

## City Council Meeting Transcript - 2/14/2013

>> Mayor Leffingwell: Good morning. I'm austin mayor lee leffingwell and we'll begin today, we have several things to do before we call the meeting to order. But first as I'm sure all of YOU KNOW, barb McCully passed way yesterday and we lost an important part of our city hall family. She was a tenacious reporter, never failed to dig into the issues and she will be greatly missed. My heart goes out as I'm sure your do also to her husband and two children. All who knew her.% I would ask that you join me in a moment of silence. Thank you. And now I'd like to introduce for the invocation today pastor ricky freeman, ebenezer baptist church. Pastor, it's my pleasure to meet you a few weeks ago at your enrobement.

[02:31:12]

>> Thank you so much for the invitation. Let us pray. Eternal god, ruler of the universe and god of this new day, we are grateful for your guidance, protection and concern for all persons. As we gather in this chamber for this city council meeting, during this month in which we highlight and celebrate the heritage and contributions of african-americans, we pray for the city of austin and for the metropolitan area. We pray that the needs of all for food, shelter, work, justice and dignity may be understood and addressed. We pray that the diverse people living here may unite and support efforts to seek the good of all austinites. We pray for the mayor and the members of the city council as they carry out their charge to provide leadership and service to our community. Grant them discerning hearts to know the difference between right and wrong and to govern with justice and equity. And we pray for the family and loved ones of barb McCULLY. In your name, amen.

>> Mayor Leffingwell: Amen. Thank you, pastor. Please be seated. And before we call the meeting to order, I believe is mr. Elfant in the chamber? Bruce elfant? There he is. Bruce elfant has requested to speak to us for a couple of minutes. He's the newly elected travis county tax assessor-collector. And no, you will not be allowed to sign up for comment after mr. Elfant's comments.

>> Councilmembers, it's good to see you again. I'm bruce elfant, travis county's -- newly appointed tax assessor and registrar. As you know, january 31 was the deadline to pay property taxes and I'm pleased to report our 2012 tax collections are going we value. As of last evening our collection rate for the city of austin was 96.62%, which is about \$3.5 million ahead of last year at this point. We're mailing notices for delinquent accounts as we speak and we expect our overall collections to be a little higher than last year when we ended a collection rate of 99%. Now, even at 99% collection rate, we understand that that one collection -- that one percent is tens of millions of dollars so we're working to improve our collection rate even higher than 99%. Our collections team includes the travis county attorney's office, the constable's office and the tax office and has consistently demonstrated success in collecting our taxes. In fact, the travis county tax rate is the highest of any urban county in texas. And I can assure you that we're going to be as diligent at collecting taxes as we have in the past and look forward to our successful partnership with city of austin and taxing entities going forward. Thank you for the time and thank you all very much.

[02:34:27]

>> Mayor Leffingwell: Thank you, bruce. Appreciate you coming by and mr. Elfant will be out in the atrium if you want to talk to him. [Laughter] a quorum is present so I'll call this meeting of

the austin city council to order FEBRUARY 14th, 2013. The time 10:07 a.M. We're meeting this the council chambers, austin city hall, 301 west second street, austin, texas. We'll begin with the changes and corrections to today's agenda. First on item number 15 has been withdrawn. Items number 28, 29, 32 and 33, add the phrase "recommended by the electric utility commission." On item 35, add the phrase "recommended by the austin airport advisory commission." On item 49, add as a second co-sponsor mayor lee leffingwell. Item number 50 and 52 are withdrawn. As is the austin energy quarterly briefing scheduled for this morning. That will be postponed and come back at a later date. Our time certain items then for today are at 12:00 noon our general citizens communication. At 2:00 we'll take up our zoning matters. At 4:00 public hearings. And live music and proclamations. Our musician for today, interestingly enough, is former city employee pat murphy. I look forward very much to that. The consent agenda for today is items 1 through 54 and item 84. I will read item number 38 into the record. It will remain on consent. These are nominations to our boards and commissions and other governmental bodies. To our boards and commissions, the early childhood council, dustin brighthawk is councilmember tovo's nominee. To the land development code advisory group mess neslin is councilman spelman's nominee. To intergovernmental bodies

-- oh. Add to the items that are withdrawn

-- corrections to today's agenda, item number 27 recommended by the community technology and telecommunications commission. That is a late addition. To intergovernmental bodies, to the austin-travis county e.M.S. Advisory board, richard young is mayor leffingwell's nominee. And to the criminal justice advisory commission of capcog, the city council's recommendation to be forwarded to capcog is adrian moore. So the items that are pulled off of today's consent agenda for discussion and other things, items 14 through 19 are pulled by mayor pro tem cole. Item 24 is pulled by councilmember tovo for executive session. Item 26 is pulled by councilman spelman. Item 27 pulled by councilmember morrison. Item 44 pulled by councilmember tovo. It 46 is pulled for executive session and councilman spelman and myself are requesting a 6:00 p.M. Time certain for this item. At that time at 6:00 p.M. There will be a proposal to limit public input since this is not a public hearing, limit public input to 30 minutes on each side of the issue. Primarily because it's valentine's day.

[02:39:01]

[Laughter] item 43 is pulled for speakers. So that is our consent agenda. Unless there are late additions. Councilman spelman.

>> Spelman: You reported correctly that I pulled item 26 but I would like to hear that in executive session. That's why I pulled it.

>> Mayor Leffingwell: We'll add that to our already lengthy executive session.

>> Spelman: Thank you.

>> Mayor Leffingwell: I'll entertain a motion to approve the consent agenda. Councilman spelman so moves, seconded by councilmember morrison. All in favor say aye. Opposed say no. Passes on a vote of 7-0. So start working our way through the items pulled off. Oh, we do have a couple of speakers on the consent agenda. We'll invite you up now. Gus pena.

>> Good morning, mayor, gus pena, proud east stannite, proud marine corps veteran. Here to speak on item 43, I want to thank you, mayor, for sponsoring this commission. I would ask that a lot of veterans here in austin-travis county are concerned about

-- the makeup of the proposed commission being four veterans out of seven committee members. This is a veterans commission and if you have a commission on disability you have individuals

with disability, there's a lot more veterans that will be represented on the commission. I respectfully request that there be more than four members on the veterans commission once it is approved. It is a worthy issue. We veterans seek it, approve it and appreciate y'all's efforts on this. Mayor and councilmembers, I'm working currently with senator van de putte of senator, chair of the veterans affairs at the capitol. I'm working also closely with senators uresti and hinojosa, both marine corps vietnam veterans on veterans issues. As you know, this is not my first year of speaking about veterans issues. Specifically even when councilmember bill spelman and I ran against each other in '97 I was speaking about this issue. What we need is ptsd counseling, affordable housing, job training, comprehensive job training and how many times have i said this, mayor pro tem, we need more better services for our female veterans who have a distinct health care issues, but also single female veterans with families, we need to get them housing. Anyway, thank you very much for the item on number 43. And the last item, mayor, i believe was on the housing, neighborhood housing, 14. All I ask is this, mayor and councilmembers, I think there were a couple of three councilmembers sponsored, co-sponsored money for affordable housing. I this is it was approved by a lot of you all. But a lot of these initiatives the city gives money to or loans money to tends to go to single individuals. We have families that are becoming homeless more prevalent. And if you don't listen up, mayor and councilmembers, what I'm saying, you will not learn about the problems we have out there. This is not an affordable city anymore. I don't care what anybody says. Gus pena will tell you and we're being simulcast so i want people to listen up. We need affordable housing but you need to have a clue-cut definition of affordability. This funding is going to go to walter morrow's group. Thank you very much. I want to say this. My mom is at st. David's hospital. She said go, go and testify on the veterans commission. Motion passes on a vote of 7-0. But anyway, thank you very much and we need your support and prayers for the veterans. Thank you.

[02:43:27]

>> Mayor Leffingwell: Okay, tom walls. Tom wall. Councilmember martinez.

>> Martinez: Thank you, mayor. I want to ask a question because I've heard the concerns about the number of only four veterans on this commission.

>> Mayor Leffingwell: This item is pulled off the consent.

>> Martinez: Oh, it is, okay.

>> Mayor Leffingwell: Tom walls is not here. So the consent agenda is approved and we will go -- might as well go to item 43 real quickly since we've already had some input on that and we have gus pena, do you want to speak again on the 43? I think he's gone. Jay perez. Jay perez. Those are all the speakers that we have on item 43. Councilmember martinez.

>> Martinez: Thank you, mayor. As a co-sponsor of this, i did receive some of the comments about a minimum number and I don't see it reflected in the ordinance as a minimum. It does say that at least two members should have actively served in the united states military, but there is no preclusion to having more. Am I reading that correctly, mayor?

>> Mayor Leffingwell: That's what it sounds like to me.

>> Martinez: So it could be all of them, but it does also say that the commission as a whole should represent diversity and ethnicity, race and agenda. So they could all be former veterans that have served, but other contributions also as well as ethnicity, race and gender. Move approval.

>> Mayor Leffingwell: I will second. Further discussion? All in favor say aye. Opposed say no. That passes on a vote of 7-0. So now we'll go to items 14 through 16 which are related pulled by

councilmember cole. We do have one citizen signed up to speak. Let's see if it's the same person. Gus pena is gone. So okay, miss spencer, you are back on deck.  
[02:45:48]

>> Cole: Miss spencer, i just had a question. These items are all conditional commitments for a local match from the texas department of housing and community affairs. Aren't there more than one type of local match grant programs from the state?

>> I apologize. Patsy spencer, director neighborhood housing. The conditional commitment is for the funds from the city of austin. So the tax credits are administered by the state. THESE RCAs ARE FOR OUR Commitment for the funds.

>> Cole: I thought there was a distinction between competitive and noncompetitive.

>> There are. The 9% round.

>> Cole: I wanted to make sure we were being specific about the time we were making the conditional commitment to.

>> We were very specifically the 9% competitive.

>> Cole: Okay. Thank you. Mayor, I move approval.

>> Mayor Leffingwell: Items 14 through 19?

>> Cole: Yes.

>> Mayor Leffingwell: Mayor pro tem moves approval of items 14 through 19. Pardon?

[Inaudible]

>> Cole: 15 has been withdrawn.

>> Mayor Leffingwell: Noting that 15 has been withdrawn. Is there a second?

>> Second.

>> Mayor Leffingwell: Seconded by councilman spelman. All in favor? Opposed? Passes on a vote of 7-0. Turn next to item 27 pulled by councilmember morrison. 27 does have one speaker. Chip rosenthal.

>> Morrison: Right, and this is the item

--

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Thank you. This is the item we had postponed a month ago and it was a rather large allocation to put together a system that will allow us to integrate for public use 311 information and we had asked that to the community development commission and i understand you recommended it. Some of the comments I got and heard were wow, what a big price tag for a system to build apps. I wonder if it might make sense for our staff, if it would be possible to just get a little bit of an overview of the different components so we can understand the price being floated here. Then I would love to hear from chip.

[02:48:46]

>> Mayor Leffingwell: Mr. Chip.

>> Morrison: No, with austin energy.

>> Good morning, mayor and council. Gill calabrais, manager of austin 11. This contrast amendment that we're asking for is for a number of items. One of which is \$332,000

-- \$332,352 for an additional year of our base hosting service. And that was included so we could make sure we had enough original contract time to implement these new items. Now, there's a 58 -- a \$58,000 amount that was for a data portal for open 311 APIs. There is also an additional \$117,000 for maintenance for that. And there was also an optional \$14,000 amount for a sms

twitter automated feed implementation, and then \$136,000

-- I'm rounding these off

-- but they are in the council packet. For a hosting and maintenance of that twitter feed. The last item on there was \$195,000 for professional services to allow us to employ motorola to help us interface with city databases. Each of these items are part of a large

-- part of the whole package. There are two parts of it. Which would be the sms twitter, automated feed, as well as the mobile application, that could be opened up for additional local services to apply for this. And we had this discussion at the commission last night, and the staff is perfectly willing to open this up for some competitive ideas, but that would

-- but the data portal is a seller part of this because none of the other parts work without us implementing the data portal.

[02:51:27]

>> Morrison: Great. And is this chart actually in our backup? I got this from the

--

>> I'm sorry, that was what I presented to the commission last night and the timing was not capable of

--

>> Morrison: Because this is the chart that helped me understand it.

>> Yes, ma'am.

>> Morrison: And I guess i want to make

-- I know chip is about to tell thaws the commission did recommend it. I do want to make

-- I think it's important for us to know that there will be additional expenses to actually implement the integration of, say, amanda and other of our internal services with 311, and what this contract does is it sets up an interface so that we can develop those. Is that correct?

>> Well, what the \$195,000 here is for, and these are amounts that are calculated for professional services to help us integrate those. This is not the cost of the interface itself. That will be

-- that will depend on what we interface to and how ctm decides we're going to do it. But no matter what interface we decide to go with, we wil need motorola's help to tie the two systems together and that's what this amount is for.

>> Morrison: Okay. So for example the amanda system, we will need motorola to help us tap into the data, 311, and we'll be doing additional work to actually have it play in the amanda system back and forth.

>> Yes, that's correct.

>> Morrison: Then one other thing, if you could clarify, some of the feedback we got from the public was sort of astonishment it was going to cost hundreds of thousands of dollars to develop mobile apps. And from my understanding this is actually creating the infrastructure we need to develop mobile apps and other applications, that it is packaged with

-- \$9,000 is for two very specific interface apps to 311 for androids and iphones, but the other funding you mentioned, the 136,000

-- well, the 14,000 that we could go out and do an r.F.P. For, that's where we're really going to get a robustness of new applications.

[02:54:06]

>> Yes, it's quite possible, yes.

>> Morrison: So there will be a lot of opportunities there for folks to come, local companies, for

instance, to have the capability, hopefully we would do an r.F.P. Process for that or some way to do outreach.

>> Correct.

>> Morrison: Okay. Great. Thank you for your help on that. And I would be happy to hear from mr. Rosenthal at this point.

>> I apologize we weren't able to get that presentation to you this morning. It was just finished yesterday afternoon.

>> Morrison: That's right all right. I heard from chip last night and he passed this on and I'm sure if any of my colleagues are interested, maybe if you could provide it to the council, that would be great.

>> Certainly.

>> Mayor Leffingwell: Chip rosenthal. Three minutes.

>> Thank you, mayor, councilmembers. My name is chip rosenthal. I'm a member of the community technology and communication commission, also a member of open austin, a volunteer citizens group that is interested in open data and civic applications. I appeared before you a month ago quick a postponement on this item to bring it to the public for discussion. There was a lot of confusion about what this project encompassed and I feel like the month has been very productive. I appreciate your action, giving the public a chance to weigh in, and also appreciate the support of joe and staff talking to us and really have some detailed discussions on what their vision is. I'm signed in as neutral on this item, but I want to support approval and moving forward. I did want to highlight three concern areas that part of the commission motion last night. And these are not so much concern areas that would prevent action on this, but things that the city ought to consider while moving forward. Councilmember morrison addressed one of them, that the \$195,000 for professional services, we are in support of that. We identified some technical risk not in the 311 component, but this is going to be a big proke for ctm, it's going to need some architectural work ab and we would like to see some attention there. The project as a whole includes \$176,000 for open 311 data portal, four years hosting maintenance and bundled mobile applications. Those bundled mobile applications, which may have been the cause of a lot of consternation, turned out to be an \$8,000 line item cost within the package. Not sure they could be separated. I would not advocate separating them. Even if we choose not to deploy them in favor of more robust apps, it would be a good internal tool or reference implementation for third party add-ons. We're in vigorous support of moving forward on the 311. The last is the \$151,000 for third party applications identified in the proposal as sms and twitter applications. We support moving forward with that, but we would like to see kind of a strategic process in doing that and really taking a look at what is needed for these third party applications. Should we be looking at additional mobile capability, what kind of services are needed. So it would be our hope that there be a process to strategically identify what to do with those and open to competitive r.F.P. Our discussion with staff indicated that they are very open to that approach. So we feel comfortable recommending it. The third area that we highlighted is really the process area, that we as a city need to get better

--

[02:57:51]

[buzzer sounding]

-- at bringing these civic time issues to the public and this this is a really good first step.

>> Mayor Leffingwell: Thank you.

>> Morrison: Mayor, could I ask a question? You will recall the open resolution we did a while back and if I'm remembering properly, one of the items in that open government resolution was to sit down and put together sort of a strategic plan for applications for civic engagement including mobile applications. So it sounds to me, would you agree, that it sound to me what you are suggesting in terms of thinking more broadly and with the community about what those applications should be would be completely consistent with that direction we've already given?

>> That, also I'd like to point out in this year's budget, council approved funding to create an innovation office. And I believe

-- I mean the city has a lot of moving parts, a lot of departments, 311 hadn't heard of our commission, they have now, but there are other departments that haven't. I believe that building an innovation office and staffing it with kind of a global view can really help advance these civic tech issues.

>> Morrison: Thank you.

>> Mayor Leffingwell: I'll entertain a motion.

>> Morrison: I move approval with direction to staff to ensure that he have with the technology commission involved in helping to develop an r.F.P. For those additional apps.

>> Mayor Leffingwell: Motion by councilmember morrison to approve with the additional direction. Seconded by councilmember spelman. Further discussion? All in favor say aye.

Opposed. Passes on a vote of 7-0. Item 44 is pulled by councilmember tovo and we have now two speakers on this item. Do you want to hear from speakers first? Matthew king. Matthew king has signed up twice, both for and against, but you only have three minutes.

[02:59:59]

>> So I wanted to do an introduction to our issue and then an actual suggestion. This ordinance proposed is a fee levy for 120,000 on six lots in a subdivision of 32. I'd like to make it known that it wasn't until we, my wife and I came [indiscernible] this issue started to get traction. We were told by the city to higher an attorney which we did and continually pushing to get this done. Nobody else has put a real solution on the table except the stop work order. One item that is consistently raised, we new about the stop work order, i would like to make it clear we did not. The towing company did not find anything nor did the bank. We have a letter from the city of austin energy stating service was available for that lot. I have to mention this next point because it's been drought up to many times. A realtor called the city threatening to sue if the stop work order was not lifted. It was not a realtor. It was a couple days prior to to closing when we purchased the lot and clearly [indiscernible] trying to keep the lot. I guarantee if you check your records you will find it's not our realtor. We did not find about the stop work order until the builder was breaking ground. Tom jones called the city and sheriff's office and we ceased construction. Previous to the stop work order to be placed by tom jones. I was told by environmental compliance at planning and development review yesterday this decision initialingly in 2005 made was a strategic decision to get the money more efficiently. A strategic decision to get the money more efficiently as opposed to putting a lean on some other [indiscernible] this that subdivision. That's not reasonable nor right. This issue is I've been told between the water quality pond and the homeowners. Not the city and tom jones. Then all lots need to be equally affected by this levy to rectify the pond. So I propose that the cost division be at least applied using everyone in the subdivision, I believe it's 32 lots. When we met with greg guernsey in july or august of 2011 we asked greg if the subdivision is illegal due to the failed water quality pond. He said yes. We asked if all utilities could be pulled from every single house

because of this, he said yes. He went on to say they wouldn't and you could come to your own conclusions, bad publicity and public outrage. Point being if the subdivision is illegal how can you apply this to six lots until of the lots affected by the water quality pond. A stick was put in the sand. Had the lot been purchased prior to that this wouldn't have been an issue. That goes to show how unreasonable this is. The lots that were hit, those six lots, as related to this issue

--

[03:03:03]

[buzzer sounding]

-- is that my three minutes?

>> Mayor Leffingwell: That's your three minutes.

>> Can I have 30 seconds?

>> Mayor Leffingwell: No. Councilmember morrison.

>> Morrison: Could you finish your comments quickly.

>> It was a strategic position made friday day one to get the money more efficiently, not the correct, not the courageous decision, it's between the water quality pond and the owners as I've been told and not the city and tom jones so doesn't make sense that the original decision is made that way. It's not rocket science. The resolution needs to be passed. This issue should be dealt with, it should have been dealt with seven years ago. I just hope when you make the decision it's an equitable decision and it's the right decision. So thank you.

>> Mayor Leffingwell: Tom jones. Councilmember tovo has a question for you also.

>> Tovo: Mr. King, I have a couple questions. There was something you were talking about that I didn't understand and I'm familiar with the main argument you've made because I know you've had an opportunity to visit with my staff about it and we've visited at length about what you all talked about. You were talking about something that happened right before the closing.

>> Yes.

>> Tovo: And I missed that point.

>> A realtor apparently had called and we found out about this after the fact. Staff assumed it was our realtor and implied we knew about all this and it wasn't. I'm sure if you get the records, you would be able to see who it was that called. The date was two or three days prior to closing and i can only assume it was the seller's realtor and they didn't want to sell the lot. They bought the lot knowing about this stop work order and [indiscernible]. Did that answer the question?

>>

>> Tovo: Yes. So you were just countering the objection from staff that you knew about it in advance? You were saying it wasn't your realtor, a realtor called but it wasn't yours. But your title company didn't inform you there was a stop work order on the property.

[03:05:04]

>> Correct.

>> T okay. Thanks. It's a really complicated situation you are in. I apologize you going through that.

>> Mayor Leffingwell: Tom jones.

>> Good morning, mayor, councilmembers. Happy valentine's day.

>> Mayor Leffingwell: Set the time for three minutes, please.

>> I represent four of the six affected property owners. All I can do at this point is urge you to pass this ordinance. I've tried to give you an alternative which was not acceptable. In passing this



ordinance, please pass it with sufficient votes to pass it today and suspend the three reading requirement. We have some critical contracts that we've got to act upon today. There are several other legal items that we have to act on today if this ordinance does not pass. In light of things, I think the council needs to pass this ordinance. I represent two-thirds of the affected property owners and I want you to pass this and let us go forward from there. Thank you.

>> Mayor Leffingwell: Thank you. Councilmember tovo.

>> Tovo: Mr. Jones, one quick point of clarification. You say you represent four of the property owners. I mean you own the other four tracts. Is that what you meant?

>> My corporation owns two and I own two individually.

>> Tovo: Okay. Thank you. But at this point you do not have buyers for those four tracts.

>> Three of them are under contract. And pending action today or they may drop off. And it's just going to get a lot worse if this doesn't pass.

>> Tovo: Thank you. I have a couple questions for staff.

>> Mayor Leffingwell: Go ahead.

>> Tovo: So my question, i did ask some questions through the q and a but i need to clarify the answers and I'm not sure who the right person is to do that. My concern abo this is that there are property owners

-- what is the total cost of the project? And I know

-- well, I guess I've already asked that and you said there's not a project designated at the time, excuse me, designed at the time. The project will be designed so costs don't exceed the total amount received. What if what you receive is just the fee from two property owners? And the other four tracts don't sell for some reason. I mean is the city on

-- well, let me stop there.

[03:07:43]

>> Watershed protection department. It's our intent that the

-- whatever project is built on those two lots and in that watershed won't begin until we've received the majority of the funds. And we do want to get water quality in that area, but there's a creek immediately adjacent to the subdivision, but we won't begin work or really start expending funds on that until we've received the majority of the funds.

>> Tovo: Well, the majority of the funds cover the total costs, or are you basing the fee on the assumption you will get 80,000 plus dollars. Are the measures going to cost \$80,000 and the city will be putting that at risk until we receive that?

>> The total amount is pproximately 115,000, divided between the six lots. And that

-- and we believe that we can build a water quality control on those two lots that will address water quality in the subdivision and we wouldn't begin that work until we had the majority of that money and could move forward. Now, we think that once this mechanism is put in place, given the economy coming back, this is a very nice subdivision. These are

-- I think I would describe them as high value lots that I anticipate that they will sell and that either the seller or the buyer would come in and pay

-- make their payment. And you know, I would think we would see this in the next few years.

>> Tovo: What is the city's protection if those four lots don't sell or if the current owners decide not to sell them?

>> It would just be the status quo. No development could occur on those lots until the payment is made. And currently it's

-- this provides a second option. Currently the only option is for mr. Jones to build a water

quality control on those two lots. He's had that opportunity for years now and hasn't done so. This provides a second

-- a second mechanism for each of these property owners to move forward. Part of the problem is all the lots have been held hostage to mr. Jones. This provides a mechanism for the owners of those other two lots, the other two owners, to make this payment and they are able to move forward with their property and currently they can't until mr. Jones takes some sort of action.  
[03:10:22]

>> Tovo: Right, and i think for that reason it's a good option to consider. My concern is that the city will embark on water quality measures that cost the city \$115,000 and at most we may only have \$,000 of up front payment. So what is our assurance that the city will not be out \$80,000 if mr. Jones and his corporation decide not to sell those properties or are unable to sell those properties or decide to wait a period of time? Are we

-- are we legally able to put liens on those other four properties? What legal measures might we consider to make sure that a project that costs \$115,000 isn't going to lose

-- that the city is not going to lose money on this deal?

>> Let me answer the first part of the question. Watershed will build the project at the point that we have sufficient funds to build the project. It's very possible the project won't cost \$115,000. If that's the case, the remaining funds will be expended somewhere in the south lake austin watershed on water quality

-- on a water quality project. So but we won't move forward until we have sufficient funds for whatever we design to go on those properties. As to what other options we have from taking liens

-- probably need somebody from the law department.

>> Tovo: May I do a followup question on that first. So you will not

-- are you waiting for payment on all eight before you do any work or what does majority of the funds mean?

>> I think once we got up to 50 or \$60,000, we would start looking at

-- we will probably start looking this year at what we could build on those two lots so that we can get an idea of what we could design within that amount. And then as we get close

-- we think it's likely that this is going to be a small water quality control. It's likely that we will use one of our innovative softs, we call them soft controls, they are not big concrete ponds. We anticipate we may be able to build this with our own field crews so that would reduce our costs significantly. We're also looking at these two lots as an area that we may look at if there is a water quality control that we would like to do some testing and monitoring on, we may do that there. And so

-- so we think that there's some

-- all of that would be done with our own crews, so we think our costs would be within the \$115,000.

[03:12:58]

>> Tovo: Okay. Thank you. So I guess then my question for city legal is if the city moves forward after it's received 50 or 60 thousand dollars, but moves forward with \$115,000 project, what happens if the additional funds aren't forthcoming from those six lots?

>> Mitzy cotton, assistant city attorney. It's my understanding we do not intended to that, to avoid that issue. It's my understanding from people who know more about this than I do we

would not be able to place liens on property. That would be a good reason not to move forward like that. My understanding from staff is that we would not move forward on a project until the money was in the bank.

>> Tovo: All of it?

>> However much

-- because they haven't designed anything because we haven't gotten to that point yet, this hasn't been approved, we don't know that we're doing it. If it were approved, I think staff, correct me if I am wrong, would sit down, start engineering something and start thinking about more detail than they have already. What exactly it would cost. Whether there are phases such that when you have \$60,000 or something you can do and then you wait for more and do more. But I think our advice and I think what staff intends to do is not move forward until the money is in the bank.

>> Tovo: Okay. So you will not get out

-- if I'm understanding this correctly, it's not 245 we're going to have the majority of the money and then move forward with a project. The city is not going to embark on a project that it hasn't yet received the money, the funds for.

>> Correct. I think the majority of the money statement had to do with whether or not you could phase. The majority of the money you could start doing something out there and then add to it if you were able to get additional moneys in the future.

>> Tovo: Thank you. With that assurance, I'm comfortable with this item.

>> Cole: Mayor, I have a question.

>> Mayor Leffingwell: Do you move approval?

>> Tovo: I think there are other questions.

[03:15:03]

>> Mayor Leffingwell: Mayor pro tem cole cole how long has this problem been around?

>> First stop work order was issued in 2005.

>> Cole: Quite a while. Now, if we don't pass this ordinance, we would be basically stuck with the status quo.

>> Yes.

>> Cole: And can you explain that a little more?

>> Currently the status quo is there is a notice in the deed records that requires that water quality controls in compliance with city code be provided for the subdivision before these lots can get electric service.

>> Cole: Is staff reasonable comfortable with this resolution of the issue?

>> Yes, it provides a alternative. It modeled after the urban watersheds, the central business watersheds where it's very difficult to provide water quality on small downtown lots. It's a payment in lieu of providing water quality and then the watershed protection department provides either regional water quality or similar water quality controls in that same vicinity. This is

-- it's modeled after that mechanism. So this is a payment in lieu of the responsible party providing water quality controls. The city will take these funds and provide water quality controls on those two lots and in the same

-- and or in the same watershed.

>> Cole: Mayor, I move approval.

>> Mayor Leffingwell: Seconded by councilmember spelman. Discussion? Councilmember martinez. Riley. Excuse me. Down there.

>> Riley: I would just like to focus briefly on the issue mr. King raised and that's the fairness issue. The question is if this is an illegal subdivision why wouldn't we expect all the homes in the subdivision to share this the cost of the pond rather than imposing that cost on the six remaining lots?

[03:17:20]

>> Councilmember, greg guernsey, planning and redevelopment department. When I took over the one stop shop, development review, this is one of the things on my table. So I've worked with mr. Jones and mr. King, although I think one thing was revealed to me today that I was not sure of. If it was not revealed to mr. King that this was part of their deed records and he may have other legal recourse which I explained to him when I first met him. And I think rebecca his wife, if it was not disclosed at closing, I'm not an attorney, but I think there's other recourse if it's not disclosed about this particular hold on their property. So he may have another alternative. I discussed that with his previous attorney, nicole mead, but yay, that's neither here nor there. This property was not considered legal by the city of austin when it was created with original platting. That had to do it never came before the city of austin even though it was within our jurisdiction for approval. Back in 2001, march 1 of 2001, the city council approved a special ordinance that benefited this subdivision and allowed it to go forward without having that approval. And so that is how the other lots were constructed, built, utilities were granted, and that construction occurred before 2005. Much of that had occurred. I think there was a lot of negotiation based on my discussions with my staff and prior staff and dana johnson, who used to be one of our assistant city attorneys here, that there was building working with mr. Jones to start construction of that property. The pond back on those lots, houses were already built. When I think an attempt was made to allow one of the lots to go forward to use the proceeds for construction of the pond, that didn't happen for whatever reason, but the holds on lots, these six plus I think a couple others where there may have been someues when we first put that out there, it wasn't clear until they were actually put into the deed records that the majority of the lots I think were already under construction or already built. So that's why you arrive at the fewer number of lots. When the hold was put on, i think there were two property owners aside from mr. Jones that had utility holds on their properties. I only spoke to I think one of them prior, but I think it was more of a general conversation. But that's why we're down to the six that we have. I'm not quite sure who owns the two lots where the pond is supposed to go at this time. Mr. Jones may actually know. But I think one thing that staff wanted to make sure that you knew and mitzy cotton, the attorney who spoke to us a minute ago, is if the pond were constructed and it was built and accepted, basically it's in operation, then the understanding is the rest of the holds beyond the properties that we're talking about, the six today, would also be lifted.

[03:20:46]

>> And at this point there's no legal way to reach back on the other lots that were already constructed prior@ to 2005.

>> I don't know how we would do that. We don't issue building permits out in the e.T.J. And so if somebody did an addition, I would have no knowledge of it. I think the idea was we were taking the remaining lots that the city felt were unbuilt where we still had some lgal control through withholding utility and we exercise that right and that's why those were put in the deed records. So when someone purchased the property and there's a -- usually with a transaction there's a title search and if there are liens or anything on the

property, that would be known to the buyer of the property and that's why that was [inaudible]

>> Riley: What we're approving is really the only available mechanism that we have for resolving this long-standing problem.

>> Unless there's an individual property owner comes in with a lot of money and decides to build a pond and would raise it for everybody else but I don't think that's going to happen.

>> Riley: Thanks, greg.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Thank you, i have a few questions for staff. These will be water quality ponds that serve all of the houses in the subdivision. Is that right?

>> It does serve

-- it will serve the subdivision drainage area. When we

-- when you provide water quality for a subdivision, an individual control doesn't necessarily provide water quality for 100% of the square footage within that subdivision. It's presumed that

-- we don't do water quality on an individual lot basis for residential subdivisions, we do it for the subdivision as a whole and that drainage area. It's possible there are individual lots, and there are in this case individual lots that don't drain to these two water quality lots. But as a whole, it will put controls on that lot, on those two lots, will place the subdivision in compliance with water quality requirements.

[03:23:04]

>> I would also note that the infrastructure, the roads on which these houses take access to would also probably benefit as well. So I think in the case of mr. King, his lot actually may not directly drain into the pond that was probably suggested be built, but based on my discussions with engineers and my staff, the area that's in front of his drain would drain off the street down to his pond.

>> Morrison: To be clear, mr. King has to pay for the water quality pond that will not serve his lot.

>> It will serve the subdivision that his lot is in and serve the road that he uses to get to his lot.

>> Morrison: But thought his lot. What will he have to do for drainage on his lot?

>> Nothing. As I said, we don't require water quality on an individual lot basis in residential subdivisions. It's for the subdivision as a whole.

>> Morrison: And whose responsibility was it actually to build this water quality pond that I guess then failed or it didn't work or something?

>> The developer and that was mr. Jones.

>> Morrison: Okay. So for me, I'm real confused about why we're not just coming up with an alternative that focuses on the one person who was originally responsible for water quality and instead we're spreading it out over six or over the whole subdivision, and I would imagine actually an hoa could levy a charge across all of the individual properties to pay for it.

>> Well, let me answer the last part first. I don't believe there's an hoa that has taken responsibility for subdivision improvements, at least all of them at this time for this particular section. There is I think a homeowners association dealing with other lots in lake hills but not this particular section. I have worked in the past with mr. Jones trying to reconcile the issue of constructing a pond on the two I guess you can say the community lots where the pond was proposed. I know that mr. Jones because of this matter has had some financial difficulties and I'm not sure whether or not he actually owns and controls those two pond lots today so he has the

ability to construct on those lots. If it's part of one of his corporations.  
[03:25:41]

>> Morrison: I'm talking about financial responsibility. He had the financial responsibility and now we're sharing

-- now this ordinance shares the financial responsibility between him and two other parties.

>> That's correct. And I can't speak to whether or not he has the financial ability as an individual or his corporation to build the ponds or whether or not he actually controlled

-- because what he's told me in the past is that he does not control directly the lots in which the pond would be located.

>> Morrison: And this ordinance gives us the ability to go in and pilled on that, but it's about financial responsibility here, it's not so much about control because the ordinance could be crafted in such a way to allocate the financial responsibility differently.

>> And that you will have to ask mr. Jones. I can't speak to his offer to pay.

>> Morrison: I'm not talking about ability to pay, I'm talking about what's a fair allocation of the financial responsibility. Is it

-- are you suggesting that this ordinance is actually crafted in such a way to ensure that there is an ability to pay? Was that sort of a foundation of how this ordinance was built?

>> I think what this was to provide another option to property owners which would include mr. Jones. So the city of austin could construct a pond to provide water quality as intended with the original subdivision

--

>> Morrison: Intended to be built by one person.

>> Intended to be built originally by mr. Jones or his corporation. But this

--

>> Morrison: You mentioned that it was supposed to come to the city but for

-- for approval, but

--

>> the subdivision plat long, long ago.

>> Morrison: But it did not.

