analysis connecting downtown capital complex, u.T. And mueller, and we'll be looking at alignment variations within that sort of a corridor. I think at that time we're also going to be talking, reiterating why that sort of series of connection of activities is important. We think we have good reasoning why that needs to move forward. The 2021 time frame as well as the 2025, those are the current trajectories on which those projects are on in terms of timing. That's assuming that funding falls into place. That's assuming that the engineering all gets done on time. And of course that assumes that at some point we come back to the public and ask for appropriate funding authority where it's necessary. So those dates are the tentative dates. We had hoped that we could deliver a c rail system or otherwise known as the urban rail, much sooner, before 2021, but that's the date given the early planning stage that we're comfortable with putting out there right now.

[16:53:09]

>> Spelman: So that's a comfortable date for actually being able to put train on the ground.

>> Yes.

>> Spelman: But it's conceivable we could do it earlier than that.

>> Yes. As we've started to get into the planning, both our consultants as well as other professionals have each said there's a number of tools, whether it be innovative contracting design-build or other contracting mets that could easily accelerate that. And in fact pieces of that system may be able to open up earlier as opposed to waiting for the whole system. So I think there's a variety of opportunities to move forward there.

>> Spelman: Once we have the money in place and the authority to move forward we can move forward quicker than we usually have been able to move forward with big engineering projects because we have some tools available.

>> Yes, sir. So on that note, once we start the public process, i would anticipating about back to you on this calendar year for a decision on a locally preferred alternative, meaning getting the council the opportunity to say this is the route, this is the connection. We agree with this cost

estimate and we'll work with you at that point to determine how we fund it. I would anticipate also going to the capital metro board at the same time and asking for their adoption of the concept as well. So that's right sort of a critical next step in the big decision process is getting to what's called a locally preferred alternative.

>> Spelman: The recommendation of our peers were t focus between the city and capital metro. And when we go to the feds, who will be important players in this, we need to get campo involved in it soon too.

>> Absolutely. And campo has been involved all the way. What we 401(k)ed on is the particular buildings builders or providers of this system.

>>

>> Spelman: So can we do anything between now and when you come back later with a locally preferred alternative?

[16:55:10]

>> Let me think on that. There will be a number of decision points, and that's one of the thing that i wanted to let you know is we're going to need to come back to you of course with your approval to talk to you about mid points all along the way whether it be subcommittees or the whole council. We want you to be involved allay around. So it's not just here we are in august, september. We need to make a big decision. We hope to bring incremental opportunities for you forward. And that will be key. You passed today an intergovernmental agreement between us and lone star or you gave us authority to negotiate it. That will certainly help. We may need to come back to you to make minor adjustments to existing contracts as we come forward, but we'll be talking to you over the next several months about that.

>> Spelman: Two ve quick technical questions. First, 2021, that's a comfortable date for being able to get 10s on the ground for urban rail. 2025 same date?

>> I think I would have to turn it over to joe.

>> I think 2025 is a comfortable date for the entire system. As rob said earlier, projects of this magnitude get done in phases. We would prioritize based on engineering and things like that what we would build first. As soon as we get a viable system it may be four stations. Something that we think could stand on its own is a transportation project. We certainly wouldn't want to open it until 2025. We would open in sections, commission in sections.

>> Spelman: I think that will help to build public support as people real they can start taking it, they understand how it works and getting the next couple of mile, what dallas did.

>> Absolutely. The best way to do it. You get people used to the idea. Get them riding the system and then the folk that are 10 miles away say hey, wait, why don't we have ours? So it create more of a momentum there to keep the project moving.

>> Spelman: So we're not necessarily talking about 12 years from now before we actually get lone star in place.

>> No. I would think that

-- i would hope that we will be in service much before that. But as I serks 2025 is probably a comfortable date for full system that extends from sought san antonio all the way to georgetown.

[16:57:20]

>> Spelman: Terrific. The last point. I would like to congratulate you for doing a good job of selling me on mueller. I wondered why is mueller always the terminus. I didn't know we had the capacity for that many job at mueller. Do we have a sense for how long we can expect it to be

before we can have that many jobs in the mueller area?

>> Well, a date certain, no. I can tell you they can't have those jobs until they're able to show that their vehicle trips in and out of mueller are consistent with their development agreement. And so they're really at a point where they can't move forward unless we move forward with infrastructure. The developer there, the catellus executive, told me to give you another graphic example, it mean the difference between three story and five story buildings. Well, every year they are making incremental take down decisions to add another piece. So the longer it takes them

-- for us to give them a guarantee, we're headed there, the longer it takes takes

-- the more parcels slip into three story instead of five story.

>> So if we give them the egg they will hatch the chicken.

>> They will do something. Maybe an ostrich.

>> Cole: I have on follow-up on councilmember's economy. Joe, you mentioned and councilmember spelman and i feel strongly about this too, that to the extent we're able to demonstrate that we can operate a line from any point to any point, even if it's a short distance to the airport or from georgetown to austin or anything like that, we create public confidence. And lone star is the best place to do that because we actually have a rail line now and a relationship with union pacific. Can you tell us if that would be possible or what you would think of that?

>> Well, the biggest obstruction to that at this point really is our funding capacity for one thing. So in order to create ademonstration process in the next few years it would require us to build almost a functionally separate railroad on union pacific's right-of-way. They've been very successful with the growth of nafta traffic. They run a heck of a lot of trains. So one of the things that allows us to open up capacity on the existing line for the type of passenger service that we're anticipating is the construction of a freight-rail bypass line, which is something we're working on right now. That's a high priority for us. That has its own mobility benefits all on its own, removing 30 to 40 through freight trains per day out of the urban cores of the cities up and down the region will be a mobility benefit. And the other pieces that it also opens the possibility that up can attract more freight to trains and off of trucks on i-35.

[17:00:15]

>> Can up operate the line? I'm looking to be able to show the public what we're thinking about to demonstrate that? I mean, it's one thing to go out and do all these abstract pictures. It's another thing to take it to the voters, but if you can show anywhere that it's real, I think you move the needle a lot. So. Can you think about that a little bit more?

>> Absolutely. There may be some small projects. You mentioned the airport. If the availability of that right-of-way is true, there could be some small side project we could do, that maybe a good candidate. So if we could use that for some type of demonstration project, that's what I would recommend.

>> Cole: Just a pilot of one weekend, that type of thing.

>> Yeah. And union pacific, I want to reiterate, they've been excellent partners. The challenge for them is that they're very successful. They have a lot of customers, they run a lot of trains, which is actually great for our region economically and otherwise. The more freight that we can attract on to freight trains, the better off we'll be as a region because that means we can kind of shave off that growth of trucks on 35, which arguably is as much of a challenge as population growth is the nafta trade growth.

>> Cole: Let's think of that as an option. You understand what we were talking about.

>> We'll do. We are definitely talking about it. I don't want you to think we're not moving on it.

>> Mayor Leffingwell: Thank you all. And once again a reminder that there will be a press conference for the public at 1:00 tomorrow afternoon on this same subject.

>> Mayor, thank you again for your leadership on twig. We appreciate that.

>> Mayor Leffingwell: Before we go to the next briefing we have a couple of items we can dispose of quickly. I would entertain a motion that the city council of austin authorize the use of the power of eminent domain to acquire the properties set forth and described in the agenda for the current meeting for the public uses as described there in. This will apply to all units of property described in items 40 and 41 on our agenda to be condemned.

[17:02:23]

>> Cole: Move approval.

>> Mayor Leffingwell: Mayor pro tem cole moves approval. Seconded by councilmember sp discussion? All in favor say aye? Opposed say no? That passes on a vote of five to zero with councilmembers riley and martinez off the dais. Now we'll go to the rainey street briefing.

>> Good morning. I'm howard lazarus, director of public works department. I will be joined this morning by gary shots, the city traffic engineer and he resides in the austin transportation department. Our goal this morning is to present some concepts for improvements to rainey street and to follow up on some council requests for some action to address existing safety and circulation problems in the neighborhood. I think it's important to tell you up front that we're going to present two options that we're looking at. There's a couple of differences between them, but there is no reason for us to come back in the future to council since we already have the authorities we need both in terms of those things we're able to do under city code and also the contractual authority that we need. So it's important to have this opportunity to get your feedback before we move forward on these improvements. And we are really on the precipice of doing some infrastructure investment and we do want to present that to you. Our goal today, look at the agenda after we define the problem, is to go through what the challenges are. First talk about some of the infrastructure solutions and I'll turn it over to gary to talk about traffic and circulation. And parking issues. This is done with due consideration of residents concerns as we've had a long series of public engagement and stakeholder meetings, some of the things we'll propose to you or discuss with you you've gotten some feedback from some of the residents of the area and they may not agree with them. And we'll give you our best engineering judgment as to why we think that's the best course of action to take. And finally, wrap up with getting your feedback and the next steps discussion. I think we're all aware of what the limits of the area are. It's important to consider that we have a multidepartment team engaged in coming up with these answers both short and long-term. It includes austin energy, transportation, pdr, grso, public works and real estate. Our objective today is to show you the solutions that we want to present. The challenges are inclusion of rainey street in the sbd has resulted in a large number of restaurants and cocktail lounges. These land uses combined with improperly managed parking, some missing and non-complaint sidewalks and poor lighting have created safety issues. The problem being framed as a safety issue is really the lens that we've used viewed it as as engineers and we're coming to you with what we think is the best solution to address safety, which includes circulation. The residents of the district have expressed their concern about degradation and their quality of life due to the use of those property. And finally we know that rainey street is going to be redeveloped and that's going to require some balance in how much money we spend to address these problems, realizing that what we put in today may not survive for an extended

period of time, so we want to be good stewards of the public monies and make sure that what we spend is appropriate. Work in progress. Street lighting has been improved through austin energy. We are currently working with them to not only address roadway light, but pedestrian lighting that will not only be used here in the rainey street district, but in the downtown area as well. That's a long-standing challenge that I think we're finally coming to conclusion on. There have been some code changes which have been through the planning commission addressing conditional use of cocktail lounges as a conditional use of the district as well as the ability to relocate some historic structures. We're not going to address those in detail today, but those are things that are working their way through the process. Whatever we're talking about in terms of parking has been coordinated with the mac board because a large part of what we're talking about is leveraging 125 spaces in the macc lot. And all of our infrastructure improvements have been gone through the relevant public safety agencies and all of it has acceptable emergency access. Items that we've got some general stakeholder agreement, we were to add and repair sidewalk and bulb outs for add I can't r. Da complaints.
[17:07:11]

-- A.D.A. Complaints. We're going to use some of the pavement to due bulb outs that will take some of the street that's available for movement of cars, bicycles and people. We'll redesign the traffic circle at the intersection of river and rainey streets to make it to function more effectively and with that we'll modify the traffic calming devices both on rainey street and on the corner of rainey street and davis to open up more circulation in the neighborhood. We want meter parking at the macc lot to install pay stations and that's per the macc board recommends. We're looking to limited parking district so we can use the revenues to finance these improvements, pay back where the monies are coming from. We talked about the roadway and pedestrian lighting already. And then one of the big things is to add reverse angle parking on first avenue where we have an expansive right-of-way. We can add over 50 new spaces and meter that parking, promote turnover and capture the revenue. The preferred option that we're presenting to you is to convert rainey street so one way northbound from river street to driskill, incorporate a buffered cycle track into the design similar to what we did at rio grande, but instead of putting in delineator sticks we want a curb. And I'll let gary talk about the advantage of that approach. An alternate that does work, but I think is a less optimal solution is to retain rainey street as a two-way street with the cycle track included and then remove the parking between driskill and river street. And that will provide the space we need for two way traffic. Stakeholder concerns that have come up, and I think you've seen those for the correspondence that you've received. Enclosure of the cycle track, rainey street is part of bicycle route 51 in the council adopted bicycle master plan. It's always prudent to put in the bicycle facilities when you do infrastructure work and the state of the business now is to include buffered and protected cycle facilities to increase the perception of safety and using them. Finally before I turn it over, retaining parking on rainey street from river to driskill provides the highest number of spaces that we can provide. It addresses some epa issues which I think gary will also tackle and it helps with deliveries and improving and retaining circulation when you have deliveries to the cocktail lounge establishments that are there. I'll turn it over to fair and then come back to wrap it up with the next steps. We had this brought forward in conversations with folks in the rainey street area. A lot of challenges there and a lot of common concerns, but where we're having the differential is what is the right solutions. What we're sharing today we think is not only a technically correct solution, we think it is appropriate for the context. It is an imperfect solution. We acknowledge that. And

there are trade-offs that we are facing as we go through here. Our challenge is we just have such limited footprint available to us with narrow street and etcetera. So we want to do the parking meters. We have a lot of parking that occurs all day long in the rainy street area and the same cars are there all day long. They could be associated with people who are working downtown and using that for free parking. Or whenever that is. We want to try to provide the residency for residential permit parking, what's important and we've heard this many times from folks with adapt and other places, there is no accessible parking in rainy street. The inclusion of parking on the west side rainy street allows us to create one, maybe two accessible, van accessible parking spaces, but also allows us to tie to the exit accessible parking spaces in the macc and to allow someone to park there and then travel an accessible route to rainy street. Similarly with the -- back-in angle parking proposed on east avenue, there would be two, maybe four accessible, van accessible parking spaces there. So we need to provide for all roadway users regardless of age or ability. The macc is an important partner in this and granted they have some evenings and some days where they need to have their spaces for their events. And that's okay. That's part of the fabric where we are, where there's only so much room. The challenge for a lot of folks on going to one way is a lot of people think it's going to be more schouts. It will take me -- circuitous. It will take me longer to get home. We know that's a trade-off. We also know that today in the conversations we've had when rainy street is really busy these people are choosing alternate routes today because they can't get to rainy streets. Because the routes we'll see in a slide coming up are known. The biggest thing and we heard this with a lot of people is how with we get more parking options. So we are looking at a chance to balance all of that and we don't want to pave everything and we are in the convention center overlay so service lots are not an option here. Parting with future development and it is an important piece of it as well but what can we do to answer the question today. These are available not only on east avenue, but it is possible for

-- and again, people who know the area, whether you're residents or visitors, know these back door routes, if you will. So there's nothing new here in that regard. Also route 51, it is an important route that provides connectivity all over to this area of town. So it's very important that we consider bicycle, pedestrian access, how can people still utilize that. And while we do have one option of just taking all the parking off rainy street the old way we used to put it we put a four inch stripe and you would have a bike lane on one side and one on the other. Technically correct, but we don't think it's the best solution. We think providing the two way cycle track, by providing the opportunity for accessible parking, to provide an area that really better serves all roadway users, pedestrians, bicyclists, as well as motorists, is critically important. So here's kind of a schematic of it starting at the north end at driskill working south. What we've proposed is modifying the bulbouts that are currently there at davis street to really turn that back into two-way. We're proposing to leave some of it because it allows us to hold parking back from the intersection and to give us something other than having to fill up the world with no parking to corner signs and things like that. And then the parking on the east side, the two-way cycle track on the west side that is buffered with a mountable curb. People have asked us why don't you just use the flexible delineator post that is a tool. People find out they can drive over those without harming their cars. We do expect and I share this with you on the front end. We do expect individual motorists to choose to drive in the cycle tract. We wish they wouldn't. We think that will happen. So by utilizing a mountable curb that the details of which have been shared with fire and life safety providers are comfortable with it, it's aggressive enough we think so that if someone chooses to not do the best thing, it will be a very deliberate decision as opposed to

being just a casual one. I'll flip over here and run over a couple of delineator posts and be on about my way. As we get further down, we get into areas where the utilities or trees or driveways or other physical features of the landscape will not allow us to effectively build the usual and customary sidewalks that we do behind the back of curb. So we will actually be extending out into the roadways some three to six feet to basically go around, will be out around the big -- bulb out around the big tree or steep hill or whatever it is. That further takes away from the 34 feet that we have from face of curb to face of curb. A parked vehicle takes up eight feet. The buffer for the cycle track is two feet. Travel lane is somewhere between 10 and 15 feet. You do the math and quickly we find out we're running out of elbow room. So what can we do? And again, it's not shown on here, but where we can find a location to provide a van accessible parking space or two, you need 13 feet of width to do that. So you've got to look along there and try to figure out where it goes and also try to match it up with some adjacent land uses. Finally as we get down to the existing circular intersection we would add the splitter islands that you see there, the triangular looking pieces to convert it into a true modern roundabout. The pedestrian crossing points are pulled one vehicle length back. So that means motorists and pedestrians are doing one thing at the same time. I'm crossing the street, I'm looking for my gap as opposed to being at the intersection where everybody is going every which one at once. This also provides a more efficient intersection than a four-way stop and helps people come and go because a well designed roundabout can be as much as three times more efficient than an all-way stop. Also not shown on here is extending the accessible sidewalks to the west to connect with those accessible spaces at the mall so if I have come in a van and I'm in a wheelchair I can at least park at the mall and have an accessible route to attractions along Rainey Street. Here are cross-sections that are drawn east-west looking northward. One way traffic flow, normal conditions is at the top. So within that 34 feet, eight feet of parking on the east, a 14-foot travel lane, two-foot buffer and then the 10-foot cycle track, which is five feet either way. These dimensions are measured to face of curb. That's all the room we have. Where we have a bulbout on the east side, the travel lane goes from 14, maybe down to 10. If we're bulbing out on the west side things just scrooch the other direction. But we first start by anywhere narrowing the vehicular travel lane. If we're continued to be challenged on room we see where else we can narrow up and if we have to take the parking out at that point that's what we need to do. A river to Cummings we're with the back end angle parking, filling in missing sidewalk gaps so that if -- when we provide the accessible spaces down on East Avenue at River I have the ability to get to attractions along Rainey Street or maybe I have friends who are living elsewhere and I need someone to connect 57600 where we stand now is just the approach we plan to pursue and we would like to at this time engage council to get your thoughts on what our proposal is.