>> It did not.

>> Morrison: Can you explain why that didn't happen?

>> I cannot. There is a gentleman by the name of carl connally who volunteered his services to research and both he and i spent about four months researching this issue, looking at other plats, and for whatever reason back when this subdivision was originally created, the subdivision plat did not go before a planning commission for approval. It was only approved by the county. So when the issue came up before the city back in the LATE

-- THE EARLY 2000s, There was a decision made which council approved a special ordinance to remedy that situation so these lots could be developed on.

[03:28:12]

>> Morrison: So that was

-- so when a subdivision plat is approved, is the water quality addressed at that level or is that later?

>> The water quality was not required when this subdivision was constructed. What happened was that since

-- I think there was a review for vesting rights on this and it didn't come to us for approval. The decision was made in 2001 that said you can go forward, but basically you still have to comply with the city of Austin's water quality requirements. So this pond, unlike other sections of Austin Lake Hills, other sections of Austin Lake Hills may not have water quality facilities, but by virtue of the ordinance that council approved in 2001 that basically granted the right for the subdivision to be built, even though there was no planning commission approval, did not waive the water quality requirements of the day in 2001. So that's why we're having this discussion about water quality with this particular section of Austin Lake Hills.

>> Morrison: Okay. Thank you. I'd like to offer an amendment. I don't know if it will be friendly, but I do think that it would be

--

>> Mayor Leffingwell: I don't think there's a motion.

>> There's a motion and second.

>> Mayor Leffingwell: All right. Go ahead.

>> Morrison: I think that the

-- I understand the need to move forward, but I also think there's an element of fairness here in maintaining financial responsibility that you had in the first place. And one way to manage that would be instead of allocating the 115,000 over six lots, to allocate it over the four lots that are owned by Mr. Jones or his corporation so it would be 28,929 for each of those four lots, but at the same time also release the two additional lots from the enforcement action. So that in fact Mr. King, who didn't have responsibility in the first place and wasn't made aware isn't having to absorb some of the financial responsibility that Mr. Jones had in the first place and now some of it is being allocated to Mr. King instead of maintaining that responsibility.

[03:30:29]

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I have a question to

-- before I address the amendment to Mr. Wozniak and Mitzy. I know you guys did background work in terms of financial feasibility and our ability to get this done in light of the fact it's so important to the city. Can you shed any light on the financial feasibility of taking Mr. King out of this equation and us being able to move forward?

>> What it does is the amount is based on the amount of impervious cover in the subdivision. Not on individual lots. And so if we reduce the number of lots, the total amount stays the same, just over \$115,000. So if we reduce the number of lots, it just, as Councilmember Morrison indicated, would increase the proportionate share for each remaining lot that it would be subject to the ordinance.

>> Cole: Okay.

>> If that answers your question.

>> Cole: But does Mr. King benefit from the work that we are contemplating doing?

>> In order to do this, we would have to add to the ordinance variances for the two lots so he would benefit in the sense he would be able to go for and obviously he would go forward and live in a subdivision that had water quality, which he doesn't have now. So it would take some redrafting. Because what you would be doing instead of granting this variance that requires payment, you would just be granting a variance to two lots absolutely to water quality, and then four lots requiring them to bear the burden of whatever the cost is.

>> Cole: So we either spread the cost to everybody who is benefiting or we take and put it on the

one person who was the original culprit but not charge everybody who is benefiting. What do you want to do, bill?

[03:32:29]

>> Mayor Leffingwell: Just to be clear, I'm assuming from what you said we cannot do this today. This would require a postponement.

>> That would be correct.

>> Cole: Because this has been around ten years I'm not going to consider the amendment friendly.

>> Morrison: Could we have a vote on that?

>> Mayor Leffingwell: Are you proposing that same amendment? Is there a second to that? Councilmember tovo, do you want to say something?

>> I do and I want to follow up with miss cotton about something. What you just said, we would be approving a variance

-- we would need to approve variances for the benefit of for those two lots, but all of the buildings have been constructed and I've lost track of how many lots those are, they have all more or less got variances too.

>> They have, right. And because they are in the e.T.J., It doesn't matter to them. They don't need a building permit. They've already got utilities. We're not going to terminate utilities. We can't really do that. So they just escaped. Got out. Mr. King was right, if the original purchaser of his property had built a house when he purchased it, he would also be on the other side of this fence. These were just the lots that were still vacant when we finally got to the point of trying to -- that we knew we were not going to get much further with negotiations with mr. Jones to get the pond built. And so the stop work orders were issued.

>> If I could also add, i think it's german to the discussion, there's no prohibition for mr. Jones selling any of his lots. And so we could end up in a situation where he sells every one of his lots and then we've got a series of new property owners that are subject to this same hold and subject to whatever ordinance it is ultimately passed. But none of it apply to mr. Jones. And so that's -- you know, that's the unfortunate situation. And we could have a series of people coming to you again saying I have a lot subject to utility hold that wasn't my fault. But I bought it and so now I've got it. And council, I would like you to do an ordinance similar to what you did for the kings and let me off the hook. And that's

-- that's the danger here.

[03:35:01]

>> Tovo: That's a good point. I think

-- I hope that this discussion will

-- I hope it won't be a surprise to those four potential owners in that the price they pay would be reflected if they end up bearing the cost, if this motion passes and they end up bearing the cost of the water quality that they will have paid a price tore the lot. They will be aware of before they purchase it from mr. Jones and two that that will be reflected in whatever price they pay.

Obviously that's not our business here today.

>> That was the point of the notice of record, but two lots were sold with a notice of record on file at the time. So whether or not these additional four could be sold with that notice on file at the time and with this ordinance in place is i think the point that chuck was making. That it is possible that those four lots would be sold similar to the lots, the other two lots. Because both of



those lots were sold with the stop work order and the notice filed in the official records of travis county at the time.

>> Tovo: And were you able to verify whether these two buyers were supplied with that notice of record?

>> No. I mean it was in the title and it's in their title commitment or not and one assumes if a title company missed that, the title company might be able to provide some kind of recompense for that.

>> Tovo: Let's see. So in doing

-- this is just a real challenge because

-- and I appreciate, you know, the interest in resolving it in some way because it's been here for a long time and just for the little bit it's been here during my tenure it's taken a lot of your time and a lot of my staff's time working with you to try to sort it out. So I can only imagine across the staff as a whole the kind of energy that's been expended working with mr. Jones and trying to figure out how this project can move forward. But it does seem to me really I mean as we discussed this today, i appreciate the discussion because it does seem to me somewhat unfair to make the two

-- the two individuals who have

-- who did not have

-- who purchased lot that didn't have houses on them responsible when the rest of the folks in the subdivision are not responsible for bearing the cost and the person who really needs to bear responsibility for the cost is mr. Jones and his corporation. So I support

-- I support making those four lots which are owned by mr. Jones and the corporation responsible for paying the financial cost of the water quality.

[03:37:48]

>> Mayor Leffingwell: Well, I will just say I'm not going to support the amendment. This is an opportunity, i think staff has work hard to achieve an equitable settlement. May not be equitable in everybody's eyes, but it's a settlement that works. It's an opportunity to remedy potentially I don't want to say dangerous but potentially adverse environmental situation that's been going on for ten years and I think it's time to resolve this case, get back there and improve the water quality in this neighborhood and move on. So I won't support the amendment.

>> [Inaudible]

>> Mayor Leffingwell: No. All in favor of the amendment say aye. Councilmember spelman.

>> Spelman: Could you restate the amendment?

>> Mayor Leffingwell: The amendment was to reallocate among four lots, the four lots owned by mr. Jones instead of the six lots, which would automatically require that we go

-- we certainly couldt approve this on three readings today. I don't even know if we could do it on one. We would have to postpone it and go back and revamp the existing ordinance, plunging this entire project back into purgatory for who knows how long. So all in favor of the amendment say aye.

>> Aye.

>> Mayor Leffingwell: Opposed no.

>> No.

>> Mayor Leffingwell: That fails on a vote of 5-2 with councilmember riley, martinez, myself, councilmember spelman, cole voting no. That takes us to the main motion by mayor pro tem cole to approve this item. All in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no.

>> No.

>> Mayor Leffingwell: Passes on a vote of 5-2 with councilmember morrison and councilmember tovo voting no. So with that, we have no more items that we can consider on consent agenda because they are postponed or for executive session. Not being one to want to waste time. Council will go into closed session to take up eight items potentially, although we won't get all the way through, pursuant to section 551.071 of the government code, council will consult with legal council regarding the following items. Item 24, legal issues related to disabled parking adjacent to 1600 south congress. Item 26, legal issues related to shady hollow gordon town homes. Item 46, legal issues related to transitioning the governance of austin energy transition to an independent board of trustees. 56, legal issues related to open government matters. 57, legal issues related to november 6, 2012 election. 58, legal issues related to chapter 245 of the local government code and related provisions to the city code chapter 25-1-article 12. 59, related to the puct docket number 40627 petitioned by homeowners united for rate fairness to review the city of austin rate ordinance. Number 201, 206-07-55. Item 60, legal issues related to cause number e 1 g 1 o 4. We won't get all the way through these items. We'll come back out at 12 noon to hear citizen

[03:42:00]

>> mayor leffingwell: We're out of closed session. In closed session we took up and discussed legal issues related to items 24 and 60. So obviously we

-- there are several items left to go. We'll take up citizens communication and as soon as we finish that we'll go back into executive session. So our speakers for today, allen roddy. Allen roddy, topic is balcones rock cliff.

>> Good afternoon, I'm allen roddy. The last time I was here i showed you a video of lake austin's penny backer bridge area. Today's videoed shows the vista around mount bonnell. A few years ago I asked if i could be told the age of the cliff formations around the colorado river. They explained to me that sometime between 20 to 5 million years ago there were earthquakes in what is now central texas. As a result of these earthquakes the rock units were displaced and the balcones fault zone was formed. Mount bonnell is part of the fault zone and upward to the rock cliffs as we observe them today. These earthquakes are what formed our balcones canyonlands and the texas hill country, barton springs and comb al springs are a result of the resulting artesian wells or springs. Stanl on top you are part of the escarpment which marks the boundary between two of the great geographic divisions of north america, the great plains that extends west to the rockies and north to canada, and it extends to the atlantic ocean. The colorado that now throws through central texas was formed in the latter stages of the last ice age, approximately 15,000 to 10,000 years ago. The massive runoff caused by the melting gracers and the southern rocky mountains southeast to the gulf of mexico carving deep canyons where lake travis and lake austin now exist. In the shape of these canyons, we know that the river was a meandering stream before and during the time it took to cut through the limestone bedrock. The balcones rock cliff is 15,000-year-old calendar of the colorado river's history. The balcones canyonlands are our natural treasure and deserve to be declared a natural national landmark. And for the remainder of my time I'm going to allow you to enjoy the view of lake austin here and mount bonnell.

[03:44:39]

>> Mayor leffingwell: Thank you, mr. Roddy. Issue be  
>> thank you, and good afternoon.  
>> Mayor leffingwell: Will mcleod, three topics,. [Applause] , abolish city of austin, complying with ada

--

>> that is city of austin is not complying with the ada and time warner should be topic capital metro. If you would start the citizens communication one, please.

[ ♪♪ Music playing ♪♪ ] penny backer

[03:47:07]

[ ♪♪ music playing ♪♪ ]

>> we now have citizens communication 2, please.

>> The city of austin is committed to compliance with the americans with disabilities act.

[Inaudible] modification and equal access to communication will be provided upon request.

>> Why not use that statement [inaudible]

--

>> because it doesn't fit in the bill, and it's okay for us. That's why we are

-- that's why I changed it to the city of austin is complying, because we

-- because it's an ongoing process. It's not that we are done

--

>> I can say what I want to say. It's not racial. It's [inaudible] tell me what to say.

>> Waging wars, funding and weapon

-- I think israel's ongoing war on peace, the war on life. He doesn't have the right to stop it. No, I

-- 40 seconds

--

>> you will not be allowed back into the chamber [inaudible]

>> you're interrupting.

>> The mayor asked you to leave.

>> He doesn't rule the rules. We get three minutes to speak.

>> And a third topic was

-- I have 30 seconds left. Time warner to be determined. I'm going to spend the rest of the time on time warner. See this right here, it's a switch digital video. What if time warner

-- why do they require us to only do that, watch the government channels on these? Weren't we supposed to take time warner to court two and a half years ago? What happened to that case? I see the city attorney right here. Maybe he could tell us about that. I should be able to watch my citizens communication without the use of this on the television set. Thank you.

[03:49:18]

[Applause]

>> mayor leffingwell: Jane gonzalez-castillo. Jane gonzalez-castillo. Linda greene.

>> Yes, sir.

>> Topic is ways to deal with hexafluorosilicic acid added to our water supply.

>> Yes, sir. Hexafluorosilicic acid, which you guys call fluoride, which you add to our water supply over a half a million dollars a year. These are some ways of dealing with the fluoride in the water. This hexafluorosilicic acid which you add to our water has never been approved by the food & drug administration, and it is considered by the fda, the food & drug administration, as an

unapproved drug. Actually fluoride is also found in high concentrations in prozac and probably some other ssri drugs, which you might be considerate of. But the way -- the best way to deal with this hexafluorosilicic acid is for four out of the seven of you to vote to turn off the tap that adds fluoride to our water. That's the very best way. [Applause] if you won't do that, if you won't give that to us for our valentine's present after we've been speaking to you for about four years, then I recommend everybody in this room and the 20,000 people that watch the video of the city council perhaps go to wheatville grocery and buy yourself some glass bottles and then take them, about 30, 40 pounds for this two and a half gallon glass bottle and take them over and refill them from time to time with reverse osmosis water, which takes out about 90% of the fluoride in the water. However, it takes two gallons of water to make one gallon of reverse osmosis water, so you're wasting our water by having us to go keep refilling our bottles with reverse osmosis water in health food stores and grocery stores at about 25 to 30 cents a gallon. Also, if you get reverse osmosis out in the outdoors in front of grocery stores you're submitting people to roaches, rats, mice and birds that congregate around these water filtering machines. The reverse osmosis filters have to be replaced. They're expensive. If you got yourself a home filtration system it runs around from 1400 to \$2,000 and then you have these filters that turn into waste, and for a city that is taking steps towards becoming a zero-waste city, this is a big step backwards. These are waste. These are waste. These are not the pba-free plastic bottles. So these are even more damaging, I think, than plastic bags. Now, one way to also avoid fluoride is to buy organic food, because so much of our food is full of pesticides, so you might want to be sure that you buy organic foods, and we'd like to know what kind of filtration systems you use.

[03:52:48]

>> Mayor leffingwell: Thank you, linda.

>> Thank you. [Applause]

>> mayor leffingwell: Paul robbins. City.

>> Council, I was intending to speak on water conservation, and even a written speech. I am now speaking on a different topic. The undemocratic limits on public input that will occur tonight. I have just learned

-- please note to the people watching this on tv that the mayor has left the dais. I have just learned that public debate on item 46, changing an election for

-- changing the electric utility governance will be limited. I want you to consider how outrageous this is. You all are considering a resolution that is tantamount to changing the city charter without voter approval. And when a group of engaged voters and ratepayers want to challenge it, you limit their contribution to 30 minutes total. This is not this august body's finest moment.

There are a lot of committed people that are taking time out of their lives to contribute to this city, and we need to hear them all, particularly with the short public notice given for this proposal. The public has had this proposed wording for less than a week. I am not aware of any other time in the city's history where the city council has intentionally tried to bypass the voters on a charter matter and asked the state legislature to overrule it. I want you to think about this hard, council. You've had more than two years to put this on the ballot, so you're doing is telling senator kirk watson, it is really all right to ignore process. So now that you've legitimized changing the charter without a vote, where does it stop? You don't like district lines? Just call your buddy kirk and ask him to get it changed. You don't like council manager form of government? Just take it to the capitol. Want a poodle leash law in the city charter? The ledge is

just a phone call away. And when councils from other cities see what austin is doing, they'll join in. In summation, I have to wonder why this council thinks so little of us, I have to wonder why you think we are so dangerous that you can't listen to us for three minutes. Thank you.

[03:55:50]

>> Thank you, mr. Robbins. Joseph iley? Joseph iley? You have three minutes on taxicab issues.

>> Hello, I'm a member of the taxi drivers association. Last week I

-- or two weeks ago I was here to talk to you about the lies of lone star cab and I want to continue on about that because you only give us three minutes at a time. Secondly, mr. Spelman asked me what my documentation was, and I didn't quite hear him from across the room so I thought I'd come over to this side and now he's not here. So my documentation could be verified through perla thompson at abia. It can also be verified five-day through the austin transportation department as well. With that said, I also want to go on to say that I find that the city council is being very irresponsible for the taxi drivers as far as they do not hold the franchises accountable for what they say. Lone star cab said they needed these 50 cabs that you didn't allocate out properly to begin with to better service the city, and once again, I have to say that better service the city means you must work the streets, not necessarily the city

-- abia. I believe mr. Riley and tobo both were concerned that that was what was going to happen and that tdaa also advised the council that that was going to happen, and we were right. And I would really appreciate if you guys start to take us tdaa members a little more serious because we don't come up here to speak bull or lie to you about what's going on in the taxicab industry. We come up here to tell you what's going on because it upsets us. It doesn't

-- it affects us. It doesn't affect the companies because the companies make their money based on the number of taxicabs they have within their franchise. The more cabs they have in their franchise, the more money they make. It's just like a fishing fleet out in the sea. You put too many boats out there, they're not going to bring in enough fish for each of them to make a living.

[03:58:19]

[Applause]

>> cole: Thank you, mr. Iley. Carlos leon? Mr. Leon, you have three minutes.

>> Thanks, mayor pro tem cole. My name is carlos leon and I'm here today, february 14, 2013 to speak what's right. And you can put on the first slide. Yesterday this morning austin's scared what sunny, blue and cem trail free, the way god wanted it, the way our country can and should be.

However the enemy uses deception to sabotage our present and future. To resist tyranny and fight evil, let's shine light of truth on darkness of lives. Look at slide 1, the truth portray obama, the false prophet as the son of god. God [inaudible] actors jamie foxx and chris rock have wrongfully called obama our lord and savior, our daddy and our boss. Let's be clear. Jesus christ is my lord and savior, my father, and I answer to/. However, their

-- to him. Their confusion is indicative of a nationwide brainwashing that makes people destroy themselves. Second slide. Look at this real clear politics poll. How can 51% approve of obama's job but only 37.2% approve the direction of the country? That's contradictory. However, perhaps you believe that obama helping you by throwing everyone else under the bus explains that.

However, each individual is forced into this false belief everyone loses. According to exit polls, 93% of black voters chose obama in the 2012 presidential election yet naacp president stated that black americans are doing worse now than when obama first took office in 2008. Third slide.

This shows a point of view of u.S. Department of agriculture all the people on food stamps.

When obama took office there were 32 million on food stamps. When hgot re-elected there are 47.7 million on food stamps. That's a 49% increase, people. Take a look at the stats combining the u.S. Department of agriculture and the census. 26.7% of blacks are now on food stamps, but it's not just black people who are being misled. So are white and hispanic people. There's at least 17 1/2 million whites on food stamps, 4.6 million hispanics on food stamps, and because of government data 18.4% of food stamp recipients are listed as unknown, these numbers underreport all the people on food stamps. Look. Basically instead of obama's misery loves company approach trying to bring each of us down by breaking everyone's heart, on this valentine's day let's send him a dear john letter and be free to move forward without him. Impeach him, restore our public, restore our sanity. Thank you.

[04:01:44]

>> Cole: Thank you, mr. Leon. Ronnie reeferseed. [Applause] ronnie reeferseed. Very little day >> yes, I'm still ronnie. [Inhaling] reeferseed. Yell stop the killing. Let's all demand our once proud constitutional republic stop killing men, women, children, babies, especially the unborn, the

-- for whatever so-called reason, and imagine, to this very day there are women in our nation who do not consider themselves free unless they have the so-called right to execute their own little inconvenient truth babies at any time for any so-called reason. Babies. God frowns on convoluted hogwash to justify killing any baby no matter how inconvenient. Babies, the epitome of innocence never hurt anybody anyhow because they can't, they're babies. But because some women tragically die in childbirth some other people think this justifies the state sponsored slaughter of inconvenient truth babies, nine months and beyond anytime for any reason. However, proudly, some loving and dwoapted fellow citizens have been trying to somewhat lessen our own haulcost of the unborn by limiting the satanic slaughter. Former vice president al gore has been promoting

-- he's a yugenic enthusiast. Babies, based on lies. The facts are people each and every inconvenient truth baby has a line around the block of loving couples desperately wanting to give those babies loving homes. Of course, this includes all those disabled babies of any and all color, ethnicity who may or may not live to see their first birthday. That's a big secret. None of us ever hear that from our truly evil lame scheme media communists and traders, life and death issues to god hating communist collectivists is satanic. Our own state policy puts the devil in charge. So the devil is in charge. Hey. Let's all just wake up from this ongoing nightmare of collective evil, massacre of babies by just saying no. We all choose to just stop the killing of babies. After all, mother mary of jesus gave birth to our savior, which he was a young teenager. We should all beg for forgiveness and thank god that the truly evil roe v. Wade did not exist at that time. Read your bible, read your torah, your qur'an, your бага vita, et cetera. Love for humans can be found at the core of all non-satanic belief systems and stop the killing. God does not ever approve of killing babies, no matter what.

[04:05:03]

[Applause]

>> those are all the speakers that we have. And so the council will go back into closed session to take up six items, pursuant to section 551.071 of the government code, the council will consult with legal council regarding the following items, item 26, content previously read, item 46, item 56, item 57, and item 58 and item no.59. If there's no objection to going into executive sion on

these items the council will now go into executive session.

>> Mayor Leffingwell: We're out of closed session. In closed session we took up and discussed legal issues related to items 26, 46, 58 and 59. Noting that items 56 and 57 were withdrawn. Now we go to our consent agenda for our zoning cases.

>> I'd like to go through the 2:00 zoning consent items. I'd like to invite mr. Jerry rusthoven briefly to speak to item 61 and I'll finish going through the rest of the consent items. Because there is an agreement, I understand between some of the parties regarding the number of units, impervious cover and some additional things.

>> Mayor and council, jerry rusthoven. On item 61,, the applicant and the neighborhood have reached an agreement. I would like to read quickly three things. The motion would be to approve the ordinance y'all approved to first and second reading with three changes. One, the development of the property will not exceed 36 units. Two, development of the property will not exceed 37.4 impervious cover and the following two uses will be not allowed on the property, duplex residential and single residential. The applicant has agreed verbally to commit to building the structures that are to face lightsey. So with all those conditions, I can offer it for consent and we have an agreement.

[04:07:38]

>> Thank you, jerry. That was case c-14--2012-0032 for the property located at 2905 dell curt0 road and that would be for first reading with the changes that mr. Rusthoven read into the record. Item 62 is case c-14-2012-0070. This is for the property located at 207 east 53rd street to zone the property community commercial conditional overlay neighborhood p and this is ready for consent approval on third reading. Item number 63 I understand there's a councilmember or two that might want to discuss this item. So I will skip that item. Item number 64 is case c-14-2012-0101 for the property located at 9310 georgian drive. This is to rezone the property to neighborhood commercial commercial mixed use conditional overlay and this is ready for consent approval on second and third readings. Item number 65 is case c-14-20120113 for the property located at 7003 east riverside drive. This is to rezone the property to townhouse and condominium residence, conditional overlay, neighborhood plan combining district zoning. I would only offer this for second reading only on it item. This is on item number 65 for second reading only on item number 65. Item number 66 is case c-14-2012-0114. This is for the property located at 2440 wicker sham. This is to zone the property to community commercial mixed use conditional overlay with conditions. This is ready for second and third reading approval. And item number 66 and item number 67 is case c-14-2012-0151. This is for the property located at 2112 east william cannon to zone the property multi-family medium density district zoning. This is ready for second and third readings. Those are the items where the public hearings have been closed. Let me read the items where the public hearings are open starting with item number 68. Mayor and council, 68 is item c-14-2012-0083 for the property located at 800 west sixth street and 602 to 702 west avenue. This is a staff postponement of this item to your february 28th agenda for item number 68. Item number 69 is case c-14-2012-0123. There's a related item on your 4:00 public hearing items, item number 83 that needs to be considered with this so staff would suggest we defer action on this until the related urban renewal plan item, number 83 comes up later this evening. Item number 70 will be a discussion item. I believe we have several speakers that have signed up on item number 70. Item number 71 is case c-14-2012-0135 for the property at 7502 lazy creek drive to rezone the to family residence zoning. This is ready for consent approval on all there'dings. Item number 72 is case c-14-20120136 for the

property at 7507 lazy lane drive to rezone the property to family residence. It was recommended to you bit zoning and platting commission. This is ready for consent approval on all three readings. Item number 73, c-14-2012-0137 for the property at 7512 lazy creek drive to zone the property to district 3 district zoning. Zoning and platting commission did recommend the zoning. This is ready for consent approval on all three readings. Item number 74 is to rezone the property to family residence. The zoning and platting commission recommended the sf 3 district zoning. This is ready for consent approval. Item number 75

--

[04:12:11]

>> Mayor Leffingwell:75 has speakers.

>> Item number 76 is c-14-2012-0149 for the property at 8200 north mopac expressway. This is to rezone to neighborhood commercial or lr district zoning. This is ready for consent approval on all three readings. Item number 77 is case c-14-2012-0150 for the property located at tennessee 2 chester lane to zone the property single residence large lot. The soap zone recommends was to grant the district zone. This is ready for all three readings. Item number 78 is case c-14-2012-0153 for the property at 4714 spicewood springs road. To rezone to general office district zoning. The zoning and platting commission's recommendation was to grant general office conditional overlay combining district zoning and this is ready for consent approval on all three readings. Item number 79 is case c-14---

>> Mayor Leffingwell:79 has speakers.

>> Item number 80 is case c-14-2012-0156 for the property located at 1434 west wells branch parkway to zone the property to go district zoning. The zoning and platting commission's recommendation was

--

>> Mayor Leffingwell:80 has speakers.

>> Mayor, after 4:00 I could jump on over to the 4 oak public hearings. I have two to offer for postponement if you wish.

>> Mayor Leffingwell: It looks like 4:00 to me.

>> Yes.

>> Item number 81 was to conduct a public hearing to amend the city code, chapter 25-2, to create the central austin university area zoning overlay district. We have stakeholders that have requested postponement. I understand there's agreement to postpone this to your april 25th meeting. And then item number 82 is to conduct a public hearing and consider ordinance amending 25-2 regarding the new location of historically significant buildings in the rainey street area. And staff is requesting a postponement of this item to your march 7th agenda. That includes the items for consent.

[04:14:52]

>> Mayor Leffingwell: Consent agenda is to approve item 61 on third reading. Approve item 62 on third reading. To approve item 64 on second and third readings. To approve item 65 on second reading. To approve items

--

>> mayor, I think councilmember riley wanted to add something on 65 or say something?

>> Mayor Leffingwell: We'll pull that off consent.

>> Riley: Please.



>> Mayor Leffingwell: Mayor, 65 is not on consent.

>> Spelman: I have a short question on 62. We could do it either way.

>> Mayor Leffingwell: 62 let's pull off consent. So that brings us down to item number 66. I think I read that, to approve on second and third readings. And item 67 to approve on second and third readings. On item number 68 is postponed until february 28th. Item 69 will be heard together with number 83 after 4:00, which is ksat 12 news at noon. Item 61, 72, 73, 74, 75, 76, 77, 78

--

>> mayor, I think on 75 you said you had speakers?

>> Mayor Leffingwell: Excuse me. Omitting 75. 76, 77 and 78 to close the public hearing and approve on all three readings. And that's the consent agenda. I'll entertain a motion. Mayor pro tem moves approval. Seconded by councilmember spelman. All in favor say aye?  
Councilmember martinez.

[04:16:55]

>> Martinez: Yeah, just brief comments. The consent agenda does contain item 66? Is that correct?

>> Mayor Leffingwell: Yes. On second and third.

>> Martinez: And I just wanted to say that we got a lot of requests from some of the neighbors about the prohibition of alcohol sales as it relates to carryout stores, I believe. And certainly I understand the concerns, but when we're talking about a complete mixed use project you contemplate things like restaurants and convenience stores and I think from a safety standpoint, not an access standpoint, but safety, having the ability to walk downstairs to the building you're living in or walk across the street to a convenience store near a building you live in is much more safer. And in this area there is only one convenience store on the corner of oltoft and pleasant valley. So I will continue to support the zoning case, but I do understand the concerns that have been raised. I just think from an overall perspective it's a better policy allowing that convenience store to be a part of the project, if that happens. It's not a guarantee, but this zoning that it will happen, but it does allow that as option.

>> Mayor Leffingwell: Mayor may have? Oppose said no?

-- Owe.

>> Mayor Leffingwell: All those in favor, signify by saying aye? Opposed say no. It passes on a vote of seven to zero. We'll come back to zoning later. First is item 24. Item 24 was pulled by councilmember tovo. We also have speakers. Do you want to hear those? Neal minezer?

[04:19:20]

>> As I'm sure you were briefed in closed session, this is attendant to a settlement that's been reached between the city attorney and the attorneys for my client, including our firm, to resolve a case that's been pending for many years now. I'm sure the council will remember there's been judgment entered against the city in favor of my client. It's been 360 some-odd thousand dollars paid by the city, other hundreds of thousands of dollars spent by the city on this dispute. And this gets us to closure as the saga continues. At the base of the dispute lies some concern about accessible parking adjacent to my client's cafe. And this proposal is really a win-win for all the parties involved. It provides more accessible space than what was going to be required earlier, and my client is footing the bill to get that in place. The city attorney's office staff has been working closely, working hard to work out a settlement of this case, and is supporting this as a

viable resolution, as a good resolution, like i said, it's a win-win for everybody involved. And we ask that it be supported by council and approved. I'm here to answer any questions that you may have. But the issue as has been stated is accessible parking. This issue provides more accessible space virtually right out the front door of the rest aunt and my client is footing the bill for it. If there's any way I can reserve time for any rebut later I would like to. I don't know if that's allowed by the rules.

>> Mayor Leffingwell: You can come back up here if you're asked a question. That's another level of reserving time stuff. Next speaker is will mccleod.

[04:21:35]

>> Good afternoon, back again. Will mccleod. It's about item number 24, approving an ordinance waiving city code section 25-6-501 e and authorizing the director to approve disabled parking adjacent to 1600 south congress and superseding conflicting requirements of the city code. I'm kind of confused on what they want to do here. They want to build more

-- it should be accessible in the first place. What I'm hearing is

-- if i heard wrong, then I heard wrong. What I'm hearing is they had to take these people to court to be able to get this done. Well, that shouldn't have to be necessary. We need to have accessible spaces all over austin. I'm tired

-- like I said earlier in citizens communication, I'm tired of being lied to on my electric bill saying the city is complying with the americans with disabilities act. It's obviously not and those photographs are examples of places here in austin that are under the city's control and jurisdiction that have not been made up to a.D.A. Standards. So if this person is exceeding the a.D.A. Standards, then I fully support it. However, if he's not going to exceed a.D.A. Standards, I would oppose it. Because it's the right thing to do. All persons should be able to walk into any establishment that's open for business. Whether they're using a cane, wheelchair, broken arm, whatever. And not have to face obstacles, and the city needs to get on board with the program. I've seen the city of san antonio do a better job than the city of austin. They're a larger city. And their sales tax collection rates are less. I don't get it. San marcos is getting with the program. I go down 35 and there's sidewalks being installed right and left. Now, let's just not focus on disabled parking. Let's look at people who do not drive. Not many people have a car in austin that like to be shopping. They're people too. Why are we treating them like third class central texans? We shouldn't.

[04:24:26]

-- Citizens. We shouldn't. Let's think about this. I want to hear again from him as to what this plan, what they're trying to do with this property. Thank you. Those are all of the speakers. Councilmember tovo?

>> Tovo: I have a couple of questions for staff. Mr. Guernsey, I wonder if you could explain why the accessible parking which would normally be required on site is not being provided for on site.

>> The property owner constructed a deck, a restaurant and started construction without the benefit of having all the permits in place. When it was determined that it occurred there was a site plan submitted to the city by the property owner. During the course of the review, the deck was shown as an existing structure and a disabled parking space which would be required on on the site plan was not shown on that document originally. So the site plan at one point was approved and then rescinded. There is some litigation in regards to that that benefitted the

property owner. The city paid some damages on that and we came back with basically an agreement that we would move forward and staff would review the site plan again. That was submitted in accordance with our codes. My staffer did review that site plan, made the comment that the

-- a single disabled parking space would be provided on site. The property owner disagreed. We went to court over that matter and the judge asked us in this particular case to go into mediation. And so that's what brings us to where we are today. That's the reason why the space is not on the property and if you like, I can go further.

[04:26:41]

>> Tovo: I appreciate it. Basically they can't construct the space that they're required to construct on site because they built a deck without permits over the whole site.

>> Correct.

>> Tovo: Can you remind me how many stop work orders they got during the time period they were constructing this deck?

>> I'd have to go back and review that. Right now they're basically under a stop work order. They've agreed not to do any work until we resolve this matter and also agreed not to use the deck until we resolve this matter. Tow I think there were

--

>> Tovo: I think there were three, possibly more. During the period of time where they were constructing the deck without permits, they were cited by the city and issued stop work orders and the construction continued. So they now don't have an opportunity to put a spot on their property because they have a deck covering all of it. So it's my understanding that one of the requirements, were this to be approved today, one of the requirements would be for them to seek building permits for the deck that's already been constructed on their site. So can you tell me a little bit about that process? Will they be required to

-- they will be required to comply with all of the other requirements anybody else would if they had proceeded through the correct channels and gotten a permit and then started the construction?

>> That's right, councilmember. We would need to address the site plan and make showers that gets released and then we would proceed to file for a building permit under the proposed mitigation agreement that's before you. They would have to comply with the plumbing, electrical, mechanical building codes. The deck itself would need to be accessible, and according to our rules and regulations.

>> And because it was built without

-- if they have electrical and other things out there, because it was built without pulling permits, they would be required to change it to whatever they need to do to comply with current requirements. So can you help me understand where the parking spots are. Initially they constructed a fence along right-of-way and then they had to go and seek a boa variance to allow that fence to continue. I believe it was either they withdrew it or it was torn down. The fence had to be removed because the fence had been constructed on the right-of-way. So is that same right-of-way where they're not going to construct the parking spaces?

[04:29:20]

>> It is the same right-of-way. It's all the right-of-way of west monroe street. I will say that the property owner did come back in, remove the encroachment of the fence from the right-of-way.

That's no longer an issue with us because he addressed that almost almost two years ago. I don't think that is an issue. It is the same right-of-way where the two spaces are proposed as part of the mitigation that I'm recommending to you is that they would provide actually two basically accessible spaces within the public right-of-way. So these would not be just available to the tenants of the restaurant, but would be open to the general public. They are within the right-of-way of west monroe street. As you can see from exhibit that's on the monitor right now, towards the rear of the property, the west side of the property adjacent to the alley. The cost of the construction for these spaces, the maintaining of the spaces for ramps, rails, striping, would be maintained by this property owner. The mitigation allows only for these accessible spaces to be in the right-of-way rather than having one on the property.