[17:21:10]

>> We have about five minutes and we may have to ask you unfortunately to come back afterwards, but council member Riley. Just so I can have an idea, are other folks -- okay. Go ahead, council member.

>> Riley: First I want to say both of you for all your work on this and the presentation. I know there are a lot of discussions with stakeholders and there has been a lot of challenge for a lot of us for sometime now. I appreciate that we are poised to take some action on this. I do want to say that what I have been hearing from the neighborhood is a little bit different from what I've heard you reporting from the stakeholders. I think I heard you say, Gary, that the biggest concern you were hearing was about preservation of on street parking and that is not the biggest concern I've

been hearing. I've been

-- the main concern I've been hearing relates to converting rainey street to one way. And in fact I've heard very strong indication from residents, neighbors around that area that they are strongly opposed to converting rainy to one way. And we've heard from both downtown austin neighborhood association and the rainey street neighborhood association that they strongly support keeping it two-way. Is that consistent with what you've heard?

>> Yes, it is.

>> Riley: Okay. So you realize there is strong sentiment in that community to keep rainey street two way. And part of the argument is that for much of the day

-- of a typical day there really is not much of a problem in terms of traffic on rainey street. That really the problems are limited hours. The problems arise at night when those bars really kick into operation and you get a lot more congestion and traffic. That's one thing I've heard. And the argument is why should we make access to the area more difficult during much of the

-- during the entire day when in fact there's really only a problem for part of the day. Have you heard that concern as well

>> I've heard that concern expressed?

>> Riley: Okay. Now, you showed us some cross-sections that show the proposal for including a cycle track and one way traffic and on street parking. Have you also looked at the possibility of a similar configuration that would keep rainey street two way and

-- it looks like you might be able to do that by eliminating the on street parking there on the east side. Would that be a possibility.

[17:23:33]

>> We do have some cross-sections that show that. Really you're managing the space between a parking lane or two-way traffic. And there is sufficient space if you take the parking off the east side.

>> Riley: That would be an option. Obviously the biggest drawback to that is you would lose the down street parking.

>> Right.

>> Riley: And have you

-- have you done an inventory of the available parking that exists today and that will exist once these improvements are put in place?

>> We do.

>> Riley: Can you tell us anything about the number of spaces that we would see under these various different possibilities?

>> I think that what we showed in one of the slides is that there's a net gain of about 115 spaces if we have one way parking

-- one way traffic flow from river to driskill. And there's a net gain of 85 spaces if we strip the parking off the east side.

>> Riley: If we kept rainey street two way and eliminated that parking on the east side of the street, we could still gain 85 parking spaces while making these improvements that would include things like installing the reverse single parking on east avenue, is that correct?

>> The thing to remember is that the macc lot is not going to always be available. There are a limited number of events at night. So with the one way option, with the macc lot closed, basically there's no net change from the current by adding the additional spaces. If we remove the parking from the east side of rainey there is a reduction on these nights where there's an event

at the macc.

>> Riley: Of course there are other surface parking lots in that area. Off site surface parking generally is prohibited within the area. Is there any legal surface parking in the area that is both -- that is off site

-- that is off street other than what is at the macc?

>> There is. 64 rainy right now you can maybe get 15 parking spaces on it. Maybe 20. The laz lot, which is the private lot at the north end of rainy has a number of spaces.

[17:25:46]

>> Riley: That big laz parking lot, that one big empty lot at the north end of rainy street, that is currently being used for surface parking and that is legal?

>> Yes, sir. It was grandfathered in.

>> Riley: Okay. Sorry to interrupt. Let me follow up on one of the comments in terms of removal of parking. If the parking is removed from both sides we can element and affect a bike line on either side of the outside. We are not able to keep a two way cycle track and a two way roadway. And the reason for that is if we're keeping the circular intersection at the southern end, if you do a diagram and you look at the two way associated with the motor vehicle lanes and then you look at the two-way associated with the bike lane, there comes at that intersection a head-on crossing of two of the travel paths, which is just exacerbates the risk of a head-on crash. To have a two-way motor vehicle lane and a two-way bike facility requires the removal of the circular intersection and replacing that with an all-way stop. So we have some challenges there from a geometric design standpoint. And then because we know that an all-way stop is less efficient than a roundabout or circular intersection, that exacerbates the problem of I can't get out of the macc, I can't get around.

>> Riley: So you would need to do bike lanes on each side rather than a two-way cycle track. Would it be possible for those bike lanes to be separated from the vehicle travel lanes?

>> Probably not. We still run into the challenge of when you get to the bulbouts associated with the sidewalk improvements, we go down to 30, 29, 28 feet of pavement. So to keep -- if we go below 30 feet of pavement, we're really challenged because we lose the ability to have a 10-foot lane for motor vehicle travel and then five foot lanes for bikes on either side. And we really don't want to play around with the idea of nine foot travel lines or travel lanes less than 10 feet.

[17:28:00]

>> Riley: Has the bicycle advisory council been asked to review the options for accommodating bicycles on rainy street?

>> You had a conversation with them.

>> We have. We've had discussions with members of the bac. They've seen the plans, but they're preliminary

-- they saw the preliminary schematics and and they do support the two way cycle track.

>> Riley: Have they taken a position on one way versus two way vehicle traffic?

>> No.

>> Riley: Okay. Mayor, I do have a few more questions. I'm sure others do as well.

>> Mayor Leffingwell: Why don't we table it right here and we'll continue this discussion after our break, citizen communication and then executive session. So it will be several hours before this afternoon. So we go to citizen communication, joseph iley, taxi cab issues. Is joseph iley

here?

>> Members of council, I'm here to advise you that in the past several months you have voted on my ability to make an honest living. You have been duped. I say that again, you have been duped by the stories that were told to you by lone star cab that they needed cabs to better cover the city. Those cabs are exactly where we told you they would be, at the airport. Secondly, you violated the city ordinance on more than one occasion in the past year. The city ordinance specifically states that you are supposed to add cabs on an annual basis. This is an ordinance that the city adopted, not me, you guys. They said you're supposed to add them on an annual basis. And when you divvy out excerpts, 25% are

-- permits, 25% are supposed to go in reserve. And aside from that you're supposed to divvy them up evenly when you give them out. That means two to one is not evenly. You gave it out two to one, not the way it's supposed to be done. As a driver of the city and a representative of the tdaa, I ask that this city follow the ordinance that they adopted because when you don't follow it, I pay. I'm the one losing here as are all the other drivers. I challenge any one of you councilmembers, especially the five that voted to add permits a second time, to come and ride with me for two days, just two days, in my cab for 12 hours a day, see what it's like to be a cab driver and see how i must strung struggle to make my living.

[17:31:04]

>> Spelman: Mayor, a quick question. Mr. Iley, one of the reasons why at least i, and i suspect the other four who voted

--

>> I can't hear you.

>> Spelman: One of the reasons that I and the others voted to give lone star more permits is we were under the impression that lone star was going to put them on dispatch and not send them to the airport. What's your airport that they're at the airport?

>> Apparently you guys don't read this. This is your adopted document, not mine.

>> Spelman: So it comes from the city's document.

>> Would you like it? I'll give you it.

>> Spelman: I've got a copy.

>> It's eight dollars, right over there.

>> Mayor Leffingwell: Next speaker is dave scott, environmental education. You will have to hold down the noisy applause so that folks can hear their name called. And so we can hear them speak.

>> Mr. Mayor, members of the council, I'd like to start by thanking you for the opportunity to address the council today. I'm the executive director of either native wilderness school, a local nonprofit environmental education school here in austin. We provide programs for youth and adults. I've come to speak to you today about a viable permitting option for organizations like mine, to utilize city parks for environmental education programs. As I'm sure you're already aware, childhood experiences in the outdoors are in steep decline in recent years. In fact, the decline is so startling it has led to national state and city efforts to get children outside. Among other things, lack of outdoor play in children has been linked to increase rates of childhood obesity, increased stress and violence, lower test scores in school and less environmentally conscious adults. On the flip side, recent studies showing the benefits of childhood outdoor play are numerous. In 2005 a study found direct links between outdoor play and the development of cognitive skills including creativity, problem solving, focus, discipline, increased happiness,

reduced aggression and stress reduction. A 2004 study of teens and outdoors linked time spent outdoors to higher test scores, higher graduation rates, fewer reports of criminal behavior and more students who plan to attend college. In conclusion, a 2010 study found that children will be smarter, better able to get along with others, healthier and happier when they have regular opportunities to play in the outdoors. With all that being said I believe it is in the best interest of our community to support environmental education efforts. The parks department for the% incredible work they're doing for the nature and science center. They are providing excellent programs. However, the city is not able to meet the demand of the population at this time. This is highlighted by the fact that the city's summer camps fill up within days of opening registration in January. And there is always long waiting lists. In a time of city budget constraints I believe that my nonprofit school can help fill these gaps, however the reason I'm here today speaking to you is there's currently no viable option for us to utilize public space for our youth programs. Currently the only bettering option for us is the city partnership agreement which we are currently involved in which takes 30% of our gross tuition intake in exchange for allowing us to use city parks. I believe this amount is in extreme excess and to be honestly organization can simply not afford it. We are currently taking a loss on our programs so we can still maintain a presence in the city. Like many nonprofit businesses we do not make 30% profit or any -- on any of our programs there were have to take a significant financial loss in order to utilize city parks. I fully support the city parks and I'm happy to pay a fee in order to ensure that our parks stay healthy, clean and well managed. However, the 30% fee is not sustainable for us. [17:35:02]

[Buzzer sounds] we use much of our profit that we do take in from our programs to provide scholarships

--

>> Mayor Leffingwell: Your time has expired. Thank you. Councilmember Tovo.

>> Tovo: Mr. Scott, thanks to being here today. I appreciate the ideas you've presented. I wanted to ask if you could

-- I think one of my staff is coming down. I wanted to learn more about your proposal if you could share your contact information with them.

>> Mayor Leffingwell: Paul Saldana. Hispanic quality of life initiative. I'm here as part of a group with Hispanic business leaders of Austin. We're a coalition of community Hispanic leaders and we're committed to discussing and developing sustainable solutions on current affairs, public policies and quality of life issues impacting the Latino community. Back in 2007 the United Way launched an initiative to expand Latino investment in Austin. The study sought to identify the demographic profiles of Latinos engaged to identify what the top priority issues facing the community were and the role that they could play in addressing these issues. This study revealed that Hispanics ranked education, health, economics and cultural arts history as top priorities and this data actually served as the foundation for the city's Hispanic quality of life. As you know on May eighth, 2008, the council approved a resolution directing the city manager to initiate an Hispanic quality of life initiative to compare how Austin Hispanics quality of life compared to other cities, cover rabble cities, other demographic groups in Austin. On August 27, 2009, the Austin City Council received and accepted that Hispanic quality of life report that identified based on the data we collected through citywide forums and surveys. And the city eventually created and appointed a community oversight team of volunteers to review that report and recommendation. The city was also supposed to create and sustain a core team of city staff to

analyze both the final report and the feedback and work of the community oversight team, which brings us here today. Nearly five years after this council adopted the resolution, the hispanic quality of life was submitted to you three and a half years ago, there has been no community forums, there have been no public hearings, no council briefings or updates, no public timeline or action plan with target dates for completing this particular initiative. There's been no interim or financial

-- or final recommendations for specific program, services, financial assistance or investments to enhance the quality of life for hispanics in austin. So five fiscal years have passed. For over three years there's been a core group of community volunteers that the council has appointed and unfortunately they've had very little support or resources allocated to them in their ongoing efforts. There's been ongoing meetings and support from the city staff core team that was supposed to work in partnership with this community oversight committee. In fact, the community volunteers that served on your oversight committee have been left on their own to write the report. You have a postcard in your hand based on a recent study that ranks and highlights the characteristics of the city largest metropolitan areas by hispanic population. Austin ranks number 20 on that list. Unfortunately the austin graphic profile speaks to the ongoing challenges that we have such as 34% of latinos have less than a high school diploma. There's a 50% dropout rate. Only 18% of our community have a bachelor's degree or higher.

[17:38:42]

[Buzzer sounds] and 26 percent live in poverty. Let me close by saying we're here to request that you honor the past commitment and that you support the future completion of this important initiative because what impacts our community impacts you and impacts the entire quality of life of all our central texans here in austin. [One moment, please, for change in captioners]

>> in the year 1956, democratic party politician, allen shivers, the governor of texas, accused lbj to his face of being a murderer. This was over the death of sam smidwick in lbj county where he ran his gangs. You wonder why we are in a great depression, because our political leaders in america care more for power in america than they do about power in protecting their people. We have the political leaders assassinating others. His mayor threatening the former political opponents, the thug actions and I don't appreciate the gun in the room as john bush would say. Government violence isn't ending, it is getting better than ej davis. Jfk. There is three facts to know about the assassination. First, after the shots that were fired, after went running to catch the impossible assassin ran towards the grassy knoll, towards the railroad that was defined as a picket fence. An officer rode his motorcycle up the embankment and fell down because all of the energy was going that way. That's where the shots were fired. Mary paskel who was the county dallas clerk shot video which were in the 1990s were lite inned. This is duly plaza in dallas, texas, those videos show the gunfire, flashes of lights, and repetitive mechanical motion came blind the white picket fence and there is the testimony of someone who had the a bird crease eye view of the whole assassination and said he saw a puff of light come behind the picket fence. I don't appreciate much of you violettering robert morrow's civil liberties here a few weeks ago. Please move to the next slide of the book, mark wayne, rush for judgment and I can't stand the fact that you call lbj a murderer. We see someone who is more famous than any of you ever will be but allen shivers in 1956 called lbj a murderer to his face, the governor of texas.

[17:42:18]

[Buzzer alarming]

>> mayor leffingwell: Your time has expired. Alicia perez hodge. Hispanic quality of life.

>> Mayor and city council, my name is alicia perez hodge and I am here to talk about the hispanic quality of life initiative. I came here with three requests, mostly these are for the city manager but also to be listened to by the city council, but the first, and I was elated to hear that an assistant city manager have been placed on the project. I was going to request that. I think that staff support have been lacking in this particular initiative. When I was asked to speak on this issue, I went to the city's website. The last report on there is may of 2008. You are talking about 35% of your population. And an initiative that is to address their quality of life. Five years I think is too long to wait for production of

-- for delivery for that particular delivery. [Applause] the other thing is to set a timeline, please. I think that's very reasonable. Y'all wouldn't put out a project and say, okay, just take forever to finish it. Let us know when it's done. No. You set a timeline to hold people accountable, whether it is a city council, the city manager, the committee, whoever. The latino community merits that sort of respect so please, please address that. Third is that whatever recommendations come out of the report, take some time, city manager, to do your work. You are trained in analytical processes. Put cost recommendations to

-- put cost

-- fiscal notes to the cost recommendations, please. You do that for all other projects. Make them ready for funding or get them there. Get them advanced, the projects, if possible, on recommendations. I'll be it there will be some recommendations that may be policy changes that won't require a fiscal note, but I know that, for example, one of the recommendations that may come out of the quality of life report is the second phase

-- to establish second phase of mac capital improvement plan. See what the second phase is then cost that, give us an estimate of what that would cost. At least we have an idea and the council has an idea when you are looking at budget, senate, cip prioritization, what that number is and where you canit it into your budget or if you can't. But, please, cost them, make them, define them, make them tangible deliverables as much as possible. There will be some, like i said, that may not, but to the extent possible, I think that would go a long way to help us advance the quality of life for latinos in austin. And I really appreciate your time. I hope that this is a priority for you, too.

[17:45:38]

[Buzzer alarming] thank you.

>> Thank you.

>> Tom jones.

>> Mayor, mayor?

>> Council member martinez.

>> Martinez: Would objection, can I ask for an update?

>> Mayor leffingwell: Sure.

>> Martinez: And first of all, thank you to the ablo members for trying to keep this on the front burner. It has languished significantly since city manager garza's retirement last year but it is back up and running and we hav the chair of the oversight committee here and I would like to ask that they come up and give us an update as well as bert who has some detailed information, and we are working on a timeline, and hopefully within the next few months by april which will -- we will have the final document in front of this council. Welcome, teresa, please troduce

yourself.

>> Good afternoon, council, mayor, and those folks who are here present from the city of Austin. I am Teresa Perez Lively and I am the chair of the initiative. It has been a long process. Maybe I could answer some of the things that were brought up right now. We weren't given a timeline. That might have been a mistake because what happened is we became a little -- not lax, because let me tell you, we were meeting anywhere from once a week, four or five hours, sometimes 8 hours, every other week, every three weeks, every month. We then had -- and I hate to use them as a scapegoat, but we had a wedding and we had other things that happened in between and we kind of took a break. As far as massive staff support or large number of staff support, we had at our request just about anything we wanted. We have reached out to the community. We have had no public meetings. We weren't required by the language and we were afraid, quite frankly, to spend any more money that had been spent because we wanted the money to actually be used in programs that would add entrance for Hispanics and Latinos so we kind of backed off of having public meetings. We do have one scheduled. We are in the third draft right now of what is the final report. In fact, I am reviewing that draft right now. A fourth one is already in the works because there is two more chapters going into it. So those of you who maybe have not really looked at it, I mean it's not like it's -- it's on the computer and it's on the city staff computer, so if anyone in the city staff wanted to see it, it is obviously available, but we have not made it available to anybody in general as a whole piece, only because we are constantly improving it. We've added a few areas that we -- that were forgotten, such as youth services, such a massive issue that was not involved. Availability of food has fallen into not just education but into the health care part of our program. We have had some groups that have helped us in the matter of 24-48 hours have produced documents that I hope will become long lasting with the city. There was a period of time where we were lacking. We are a pretty good group of people. Not all of us are writers, and there was a time where we were thinking about going outside of getting this thing written, especially after we have seen the San Antonio document, which is an incredible piece, but quite frankly, it kind of fell back to the fact there had to be city staff somewhere that could write this report. We now have someone there with us that we are very happy with and we want to make sure that Burt also gets complicated for the moment he came on board with us. Let's just say that everything changed. It took a drastic change, as far as staff support. He sits in the meetings with us. We suggest language. His experience is long and lengthy and we trust him. So, so far, I may have taken a while but I am hoping that what you will see hopefully by April will be a document that can be used anywhere from 3 years ago, because quite frankly some of the things that we have done already have been put in place. We haven't put that list together but we are -- in fact, Burt is helping us put a list together, things we were asked by city council and/or staff to make recommendations on during the time we were in place, even though we were not the commission. We appreciated that opportunity. So if there is anything specific, it is in writing. It's right here in my hand. Anybody who has ever asked me to actually make a presentation before their group, I did, and I have. I have attended probably anywhere between 35 and 100 meetings. [17:50:40]

>> Mayor Leffingwell: Ma'am, could you begin to wind up, please.

>> Sorry, I didn't know it was timed or I would have done it differently. But I want you to know we are still there, we are still alive and we are working on and I hope that it

-- hopefully it won't embarrass the community as it comes out and is presented to the community

as a whole. Thank you. [Applause]

>> mayor leffingwell: Council member tovo.

>> Tovo: I have a quick follow-up, not really a question

-- well, maybe a question, just for your consideration, I wonder if it's possible to put draft number 3 up on a website where people can look at it and begin to provide feedback while the two additional chapters are being drafted?

>> You are telling me that

--

>> mayor leffingwell: City manager

--

>> we have not made it public because we haven't presented to you.

>> Mayor leffingwell: Somebody else wants to weigh in.

>> Perez, I think that's the challenge, because it's gone through a number of drafts and a lot of rewrites and i think the

-- the working group is a bit hesitant to put that out at this point because the other responsibility was

-- is even after they complete the report, there is another element that staff needs to really come up with as was suggested by some of the folks, the fiscal note and the implementation, which, you know, the group has been very clear is short term and long term implementation goals, and so staff is trying to work very hard at that piece. I think that's the challenge of putting something out there and especially when it hasn't even been presented to council but I think the group has been very open and we certainly would make it open to anybody to sit down and at least share some of the perspective that they have, but I think we are a bit his about to put the actual report on the website at this point.

>> I didn't consider this, but we do have one meeting that will be open to people who assisted us. There are hundreds of people who assisted us and other latino hispanic groups to come and have a sitdown with us when we have the last draft ready.

[17:52:44]

>> Tovo: Thank you.

>> Mayor leffingwell: Thank you. Council member martinez.

>> Martinez: The last comment I want to make. One other things I took away from teresa and some of the other oversight team members is they really feel like they bare this

-- bear this burden of responsibility and want to make sure that whatever comes out is a complete success. I really got the sense from meeting with them that they carry a heavy, heavy responsibility and, therefore, they want it to be right. They are taking their time, because if it fails, we all fail and they do not want to see that happen, so, you know, I appreciate you guys ramping up and trying to give us a quicker timeline but I do also understand, not hesitancy but just the burden that you bear and i know that you accept that burden, but we all want it to be successful as well, so however we can support you guys, just let us know.

>> Mayor leffingwell: Tom jones. The role of government.

>> Good afternoon, mr. Mayor, council members. My name is tom jones. I am appearing before you today on behalf of the blessed creek neighborhood association. As you know, we have been admired, con con ten gent about land use over there. The last time I spoke, i said the homeowners association is being forced to file liens on the property owners. The lien filing period beginnings tomorrow morning. I

-- begins tomorrow morning. I have since been told there is an ordinance that will be considered by the council on february the 14th that may resolve this issue in some regard. If this ordinance is brought before the council, I would encourage you to try to pass this ordinance without the three readings because the homeowners association will

-- will certainly wait two more weeks to see if this is going to have an alternative ending but i would employ you to please carefully consider this ordinance, pass it by a margin which would not require the three readings, so it may become effective immediately. I would also like to remind the council that there is an alternative proposition before the staff and the council, that the homeowners association wil tom jones hands

-- and tom jones homes on behalf of the association will escrow an amount that is sufficient to redo the detention placement pond and the frontage to be placed in escrow pending arbitration hearing of these matters and if the city would consider that alternative, we would submit to the binding decision of an arbitrator and we will pay for the arbitration. If the arbitration is found against me, I will also contribute \$5,000 to your favorite charity. So it's pretty risk free for the city. I

-- we need to resolve this. We need to bring it to a close. I think it's time after 13 years that there be finished, so I

-- I please invite and request your

-- your best deliberation and consideration. Thank you.

[17:56:27]

[Applause]

>> mayor leffingwell: Ronnie reeferseed. Peace, freedom and the kill grid.

>> Thank you, sir, fluor rid also, yes, I am ronnie reeferseed, singing if not for the courage of the fear less crew, the uss liberty would have been lost, singing in memory. Remember people a few dozen months after israeli founder put out the hit on jfk, many brave soldiers of the uss liberty were fried alive with napalm and their ship was down to the sea by so called israel, type it up and search it in uss liberty to read about how the uss liberty was sacrificed by private bigoted israeli attack aircraft we gave them in attempt to start world war iii by framing egypt, sound familiar. This is not just my opinion. It is indice puteble fact. Lybj evan and kept on keeping on that cover up, not like the on going cover up of the jfk assassination, ie could adopt. Jfk was the last president to stand up and say no to israel in any way. Jfk refused to give them at atomic weaponry, because a truly man of peace actively worked hard to not incinerate the entire world on behalf of the bigoted design of cooks of so called israel. For that he paid the ultimate price in dallas and every so called u.S. President since then by golly had hatred by waging war worldwide, by the proudly so called israel and the so called democratic state of israel is no way the tribal people of israel as written in the bible, almost two millennia before it was invented. Remember jesus christ assassination was facilitated by the scheming ship of fellow jews, christ killing jews are today not our ally, they have been with the jfk assassination and the uss lib the are now for our hateful, evil, lock step war on islam and forever will be, scheming enemies of our precious u.S. Constitutionals, unless we all say no to the proudly bigoted psychopaths of israel.

[17:58:57]

>> Mayor leffingwell: Okay. Okay, your time has expired.

>> It isn't. I didn't hear the thing go off.

>> Mayor leffingwell: You aren't going to make. [Multiple voices]
>> you are not going to make
-- mr. Dafoe. [Multiple voices].
>> Mayor leffingwell: Program chambers.
>> Israel's ongoing peace, war on life.
>> Sir. He already asked you once, please
-- [multiple voices]
>> I have 40 seconds.
>> We can be here.
>> Tour warinfo.Com. Remember jfk assassination.
>> He has to speak.
>> The mayor asked you to leave.
>> He doesn't rule the world. There are rules here. We have three minutes to speak. He interrupted me before i spoke.
>> Okay.
>> Fine.
>> If you want to give in to this authoritarian.
>> Mayor leffingwell: Outside, please.
>> Right.
>> What happened to the first amendment?
>> Hey, don't touch me. I am leaving. That's not mine. Stop, people. Stop. I am getting out of here.
>> Just making sure.
>> Stop for asking me. Let me get my stuff together. I am trying to... I am ashamed of what is happening.
>> Mayor leffingwell: So you will not be allowed back into the chamber for this meetg.
>> Why is that, sir?
>> Mayor leffingwell: I said so.
>> Cite the law, mr. Leffingwell, turn back on the cameras. You are violating my rights and you know it. I will risk going to jail. [Indiscernible]
>> mayor leffingwell: The next speaker will be ray nedler a rnick. If you will wait until the chamber is cleared. We will start your time then.
>> By the way, I am jewish and I have no objection to his speaking about israel.
[18:01:00]

>> Mayor leffingwell: The mic is not on
-- the camera is not on.
>> Well, I have said it, anyway. Okay. Is it on?
>> Mayor leffingwell: Yeah. I will, as soon as.
>> Tell me when.
>> Mayor leffingwell: Okay. Ma'am, you can go ahead.
>> Thank you. Good afternoon. I want
-- when it comes to water fluoridation, this council hides behind the presumed authority of the cdc. You are about to witness the last cdc oral health director, bill moss, speaking in a forum that was not tightly controlled to shield him from tough questions, exactly the kind of questioning you so successfully kept out here. I have handed out a dvd of his entire sorry performance and

you need to watch it to fully appreciate the level of so-called expertise you have been invoking, but first let's hear what commissioner sheldon

-- or skeldon, no nonsense guy had to say. Please roll that.

[18:03:36]

>> Thank you for the question.

>> Commissioners, I have a question.

>> Water skeldon.

>> Sir, I want to ask you about a statement you made, you said a floorneurodosis and the

-- florodosis and possible white spots.

>> Yes.

>> And you also found that beautiful?

>> Yes, I am sorry if I found on my daughter, abnormal on her teeth caused by chemical, I would be irritated, I would be beyond irritated, I would wonder what internal effects would be going on, what kind of white spots is she going to have on her bones, et cetera. That is conclusively larger. You can't say that will be the only physiologic effect is white spots on teeth. Okay. I want the finish here. We have enough chemicals in our food supply already. I mean, the four food groups have changed to four

-- the food pyramid, you know, we are looking at all of this government research. We know cancer rates are high in this country. Heart disease is high in this country, alzheimer's is high, obesity up and when we talk about government recommendations, we follow the recommendations and this is what we get. So I just don't like any chemicals in my food supply and if anybody wants to know why I am such an avid deer hunter, they don't get growth hormones or antibiotics or

-- or put on a corn-fed diet. They are natural, et cetera. I can could go into that but the floor rid

-- fluoride, a toxic agent like fluoride that could cause symptoms such as I described earlier and you said that would be beautiful on your daughter, I think is

-- I just think it's

-- I take exception to that and I apologize if I appear irritated because I really think a lot of this has to do with genetics and your own personal hygiene habits.

[18:05:42]

[Buzzer alarming]

>> Mayor Wynn: The next speaker is walter alernick. The buck stops here.

>> Can we roll the second half?

>> A concern if this is happening in the teeth, something else may be going on, people have been saying that at the very least for 30 years when the EPA very first began to regulate slight levels -- fluoride levels in drinking water and during the tooth forming years, the fluoride being made, where the crystal structure is being laid down and so I don't find it surprising with high levels of fluoride there be disturbance to that. The disturbance is it lays down the crystal structure is laid down a little bit differently, and so to translucence, the way the light reflects the different. All we are seeing on the tooth with the mild levels is the crystals got a little bit different look and the light refracting different and looking white.

>> Yes, sir.

>> And what's happening in the rest of the body, well, that's why

-- again, people have had your concern and so we have been continuing to study whether there is

any health effects, any other health effects from fluoride and none have been detected and I think that's understandable because fluoride is common. It is common in this world. So it is just a part of

-- the body deals with that. It concentrates in the bone. The only

-- half of it is excreted and half of the concentrate in the bone. The only time that it appears to have a

-- a change that isn't

-- that just isn't part of the normal metabolism is that tooth forming years which change its crystalline structure. People are looking to try to understand the concern that you have, but no evidence has been found on that.

[18:07:45]

>> Yes, sir, you are using lights off of that to identify the chemicals in that substance. You are going to break down a light and analyze colors of light because each element on periodic table will provide a certain light. Is that correct? So we have unknown substances there, ones

-- unknown substances, ones we don't know and science is changing a lot. Science changes a lot, quite a bit all the time and if you are telling me by using spectrography you are able to identify chemicals that are not natural to the body, I think you have made the point for me, sir.

>> Mr. Chairman?

>> I would like to comment a concern if this is happening what is in the teeth there must be something else going on. People have been saying that at the very

--

>> the exchange which ended with Dr. Moss came back to his seat kept a surreal performance. He freely admitted that fluoridating water was decrease fluorosis which kids children called beautiful and then later claimed he didn't call identify and he calls it a trade-off accepted by dental professionals from the very beginning but never shared with the public, he quoted obsolete scientific references long discredited. Is this the level of confidence we want to rely on? [Buzzer alarming] remember, as CDC, the buck stops here.

>> Thank you. Paula Robins. City issues.

>> Good evening, council. I am an environmental activist and consumer advocate. At the last meeting I criticized a briefing on water conservation that was held in December of last year. I stated that there was no way that the public was allowed to give alternative information. This is a second in a series of speeches I plan to make on this, given the small amount of time I have, I will limit my comments to one issue, pipeline repair and replacement. Austin has about 3700-miles of water pipelines, as they age, they leak. It has been estimated that the water systems is about 8% of its annual supply that leaks about 4 billion-gallons a year, enough to provide water to 40,000 Austin households, increasing the amounts of learning have been allocated for these purposes. However, in the last two fiscal years, 28% of this, about 15 and a half million, out of 55 million, wasn't spent. There may be good reasons for this. However, this amount

-- the finances could be adjusted for these reasons so that some of this unspent money was utilized. The program's largest problem, though, is that its effectiveness is not measured. Pipeline segments have no arm site

-- have no on site leaders to measure before and after savings but in my research, next slide, I found something very interesting. In 2001, Austin participated in a study of 20 utilities conducted by the American Water Works Association, about the nation's leaking pipeline infrastructure. This study predicted massive expenditures would be needed to replace aging pipelines. As you can

see from the chart on austin in the 2001 report, the cost per household, in real dollars will increase by over 200% by 2030. This situation is not the fault of the current managers of the utility. My criticism is, rather, that the managers have not informed the public about these imminent increases. Austin had the highest water costs of the top ten texas cities in 2011. Rates are going up even more because of their treatment plant and annexations and apparently they are headed up even more because of pipeline repairs. You're the council. You are the ones who have to weigh in on and allocate costs to a half billion dollar utility budget each year. You need to know this.