>> Tovo: The last i checked the sidewalk does not run down the full block. Are they required to extend the sidewalk down the block?

>> In order to make these spaces accessible they would have a walkway adjacent to them and they would also have to build the ramps from

-- if you see the space to the west it would bring a sidewalk from that point all the way up to the side entrance of the building to align with the existing grades. So it would actually make this property accessible for someone who is disabled, but then also would provide access all the way up to congress avenue for anyone if they want to go to this particular establishment or others.

Any other comments. I'll entertain a motion.

[04:31:37]

>> Move approval.

>> Mayor Leffingwell: Councilmember martinez moves approval. Seconded by councilmember riley. Discussion?

-- Councilmember tovo.

>> Tovo: I have a moment of discussion. I'm not going to support the motion. I think that we should not reward property owners who don't follow the code. Occasionally mistakes happen and somebody might get started on work and not be clear that they needed a permit, but it was pointed out to this property owner that they did. They continued working and the reason they don't have room on there property on to comply with the current regulation of providing is spot is because they have covered their property with an illegal deck. I don't believe that we should now waive our requirements. I do understand that the legal issues here are complicated and that on owe I'll leave it here that they are complimented. I'm glad to hear that there will be some value coming out of this situation because it's been a long and a costly effort on the city's part to enforce its codes. But I am glad to hear that there will be now an accessible sidewalk and two accessible spaces. That is a benefit. But I still will not be supporting this motion.

>> Mayor Leffingwell: Councilmember riley.

>> Riley: I'll just add a notice regarding my support of this motion. This motion would not only bring an end to this long-standing dispute and avoid the additional cost of this situation. But it would have benefits to the city. In particular parking for the disabled has been a long-standing issue on congress avenue. We do not have enough parking down there for the disabled. This -- ordinarily this site would only have been required to have one disabled parking space and that would have been on site, meaning it would have been restricted to this use only. As a result of this agreement we'll actually get two spaces that will be available to anyone who wants to come to anyplace in the south congress area and it will also

-- we'll also get a sidewalk associated with these spaces. So there are significant public benefits

in addition to winding up this long-standing dispute and avoiding the risk of further cost. So that's why I'll be supporting the motion.

[04:33:57]

>> Mayor Leffingwell: All in favor favor? Opposed say no? It passes all three readings on a vote of five to two with councilmember tovo and morrison voting no. Item 26

-- 26 is pulled by councilmember spelman. And we have two speakers. Roy whaley. Will mcLeod.

>> Item number 26 is to approve an ordinance regarding managed growth agreement with shady hollow garden townhomes for the three, four .94 actor tract located at 2601 and 2645 frate barker road known as the shady hollow garden town home site plan. Austin needs more affordable housing. Not on the east side and not just on north lamar. We need it everywhere. I personally will not support this because basically it will create more luxury housing. And in the neighborhood that I live in, the arboretum (indiscernible), I see nothing but luxury housing being built, luxury townhomes. Nothing for the poor: I don't know why we're -- we'll build all these townhomes and all these condos. Are we trying to push the working class out of austin? Is that what we're doing? I just don't understand why we've got to build townhomes after townhomes after townhomes. We're not focusing on the big picture and the big picture is affordable housing. I hope you have a conscience. Thank you.

[04:36:43]

>> Mayor Leffingwell: Those are all of our speakers. Councilmember spelman.

>> Spelman: Mayor, i really, really, really don't like this managed growth agreement. It is far, far from compliance from s.O.S. Despite the fact that it is in the s.O.S. Section in the barton springs zone. In the recharge zone and barton springs section of the edward's aquifer. It ought to be 15% impervious cover and instead it is 47% impervious cover. That notwithstanding, since it was approved in 2008 there's been a lot of activity on the site. They've built a detention pond, water quality pond, a lot of infrastructure and townhomes and there is no reasonable argument that can be made that it has been dormant. In view of the letter of chapter 245 and the recent attorney general's opinions on the subject of what allows us to expire somebody's claim to grandfathering, it seems to me that no valid public purpose would be served by our tilting of this particular windmill. Therefore I move approval.

>> Second.

>> Mayor Leffingwell: Motion to approve by councilmember spelman. Seconded by mayor pro tem cole. Any discussion? Mayor pro tem.

>> Cole: I would like to say that we recognize that the law in this area is evolving and we are not completely

-- we're not satisfied with this managed growth agreement, but in all due diligence at this point we need to pass it.

>> Mayor Leffingwell: Councilmember tovo?

>> Tovo: I have a few friendly amendments I would like to propose. Or I would like to propose them as friendly.

>> Mayor Leffingwell: Do them one at a time, please.

>> Tovo: As councilmember spelman pointed out this is really far from compliant with our current code with regard to impervious cover. It at about 65% and current code would dictate about 15 to 25%. I would like to propose that we more or less split the difference and it be set at

40% for the undeveloped tracts.

[04:38:55]

>> Spelman: Although i understand that is meant as friendly and believe me, i am very friendly to the sentiment, I don't believe it will pass muster in the courts and I believe we have to take a vote on it.

>> Mayor Leffingwell: Any other comments? Do you have another one?

>> Tovo: I do.

>> Mayor Leffingwell: Yeah. Take them one at a time.

>> Tovo: I thought we needed to vote on that one.

>> Mayor Leffingwell: It was most posed as a friendly and not accepted. Do you want to propose it as an amendment now? Are you the second, councilmember morrison?

>> Morrison: I would like to second it because I think while I acknowledge mayor pro tem's comments and understand that, I do think that things are evolving and it would make sense for there to be efforts on all sides to try and deal with the situation, so I'm very supportive of this amendment.

>> Tovo: I'll just point out as a rationale

-- once I'm raised by motor

-- recognized by merit to speak.

>> Mayor Leffingwell: Go ahead.

>> Tovo: One of the things that has evolved is recharm from the up land areas including the site in bear creek is higher than previously thought and so the water

-- it's just very it's a sensitive area and information suggests that it's even more critical to really look at the impervious cover on the tracts in that area. Any other comments? Councilmember spelman.

>> Spelman: I would say that although this is something we would like to achieve, it's not a practical amendment. We know that negotiation process has already taken place. So it would have the effect, this amendment if passed would have not have the mga, which would result in enforcement of the project duration which would we know the implications of that. An amendment is on the table with a second proposed amendment. All in favor of that amendment say aye? Opposed say no. No. That fails on a vote of five-two with councilmembers riley, martinez, myself, spelman, mayor pro tem cole voting no. Next.

[04:41:21]

>> Tovo: This is a economy for staff or it's related to a question from staff. It is my understanding that there are three critical environmental features on the site, but that staff has not had an opportunity to asets them.

-- Assess them. And my amendment relates to that. Is that correct?

>> George zapalac, planning, development and review. Councilmember, there are some critical features on the site and there were some setbacks from those features that were zone on the site plan. I know there was some further study being done in this area right now, but I'm not familiar with any details as to that.

>> Tovo: Okay. That is a little bit different from the information that I had, which is that the staff haven't had an opportunity to assess them and thus to determine whether or not it would be important to have additional set backs required beyond what was originally required.

>> I'm sorry, I'm not aware of that discussion.

>> Tovo: Okay, thanks. So what would happen if there are  
-- given the state of the current agreement, if there are additional environmental  
-- critical environmental features noted, does the city have  
-- would any additional requirements kick in? For the developer?  
>> The only thing I'm aware of is if there are voids or caves identified during construction, then there are mitigation actions that have to be taken at that time.  
>> Mayor Leffingwell: That doesn't have to do with city code. That more has to do with federal law regarding possible endangered species, so if there were a void encountered you would have to go in there and investigate whether or not there were any endangered species in there before you went on.  
[04:43:28]

>> Tovo: So my next amendment would be that staff or that the developer work with staff to assess whether any  
-- whether any additional critical environmental features exist on this site. And to assess their recharge capacity and as appropriate  
-- require design appropriate requirements if warranted.  
>> Mayor Leffingwell: Is that a friendly amendment or are you proposing  
--  
>> Tovo: That was proposed as a friendly amendment?  
>> Spelman: Could you phrase that again, I'm sorry?  
>> Tovo: Sure. I'm doing this off the cuff. I'll do my best.  
>> Spelman: I'm the same way.  
>> Tovo: Staff will develop or will work with staff to assess any  
-- to assess whether additional critical environmental features exist on this site and to assess their recharge capacity. And after doing so to design appropriate set back requirements if  
-- to agree upon appropriate set back requirements if warranted.  
>> Spelman: I'll have to ask staff whether or not there's a mechanism for including that in the mga.  
>> Mayor Leffingwell: I think that's an attorney question. [One moment, please, for change in captioners]  
[04:45:36]

>> it's not referencing a code provision that triggers that review that I'm aware of, so, you know, we'll put the agreement, you know, what council votes on, but it definitely doesn't fit within the par crime we've worked with, MGAs BEFORE.  
>> Spelman: Is this something that could be done in an informal agreement? If somebody represented the developer could they agree they worked with staff-identified holes in the ground.  
>> Certainly.  
>> Spelman: And there would be some potential for reviewing the setbacks from the critical environmental features to better protect the aquifer?  
>> Certainly, a developer could agree to something like that. Is there a representative for the shady hollow item 26 here today? Don't believe there is.  
>> Spelman: Mr. Lloyd, isn't this in the same category as the last proposed amendment? If you have this to be negotiated as a part of the agreement, isn't that, in effect, turning the mga down today?

>> I think that's a fair statement. The mga attempts  
-- it's purpose is to walk in those regulations that 245 protections apply to.  
>> Mayor Leffingwell: Any changes to the regulations that existed at that time, at the time that's applicable, when the site plan or the project was filed and commenced? Anything additional to that would have the effect of not being able to pass this mga today.  
>> It would fundamentally change the purpose of the mga to not afford the developer the full protections of 245, that's correct.  
>> Morrison: Mayor.  
>> Mayor Leffingwell: Council MEMBER MORRISON WE DO MGAs According to the existing REGULATIONS AND DO MGAs THAT Change and are agreeing to change one or two things. So there are possibilities for opening things up and opening the discussion up, and if we were to add or change the additional requirement in my view, it's only a supposition that it would be rejected. Obviously, the applicant could reject it and decide to take another path. But, on the other hand, you know, that other path is not without effort and, so, it's just a matter of negotiation, and I think it's entirely% appropriate that we, in a situation like this, ask for  
-- stand up for the city and ask for some improvements and find that balance where it pushes it over to the other path. It's not clear at all. We've had  
-- you know, I have had no information that this is the only thing, otherwise it's going on that other path.  
[04:48:55]

>> Mayor Leffingwell: In my opinion, this is just another way to defeat the mga. Mr. Lloyd, tell me how this is any different from the last one where we discussed and agreed that the change in impervious cover was something that would negate the mda?  
>> I don't believe there is any functional or illegal difference between the two in regards to your question.  
>> Mayor Leffingwell: I don't either.  
>> Morrison: I'm not really sure what that  
-- I'm trying to understand your point because MGAs DO HAVE THINGS  
--  
>> Mayor Leffingwell: Certainly you can negotiate the terms of the mga, but there is no one here to negotiate with.  
>> Morrison: Right. So if we were to approve something, with say, a different impervious cover or some element of improvement, that would be our only opportunity as a council to have a say in something different than what is being brought to us. So I think it's entirely appropriate to make that step and, in fact, if something in between came back, we could do a different mga. But  
--  
>> Mayor Leffingwell: Certainly, it's appropriate to take that step. It's also appropriate to turn down the mga. My argument is those two things are the same.  
>> Morrison: I understand that's your opinion, and my opinion is that's not necessarily so.  
>> Tovo: Mayor.  
>> Mayor Leffingwell: Council member tovo.  
>> Tovo: I greetly agree. Last week we had an mga on the agenda that is somewhat different from current code but substantially different from the project that they set out to do when they first started construction. You know, here we have today a developer who has made no attempt to bring the project into alignment with current code and, so, I think instead of



-- i mean, I can see the way of the votes and it's somewhat pointless for me to continue to moment these as friendly amendments. I'll just say to the maker of the motion and the sponsor there are several things that we could negotiate, that we could put in this agreement that would make this project somewhat less destructive in a very environmentally sensitive area. One is impervious cover which, to me, is the absolute main thing that we should try to negotiate but we've already discussed that. It does not comply with the heritage tree ordinance, it does not comply with the setback from critical water quality zones, and there are discussions about critical environmental features on there that may not have the setbacks they really need, but we don't know because, again, hats the information I received was that staff hadn't had an opportunity to assess the recharge capacity, so it's not clear whether the environmental features have recharge capacity and, if so, what would be an appropriate measure to protect nose. But I just throw out those issues as things you might want to consider modifying. There doesn't seem to be a will to modify the mga to accommodated any of those issues and I understand your reasoning is because you want it to stand up to

-- because of the potential legal implications of that.

[04:52:15]

>> Council member, I just want to say we would just like to have somebody to negotiate with. It a little difficult. We're happy to look into this a little further if somebody wanted us to, but we don't really have anybody to negotiate this.

>> Mayor Leffingwell: So any way on the legal issues involved in this case

-- I know you're not going to get into legal advice, but just tell us what the issues are.

>> Managed growth agreements provide a way to extend the deadline established by the city's project duration ordinance and the city's project duration ordinance that was recently the subject of an opinion by the attorney general, which identified what the attor in regards as some deficiencies in the ordinance and that relates directly to the item before you today.

>> Mayor Leffingwell: And could you tell us what the credibility of an ag's opinion is?

>> The attorney general opinion in this area, outside of public information arena, an attorney general opinion is advisory. It's not legally binding. Courts generally look to them and give them some weight, but they're not legally binding. They're what lawyers refer to as persuasive authority.

>> Mayor Leffingwell: So in layman's language I'm not asking you to weigh in on this, but in layman's language, that means if a lawsuit were to occur and we got into court with this, the likelihood is that the attorney general's opinion would prevail.

>> Mayor leffingwell, your statement is your own and I'm not, at this point, going to opine on issues related to potential outcomes of lawsuits.

>> Mayor Leffingwell: And i preface that by saying I wasn't going to ask you to do that. So, council member spelman.

[04:54:22]

>> Spelman: I'd like to ask mr. Lloyd a question. The case that council member tovo was talking about where a substantial change was made in an mga because we asked it, it was offered, we had a negotiation and ended up with an mga which was substantially different than the original entitlements of the project, but this is a case which was different in that the prom you promulgator of the mga has not shown any interest in making any changes in the terms. Is that an accurate statement?

>> That's a fair statement. We've had some level of outreach to the applicants' representative in connection with the idea of whether there would be some room to negotiate some improvements from an environmental standpoint to the project and those overtures have not been accepted.

>> Spelman: Okay. If one were to believe

-- if the attorney general's opinion

-- which, of course, is merely persuasive, not dispositive, but if it were the law that the courts agreed was true, then we would, in my opinion, have no legal authority to force any changes in this mga. Now, if you can't agree with that, I understand, but if you could agree with my hypothetical, that would be helpful for me.

>> I think, in this particular case, there wouldn't be a need to consider an mga. The project would be to retain its grandfathering rights in light of the particular facts you outlined at the beginning when this item was taken up with regard to infrastructure and other improvements and expenditures that have been made.

>> Spelman: Certainly is not a dormant project. Given it's not a dormant project, if that were the only way something would lose its grandfathering, it would include any entitlements it had in 2008.

[04:56:25]

>> That's correct.

>> That means the entitlements contained in the managed growth agreement would themselves continue to the foreseeable future?

>> That's correct.

>> Seems to me, we don't have any legal authority to force any changes and we're not dealing with a developer who is, as Mr. Lloyd suggested, meeting overtures. So it seems to me

-- I would love to make the sort of changes, Council member Tovo, you are suggesting, but I don't think we have the authority to make the mistake.

>> Mayor Leffingwell: That is not agreed to. Do you want to pursue

-- Mayor Pro Tem Cole.

>> Cole: I want to say all of the changes you've suggested, whether impervious cover, heritage tree ordinance, water quality issues or something that this entire Council has consistently supported, and my vote on this matter does not mean that I don't support that, it's just that the City of Austin's land use policy has been challenged repeatedly in the courts and at the legislature, and I don't feel, at this time, that a vote making changes to the managed growth agreement or not approving it at this time would be an exercise in due diligence.

>> Mayor Leffingwell: Other comments? So this is a vote on the motion itself. There are no amendments to approve the ordinance for the mapks a.

[ Voting ] passes on all three readings on a vote of 5-2, Council members Tovo and Morrison voting no. Since item 46 was set for 6:00 p.m., it will be last in the queue. So we'll go to item number 69. Yeah, we'll go to our zoning cases in order. I believe there is one where the public hearing has been closed. There are a couple of them.

[04:58:44]

>> I have a consent item I could offer you if you would like to consider that before

--

>> Mayor Leffingwell: Yes, we would.

>> Mr. Rustoven, I'll ask him to come back up. Item number 70, I understand there is now an

agreement between the parties. And mr. Rustoven will be happy on this valentine's day to present this with you.

>> Mayor Leffingwell: Is this one with 10 speakers and all the speakers are happy to withdraw their privilege.

>> My understanding, I have been discussing with attorneys on both sides, the speakers from both sides do not wish to speak. We have reached an agreement. If I could read the two sentences into the record. We have an agreement and we could offer it for three readings. Would you like me to read that into the record?

>> I'd like to hear it.

>> Yeah, I would.

>> I want to see him pull his rabbit out offa hat here.

>> I'm trying. It's valentine's day. If a property is developed with a structure with a foreign area ratio grade 8-1, the maximum structure height 89 feet including the canopies, storage equipment, structures for parapit walls, or 75 feet not including those items within 60 feet. This means with any distance of 60 feet off guadalupe, the height limitations 75 feet except the small structure over a stairwell, any salmination devices, canopies, and the parapit wall so nobody falls off.

>> Mayor Leffingwell: Both parties in agreement?

>> Yes.

>> Mayor Leffingwell: Questions? Council member morrison.

>> Morrison: I haven't had an opportunity to hear how the ap pli cant is agreeing or complying or not with the density bonus or the modified cure. Are you able to speak to that or should I ask the applicant to speak to that?

[05:01:00]

>> I can tell you right now there is no provisions in the ordinance. It's simply a pure zoning case and there are no

-- it's not taking atage of the inner intensity program.

>> Morrison: And not modeling itself after the modified cure.

>> Not at this time, no.

>> Morrison:, SO, I GUESS

--

>> Mayor Leffingwell: I have to ask this

-- is there anyone in the chamber who signed up on this item who would like to speak?

>> Yes, sir.

>> Mayor Leffingwell: I see three. All right. Will mccloud.

>> I would like to give my time on this item for three additional minutes.

>> Mayor Leffingwell: Ronny rifferseed. Three minutes donated to you so you have six minutes. You're going to have to stay on subject.

>> Well, that's one of those free speech issues, sir, that i think the constitution speaks to.

>> Mayor Leffingwell: Well, i just want to tell you, stay on subject. I'll remind you when you're getting off once. The second time, you get off, your time will be terminated.

>> Well, again, you're ignoring the constitution you swear to uphold.

>> Mayor Leffingwell: All right.

>> Number 70 is, of course, yet another watershed threatened by evil mr. Richard not so subtle subtle. The corporate hit man for armed brust and brown as they keep on trying to shove citizens into polluted urban environments to justify horrendous taxed wasteful projects like bribes,

kickbacks. Remember, lance armstrong campaigned for it. No. This is backwards. So-called planned economy, just like the soviets and totalitarians everywhere. Mao and stalin could be proud. Actually improve life here with love and truth and not endless scans for special interest groups. Behind every tax loophole for zoning change here lurks an entire building full of organized crime thugs. I'm sorry, I don't have much more to say on the this proposed issue except that it does relate, again, to the fragile watershed that we should all be so proud of having a relatively conserved environment here and for the sake of all taxpayers, for all the people proud to live in this area, let's stick to the rules. I enjoy ms. Tovo's efforts to meet us halfway or try to stop the freight train from going off the cliff, but it's too important. We have to just say no on these things. And, so, again, please give back the bribery and kickbacks and payoffs and we'll all be better off. And I'm sorry

-- I'd like to give back those three minutes to will, if he has, obviously, oh, more articulate things say.

[05:04:44]

>> Mayor Leffingwell: I can't do that.

>> I don't know if that's possible. No?

>> Mayor Leffingwell: Who's the other person who signed up who wanted to speak? Come on down. Are you signed up? All right. Give us your name. Come up to the mic and tell me your name.

>> Roger cobin.

>> Mayor Leffingwell: All right. So you have three minutes.

>> Thanks, council members for the opportunity to speak on the hotel zsa zsa project. I am -- oh, boy, here we go. I'm roger covin. I'm a downtown resident at the plaza since 2002. Former president of the downtown austin association and a former member of the citizens advisory task force for the comprehensive plan. I'm here to express support for the density and mix of uses that this project would bring, but to express some concerns about the parking. This is my view from my balcony at the plaza lofts and I am showing this because I want to note that I am not one of the plaza lofts owners who is directly affected by the proposed building that would go up on the south side o the plaza. However, I am on record stating I'd welcome a tall, mixed-use, dense building blocking this view. One of the stated goals of the city is to shift modes of transportation away from single occupancy vehicles over to more transit biking and walking. I should note that this guadalupe-lavaca corridor where this project would be located has a walk score of 95, bike score of 92 and, in addition to that, we'll be getting metro rapid. It will also be getting possibly urban rail. The fixed route buses currently on congress will be moved to the guadalupe-lavaca corridor. Also, the airport flyer will take people from downtown to the airport in 25 minutes, currently does, and will continue to do so for the foreseeable future. So bottom line is that this corridor is going to be possibly the best-served corridor of any in austin, and this location will be the best-served by transit. So given that, why do we

-- why are we faced with 492 parking spaces? Well, you might say that more parking the better. But studies show that's not true. Studies show that the city's goal of shifting mobility modes is -- would be undermined by having lots of residential parking. Policies that limit parking shift peoples' mobility modes over to more alternative modes. As a matter of fact, in san francisco, they've adopted a .75 parking space per unit

-- per residential unit limit maximum because they recognize the facts of that study. So the bottom line is

--

[05:08:33]

>> Mayor Leffingwell: Your time has expired.

>> Okay.

>> Mayor Leffingwell: Thank you. So now I have to ask, since we had speakers opposed, is there anyone from the applicant who would like to rebut any of this testimony? All right. We'll entertain a motion on this item.

>> Cole: Mayor, I move approval.

>> Mayor Leffingwell: Mayor pro tem cole moves to close the public hearing, approved on all three readings. Discussion. Council member tovo.

>> Tovo: I would like to follow up with mr. Robertson on a memo I hope everybody's received. We've had a few care cases recently and the same discussion each time which is how they're complying with the downtown plan as it's been described. So I wonder, mr. Robertson, if you could summarize for us the memo you did which described what the

-- you know, the applicant has several options. They can wait until they have codified the downtown plan and then comply with it, or they can comply with what we know is in the plan, which is relatively easy to do, or they can get the density they've sought through the interim density program. So if they've chosen, why don't we go in reverse, if they had chosen the food option to seek the density they require through the interim density program, what would that look like in terms of an affordable housing contribution?

>> What you're referring to what we call the interim downtown density bonus is the 2008 ordinance that was passed in 2008, it's codified in section 586, chapt 2502 of the land development code, all per my calculations. If they were to proceed that route using the actual square goodages and information provided to me, in essence, they would make two payments each of \$705,000 one to the housing assistance fund and one to the community benefits fund. So the payments specifically for affordable housing would be about 700,000 under that 2008 ordinance.

[05:11:09]

>> Tovo: So that would have been about \$1.4 million

--

>> right, slightly over.

>> Tovo: And it's also my understanding there are some fee waivers.

> Very significant fee waivers.

>> There are, the 2008 ordinance specifically lists fees that could be waived for projects that comply with the other aspects of the program.

>> Mayor Leffingwell: Before you go on, I want the city attorney to weigh in on this line of discussion about affordable housing.

>> Yes, mayor. I'll just limit my comments, i think, to just general ones to the extent of saying that, really, discussions about affordable housing, based on state law, are supposed to be limited to the interim density bonus program. State law requires that if there is going to be discussion about the possibility of a developer offering something in the way of affordable housing, there has to be an already-established program in place by the city and that

-- as I know it and understand it, that's, again, within the interim density bonus program, not within, for example, in this case, the cure provisions that we have. To be very frank about that

point, in state law, outside the interim density bonus program, actually prohibits any discussion about incentives like affordable housing. I don't know of any other way to put that, but that's the short of it.

>> Mayor Leffingwell: I think that gets the point across that negotiation in return for approval of zoning would be labeled contract zoning, it would be not legal.

[05:13:12]

>> Tovo: Thank you for that clarification. I was actually speaking about the three options we had before us, one of which

-- well, the three options the developer had, one of which was to participate in our interim downtown density bonus program, and mr. Robertson has outlined what that participation would look like, and I appreciate that, and i guess I'll just ask our city attorney, are you suggesting that I shouldn't discuss the downtown density --xcuse me

-- the downtown plan, which was voted on and council approved, which also has provisions for affordable housing? I'll stop there. I understand there is discomfort about it. Let me just say we have discretion over the zoning case. There was an opportunity to participate in the interim downtown density bonus program, we have a council-adopted downtown plan which has outlined some visions we have of how density will be sought, and I'll just suggest that

-- well, that's it. I'm not going to support this today. Perhaps there is some

-- well, that's all.

>> Mayor Leffingwell: So we have a motion on the table. Council member morrison.

>> Morrison: I want to thank all the folks. I know this was a difficult thing and the fact you all have been able to come to some kind of agreement is really terrific. I'm not

-- I assume this is a motion to promote all three readings?

>> Tovo: Yes. That's the way I read it back.

>> Morrison: I won't be able to support the motion because i need to have a better understanding of the community benefits that this upzoning and increase in entitlement would bring to the community before i can support it, so, you know, i would

-- so I would actually support it on first reading only, so I would like to offer a substitute motion to approve on first reading only.

[05:15:19]

>> Mayor Leffingwell: So council member morrison substitute motion to close a public hearing approved on first reading only seconded by council member spelman.

>> It's friendly.

>> Mayor Leffingwell: The motion has already been made and seconded. Do you want to withdraw it, council member?

>> Morrison: If it could, instead, be a friendly amendment, I would be happy to withdraw it.

>> Cole: It could be a friendly amendment with due recognition the parties agreed and this is for us to gain a better understanding of the facts underlying the case. Case. I support that.

>> Morrison: I'm withdrawing my motion.

>> Council member riley, could we ask if the applicant feels this would create issues for the project?

>> My name is richard subtle, I'm here on behalf of the projects hotels gable and zsa zsa. Do we have a deadline looming if we brought this back in two weeks, is the project dead? I can't say with a straight face it would be. It's just one of the things, with uncertainty, if time goes on you

never know what happens. We prefer to do it tonight. I wish I had a looming deadline I could tell you would kill it. I don't. We would prefer to go today, but this project will be here in two weeks.

>> Mayor Leffingwell: I would just say I'm very uncomfortable with the way this discussion has gone. It has all the appearances of withholding approval on all three readings so there can be further discussions about community benefits, and I'm uncomfortable with that as, you know, violating the spirit of the law, perhaps, whatever you want the call it. I think we're bordering on the edge, and I'm just uncomfortable. Council member spelman.

[05:17:26]

>> Spelman: I was off the diias when that discussion took place but this is a very complicated place, there are a lot of moving parts and I'm not sure I understand or could even understand the entire deal unless we spent a lot of time to look over the moving parts. Given two weeks to look at those and the materials and principles involved, I think I could gain an understanding of what's involved in the negotiated settlement to favor it. But I don't know enough about it and don't think I will know enough about it right now.

>> Mayor Leffingwell: I just hope when we bring this case back this particular subject does not come up again.

>> Tovo: Mayor.

>> Mayor Leffingwell: Council mem tovo.

>> Tovo: Mr. Subtle, I have one more question for you. Is the downtown commission the landmark commission

-- maybe preservation austin

-- asked you ways you could have preserved the facade of the ginger man. I know that's one of the things the developers are working to consider. So I wonder if you might tell us one of the reasons I think it's a very good idea to do this on first reading, if not two. Sds to me like something that is still in flux.

>> Yes, ma'am, the demolition permit was approved by the landmark commission with conditions we do a have study and try to work with steve sadowski on a meaningful incorporation of the facade in the building. That's a side development regulation. Of course, it could be part of your consideration in whether to increase density or not, but we are working with that. In fact, we have a meeting with steve tomorrow about that.

>> Tovo: Great. So sounds like there is some possibility of being able to incorporate the facade in a way that would preserve that?

>> There is. That facade is basically a loading dock and a warehouse facade which would not be appropriate for our grading streets and opening of the streets. But we feel comfortable you will recognize it, put it that way.

[05:19:33]

>> Tovo: Great. I, too, want to ecomy colleagues to thank you for the work that you've done with your neighbors. I think that is a very good thing.

>> Thank john joseph because he got in the middle of it and got it sorted out.

>> Tovo: I look forward to seeing the details on that. Thanks.

>> Mayor Leffingwell: At the front of the amendment accepted, we are now voting on to close the public hearing and approve on first reading.

[ Vote ]

>> passes 7-0. Mr. Guernsey, next case.

>> Mayor, I may have a consent case, again. Hopefully.

>> Mayor Leffingwell: Don't bet on it.

>> But I did have a question. We pulled 69 earlier. I know 83 which is the related item dealing with the urban renewal plan, and I spoke with the staff member and she indicated she's aware most everybody here is in support of the request that she is aware of, but I think you may have said there was someone actually signed up that wanted to speak in 69. If that was someone who was in favor, we could probably offer that as.

>> Mayor Leffingwell: Speakers against.

>> Okay. Then I go back to the beginning item 62. This is kr1420120070 for the property 207 east 53rd street. This is consideration of a third reading of a zoning case to zone the property, community commercial conditional plan grco-mp combined district zoning. This is a zoning change request where I think there was a question about outdoor amplified sound and staff came back and checked and there were no sound permits within 1,000 feet. We also contacted the member contact team regarding the upcoming meetings and didn't receive any input that I'm aware of that was opposed to this rezoning request.

[05:21:51]

>> Mayor.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: Greg, this is located on east 53rd street, and the lot is adjacent to, i believe, two single-family houses on the cross streets that are situated on the cross streets. Given that, is this venue eligible for an outdoor music permit?

>> It depends on the type of permit that is actually requested. If it's of a shorter duration, no, it wouldn't be, but they could come backnd file for a music venue permit and then go through the process. There would be notice, subject to appeal, so there certainly would be input by the property owners as well as others within the area to receive notice and have the benefit for providing one if one is required.

>> Spelman: Certainly. They would have to ask for it and presumably have some use for it. The fact the lot is adjacent to two single-family houses is not sufficient itself to obviate the possibility downstream of an outdoor music permit?

>> Permit of a longer duration, not a short term one.

>> The question was whether or not it made sense to continue to have a public restrictive covenant with them, which would eliminate the possibility of any kind of an outdoor music permit, which I understand we've entered into with these guys. Is that accurate?

>> I believe so. I'm pretty sure we have a copy.

>> Of the restricted covenant?

>> Yes.

>> We don't have the signed copy but we have the insigned copy.

>> Spelman: We have completed the restrictive covenant and it has meaning because it could get some sort of amplified per fit.

>> Yes.

>> Spelman: Move approval on third reading.

>> Mayor Leffingwell: Spelman moves approval on third reading. Seconded by mayor pro tem. Discussion. Council member martinez.

>> Martinez: I voted against this on first and second reading, enough votes to adopt it on third



reading, but we still have a conditional reading permit. Item 63?

[05:24:04]

>> No.

>> Martinez: My bad. I'm reading the wrong one.

>> Mayor Leffingwell: Mr. Guernsey. 62.

>> That's correct. Ready for a third reading, the public hearing has been closed.

>> Mayor Leffingwell: That was the motion to approve on third reading. Second to approve on third reading. And I spoke wrongly when I said we had speakers. We don't.

[ Voting ] passes on a vote of 7-0. Next case.

>> Thank you. The next is case is item 63, located 5425 burnett road. To rezone the property to cooney commercial liquor sales, vertical mixed use building, neighbor planner. And this is presented to you for third reading only. At this time, I'm not aware of a petition in opposition to the request. I understand a council member would like to discuss this item.

>> The post signs are out in the lobby speaking. They may be achieving a closer deal and want a few minutes to continue to discuss the case. They asked me to move on to the mexico case and come back to this one.

[05:26:04]

>> Item number 65. This is for the property located add 7003 east riverside drive to rezone the property to town house residents, and i understood that council member riley wanted to ask a question and make a comment on this particular case.

>> Mayor Leffingwell: Council member riley.

>> Riley: Item 65.

>> On east riverside.

>> Riley: I would like to ask a question of the applicant's representative here. As you know, this case involves an area off of east riverside down in southeast austin. It's actually in an area where there are several streets going south from east riverside by ben white and each of the streets is a long cul-de-sac that's one long street and the network was never built out back there. So in a time when we just passed the imagine austin comprehensive plan, it envisions a more compact and connected city, we we have been striving to figure out ways to provide more connections and that discussion is ongoing in this area in the course of the east riverside plan. So we talked about that to some degree when we had a zoning case involving the adjacent property here, and in connection with that case, there was a commitment on the part of the applicant to provide a 10-foot right-of-way, a 10-foot easement allowing a connection between the two streets. I believe between maxwell and yellow jacket. So, you know, I understand your client would actually be purchasing that property and so would be developing both properties. So I just wanted to check with you about your plans in terms of providing some degree of connection between those streets along the lines that we have been striving towards in the course of our discussions for this area and really for the whole city and as we strive towards a more compact and connected city. Do you think your client would be able to commit to providing some sort of connection between maxwell and yellow jacket?

[05:28:22]

>> Absolutely.

>> Riley: And I think there's been some talk of a 25-foot'sment across both properties. Does that

sound like it's workable.

>> That's correct, the 25 on the rezoning today and the adjacent that has the 10-foot we'll widen to 25 feet.

>> Riley: That's great. I appreciate your work on that. As this area develops, we need to identify opportunities to make the area more connected. I appreciate your support along those lines.

>> Thank you.

>> Riley: Thank you. Wit, mayor, move approval on second reading only oivment council member riley moves to approve on second reading. Seconded by council member spelman. Discussion?

[ Voting ] passes on a vote of 7-0.

>> Mayor, if I could, I'd like to offer item 83 by consent. I think you had speakers that just signed up for item number 69. I guess we could listen to those speakers and if there is a question of staff, we could, you know, address those if council desires, but if I could, I'd like to read 83 and 69 into the record.

>> Mayor Leffingwell: These are related?

>> Yes, sir. Item 83 is conduct a public hearing and consider an ordinance adopting t 7th street plan modification to the east 11th 12th streets urban rural man plan and staff offered that for consent approval.