[18:12:27]

[Buzzer alarming] good afternoon.

>> Tovo: Council will now go into closed session to take up 6 items pursuant to section 5551.07 of the government code, the city will consult with legal council following following items, item 17, with the managed growth agreement with pierson place at avery ranch, 18, legal issues related to management growth agreement with shady hollow. Gordon town homes, item 28, legal issues with creation of pilot program authorized walking and hiking on certain trails on 24 hour basis, item 29, legal issues related to membership requirements of the land development coded a risery group, know

-- advisory group, noting we have passed the specific item. This is just for specific legal advice for future appointments. Item 44, legal issues related to open government matters, item 46, legal issues related to labor negotiations with employees in the fire, police, ems departments, noting items 47, 45, and 47 have been withdrawn, will not be discussed. Is there any objection to going into executive session? Hearing none we will now go into executive session.

[20:26:25]

>> Good evening, I'm council member kathie tovo and it's my real pleasure to introduce you tonight to the band that's joining us and they are what made milwaukee famous. Since their formation in 2003 they've played a number of large festivals, including our own austin city limits and sxsw and la la ploosa. They've formed withford nant on the austin city limits television. They've been praised for ability to channel strong musicianship into instantly distinctive hooks. What made milwaukee famous was a full-length album y can't fall off the floor, released january 22. Being almost a decade into their career the band continues to gain national recognition and to satisfy crowds of devotees with their energetic live performances. So please join me in welcoming, what made milwaukee famous. [Applause]

[♪♪ music playing ♪♪] ferdinand

[20:30:34]

>> tovo: Thank you. That was fabulous. So a few questions for you. If you could tell us your web site.

>> Web site is what made milwaukee famous.Com.

>> Easy. And where can we purchase your music?

>> On the web site, what made milwaukee famous. However hopefully itunes soon, we just don't have our stuff together.

>> Okay, but soon. Where would where will you appear next?

>> We're heading out on tour dallas at club dada and back in san antonio and then we head to the west coast, san diego, vancouver, boise, all the above.

>> Any ideas when you'll be back in playing in town?

>> We'll be back in austin for sxsw, so

--

>> tovo: Super. Thanks for joining us. I have a proclama for you. Be it known that whereas the city of austin, texas is blessed with many creative musicians whose talent extends to every musical genre and whereas our music scene thrives because audit audiences support good music produced by legends, local favorites and newcomers alike and we are pleased to showcase and support our local artists. Now, therefore, i, lee leffingwell, mayor of the live music capital do hereby proclaim january 31, 2013 as what made milwaukee famous day. So congratulations.

[Applause]

[20:33:30]

>> mayor leffingwell: Welcome to live music and proclamations. First we're going to honor a few

-- honor a few members of the latest small business

-- small business development programs graduating class. We all know what an important part of our economy small business is. We talk about it all the time. Over two-thirds of the private sector jobs in the city of austin are small businesses, fewer than 100 employees, and about 80% of the companies in austin have fewer than 10 employees. So that's what a large part of our economy it is, and we talk about how we can help small business succeed because that helps us to succeed as a city. This is one of the things we do to help them succeed. We partner in this particular program with the university of texas professional development center and through the collaboration will help business owners develop skills to grow their business and ultimately contribute to job growth in our community. We have 13 folks up here today who have completed six business education classes during the past semester to achieve their business success skills certification. Congratulations to all of you. We celebrate each one of you and what you have done for our community and what you will continue to do. Wish you the greatest success and hope this has been helpful to you. So now, vicki valdez, manager of the small business development program will recognize our grads.

>> Thank you, mayor. My name is vicki valdez and I manage a small business development program. Our relationship with the university of texas professional development center is now in its fourth year and it's producing outsding results. Since the first business success skills certificate graduation in 2010, there have been over 35 businesses that have been recognized and received the certificate. The business skills success certificate is provided by the city of austin small business development program. It is designed to provide affordable access to top-quality business skills classes, to give our local business owners a competitive edge in managing and developing their businesses. So tonight we have eight graduates with us, even though there was 13 businesses that were able to receive the certificate. But before I announce

-- before I announce each one of you all, I wanted to say, mayor, thank you to you, and city council members, for the continued support of the small business development program, and small businesses here in austin, and also to city management, particularly rosie ha live i, economic director grove of redevelopment services. With now we announce the graduates. As I call your name you'll receive your certificate. Sophia avalar. Suzanne barr. Daniel barrett. Roberto munoz. J olvera. Christopher vetrimil. Robin robson. And maureen robson. Congratulations to all the business owners that received their certificate today. Thank you.

[20:38:42]

[Applause]

>> mayor leffingwell: We're going to recognize a group that makes a very valuable contribution to our community, engineers. And I say that in part because I am an engineer by education. So proud to be associated with a group like this, although I graduated from the university of texas with a degree in mechanical engineering. This is a civil engineers group but they are very sely aligned, and I've got to say that I'm very proud of

-- my biggst contribution to the profession of engineering is the fact that I never actually practiced any engineering in our community.

[20:40:53]

[Laughter] so. With that in mind I'm going to read this proclamation honoring the group, which says, be it known that whereas, civil engineers provide us with roads and bridges, safe drinking water, stable structures, storm and wastewater systems and sustainable infrastructure, and whereas more than 10,000 members of the american society of civil engineers in texas address the major technological challenges of our time, from rebuilding towns devastated by natural disasters, to designing infrastructure that will take our country through the 21st century, and whereas, the texas section of asce is celebrating 100 years of service to the citizens of texas during which time they have contributed to texas moving from a quiet, undeveloped state to being an economic and technological powerhouse for the entire nation, and i might add the world. Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby acknowledge the achievements and cultural improvements brought about by the advancement of civil engineers and do hereby proclai the year 2013 as the centennial celebration year for asce's texas session in austin, texas. Congratulations to all of you. You [applause] and I believe trfs michel, professional engineer, is going to speak on behalf of the unit here. Travis?

>> Thank you, mayor leffingwell. It's a pleasure to be here and certainly an honor, and it's great to see so many of our colleagues here with us today. A couple facts I just want to mention about the american society of civil engineers. Asce, the national organization, was founded in 1852, and serves over 140,000 members nationwide. The texas section, as the mayor mentioned, we're celebrating our 100th year. We have over 10,000 members statewide, and here in austin we have over 1200 members serving 17 counties here in central texas. For those of you that are not necessarily familiar with civil engineering, i I'll just go over a few things, tell you a little bit about what we do. First, engineers

-- or civil engineers are dynamic problem solvers.

[20:43:28]

[One moment, please, for change in captioners.] (cofa9-27-12.Ecl)

>> some of the local civil engineering achievements I'd like to highlight here in the austin area include the austin clean water program, several engineers here in attendance worked over many years and were involved in that program. The multi-year program encompassing over 100 civil engineering projects, rehabilitated the city's wastewater infrastructure, which was an e.P.A. Mandate order that the city of austin improve its wastewater system. One other project I want to mention is a waller creek tunnel project that is currently under construction. That project is going to reduce the floodplain of waller creek and open up the east side of downtown for further growth. Some very important projects that civil engineers have been involved with here in austin. One other thing I want to mention is the infrastructure report card. Mr. Mayor, the texas section over the last several years has been involved in putting together an infrastructure report card. As

you can see the overall grade for the state of texas was a c. Some of the areas needing improvement were roads, schools, dams, drinking water and flood control, all of which received a grade of d or worse. And basically as austin continues to grow and continues to pop up on the best of city's list, it's important that we continue to invest in infrastructure and keep austin competitive. And with that I would like to say not only keep austin competitive, but keep austin engineered. So has the mayor and council continue to support both new and existing infrastructure and we appreciate the honor and it's a privilege to be here today. Thank you.
[20:46:09]

[Applause]

>> Mayor Leffingwell: If you're here for the neighborhood habitat challenge, come on down.

[20:48:32]

>> Mayor Leffingwell: Some of you may remember a few years ago, I think 2007, when we established the program to have wildlife habitats all over the city of austin, including downtown area, commercial districts, churches, places of worship, neighborhoods, of course, even city hall has now been certified, although many people think it has actually been a wildlife habitat for many years, it's now officially certified as a wildlife habitat. And each year we bring forward neighborhoods

-- this is a neighborhood challenge

-- who is gone to the trouble to establish a wildlife habitat normally in the backyard, which is

-- i have one in my yard. It works out very well because you don't have to do much maintenance.

You don't have to mow your grass very much. And e.P.A. Year we bring forward three neighborhoods who have gotten a large percentage or the largest percentage of homes in their neighborhood to be a part of this program. I notice now that we're beginning to get some repeaters, specifically the jester neighborhood. And I think I know what's behind that. My good friend dale and pat beula have worked tirelessly in the cause of conservation and various other environmental issues. This of course is one of those. So I've got a proclamation for each one of the neighborhoods. They are jester, travis heights, srcc and the hancock neighborhoods. I'm only going to read it once, though, because it's exactly the same for all three. And I'll present it and have erin card come up and say a couple of words about the program. She was not here at the beginning, but she's ably taken over as the parks department representative administering the program. The proclamation read as

[20:50:32]

follows: Be it known that whereas the city of austin strives to create habitats for wildlife within backyards, school yards, public areas and place of business and worship and whereas the parks and recreation department's wildlife austin program recently concluded its neighborhood habitat challenge. Winners organized wildlife habitat enhancement projects and certified the most individual residences as habitats with the national wildlife federation. These provide better flies, song birds, humming birds, frogs, lizards and other species with food, water, cover and places to raise their young. And whereas the jester neighborhood placed first with 57 new certified habitats. Travis heights south river city citizens neighborhood came in second with 56. And the hancock neighborhood was third with 10 new habitats. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim the jester, travis heights, srcc and hancock neighborhoods, as winners of the 2012 neighborhood habitat challenge in austin. Congratulations

to all of you. And I'd like for erin to come up and just very briefly tell us about the program. I'll pass these out too.

>> Thank you very much, mayor leffingwell. Wildlife austin had a great year this year. The neighborhood habitat challenge was another successful year. The challenge was started in 2008 as part of an initiative get austin certified as a community wildlife habitat through the national wildlife federation. We had a very, very close race between first and second place this year. As you heard, jester had 57 total habitats and travis heights srcc had 56. And it actually came down to the wire and it was very exciting and dramatic, but jester pulled it out, so i want to give them a round of applause because they did a great job this year.

[20:52:39]

[Applause] we have six total neighborhoods participate, which is wonderful, and we actually added aside from those added through the habitat challenge we have 330 newly certified habitats in austin in 2012. And that actually brings our total for the city to over 2,000 certified habitats, which is pretty amazing and we should all be very, very proud of that. Austin has been certified as a community wildlife habitat since 2009 to we've been going on four years as a community wildlife habitat. I just want to say personally I am so lucky to work with all these amazing volunteers and neighborhood representatives. They worked very, very hard this year to keep austin wild. And I am sure if the wildlife of austin could, they would all thank you guys very, very much. Thank you. [Applause]

>> if you haven't seen one of these signs in your neighborhood, then you're not protecting habitat. So watch out for these wonderful habitat signs that neighborhoods all over the city. In jester we now have 174 homes that are certified. And I just happen to have applications for habitat with me if you would like to get your yard certified to provide food, shelter, cover and a place to raise young, we'd be glad to do that. And those of you that are already members of the national wildlife federation, austin was featured this month in the national wildlife federation national magazine as being a special place for gardening and protecting wildlife. So check that out in your wildlife

-- and several austin people were quoted. So thank you so much to the city for its support of protecting wildlife, reducing our use of water, reducing pesticides, and fertilizers and making austin an all around better place for all of us. Thank you. [Applause]

[20:56:44]

>> Martinez: All right. Ruben and jessica, would you join me please. I'm happy to introduce ruben cantu and jessica (indiscernible). Please come join me. Ruben and jessica are here today to accept a proclamation on behalf of social summit

-- social goods summit austin for the citywide work from home day initiative that they have worked so hard to organize for next friy, february the eighth. The goal in this effort is to have as many folks as possible work from home, there by rosary'sing 10,000

-- there by reducing \$10,000 off our roadway and increasing air quality while reducing traffic congestion, which is

-- has always been strong values and goals that we have here in austin. So I was happy to sponsor that resolution. I want to thank my colleagues, all six others who supported the resolution as well. So the city of austin is partnering with other government agencies, private entities and we think it will have a measurable impact that we can build upon in future years. I want to read the proclamation are present it to ruben and jessica and allow ruben to say a few words. The

proclamation reads be it known whereas the city of austin is proud to be a sponsor and partner in the city's first ever work from home day in an effort to reduce emissions and improve overall air quality in austin. And whereas companies including dell, a.M.D. And national instruments, government entities including the governor's office, travis county and capital metro and nonprofits, austin young chamber and the national conservancy of texas, and many more are participating. And whereas coordinated by social goods summit, this initiative is the first step in showing how working together we can all share the responsibility to keep our air clean and our traffic congestion low. And whereas this step is the first of many to help our quality of life continue to shine as austin grows to be a world class city and a senator of attraction to all walks of life. Now therefore i, lee leffingwell, mayor of the city of austin, does here by proclaim february 8, 2013 as work from home day. Congratulations, ruben.

[20:58:54]

[Applause]

>> thank you, councilmember martinez. I want to acknowledge jessica tenant who is our project manager, helped make this project a success. When we tallied the whole team this group of volunteers amounted to about 26 or 27 people. We put this event together in september and we got a group of social media influencers, community organizers and people who just want to do good in the city and we asked them what can we do in collaboration with the big new york event to actually make an impact and show measurable progress. The solution that came out winning was a work from home program. This is not a new concept, but what we wanted to do is see if it could actually be implemented citywide. We wanted to ask the community if everyone could do their small share, their small part in helping keep our city's air clean and reducing our traffic congestion. We all know that we love austin, but there's no way we can actually build a highway through downtown. It's almost impossible. So we said let's start small. A lot of government agencies are already working on this trying to reduce traffic. We said let's start small a do it one day. And we chose february 8th and we're asking the people in the city of austin who are participating or aware of this to participate next friday and work from home. If you're an employer, join on. You can go to our website at www.Socialgoodsummitaustin.org. Again, socialgoodsummitaustin.org. You can sign up there as a company or an individual. The three things that we're going to collect the amount of people who participated, the -- we're going to reap the air quality on that day in comparison to what the air quality would have been on another random day, a regular day. And we're also going to work with the city and hopefully txdot to measure key intersections in the city and see if we actually made a measurable impact. We have key companies that are on board right now. As councilmember martinez stated, dell, a.M.D., Rack space, gsd and m, jason's deli, st. Ed war's community and austin community college. Our key sponsor is pgi and small start-ups. Government agencies like the city of austin have supported alongside with travis county, capital metro and campo. As of a week ago governor rick perry also joined on board with his wife supporting this initiative and that really this gain some momentum. Nonprofits, the austin technology council and the national conservancy of texas and others are all on board. We're looking forward to having this be one of many work from home days, and we hope that in maybe august or a couple of months down the line we can try this again and see how this happens so it become more of a part of our culture and an institutionere in austin, texas. So thank you very much and again, the website is [social good summit austin](http://socialgoodsummitaustin.org) storing.

[21:02:16]

[Applause]

>> Mayor Leffingwell: We're out of recess. We'll begin it our zoning cases. I believe 49 is first.

>> [Inaudible - no mic]. The prom is located at 2905 del curto road and 1814 lightsey road.

[Inaudible]. This case was passed on first reading by the council on december sixth by a vote of seven to nothing with the cap on the number of units to no more than 35 and impervious cover limitation of 45 percent. The applicant is requesting that this case pass on second reading only. And would like the case to be brought back for third reading at a later date. Earlier today there was a valid petition against any rezoning of the court greater than 35 units, which is what passed on first reading. However, late this afternoon we did receive some additional (indiscernible) that were taken off and so the petition is no longer valid. Right now we don't have a valid petition against the proposal. Like I said, we have a request to do second reading only. With that I am available for any questions.

[21:04:27]

>> Mayor Leffingwell: Okay. I'll entertain a motion on item 49. Councilmember martinez moves approval on second reading. Is there a second? Seconded by councilmember riley.

Councilmember morrison.

>> Morrison: Mr. Rusthoven, just a question. The valid petition that's no longer valid, the petition that's no longer valid, was that just with regard to number of units or was it number of units and impervious cover.

>> It only addressed the number of units. It just said no more than 35 units, just what passed on first reading. The applicant is also giving me a statement in writing which we consider a valid petition saying he's opposed to any rezoning that has less than 37 units, so we have a first reading motion ofe have his petition which is I think just to make sure that something doesn't happen on third reading today, but his request is just to do second and doesn't change when we're back at third.

>> Morrison: So we're looking at a motion right now that's 35 and 45%.

>> Exactly.

>> Morrison: Great.

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: Can you explain, I've never heard of a property owner who has fought a rezoning getting a valid petition against that rezoning. Has this ever happened before?

>> It's happened before. Usually we don't bring it up because essentially what's happening is we have

-- as i said, earlier we had a petition of no more than 35 by the neighborhood. The developer really doesn't want that

-- the motion to pass on three readings today. So this is kind of a back stop, if you will, to make sure that third reading didn't happen today. I imagine he will take this back after today. But he just wanted to be sure that the council did not pass the first reading motion on second and third readings. So this would prevent any of that from happening without six votes.

>> Tovo: But there is a provision in our code that allows a property owner who has

-- an applicant who has sought a zoning change to then bring forward a valid petition against that zoning change under certain conditions.

[21:06:29]

>> I would say that the state law and the city code allow a property owner to petition against the zoning that is against his or her wishes.

>> Even if they've sought that zoning?

>> I would say each if they sought that zoning.

>> Tovo: That's very odd. Issue it is very odd.

>> I guess I would like more information about it but we don't need to do it here. I'm happy to go ahead and vote.

>> Mayor Leffingwell: All in favor of the motion say aye? Opposed say no. It passes on a vote of five to zero on second reading with councilmember cole and spelman off the dais. 51?

>> Councilmembers, number 51 is crown 2012-0097, little woodrow's bar and restaurant.

Request is from general commercial services mixed use vertical mixed use building, conditional overlay neighborhood plan or cs-mu-v-co-np zoning to commercial liquor sales, mixed use, vertical mixed use building conditional overlay zone. This request was approved on first reading on december 13th by a vote of 4-2. This case is ready for second and third readings. We do not have a valid petition on this case. And I'm available for any questions.

>> Morrison: I wanted to pull this off consent i thought there were concerns that needed to be aired. Obviously we've heard lots of concerns from neighbors about potential impacts of this rezoning and also i think from the other side of it we've heard concerns about what the vision of burnet is and all of that. But at our last hearing when we did take that vote, sort of late into the night we started talking about some parking numbers. And they raised a lot of concerns for me and I wanted to walk through them again because I think it really points out sort of a -- it points out a discontinuity at we have in the code that can really lead to some problems. So I'm wondering if the whole issue came down to the fact that the parking requirements for a bar that's less than 2500 square feet is half as much per square foot than a bar that's more than 2500 square feet. And I know we were walking through some of those numbers and I don't know if ms. Grassfield may be able to help us walk through them. And I have the slide from before. I wonder if you would mind putting it up and helping us walk through. I have the calculations myself, but I wanted my colleagues to be able to just take a look at the situation because by my calculations if we shift the difference between how much of it is a bar and how much of it is a restaurant by only three percent, then the parking requirements would go up by 60%. And so to me that's really striking and it tells me there's going to be impacts that we're not really gathering here. So I wonder if I could give you this.

[21:10:00]

>> I'll put that up and ask mr. Zapalac to answer the questions.

>> Morrison: Okay. That sounds great. I know ms. Glasgo is here if we have any questions. I actually did do some of the calculations and if

-- you'll see what's going up on the

-- on the screen is the breakdown. The plan was to have 2,064 square feet of restaurant and 2349 square feet of bar and patio. And both of those have one to 100. One parking space per 100 square feet. Let's wait until this comes up so you can follow what I'm talking about. There you go. So this was what ms. Glasgo had given us. I'm really just interested in the first two lines, the 2064 square feet at one to 100 brings you 20 spaces, a requirement for 20 spaces. And then 2349 square feet for bar and patio that's also one to 100. So that would be 23 and a half. And of course, it goes on. There's corporate office and a subtotal and then this is all going to be just at 80% instead of 20%. But here's the numbers i wanted to walk through. And that is what if in fact

we were shifting it and it were being built at 2500 and 1 square foot of bar and then the difference would bring down the restaurant to 1912? The difference 152 square feet. So mr. Zapalac, is it correct to assume that if it was 2,501 square feet of bar that we would actually compute the parking spaces at one to 50 square feet instead of one to 100?

[21:12:03]

>> That's correct. [One moment, please, for change in captioners]

>> to me that really raises a flag and we did have a little bit of discussion about that last time and that is like how is the bar versus the restaurant delineated, and I think it was suggested

-- ms. Glasgow, maybe you want to spe. I think it was suggested that a wall but a door and people could walk in between. Is that something you might be able to speak to, ms. Glasgow?

And to me the free movement between the two helps me

-- really raises concern what does it really mean to be a bar versus a restaurant. Welcome, ms. Glasgow.

>> Thank you, I'm representing the applicant. I'm glad you asked that question. Since the last meeting we met with mr. [Inaudible] on several occasions to refine the flow plan and jerry will put it up to

-- so you can see the flow plan which has

-- in our meeting with mr. Zapalac he told me when we come in with a conditional use permit site plan he'd want to see a flow plan that has walls that separate all the uses, that he's comfortable with. We've shown him this plan

-- flow plan, I want to

-- this is a flow plan. This is what delineates all the uses, the square footages and the parking requirements and I'll just walk you through that so you can see where we have that

--

-- the bar little woodrow's, the inside bar is 1378 square feet, 1,378. Patio, the deck is going to be totally under the little woodrow's, about 818 square feet, for a total of 2,495 square feet, which is at a ratio of 1 to 100. Space is being 24.95. Then we have a restaurant, kitchen and delivery, and so the total square footage for the restaurant is 1669 at ratio of 1 to 100, the parking pays 16.69, corporate office and storage and they're all delineated with all walls, so you can't just go from one place to the other. They stand alone separately and that's at 786.5 square feet at a ratio of one space to 275 square feet for that particular use under the code. And then the back two flings that face clay are going to be the designated use will be storage, which is at a ratio of 1 to 1,000 and those two buildings have nothing to do with the cs-1. They're currently zoned cs-mu, and so when the plans when we submit the conditional use potato are plat plan it will cover the entire property which is owned by the same owner, and that will then account for how all the spaces used. So with the

-- with the 20% discount of parking for the urban core, which gives you the required parking of 40 spaces, currently the site has 52 spaces, subject to, obviously, staff review once we submit the conditional use site plan as to

-- as it relates to the parking spaces on to burnet road. And council member riley had asked us to also consider the possibility of coming into compliance as much as possible with the commercial design standards as relates to

-- since we can't pull the building forward under commercial design standards, be closest thing would be to redesign the deck so that it somewhat wraps around closer to

-- and somewhat

-- somewhat to the street so that it has the urban core feel.

[21:17:07]

>> Morrison: Great. So the restaurant is going down to 1669?

>> Correct.

>> Morrison: I'm sorry, i missed a couple

-- down from 2,064. What's the bar in the new plan?

>> The bar is 2495.

>> Morrison: 2495. Okay. So

-- and that's

-- I guess that's even closer to 2500, before it was

-- before it was 2349.

>> Correct. So we're just

-- the deck is going to be assigned totally. So I think what we've done before, we had split that, and that caused some confusion, so

--

>> morrison: But there's no way

--

>> correct, this is designated to one place, it's a lot easier and clearer to do that, and it gives her confidence if we come in with that flow plan

-- that's what has to be proposed to make it all stand alone, to comply with the parking requirements.

>> Morrison: And i appreciate your comments about trying to pull it forward a little bit more and integrate it more with a commercial design standard feel. It's a wonderful building and I love that it's being contemplated to be reused. I guess my concern still stands significantly that now we're right on the cusp. If we add now 6 more square feet of bar, it would require about 20 more spaces, and to me that's just pointing to a real problem with our code. There's already enough concern about

-- about the impact that a bar will have with the hours and the close neighbors, so I just wanted to walk through that and raise that at a time when I'm not brain-dead because i was last time we went through it and I wasn't following a lot of it. But I think that is a big concern. We're very close to

-- very, very close, on the edge, of really needing about 20 more spaces to make it work. And so I will continue to oppose this, and I just want to give my colleagues an opportunity to walk through this and to think about it. Thank you, ms. Glasgow, for that information.

[21:19:26]

>> Thank you.

>> Mayor leffingwell: Council member tovo.

>> Tovo: Yeah, and as i recall from our discussion last time, creating the spaces will require down the road a variance from sf, because it's so close to single-family in the back. I wonder if we might have staff comment on that.

>> That is correct. Planning commission approval would be required to approve any parking within 200 feet of a single-family zoned property that's used for a cocktail lounge.

>> Tovo: How many of these spaces fall within that?

>> I would guess approximately half.

>> Tovo: So approximately half of the spaces. So as council member morrison pointed out, there was six, but I thought it was five, in that's case, five or six square feet of needing 20 more spots, and the assumption about how many spots rests on their ability get a variance down the road to be as close to single-family residences as they are

-- would be.

>> That's correct, and also we do have some concerns about the existing head and back-out spaces along burnet road and that's something we want to address with the conditional use permit as well.

>> Tovo: So that's 19 through 28? Are those the spaces that are contemplated to back out?

>> Yes, and we're not saying we would allow any of them at all but we want to look at how they're designed and design options for how to deal with those spaces.

>> Tovo: So that's about ten of them, ten of the required spaces, including the only two handicapped accessible would be required to back out on burnet?

>> As currently drawn, yes.

>> Tovo: Well, yeah, I stand committed to my position of last time that this does not seem to be the appropriate site for this use. And I appreciate the work that you've done, ms. Glasgow, to delineate the patio. I think it was the architect last time who talked about the interest in having people migrate from the restaurant to the patio and, you know, that certainly would raise concerns about whether the restaurant was really

-- anyway, it raised concerns for me about the square footage that was being allocated to bar and restaurant. What I heard from the architect the last time, we've heard concerns from the neighbors about the impact, how close they are, how close this proposed bar would be to their residences, and the concern about noise and potential news and, you know, they are really just back up against the back of this site. And we also heard from the architect last time that they had an interest in making, you know, a big removable side door so that it would be free-flowing to the outside and, you know, people would come in and out and you could be outside and hear the music. I hope I'm remembering that correctly but that was what I took away from that

-- from that discussion. I don't know whether that plan has changed, but certainly I think we're talking about a very big impact all around between the parking and the noise for this particular use as close to single-family residences as we are. I agree, it's a fabulous building and it's very exciting to think about it being redeveloped. Reheard a lot of interest from the neighbors in seeing a restaurant there, and certainly

-- the potential owner of this site has

-- the potential renter of this site

-- I'm not sure how to explain

-- has restaurants as well, and so I would hope that that maybe a restaurant could go in here instead of a bar. I think that would be more appropriate given its physical setting.

[21:23:04]

>> Mayor leffingwell: Council member spelman.

>> Spelman: George, this is probably a question for you but might be a question for alice. It is obviously disconcerting that the difference between a 2,499-square-foot bar and a 2,501-square-foot bar is basically twice as many parking spaces. There's a huge notch there. And leaves one to wonder, where did we come up with this estimate of 100 or 50 parking

-- [inaudible] for parking space in the first place.

>> Council member, we did some surveys a number of years ago looking at actual parking

demand at a number of bars of different sizes, and we did find sort of a break in the -- in the ratio. In other words, there wasn't a complete linear relationship between the size of the facility and the number of parking spaces. There was a change as you get to a larger size bar, over 2500 square feet, and I think as I mentioned last time, it might be due to the fact that you might have more standees in a larger bar like that or you might have more live entertainment, but there seems to be something about that break point where you get heavier use.

>> Spelman: Is there anything else about a bar, George, that determines how many parking spaces you're likely to need other than just the square footage, just the full size?

>> It's just the square footage.

>> That's all it was?

>> Yes.

>> What else did you look at?

>> I don't think we tried to correlate to any other factors. We had square footage information and so that was consistent with all the different samples we looked at, and that's the easiest thing to track and permit, you know, to.

>> Spelman: Right.

>> And we have had in the past some of the parking [inaudible] have been based on seating but seating is subject to change, as tables are brought in and brought out. Square footage is a more consistent basis to keep it on a standard basis.

[21:25:14]

>> The idea is a big bar, you've got more people standing, more density of people per-square-foot than you do in a smaller bar by and large. I don't know very much about the Little Woodrow's chain. May as well call it a chain. There's a few of them out there. But it seems to me if Little Woodrow's was organized as a group so that there were relatively few tables and a lot of standers, there would be a lot more density, but if you've got tables, as is suggesting here, I don't know enough about Little Woodrow's to know how they're organized, but if most people are sitting at a table, there's a relatively low number or low density. Maybe you could speak to us Alice about how Little Woodrow's is organized and where people sit or stand and what kind of density we could reasonably expect.

>> Hello, Rick Engel. Thank you all, council members. Little Woodrow's has been around since 1993. We've got many locations and many around town. Traditionally we are a neighborhood bar. In recent cases we have partnered up, if that's the right term, with other food operators to be the restaurant portion, and in this case there would be a completely separate restaurant tenant in the building, so two totally separate tenants. Little Woodrow's does have tables, chairs, picnic tables. It's really a gathering place, a place for people to come meet. So, you know, mainly happy hours, evenings, weekends, that that's really a place to come watch a sporting game, that kind of thing. So it's not a place like you would find, necessarily, that's got wall to wall people packed, where you start removing tables and chairs like a lot of other bars and places, clubs that I've been to before and seen. Little Woodrow's truly is more of a neighborhood place, and in this case with as much density as in the neighborhood and in the apartments coming, I really do see a lot of people coming in and walking in and enjoying that place.

[21:27:26]

>> Spelman: In my misspent youth I spent more time than I want to remember in dance clubs, basically jumping up and down because that's all you could do because you didn't have square

footage to go sideways. You're not talking about one of those?

>> No, in fact, all of ours

-- whether it's a game on or whether we have recorded music and we're not doing live music at this location, it is background music. It's a place where you can come and visit and talk and hang out and hear your friends. You know, it's a slightly older demographic, and it's a place where really, you can come and enjoy the experience, the real experience.

>> Spelman: And if I walked into another little woodrow's what I would find is people sitting down, not standing up and

--

>> if anyone has been to the hill cou gallery a galleria location, this is very much like that. We're going to have kids until 21 come in until a certain hours of the night, seven days a week. We are going to admit

-- omit some of the hours of operation. It's a place that will fit that neighborhood, and the food that will be served next door traditionally will be more like a bar and grill. And so it will provide food during all hours of our operation that we're there to those patrons. So I do think, if you've ever been out there, spanish oaks is our neighbor and we get along very well with spanish oaks. Just to point out one more comment about being so close in proximity to residents, I've got uncle billie's on barton springs, which does 50% liquor and 50% food and we've got residents much closer to that location than this location ever will, literally within 30 or 40 feet. And we have live music and we are able to coexist with the zilker neighborhood very well. And I think we could do the same thing here.

>> Spelman: Thank you, sir. I appreciate it.

>> Thank you.

>> Mayor leffingwell: Anyone else? Entertain a motion

--

>> mayor?

>> Mayor leffingwell: This item. Council member spelman moves approval on second and third readings. Is there a second? Second by council member riley. Further discussion? All in favor say aye.

[21:29:38]

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no.

>> No.

>> Mayor leffingwell: Passes on second reading only on a vote of 4-3 with council member martinez and tovo and morrison voting no.