>> Mayor Leffingwell: There is one speaker.

>> Oh, there is one speaker?

>> Mayor Leffingwell: Yes.

>> Okay. In favor? Item 69 for the property located at 1123 east 7th street, this is to zone the property to commercial liquor sales, neighborhood conservation and buying district neighbor planners, combined district zoning, change of condition zoning recommends to you by the planning commission to grant the cs1 and ccdnp zoning with conditions. I'll pause and if you have any questions, I'll read it myself for neighborhood housing and community development housing.

[05:31:03]

>> Mayor Leffingwell: Any questions for staff? Council member spelman.

>> Spelman: Since I have some significant financial interests across the street I will be recusing myself from this case and since there is a public hearing, I will be walking off the dias for a few minutes.

>> Mayor Leffingwell:69 also? Can we hold public hearings for 83 and 69 together, I ask the city attorney, since they're related?

>> I believe so, I think we've done this in the past, but i think you have to close the public hearings and take a distinct separate action on each .

>> Mayor Leffingwell: The only reason I ask the question is one is a public hearing for ordinance and the other is a zoning case and we have slightly different procedures. We can take the public hearing together?

>> Yes.

>> Mayor Leffingwell: All right. So first speaker is ronny rooferseed. And you will only speak once for three minutes on both items 83 and 69. And mr. Rooferseed, you're getting pretty close to the line on your last trip up to the podium.

>> Proudly. Thank you, sir. We are required to maintain decorum in here. It's my obligation to enforce that so proceed with that knowledge in mind.

>> Okay. Well, I never cuss, I never yell. But this number 69 is on top of yet another fragile watershed furthering the short-term comforts of, by golly, organized crime liquor lobby to long-term detriment of our fragile, precious town lake watersheds specifically and the neighborhood character generally. We need less not more poisoned pushing liquor stores in the neighborhood, less alcohol because less alcohol means less crime. Less death on the roads and, in the neighborhood zones, the recommendation

-- my recommendation is just say no to the insati canniballistic liquor lobbies. How about a community center? The need is there, the funds could be made available with less crime. Again, the point about the watershed is, going back to less death on the roads and in the neighborho we know fetal alcohol syndrome is the number one known preventable cause of mental retardation. And that's not something we should just stand idly by and say, who cares, more mentally retarded people, well, that's just too bad. No, we can't say no. We don't have to keep putting poison-promoting liquor locations everywhere because, like I said, any copill tell you, they promote crime. If you don't have people drinking alcohol in any kind of setting, a 7-11 typesetting or anything else, you're not drugging up people to lose a sense of reality and do violent things that hurt people and we should

-- I would hope we're all in agreement on that. We want to lessen that. More loving, less killing. You know, I'm sorry, I'm sounded like a crazy person here, but that seems so basic. That's all I'm asking. Thanks for your time.

[05:34:51]

>> Mayor Leffingwell: Okay. Those are all the speakers that we have on both items. So I'll entertain a motion first on item 83, the close of public hearing, and approve on all three readings. Council member so moves. Mayor pro tem seconds. You did sign up on 69. Okay. You have three minutes.

>> All righty. I'm glad I'm able to speak on item number 69 and that has to do with the alcohol sales on 11th street. It's changing community zoning

-- commercial liquor sales combined neighborhood plan, cochange the condition of zoning. Now, east 11th street, I don't think we need any more bars or liquor stores happening, and actually, I didn't really appreciate when ronny signed up to speak that council member riley and council member martinez were laughing and grinning away. He made some very important issues. The issues have to do with alcohol and the community. And I don't know how many feet it is from a school or a church, but I do know this, when there were

-- we have alcoholic beverage sales at valero, right across the street from great hills baptist church. They have a whole row and row of alcoholic beverages for sale, alcoholic consumption. East 11th street is still kind of a high-crime area. In fact, you know, unemployment correlates with high crime, so does addiction such as drug and alcohol use. I couldn't be supporting this. As a recovering alcoholic

-- or, actually, a recovered alcoholic, I couldn't in my right mind support this. If they've got to go thousands of feet away to get alcoholic beverages, so fine. So be it. We need to preserve our community character and reduce the crime in the community. It's very interest 11th street. Where have I heard that before? It was a mansion that built and a current council member is residing in now. I think that's the right street. But, anyway, I urge y'all to deny this request. No more abundant liquor stores in austin. We have enough, already, downtown as it is. Thank you.

[05:38:25]

[ Applause ]

>> Mayor Leffingwell: Okay. Motion on the table on item 83.

[ Vote ]

>> Mayor Leffingwell: Passes 6-0. Council member spelman off the dias. We'll take up item 69. Council member moves to close the public hearing and approve on all three readings, seconded by mayor pro tem. Discussion?

[ Voting ] passes on a vote of 6-0 with council member spelman off the dias. So that brings us well nigh to our 5:30 time for live uses and proclamations. Without objection, we stand in recess until

-- for approximately one to one and a half hours. A.

[06:04:57]

>>> So we're here to honor some very special people tonight with a proclamation, the people who run the program for marathon kids. I don't have to tell you how important this is. A problem that has been identified and talked about over the last several years, initially originated by first lady michelle obama to address the problem of fitness and good nutrition for our kids. Our most important asset. So there are a lot

-- so many aspects to this. And we've actually according to recent statistics I've seen, begun to make progress. We've begun to not only flatten out the curve, we're now in the downward trends. We're making progress and it's thanks to groups like marathon kids who I'm proud to say I have been

-- should I say, a guest participant for about the last four years. They have two events. They may have more events but i know of two events they've invited me to every year.

-- All this physical activity about this time every year, with another quarter-mile run at the burger stadium, and I'll be happy to be there a week from this saturday, and you're welcome to come and attend also. There's plenty of room out there. We urge all the kids and parents to come out for a great time and celebrate the end of the kids' marathon. So I have this proclamation and then I'm going to bring up christine to tell us a little bit about more about the overall program. Be it known that whereas, today on this valentine's day, when we celebrate healthy, loving parks, I'm pleased to coming up the gathering of the marathon kids and their families, the staff,ong with businesses avd foundations that support marathon kids here in austin and beyond, and whereas, I'm especially plowed that this year, 81,000 marathon kids have been encouraged and supported by 107 of austin's fine teachers and 198 schools to challenge themselves and to complete the 26.2-mile marathon kids challenge, and whereas

-- I want to give special recognition to the financial sponsorsch this great program who put -- sponsor of this great program home put their money where their hearts are in order to keep austin children healthy and our children strong. I hear by proclaim february 23rd, AS MARATHON KIDS DAY IN Austin, texas.

[06:08:04]

[Applause]

>> so christine, you want to say a couple words?

>> I have the good fortune of being the executive director of marathon kids. This is our 17th program year in austin, texas, and sim proud to say that when we

-- and I am proud to say when we wrote this we thought we had

-- as we grew closer to the final medal celebration, which is next saturday, at burger stadium, you

are all welcome to attend

-- we have closer to 86,000 k-fifth or sixth grade, depending on the school, completing their journey with us. And we are exceptionally proud of that. If you can imagine, being a 6-year-old, and embarking upon the commitment of a 26-.2-mile run, this is quite a celebration for these children and for their families. So we really want to invite all of you to help us celebrate along with whole foods market which is our presenting sponsor, blue cross blue shield, and also rogue running, who has offered to allow everyone that comes to their stores, both of them, both in cedar park and here in downtown, to add a donation with purchase to each and every purchase that is made, which they will match. On marathon kids day. So we are very proud to be here in austin, texas, born and bred. And in seven cities in the united states, we have just thigh of 300 -- shy of 300,000 children running. So we're grateful to all of you. We're grateful to our board of directors and to an incredible staff and people that helped make this possible. So thank you so much, mayor lee leffingwell, in austin, texas. [Applause]

>> I'm just going to have carmen yanez say a few words in spanish, please. [Speaking foreign language]

[06:10:13]

[applause]

>>> good evening. It's my pleasure to present this next proclamation to save texas schools. So back in 2011, when it became clear that the legislature was contemplating some really draconian cuts to public education, a group of individuals in our community got together and within seven weeks, rallied across the state, 13,000 people, to come to the capitol for a rally. And it was my great privilege to be there among them and just to see the parents and the teachers and the students and business leaders from all over the state, from every major city in texas, and many, many small towns, come together to try to persuade our legislators to keep funding public education at a level it needed. Unfortunately, that didn't happen in the last legislative session. So I'm very glad that save texas schools has continued to be active. They are planning for a rally this coming

-- coming up very soon. And we'll hear more about that in a minute. But I just

-- it's my great privilege to present the proclamation on behalf of the mayor and the austin city council to save texas schools for their great advocacy for the children of texas and our public education system here in the state. So I'm going to invite mr. Weeks on up. Be it known that whereas, strong public schools are key to a healthy community, educating our young people to assume the challenges and responsibilities of tomorrow, fostering ties between neighbors and building robust property values, and whereas save texas schools is an acknowledged leader in the statewide effort to ensure continued support for all public schools and students

-- hosting a march and rally in austin welcoming thousands of visitors from across the state to spokesperson our public schools and an outstanding education for all texas students. Now therefore, mayor of the city of austin, texas, do hereby PROCLAIM FEBRUARY 23rd, 2013, As save texas schools days. Congratulations.

[06:13:44]

[Applause]

>> thank you very much. Council member tovo and mayor leffingwell. When we came together years ago, we hoped we could change the situation and we weren't able to and our schools have suffered for the last two years. We kept going and have gotten the travel to a lot of

school districts around the state and seen the results of these cuts. We have libraries that are closed. We have special needs children that no longer receive the services they need. We have crowded classrooms. We did a conference in san antonio friday night, and a student stood up and talked about a classroom where kids are standing across the back of the room, kids are sitting in the floor in front. It's packed, 40 students in one of its high school classes. And that's not the kind of education our students deserve. So save texas schools is really here not so much to fight against but to fight for great schools for all texas children. No matter their zip code, no matter their background, no matter their family, we want great schools. We believe the state of texas can do that. So we're going to be rallying AGAIN ON FEBRUARY 23rd. We're hoping to beat our 13,000 of two years ago and a lot of that depends on the city of austin. Coming out in big numbers. And we're working hard to get folks out. But we believe that the city -- the state of texas has the funds this time. They had a judge last week deemed unconstitutional. Thank you so much. And we will see you on february 23rd. [Applause]  
[06:16:23]

>> come on up, please. Cynthia, are you going to come up? All right. It's my honor and privilege to present the next two proclamations. The first one is going to the longest serving civil rights latino organization in our nation's history, rule wrack, celebrating 84 years  
-- lulac, celebration 84 years. So if you guys would cop up closer, eel read the proclamation.  
-- I'll read the proclamation. Be it known whereas the league of united latin-american citizens, lulac, was formed in february 1929, and has become the largest, oldest, and most successful latino civil rights and service organizations in the united states and whereas lulac is -- has championed the cause of equality and equal opportunities for all spanish-speaking americans in public education, employment, economic development, voting in civil rights, and whereas lulac has continuously fought for full access to the political process and the equal treatment of protection under the law for all, and whereas we congratulate lulac in its 84 years of community service and acknowledge the many successes the organization and its members have achieved, resulting in a better quality of life for all americans. Now therefore I lee leffingwell, mayor of the city of austin, texas, do hereby proclaim february 17 through february 23, 2013, as national lulac week. Congratulations so much. [Applause]  
>> I wanted to also say that i do have to mention this. Prior to getting on the council, I was a strong proponent of single-member district for austin, changing our current geographic form of representation. I'm not here to debate that. I know there's differing views. But lulac was there from the beginning. And in 2006 they stepped up the first organization to support the initiative. We didn't make it on the ballot then, but last year in 2010 and 11, they help stepped and they've been at the table the entire time and it actually passed this time. So we will see that implementation and lulac will be there with us once again. I 2000 thank you for your support on that issue and many other issues and did good things you've done in our community.  
[06:18:46]

>> Thank you, councilman mike martinez. On behalf of district 7, and my district director, which is not here today, and  
-- I'm here to accept this honor on behalf of all the lulac members throughout central texas, and austin, district 7  
-- holds about 14 councils. And each council has a different type of responsibilities. From education to civil rights, health and probably also we do a lot of the civil rights. And I'm partially

in charge of that in district 7 in central texas and I cover about six counties. And the austin, travis county, and burnet, fayette county, whenever there is a problem with someone who needs lulac as far as helping, interpreting some of the problems that they might have in certain areas. We also do a lot of things with education. And cynthia does a lot of that in austin. She's constantly working with the school districts to promote better education for our kids and our communities. We also do a lot of stuff with the elderly. We help the elderly in different centers in austin, and we provide, you know, services that they might be needing at that age. Now I'll let cynthia to finish up the...

>> Thank you. My name is cynthia. My daughter is cynthia martha, jr. And she's a lulac district 7 director. On behalf of lulac, there is two districts in this area. We thank you, council member martinez, for standing strong for our latino community. We're very proud and very happy to have been a part of the proposition 3 initiative, which would finally be single-member district or geographic district to the city of austin. We

-- this is the first time in our history of having

-- being a city over 500,000 and not having single-member districts that we were able to see this come to pass. We thank you all who voted for us and even those of you that did not, because now you're going to get an opportunity to elect your councilor person and you'll be able to hold them accountable for what it is that they do and the actions they take. For those of you that have not yet filled out your application to apply to be a member of the commission, the independent redistricting commission that will be developed to draw those district lines, please do so. And the application can be found online with the city auditor's office. We also would like to invite you to our texas hope, which is hispanics organized for political education, reception that will be held on tuesday, this coming tuesday, february 19th here from the

-- here in austin at the cultural center. There will be members of your mex

-- of our mexican-american legislative caulk cause and our hispanic caulk cause in the senate who will be there

-- caucus in the senate who will be with us. We will ask them to, to beg them t \$5.4 million we need for public education. Our children are not able to succeed academically if we do not have that money. And our districts desperately need that money so that they can provide the services and the resources for all our children, be they latino, be they special education, english language learners, english speaking students. We all need to provide them equal opportunities so that they can participate in quality programming with quality teachesufficiently trained to be able to provide the best education that our texas constitution requires be provided. Thank you all for being here. And I ask you to please put your application in for the redistricting commission.

Please join the save texas school rally. Joins at the save texas schools rally on saturday, february 23rd. Please support public education. We have a crisis right now occurring in austin independent school district that we're very much in support of resolving, but that cannot happen unless all of you participate in what is going on on your campuses and in your communities.

You've got to register to vote. You've got to vote. You've got to go to meetings. City council, school district, county commissioners, acc, it doesn't make a difference. Participate, participate, participate. Because if you don't, then you're the only person to blame if something doesn't happen the way you want it to. Take responsibility. Hold your council elected

-- elected officials accountable, and please, please, understand that the community we build is going to be the future that our children will inherit from us. Thank you very much.

[06:24:05]

[Applause]

>> for those of you that don't know, ask me local 1624 represents the city of austin employees as well as some county employees here in the travis county area. And obviously, it's a huge part of who I am. Not only as an elected official but as a former city employee and the president of the austin fire fighters union, local 1624 is now my union. I'm a february member of their organization and I look to their leadership to continue defending, protecting, and fighting for our city workforce and the issues that are near and dear to them. This past fall a major milestone was accomplished when the citizens adopted civil service for our civilianloyees, something that's very rare in this part of the country. But it speaks very well of austin that we are very a present aggressive city and we care about our workforce. So I want to present a proclamation. And I'm not sure who's going to speak. Greg, is that you? I'll have you come. Be it known that whereas, achieving just cause protection for city of austin workers has been an enduring goal of avs me local 1624

-- and whereas, following a vigus campaign by afsme and the vote for fairness coalition, the voters approved civil service for civilian employees. They have 45 years of experience in and dedicating to promoting and defending the civil rights of city employees, thus making the union and the workers they represent major stakeholders in the outcome and implementation of the civil service system, and whereas we contact international as it sells the 75th anniversary of its -- celebrate the 75th anniversary of its founding that have jim proved working conditions for city employees. I lee leffingwell mayor of the city of austin, texas, proclaim FEBRUARY 18th, 2013, AFSME OF Austin, texas.

[06:27:40]

>> Thank you. I thank you and accept this proclamation on behalf of the 2600 members who are a part of our local. It's as the proclamation alluded to, the national organization is celebrating their 75th anniversary and that is 75 years of protecting and promoting the interest of public employees. We are in fact the largest and fastest growing union in this country, exclusively representing the interest of public employees. Here in austin, local 1624 tries to carry on that mission in that tradition. And for 45 years, we have accomplished quite a number of things. I do believe, which culminated from this proposition 10, which brought civil service rights to city of austin employees. And for us it went much further than just a civil service commission and due process. What it was to us was an embracing the most just cause employment for public employees. It says, the work that you do is dangerous, it's hard, and we acknowledge the commitment and dedication of public employees. We reject the notion of that employment that says you can be fired for good cause, bad cause, AND NO CAUSE, AND WEÑi EMBRACE THE Notion that all public employees deserve just cause protections. That says essentially, when you do your job, you keep your job. And your job is an important property right for you, and that will not be taken away from you, without a good reason and without due process. That was at the heart of what we wanted to accomplish, and with the help of our membership and city of austin employees, certainly the mayor and council putting this item on the ballot, and the 58% of austin voters who voted in support of proposition 10, we thank you and we are proud to be a union that represents city of austin workers. Thank you.

[06:29:46]

[Applause].

>> Mayor leffingwell: We are out of recess and mr. Guernsey, I believe



-- let me check speakers on these three items, which were pulled from consent because there are speakers. Is there anyone in the chamber who wishes to speak on item 75, 79 or 80? Seeing none, we will go ahead and consider all of these

-- all three of these items together as part of a consent agenda.

>> Greg guernsey, planning and development department. I will read for the record consent, number 75 is c14-2012-0148, for the property at 14028 north u.S. 183 rezoning, it is recommended by the zoning for commercial sales, to combine district zoning, it is ready for consent approval. Number 79 is c14-2012-134,

[ reading number 79

[ and the planning recommendation was to grant it. Number 80 is case 2012, 06156 at 1434 west wells burns property to

[ reading number 80 [ . And that's ready for consent approval on all three readings.

[06:32:29]

>> Mayor leffingwell: The consent agenda is to close the public hearing and approve on all three readings, item 75, 79 and 80. Council member spelman so moves. Is there a second? Second by council member riley. Once again, is there anyone in the room wishing to speak on 75, 79, or 80? All those in favor, say "aye." Of the motion? Aye. Opposed say no. Passes on a vote of 6-0 with council member martinez off the dais.

>> Mayor and council, item number 63, case c1420120097 for the property located at 5425 burnet road. This is a zoning change to commercial liquor sales, mixed use, vertical mixed building overlay planning csmuvco combined district zoning. I believe mayor pro tem is aware of an agreement between.

>> Cole: Yes, I am.

>> Mayor leffingwell: Mayor pro tem, cole.

>> Cole: First of all, i want to thank the applicants, mr. Jimmy maseur and glass and mr. Rick engel along with the neighborhood representative jones bates and barbara and brian and the individuals who are here working so hard to get understand out of here on valentines day and promise not to come back on our anniversaries. That being said, I will lay out what I think is an agreement. First of all, a lot of this will have to be taken care of during the cpe process before planning and zoning. The first agreement is for a one-way entrance from

-- from clay to burnet road. The second item represents to the hour

-- relates to the hours of operation, sun to wednesday until midnight and on thursday until 1:00 a.M. And friday and saturday and holidays until 2:00 a.M. There will be green screens provided by the applicant as barriers. There will be parking lots on clay avenues, numbers 45-52 for employee parking only. And there will be a reduction in the cs1 footprint which will be downsized and it will be downsized in accordance with the agreement I am going to give on a map to greg guernsey jerry west oven in a minute and secondly it is not going to block the applicants during the cpu process. Do you understand that, mr. Guernsey?

[06:35:09]

>> I do and I understand that council will take this item back at your next meeting in two weeks?

>> Cole: Yes, we would like it in two weeks.

>> Mayor leffingwell: A motion?

>> Cole: A motion to postpone.

>> Mayor leffingwell: Mayor pro tem moves to postpone this item until february 28th.

>> Second by council member spelman.

>> Mayor leffingwell: All those in favor, say "aye." Aye. Opposed say no. Passes on a vote of 6-0 with council member martinez off the dais.

>> Guernsey: Thank you, mayor and council. That concludes the zoning items for this evening.

>> Mayor leffingwell: Brings us to item number 46 and we have a number of speakers signed up. If there is no objection, move on straight to the speakers. Hearing none, paul robins.

Donating time is claire de young and is claire de young here? Okay. Debbie russell. Debbie russell. So you have up to 9 minutes.

>> Good evening. First, we are here tonight to talk about creating a new system of governance for austin energy. It is important to understand that history did not begin with us. Austin energy and the austin water utility which started in the last decade of the 19th century, in part to compete with a private ity that most citizens believed was predatory in nature and that offered poor service. And interestingly, there was an independent board that governed these two municipal utilities between 1897 and 1910. To say that relations between the board and the city councils of that era was sometimes unharmonious would be charitable. Perhaps the biggest dispute occurred in early 1900, when the city refused to pay tax money that it felt it was owed. The council balked, saying that taxes were too high already, and the independent board needed to raise rates to cover expenses themselves. The board did not want to raise rates in part to compete in part to compete with the public utility so the independent board ended up suing the city council. Now, this might have gone to trial, except for the small problem of the deal breaking. Those who do not learn from the mistakes of history often get to experience it first hand and this is what may happen when you create another layer of bureaucracy. Another part of austin energy's history is a history of public involvement. There are several things that we are proud of at austin energy, such as the clean energy, renewable energy programs, consumer protection, et cetera. These have occurred as a direct result of citizen initiatives directed at a city council accountable to them. Let me give you a couple of examples. In 1989 or so, the council had budgeted money for an apartment energy efficiency program. Yet, due to bureaucratic inertia it was not being implemented. I personally went to city council and complained. Four members of council spoke up and asked again that the program be implemented. This time, the staff heard the message and today, it's one of the only programs of its kind in the country. In about 2005, austin energy was resistant to giving rebates for solar cells. A group of people, including tom smith and foster,ing forked a campaign that generated hundreds of phone calls and thousands of signatures in support, and the council overrode the step. Today my knowledge, we have the lowest cost residential solar cells in the country. There are

-- that is installed costs. There are

-- these are two of many examples of why direct accountability is so important. Remove citizen input, and austin energy has every potential to become just another ordinary polluting expensive utility. Now, I will state from the outset that I have big problems with item 46. It is a charter change without voter approval. I do not think you should set up new governance without a vote. Perhaps the council could delegate someone from its ranks to meet curt watson and remind him he is no longer mayor but on the proposal itself, I see at least four large problems. One is, who is on the board? The prospect of an out of city search firm with no background in the city's history or energies policy, choosing a board of so-called experts would be almost satirical if it were not a real proposal. I think council should be the board, and barring that, the council should appoint one representative that they could hold accountable to their philosophy, that is one representative each, and remove that representative if they do not adhere to that philosophy. The second

problem is who removes the board. The current proposal is for a 75% vote of council to remove a rogue member. And the only way such a removal is likely to occur is if that member commits cold blooded murder. It's just

--

[06:41:52]

>> mayor leffingwell: Does that change if it's

-- if it's 2/3 majority, which it is in the current version? Because it is still cold blooded?

>> Still too high, but thank you for correcting me. [Laughter] okay. Third problem. What is the spending limit that cannot be exceeded without a council vote? The resolution calls for \$100 million. I propose \$10 million. Please keep in mind that many projects have multiple parts to them so the \$10 million needs to be for the entire project, not just one of its facets or increments. And finally, should out of city ratepayers be included? Personally, I do not have a problem with this. But it must be acknowledged by these out of city ratepayers that once they are part of the rate making process, they cannot appeal the rate case to a higher venue, such as the public utility commission. Thank you for your attention.

>> Cole: Mayor. [Applause]

>> mayor leffingwell: Mayor pro tem.

>> Cole: Mayor, I noticed most of the speakers are signed up against so I suggest that we hear from all of the speakers rather than just per side, if that's okay.

>> Mayor leffingwell: We are going right down the list.

>> Cole: Okay.

>> Mayor leffingwell: Bill okay. Bill okay is not here. Scott Johnson.

>> He's actually going to donate his time, mayor.

>> Carol Radrecky. Druditsky.

>> Good evening, Mr. Mayor and members of council. Happy Valentine's day. I am happy to be here this evening to make some comments on this proposal to create an independent board to govern Austin Energy. My major concern with this proposal is that it is so radical

-- and I know it's hard to imagine me calling something radical.

[06:44:19]

[Laughter] but I don't see where we have huge problems with the governance of Austin Energy. I have been involved in a lot of processes and I think that there are some things that we can do better. And I don't think that improving the process necessarily has to involve this wholesale demolition of everything that we have in place to replace it with something that's new. I think that we can make some changes to the EUC. And I also think that we would benefit from having a hearing process and a consumer council as is already outlined in the proposal that you had before you. My problem with it is that to

-- it's not worth it to me to be disenfranchised as an Austin Energy customer, to get a hearing process. And one of the reasons why it's not worth it to me is we shouldn't have to make that change in order to create, you know, a process that's better than the one that we have in place. Some of the things I see at EUC, I have sat through a lot of EUC meetings and the EUC doesn't seem to have any authority to review requests for proposals before they are issued by Austin Energy, and as a result of that, there is a lot of time and energy that goes into making decisions about, like certain key contracts. I understand that the water board has the authority to review RFPS on solicitations that are over a certain amount and I think the EUC should have the same

-- the euc should have the same ability to do that. For instance, the holy street contractor was really a hard one. I didn't have anything to do with it but I had to sit through of the discussions at the euc meetings because I was there for something else and part of the problem was that the criteria that were being used by the staff of austin energy were not consistent with what the euc thought they should be using, so i think that's an important thing that needs to be made and I also think instead of paying people to serve on the board, we would be better off if maybe we set aside some

-- a budget for the euc so that the euc could hire experts and contractors to r things for them whenever they needed it.

[06:46:57]

[Buzzer alarming]

>> thank you very much.

>> Mayor leffingwell: Thank you. Lynetteta cooper.

>> Good evening, mr. Mayor, members of the council. I provided you some written testimony. The great panthers. I am here on behalf of the great panthers. We stand opposed to creating an elected board to supervise the affairs of austin energy. We want to hold austin energy accountable and the only way the people can hold austin energy accountable is to keep the reach of their decision making in their grasp. Unelected board removes that. Unelected board that is appointed by council, using corporate head hunters and the only option under the resolution it looks to me is that the council rubber stands whatever the head hunter says. We are getting really too far removed. Nonetheless if you deciding to forward with this resolution, I think two structural improvements y'all put in here is very good and we applaud mr. Mayor and ms. Spelman and ms. Cole and that is the independent hearing process, and particularly having concern about the average citizens ability to effectively participate. We appreciate that because many of our members would not be able to do so without that provision. We also support the consumer advocate. We think that's an important thing to ensure that there is balanced decision making. We would like y'all to consider to enlarge to make it an office a of consumer affairs, to help you on decisions affecting water rates and other things on a project basis, such as the water treatment plant. We also really appreciate that y'all have made a decision to retain certain powers of governance. We would like to see the amount of the dollar limit for purchase decisions to be lowered. We think that's unreasonable. We also would like to see in any ordinance setting up an elected board that there actually be members defined that really reflect the diversity of the community and we recommend the following members: Low income rate pair advocate, residential rate pair advocate, small business rate payer advocate, energy efficient expert, small commercial rate payer advocate and two or more smaller persons of economic or financial expertises, two or more council members and the mayor and we also like the consumer advocate to have the opportunity at every meeting, including committee meetings to make a presentation voicing the consumers affairs and if you have a citizens panel, we don't know if you necessarily would need it with our recommendations but if you go forward with that, we would want to make sure that somebody with the board sits on that panel and brings the recommendations of the panel to the board for action and it not just be a meaningless panel. That's my comments. Thank you very much.

[06:49:49]

>> Mayor leffingwell: Robert singleton.

>> I would like to say at the ending city council meeting on valentine's day is the fifth lowest point in my life. Even sadder, three of the four also include council meetings. [Laughter] thirty minutes per side is not a public hearing, so i don't want that ever to be considered again for anything and I will talk more about that in a minute and the second procedural point is many people who wanted to speak on this item were probably discouraged by the announcement of the 3030 abbreviated hearing. I know there were more people signed up that wanted to speak but when the mayor said it would be this strange hybrid, I think some people stayed home. The next is procedural substantive point. You are changing the way austin energy is governing without impressing need and adequa involvement. In the early '90s, austin took 6 months of council subcommittee meetings to discuss the rules of public input for council meetings. Anybody remember ronnie's rules of order. They were finally voted down but one of them that was voted down was the one minute abbreviated council meetings. It was later restored from another mayor. I don't remember wch mayor did that. We should have at least that much discussion on the way the utility is governed. And I don't think you have done your homework on this, I know cps in san antonio is the process to look for but I think you should have talked to citizens in san antonio to see how happy they are with the cps board. A lot of people went to london to see if the cars ran clockwise or counter clockwise. San antonio is only an hour away. It seems like you could have gone in a van and tacked to people. The thing in my mind is how austin and san antonio handled further involvement in the south texas nuclear project. Incidentally I won't call it that, because it is still a nuclear project. If you call it the south texas project it sounds like the ellen parsons project. Our broken system kept us spending another nickel on that project. San antonio ice wonderful cps board wasted \$400 million of money that was poured down that rathole. It didn't produce any electricity. It didn't do anything. It was just money wasted and that's the system you are changing to.

[06:52:29]

[Applause]

>> mayor leffingwell: Marianne. Marianne.

>> Mayor, I would just like to make a couple of comments on process. One thing is that I find it hard to consider being here tonight a good valentine's present. The second is, to me, this never should have been an item on a consent agenda. This should have been an item scheduled right from the beginning as a public hearing. This is a monumental change to the way austin would be governing the austin utility, and this should not be something that's done without a huge amount of public input. This is

-- what we have elected you folks for is to make these kind of decisions and we haven't asked you to do it in a manner that excludes us from the process. From my perspective, it needs to be 100% democratic process. I don't consider an announcement you will be allowing only 30 minutes from input from a side that is against the

-- especially when that's the side that most people are on who have signed up to speak, as a democratic process. To me, that's limiting input from the public, rather than finding out what the constituents actually would like, so to me this is antidemocratic the way it was set up. I see that it's not going to proceed that way tonight, but there are a lot of people who aren't here now who did not know that. And if those people were here and they were, say, 300 people who wanted to speak against this, what would you have done then? Would you have limited and not allowed any of those people to speak? And to schedule even something

-- a public hearing about something this monumental on valentine's day, when obviously many people would be wanting to spend time with their loved ones, not at city council, including yourselves, is, i think, you know, a problem with process as well. So those are the things i want to say right up front. As far as the actual proposal goes, our utility is one of the best utilities in the country, and we have some of the best programs and we are  
-- we have some of the best rates, and for me to think about shifting this to a board that would not necessarily be accountable to either the city council or the citizens, it sound like a horrendous idea. One of my biggest concerns in the world is account is about  
-- one of my biggest concerns in the world is about nuclear power and i see the cps board in san antonio and I see what the potential could be for austin and the south texas nuclear project, I really am against something like this. Thank you.

[06:55:53]

[Buzzer alarming]

>> mayor leffingwell: Susan almanza. Ryanb ritenhouse.

>> Good evening. My name is ryanb. I am the field organizer for green peace for texas. I am also part of the coalition of austin beyond coal, which I am sure a number of you probably know about. Thank you for letting us speak today. I do agree with everybody else who has spoken and probably likely to speak about the process and I do think that if

-- I mean, honestly, I think you all should just say this is a mistake and forget about it and we will all move on with getting business done as usual but if you move forward with this, I do think it will need a public hearing. There are going to be lots of people who want to know more about this and to weigh in on it. Aside from that, I think the most important thing here is that we need to keep austin energy accountable to the public, and, especially in light of the things like global warming, when all of the utilities across the country are going to need to be readdressing the way they generate their energy in a very fundamental way over the next coming years. We need direct accountability to the public and you all are the best way of providing that. We don't need this other layer of bureaucracy. We need to increase citizen engagement and we need to increase the kind of incentives that will enable us to move forward with green energy, renewable energy, energy efficiency, those kinds of things. Those are all going to be made more accessible by keeping our system more like the way it is rather than adding in this board. So, thank you, and i encourage you all to vote no on this if you vote. [Applause]

>> mayor leffingwell: Cory abraham magovic.

[06:57:53]

>> Hi. I am carrie, and I am the coowner of greenbelt solar. I spent a lot of time with y'all last year, working

-- or listening to every case and I think you guys all did a fabulous job of solving that problem which is why i am here to support keeping city council in charge of austin energy for a couple of reasons. First, I definitely wanted to point out that last year, austin energy was selected as the 2012 public power utility of the year by solar electric power association. There are over 290 public utilities in the running, and austin energy demonstrated a number of innovative measures and business actions to make substantial and award worthy advancements in the delivery of clean, affordable, renewable energy. The city, austin, tried to strike a healthy environment for our families and it is by the elected council members, you guys, that helped make that help. On a second note, I spent my previous ten years in a retained search world as a head hunter and I

know first hand that sometimes companies do not have the best interest of who they are putting people in front of you, and that's why i encourage that having an elected board to manage austin energy is critical to keep the utility being cutting edge and innovative and leaving in the green space. Thank you very much. [Applause]

>> mayor leffingwell: Thank you. Lauren ross. Lauren ross. Donating time, lisa fithian. All right. You have six minutes.

>> Thank you. I have to say what everybody has said, which is how ironic and disappointingly appropriate it is that this antidemocratic proposal is nut holed inside a really undemocratic process.

[06:59:57]

[Applause]. And a process designed to mute the voice of austin residents. Austin's city owned an publicly controlled utility is fundamental to our lives and to the affordability and viability of austin as a home to all of us. Not just the gold-laced champagne sipping, 800-dollar a helicopter riding, 10,000-dollar an hour partying formula 1 perctors, it's also home to my long clay ponytailed volvo mechanic who drove himself through the back gait of the circuit of americas and drank beer in the parking lot while it cleared. I am also really disappointed that senator watson, our former mayor, plans to introduce a bill to circumvent austin's city charter. As I understand it, our charter requires that you allow austin voters to decide whether to introduce another layer of professionals between us and the decisions that are as fundamental as to how we turn on our lights, cool our schools, businesses and homes. And I also uand that lobbyists, academic brown and his westlake neighbors want to voice

-- want a voice in austin utility's decisions but austin never dis%nfranchised these westlake voters. Instead these austin neighbors incorporated to protect themselves from austin property taxes and now they literally pay 10-cents on the dollar for their municipal taxes. We deserve and we demand the right to govern our utility through our elected representatives. Vote no on this resolution and if you are confident that it passes the sniff test, I challenge you to comply with our city charter and give voters the right to

-- that our charter gives us to decide how we want our utility governed. Thank you.

[07:02:11]

[Applause]

>> tom pettysmith. Donating time the sarah ramer. Is sarah ramer here? I don't see sarah. Scott johnson. Scott. Mathew weldon. Okay. Debra debay. Debra. Okay. You have up to 12 minutes.

>> Wow. I am not even sure I can speak that long, mayor.

>> Mayor leffingwell: You don't have to. You don't have to. [Laughter]

>> my name is tom smith and I am director of public texans office and we are here in opposition to this resolution. And we think that the system we have today isn't broke and doesn't need fixing. We have an advisory board that has been given significant powers by this council to look at things like rate cases. But it took this council responding to citizen pressure and a lot of input from a lot of experts to make significant reductions in the rate proposal they came to you with last june. You all took your responsibility extremely seriously. Had I think 17 hearings to really look at the way the rates ought to be done and came up with some of the most innovative rate packages in the country. You did a really good job on that. And when we look around the country and look at what's going on here, you guys have been so well managed you didn't need a rate increase for 17 years, and part of the reason was your predecessors back in 1999 made a

decision to begin to take and put some money into savings each and every month so that in case competition came and made some significant threats to the city, you would have commission cushion to be able to ride out those storms and you did. You had enough cash to buy power plants at sand hill. You had enough cash to buy some turbines from enroll and you made investments in energy efficiency and renewable energy that ended up saving money month after month, year after year and you made decisions of not getting into the nuke and not getting into the coal plant. All which saved you hundreds and millions of dollars, if not billions of dollars. You guys have won awards, dozens and dozens and dozens of awards for being the most innovative, green, efficient, well managed, best customer satisfaction utility in the state of texas. And you want to change this. The reason you guys are the

-- have the qualities that this utility has is because of people like yourselves and the previous mayors and council who is have made decisions and commitments to change the way the utility business is done and said, we can do better and because you were not chosen by head hunters who go for the average common denominator, the

-- what we call the dumb old utility guy model. They are called dugs in the business. I know many of them. I like them. But they are not innovators, that's the characteristic of them. You are so well managed that austin energy's bond rating has gone up a notch since the rate increase went into play. And why is this? Because of citizen input. Now, one of the things that we want to point out is that this is unlike san antonio, which is a model frequently used, for greenville

-- or greenville which is another model. We have worked down in san antonio. We know how bad it is down there. We have attempted prevent them from making bad decisions, to build a coal plant, after which they needed rate increase, or to invest in nuclear plant, after which they needed rate increase. We put it in numbers. Your rates projected to go up 9%. Theirs 15%. Let me say it again. Your rate increases are lower than theirs were because of citizen input preventing you from making mistakes and because you had the courage to do things differently down here.

[07:06:23]

[Applause] when we tried to get information, a counter proposal or ideas or experts to the board down there. We find them insulated, isolated and protected by the utility from any input. We did get binders the day of the hearing that nobody had a chance to read with information given them so they could say the utility had given them the information. Citizens were literally locked out of board meetings and the board had given them so little supervision that the price of a nuke went up 4 billion-dollars and the mayor had to find out about it from a lobbyist for nrg. The board didn't have the courage to tell him that the cost had gone up or the staff. There is either too alternative explanations. Either the board didn't know, and that's diming, or they did know and nobody told the mayor and the city council. And the lobby itself for the nrg people had to tell him that. That's the problem with an insulated board. I understand the resolution you have has 100 million-dollar cap on any decisions that might be made but let me remind you the way we do business in austin today is on purchase power agreements that may never, ever trigger that limit because they are incremental year after year as opposed to in one big chunk. And I want to tray that to you.

-- I want to raise that to you. What is it that we prefer? Our preference is to stay with what is working. We hear a lot of complaints, and some of them valid, that you all don't have the time to be able to devote to the utility year in and year out the kind of attention it deserves and it becomes a crisis periodically. We think there is truth to that. The solution is to create a subcommittee of council that actually meets once a month and really looks at it. And one of the



things that we also think is important, is we have heard, from people out in westlake that they would like to have a seat on the board. I want to point out that they have three seats on the euc, not one, not two, but three out of 7. Disproportionate to 15% of the customers who live outside of the city limits but let's give them one seat on this board and we also think that it makes good sense to establish a regular rate review process like you have in your resolution and apint a consumer advocate. And hold hearings under a hearings officer if a process is needed. We do think in the resolution you have before you, you should drop the threshold for actually having to bring it to council to \$10 million, and there is also language that is being proposed that would say we want to have disclosures made to about people's finance holdings, but unless they are made prior to the appointment being considered by 60 days, y'all won't know whether or not somebody has a conflict of interest and you need to apply the same standards to those board members if you choosing to that way that apply to any other local government official that basically establishes standards for when they can't be appointed or if they have a conflict, to walk away from it. Our fundamental point here and that of many people in this room is this system isn't broke. Don't fix it. You all have served this community well. You have -- have adopted policies that have kept rates low, that have won awards after award that have created business after business in this community, that have made austin one of the solar capitals in the nation. Why walk away from that? Why make that change? Why give away the power that you have? And one of the messages that we heard loud and clear yesterday at a press conference is we as citizens want to keep the power in ourands and we want to make sure it stays in your hands. Thank you very much for your time and attention.

[07:10:09]

[Applause]

>> mayor leffingwell: Karen hadden. Donating time is tybra white.

>> She had to leave.

>> Al brayton. Al is here. Melanie mcfee. You have up to 9 minutes.

>> Thank you, good evening. I my name is karen haddemand I currently serve on the electric utility commission as vice chair and today I am speaking as an individual and I work continuously with the economic energy coalition. For many years I worked in san antonio. I worked during the years they approved a coal plant. Austin at that time was following the wise path of investing in energy efficiency. And I am so grateful. I have taken advantage of those programs personally and I know what that did for our rates. It kept them low. For 17 years we didn't even have to do a rate hike process. It is 18 now. And we got off easy. We -- we did the financially sound measure that was also the right thing for homeowners and business owners and also the right thing in terms of the environment. City council did that because citizens weighed in directly. We like having a city council that we can come talk to. We like having direct accountability for our utility. We are proud of austin energy. We like the things that they've don't right. There is plenty of things they can do better, but we are proud to have this kind of utility and it does matter in our lives. By contrast in san antonio, as you heard earlier, the board was very insulated. It was an appointed board and it sound good on paper. They had business professionals. If you talk to them on the street, they were nice enough people. But as a board, they seriously went in the wrong direction. And there was no accountability. The city council gave direction and the board ignored it and did whatever they wanted to do, literally. There was a 5% rate hike proposed. Citizens pounded on the board of city council members and said we don't want to do this and we don't want money going into the nuclear project, whatever

you do. City council heard them. And they said, we are going to reduce the rate hike to 3 and a half percent. And that was good and they told the

-- the city council told the utility board, don't spend one dime on nuclear. The same day, they designated 96 million for energy efficiency. The board did whatever they wanted. They piled -- they dumped money into the nuclear project. Only 3 million got spent on energy efficiency that year and millions appeared that got spent for the nuclear project. In the end, after you heard earlier about the surprise hidden billion-dollar cost overrun, an independent board didn't avoid that. It was an outrage and i can't begin to tell you the chaos, the anger, the furrier in that community. It ripped san antonio apart from the top on down. It took the mayor having to come out and say, the rate hike that was up in the next couple of days is off. It's put off, because we've got this huge 4.2 billion, with a b, dollar increase in this project that we didn't know about. This happened with a professional board in place. It

-- shortly after that, they ended up in court, trying to figure out how to get out of that project. They didn't have a way out. They got stuck. They reduced a 50% share down to 7%. But they got stuck and they had to write off \$400 million as a loss. Their partner, nrg energy, also wrote off \$400 million as a loss. Compare that to austin. We are a partner in the same reactor project with units one and two today. Austin voted twice, thank you. , To stay out of the nuclear expansion. We have saved 400 million, best i can tell, and i thank you for that. It has helped keep our rates low. I think it has everything to do with the fact that you the council, you the people that we put into office, you the people that sometimes get pulled out of office, if performance is wrong, make the right decisions and listen to the people. If you

-- you know, tell the members historically, when they don't, they can be removed. To create a separate board removes that public accountability. This is our utility. We care about it. We are the owners of this utility and we do not want you to give it away to industry insiders, to special interests. That risks the city's number one asset, \$1.9 billion asset. Please don't give it away. We have no problem with the other parts of the resolution tonight, but i would urge you to vote no. Keep austin on the right track. Keep our utility affordable. Keep us on the path with clean -- let's try that again, with green and clean energy that is affordable. Keep our low income programs. All of those are at risk if we turn this over to an independent board. We are perfectly fine with adding representation from outside the city limits. That's fair. We believe in fairness. But as was pointed out currently three of seven council members are from outside the city limits which is disproportionately high, so, please, keep austin energy accountable to all of us because some people felt disenfranchised, don't disenfranchise all of austin. Let's get representation for everyone. Thank you.

[07:16:27]

>> Cole: Thank you, karen. Next we have roy weily. Roy, and you have three minutes.

>> Howdy, y'all. My name is roy weily and the conservation chair of the austin sierra club and i want to be sarah hadden when i grow up. She is fantastic. [Applause] and states basically the austin sierra club and lone star position, cyrus reed who is our state conservation director sent you all an email, and where we do disagree with cyrus that he's wanting to reduce that to a 50 million-dollar cap, we are talking more like a 5 million-dollar cap, because we have seen how it works. These projects are big projects and they get led a little bit at a time. We asked y'all to do the job that we hired you to do, that we elected you to do, to keep the responsibility here, where it's accountable. It has been said again and again, the layer of bureaucracy adds less accountability, and we need y'all to be the board, and i understand on a night like tonight, it's

almost 8:00 o'clock on valentine's, the speaker said we all want to be with our loved ones -- well, most of my sweethearts are here with me this evening so I am already there. [Laughter] but that we have a separate meeting for this so that you don't have to deal with these issues on the same day that you are dealing with so much else. We like the subcommittee meeting member board. We also like the idea of people having representation that are not austin citizens but not they are here just because they are rich and powerful lobbyists that they get to dictate to austin what happens. We want that to be taken care of by austinites and you all are austinites. You were elected for this, so the hybrid system, we are in favor of. We are completely opposed to the independent board. We do believe

-- and the transparency, there are other things I can't say tonight but we do like the idea of the transparency. You have to see it 60 days beforehand. So that said in a nutshell, do the right thing. You have been elected. And you all knew when you ran for office that this was part of your job. Don't try to give part of your job away now and if you do agree to take a pro-rata pay cut to help may for the

-- to help pay for the people who are now going to be paid. Everybody up there but you professor, I've got you. I understand, but you know something, we had a lot of people who were going to be here tonight and then they found out they weren't going to be able to speak and now they find out they could have spoken here.

[07:19:45]

[Buzzer alarming] there are a lot of people here. Everybody make noise so people on the radio know you are hear. [Applause] thank you for being here and thank you for letting us speak.

>> Cole: Thank you, mr. Weily. Bridgette shay.

>> Good evening, mayor pro tem and council members. It is kind of funny to be here on valentine's day because I don't think many cities or privately utilities can say that citizens love them and yet i think many of us in austin are really fond of our utility and they are incredibly proud of all of the national honors that the utility has won and the fact that we are recognized national leader and that has everything to do with the fact that you as elected representatives of the citizens have listened to the community over and over again, particularly on renewables and the kinds of programs where some of the professionals

-- you heard testimony from paul robins and paul smith earlier giving you specifics on this. But I have a question that minds a show of hands and i think I know the answer because I heard some of you on the stump talk about this. But how many of you are happy with the biomass plant? And you aren't showing your hands here, but, really, i heard many of you say if you had that vote to take over again, you would have voted differently. And the reality is, look here in the audience. Many of the same people who were here at that town hall meeting that lauren got, because she said, wait a minute, we need more time, we aren't prepared to shake this vote. But many people, including me who were here that night, urging you not to rush into the vote on the biomass plant are the same people here tonight telling you, don't rush into this decision on creating an unelected, unaccountable board for our most important asset and the thing that has so put austin on the map for being a clean energy leader. It's a really crucial part of our economy. I don't think you mess with this lightly. But don't you wish now that you had listened to those people on the biomass plant?

[07:22:03]

[Applause] the fact is, it's not clear from the document in front of you whether you would even have a decision on a biennium plant under this

-- on a biomass on this purchase agreement. It is not a capital expense. I don't know if you asked your legal folks but it is something I certainly would want to know as a citizen, so if you felt like you were having trouble getting full information, like some of the details in the contract, like that we would be paying for the plant, even if it weren't producing energy, because the energy was so expensive, nobody wants to buy it, you probably didn't get that detailed in advance of your vote. Am I right? Anybody know that fact before you voted? Okay. If you had trouble getting that information when there was no intervening body, imagine how hard that's going to be in the future with a board inbetween you and the utility staff. And yet, you will be blamed. Nobody is going to read the fine print and say, well, it was really this board that made that decision. You will be blamed for those decisions. [Buzzer alarming] so I urge you, delay this or vote no but give yourselves in the community the time that's needed on an issue of this importance. Thank you very much. [Applause]

>> Cole: Thank you. Next we have tray salinas.

>> Mayor and council, tray salinas for the coalition of clean affordable and renewable energy. We will give our time back and not smoke remind you we submitted a letter this week, very much in support of an independent board and we are leery to answer any questions that any of you might have. Thanks.

>> Cole: Thank you, tray.

>> Will mccloud. Did you leave, will? Will mccloud? Stewart schneider. Stewart schneider. Charlie hemalon. Charlie, come on up. You have 3 minutes.

[07:24:11]

>> Thank you very much, mayor pro tem, and members of council. I am happy to be here tonight. I actually celebrated valentine's day at lunch at franklin's barbecue so I am quite all right. No problem. I am in the clear. I just would like to reinforce two of the points I am here tonight. I am voicing my opposition to the resolution. The first

-- your performance on the rate case last year, I was here for most of those hearings and it sounds like this resolution is a solution to a problem of a lack of

-- a problem with independence and a problem with expertise and I didn't get those problems during the rate case. I thought that your performance was fine. It definitely

-- definitely had learning to do but you took the time you needed and I thought everyone did a fine job. I didn't feel like that was an issue. It was more of a matter of focus and I was kind of surprised to learn there was not a standing subcommittee of council members that really looked after austin energy on a regular basis and I thought going forth with this rate case, as long as they do that, I think everything would be fine in terms of that management. I didn't think a drastic move needed to be made. Number two is national leadership. Before I moved back to austin in 2010, I spent 8 years in washington dc at the u.T. Department of energy and I was a part of a couple of those national awards that has been spoken about here. I led solar americas city program and helped provide austin with that designation and some of the grants, recognizing austin as a national leader in what you were trying to do in solar energy efficiency and a variety of other things and my concern with a new independent board is that you would lose a lot of that leadership in the citizen driven connection that drives you to do innovative things that need to be done that likely would not have the courage to do and I think austin is nationally recognized throughout the department. We always had austin at the top of our list, in terms of

who is doing the right thing and doing it effectively and we tried to recognize that and I think that holding on to the governance that you have with some tweaks in terms of bringing the cowboy more attention to ongoing management, I think would help strengthen that and moving to an independent board would weaken that. And so I would encourage you to consider that before you make any drastic steps. Thank you very much. Happy valentine's day.  
[07:26:33]

>> Cole: Thank you, charlie. [Applause]. [One moment, please, for change in captioners] mare mare okay, so I will entertain discussion or motion on item 46. Council member spellman.

>>Spelman: Although I have a statement which will be sufficiently short to let us all go home as quickly as possible, let me first put this in play by saying I move approval of item 46. Mare mare council member spellman moves to approve item 46 and I will second. Discussion? Council member spellman. >>Spelman: This is a matter of values. We've heard a lot tonight about green and clean about energy efficiency, renewable energy, climate programs, things we want utility to do as well as better than before. The suspicion to offer clean, affordable, reliability energy and customer service. I don't think there is anything at all to change. In addition to the values we mostly heard about tonight about how energy efficient, it should be how renewable it should be, how we need to take climate protection into account. And an issue we haven't had quite as much to say about, we want reliable power and affordable rates, a lot of what is going on and one of the reasons why austin has a 5% unemployment rate and not a 7 or an 8% unemployment rate is because we have an excellent business climate. Because we're able to offer things like really good labor. People who know what they're doing, people who are excited to come to work, and because we offer electric power at a competitive price. This is a very competitive industry and knowing how to provide that power at a competitive price, knowing the tricks of competition, how to work the business as a business is an important part of what makes austin energy important and making austin energy effective, competitor in this competitive market is an important part of what makes austin

-- keeps austin working, which is what keeps our businesses good. We need to find, I some way of marrying these two values together. Maintain our emphasis on greenness and efficiently and what provides the best services to the customers, but at the same time, we need to keep it cheap. I don't know how to keep this cheap. I'm not an expert on the production of energy. I'm not an expert on the operation of businesses particularly in an industry as broughtally competitive as the industry has become in texas. What I think we need is, I need some help, and one of the reasons why I helped propose this with the mayor and the pray I don't remember pro tem is because I believe that we can get some help in exactly the right way. Some help from people who know how the business works, who understand how to produce and distribute and maintain an excellent and effective and productive energy utility. At the same time that we maintain our values of energy efficiency and greenness and commitment to protecting your climate. I think we can do both of those things and that's what we need a board to do. Let me keep it short. Rather than go too long. I believe I've got a very, very short little chart I want to show you. At the behest of the city manager, we look a look at other municipally owned utilities around the country, here is a big dump of data. Here it is that boards do, what city councils do in various places around the country. Whenever I see a big dump of data, my first reaction is to try to make some system out of it, so I found a way to put it in a spread sheet. I mentioned this to my aide, ashley fisher, I decided to put this on a spread sheet. She said, austin does exactly the same thing. It was wonderful. I hired the right person. This is what my spread sheet looked like. Mine was a

little prettier than hers was. On the top, find cities like bernie and garland and colorado springs. They manage it all on their own. They don't have a board, an advisory board, they just handle it. Then austin, georgetown, seattle, river side. They have a board but they don't have them do anything but provide advice. The electric utility commission gives us advice on all manners of stuff but they don't have any actual control over anything. Then, on the bottom, you've got a very small number of boards who give over total control of their electric utility to and and board. That's the kind I think many of you are most concerned become jacksonville, greenville and eugene, oregon, all give over control of their electric utility to a board and retain very little control, no control at all in some cases, to the city council. But, the majority of the municipally-owned utilities in the country and in texas have a board which does some things and have a city council which does other things and I think the a little bit between two is really important. Most of these places, the board has control over the day-to-day management. They hire and fire the general manager, set the salary, decisions on investments of cash, they set the basic budget but they don't usually decide how much of that budget is going to be transferred to the general fund of the city. It is not only their possible, it is a shared responsibility between that board which handles management and the city council, which has to look out for the entire city and all the departments of the city. And that city council, typically, makes decisions on bonds and emmernt domain and rates. That's what we're proposing to look at here is to have a board that is going to handle day-to-day management in lieu of what the city manager is currently doing, basically taking over governance from the reigns of the new manager but leaving forget the city the big policy issues we were most worried about how are rates going to be set, what's the general fund transfer going to look like. That needs to be the city council's decision. We can't turn that over to an independent good no matter how good they are, but we need help in the day-to-day management stuff. Ultimately what we're proposing here. I could go on for a long, long time about this and tomorrow in my class on urban policy, I'll probably spend a lot more time than my students want to hear talking about this issue, including this chart, but I will deep really short for you all. We need, to I marry the value of business-like practices, of lean production, of being as cheap as possible but no cheaper with the other complimentary value of being just as green as possible about no greener. We can be energy efficient statement we're economically efficient, we can be lean the same time we're being green. I think the best way to do that is to have a board focusing on management stuff and the city council continues to, what I'm pleased to hear some of you say, we have done well. We will continueo do rates well, continue to do lawns well in the long-term plan and generation plan. That's part of this propose sal. But I need some help with the management and that's what this is all about one last point. What we're not proposing here to do is make any final decisions. This is a general framework to decision to the city manager and department what the ordinance should look like. That will come back in 30 days and we will all have a chance in as big a public hearing you want to muster your friends to talk about all the little details. I don't know how complicated that process is going to look like but have at least one more bite of this apple and we will get down and dirty and deal with what those details have to look like. I look forward to seeing you come back here in a month, but all this is all about is trying to figure out how we can send the city manager and his staff out to give us a sense for what in a ordinance needs to look like. Thank you, mayor. Mare mare thank you. Easy -- >>mayor leffingwell: Thank you. I'll just say this, I'm in this and council member spelman is in this for the simple reason we want to save the utility as a municipally owned utility. We are not right now, I don't believe, on a sustainable course. With we are now the largest municipally owned utility in the entire country that doesn't have an independent or semi-independent board of

directors. I heard some mention much our bond ratings. R bond ratings are okay, but they could be better. And, I believe the reason our bond ratings are still "okay", even though we're losing money and have been losing money for several years, is for a couple of very simple reasons. One, because we live in an area that is experiencing great economic growth, jobs, our economy is doing great. That is always a factor in bond ratings. I don't want to put myself in their shoes but I think that is probably the major factor why our bond ratings have held up, basically held our own, through a difficult period, when as I said before, the utility has been losing money for several years. I think all of us are in this for the same reason. We want to establish responsible good management that's accountable, not only to our customers but to maintain our position as below the average in our rate structure while maintaining, to as best we can our green power goals and other goals. By, we live in a world that is

-- while we're still officially not regulated, we live in a world that is highly competitive with respect to electric utilities. I believe that we need to do this and that's the only reason I'm doing it, to maintain that status and to maintain the utility as a viable city-owned utility.

Mayor pro tem. >>Cole: I briefly want to say the reason I'm a co-sponsor on this is I finally got to a point that I recognized that the level of expertise and experience required to operate a municipally owned utility did not rest solely in the hands of council for us to continue to do the job that I appreciate you all complimenting us on doing. I thought we could strike a balance, and I hope we got there. Many of you are looking at the resolution and making comments and I encourage you to do that, and look at the ordinance when it comes back. This resolution still provides that council shall retain discretionary and final authority to approve the board's recommendations regarding electric rates and charges, major capital projects and transactions in excess of 100 million, debt issuance, eminent domain proceedings and the sale of real property. , So we're trying to strike a balance to protect our utility and move us forward. Thank you.

>>Mayor leffingwell: Council member riley. >>Riley: Mayor, I respect the idea behind it, and I've worked with a couple of my colleagues to try to come up with some language I hope would be agreeable to the sponsors, that might address some concerns while still respecting the spirit of the resolution, and I'm passing those suggestions down now. What I would like to do is just go over these. I suspect there may be concerns about some of them and I would be happy to offer -- there is actually, I just counted a total before seven different changes here and I would be happy to take these one by one to the concern there I have any concern about them. The first change is simply adding, as a second paragraph, a whereas same saying, whereas transparency and public accountability of Austin City Energy are of paramount importance. I hope that will ensure everyone following this, that is still a chief concern on the part of the whole council. >>Mayor leffingwell: Council member, I think that is already in the latest draft.

[07:40:51]

>> Mayor, I could just mention real quickly to council member riley, I believe there is a yellow sheet for number 46 that is actually a motion. So, these comments, these notifications are made on what was back up.

>> >>Riley: These already get out?

>> I think so. >>Mayor leffingwell: It is in there, obviously. >>Riley: That is in there. I appreciate that. Council member Spelman did some late ses, as well.

>> More on the subject, council member riley, I would like to thank Tom Smith and all the rest of the people who were against this and did offer amendment, many have been incorporated in the latest draft >>riley: I appreciate that. Then we have to figure out which ones we haven't

-- you picked up in yours, were picked up in this draft.

>> Sure. Transparency in public utility is in here. >>Riley: On qualifications, there was a suggestion of demonstrating commitment to cost of energy commission. You did pick that one up?

>> We had a conversation about that and let me tell you why we didn't put this one in here. I don't want to peek for my co-sponsors, I'll let them speak for themselves. I'm completely behind the demonstrated mission of providing affordable energy and excellent customer service, that is in there. The climate change and low income programs is important and when the time comes to issue instructions to a bunch of headhunters or whoever else we have doing our search for us or magnifying search criteria I can't recollect I'm whole

-- criteria, I'm whole heartedly in favor of doing this. We have to be balanced, and balancing the value with the business-like values and if we were to include that, I would suggest we claw list of qualify indications among which this is an earlier draft and I will read small piece of the earlier draft, the issue to suggest what the problem was. Financial acumen, knowledge of financial transactions, budgeting, ratios as they pertain to financial statements, developing and managing a strict program strict planning, knowledge of the sarbanes oxley act this gets long and complicated quick. What I would prefer to do is have all of us get together when it comes time to issue instructions to a search firm or develop our own set of criteria and include some business-like stuff, probably not this level of detail, wasn't need to figure out what that exactly needs to look like.

[07:43:53]

>> As long as we're on record those will be the expectation of the commission members, I'm fine with it not being in the language of the resolution.

>> It is certainly my expectation. >>Mayor leffingwell: It is certainly my expectation, too. All of these will be discussed with many other factors and remembering that council has the final authority to approve and appoint in these nominations.

>> That first clause on qualifications, everybody subscribes to that. We included, perhaps, oddly in the second to last section of the latest draft, the resolution, where the ordinance shall create and define a transition period and plan, dot, dot, dot, and the utility will continue to fulfill its mission to deliver clean and affordable utility and excellent exercise. So maybe not in there in the same place.

>> How about financial disclosure?

>> I believe that is in here already >>riley: It was at the very end, I thought was oddly worded so I suggest moving it up and stating it as a full paragraph. Including a reference to 72-c, which council member morrison is the scrutiny we require of boards and commissions that have decision making authority.

>> That is highly friendly and I will accept that. >>Mayor leffingwell: I will, too. Both of us have to accept it. >>Riley: The next paragraph, a couple changes, rather than including the language about

-- we were going to suggest delegating governance and oversight power. Power.

>> We will have an opportunity to revisit what governance and oversight power will be given to the board when we know what authority we do and don't have to delegate to the board, so that seems very reasonable. I will accept that mayor? >>Mayor leffingwell: Yeah, thing is just word smithing and it is fine with me. >>Riley: In terms of the authority that the council retains, I thought it would be helpful to include an express reference to council's retention of authority



over the generation plan, along other matters. To address concerns about a change in direction for the utility.

[07:46:32]

>> I would like to thank you and thank submity for making that decision. That has been included in here, as well.

>> And, then, following that reference there is a sentence suggesting that prior to ordinance adoption c, management shall provide council the documents regarding control of austin energy and categorization of all council member agenda items for the past three years. Idea was to put on the table all the powers we were talking about so we can all be on the same page who would wield that power in the future, going forward.

>> That sounds

-- that is completely consistent with our thought process and I hadn't thought to include it. Thank you. >>Mayor leffingwell: Likewise. Don't leave me out of this. [Laughter] >>riley: There is a suggestion you may have already included, the effect that the board shall present their plans, including the generation and climate protection plan to the council every two years. You did already make it up?

>> Yes. >>Riley: Okay, so it is in there in addition to the financial disclosure requirements for the board members, we didn't

-- i want to be sure we had some reference to the requirements expected of the advisory panel, which is sort of the new substitute, new version of the euc and I would just say the board members are suggest to the requirements of city code, chapter 2-7.

>> I see in this version, the remaining four members appointed

-- I want me to strike that? >>Riley: That is one thing we were wondering about. Within the next year or so, that would mean we would have a 15-member panel, and I wasn't sure about if we rely felt it was knows have 15 members on that panel.

[07:48:41]

>> I don't know whether it is necessary or not, but in light of, for example, the lists of groups of people who ought to be represented, I don't think it was intended to be a union list. It was certainly a fairly long list it may that be having more sls on that panel rather than fewer would be more representative. >>Mayor leffingwell: And we did have that discussion. We realized that, if a few years, the make up of the advisory panel will change, but I personally think it is important to have the latitude to he bring in additional members, if necessary, that could be of great help in advising the board, in representing certain interest groups. >>Riley: Okay.

>> What we might do is add language suggesting the advisory panel's job in appointing additional people, if necessary, might be, if necessary, they may not find it necessary, and if they did, it would be to ensure representation of all the important, affected stakeholders. >>Mayor leffingwell: I think that makes sense. Remaining members will be appointed as necessary by consensus to achieve the desired

-- cover the desired stakeholder interests on the board. I'm sure you can find better words than that. In other words, not make it mandatory to appoint four additional, but an option.

>> Might I suggest thises ascribe they will down and see what you think. Each city council member shall appoint one member to the panel. Additional members, up to four, may be appointed by consensus as the advisory council, as needed to ensure that all stakeholders are represented on the advisory board. Okay. >>Riley: So that was all of the language that I had

added, and with those changes I will support the motion. I would like to say a few words about that. Because I have heard a lot from the public, and a lot of it resonates, because I really understand the concerns we're hearing that the austin energy, the city's ownership of austin energy is a value that has been fundamental to our utility for a very long time, and it has been -- we talked about it a lot of the time, the rate case, why it was so important, and i believe strongly with that. I can understand why they would be so concerned with hemming off authority to some other body. I can understand the concern about that. The reality is we're talking about a \$1.3 billion business, as other council members point out, in other every comparable city in the country would be managed with some degree of professional help. I've, for many years, trusted the input of staff. I know we all know and love, and she has now been served on the euc for 76 years and for all those year, one of her common refrains is, she says the euc knows what is going on and recognizes it is unable to oversee austin energy. The city council does not know what is going on and believes the euc is capable of overseeing austin energy. The euc has been very helpful part of our governance of the utility, but it

-- as they recognize, they are not enough. We need some additional help, and I believe that getting some professional experts is an appropriate way to do that. Now, I just want to address a few of the specific concerns we've heard. There is one you concern people have voiced concern about, picking the board members. I want to emphasize, the board members, there will be a professional search process, but the board members will still be nominated by a sub committee of the city council, and then confirmed by the city council. And, so we will still retain authority over the membership of this board. The language that we have here doesn't even require the nominations to come on the recommendations of the search firm. If we feel like we need someone that is not recommended by the search firm, we can still do that consist tent with the terms of the resolutioning another concern is the substantive decisions that the board would be making. The concern, the rates tonight about would council get to vote on the bio mass plan, and i believe we do need to be able to vote on major decisions like that. Includes reference to the generation plan and language about the \$100 million spending limit would address things like that. The bio mass plant was a \$2.3 billion investment, and i understand the concern about PPAs VERSES CAPITAL PURCHASES And we may need to look at the wording next month to be sure that sort of thing is covered in the future, and we will maybe be in a position to do that. Lastly, and most importantly, there was a concern about the national leadership that austin has exercised. I think with the powers that the council has retained, that the council will still be in a position to make the important decisions to ensure that austin energy stays on the track that the city want it is to be on. And we still will be accountable to the voters for exercising that leadership responsibly. So, I'm confident we will be able to still exercise the kind of control that our citizens expect for us to have over the utility. And, then, the last thing I'll mention before signing off is that

-- is about process. There's been a lot of concerns about this, and I want to

-- what council member spelman said, we will be coming back for a public hearing. A month or so from now, there will be further discussion at that time. Nobody is rushing into this. We will have ample time to think about this over the next month. Very well ample time. I expect we will have ample time to consider the recommendations of the manager when he reports back. And, by the way, another thing I'm hopeful that the manager will in developing these recommendations will work with utility management to insure that we get full buy-in and support and a thorough and intelligent set of recommendations that will be workable going forward in terms of responsible management much our utility. So, I think this resolution, as drafted, sets us on a

positive course towards better management of the utility as recommended by the electric utility commission, while still retaining the kind of control the citizens expect us to retain over 79 utility, and so for all those reasons, I'll be supporting it.

[07:56:01]

>> Mayor? >>Mayor leffingwell: A couple of things, and then I will recognize you there was something said bobbing able to make up a

-- said about being able to make up a project, parks. Interpretation of the worth "project" is that would include the parks, so all the parks added together, whatever that add up to, if it was more than \$100 million that would be subject to council review. I just wanted to clarify that. Second thing I wanted to mention, which hasn't been mentioned so far is the electric utility commission, this resolution is very closely aligned with the euc's recommendation and, the euc has made this recommendation four times. This is the first time that the council has responded to the recommendation and gown address it, but it

-- and gun to address it, but this is where the basics come from, the people on the electric utility commission. Fine lie there was a comment about a former mayor interfering in the process and I want to assure that you is totally aligned in our interest in that his interest is to save the utility, maintain as a viable, municipally owned utility. That's what that's all about. So, council member martinez. >>Martinez: Thank you, mayor. I just have a couple things. I will be briefer. I'm going to support the resolution. I think it's latest dra form and with the amendments from council member riley make it even that much better, so i appreciate all the work on this. Like some folks up here, I do believe it is in our best interest to move forward, at least with this portion of the process. It doesn't solidify anything, it just begins the process moving forward. It still takes the enabling legislation to allow it to happen. There are two things that i wanted to ask about, maybe not need to make any amountments, just

-- amendments, just as long as I can get it on the record and verbalized. When it talks about membership it talk about the board shall consist of seven members, one is the mayor. It talks about selection, about the professional search process and nominated by a sub committee of the council. Each one of those bullet points, there is no notion diversity or demographics of the city. I just wanted to be on the record that, obviously, you would like for that council sub committee to be given specific direction that demographics and diversette be a consideration for an appointment to those positions.

[07:58:59]

[Applause] the second one

-- if we can acknowledge that, I assume that was part of the intent. It is not in the language, i just want to make it very clear that that is part of our intention. The second point is that specific sub committee, under selection it says the board members shall be nominated by a sub committee of the council. Have we pre-identified that sub committee or will it be an ad hoc committee just for this specific purpose and then be dissolved once that is done?

>> The resolution doesn't say but we can say in a month. >>Martinez: That one finer little point.

>>Mayor leffingwell: We manage all our other boards and commissions, in the same manner.

Council members themselves will decide who is on the sub committee. I don't think we want to mandate that in advance. >>Martinez: All right. Thanks, mayor. >>Mayor leffingwell: Council member morrison.

>> I want to thank council member riley for sorting through this and there was a lot of didn't

understand, and there is probably a lot I still don't understand how this is actually going to work, but through the discussion and for me, those amendments that council member riley added help to focus in, in my mind, the theory of how this is all supposed to work. There is one more detail i wanted to bring up, and that is at the very end. When we're talking about now the end of it, based on the resolution is an amendment that says the panel members shall be subject to the financial disclosure requirements of city code chapter 2-7. I think we also need them to be subject to 2-1 so they're subject to open meetings and all of that, don't we? The panel?

>> But of course. Sure. >>Morrison: And they can't be lobbyists.

[08:01:04]

>> Okay, just this once. >>Morrison: Couldn't resist, just this one. >>Mayor leffingwell: Let me think about it. Say that again. >>Morrison: They would be subject to 2-1, which is what all of our boards and commissions are subject to. >>Mayor leffingwell: Okay, I'll accept that.