>> That brings us to our next case which is item no. 61. This is case c14-2011-0065, known as the austin holt, it's located at 28 un cbd-h central business district and historic zoning, to cbd, central business district, central urban redevelopment district, combined district zoning. The applicant is making the request and using the cure overlay to do a couple things to modify the code. First they would like to modify the flar to area ratio up to 20 to 1. They would like to modify 252643 of the code to allow a building setback of 30 feet from the property line adjacent to

-- to minimum height, 30 feet from the ground level maximum height may not exceed 90 feet. Waiver from b 1, b 2 and c2 of the code to allow for loading and unload within the alley located between west 8th adjacent to the property and modify e of the code to allow for off-site parking

and to modify 256-91 of the city code to not provide any off street parking. The applicant has a restrictive covenant with the city to provide off-site parking equivalent to the required off -- to required off-site parking equivalent to the required off street parking and provide handy capped spaces. The staff recommends approval of the case the design commission recommends approval of the case. The downtown commission recommended approval of the, the historic landmark commission recommends denial of the case and the planning commission recommended denial of the case. I think you did the whole series. The isabel petition had over 35%. We have folks in opposition to this case and I'm available if you have any questions. Questions for staff? We'll go to the -- did you have a question? Council member tovo. [21:31:56]

>> Tovo: A quick one. This may be for mr. Robertson. It's my understanding -- I'm just looking over some of the -- so this is within downtown, obviously, and I'm just looking at what were we to -- if we look at the downtown plan and what was envisioned in terms of community community benefit provisions, I wonder for mr. Robertson has give us a vision of how well this project now complies with the downtown plan. In terms of meeting gatekeeper requirements and the like. >> May I ask -- and i apologize, I'm fighting a cold. I just put a cough drop in my mouth. I don't want to swallow for fear I'll choke on it. Are you speaking specifically of the density bonus program? >> I was speaking about that. I'd be interested to know whether this would meet the gatekeeper requirements as well. >> The project, as i understand it, based on reading the report and I've actually -- I've seen, for example, the presentation they made at the planning commission, has not -- has -- unlike some projects, not specifically delineated sort of the hypothetical situation that if the downtown plan density program was in effect, how they would address it. So I can't speak directly as to, for example, have they met the gatekeeper requirements. I've done the gatekeeper requirements, as you know, are reasonably minimal, two-story green, compliance with the urban design guidelines, provision of great streets and so forth. I've done sort of square footage calculations based on the far to determine if they met the gatekeeper requirements, then how would we provide from there in terms of through the density bonus program acquiring the right to the additional scwooj at. Scwooj -- square footage. If you want me to summarize that I can do that. [21:34:08]

>> That would be helpful. >> This is based on of course their existing far is 8 to 1. They're seeking 20 to 1 far. I believe the site area is about 14,700 square feet. 8 to 1 far, what they can develop as a base entitlement would entitle them to about 117, 118,000 square feet, 20 to 1 far, the desired entitlement, amounts to about 294 square feet. By meeting the gatekeeper requirements they could go to 12 to 1, so the difference between the 12 to 1 far and the 20 to 1 far is about 117, 118,000 square feet. The basic way that the downtown density bonus program would work that is, of course, you may remember the amendments that were made as the plan was adopted. We would set a so-called floor based on the value of the entitlements, based on the housing fee in lieu as prescribed by the

program, the downtown plan recommended \$10 a-square-foot. So that floor would be \$1.177 million. That's the 117,000 times \$10 a-square-foot. Also pursuant to the downtown plan, 50% of that community benefit, 50% of that floor would have to be provided in the form of affordable housing fee in lieu, which 50% of that is a little bit short of \$600,000. The balance of the square footage after meeting that requirement could be achieved through one of the other community benefits that's listed in the downtown plan, or the applicant would be allowed to propose other community benefits for consideration by staff and ultimately by council, and with the combination of the 50% for affordable housing and then the other 50% through either affordable housing fee or some other community benefit, that's how they would get to the required -- the requested square footage.

[21:36:16]

>> Tovo: Thank you. Okay. Thank you. I appreciate that background and for walking us through that.

>> I'll stay here in case other questions come up after we discuss this.

>> Mayor leffingwell: Okay. We'll hear from the applicant. Hear from the applicant now, david kahn.

>> Donating time, gary gill. Is gary here? All right. Sarah blatt? Philip lewis? Peg kissner.

>> We have other people.

>> Greg kiss

-- are you doug kissner? Okay. So right now you have up to 12 minutes.

>> Can you sign up? They signed up but they weren't allowed to sign up more people.

>> Mayor leffingwell: Sign up with the clerk. You have up to 15 minutes.

>> Thank you.

>> Mayor leffingwell: There's the clerk down here.

>> We have a presentation. And this is how I move forward. I'm david kahn, I'm trying to do a presentation here on the project that we're proposing on 8th and congress. It's the austin hotel. How do I move? Okay. What we call austin house, hotel texas, it would try to convey what austin is all about. It would not be a chain hotel. There's 210 rooms and has office space and a restaurant and a live music venue and a plaza. It's a mixed use project. These are the things that we're asking on our cure request. It's very important for us to let you no he that we are complying 100% with the capital view corridor law, and it's consistent with the downtown plan, and we're going to restore the facade. These are some of the images. The bottom half is the office building, the top half is the hotel. This is the approach on the street. You can see the historical facade, how we're preserving that building and really making a showcase. This is a little bit closer up where the plaza and live music venue on the basement with that

-- where that window is. Here's the view of the plaza, which we think is a great element for that. And then here are the ar tick layings on the north

-- articulations on the north side and on the south side

-- on the east and north, so you can see how the building kind of breaks down. It's not just a big wall. These are all the community benefits of doing this project. A large community benefit that we're going to be paying \$3.1 million in property taxes. Currently we pay

-- both properties combined, 96,000, so it would be \$3 million more property taxes if we get this built. We'd create about 373 new jobs in the hotel alone, a and then about 550 people would be able to work in that office building. These are the existing capital view corridors. We're 100% in compliance with the capital view corridor, which is 200 feet around the capitol. The reason for

designing this project was because of the downtown austin plan, we bought the building because of the austin downtown plan, and the original existing setback requirement was # 60 feet. The downtown plan, 15 feet proposed setback. So this is the congress avenue overlay. It's 90 feet you go up and 60 feet up

-- back, and you can go as high as you want. The capitol view corridor wants us to go 30 feet back. That's that red line. And then the downtown plan wants us to go 15 feet back, and what we're asking is for 30 feet back, which would be 45 feet up to preserve the facade and 15 feet back, 45 feet up, 15 feet back, we'd go up. I don't know if this is pretty clear. I've seen it so many times i understand this but I don't know if everybody else does. As you know, the northern congress is the

-- if we take the 24 blocks of north congress with the red star, that's where our property is, it's an area of town

-- that has not enjoy the building on the south side of town. There's been no major projects in the last 30 years on the north side of congress on the 24 blocks. These are the list of restaurants and bars and coffee places and sandwich shops in the south 24 blocks. The south four blocks of congress avenue between cesar chavez and fifth and these are the equivalent size and these are the amenities on the north side, and these are the amenities after 5:00 p.M. And on weekends where half the things are closed. These are the buildings on congress avenue all built in the 1980s. Six large office buildings in the 1980s built on congress avenue. Three have use of the capitol and three don't and this is the occupancy, which is real estate reporting information web site. Which ones of these would you think are the ones that have capitol views? Unfortunately they're the ones on the right that

-- with lower occupancies, and these are the asking rates according to co-star, and you can see that the asking rates for square footage, the buildings that have capitol views get lower rates, and you say, think, why do the buildings is have that capitol views get lower rates? The reason is they don't have the amenities the south side of congress avenue has. What is the issue we're talking about today is basically the view. This is the picture that was submitted by the downtown austin alliance to the planning commission about how our building would be looking, and I've talked to the director about how misleading this picture is because our building is going to be less tall than the one american center. Actually our proposal is right there. And also if you look at his thing, the one american center is 60 feet back. The skyway is zero feet and if you can see, we put a line right in the middle at 30 feet, he's also exaggerating significantly what our

-- the size of our building would be. So the reality is, our building is that yellow building, and what they are trying to tell you is that it's that black building, would look like this. These are some views of congress avenue without

-- without building on cesar chavez, on 3rd without and with our building. This is fifth without and with our building. And this is 7th street without, and this is with our building, on the 30-foot setback. Now, who's against this? Two major office buildings are thomas property and tom stacy and their association, the daa, because they own nine of the 12 largest office buildings in downtown. And the reason they're opposed is because this is the views from one american center, we'd be blocking the views from one american center of the capital, whether we do a 60-foot setback or a 30-foot setback. As far as I understand there's no statute, ordinance or case protecting private views. The capitol view

-- capitol view corridors were designed to protect public views, not private views. So we submitted our case. We recommended by city staff in september 2011 we went through an interesting meeting with the design commissioners, very competent. The design commissioners,

who looked at all the issues. They looked at it very carefully, and it was a unanimous approval. So we were pretty excited and then we went to the downtown commission which has stakeholders, not just property owners and competitors but they have the downtown austin neighborhood, the aa

-- residence association who was in favor of the project and several commissioners are on the board of daa and they voted for our application. They

-- the historical landmark commission didn't approve it in february and then we went to planning commission and it was pretty close vote and the planning commission did not approve it. So why did the planning commission not approve it? In the word of one of the commissioners that I thought was going to say yes, he said, I love seeing the majestic views of the capitol as I walk up on congress avenue. That was why he said he didn't vote for it. I was going, I can't believe this, because if you walk up the sidewalks on congress avenue you cannot see the capitol. Those are all the sidewalks on the

-- on the west side, on first, third, fifth and seventh. I don't think any of you can see the capitol there. And those other sidewalks on the east side. Unless we cut the trees you cannot see the capitol so we would really have no impact on that. So why did the planning commissioner believe he could see the capitol from the sidewalks when the evidence points otherwise? It a puzzle and I want

-- it's a puzzle and I want you to help me find out the answers so I have a little . So we show the movie? If you would help me out, it's a one-minute movie and I need your participation for this movie. What we're going to try to do is we're going to try to see how many times the girls with the white shirts are throwing the ball. All right. So keep an eye on the girls with the

-- how many times they throw the ball and count.

[21:47:19]

>> Go back to the presentation. Did you guys all spot the gorilla? You did? Yes, please. All right. So the theory, it's called selective attention. When you're looking for a gorilla you also miss other unexpected events. And it's called the selective attention principle. What I'm truly thinking is the commissioner, the planning commissioner wanted to see the capitol and he missed the trees. He didn't see the trees on the sidewalks at all. He remembered the capital and he could swear he remembered the capitol from the sidewalks when the evidence was otherwise. So I think a lot of it is selective attention. I think this view will

-- everyone wants to see the capitol to see the capitol and if you won't conceate on the capitol you'll see the capitol. If you concentrate on the buildings you'll see the buildings. If you vote yes we will preserve the view because of the capitol view corridor law. We will build a great project. We will restore the historical facade, and we will bring life and excitement to northern congress, and we could be a catalyst for change over there. If you vote no, we will preserve the views for the one american center and their tenants will rent on the top floors. The norm

-- northern congress will continue to be diminished and a declining district, and the capitol will still not be seen from the sidewalks. On a personal note I wanted to share my story with you guys. From my accent you can tell that I'm not a native. I'm a texan by choice. My grandfather, because of religious persecution, had to leave his native country, and growing I saw so much corruption in my country that I decided at an early age I wanted to be a texan. At 17-year-old. When I got to austin I go here with nothing but my dreams and a backpack of books. Like many of us I fell in love with the city and I've lived here ever since. Who would have thought that 25 years later I would be in front of the city council proposing to redevelop a property that was in

fore closure just two

-- foreclosure two years ago. It's remarkable yet it's very american. It's an american story, story of immigration, innovation and change. Just like ellis island, they looked to the statue of liberty. In the same manner I look to the goddess of liberty on our capitol building which to us it's the symbol of freedom. This is what makes the capitol view so important to me, and I think that's why it's so important to many people in this room. I love this view. I love the city, and I agree that we should protect it. This is a very tough decision that you guys investigate to make. When you look te

-- guys have to make. When you look at the details of the entire proposal, entire proposal just like the design commission did, you will hopefully arrive at the same conclusion which is this is a good project worth doing and the capitol views are protected by our capitol view corridor laws. After two years of process, this project is probably going to live or die tonight based on your decision. If you vote against it, i believe there's no appeal, and it will die along with my hope of revitalizing northern congress avenue. If you approve it my pledge to you is that we are going to build a building that you will be very proud of. It's all in your hands and thank you for all the interest, respect and time you guys have given me. Thank you.

[21:51:14]

>> Mayor leffingwell: Tom izal. And you have three minutes.

>> I promise I won't take three minutes. I think that's a very, very good presentation that he's made. I represent the owner of the property of 800 congress. The karotkin family trust. She wants me to convey to you that she has fought this battle for 30 years trying to keep a tenant in her building, and other people down on congress avenue also are fighting the same battle. You have the

-- actually not kept up with the rest of the part of congress avenue. All of the activity is down at this end. And you've done a good job. Used to be that

-- I've been here since 1965, as a real estate investor and broker, and I've sold and bought many of those buildings on congress avenue, starting in 1980 when they were all boarded up. We

-- we've devoted time and effort to bring people up to the second and third street where we wouldn't believe that you could have shops. Well, we have shops down at the other end of congress also, but they're not getting the attention that you need to give them. My wife is a residential realtor. She and I talk to a lot of people from out of town that are coming into austin, and they want to know, well, why

-- what happened

-- or what is wrong with the north end of congress avenue? It's deserted. And people don't come out and stay at night, which means that if you've got a restaurant you have to dessert early and go home, because there won't be anybody there to order anything. The peermonth helps out but it's not enough. The people that are reaching an older age, the shops, they don't have to make as much money as most restaurant or shops. They need help down there. This is a good project. A hotel is a perfect example of what you need to have people spend the night, stay there, stay a week, stay a month. They spend their money. They are there, and they help the north end of congress. Thank you.

[21:54:09]

>> We'll go to the speakers signed up against. Charles betz? Donating time is julia fitch. So charles, you have up to six minutes.

>> Thank you, mayor. I don't think I'll need six, but thank you very much. I'm charlie betz, the executive director of the downtown austin alliance. And way back in september 2011, about a year and four months ago, the downtown austin alliance was presented this project and asked for our support, and the downtown austin alliance board at that time unanimously voted to support the voting change. However, to oppose the requested variance to the long-standing congress avenue overlay. As I know you well know, the city council back in 1984 adopted the congress avenue overlay. Shortly after the city and state enacted the capitol view corridors. I think it's interesting to note that in the 29 years since the overlay was put into effect there has not been a development that narrowed the capitol corridor view along congress avenue. It has not been narrowed since that time. And we think that's very important. Could you flip up the

-- this is

-- this is the avenue, capitol area

-- this is the view that you see today. Could you hit it once more, please? This is what it would look like with the proposed development, if it met the 60-foot setback, if it met the 60-foot setback. And mr. Jim nicks, an architect here in the city, helped with this. Okay, one more -- one more slide, please. This is what, with the 30-foot setback, the darker on the left is what it would look like going down the avenue. We are extremely confident that's exactly what it would look like. I think it's worth noting that four properties, not all of them had been built, but frost tower certainly has been built, were granted minor variances, 20-foot variances, they setback 40 feet rather than 60. This was on the east side, where the sight line had already been established by, in 1975, by the currently now the bank of america tower. And that

-- when that was constructed in 1975, it was the major inspiration for the overlay because it significantly narrowed the view of the capitol in the capitol corridor. Again, for 29 years that view has not been narrowed, and we don't feel that it is right for another developer to come along and narrow that view. Many developers and property owners along the avenue who for years have invested relying on the protections afforded by the congress avenue overlay, and they have submitted a valid petition opposing the request. We are very confident that you will continue to encourage, like the councils in the past, and continue to ask them to commit to the 19 1984 city's commitment to the views and pedestrian scale of congress avenue by keeping the view of the capitol from further narrowing. Thank you.

[21:58:13]

>> Mayor leffingwell: Thank you. David bodnam? You have three minutes.

>> Thank you, mayor and council. My name is david bodeyedman I was the chairman of the zoning committee that wrote the overlay in 1983, 84. Prior to that time I was chairman of the planning commission. Simultaneously I was developer with tramme crow company. When we wrote the overlay it was a joint effort of the developers along congress avenue and the citizens of austin. We wrote that ordinance in order to provide protections for the grand views of congress avenue. While we were doing

-- doing the writing for the ordinance several

-- three buildings were getting ready to go under construction. Not one of those developers came in and asked for the overlay to be denied or not written into the rules. All were supportive of it, and you can see that today as evidence on congress avenue of what the buildings look like between the 100 and the 300 block of congress. When the overlay ordinance and 1984 zoning ordinance came to the council for review and adoption, it was adopted unanimously.

Consequently I ask that you honor the vision and the commitment of the citizens and the owners

of congress avenue to maintain the overlay protection for the view of the capitol.

>> Spelman: Mayor?

>> Mayor leffingwell: Council member spelman has a question for you.

>> How is it you guys arrived at 60 feet

-- how high is that? 650 feet back, 90 feet high o 60 feet back.

[22:00:16]

>> Mayor leffingwell: How 60 feet.

>> How did you arrive at that.

>> We had assistance from city staff at the time and outside consultants and we felt that scale provided more of a home town scale that most of us were familiar with, in texas. And that it allowed the cone of view to go like this, so that

-- just so that you wouldn't have the tower effect that we find in so many other cities, or canyon effect. We were trying to avoid the canyon effect.

>> Spelman: City staff have proposed and we've adopted

-- I'm not sure what the status of the downtown plan is exactly, but city staff proposed in the downtown plan a considerably smaller setback. Did you have a chance to talk about that with them?

>> No, I personally did not, but in the daa executive committees and board meetings we've had discussions about it and I'm very opposed to that and have articulated that on numerous occasions. Since that process is just beginning I suspect that you will have heard from me at some point in time in that process. Process. I'll look forward to hearing more from you in the future. Thanks.

>> Thank you.

>> Mayor leffingwell: Linda team? Linda team? I guess she left. Jim nicks?

>> Good evening, mayor and council. My name is jim nicks. I'm a architect who has practiced on congress avenue my entire career, and i consider myself fortunate to be able to walk congress avenue every day. I have worked directly across from the proposed project site for over 30 years in the montgomery

-- 1892 montgomery oppenheimer building. Based on those experiences i would like to make a few points tonight. First I believe the 60-foot setback at 90 feet has been a very successful design tool, and I believe it should n be

-- it should be continued to be required. Much has been made of the sight lines and their being blocked. I agree this is an important issue but I want to restate that the 1984 ordinance's multiple goals. It states, the purpose of the congress avenue overlay district is to protect the historic character and the symbolic significance of congress avenue and to enhance the pedestrian environment of the area. I believe the ordinance succeeded in meeting all of those goals. It has prevented the new much larger buildings from overwhelming the historic smaller ones by giving them a presence on the street, not having them hidden as well as the pedestrian experience it allows to be enhanced by allowing views from the street to open up to the sky above and to allow ample sunlight to shine on to the sidewalks and the many outdoor activities occurring on the street every day. Second, the project is included within its

-- significant amount of office space, approximately 110,000 square feet. With no plans for attached parking the concept of valle parking for hotel, satellite parking for the 180 rooms may be reasonable. However, satellite parking for office employers, employees and hotel employees seems to me would be totally impractical. There's no examples of a satellite parking garage for

an office building in austin. Third, having worked across the street from the proposed project for those 30 years, the variances is requesting for no dedicated loading and unloading dock area. I believe that there will be an incredible amount of confusion if that is allowed to occur. How and when the on-site loag and unloading occurs, I cannot explain that because the alley is not that big. The project for the scope will only have the area of the alley and will be damaging to the flow of the alley

-- not only the alley but I think of the 8th street and 9th street as well. Also, I'm sure you're aware of this, but the alley also is part of the feeder that allows for the entrance to the city's own parking garage at the municipal building. I want to state that I'm not opposed to the site being redeveloped, but I do believe that there are too many unresolved issues with this plan. Thank you.

[22:04:56]

>> Mayor leffingwell: Michael whalen?

>> I'll start while he gets ready. Michael whalen on behalf of thomas property. Thomas properties planning and zoning the three variances the applicant is seeking while supporting the increase in far. Obviously thomas properties is in the development business and therefore supports fair competition in the marketplace. First, all the properties on the west side of congress avenue have honored the 60-foot setback while bank of america was built at 6th and congress on the east side of congress avenue it began a domino effect on the east side you'll see in a minute. The visual impact of this impact is stunning. All of the rezoning on congressvenue property on the west side that I'm aware of has not sought to relax the 60-foot setback most recently at 416 congress avenue in 2011. And here you can see what it would have

-- what it would have looked like if both sides would have honored the 60-foot setback, and if you'll change the piece of paper to the other one, you'll see it truly is stunning, the effect that mr. Bodeman referenced if the setback is relaxed. One thing I would like to clarify is mr. Kahn, the applicant, is using an ambiguity in the downtown plan. That's all I need of the overhead, thanks -- an ambiguity in the downtown plan to try and have the step back relaxed on the wet side.

You'll see references to relaxing it on the east side in the downtown plan. I think this is a great opportunity to clarify for staff that the relaxed language is about the east side of congress avenue and I hope you'll take that opportunity. The second variance is a request for no parking on-site. I know there's a lot that people on the dais have talked about with regard to no parking in downtown, but there's been no demonstration that the applicant can find 300 to 600 parking spots within a reasonable radius. Moreover, bib proposing no park

-- by proposing no parking he obtained a waiver from the parking impact analysis. This is quite novel and i would alert you to consider that when you start looking at the no parking requirement that you're about to discuss here. The lack of parking would also put pressure on small businesses that occupy the historic buildings which surround this property and are not required to have parking. Finally, you've already heard about the loading and unloading requirements and what a mess that will create for the adjacent landowners, including the city of austin, which owns property directly behind. Thomas property, however, supports an increase in far to allow the developer to build the density that he is seeking without relaxing the 60 footstep back or eliminating parking or loading and unloading requirements. Everyone else on the west side of congress avenue has figured this out and figured out a way to do it economically, and the applicant should have to compete fairly as he proceeds. Again, please send a clear message to city staff tonight that relaxing the step back is limited to the east side of congress avenue and is

not part of what was discussed or mentioned and is not referenced in the downtown plan. It's the east side, not the west side. Thank you very much.

[22:08:22]

>> Spelman: Mayor?

>> Mayor leffingwell: Couple questions for you, I think. Council member spelman?

>> Spelman: Thank you, mayor. Michael, I'm looking at the plan now, and I'm seeing reference to the congress avenue nrhd but I don't see anything that says specifically that's the east side and not the west side.

>> If you look at the same page you're on, hp 2.4, right here, I'm going to hold it up.

>> Spelman: That's what I'm looking at.

>> In the middle, it says this required step back of 60 feet is greater than necessary to protect the historic character and symbolic significance of congress avenue, since existing tall structures, parentheses, eg, probably should have been only, along the east side of congress avenue, in parentheses, have already shaped the street. It has not been shaped on the west side. It is what I think is clear there.

>> Spelman: Actually that might be true if you said ie but it says existing tall buildings. Eg would be read in english as for example on the east side of congress avenue. Doesn't seem to me it's specific. It's not saying this only applies on the east side.

>> Well, the great thing about the plan is it is only a plan and the ordinance will be coming to you

--

>> spelman: Overall overall.

>> The other great thing about the plan is we know the reality and the reality is has not ever been violated and it's been economically feasible to build tall buildings on the west side without violating step backs. So I think we've got reality on our side which is great and helpful, and in addition to a valid petition, of course, on our side. [Laughter]

>> I'm glad I'm getting

-- so I think

-- there's been a strong message by this community, I mean, when was the last time you had the daa against something. I mean, really strong statement, even by my client. Them go higher. Just don't let them have the variance everybody else, including my client, thomas properties, has been willing to live with and make an economic go with.

[22:10:29]

>> You're not persuaded by the argument that if the view were blocked you'll be able to raise the rents.

>> I have no idea what you're talking about.

>> Spelman: It's a joke.

>> Mayor leffingwell: I have a question.

>> Yes, sir.

>> Mayor leffingwell: I'm very concerned about the lack of parking. Because I think that poses, you know

-- parking is already difficult downtown, and that imposes, as you said, a burden on a lot of small business around that don't have any dedicated parking. I'm also concerned about it

-- and I'd like you to talk a little bit more about the loading and unloading docks because it

sounds to me like there's not an area set aside for that, and so potentially

-- I remember not too long ago we had a big argument about whether a hotel should have three loading docks or seven loading docks but there was never any discussion of no loading docks, because wouldn't the alley be blocked on a regular basis?

>> It would, but interesting, 816 congress avenue has a loading dock. The city owns a building directly behind this tract, the old city

-- you were there.

>> City hall.

>> City hall, purchasing is there. And that's the way city employees access their parking garage, I'm sure, at least council member spelman did. And it also would because it's a hotel use, you can imagine there will be increased loading and unloading activity in that area, that will result. So I think as a minimum they've got to have a loading dock, even@if we know the 18-wheelers will probably still stick out but to block the alley regularly when you have an office use regularly at 816 congress that will use the alley for their own loading dock, and bicyclists of course would want to use the alley as we well know, going back and forth and using that as a way through. I just think eliminating that variance at that particular location for a hotel and office use doesn't seem very practical, especially for the city and its own property directly behind.

[22:12:38]

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

-- directly behind. [One moment, please, for change in captioners.] [one moment, please, for change in captioners.] [one moment, please, for flush [one moment, please, for change in captioners.] [one moment, please, for change in captioners.] (cofa9-27-12.Ecl) yet 30 experts of the budget comes from thomas property group. I think the slides are very misleading. I think he's trying to make the situation worse and convince you of something that's not true. He said the vote was unanimous and that's because the board is basically selected by mr. Betts and if you vote against him you can't be on that board. Mr. Stacy is on that board, thomas reports properties is on that board. I would never be able to be on that property although I've applied. It a valid petition? The valid petition was made to level the playing field between developers who have money and consultants and the neighbors would don't. In our case just one neighbor, thomas properties, was able to trigger the valid petition. In my opinion it's a travesty and a misuse of the valid petition process. So you go and you talk to the small, small owners, not the one that sit on the daa board. They all want something to happen. It's dead out there. Mr. Mayor, there's lots of parking there. You can park on the street any day you want because it's

-- there's a lot of parking available even on the street. The parking lots on ninth and colorado they don't charge for parking after hours because there's no demand. He talked about fairness and ho the buildings that thomas property group built. They respected all the ordinances and they were built in good faith and they were so respectful of all the laws and the fairness. Well, the truth is not so simple. 816 congress and one american center both asked for and they both were granted variances. In fact, I think that it's

-- it's not unfair to say that great projects sometimes require variances. Let's look at the newspaper back in april of 1980. The historic zoning recommending for the due pray building. The due pray building is right there, 816 congress, which mr. Betts said was such a great citizen and so respectful, actually got turned down by the landmark commission and they did not respect the historical buildings or respected the decisions of the historical landmark decision. They went to the city council that approved the demolition of all those buildings in the red. Our property is

in purple. There were more variances for the historical buildings and the mayor at the time was Carol Keeton Sky Lander who got reelected in '81 and so did other councilmembers.

[22:19:27]

>> Mayor Leffingwell: Your time has expired. Councilmember Riley.

>> Riley: Over here. Just a couple of questions for you. First, we have heard from your competitors as you characterize them, that they would support a request for you to go taller on the site. In fact, they supported your request for increased floor. Why wasn't that an option to meet your needs for this project?

>> I think competitors are done in general just when they tell me I can go higher because it's not a viable alternative. Because of the 2010 building code we need more stairs and more elevators and the stairs have to be bigger than they were in 1980. So if we were all saying about fairness, the fairness would be that I would have a whole city block and the fair thing would be is that I would build under the 1980 building codes, not the 2010 building codes. So my floor plates are already really small, 9,000 feet, which 3,000 feet have to go for circulation. That gives me 6,000 feet of usable square footage. And if I do the set back I go to 4,000 set back of usable footage. So basically I would have to pay the same money for a 4,000 usable plate than for 6,000 usable plate. And that makes our cost 50% higher. We would have to go in in the hotel from a rate of \$250 to \$350, which I think would price us out of the market.

>> Riley: Okay. Then if the need

-- if you need a certain floor plate in order to make it work, then you and I have discussed another option that seems like it could be a possibility and that is to span over the alley in the back. And several buildings on the east side

-- on the west side of Congress Avenue like this one, have actually spanned the alley while still preserving right-of-way through the alley. That includes even the adjacent building to the north, the building adjacent to your site has in fact spanned the alley while still preserving that right-of-way. If you look just across the alley on this side you see a one-story garage attached to the old historic city hall. I assume that that's fairly

-- without having looked into it

--

[22:21:43]

>> it has 12 parking spaces.

>> Okay. And appears to be a fairly non-historic addition to a very historic building.

>> Yes.

>> Riley: So I wondered whether you had looked into the possibility of instead of scooting your building forward 30 feet more than would

-- than you would currently be allowed to, about taking that mass and scooting it backward, span the alley and potentially go up over that space because of course that space above that old one story parking garage would presumably just be sitting idle otherwise. So it seems like there would be space there to accommodate your need for a greater floor plate. Is that something you have been able to investigate as an option for accommodating your needs.

>> We haven't investigated because we don't own that piece of land. If the city would make us an offer we would investigate it. It's not a bad idea. It would be also a good way to see if my competitors are really worried about the downtown views from the capitol, from the Congress Avenue or they're really worried about the capitol views from the one American Center. I think it's

a great idea. I just don't own that piece of land.

>> Riley: And my understanding is that the city does own that piece of property and I don't know that the city is in the habit of making offers for people to utilize our property or our air rights or sell the property, but I know that we would expect that we would entertain proposals or offers from anyone who is interested. So if it turns out that your project does not proceed as planned, I would encourage you to consider that as a possibility for meeting your needs in the future.

>> I really appreciate your input on that.

>> Riley: Thanks.

>> Mayor Leffingwell: Councilmember Martinez.

>> Martinez: So I wanted to ask law if we were to go down this road that councilmember Riley is talking about and begin discussions, I'm just not sure how that would take placement wouldn't we have to do an R.F.P. Process and have it competitively bid if we wanted to sell a city asset or lease a long-term lease on a city asset. How would we enter into a one way conversation with a developer in a potential project like?

[22:24:04]

>> The general rule under state law is that with city owned property we have to -- especially if we're going to sell the property out right, engage in some type of competition to convey that. I'm not sure what the answer would be with respect to leasing, as to whether we would need to compete that as well. But also not knowing the particulars or any of the details on the piece of property that was in question here, I really can't tell you whether there's any exceptions under state law that the city could use to not compete a sale, for example. I would have to look into that more closely.

>> I would certainly like to explore that. We do have license agreements with vendors and concession operators that in my mind I can't remember a competitive process, they video up on -- the lo voi up on congress avenue, just other license games we've done in the past. Maybe there is something creative we could do with David to explore potential license agreement, if it's something

-- obviously if it's the will of this body, but I think it's a creative suggestion to at least explore. And I agree with David and with the neighboring property owners, the northern half of congress avenue towards the capitol needs some redevelopment and turnover. I think we're going to eventually see it, but this is a project that if we could work it out could be the catalyst for some of that. So I don't know how to strike that conversation, but I certainly would be interested and be happy to help.

>> Mayor Leffingwell: Councilmember Morrison.

>> Morrison: Thank you. And it is a creative idea. I did just want to remind folks that we passed a resolution a couple of months ago dealing with real estate because we had some situations where we went down one road in a potential real estate transaction and we really hadn't looked at all the values and all the different options we had. So we have a dialogue going on, PIO is running it for us and we have some input from a lot of people coming up with a suggested recommendation that if we are going to

-- if we're

-- if someone comes to us saying maybe we're interested in some property or if we say hey, let's go sell some property to find a way to go through and check out how it fits with other people's perspective, so we don't just go down one road like we did, for instance, with the Macc property, that was what kicked it off. I want us to be aware that we have run into some trouble in the past

and we need to make sure that we have people at the table looking at what all the options are.
[22:26:54]

>> Mayor Leffingwell: At any rate, I don't think we go down this road on this case. That's a whole new case. If this case were to be denied and you had another idea, that would be a new case. I don't think we're

-- anyway, mayor pro tem.

>> Cole: Mayor, I have some questions of mr. Robertson. Mr. Robertson, I want to look into this argument that mr. Waylan and councilmember spelman were talking about, the ambiguity in the downtown austin plan with respect to relax laxing the

-- relaxing the codes on the east versus the west. What do you know about that?