>>Morrison: I came to this resolution with a lot of trepidation because to me, how do you have a separate unaccountable board meet the community values as well as the goal of management, of bring the business acumen to it, which in theory sounds terrific, so i think that being able to go sort through a month from now what are all the actions that we have taken as a council over the past three years related to austin energy and see where they're going to sort out, are we talking about the board taking those actions? Those specific actions? Or the council still taking those actions? That will, for me, shed a whole lot of light on how this will work and how I can -- if I can actually support it in the end. I think that you know, the issue that was raised in terms of cps and the \$400 million write off, I hope that I will be able to understand a month from now how this system that we're contemplating would keep that from happening, because those folks are not accountable, we're the ones accountable and we need to keep that in mind. I do want to mention to the folks that were down here making comments, it is so nice to sit up here and hear people, the public say what a great job you've done, so thank you for that. We don't get to hear that that often. I am concerned about the total value that we're talking about, 100 million. We will have to see how that works out. I know it has also been suggested, and I don't think I've heard this yet, but we will want to consider having some kind of financial disclosure requirement for the nominees, because I think that that is going to be really critical before decisions can be made. And I don't know if we need to make an amendment to that effect, but I would certainly hope when the recommendation comes back, we will have language that we can actually include that into. So, I think that, you know, just to recap in theory, this sounds like to could be okay, to have sort of a management consulting board helping us do our job, but it is all going to be -- depend on how it works out so whether or not we're able to really ensure that austin energy is -- reflects the community that owns it, because that's the critical thing. We want it to be financially healthy, but we want it to reflect that community and be a real resource for the community, as I think it is now. So, I will be interested to see what happens on march 21. We certainly will be

-- I mean there is a lot of things in play right now, and I'll

-- everything has to fall into place with the right timing to, take this work because we will need the enabling legislation to make it work. I will look forward to the next step, march 21, and there me be steps beyond that. >>Mayor leffingwell: So since your friendly amendment is accepted, does that mean you will support the resolution? >>Morrison: I am. Actually, I have really given this a lot of thought, talked a lot about what I felt needed to be in there to sort through that yes, we are going to carefully delineate exactly what it is the council does and what it is the board

would do before I can consider whether or not to support this in the end, but, yes, I do intend to support this resolution. >>Mayor leffingwell: And, again, this will come back, a lot of these will be more clearly defined in the ordinance that comes back, hopefully in 30 days. I just want to make sure we have a good grip on what the changes that have actually been accepted. Has somebody been tracking that closely? And, you feel we can amend it based on the discussion that we've had here?

[08:05:40]

>> I feel we can and I feel, mayor, that you can. >>Mayor leffingwell: I think i can.

>> Good. >>Mayor leffingwell: Okay. In that case, any further comments? Council member tovo.

>> I think many wants to see a more formalized process, I think that is a good inclusion, those are good changes. I would

-- I have grave concerns about other elements of this proposal, some of which I've shared, but I will thank my colleague, council member riley, and I know council member morrison worked on those changes, as well. I think that the additions tonight make a difference for me because it does

-- the ability to really look carefully at what authority the council currently has and determine which of those are appropriate to delegate to a board, an independent governing

-- I'm 234079 going to call it an independent governor stock some sort of mid-level board that would make some level of decisions before outside of council approval. Could work. I will say, I will not support paying them salary level

-- salary level payments, I think \$43,000, I think paying board members salaries is completely inappropriate. I will not approve having them set

-- when the ordinance comes back to us having them set policies that are rightly belong

-- the responsibility that elected officials have to make. I think about some of the comments people have talked about tonight and the resolution we passed last year as a council to look at alternatives to coal and investigate those. Those are the kind of things that elected officials need to listen to their constituency and make policy decisions about and that is not something we should turn over to an unelected board. And I certainly won't approve

-- I won't make a friendly amendment or attempt to, but i will not set a payment value at \$100 million.

[08:08:08]

[Applause] thanks. I don't know if all the members of our audience had an opportunity to say this, but did I submit a question to staff asking how many projects and transactions had come in in excess of \$100 million, and the answer is very, very of them. They researched it back to 1996, and apologies for those who have seen it I'm going to bore you by going through some of it in great detail, but it illustrates concerns about setting that value that high. The stp purchase was \$855 million. If we go down, though, to stp capital improvements, 130,000. In time, the largest yearly amount was 16 million ftp improvements. 103 million. The largest yearly amount, 15 million. Almost none of these would interest triggered the \$100 million mark and I think that is a real, real problem. [Applause] so, again, I won't atome make a friendly amendment tonight except to say we have got to address that number in the ordinance and it has got to come way down. In thinking about some of the questions people have raised, is there a problem and, if so, -- is there a problem, and i wouldn't agree there is one, and I appreciate the euc has made this recommendation five times in the past. They've made some other recommendations which I

didn't agree either. One was the rate proposal. People have pointed out the euc heard the same concerns we did about the very high impact this is going to have on churches, on schools, on individual residents, and they have the concerns and the majority of them on a 4-3 vote sent that on without making any substantial changes. It wasn't until we got here and the people accountable, directly accountable to the public, this can't stand. We need to make some changes and we did and I think

-- I think that was appropriate and I think that needs to continue to happen. , So I appreciate that you've preserved rate making as on of the council options, but, again, one of the things that council will maintain authority over. I'll mention again just one other decision that happened in recent years. We had something come to us, and I think this, too, needs to be a consideration as we move towards a dollar amount under which would be approach rapt for a board to make -- appropriate for a board to make decisions. We had an item come to us about a year and a half ago, lam \$1 million land purchase around sand hill. The euc had recommended, it as i recall. It came to us in or work session, we had a very brief discussion. And heed a few questions about the rationale for purchasing it. The item was withdrawn and never returned there may be a very good rationale for purchasing it, but a board evail waited that, it was a decision and as a council we asked additional questions that that was pulled for additional research and it hasn't come back to us. I think we play a very critical role, we're directly accountable to the people and I'm very, very concerned about turning this over to an unelected group of people.

[08:11:34]

[Applause] so, I think with that, I'll just

-- I'll conclude. Other than to say we've got great staff and very good management team, and they have turn ably and I have good faith in them, I think there is some room for a board that has some level of decision making opportunity, but I am going to look very carefully. I'm going to support the motion tonight, again, almost entirely because some of the changes that have come in, but I am going to look real carefully and what comes before us in the ordinance form.

>>Mayor leffingwell: Any other comments? I can't resist saying that i think in the coming weeks and months we will have a better grip on exactly how good a job the council did in the rate case next year. All those in favor, please say aye. [Chorus of ayes] opposed, say no. Passes on a vote of 7-0. According to my records that concludes our agenda for tonight. And, without objection, we stand adjourned at 8:47 p.M.

[08:30:08]

>> I want to call the work session order, tuesday, february 12, 9:05 a.M. We're going to begin today with items a-1f and a-2 which are action items. First we'll consider item a-1. If there is any public comment, sense there thai are action items, people are allowed to sign up and speak. Speakers will sign up for both a-1 and a-2 at the same time. Without objection, I suggest we limit public comment to 30 minutes total. If there's no objection, we'll proceed that way. Right now, I don't have anybody signed up to speak. So fiscal year 2012, 2013, mid year budget amendment, item a-1 for cemeteries, civil service, and districting related expenses. We are considering these separately because they're mandated by law and not discretionary as are the rest of the items on the list. The item a-1, those three categories. So first we'll have a brief staff presentation and then we can have the council discussion, and citizen input if anybody signs up. Then we'll vote on item one and item two next. Go ahead.

>> Thank you, mayor. Elaine hart, city cfo. This morning in your packet, i would like to go over

what's in it for you and the public. It looks rather large. But the appendix includes the entirety of the January 29 work session presentation material. We've added that just for your convenience. So today's presentation will be brief, it will be about five pages. Cover the funding sources again. The summary of those. And briefly describe the action item, cover the uses of funds that are presented with that action item, both for the a-1 items that are mandated by the November election and contractual issues but a-2 in the same manner. The way this presentation works is we assume you take action on a-1 first and then the remaining balance after that action is what'll be discussed with a-2 and then those policy items that the council told us they would like to consider expenditures for. With me are Leila Fireside, assistant district attorney, Ed Banino and budget officer will continue the presentation. And Alicia Martinez will be tabulating the budget decisions just as she does during budget adoption process in September. So without any further ado, ed? We go to the slide show.  
[08:33:32]

>> Mayor pro tem and members of the council, deputy CFO for the city. First slide we have for you is to recap  
-- all right. The first slide we have for you is the funding source of the staff as identified as part of the mid year budget exercise. We had identified the funding around one-time sources of additional funding versus recurring sources of additional revenue. We had ending balance upon closing out fiscal year 2012 books. We identified \$8 million of ending balances, identified by council and remain in the financial policies pertaining to the budget stabilization reserves and drawing that fund down by no more than 1/3 in any fiscal year. We had 1.4 million of ending balance available from our support services fund. As you well are aware of, we had improved sales taxes in the final quarter of fiscal year '12 and continuing on to 2013 so better results than what we had seen at the time that we proposed the budget to council and staff proposing an increase in our sales tax projections of \$2.2 million. That's the recurring source of funding. We also talked about moving around the funds that have been allocated one-time needs. There was a \$2.6 million there that could be  
-- we could issue contractual obligations instead and freed up the general dollars for use of any general purpose. Then we had an ending balance of \$119,000 in our sustainability fund which is another source of one-time funding. In total, we had \$12.1 million of one-time funds available in fiscal year 2013. And \$2.2 million in recurring sources of revenue. A-1 pertains to the funding necessary for cemetery maintenance and operations as well as the implementation of the civil service system and establishment of the council districts. What you can see on the next slide, then, is the sources of funding broken out one time versus recurring the amount of funds we need to implement the programs and the remaining balance that would be left after item a-1 has taken action on the amount of money left for other council priorities as we move on to item a-2. You can see on the slide that the annualized costs will be in the out years. The costs we're talking about for the fiscal year 13 are for the remaining months of the fiscal year. The costs go up as we go fiscal year 14 when we had to analyze some of the costs. That's the final slide we have for a-1. Staff would be happy to answer any questions that council has.  
[08:36:37]

>> Questions for staff? Councilmember Morrison?

>> Morrison: Regarding the cemetery. Could you

-- I know we have a slide from last time, could you talk us through the funding for that. It's a

matter of in sourcing temporarily as we take a look at what we're going to do as i understand it. The amount of \$467,000 and how we arrived at that.

>> The maintenance costs related to the vendor that provided the services for many, many years for the city notified the city as of march 31, they will no longer be available. They are no longer interested in providing the services. The parks department identified an interim solution to get us through the next rfp process. The long-term solution is to find another vendor to provide those services but in the interim, the parks department needs funding for the remainder of the fiscal year to continue to operate those costs. The costs we're projecting are higher than what the previous years have been able to do the work for it. Parks is maintaining the work of 200 acres of our cemeteries. Would be two permanent positions. There are ongoing costs of this even though it's characterized as an interim solution. The 25 temporary solutions need appropriate supervision and guidance from permanent professional employees and the permanent professional employees are envisioning they would continue on after new vendors identified to provide oversight for that contract and to make sure the work is getting done appropriately. So the staffing costs for the remainder of the fiscal year would be \$666,000 for those additional positions. 765,000 is related to tools and supplies that the department is wanting to lease this equipment wherever possible as opposed to purchasing it. The idea is an interim solution to get us to a new vendor. All told, it's \$1.4 million of costs. Now the cemeteries do generate revenues. The projections are the remaining six months they would generate revenue and the cemetery fund itself has an existing balance of \$255,000. So using those sources of funds from the cemetery operations helped to offset some of those costs and the costs from the general fund to implement this program is \$476,000. >>.

[08:39:27]

>> Morrison: So a couple of follow-up questions. The \$765,000 for equipment, tools, and supplies, it makes sense that we're renting them because we're not sure we're going to be in the business ourselves in the long term. Do we have any idea of how much the purchase of those -- of that equipment would be? The reason I'm asking is \$765,000 seems like a lot. And if it was like \$865,000 to buy it, which I'm sure it's not, it would make sense go ahead and invest. I wanted to get those figures.

>> Director of parks and recreation. Several staff here who worked together as a staff team to re-evaluate here. I want to let you talk to the people who have expertise. This is a division manager. I have gilbert hernandez who's been working with us on the contract management cemeteries working closely with the current contractor and, of course, the finance manager angela means. So the question is now how much would it cost 24 if we bought this equipment versus rent it?

>> We cost it out to purchase all of this equipment, we talk about 35 to 45 pieces of equipment, we'd be over \$1.5 million thereabouts. It's not just for equipment but for utilities. There's a lot of yue utilities there as well as electrical equipment. There's a lot of general operations that the cemetery kind of generates and that the contractors are paying for as well and we're paying for some of the items as well. So for the short term, renting equipment will be the best option and we're looking also at leasing to purchase at the end depending on the outcome of the situation.

>> Morrison: That sounds like a good approach. And one other question. What do we have in our budget

-- I see we're accounting for a projected revenue. Is that what we have in the budget to cover the cemetery contract? We had something to cover. But the cemetery contract.

[08:41:43]



>> I'm going to let angela answer that question. Two things that we alluded to. One is what we need right away to what I call a gap funding to get us through a request for proposals that we're hopefully very hopeful we'll find qualified bidders that can then take over the operation. At that point, there's more funding that will be needed to be able to pay back the winning successful bid that will perform those duties other than for us, than if they don't, we come back, purchase all -- purchase the equipment as troy mentioned through a lease/purchase or find someone else to maintain and operate the cemeteries which in addition is not just the maintenance. The selling of the plots and the management of the current plots and everything from placement of markers and repairs to structures. You want to give them the numbers?

>> The cemeteries on average generate \$1.4 million in revenue. For the last few years the expenses have been equivalent to that. We had to subsidize the current contractor but there are prior % years where there was revenue in expenses. We enjoyed the revenue coming back to the cemetery fund. So we anticipate given the budget amendment will sufficiently cover expenses for the remainder of the fiscal year and determine after the rfp process whether or not we'll need to continue what we anticipate will be for the rest of 2014.

>> Is that the point, I guess that's important to me that I'm hearing is that we didn't have anything in our budget to pay for the contract because we assumed it would be revenue neutral?

>> Correct.

>> Morrison: Thank you very much.

[08:43:43]

>> Mayor Leffingwell: Other questions? Entertain a motion on item a-1. Councilmember morrison moves to close

-- to approve item a-1 on all three readings. Second by councilmember spelman. Any discussion? All in favor, aye. Aye. Opposed, say no. That passes on a vote of 7-0. So now we'll go to item a-2, which are the council priorser for the remaining funds that are available for the mid year budget amendment. This may amend both of our budgets for 2012 and 2013. For process, we'll take a motion to approve or deny the approved ordinance

-- the recommended ordinance. Then assuming we get the motion and second, we will use our procedure that we did in the last budget meeting since last september. Any change, decision or deletion from the budget will require the second motion and the separate vote then assume it will all be amendments to the basic motion through the made motion. Then we will vote on the made motion as amended. So, with that, I'll turn to staff to give us a very brief presentation on funds available. To this point, we have no speakers signed up.

>> Okay. Item a-2 is indeed an ordinance that would amend our budget and capital budget pursuant to council's direction at this work session. The ordinance that was attached to your packet had all of the numbers blanked out. We had that same ordinance loaded to the computers and the direction that's provided by all of you, we will update the ordinance and print it out and have the final version of the ordinance that you can look at prior to taking the vote. The item we discussed at the laes work session you can seton list broken out one time versus recurring, I won't go through them all but the bottom line is after the action you just took on item a-1, there's \$11.5 million of one-time funds that staff identified that still remained in \$1.9 million of recurring funds. When you look at the cost of all of the various items, there would be a deficit, a \$250,000 deficit in regards to one-time funding and \$1.5 million deficit in what we need to find some funding for. There needs to be decisions from council in regards to what the priorities are to reduce the dollar amount to stay within the funding priorities withe have available to us. Not

going through the regular motion process, but a modified friendly process where anyone basically can object, not just the maker and the second. Councilmember spelman  
[08:47:22]

>> Spelman: Two ways we can do it. Put it all on the table and remove.

>> Mayor Leffingwell: That's what we do.

>> Spelman: Prefer to do it differently.

>> Mayor Leffingwell: If you were, for example, to make a motion, you can incorporate any changes you might want to in to that main motion.

>> Spelman: Let me suggest a slight alternative to that. That is we start with nothing. We start with zero-based budget and adding nothing to the budget at all. Then add things in pieces as we go. Until we hit the number that ed suggested a few minutes ago, \$11.5 million or \$1.9 or so.

>> Mayor Leffingwell: I would prefer to keep it the way it is now. That's the way we operated with

-- that's the way we've always operated with the budgets. Have a main motion on the table.

>> Spelman: That we start the main motion is not to increase anything. The amendments would be to increase our spending by \$10.8 million for affordable housing or \$25,000 for a pilot program for hike and bike trails.

>> Mayor Leffingwell: You want to make a motion to approve an ordinance that contains nothing in it.

>> Spelman: That's right. That's exactly it.

>> Beautiful.

>> Mayor Leffingwell: Well, i don't have any objection to that.

>> I'll second that motion. >> Mayor Leffingwell: THERE'S No motion. We'll just agree to do that. Any objection to proceeding in that way?

>> Spelman: I make a motion we approve the ordinance with zeros in all of the appropriate places where the digits would go. We'll replace the zeros with real numbers as we go.

>> Mayor Leffingwell: Let me ask

-- let me ask the law department. So we're going have a motion on the table that has zero in it. Then we're going to take amendments to that main motion in the manner that we previously discussed. Is there any

-- is there any problem with proceeding in that way?

>> I don't think so, no.

>> Mayor Leffingwell: Okay. So the motion is to approve the ordinance on all three readings.

With no components to it. Seconded by the mayor pro tem. All right. Councilmember morrison. You look a lot like martinez.

[08:49:42]

>> Morrison: I'm honored to be mixed up by councilmember martinez. I had a visit last week with a head start program. I hope some of you had the opportunity to hear from them. They're in a situation 245 they just arrived at recently what they're calling a perfect storm because of changes in federal guidelines, their budget needs to find an additional \$1.8 million this year and also they used to get \$305,000 from the city of aus tip and they were removed from the social service contracting in the last go round so they are looking for a lot of ways to be able to continue to serve young kids here in need in the city of austin. And what they have in front of us -- in front of them right now that they came to talk to me about was the fact that they don't at this

point have funding for their summer school program. Which means that  
-- which means there are 600 students at 13 centers, 11 of those centers are in the city of austin.  
A full-day program of head start. 400 of those students have parents who actually rely on this  
program as  
-- for a full-time day care as well as it being a great early childhood education program. I wanted  
to put it on the table with us as we consider all of this right now because I think it's a  
-- it's certainly a worthy priority and it's a shame that the timing worked out that this has to be a  
last-minute addition. They did provide  
-- I receive add letter that was to all of the councilmembers yesterday. I do have additional  
information to share with you if you didn't get a fact sheet from them via e-mail. When we  
looked at the numbers, if in fact looking at the centers that are in the city of austin, rather than  
the total 668,000 price tag, it would be a \$570,000 price tag. So in order, you know, they have a  
huge impact if they're not able to find funding for this program, 400 parents will not have  
-- will not know what to do with their kids, their preschool-aged kids. So I wanted to  
-- if this requires the notion to consider it. But I wanted to put it there the consideration  
-- because the number works well here, for 500 children as opposed to 600 children \$557,280 for  
child inc. For their head start program. And I do know that they're looking at a lot of different  
ways to be able to cut that down. One of the ways would be if they  
-- instead of providing the head start program for this summer, they turned it in to more of just a  
day care. That would at least keep the parents working. But it wouldn't be a successful program  
for the kids. But I would like to put the \$557,000 on the table. And I'll pass out some fact sheets

--  
[08:53:09]

>> councilmember  
-- first of all, tell me what the name of the organization is.  
>> It's called child inc.  
>> Mayor Leffingwell: Child inc. And \$557,000, a one-timex pence? Recurring and annualized?  
>> Morrison: It's a one-timex pence.  
>> Mayor Leffingwell: One-timex pence. I think what we have to do procedurally since this item  
is not on the list is lay the main motion on the table and you have to make a motion to add this  
item to the list and get a second and have that passed.  
>> Morrison: So I make the motion to add the item to the list?  
>> Mayor Leffingwell: Motion by councilmember morrison, is there a second? Second by  
councilmember martinez? Councilmember spelman.  
>> Spelman: One ohe consequences of the amendment's passing? Does it mean we'll be funding  
child inc. Or considering child inc.?  
>> Mayor Leffingwell: Considering it as a part of the list.  
>> Spelman: Okay.  
>> Martinez: If I could add a friendly amendment on another program brought to my attention as  
well. Not nearly the amount of funding.  
>> Mayor Leffingwell: Another item.  
>> Martinez: Another item.  
>> Mayor Leffingwell: Let's deal with this one. Make a second  
--  
>> Martinez: In the same wheel house, early child care. But I can wait.

>> Mayor Leffingwell: It would be better to do it that way. Councilmember tovo?  
>> Tovo: I have a quick question about that. I'm looking over the fact sheet and trying to figure out what I heard. Am I right in thinking that there are 600 children who will lose their summer program?  
>> Morrison: 600 children at 13 centers, 11 of which are in the city of Austin.  
>> Tovo: And so  
-- so the decision about  
-- so help me understand why we are  
-- the 557,000 rather than the 668,000 is to try to fund the ones that are within the city?  
>> Morrison: Right.  
>> Tovo: You think that's about equivalent?  
[08:55:14]

>> Morrison: That might be a little low.  
>> Tovo: That would fund all of the children in the head start centers within the city of Austin.  
>> Morrison: That's correct. And to be clear, Child Inc. is the head start provider in our area.  
>> Tovo: The consideration is shall what I was mulling over in my head is whether we ought not to just fund the full \$600,000.  
>> Morrison: I would love to be able to do that. I was trying to be a little disciplined in acknowledging that we need to be using this funding for the priorities for Austin children.  
>> Tovo: We were confident that the \$557,000 will fund the children within the city of Austin.  
>> Morrison: My notes when I met with them is just very rough calculations where that it would be a decrease of 5% taking it to a decrease of \$570,000. It would take us to about \$557,000  
>> Spelman: What can you tell us about the kids and the location of the centers?  
>> Morrison: I know the kids are identified as high-needs kids. Low-income kids, very low income kids so that they're  
-- they're certainly at risk is it the kind of thing where it's a terrific investment because the head start is a highly successful program in bringing kids along, head start kids. I wish I had the numbers and wish they were here to speak to it. And so  
-- but head start kids do get a head start so that when they enter kindergarten, they're in good shape.  
>> Spelman: These kids are all participants in the head start program?  
>> Morrison: Yes.  
>> Spelman: Whatever programs there are for head start programs apply to these kids. Roughly, where are they located?  
>> Morrison: Does anybody remember? Many different places, many of them east of I-35. I apologize. Oh, actually, I can search through the information they've provided for me and see if it's in there.  
[08:57:22]

>> Spelman: I don't need it right away. Thank you. I'll yield the floor.  
>> Mayor Leffingwell: So, we have a motion and a second on the table. Any further discussion? Let me just say, I'm going to vote against adding this to the list because I know I'm going to vote against it in the end. I think this is something we haven't had adequate time to consider. Last-minute additions to the list that's already problematic in my view is very  
-- we don't know the impacts. What I do understand that this particular organization rated very

low on the list when we

-- when we

-- when the nonprofit agencies were raided for

-- rated, r-a-t-e-d

-- for allowed for grants. To bring it in in this point in time, I understand the last-minute change in their plans. But, you know, most of the time, our deliberations about whether or not to make grants were based on the merit, not on the particular hardship of it. So I'm going to vote against it. Is there any other discussion? Councilmember morrison?

>> Morrison: I do want to comment. Because I spoke with the representatives from child inc. About the allocation process and a couple of the things that came to light. One, they did not submit an application that was joined with partnering with any others. And if you'll recall, we had very few organizations because of the scoring system that we're able to score high enough for funding if they didn't partner. They are working to make sure that they're sort of in line and they've been working with our health and human services folks to look at, you know, what are the things and the priorities that are going to be set through the next allocation process and they did, of course, we did of course discuss the fact that one of the downfalls of our process was that it didn't, in my view, do enough, a good enough job of identifying the different areas that we needed to fund aside from priorities. Because early childhood is certainly an area and early childhood is an area that took a big hit in our allocation.

[08:59:47]

>> Mayor?

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I'm very much aware of the work that it does and I know it serves a lot of minority students and it would be problematic if not to be able to take care of children this summer. So I will be adding it. But I do want to say that we should exercise caution and restraint for items that have not been through our regular process and did not score highly in the social service contract matrix formula, the one that we have existing. So we'll be supporting adding it and considering it.

>> Mayor Leffingwell: Yeah, I

-- I'm going be

-- any item added to the list as I said before has been problematic because there hasn't been adequate time for councilmembers to think about it or discuss it or research it or attempt to find out exactly what it's about. So, again, I'll be voting no. But all in favor, say aye. Opposed, no? No. So on a 6-1 vote with yours truly voting no, this item for child inc., One-time expense of \$557,000 in recurring zero in the analyzed out year of zero is added to the list.

>> Cole: Mayor?

>> Mayor Leffingwell: Mayor pro tem?

>> Cole: I wanted to point out that we have not talked about the budget overall in this context or property tax relief. And the many of the items are getting at affordability, but we need to think about affordability for the entire city. So I want to make a motion that we put

--

>> Mayor Leffingwell: We have a motion on

--

>> Cole: We didn't vote?

>> Mayor Leffingwell: Now

-- we have a main motion which is to approve on all three readings, the ordinance or the budget amendments that contains nothing in it right now.

[09:01:49]

>> Cole: Okay, I second that motion. We need to vote on that motion.

>> Mayor Leffingwell: We're not going to vote on it right now. We're going to go through the amendment process.

>> Cole: I'm making an amendment that was made with child inc.

>> Mayor Leffingwell: Go ahead, what is it

--

>> Cole: I make an amendment we consider property tax relief as part of our discussion in the amount of \$4 million. And that would be reserved for the half-cent deduction on the property tax rate like we discussed last time in our work session. We would actually discuss that. Because I think that needs to be a part of the discussion as we recognize that the money that we have now in surplus is coming from our funds and we discuss reserving the funds for property tax relief.

>> Reserving funds from what?

>> Cole: From our one-time dollars. Would you explain how we talked about it last time how that would work?

>> Yes, the discussion we had last time is whether or not some of these

-- any of this money, whether it be one time or the recurring ds

-- recurring dollars could be used to lower the tax rate and if it were one-time funds used to lower the tax rate, it would be a one-time rethe ux in the tax rate in fiscal year '14, in 2015, the tax rate would need to elevate back up to pay for the recurring costs if it was a reduction and we were to use the recurring revenue that we've identified the sales tax revenue, for example, to say we want to set that aside to lower the tax rate, then it would be a permanent

-- we would look at it as most likely a permanent reduction in the tax rate.

>> Cole: So, mayor, what we heard throughout all of the imagine austin plan and throughout the city is the overriding reserve for oi fordability. We should put the item up for discussion that would apply to all of austin.

>> Mayor Leffingwell: So your motion, in essence, is to take the \$11.5 million number that's on the pages aren't numbers here. But it's mid year funding needs for item a-2, \$11.5 million one time and reduce that by \$4 million

[09:04:04]

>> Cole: Yes, for property tax relief.

>> Mayor Leffingwell: That would make that number higher mathematics here at \$7.5 million?

>> Cole: Yes.

>> Mayor Leffingwell: It would also address the bottom line number to negative \$4.2 million.

>> Cole: No, it would just be \$4 million of the \$12 million.

>> Mayor Leffingwell: 4 million off of \$11.5. But the balance for all of the items is now negative \$200,000. So if you reduced the total sources of funds by \$4 million, you would have to add \$4 million to the deficit, wouldn't you?

>> Spelman: Mayor?

>> Mayor Leffingwell: Assuming, yeah, on this table right now. Assuming all of the items are funded?

>> Cole: We would not be able to fund \$4 million additional.

>> Mayor Leffingwell: We'd have to figure that out as we go through it.

>> Cole: Exactly.

>> Mayor Leffingwell: As we go through it.

>> Spelman: This is a line in the spending priorities. We spend some money on affordable housing, wild fire mitigation, property tax relief. This would be adding another \$4 million. We don't have to worry about what we add and subtract, everything would be added.

>> Mayor Leffingwell: I understand it. But I am trying to from a beginning position, right now with this list, we're starting off with a negative \$4.2 million with this list. Councilmember martinez?

>> Martinez: I wanted to ask a little bit more about this

-- the pending motion that's made. What exactly does that look like in terms of

--

>> Mayor Leffingwell: By the way, I'll second the motion. Go ahead.

>> Martinez: What does that look like in terms of the property tax rate currently. And what it would reduce it to if we were to apply the one-time cost of \$4 million and then knowing that it's only this year

-- if this passes, it's only for 12 months the very next year, it goes right back up. I wanted to know what the real effect of that is.

[09:06:06]

>> Currently the tax rate is 50.29 cents for every \$100 of taxable value. That would not change. We're looking at fiscal year 2014 budget, which will have a proposed tax rate associated with it, and if we add \$4 million set aside for property tax relief, that rate, whatever it ends up being, would be about a half a penny lower than it otherwise would be just for that year.

>> Martinez: Just for those 12 months?

>> Right. So the property tax rate we need to balance the '14 budget once everything is settled is 52 cents for \$100 of taxable value. If we had the \$4 million, we could do it at 51.5 cents for that year. And for the next year, it would have go back up.

>> Martinez: So for me, the way I look at this, these are one-time expenditures mostly. One-time expenditures in my view with items that are before us. I certainly agree we need to talk about the property tax relief. But for me the place to do that is when we're adopting the budget and increasing taxes to cover that budget. If we want to provide property tax relief, we need to move the line when we're adopting the budget and not raise the taxes to the rollback rate or somewhere between. That's the appropriate place. It would be 100% structurally funded moving forward, it's not a one-time half a cent savings for 12 months. It would be a permanent change.

>> Mayor Leffingwell: You're objecting to the amendment?

>> Martinez: Not objecting.

>> Mayor Leffingwell: The procedure is the amendment is adopted unless someone objects. If anyone objects, we vote on it. So, does anyone object? Councilmember morrison objects so, we'll have a vote. Councilmember morrison?

>> Morrison: I

-- I certainly would like to heed the comments that councilmember martinez made and would like to suggest this kind of consideration will make more sense in terms of having it structurally sustainable impact if we were to put affordability as a line item under the recurring

-- under the recurring column as opposed to under the one-time column. Does that make sense. And I gather you've

-- you've  
-- I gather that the motion is to put it in the one-time column.  
[09:08:46]

>> Cole: I'm not opposed to doing both, splitting it between the one-column and the recurring column. The recurring column has \$2.2 million in it.

>> Mayor Leffingwell: You know, I

--

>> Cole: I don't know procedurally how that works. I

-- we'd have to ask.

>> Mayor Leffingwell: Let me ask this question of ed or elaine

-- my understanding is what mayor pro tem is proposing is that we take this one-time, this \$11.5 million pile of money. She wants to take \$4 million out of that and reserve it for property tax reduction in the next budget. So I think it is properly include in that column. But if it were to be included in the annualized column or the

-- or the current column, it would be much more impactful.

>> Cole: Absolutely. Thank you, mayor.

>> Mayor Leffingwell: Yeah, yeah. So is there any other discussion before we vote?

Councilmember tovo?

>> Tovo: For the

-- so the idea then would be to put \$4 million in the recurring

--

>> Cole: No, in the one-time.

>> Tovo: Just picking up on the point that you made it about being more impactful. If we do that, we would be just suggesting every year we have a \$4 million reduction to on going

--

>> Mayor Leffingwell: Says here

--

>> Tovo: Talking about if it was moved to the recurring category. Some discussion about moving it to the recurring category, which doesn't make sense at all.

>> Mayor Leffingwell: Correct.

>> Tovo: I thought you were discussing it would be a better way to do it. I didn't understand the point of that. It would be better to direct and come back with a budget that's \$4 million less rather than have a

-- an ongoing reduction of \$4 million.

>> Cole: I agree with the mayor's comment, money is money.

[09:10:47]

>> Tovo: The decision to add \$4 million as a one-time property tax reduction on next year's fiscal

-- on next year's budget.

>> Mayor Leffingwell: Essentially.

>> Tovo: So procedurally, we're going to add them in and have an opportunity to strip them out later?

>> Mayor Leffingwell: We're doing that right now. We're adding and subtracting. Then at the end when we cover all of these and whatever other items come up, we'll vote on the main



motion.

>> Spelman: The current tax relief currently at \$4 million, we can adjust that up and down. If we say no to this, what we're doing is saying of that \$13 million we found lying under a rock, we're going to spend every dime of it. That's not what we want to be doing. So this is leaving aside the possibility that we want to not spend some of that and put it back in reserve and able to use it for property tax relief downstream.

>> Mayor Leffingwell: Councilmember martinez?

>> Martinez: My interpretation is if we don't spend anything, it goes to reserves. So by not supporting this item, I'm not presuming that we're going spend every penny. I'm presuming that what we don't spend will go to reserves.

>> Mayor Leffingwell: Okay. Councilmember tovo?

>> Tovo: We'd still have an opportunity at next year's budget cycle to make a decision -- to use \$4 million out of our budget reserves as a one-time expenditure for property tax relief. We can still have that discussion next summer because the property tax relief wouldn't kick in until then anyway. What it allows that money to do is go off and be useful right now and have the discussion of property tax relief.

[09:12:51]

>> Mayor Leffingwell: I think the advantage of doing it the way the mayor pro tem is suggesting we're doing it is it allows a more meaningful process leading up to the budget. What is presented to council if this were to pass would be to

-- would be predicated on that \$4 million. Meaning there's something you could use. Whereas you just said we can put it in reserves, it might not work that way.

>>

>> Cole: EXACTLY, MAYOR, BY Doing it this way, we make an up front amendment to

--

>> Mayor Leffingwell: Extend the marker.

>> Cole: The surplus, \$4 million of that will be used for the property tax relief.

>> Mayor Leffingwell: All in favor, aye. Opposed, say no. Passes on the vote of 4-3 with councilmembers tovo, morrison, and martinez voting no. So that is now \$4 million for property tax relief in the next fiscal year is added to the list. And that is a \$4 mill one-time expense. Other amendments. Councilmember tovo?

>> Tovo: I have a question for staff. I asked a question last week about the economic reserves fund and I don't believe I received an answer yet. The question was, the gist of the question is, is there money available in that economic reserves fund to fund something like the austin play house, which would seem to me to meet the goals of that economic reserves fund? And it's on my mind because in our last

-- in our last council meeting, we provided a substantial

-- a substantial grant to troublemaker studios and it was out of the economic reserves fund and it seems to me, again, that austin play house sort of falls in line with that kind of

-- the kind of

-- the projected uses for that money. And if it is, go on and fill the gap here while everyone is thinking about their response. It seems to me if there is money in the economic reserves fund to fund something like the austin play house, we ought to offer direction to staff that the austin play house if there is the council will to support it, I hope there will be, we fund it through the economic reserves fund rather than this reserve so that we'd have a little bit

-- we'd have a little bit more opportunity here on our list.  
[09:15:34]

>> Mayor Leffingwell: Is that proposed amendment.