>> Well, if I could take the liberty of just expanding your question a little bit to sort of

-- to extent it may help how I've organized my thinking about this as reflected and as informed by downtown plan and the land development code, there have been talks about views of the capitol. There is a capitol view corridor that runs along congress avenue. The origin point of that i believe is actually south of the river. That of course

-- of course the capitol views corridor specifically speak to views of the capitol. It's my understanding that this project

-- this project does not seek to vary the capitol view corridor. It honors the capitol view corridor as is. The second issue is the congress avenue overlay. The

-- as you know, the overlay has a requirement, has a couple other requirements, but the requirement that's at issue here is the issue that somewhere between 30 and 90 feet a building has to step back from the congress avenue frontage by 60 feet. It can occur literally at 30 feet, but it has to occur no higher than 90 feet. The intent

-- and I think someone actually

-- I think it was actually mr. Nix. He referred to the 1984 ordinance, which was the origin of this, but the current version of the land development code, section 212165 which speaks to the congress avenue overlay also speaks to the purpose. To protect the historic character and symbolic significance of congress avenue and to enhance the pedestrian environment of the area. Now, in dealing with this provision in the context of the downtown plan, we looked at both the 1984 ordinance and the current version that's in the land development code. One of the reasons that we propose proposed what we did, which was a relaxation, that we consider a relaxation of that 60-foot requirement, is we did not find in reading the history, both the 84 ordinance and the current thing, an expression that this was designed to protect views of the capitol. We regarded it as more we took it on its faith, which was to

-- which was to protect the historic character and symbolic significance of the avenue and to enhance the pedestrian environment. It was our view that a put step back from the congress avenue frontage was not necessary to do that. We did believe that a step back is appropriate. Urban designers and architects like to talk about streets as rooms, and rooms have walls, but by the same token we didn't want vertical walls that go all the way from the ground to the sky and we have an example of that I think in the bank of america building, which of course predated, I believe

-- or some of

-- some of the buildings which predated this. We felt like it was appropriate to step back. In weighing and balancing interests, which of course the downtown plan was one big exercise in that, we said okay, we don't think 60 feet is necessary. We think something probably less than

that is necessary. One thing that

-- and I do disagree with mr. Waylan's interpretation of the language of the downtown plan.

While we did site the buildings along the east side our recommendation was not limited to the east side nor was it relying entirely on the examples on the east side. Our recommendation was based upon a whole host of urban design considerations. I've talked about views and of the overlay. There has been a refce to the notion of 15-foot, the applicant spoke about the downtown plan referring to 15 feet. In retrospect our wording could have been clearer, but in this section of the downtown plan we were actually talking about two different issues.

[22:32:03]

>> Cole: Okay. I'm going to hold you up because i know how much you like the downtown plan. And how hard you worked on it, but I think

--

>> but we were not specific as to the distance that we thought would be appropriate. We wanted to figure that out as we developed the code amts.

>> Cole: I think you answered my question. The second thing I want to ask you is can you help me with the rationale of the planning commission? Warm they thinking? Because the staff differed from the planning commission and they denied.

>> I'd be way out on a limb speculating if I tried to infer what the thinking of the planning commission was.

>> Cole: I guess if you knew if they were weighing in on mr. Waylan's interpretation of the downtown plan. But I guess you have no knowledge of that.

>> I do not.

>> Mayor Leffingwell: So all that I think was kind of confusing, at least it me. I mean, you sort of implied that it was sort of discretionary whatever staff thought the setback should be, but it's my understanding from those who spoke against it that there is something in writing that prescribes you'll set back x number of feet. So when you decide that you don't need quite x number of feet that's in effect in a variance to the existing overlay, is it not?

>> The current regulatory requirement has been 60 feet. And.

>> Mayor Leffingwell: It's not discretionary. You will have to grant the variance or waive the overlay.

>> That's correct. Our recommendation in the downtown plan was moving forward in implementation of the downtown plan among other things having to do with building design standards and so forth, that we look at the issue of relaxing it. It has not been relaxed. It still stands at 60 feet per the congress avenue overlay.

>> Mayor Leffingwell: But your recommendation was that they do relax it.

[22:34:05]

>> Yes, that is correct.

>> Mayor Leffingwell: So that was a variance to existing policy as well as a variance not to have any parking on site and a variance not to have any loading and unloading docs. And I'm not going to look into their minds, but i would suspect, mayor pro tem, that that might have been somewhat on the planning commissioner's minds when they voted against this.

>> I can't speak for zoning staff, I can only speak to the downtown plan. We didn't speak to park are or the alley variance. We only spoke to the downtown overlay.

>> Cole: Mayor, because you have that issue I'll go ahead and make a motion to follow the

planning commission recommendation, which is to

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>> Mayor Leffingwell: Mayor pro tem moves to deny the application, seconded by councilmember morrison. Councilmember morrison.

>> Morrison: This is

-- i don't know how to say your name. Mr. Bodenman. Is he still here? He just left. Okay.

Because we will continue this conversation about the overlay, I know, but i thought there was a great opportunity to get his view because he was there when it was set at 60. And now we're hearing that there's a different opinion, that it doesn't need to be 60 to achieve those goals. So my question would be

-- this will be the discussion we'll have not tonight, but I think the question has to be is it they got it wrong or has something changed that really the environment has changed and to achieve those goals you don't need 60 anymore, but I look forward to hearing

-- having that discussion.

>> Mayor Leffingwell: Councilmember morrison.

-- Councilmember riley.

>> Riley: I do want to applaud the applicant for some very hard work on a very challenging site and i agree with much of what the applicant said that there is a real need to vital lies the north end of congress and for many years now we have had some great difficulty in achieving much activity at that end. I do hope that if this does not proceed tonight that as I mentioned before, I do hope that the applicant will pursue the idea of reconfiguring the design so as to span the alley and back. I'm not sure exactly how that would work in terms of making the city property on the far side of the alley available. It may require an open procurement process, but that would at least provide an opportunity for the applicant to secure the property. So I

-- I'll do whatever i can to help move that process along because i think there would be many very positive aspects o a project like this in terms of bringing life to the north end of congress avenue.

[22:36:57]

>> Mayor Leffingwell: I have to say thank you for that, councilmember riley. I agree with that. I would very much like to see a project similar to this go forward because i agree with you. The northern part of congress avenue does need redevelopment. It needs to be development in accordance with our rules and good practice. And to me that's going to mean you're going to have to respect the overlay. You have to provide on-site parking and have to provide loading and unloading space so that the alley is not blocked on a regular basis by those operations. But with those things in mind I strongly encourage you to go ahead industry to find another plan for this that will work. All in favor of the motion say aye? Opposed say no. It passes on a vote of seven to zero. So motion is denied. The public hearing of course is closed.

>> If it's okay with you, i would like to consider item 65 prior to item 64. I will be offering 65 for consent and then I'll be suggesting a postponement on 64.

>> Item 65 is for the property located at 6714 covered bridge drive, requested zoning from community commercial neighborhood plan combining district zoning, community commercial overall neighborhood planning combining district zoning, townhouse and condominium residence, neighborhood plan, combining district zoning. And rural residence, neighborhood plan, combining district zoning, to planned unit development neighborhood plan, combined district zoning. The land use part is within the area known as the barton springs zone in which

the city's save our springs ordinance applies. The proposed planned unit development may modify city ordinances applicable to the development of the land. This has the recommendation of the city staff, the unanimous recommendation of the environmental board as well as the unanimous recommendation of the planning commission, therefore I'm proud to offer this p.U.D. For consent approval.

[22:39:00]

>> Mayor Leffingwell: We do have speakers signed up.

>> Okay. We'll hear from them.

>> Mayor Leffingwell: I suspect that it is the applicant. He's waiving that privilege.

>> Smart man.

>> Mayor Leffingwell: It's offered for consent on first reading.

>> First reading only, yes.

>> Mayor Leffingwell: Councilmember martinez moves to close the public hearing and approve on first reading. Councilmember spelman seconds. Discussion? All those in favor, signify by saying aye? Opposed say no? It passes on a vote of seven to zero.

>> Thank you. Then I'd like to offer for postponement for your february 28th meeting item 64, this is a restrictive covenant amendment that would go with the p.U.D. Would like to bring this back on the 28th when we bring back the p.U.D. For second and third meeting.

>> Is there a motion to postpone until february 28th? Councilmember spelman so moves.

Seconded by mayor pro tem cole. Discussion? All in favor say aye? Opposed say no. It passes on a vote of seven to zero.

>> Thank you. That concludes our zoning. Moving to the one code amendment item we have.

>> Mayor Leffingwell: On could I ask the clerk, items 53 through 60 have been withdrawn, so you can wipe those off the slate. Okay. Thank you.

>> So the next item is item 67 which I believe will be postponed. This is to conduct a public hearing and consider an ordinance amending city code chapters 25-1, 25-2 and 25-5 to require land use commission approval for construction of outdoor amp theaters and similar structures whether associated with a principal or accessory use or not. We have a postponement request from the neighborhoods coalition commission that they've

-- they just requested a postponement. I believe a councilmember has a postponement request as well.

>> Mayor Leffingwell: Okay. Is there

-- if there's a motion to postpone, we can entertain that

-- to postpone, we can entertain that.

[22:41:07]

>> Morrison: I'll make a motion to postpone until the 28th. Mayor councilmember morrison moves

--

>> Mayor Leffingwell: Councilmember morrison moves to postpone item 67 to february 28th.

>> Morrison: If I could make a couple of comments because I want to get clear that

-- this is a challenging issue that we have on the table here with the amphitheaters and there has been some confusion and I want to make a few comments about where I think that we need some more work done because I've looked at where we are. The reason we're talking about amphitheaters is because there was an amphitheater that became part of non-commercial use. So

it was a civic use and so there were

-- there were certain protections didn't come to play. And so we were particularly interested in doing some work with specific direction that it is not intended to affect the way commercial venues are currently regulated or permitted. So I wanted to put that out there first because I know we were getting some concerns about (indiscernible). So bottom line is we need to make sure whatever gets done here does not affect commercial. If there's any issues with amphitheaters and commercial property, that needs to be dealt with. That's separately, and i don't know that there is. That would be the first thing. The second thing I want to mention is that the resolution also specifically stated that we should have some options for council consideration to engage the music office earlier to simplify and increase predictability of the permitting office. So we need to make sure that that comes to us as part of the recommendation. The third point I want to make is that we originally wrote this resolution saying that there should be a new use. And it turns out that you came up with this creative idea of a structure instead. And I want to make sure that that gets well explained in any dialogue that we have as to why it had to be a new kind of concept about that. There are few other issues. One, it was a concern that for a site plan that needs a conditional use permit and then would also get kicked into a land use approval because of the amphitheater, that they can be merged and be only one. We need to make sure that the criteria are very clear as to what the land use commission's approval should be based on. And I know that there is some stuff in the cup, but we need to make sure that's true or tied. There were some concerns about the definition of amphitheater, that it was too broadly stated. I know we need to probably have some options to consider on that. And then just two other points. One is there's a question still out there, and that is when you have an amphitheater structure that's going to be modified, when would it get kicked into an approval process like for non-complying structures. And I think that's

-- okay. And then I want to make sure that folks understand that what we're doing here will not negate already permitted amphitheaters because i think that that was raised as a possibility that mr. Rusthoven, can you confirm that, that nothing will be dealing with the new ordinance would negate any permits already there?

[22:44:43]

>> Those would already be grandfathered under existing state law.

>> That's a long list of things and I know there are folks who are interested. I've had some great conversations and I'll look forward to more of those. And if we could see you back here with a recommendation on the 28th.

>> Sure. If I could add one of my own as well. We do have a separate code amendment that we're running through that relates to church, schools and their carbon values and fairs. If you remember, mr. Gavino fernandez spoke to that a few months ago. We do have a code amendment that is also under process right now relating to that. That's a planning commission sustain. I do believe there's some confusion from some of the stuff I've read on the internet of people putting this and that together. I'd like to be clear that these are two separate ordinance amendments addressing two separate issues.

>> Morrison: Thank you very much. And I hope you saw some of the folks that were raising concerns so you can touch base with them. Some of them were lack of clarification or need for clarifications, but others we want to make sure they're taken care of.

>> We'll bring back something better on february 28th.

>> Mayor Leffingwell: All in favor say aye? Opposed say no? It passes on a vote of seven to

zero. To postpone item 67 to february 28th.

>> Thank you.

>> Mayor Leffingwell: Item 69.

>> Mayor and councilmembers, I have the pleasure to have the last item on the agenda, so I will be very brief. We'll go through five slides in less than hopefully five minutes. I'm the manager for watershed engineering. I'm here to present the floodplain variance request for the property at 8412 millway drive in the shoal creek watershed. The property is the house is in purple and then the property is in red. It's located entirely in the 100 year floodplain and in the 25 year floodplain in the middle. This is our preliminary floodplain maps. They're going to be in effect by fema 2015, but this is the best available information we have right now. The property is right now with this new floodplains, it's the same elevation of the 100 year floodplain. And they are going to convert half of the garage, which is about 440 square feet, they are going to convert it to a conditional space, but they are going to be elevated the slab six inches so it will be at the same elevation of the house, which will be at the limits of the 100 year floodplain. The house has been there since 1969. It was platted in 1965 and shoal creek is at the back and it was -- there is a drainage easement that was indicated by plat. This is the current floodplain maps. You see the different. The property is still in the floodplain, so we will be here indepenntly. We have the new floodplains over the old ones because the finished flood elevation is now one foot above of the existing floodplain. So we are here for these following answer variances. One is to increase the conformity because the condition in half of the garage. They are also o foot above the floodplain they don't have access of a little more than two feet on the street. And they are not indicating the drainage easement for the complete lot. They're going to dedicate an area and leave the footprint of the property. So they don't have any adverse flooding on the property. The finished flood elevation will be at the same elevation of the floodplain without the one foot. They'll have additional occupancy and there is no unsafe access right now and no hardship for the property. I just wanted to let you know like always we have an ordinance at the end, so if you approve this variance we have two conditions before they can get a certificate of occupancy. One is a dedication of the drainage easement and the other one is that we'll need to update the elevation certificate that they have to demonstrate that they elevated the garage and they did the improvements. That ends the presentation. If you have any questions

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[22:48:57]

>> Mayor Leffingwell: Staff is is recommending approval of this with those two amendments of the ordinance.

>> I'm just presenting you the facts so you can make your wise decision.

>> Mayor Leffingwell: All right. We don't have any speakers signed up. So mayor pro tem moves approval of the ordinance with the two conditions, so the drainage easement and the elevating the garage to above the floodplain level. The garage floor.

>> The same level.

>> Mayor Leffingwell: Seconded by councilmember spelman. Councilmember morrison?

>> Morrison: I wonder if we could go back to the slide where you had four things including, for instance, no safe access and sort of the summary of your findings. It was toward the end. I thought usually then we would get a recommendation from staff. Am I misremembering?

>> Not in every case n some case we have made an recommendation. This one is an existing house, it's not a new construction, and is an existing garage elevate. So in some of the cases we

just present the fact to you. So we are not making a recommendation on this one.

>> Morrison: Okay. I guess I don't quite understand. Does that mean

-- does that mean you're not in a position to recommend approval

--

>> no, fema requires us to make a recommendation. We have done it in some cases in the past. I don't know if we came for a couple of other cases, we haven't done a recommendation, in the last couple. So that's one way that we have been presenting the variances, especially when it is an existing building, an existing garage, a remodeling, a house that has been here for a long time. We're just presenting you the facts and you can make the decision.

[22:50:57]

>> Morrison: But it's an existing building, but it is additional occupancy in the floodplain.

>> But then this one is additional occupancy, but is not for an extra bedroom, it is for an office.

>> Morrison: Does it make a difference?

>> The difference is you can still have more occupancy. The house has about 1,260 square feet, so you're adding 220 more of conditional space, but it's going to be used by the applicant by an office in a sitting area. So it's not like you have a three-bedroom house and that you're going to have a four-bedroom house with the addition. You will still have more occupancy, but it's the number of bedrooms that are staying the same.

>> Morrison: I see your point. Thank you.

>> Mayor Leffingwell: All those inor, signify by saying aye? Opposed say no. It passes on a vote of seven to zero.

>> Thank you.

>> Mayor Leffingwell: That completes our agenda. Without objection we stand adjourned at 8:40 p.M.