>> Tovo: I'd like to know first whether there's any money in the economic reserves fund. That's the place to fund.

>> Assistant city manager

-- the economic

-- the austin play house is a different situation than the troublemaker film studio that we just passed a few

-- the last council meeting, pardon me. What

-- what you passed last council was for a pilot to do certain kinds of film for performance for children. The austin play house really fits under the cultural contracts. And that is a different

-- a different fund. And we have not yet made any projections for next year for the chapter 380.

So we don't know if you remember that fund is used to pay for the incentives as you move forward. And at this point, it may already

-- I don't have the figures in front of me

-- but it may already be totally committed because you're paying each year and as you add something to that particular fund, it adds

-- it takes away from the

-- from the future years. The funding.

>> Is there opportunity in the growth fund? There is. If we have a business who contacted you and expressed an interest in relocating here? We would probably have money available in that and at least consider. And I would like to pursue why austin play house

-- austin troublemaker studios was, you know, are proposing to do some innovative work. But it seems to me that could have gone through the cultural contracts as well. So, I think we're

splitting hairs over businesses that are in the main going to be providing opportunities for smaller organizations. They are certainly supporting our civendustries here in austin. I think it will be

-- it's contemplated at the austin play house is that the new facility will in the partnership provide housing for artists, provide opportunities for the children's museum to use their space. They are going to provide opportunities for smaller organizations. To me, the description of what austin play house is doing sounds a lot like what troublemaker studios was doing in a different genre of the cultural arts in terms of fostering smaller businesses, providing economic development opportunities, expanding and supporting our commitment to the arts. So, thanks.

[09:18:19]

>> Thank you. Kevin johns, director of economic growth. The

-- the economic fund has different guidelines set up for private sector companies that are making

-- that are creating a certain number of jobs that have private sector investments and were able to run the local analysis. So it's not set up

-- the guidelines don't provide for funding nonprofit organizations. So unless the austin play house were to have a private sector instead of a 501-c-3 background, it wouldn't qualify. In addition, we have met four or five times now with austin play house trying to identify funds for them. We've looked at a number of resources including new market tax credits and private sector partners. We haven't found a fit but we'll continue to look for that. In terms of the economic fund, as sue edwards has said, it's a fund that was set up specifically to help companies like ebay

and the company that develops a strong job and tax base for the city. Used it successfully to recruit expansions, major expansions. So it's not the correct tool for a nonprofit organization that really is not in a position, i think, to create the kind of jobs. It's in a better position, i think, austin play house, to receive a grant and we would continue looking to help them find grant funds. We don't think that we have come to the conclusion of what we can fund yet.

[09:20:24]

>> Did we get one for troublemaker studios? It wasn't include in the backup.

>> No, for an incubator, just like the university of texas ink bay tors, it shall incubators, it's not the web loci on the company that's an issue. The university of texas incubators are selected and funded for the companies they create. So it's kind of a different animal.

>> Tovo: So the reason I was asking is that you said the economic reserves fund was used for companies for which you could do a webloci. I didn't remember getting one. And did troublemaker studios, did it meet the qualifications of 100 jobs or more or was that too different because it was an incubator?

>> We did run an analysis on the first film for troublemaker. If you recall, they're required to generate at least 100 jobs, 130 jobs per year from each of the films they make.

>> Tovo: I see.

>> So it does meet our requirements. The large number of nonprofit organizations that we have are such that we have to find a different way to fund them.

>> Tovo: Okay. So the basic criterion that's not been met is austin play house is a nonprofit and those funds are reserved for private enterprise.

>> They are a nonprofit so they don't meet the guidelines. In addition, the fund is set up for creating approximately 100 jobs or more. So the web loci is based upon that analysis. >>.

>> Tovo: Thank you.

>> Austin play house receives from the city \$70,000 out of the cultural arts funding.

[09:22:26]

>> Mayor Leffingwell: Did you want to make a suggested amendment? Recommended amendment? If not, we'll go to anyone else? Councilmember martinez?

>> Martinez: I have one item to add to the consideration list. I don't

-- well, I hope the council will consider it. But it is one of those items that probably no one has heard about. This is a program we funded that the council funded through the good neighbor program. It was a one-time grant for the overton group taking kids from east austin and putting them in a bilingual day care. So these are nonspanish speaking students that are at risk that are put into a full emersion spanish day care and just through the pilot program that's just ended, their testing scores

-- post testing scores increased in some cases by 45 to 48%. So a tremendous impact in the overall learning, not just spanish proficiency, but in all skills. And so they have asked for a one-time, \$50,000 additional grant to get them to the next

-- to get them to the next rfp process.

>> Mayor Leffingwell: If there's no objection, withe lay the main motion on the table. And councilmember martinez wants to make a motion to add an item to the list.

>> Martinez: That's correct.

>> Mayor Leffingwell: Is there a second for martinez's motion?

>> Morrison: Second.

>> Mayor Leffingwell: Second by councilmember morrison. Councilmember spelman?  
>> Spelman: Do we have any of the evaluation results available?  
>> Martinez: I don't have that available today. But, you know, I can try to get my staff to get ahold of them and get something before we take up deliberation on this.  
>> Spelman: Okay. How long has the overton group been working on this. How long has the day care been in operation?  
>> Martinez: This is a one-time pilot program that just started six months ago. It's just concluded.  
>> Spelman: The evaluation results are based on the first six months.  
[09:24:29]

>> Martinez: That's correct.  
>> Spelman: How many kids are in it?  
>> Martinez: 17 children, thereabouts. Not a huge class and a new nonprofit that, you know, we decided to fund as a one-time grant to see if it was something that would improve their testing outcomes in the end. So far, it's  
-- in the short six months, it's proven to be very effective. I simply committed to bringing this discussion to the council. And see if we can get consideration.  
>> Spelman: Last question. How much money do we put in to this six months ago.  
>> Martinez: It was only \$20,000. It was a small amount that was a one-time grant.  
>> Spelman: And the additional \$50,000 is necessary because  
--  
>> Martinez: They want to continue the program through the next  
-- through october 2014 so they can apply through the normal rfp process for social service contract funding.  
>> Spelman: A lot bigger than the \$20,000 you started with because it's going on for another year and a half.  
>> Martinez: Basically.  
>> Spelman: Gotcha.  
>> Mayor Leffingwell: The organization is again?  
>> Martinez: The overton group.  
>> Mayor Leffingwell: The motion is to add the overton group at a one-time cost of \$50,000. I'll be voting against this one also. Any further discussion. Councilmember tovo?  
>> Tovo: Since we fund them last year and this year's budget and we have holly funding under the health and human services budget, do you know if it would be eligible for that funding?  
>> Martinez: I don't know that.  
>> Tovo: I don't have a good sense of what programs we're currently funding under the youth  
-- holly youth programs that are specified in our  
-- in our budget.  
>> Martinez: I think we just adopted that in the last council meeting.  
>> Tovo: That was not funded through the holly funds. I know that because I asked the question whether or not it was being funded through the holly funds the answer I got back was that was being funded through the parks budget. So I know that is not  
-- so this year, we have some money in our health and human services budget designated at holly program funding and it was designed to support youth programs that had been funded under the good neighbor program but we wanted to continue supporting. But I don't know how much of

that money is been allocated. That might be an option. It's very important that we look at the kind of programs that we're funding outside of the community because there are a lot of requests and a lot of needs and one of the things that will help us make good decisions is the youth summit that's coming up. So as the day goes on, we might want to consider setting aside some money and making those decisions after the youth summit when we have a good sense of what is really critical in terms of funding out in the community and what are the best research-based programs and going forward, I hope that will have that kind of discussion about our youth program funding, because there are, you know, many programs out there and we want to be sure that our limited resources are going to support the most effective ones.

[09:27:46]

>> Mayor Leffingwell: Once again, I will say this one time because it will be all incluls -- inclusive. I'm going to vote against any last-minute study, conversation, research, whatever it is. So I'll be voting no on this one and any subsequent additions to the list that come out. So all in favor of councilmember martinez' motion to add \$50,000, one-timex pence to the overton group. Councilmember martinez.

>> Martinez: Just to add the overton group as a consideration.

>> Mayor Leffingwell: As a consideration, yes. We're talking about the list, not funding.

>> Martinez: Okay.

>> Mayor Leffingwell: Thanks for that clarification. So all in favor, say aye. Opposed, no? No -- so that passes on a vote to 6-1 just to add it to the list. With yours truly voting no. And so without objection, the main motion is back on the table.

>> Cole: Mayor?

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I would like to put on the list, the african-american cultural district. This is an item that's been around for sometime. It was created with the african-american quality of life as a recommendation. And what this will do is begin the process of helping the district with the up front fees and way finding in getting started in designating this area of town.

>> Mayor Leffingwell: You want to add to the list.

>> Cole: It's on the list.

>> Mayor Leffingwell: The main motion is back off of the table.

>> Cole: Withdraw my motion. It's on the list.

>> Mayor Leffingwell: All right, so the main motion is back on the table. Do we haveny proposed amendments to the list? Councilmember martinez?

[09:29:53]

>> Martinez: I would like to make a motion we add the forensic laboratory staffing that the police department and many of the judges in the cour system have asked us to fund because of the inordinate amount of backlogs and dna testing that are still waiting.

>> Mayor Leffingwell: Recommended amendment by councilmember martinez to add to staffing. Is there any objection to that? Councilmember morrison?

>> Morrison: The

-- do you object?

>> Mayor Leffingwell: No, i don't.

>> Morrison: But I would like to get clarification from staff about what we're talking about. I think it's on the list.

>> Mayor Leffingwell: It is on the list. We're not  
-- we're not  
-- we started with no items on the list.  
>> Morrison: Not just adding to the list.  
>> Mayor Leffingwell: Adding to the list we have before us.  
>> Morrison: I'm very confused about the motion.  
>> Mayor Leffingwell: Okay, in the previous cases where we were adding items that were not on the list, according to legal advice, we had to have a separate motion to do that. So we tabled the main motion, which has nothing in it at this point. And we acted on the motion to add this item to the list. Now, we went back to the main motion. All of these items were on the list. All of these that were on the printed list plus child inc. And the overton group. Those are added to the list. But they're not funded yet. So I  
-- I realize it's complicated. But what we're doing right now is we're taking all of the items that are on the original list or the two that had been added to the list, and we're taking amendments to consider those items for adding it to the main motion.  
>> Morrison: So to be clear the motion is to add the funding.  
>> Mayor Leffingwell: The motion is to add funding.  
[09:31:55]

>> Morrison: Thank you, that was my question.  
>> Mayor Leffingwell: Any objection to adding that?  
>> Spelman: Yes, mayor?  
>> Mayor Leffingwell: Councilmember spelman.  
>> Spelman: Maybe we'll have different printed lists. My list does not have apd forensic labs printed on it.  
>> Mayor Leffingwell: Mine does.  
>> Spelman: We added one today? Okay. Thank you.  
>> Mayor Leffingwell: So I take it there's no objection. That item is adopted as part as the  
-- okay, councilmember tovo? Do you object councilmember tovo? Councilmember tovo objects?  
>> Tovo: I have discussion on it.  
>> Mayor Leffingwell: Our procedure is that we  
--  
>> Tovo: I'll object and then so I can have a discussion so i can ask some questions. So I'm looking through the budget materials from last year. And looking at the unmet service demand, I notice under apd, the forensic position if there are the same ones noted on the unmet service demands are almost dead last in terms of the unmet needs. So I guess I need to understand the additions that were unidentified in the very end of the unmet needs why we're midway through the year and we're suddenly getting letters from judges saying the positions are critical. And then just to  
-- the lists i have, we have promotions, we're number, 15 was replacement for travel and training funds. 17, more training. AND NOT UNTIL WE GET TO THE 20s. That's right. 20s OUT OF  
-- OUT OF 32. But we get to the forensics positions. So that is a concern to me that we went through a budget cycle. These were not identified as high-priority items. Other items if we had been asked to make a decision

-- why did they rank so well on the list.  
[09:34:01]

>> That's a good question. It's a question we asked how did we get to that point. I think the short answer is that the staff and the forensic lab didn't have a good grasp of how far behind the management team there they were following. And so we are where we are right now in terms of the backlogs. And the need. We weren't apprised of the extent of the balance of the lab in the budget process last year.

>> Tovo: I appreciate that candid answer and I hope they'll stay on top of their needs and be able to manage, you know, give management some sense of how well they're doing so we can

-- we're not in a mid-year getting

-- I mean, it's a

-- it's a little uncomfortable to start getting letters from our judges to suggest

-- and we've got messages from our constituents suggesting we're not appropriately funding this area when we work with the best information we've got which is not very accurate on this point.

>> We have to take ownership in the police department in terms of giving the information. We were not provided with the sense of urgency in the budget process and that's something we're addressing internally going forward. I think we owe it to this body to give you the information in the budget system and to the city manager. I take full ownership to actually paint that picture. In 27 yearlings, I've never had the district judges send a letter and have the district attorney call us. I apologize on behalf of the police department for not pressing harder last year in the budget process. >>.

>> Tovo: Thank you, for that, chief.

>> Mayor Leffingwell: I also, myself, received a similar letter from the district attorney and the county attorney asking for this.

[09:36:02]

>> Tovo: Those are the letters that I was referring to. So on the unmet needs, there were various kinds of forensic technicians discussed. The money we're contemplating today, what sort of forensic technicians will be hired? Property crime technicians? Fingerprint technicians?

>> Three forensic chemists will be dealing with specifically the testing of drugs and blood evidence in criminal cases throughout the county. Or throughout the city.

>> Tovo: Those were 28. That was number 28 on the list. Ranked higher were fingerprint technicians, property crime technicians, but we're certain that it was the forensic chemists that were the highest priority?

>> That's the biggest need right now. The problem is we're going to start losing criminal cases and impacting criminal cases. It's the absolute

-- the truth is, the forensics area needs help and a lot of areas, but we have to prioritize and with the

-- with the criminal justice process being slowed down, the rules of justice being slowed down this, truly is our number one priority. The

-- the piece with the crime scene investigator, that slows down the intake into the criminal justice process. The problem with this is that these people already are in the process as defendants and we actually have to keep those cases moving or it's going to have a very negative impact.

>> Tovo: Sure.

>> It is having a negative impact.

>> Tovo: In the unmet services, it was noted there was one fte needed. We contemplate hiring three. Is that because of the backlog in the budget cycle or an inadequate assessment at budget time that was needed and now we're so far behind we need three.

>> It was an inadequate assessment at the time. And the other piece is that we try though keep the numbers as realistic as possible. Because if you ask for three, you know, chances are you're not going to get it anyway. So I think they're trying to keep it as realistic as possible. We move forward with what we told our staff is that when it was for assessment, we need to not worry about the decision or how it's going to play, we need to provide an honest assessment based on business need and provide the business justification to make those decisions.

[09:38:32]

>> If I might, just to underscore what the chief said. Let me put it in simple terms. We don't play games with the budget. I expect the department heads based on sound business rationale to ask for the resources that they need. Now, the budget at the end of the day is a dynamic document in the sense that we do things based on

-- make decisions based on the information we have at the time that we're going through the development process and making the recommendations. As council well knows, as we all know, things change over time. They change in the police department in terms of operational demands over time and that certainly was the case in terms of this forensic issue as well as other things that were on the unmet needs list. So even though when we look at it, it has a relative priority that they've given, certly not long after we adopt a budget for whatever reason not relative to apd or any department. Those circumstances can change and they can change significantly or for a relative short period of time.

>> Tovo: Now we need to understand if three are needed to clear the backlog or go back down to a lower number or if there are many cases in this point to meet that ongoing need.

>> To not have to be back again, we are confident that if we need the three to handle the workload that's being presented to the forensic lab moving forward. We're very confident that with those three, we won't be back any time in the near future asking you for more.

>> Tovo: How many are there currently?

>> There are eight forensic POSITIONS, FTEs, ONE IS Currently vacant. That person is now going through the hiring process. Six of the eight are funded by the city, one is funded by travis county. And one is funded by hayes county. The travis county position is doing 100% exclusively

-- 100% of travis county cases. The hayes count tip one right now through contract that you approved I believe last

-- for this current year, right now, we're getting a 60/40 benefits. We're actually benefitting from that position that's actually doing apd cases. But city funded is actually six positions.

[09:40:49]

>> Tovo: Okay, thanks.

>> Yes, ma'am.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Thanks, chief. To follow up on that, can you help us understand how you came to the number three? That that was going to

-- that that would be the right number to address the backlog?

>> That recommendation came from the forensic lab that looked at the total case work and the



average

-- the actual casework. The other piece we looked at was the overtime. They extended the overtime dollar. 40,000 a year they received from the city budget. And I don't know if the actual number for grant funding, but they're going to expend all of their overtime dollars between the city overtime dollars and the grant funding. So the other piece is that the

-- we're very concerned about always relying on our forensic scientists constantly working overtime because we didn't want the degradation of the actual quality of the work. If you look around what's happening to crime labs around the country, there have been a lot of issues around the nation in crime labs and part of that is not having scientists or having scientists work several hours that mistakes are made. We believe having additional positions will not only help us with the backlog, but it will help secure the quality and ensure the quality of the work being done as well.

>> Morrison: Can you

-- we received an e-mail from someone suggesting that there's an alternative to apd running a crime lab. That is to have an entity that apd, of course, helps support this independent that provides regional services. Have you contemplated that? Are you familiar with that model?

>> I'm not sure we have a crime lab

-- a private crime lab here. The only crime lab that I'm aware of that we use that is private is in dallas. Today the county, they're going to be a motion for \$75,000 to provide some overtime to help fund some immediate relief. The only crime lab that I'm aware of that we could use would be in dallas. It's nearby. The problem with that is that you may need complete control of the prioritizing of the

-- of the exam

-- of the testing and there's additional costs of bringing people down out of the city and so on and so forth. But some city, the city of houston, is moving away from running their own crime lab. When our crime lab is a crime lab that thus far, knock on wood, has been probably the best crime lab in the nation. You're talking about people's liberty and justice for the victims, I would rather have a crime lab where we completely controlled the quality of the personnel and the quality of the work being done.

[09:43:52]

>> Morrison: Okay, I know we have later in our agenda an item to look into the whole issue of the

-- the workload for the forensic work that's being done. But I think that would be

-- i certainly appreciate your points and it seems to me that if there are other cities, it would suggest that there's actually a recommendation for the national academy of science in 2009 that we'd look at independent entities

-- entities to do that. I would propose a motion on thursday that we investigate that. I'm going to support this motion on the table right now. We've got to do what we've got to do to get it done. But I think it would pay to think broadly about it. And you raise some very important points about if it were an independent entity. It would have to be an entity that doesn't exist right now because it can't depend on services out of dallas. But I imagine that the issues that you raised are issues that other cities and municipalities have grappled with in terms of how do you control quality and things like that. So I'll say I'm going to support the motion, but I'm going to be hoping that we can have a continued conversation about it. And let me say I see chief McDONALD BEHIND YOU. I would love to hear any comments that you might have, chief, if

you'd like to add in right now.

>> THANK YOU, michael MacDonald, deputy city manager. I think one of the things that i think the chief explained the situation very well. But one of the things I wanted to also inform council is that years ago prior to us having our own forensics lab, we primarily relied upon dps. And dps was providing that forensics for the entire region. So there were times, for example, even on murder cases where we had to wait ove six months to get information back in those investigations and then, of course, lesser cases took quite a bit longer. So the -- so the council at the time supported a recommendation that we came forward with when when he expanded the northeast substation to create our own forensics lab so we could have, you know, realtime response, particularly on some of the more serious crimes and so one of the things that I could simply have the police department do in the interim before we get to that discussion is to get some background information so council can better understand why we make the decisions we d to create our own forensics lab.

[09:46:26]

>> Morrison: That would be great. When did we create our own lab?

>> Gosh, I'd have to get this idea. But it was when we completed the northeast substation. I believe, it was probably somewhere in there. But it was over ten years ago.

>> Morrison: Okay, great. It just occurs

-- since we're now hayes is asking us to do their

-- their lab work and it looks like

-- and we're working for the county. So it looks like we do have a regional thing that's going. So it would pay to give creative thought to it. Thank you.

>> Thank you.

>> Spelman: Mayor?

>> Mayor Leffingwell: Councilmember spelman?

>> Spelman: I was going to say what councilmember

-- I was going to say martinez

-- martinez-son? Never mind. Given that we're taking all of travis count tip's cases

-- county's samples or just some of them?

>> The

-- we do travis county's work. And the problem is that this is not a problem just here in austin. Crime labs around the country are just slammed. There's backlogs all over the country. I'm proud to say that because we do control the work flow that i think we have a crime lab that's second to none.

>> Spelman: I'm prepared to believe we have an excellent crime lab. I know we have good people working there and we have good facilities. If we're doing travis county's, we're doing all of hayes county's work?

>> Hayes count

-- county does not have

-- we do whatever work they're sending our way through contract. And 65% of that is actually

-- positions being spent on our cases. So right now, it's

-- it's a positive for us in terms of that position being funded by hayes count tip.

>> Spelman: Two

-- you probably already thought this through. But I wanted to put it on the table, two good arguments for our continued to increase the number of people we have in the lab and increase the

number of places that we're drawing samples from. One of them is it's going to be a source of income. If we can do it as cheaply as the private sector can or gps can or provide better service to say you have to turn around your homicide samples in two weeks or one week or whatever the minimum is. I could imagine we're providing much better service because we're a lot closer to the customers. Second, it will even out the peaks and have a level so we're reliable on how many people we need, how many lab stations we're going to need, all of that stuff will be a lot smoother than if we have had a slightly larger operation and a small operation that can go up and down depending on the weather and a lot of things. Is this something in a we thought about as being a revenue center or an enterprise?

[09:49:16]

>> We can take a look at that. I'd have to look at and talk to staff but what is capacity in terms of being able to build

-- in terms of the equipment costs. You know, the more people you ask and the more samples you get, there's a process that goes in there. Sometimes it's 24 hours, sometimes it's 72 hours. I'm not a scientist.

>> Spelman: Sure.

>> But that's something that we can look at to see if we can actually grow the lab into a

-- an enterprise to get positions and we can get you an analysis on that.

>> Spelman: Now, another

-- another model for this in addition alongside our

-- our operating lab for a lot of surrounding jurisdictions might be some sort of a joint lab that we have with the joint intelligence center. That may be something we can consider doing too. It might be cheaper for us to have one place to do all of the lab work instead of roundrock and georgetown, and so on.

>> Councilmember, with the exception of the ones I mentioned rely on dps. They are

-- I think that they're

-- you might be speeding up the process by going through dps

>> Spelman: I understand. Going through dps. I remember the discussion we had years ago on the subject. I have another question on this. That is, based on where the money needs to come from. Now, I remember last year, you're \$1.4 million under budget on the course of the year, is that right?

>> I'm sorry, for what?

>> Spelman: At last year, fiscal year '12, apd was under budget. We gave you

-- we allocated \$1.4 million that you spent over \$12 million. Is that accurate?

>> Yes, it is accurate. Yes, sir.

>> Spelman: I don't remember where it is that the

-- the shortfalls in spending came, or the increases of the amount allocated, but if we were in the same position now, we may not need to allocate any further money. We'd just have to move some money around from places where you weren't using it as quickly to the forensic lab and not have to dip into the reserves to do that? .

[09:51:32]

>> Alan suter, or chief financial person. Hey, chief.

>> Yes, sir. We were under budget \$1.4 million. Most of it was from vacancies and salary savings. And it's a lot more different formula when we hire, budget for cadets and salary savings.

Depending on how often we have academies and how many cadets we put in them generates the salary savings. We do our best to try to come out at year end and meet all of the need. 1.4 million. We spent 99.4% of our budget. We're right on. It sounds like a lot of money, but it's not.

>> Spelman: I understand you spent the vast majority of the money allocated to you. I'm not chastising you in the slightest for coming in under budget. That's the last thin I want to do, ma'am.

>> That's the number one task i give her is not to go over budget.

>> I understand.

>> As far as this year, you know, we're mid year into the budget. So, you know, we've got -- i think two academies going right now. We're looking at starting another one in april. So to -- to tell you that i could absorb these costs, i would have to do something internally like delay positions in order to befidtent that we could come in.

>> Spelman: How is it, then, that we incur vacancy savings of \$1.4 million. What caused that to happen?

>> Just the

-- just the timing of when we had academies and how many people leave and when they leave. You know, you don't know when people are going to retire. They walk in and

--

>> Spelman: So more people retire than expected, more people come out of the academy than we thought they were going to, we didn't have to pay their salaries when they graduated, things like that.

>> True. We'll lose people in the academies. We put 40 people in the academy and graduate 32. [09:53:34]

>> There's not much wiggle room left in the budget. As you recall in the last few years we went up the budget by several million. Last year we went through all of the overtime dollars. I would be hesitant to say

-- when hurricane ike or hurricane katrina or one operation like that would probably have taken up all of that money.

>> Spelman: Not looking for fat, chief, just looking for foreseeable vacancy savings based on where your current academies are and retirements look like since we're midway through the year. Is there anything foreseeable? Ma'am?

>> We're not foreseeing having extra money, no. Not saying it's not going to happen. Because I'm going to do my best to come in at budget.

>> Spelman: I understand.

>> But it

--

>> Mayor Leffingwell: Let me just say, hold on. If we're going to get into this kind of in depth departmental budget discussion on every one of these items today, we're not going to get through this meeting. So I would respectfully request that we limit our discussion to the merits or review merits of the item at hand rather th to get into this departmental budget negotiations.

>> In this case

--

>> Spelman: Generally speaking, I think it's on target. But in this case given there was a short fall of \$1.4 million. Given the fact that the police department received more from the general fund than any other department, there's a possibility for there to be vacancy savings that, with

although not reported, had been realized or very likely to be realized in this case than any other -- anywhere on this list. And I wanted to explore that possibility before we went any further.

>> Every dollar that we come underneath, it doesn't go back to the police department, comes back to the city. I never want to come over budget. That's my number one commitment to you all when you give me that checkbook. I can

-- we can be like other police departments around the country towards the end of the year, they're burning through their money. We do not do that. And believe me if the goal is for the police department not to come in under budget, we can make that happen very easily. But I'd rather be safe so we don't come in over budget. One of the things that we

-- we don't have much left over. We pride ourselves as the department as coming in under budget every year.

[09:56:02]

>> Spelman: Chief, my mother worked for the veteran's administration for 20 years. In the end of the fiscal year, they spent money like water. I'm happy you're not in the position to do that. Thank you, sir.

>> Thank you.

>> Spelman:

>> Mayor Leffingwell: Okay a, so proposed amendment is up for a vote. If there's no more discussion, which is to add in the apd forensic lab staffing, \$26,000 one-time, \$155 recurring and 278 analyzed. All in favor, say aye. Aye. Opposed, no. That passes on a vote of 7-0. Other -- other proposed amendments? Councilmember riley?

>> Riley: Mayor, one of the items relates to planning and development restaffing. I would like to take that up if the council is agreeable to diving into that at this point?

>> Mayor Leffingwell: Yes.

>> Riley: Okay. I see mr. Durnby in the audience. Can you help us with the numbers. I can see on the list that the numbers that I see are one-time expense of \$118,000. Recurring expense of \$170,000. And analyzed expense in the out years of \$299,000. We've been talking about prms in pdr for sometime now. And I just wanted to get a better sense from you as to what -- what the funding of those levels would achieve in terms of getting us on track p TOWARDS CLEARING OUT THAT Backlog and getting the office and the kind of working order that it needs to be in.

>> If we were to benefit to having the additional positions, the senior reviews, these are -- you're doing more complex REVIEWS MAYBE WITH the McMansion area in the urban corridor where WE HAD MCCDs, THOSE COULD BE Reduced by 2.6 -- 2.6 months, and for january reviews, these are reviews where there's small additions, fences, remodels outside of the urban quarter. Those could be reduced by about 1.57 months down to be .82 months. So you would see reduction for 47 to 57% on the review section for the additional staff. The staff again aren't used just for reviews. What the position would be for the component intake. They weren't planners, they are customer services representative positions that are similar to other positions handling zoning intake and so there would be a more administrative type function so they don't need a higher level for the actual intake for the position. The senior planner positions that would exist in consultation where a customer comes in and we would move some of the positions such that we have more senior level staff that might be addressing someone on how to buy a house or how to comply with the McMansion regulation so in the front

end, we have better product coming in our door.  
[09:59:31]

>> Riley: Okay, so right now, we had a hard time hitting the targets that are drug that are set out in the code in terms of the timelines that applicants should expect for to be completed. Would funding at these levels

-- when

-- when the funding of these levels, when can we expect to be hitting those targets? In your memo, you indicated that we could have the backlog cleared in about four months for the

-- for the applications for senior level review and about 35 days

-- 35 days and 1.75 months. 1.75 months down to .82. And from four months down to about 2.26 months for the senior level reviews and that's dealing with just the backlog. I'm still doing temporary staffing and I'm still doing overtime staffing. Because they still have applications coming in. I'm just trying to say this is taking care of the backlog that we saw the number, 600 applications. So the benefit of having those two things going on simultaneously is

-- goes toward a quicker turnaround.

>> Riley: Okay, you understand the urgency of dealing with the backlog and getting the

-- the processes where they need to be. I know you've been working hard at that. I'm just trying to get a good sense from you as to whether these are the right numbers to get us there. Have you

-- can you tell us about the process you went through to land on these numbers. Are you comfortable that this is

-- this is the right level that would enable you to not only clear the backlog, but to put processes in place that would ensure that we

-- that we don't see this type of issue in the future?

>> I think it is. What I've done is taken the positions that I had which are more junior level planner, planners might be coming out of college that was assisting with these reviews that work with the hr department to get more senior level positions established. So the person that might be encountering has had experience in austin and other places. Two of the planners that we hired most recently are senior planners. One

-- one has the experience in building trades in austin. The other one I stole from another sister city in texas doing residential reviews. These aren't people that are coming off of the street not acquainted to doing review. I'm also prioritizing the type of applications that come in. So there are more senior level staff and getting more senior level reviews. We recently initiated last week or I should say about a week and a half ago the ability for someone to by signing a waiver to allow an application that still meets zoning requirements, the requirements not in the flood plain or building over pipeline to go to the process and I think we had 30 years or so that we've gone through this where they pass through and on the inspection side we're doing a review for certain things out in the field to make sure they are accurate and correct. I'm actually going through a process right now talking with my staff about additional improvements that we might have on the i.T. Side. Since our last meeting, I've had conversations or my staff has had conversations with ctm about bringing up some projects that would allow for more on-line payment or transactions that may be able to occur remote will from their computer without coming to my office and making a payment and going back out to the job site which is a loss of time for them and additional cost to the customer and not improving the quality at the same time.

[10:03:29]

>> Riley: I appreciate you looking at the processing improvements. We heard a number of suggestions from citizens about potential improvements. Are you  
-- are you in addition to talking with your own staff about measures that could be taken to make things work better there, are you also getting input from people who actually go through the process.

>> I have talked to a lot of people in the last couple of weeks about the process. And we stay in constant contact with the home builders' association and ra, which is a remodelers association. I've had a couple of individual meetings with people who have called me up and told me about the experiences that they've had with the process. Some of them complimented some of the things that we've done would be beneficial. My staff has already gone out on tuesday the 5th to the american institutes of architects and gave them a briefing of that accelerated process. And right now I'm working with hba, the home builders, and aia, the architects about tweaking some of the forms that we have. So if there's a concern about liability, we can move the concerns perhaps on the to builder so that process keeps operating smoothly

>> Riley: Okay. If you continue to put processing improves in place, it seems likely that they could ultimately have some impact on your staffing needs and your ongoing budgetary needs. How would you suggest we factor that in to the budget needs that we're considering at this point?

>> I think these positions, as i said before, would be helpful. There is a concern on the backside of this because as i move applications through a process and they get out, they go through the inspection realm. And so there's a memo that went out friday to all of you and so it

-- if in that

-- I actually speak to the additional inspector positions because the inspection is just as important as is the planned review portion of this. So there may be some other impacts that are in the future that certainly that I would like to

-- like council to consider in that regard. Applications are

-- are still up and all indications are I don't think that will slow this year. So I think this goes a long way, though, in the residential area like you did earlier last year for the commercial portion. This helps us out quite a bit.

[10:05:58]

>> Okay.

>> Riley: But now first of all, I wanted to thank greg and the other staff for all of their work on figuring out how to deal with the backlog and what we're going to do to get better processes in place going forward. I expect that conversation will be continuing. In fact, I know there's an item on this week's agenda that suggests looking at gathering some more information from pure cities. And so I have no doubt that we will need to adjust these numbers in the future. And we'll have ample opportunity to do that in the course of considering that the budget for the next fiscal year. But at this point, I want to go ahead and move to approve the budgeting levels suggested in my staff here that include the numbers that we mentioned for one-time incurring analyzed costs to get additional staff in place for funding and appointment review.

>> Mayor Leffingwell: Proposed amendment by councilmember riley to add in planning and review staffing, \$18,000 one time, \$170,000 recurring, \$299,000 analyzed. Is there any objection to that?

>> Tovo: I'm gng to have to object.

>> Mayor Leffingwell: Councilmember object. I'm going to support I want. But I'm going to object so i could ask the questions as I had to at the last one. Greg, I submitted to a couple of

questions to you that I hasn't gotten answers back yet. So maybe you know them here today.  
Senior level

-- and I submitted them just so my colleagues know back when when he got the memo on february 8

-- senior level reviewers, how many do you have now?

>> Pricing four senior level and four junior level. You know, some of those are in training because obviously you can

-- this is just adding some of the staff to them, just came to the city and joined with the department last month.

>> Tovo: And the funding that we're contemplating today would add how many and how many?  
[10:08:00]

>> Would add two customer service representatives, well, not planning positions, and two senior planning positions.

>> Tovo: Okay. And so what I wasn't able to do because I didn't have the number of junior level reviewers, the way you calculated the total number

-- the total hours to clear the backlog was moved a bit. Let's say it's 320 and they can do

-- I guess

-- I'm not going to be able to do this on the fly here. I'm going to need to take a minute and figure it out. But the number of days didn't seem to equate to

-- if you are to

-- if you're looking at the junior level reviewers who can do a plan in about 1 1/2 hours, I thought I had seen a stat that suggested how many they were doing per week and it didn't seem to equate to the fact that they can do two plans in three hours.

>> What I could do is go back and get you

-- get you some additional information on that. The portion of this request really does not have to do as much with the review function as segregating those activities of consultation review and actually intake. And so there would actually be more time for a reviewer to actually do the reviews if that same reviewer isn't doing consultation intake at the same time as it occurs today.

>> Tovo: It's clear from the numbers if that's the case. I'm wondering if you have four reviewers who can do a review in 1 1/2 hours, if the total number of hours required to clear the backlog is say 320, that would be 80 hours worth of, you know, if each of those employees to talk about 80 hours of reviews to clear the backlog, which is two work weeks. Not eight work weeks. I understand they have the duty to take intake and there's going to be little downtime. But still, if we have a future staff member, the future reviewer has 80 hours worth of reviews to do to clear the backlog, why

-- why is that 35 days instead of

--

[10:10:21]

>> kit be in their

-- it's part of the review, they also have to do data entry as part of that application. So I know that's one thing we're looking at the department right now to have the additional staff to lend the assistance to do the data entry as part of that review. So I'm reviewing the document, i come up with the documents, i have to incorporate that to our system to make sure that those comments get out so that it can be also a component of the that.



>> Tovo: Ay. I know that there's a resolution on thursday to look at other best practices. And I guess we had a discussion at our work session about whether it might be useful to have a consultant look at this. I guess I would say just looking at the numbers here, it would seem that there are real efficiencies to be gained if we've got about 320 hours worth of reviews, but they're going to take not ten days but seven weeks. So there's a lot more to the review process than is present in this chart. I have a couple other kinds of questions, but it looks like assistant city manager edwards has a point to it.

>> Assistant city manager. Here are a number of other things that the reviewers do. They have some training, they also have staff meetings. They answer the phone, and they respond to questions by individuals who are coming in. So it's a complex formula we went through to get that. But they're not doing eight hours a day for review. Probably doing about half of that is what they're doing. And we can get you the figures if you want. But that's what's included in there.

>> Thank you for that. I understand that from the discussion before that they each have, you know, the obligation to meet with customers for certain hours per day and whatnot. But again, I think the numbers that we see before us certainly point to the need for the system where the reviewers are in this backlog period focusing on the reviewing and if there are tasks that people can do for them in segregating them out. I have questions because we've gotten a lot of support for this item from members of the community. But if you asked all things being done efficiently as possible and even those for support

-- we got a thoughtful one yesterday saying I'm waiting for a permit, I have been for a long time. I support this budget item but I do support looking at whether there are some management issues that can improve efficiency or other kinds of efficiencies. So we're hearing a lot of support for this item but also questions about are things being done as efficiently as possible. I know you've got that on your mind.

[10:13:16]

>> Before you respond, I want to include in your response what other agencies, stakeholders, as well as bringing in outside expertise, if you can speak to that.

>> I will.

>> Craig mentioned he has looked at efficiencies. There have been a number of changes. We get seasonal positions, that allows the reviewers to review actually on those eight hours a day. So that's a huge efficiency in itself. The city manager is referring to a couple of other things that we are doing. We have a facilitator, one in march, one in april, and the purpose to gain all of the creative ideas about what they think the process might look like and how it might improve what we're doing. The second part of that would be prioritizing the efficiencies. The third part would be implementing them. Then after that, part of what we're going to do is have a much larger process where we have a group that helps us how to implement the processes and that would be with hopefully the larger agencies like rca and hba and chamber of commerce. So we're looking at a variety of opportunities to provide input to the process. So I think that by the time we get through, we'll see something that is somewhat different and certainly more efficient. One of the examples I can use right now that greg mentioned is just the permitting process. If we can do on-line permitting, right now, we can do 1,000 faxes a week in terms of permits. And that's because we don't have on-line permitting. And that's just one with escrow accounts. If somebody walks in and you have 75 permits that you can get that day as one individual and you have 40 people waiting for permits, that backlog is going to be cleared out in no time at all with electronic permitting. We've been talking about efficiencies that we need as

a city in terms of on-line plan review and the permitting and some smaller things that we're doing that we can talk about later.

[10:15:47]

>> I appreciate that. I just want to

-- I'm sure that this is all part of the discussion that you're having internally. In looking at some early periods it seems to me there are other spikes that we have a lot of development coming in and some very

-- some new code changes and things that we're requiring reviewers to

-- to learn

-- learn new information and apply it to work with developers and others out in the community to make sure they understood it as well. And it seems to me it would be valuable to go back to some of those periods of time and see how staff handled the backlog in those periods and whether there are any applicable strategies you might use and some of those suggested was 2006 where the McMANSION ORDINANCE TOOK EFFECT. I believe it was a high number of applications that year. Some of the times were challenging that we might be able to learn from in terms of clearing the backlog. So I guess I would also like to suggest that one

-- again, this may be something you're already working with the staff to do is making sure you move forward and get input from your stakeholders that we're taking too much to get input from staff about what their ideas are for this. And this is a

-- this is an awkward point, but I feel I need to raise it because I know our constituents are raising it in some of the e-mails that I've received. It was a very high number of people who left at once

-- six out of eight reviewers or something out of course of the year. I would just say I hope exit interviews were conducted. My idea of what some of the reasons were. Some may have left to go to private practice and others. That would be an area of exploration that I hope you and the other management are doing to see if there are things there we might learn so we don't experience that situation again in the future.

>> Again, council. I think it would aid us in our goal to finish this today if we don't get into the in depth departmental procedures and working rules and management prerogatives or whatever on each one of these items. City manager?

[10:17:59]

>> Tovo: I appreciate that, mayor. But I just say I feel like when we did make an expenditure and it's clearly warranted on the kinds of concerns we've heard from the public and the staff themselves about how overwhelmed they are and they need additional resources but I do feel that when we are hearing some concerns from the public that these are other items that they would like addressed, I feel it's my obligation to assure they're being addressed.

>> Mayor Leffingwell: I agree. There's a proper time and place for doing that.

>> Tovo: Sure, thanks. For me the proper time is for before I vote to make an expenditure on additional resources. I wanted to air those thoughts. Know that the director is working hard with his staff to figure out what the strategies are. And I'm appreciative of those and offer the additional consideration but I'm sure they crossed your mind already.

>> Councilmember, part of the reason why I work with the hr department to increase the level of positions is because frankly our competition, software company because of the reasons that's our job. Frankly we didn't offer enough money.

>> Mayor Leffingwell: The city manager wants to make a comment.

>> I want to clarify and say there's no deliberate decision on our part, on your part to eliminate positions with people and we can't control and people choose to go to other places. In the course of the period of economic decline as council well knows, we did eliminate a number of vacant positions throughout the organization and that may well have included greg's shop. But during that same period, greg, as you'll recall, we added a number of positions and i don't know whether that was 2009 and 2010. I came to you with a specific question about what your needs were and you told me. And while we didn't do everything, it did result in -- in giving you a number of additional positions to assist with this very issue so long. Is that correct?

[10:20:17]

>> Two positions in june. And I think part of that had to do with there's a company called iso that does casualty and property insurance. It's basically to ensure that homeowner insurance policies do not go up in austin where they asked to conduct a review that many cities in texas already do look at framing, roof, and foundation. And that actually was recently added to what we do in addition to what we do for those types of governing things. We do expired permits in making sure that the homeowner is up to date and expired permits. The buildings are safe and the city's liability in the future would be reduced and that's also taking place I think it started in 2007 and 2008. So those are the things that my staff does since 2006 that have changed.

>> Tovo: Thanks for that. I want to say again I appreciate all your work. It sounds like a challenging time. I appreciate all of your staff. Because I know they're working very hard to get on top of the conversation.

>> Cole: I have one more comment.

>> Mayor Leffingwell: Mayor pro tem?

>> Cole: Greg, back in may of 2012, I was the lead sponsor along with their mayor leffingwell and chris riley in an effort to end bottleneck relief and look at best practices in that we had the basic crisis on our hands. Now the only concern now, has everybody has complimented you on coming forward with a plan is why did that take so long?

>> I think we were looking at

-- in may, we were looking at a lot of commercial issues, more of them residential at the time.

One of the measures I have for turning around permits looks at the number of permits in the process in the timely manner. We've done a good job at taking care of the volume builders, those companies that build in larger subdivisions and our measurement numbers skewed for residential. It doesn't look at the underlying person who is doing custom build or additions. The main driving number is the new construction. But I think we have come a long way for commercial

-- I had compliments and some of the projects you see that are coming in have come down much quicker as far as residential is concerned. We have

-- I've had staff go to san antonio and talk to some of the surrounding cities about what they're doing, what their processes are. To try to assist us in improving our process. And so some of the things

--

[10:23:00]

>> Cole: I want to make sure you know we mean it for this time, both commercial and residential. I think you know that.

>> I understand. I heard you loud and clear the last time we met.

>> Mayor Leffingwell: He did.

>> I wanted to clarify that commercial review is totally separate from residential review and the crisis we had at the time was in commercial review. And I would say that greg did an excellent job in correcting the commercial review and now we're seeing residential coming back and that's the second part of that. That you're seeing right now.

>> Cole: We're proud of greg.

>> Morrison: I want to make sure we manage expectation with this action that I fully intend to support. Because we have four month backlog with the senior reviews. And if we do this, your estimate is that we reduce the backlog to two months, approximately, something like that. What does that mean for somebody who brings in a permit application today? If we fund this, when do we think the permit will be through processing.

>> This is not the only thing I'm doing.

>> Morrison: We understand. It's a holistic issue.

>> There's discussion on my staff of adding additional days of overtime where it's more organized where we have some of the lead reviewers and senior get together with more junior staff and organize an event on Saturdays or in the evening where we would go in and do the reviews and try to clear part of the backlog out. This portion is really important really for the long term for Austin and in processing applications because the way I'm set up right now, the one reviewer does consultation, situation, and review. By implementing this change, I can be more efficient in bringing in the applications and allowing the application to be submitted in a timely manner throughout the week rather than on certain days that the consultation is of a higher quality, hopefully resulting in a higher quality product coming in so there's less time spent by a reviewer. This helps with that portion. The other things that I'm doing with utilizing overtime for the reviews, some of the things we're working with CTM will help reduce that even more. So every other week I'm providing you an update. As I think you've seen in the last one, there's been a measured improvement even in the last time I spoke with you. I'm aware that 30 folks have gone through the process to fast track those people through, but those people that are behind that are Jane and Joe homeowner that are doing the editions themselves, those get moved up.

[10:27:33]

>> But that has a direct effect on someone who submitted, because they move up quicker because I'm already moving people off.

>> Because they moved out of the line. Okay. So

-- and then, I guess, another part of it is how quickly are they going to be able to get these new positions filled and trained, and two will be intake, so it will take minimal training. For the two senior planners, I gather you hope to connect 57600 that right now. I know when I enclosed my own back porch many years ago, which was 2006, I waited 45 minutes, and that was at a time when we weren't experiencing as much as we are now and

--

[10:29:44]

>> that's because we have burn person take

-- person taking money?

>> No, we actually have several people. But the number of faxes coming in that the permit section handles, there is only a couple hundred several years ago but now we're averaging around a thousand. As requests come in, I have staff that accept things by fax that they have to process that we go through escrow accounts. I also have people showing up at my doorstep that needs to be assisted. So it's not an exaggerated. One person comes in and will make five, ten, twenty different permit requests at that same time. So my permit center is a meet with the customer. They might not be just dealing with one permit, you're out the door, they might be dealing with 20, 30, 15 permit applications at the same time they're trying to pick out.

>> Morrison: And you're saying that's when the money comes in the door?

>> That's when the money comes in the door. If I could figure out how to do that through a separate process, if they come in my door except pick up a piece of paper where they could print that at home, that would be ideal.

>> Morrison: I thought some were coming down to make a payment for something already processed.

>> That's correct. That's part of the escrow we're talking about. If they can do that all online, we wouldn't have it on the doorstep at all. All.

>> Morrison: Seems like the opportunity to dedicate someone to take funds. I appreciate you thinking about that.

>> Mayor Leffingwell: Council member Spelman.

>> Spelman: If we fund about \$200,000 through your department to hire two intake and two consultation people, you will be able to reduce your times to 57% and reduce your backlog.

>> That's correct.

>> Spelman: Will we then have the effect of moving the backlog further down in the construction cycle?

>> As I said before, there is an inspection portion to this story as well. If I get them out the door and they start construction, right now my inspections are 89% on time. So if any customer calls for an inspection today, there is an 89% chance on the residential side they will be inspected tomorrow. I try to do 95% and the reason is so I don't get false calls for inspections that comes in. Somebody says, I call in today, I'll definitely get someone in the day before, I want to do it just in time for this, so that's why, in your memo that I distributed last week, there was a reference to the inspection portion of this story.

[10:32:27]

>> Okay. And remind me because I don't know have the memo in front of me. What's your response on the inspection side of the story?

>> The inspection portion of that story

-- and let me just call it my memo

-- has to do with additional staff. There would actually be five inspectors and one manager over those inspection areas. It's a sizable more amount of money. It's about \$496,000 that would be associated because they have vehicles, computer equipment. They actually work from their vehicles, but these folks would take care of the inspections that are out in the field that occur after the permit's already issued. So they would look at mechanical, plumbing, electrical, building as well, and they may do more than one review on a particular site, depending on the complexity of the job.

>> Spelman: At what point will we need more inspectors than managers.

>> When that comes up, I would put that in my needs and that would eventually photo mark and

reviewed by him and for presentation possibly.

>> Spelman: Would we be in a position to verify by the time we get into the next budget cycle -- say June, July this year

-- that, in fact, your expectation of a need for additional inspectors is warranted and we really do need them?

>> Yes, I can provide that information to you certainly that time and probably beforehand as the backlog is reduced and more permits are going out.

>> So we've choked off the tube in the front end now because it takes a long time to get the permits. If we back off, that's giving us a trickle downstream, and, so, we're able to keep up on inspections. If we back off on choking and more stuff comes through, we'll get choked off on inspections downstream, but it will be 2-4 months before we see that effect?

[10:34:33]

>> Once we start issuing the permits or the ones going through the more accelerated process, those folks will actually start construction, I assume, as soon as they get their permit. So that might be hitting me quicker than 3 or 4 months. It might be two months out you will start seeing a little increase in inspections. I already have an increase in inspections because of the work loads out.

>> Spelman: Sure, I understand that. I'll just ask you, you've documented a lot of things you and your staff have been talking about the process for permit issuance. Have similar things been happening on the inspection side?

>> Yes, on special, for instance, if you recall, we had some inspectors we've hired for that, I think on the residential side. If it starts to increase, I'll be doing temporary inspectors to add them to this as well. Right now, overall inspections, I think, are up about 27% from what they were last year. The last number they have, they were 54,000 inspections, including residential and commercial, and right now we're at about 68,400 inspections. So that's about 27% increase of work that goes out for residential and commercial.

>> That is with some artificially limited number of inspections because the permits have been slow to be issued.

>> For the residential side? I've included commercial and residential to a breakout on that level.

>> Spelman: There is no way of identifying what's likely to happen once we start issuing permits?

>> No, but I can probably give you a better idea in the biweekly report. If I see the trend, I'll let you know.

>> Spelman: I'd like to see it, thank you.

>> Mayor Leffingwell: Those in favor of the amendment for planning and development review, staffing and the numbers that are on our sheet here say aye. Opposed say no. Passes on a vote of 7-0. So, ed, right now, I have basically three items. Forensic lab planning and development review with

-- or a vision of a one-time source down to 7.5, allocating 4 million of that for future tax relief. Is that in accord with what you've got there?

[10:37:05]

>> I don't believe this tax relief item had been voted on yet. It was voted on added to the list.

>> Mayor Leffingwell: You're correct. Okay. Then I'd like to propose that we add the \$4 million tax relief to list of approved items.

>> I second.

>> Mayor Leffingwell: Is there any objection to that? Objections heard. So council member spelman.

>> Spelman: Mayor, the elephant in the living room or the biggest thing on this list, of course, has been affordable housing. I think maybe we could take up the \$4 million or whatever the number is for property tax relief after we've taken up affordable housing. Housing.

>> Mayor Leffingwell: The mayor pro tem, if she wants to withdraw her amendment.

>> Cole: I withdraw.

>> Mayor Leffingwell: It's withdrawn. Council member tovo.

>> Tovo: I was going to yield to council member spelman if he wants to make a

--

>> Mayor Leffingwell: I withdraw it for the time being.

>> Spelman: I would like to propose we take up the issue of affordable housing. Rather than a specific number, obviously, since council member tovo has a numbers mind and would like to take the ball forward, feel free.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: I would like to propose we add affordable housing in the amount of \$10.8 million to our mid-year funding needs. This is, I think, very much a one-time fund. You know, so far, we've voted on several things that are actually recurring expense. So as we think about the impact on taxpayers, those recurring items will have an impact into the future. The additional staff were proposing to adding to planning and review, the additional staff to forensic lab. This, though, is contemplated as a one-time expense and I think, as such, it fits right into our goals of how we use our one-time funds in our reserve funds.

[10:39:16]

>> Mayor Leffingwell: Proposed amendment by council member to tovo. I'll object because, if we approve affordable housing in the amount of \$10.8 million, we just physically can't approve the \$4 million in tax relief. So I object. And I will say that, if the proposed amendment were to include funds for affordable housing in the amount of \$4.6 million, which is the number given to us last week by betsy spencer, that would adequately fund two of the half dozen or so proposals that are on our agenda for this thursday for approval, and based on her statement that it's very, very, very unlikely that more than two of those would be proposed and the two most expensive add up to a little bit less than \$4.6 million, that would fit in with the \$4 million proposal by mayor pro tem to

-- for property tax reduction, whereas the 10.8 would not. So I would support 4.6. Should the motion for 10.8 not pass, which I'm not really betting the farm on that, I would propose the 4.6. Well, we're not seconding, we're just proposing amendments and voting. If anybody objects, we vote. And I've already objected. Council member tovo.

>> Tovo: I would like to ask if our housing staff would walk us through again, if they're willing to, what that \$10.8 million would fund. And I appreciate your support for the 4.8 or 4.6

--

>> Mayor Leffingwell: 4.6.

>> Tovo:

-- Because I think it's critical we fund our tax projects, they have potential in our community to leverage state resources and private fundraising and create lots of jobs. But our other programs that our housing department funds are critical, too, and that is how we got from 4.6 to 10.8. So if you

wouldn't mind walking us through what the other components are.

[10:41:33]

>> I'll do my best. Director neighborhood housing. Mayor, you are correct. The 4.6 is the amount requested to fund the up to two tax credit projects this year. The additional funds

--

>> Mayor Leffingwell: The two most expensive, correct?

>> That's correct.

>> Mayor Leffingwell: Might not be that much.

>> Very correct. We won't know, though, till later in the year what that could be, but that is the most

-- our conservative request is because it's the most expensive. So the other additional funds historically, we have spent between 12 million and \$14 million a year for the last five to six years on affordable housing that generally splits out about 70% parenting housing activities, 30% home ownership, or acquisition and development activities, so the \$10.8 million is roughly a little over \$7 million for rental housing activities as a whole. 4.6, 4.5 million for the tax credit projects, the additional roughly \$3 million would fund other rental housing development activities that have not applied for the 9% tax credit around this year. And then the \$3 million, roughly, of the 10.8 is for homeownership or home owner activities which is the go repair program which is basically a preservation program that keeps seniors in their home for roughly \$5,000 to \$10,000 per unit, we are able to keep seniors in their home longer by doing minor repairs. We also fund other home ownership activities, acquisition of land, infrastructure expense, down payment assistance and construction assistance for home ownership activities for low income families. Does that answer your question?

>> Tovo: It does. I'm glad you highlighted some of those programs because when we think about how we spend our affordable housing dollars in the city, preservation isn't always what people have in their heads. In addition to creating new affordable housing in the community, I think it's important to do programs like the one you're designing which is to help long-time residents of the community stay in their homes at a time when property taxes are increasing and the city is becoming increasingly expensive and the \$5,000 or \$10,000 at lets them stay in their home really helps us preserve the kind of diversity in the community I think all of us are committed to. With regard to the gap financing for other rental housing opportunities, and that is estimated at \$3 million, are those in the form of loans or outright financial support?

[10:44:25]

>> They are typically structured as a loan. Many are deferred forgivable, so as long as the property continues to provide affordable housing, they don't necessarily have to pay us back right away, but there is a lean on the property, and should there be a transfer of title, then the city would get the money back. So often to provide opportunities for folks that at very low income, we offer assistance in the form of a forgivable loan, so as long as they're achieving the mission, they don't have to pay back till title transfers.

>> Tovo: And the homeownership activities you talked about, do you have a sense of how many individuals in our community are able to participate in the downpayment assistance? Or just kind of a range? Are we talking under 100 100- more than 100?

>> We provide down payment assistance through our department. Habitat for humanity has down payment assistance. Through the g.O. Bonds in the last five or six years, the overall



contribution to homeownership has been about 600 units.

>> Tovo: So this is support for low-income residents who are at a point and are able financially to invest in a home. The city provides them with down payment assistance, and then the city benefits because those residents then pay property taxes.

>> Absolutely.

>> Tovo: So it's a good investment, I would say, for the city. So I would just argue all of these programs are really important and critical and very much part of the mission that, as a council, we adopt it and that earlier councils have adopted. The only other thing I wanted to talk briefly about, we've referred to it a few times. In the last budget cycle, some of the housing trust fund set up to provide affordable housing, the creation and preservation of reasonably-priced housing as described in the ordinance. The housing trust fund, a portion of that was allocated to salaries. It was proposed at 570- but i don't have the final figure on how much was moved into a salary

--

[10:46:54]

>> if I recall, council member spelman split the baby and cut that in half.

>> Tovo: So 270,000-ish is now going to salaries rather than development and creation of affordable housing. Okay. And, you know, we've had work that the staff has done in terms of looking at the housing trust fund to determine how the funding has come in, how the funding has gone into it over the years and out of it. I don't have a clear picture yet how much of the commitment

-- when the housing trust fund was set up, there is a commitment to move \$3 million per year from the general fund into the housing trust fund, \$1 million which would be kept as an endowment. But to my knowledge, that 3 million per year has not been maintained. I looked at my colleagues just to make sure I'm understanding that correctly.

>> Is that a question for me?

>> Tovo: Yeah, am i understanding that correctly? I know we have been lately talking about it as a \$1 million per year commitment that the council made. But in looking at the ordinance, it actually said \$3 million of general fund revenues, \$1 million of which should be reserved as the endowment. That's my memory of it. Am I correct? I know I have it in my stack. I guess the point here is the council made a exhibit to use general fund moneys for the affordable housing trust fund, the point of which was to create and preserve reasonably-priced housing here in our community. So I think since the council

-- you know, we've not been able to do that through the budget cycle, I think it's completely appropriate that we now

-- we're looking at very significant gaps in the programs and in the need to support seniors who need to stay in their homes, the creation of affordable housing. We've got a lot of great entities in the community who are able to work on these and leverage our dollars and a great return on our investment. I'll conclude because I know others have questions, but i believe we need to fund this appropriately at the full 10.8- level as a one-time expenditure.

[10:49:15]

>> Cole: I have a question.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: You say we spend between 10 and 14 in affordable housing. From the 2006 bond, can you tell me how much we spent?

>> We have committed the entire 55 million.

>> Cole: So annually did we spend about 10 million from the bond funds we issued?

>> The straight math on that would be about 9 million. There were some years higher than others. When you add in our expend expenditures for our home funds, trust funds, that's when we get close to the 10 million to 14 million a year annually.

>> Cole: So the 10.8 we're considering spending, how much of that would ordinarily be coming from affordable housing bonds?

>> Roughly about 9 million.

>> C mayor, I know affordable housing goes to help seniors, women and children and veterans and is sorely, sorely needed, but I am extremely concerned if we approve the full amount of this funding for affordable housing after we have, regrettably, received not approval

-- that we did not receive approval from the voters that we risk a backlash, and i think the appropriate action for us to take is to go to the voters again and explain the necessity of the funds and what we actually do with them and the fact that we leverage them for this amount. So I will support the 4.6 million that you have suggested for us to be able to get the housing tax credit of potentially 30 million, but i cannot support the entire 10 million.

>> Mayor Leffingwell: And i would just point out, ed, this is really literally back of the napkin calculations, but if we were to approve the 10,800,000, that would leave us with a balance on the one-time recurring 656,000, and we still have, on this list, more than 800,000 left remaining to consider. Which, if we approved all of these, we would be well over

-- no, I'm not even counting the 557- and the 50-. We would be 1.5 million over, considering the rest of the items on there, approximately.

[10:51:49]

>> That is correct. Assuming you also take into account the \$4 million of the property tax relief item, it's significantly over the amount

--

>> Mayor Leffingwell: Yeah, that's definitely out the window. But just the items that are on the list that

-- yeah, you're right. So it would be \$5.5 million over.

>> Just the items on the list, not including the property tax item, you would be over by 1.4 million on the recurring dollars.

>> And add 4 million to that, you're close to 5 million.

>> That's correct.

>> Spelman: Mayor.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: Let me get out my scalpel and find some middle point between 4.6 and 10.8. The 4.6 comes from taking the maximum number do

-- the maximum funding we can get tax credit funding for, the list of projects seeking low-income housing tax credits, right?

>> Yes, sir.

>> Spelman: The maximum is defined by 4800 berkman and homestead apartments, the two asking for the maximum funding requests?

>> That's correct.

>> Spelman: We add them and get 4,510,000, not 4.6. So 100,000 bucks.

>> Mayor Leffingwell: Didn't want to be 10,000 short by saying 4.5.

>> I'm willing to round to the nearest hundred thousand, so we're talking 4.5 and a little bit more. Let me tell you what it is that I've actually categorized the affordable housing other than that -- back up. 4.5 for the low income tax credits, based on they get funding. The chances the two get funding are pretty low based on the scoring on what it looks like for all the tax credits funded from the state.

[10:53:57]

>> At this time, but they have not added in the points for the local contribution.

>> So could be pflugerville, travis county haven't poned idea up dough

-- ponied up dough. The reality check from you, the most likely case is one city of austin project gets funded. The least likely is two city of austin projects get funded and most likely no city of austin projects get funded. Is that right, from your point of view?

>> I feel very confident about one. I feel relatively confident about two. And, yes, it's always possible nothing happens.

>> Spelman: So could be reversing the 1 and 2. 1 is the most likely case. Okay. And if one gets funded, that means roughly half of the \$4.5 million will not be spent. If two are funded, some portion of the 4.5 might be spent, depending on whether the more expensive or cheaper projects. So probably some of the money might be go back into the reserve fund

-- might be \$2 million, \$4 million, \$100,000, we're just not sure where we are yet.

>> Right.

>> Spelman: Okay. I don't propose to change that \$4.51 million at all, but I do want it to be on the table that the most likely case is a couple million of that will be returned to reserves and, therefore, be available for subsequent property tax relief at some future date. Even if we cannot identify it as such right now. Of the other 7 million or so, approximately 3 million, you're talking about, for filling rental gaps and another 3 million for homeownership, and that's consistent with the way we've done things in the past, i would suggest that if we have an expectation of having \$9 million, \$10 million a year off of general obligation bonds to be spent, that that's a very reasonable thing for us to be doing. But since we have no such expectation at this point, since we did not pass a bond package and we're just trying to cobble together whatever we can, that in a current situation, it makes more sense to spend a much larger percentage of that on rental properties, which are almost always going for people who are of lower income and closer to the margin than for homeownership, and that homeownership could take a back seat for the year for the next couple of years until we've actually cobbled together a steady stream of funding, for example, from the housing trust fund or some subsequent bond package. What would be the ramifications of dialing back

-- well, let me say one more thing. It's my understanding that the bang for the buck we get out of the home repair programs is extremely high. We get a lot of units, we have a lot of people closer to the margin who are able to stay in homes, and it's a lot cheaper to repair houses that are in disrepair than to put people in new houses. It's also my understanding the bang for the buck as opposed to putting people under new roofs is lower for other homeownership programs by and large, and the other homeownership programs are aimed at people who are 70, 80, 90% median family income. If I'm wrong about that, that's what I'm asking.

[10:57:30]

>> Habitat for humanity is an example. The primary population of folks they work with is between 30% and 40% income. A huge bang for your buck when it comes to volunteer

contributions in that program and that's how they help folks at a much lower income to become homeowners.

>> Spelman: If I were interested in focusing scarce resources on people of 50% MSI or less and I did not want to spend as much as 10.8, I wanted to lose a million dollars or two out of that group, where might I find the couple million? Because I knew that money is likely to be spent on people greater than 50% median value income.

>> The majority of the folks are at 50% and below. We have core values. So you get more points when you apply to our program. If you're serving folks at 30 or 50% below.

>> Spelman: Right.

>> So across the board, the vast majority of unit we're subsidizing are for folks at very low income. I appreciate your question. I'm trying to figure out where that would be. It's what we're currently financing right now most often benefits folks that are very low income, and that subsidy that's required to be able to make it affordable for folks. My initial reaction is maybe a half million for each one, if you're looking for a million dollars, a half out of a half million

-- now we're horse trading

-- a half million out of a and a half million out of home rental.

[10:59:43]

>> What's the maximum amount we could reasonably spend a home repair? About 1.5 million a year historically. We have five organizations that ramped up and working effectively at that program. I certainly have the capacity to spend that much, maybe a little more.

>> I'm happy with the 1.5 million per year. It's the right demographic and we're providing value at a very reasonable cost to the taxpayers. We also have some projects that are already in the pipeline that have a funding gap and are not able to break ground till they have more money. Those are mostly rental programs or are those homeownership programs?

>> Mostly rental but one or two are currently homeownership.

>> How much money are involved in the rental programs which have a funding gap?

>> Rental about 2.5 million.

>> Okay.

>> Homeownership about about 1 million. That's just gap for existing projects that are already in the pipeline. That's not new applications.

>> Spelman: Okay. And what, roughly, would be the consequences of not meeting that funding gap for the \$1 million for homeownership programs that are in the pipeline?

>> A potentially stalled project.

>> How many units are we talking about?

>> I believe that project has between 60 and 80 units, but let me see

-- hold on. I don't want to lie to you, sir.

>> I'm trying to get the most units to support the poorest people at the least cost.

>> Understood.

>> Mayor Leffingwell: Can I make a suggestion while we're in the midst of this horse trading process and trying to figure out, it also, coincidentally, is lunch testimony, we could take a brief, 30-minute recess and, in that time, have time to work out your numbers and we could come back.

>> Spelman: Suits me.

>> Mayor Leffingwell: All right. So get your sharp pencil out and we'll table this until after recess. Thank you. Q. We're out of recess and we've had one speaker signed up. Tom Wall. Tom,

if you want to come down, you have three minutes.

[11:02:16]

>> Mayor Leffingwell:

>> Most of you are here. I wanted speak on the budget item for providing security for the 24-hour access to the trails. A couple things I want to point out. I mean, as representative of bike austin, I'm definitely in support of opening up the trails for 24-hour access. This pilot program will help provide information on opening up other trails for transportation access as well. What this does is it allows any individual person who is commuting late at night to make the choice whether they want be riding on the street or on the trail balancing different risks. When riding on the street there's obviously fast-moving cars and a lot of those are driving intoxicated and impaired in other ways so for some people the choice is ride on the trails which happens currently already but they do it illegally. The other thing I want to point out, I've been talking with councilmember chris riley and the police chief and we're working on finding something that can be a more affordable option. And that option is to just for the meantime allow just bicycle access for transportation during the overnight periods and we're fully in support of that with the long-term we can open it for for the future. I realize this is a considerable expense to add the additional security for the trails at night, but i want to highlight that what's happening here is we're drawing out one expense just for the trails and saying, well, that's an extra expense for biking and that's an extra expense for walking. Whereas we need to know throughout our city there are a lot of other externalized costs. When I say externalized costs, we provide traffic management, we provide accident and collision scene investigation for motor vehicle traffic and all traffic at all times and that's at considerable expense to the city, e.M.S. Response and so on and so forth. If we look at those costs, which are usually in the tens of millions if not much more, then that helps to put in the context of adding a few hundred thousand dollars for the cost of monitoring the trails at night. So thank you for your time.

[11:04:43]

>> Mayor Leffingwell: Okay. We were discussing the affordable housing item, which on the table right now is proposed by councilmember tovo at \$10.8 million so we can take that item up. Councilmember spelman.

>> Spelman: I was discussing with the director of acd if there was a way of meeting our most important objectives for less money and the most important objectives are the tax credit, we meet the tax credit obligations, that we fund shovel ready projects and fund those projects for the low-income folks.

>> Let me tell you what i did in the last 30 minutes. And one of your challenges was what -- what if we got to \$9 million. So going based on historical math, and we normally do 70% rental housing, that would put us \$6.3 million for rental housing. We've already I think agreed 4.5 million for the tax credit projects. If successful, that would garner us up to 300 units of affordable housing for very low-income folks at roughly \$15,000 per unit contribution or investment on the city's part. That leaves a balance of roughly 1.8 million for other shovel ready projects. We currently have three projects that total about 170 units that are all what I consider shovel ready. So the challenges we normally spend an average \$23,000 per unit investment. Some are much higher when we're looking at things like investing in permanent supportive housing. If we do the straight math on the 1.8, 23,000 per unit would give us about 78 units. Or if we wanted to

-- if we wanted to invest in all 170 units that would be more like an investment of roughly 10.5  
-- I'm sorry, 10,500 per unit. I only tell you that so it's either we invest less per unit which  
sometimes just stalls the project, it means none can go forward because it's not what they need,  
or we would make a conscious choice to invest in fewer units. But that's  
-- so possibly potentially we could get somewhere between 375 and 470 units out of the 6.3  
million.

[11:07:14]

>> Spelman: Let me make sure I understand the math. 300 units for the

-- up to 300 units for the tax credit projects.

>> Correct.

>> Spelman: That leaves 1.8 if we kept that 70/30 split.

>> Correct.

>> Spelman: And the 1.8 could go for as many as 78 units if we backed off on the

-- the full shovel ready projects at full buildout. Approximately 3.6 million, together like that?

>> Yes.

>> Spelman: What's the other 3 million. 2.7 for the homeownership or activity for homeowners.

My recommendation would be 1.1 million for go repair because we already invested 400,000 this  
calendar year. That would get us roughly 100 homes. There's administrative costs and stuff so  
roughly 100 families could benefit from the go repair program. But when I subtract the 1 point

-- that's \$106 million. We have several projects that I consider to be shovel ready which are  
about 90 units. Would produce about 90 units right now. Let me go back to my straight math of  
23,000 per unit. If we were going to invest roughly that in the 1.6 million that would garner  
maybe 70 units. Or if we invested in all 90 units then it would be a lesser contribution. So I see if  
I do my overall math, if we stick with our normal math, we maybe could get about 550 units out  
of the 9 million. Or if we invest less, which again is somewhat risky in the sense that we may get  
none of those projects may be able to come to fruition. We have 660 units that are either shovel  
ready or in the tax credit process.

>> Spelman: Right.

>> Does that answer your question, sir?

>> Spelman: Sort of. So the only stuff what you are telling me now, the only stuff that was on  
the pipeline for 10.8 million is shovel ready stuff. There was nothing nonshovel ready in that  
\$10.8 million.

[11:09:24]

>> That is correct.

>> Spelman: Define for me shovel ready.

>> Those are projects that actually the developer has already acquired, has a site plan in process  
and/approved, have the majority of fanning in place and if not for the additional funds are ready  
to move forward.

>> Spelman: So the only thing standing between them, my understanding of shovel ready has  
always been the only thing standing between them and getting construction is completion of  
financing and we hold the key to the last dollars of financing.

>> Correct.

>> Spelman: That's where we are with \$10.8 million.

>> Yes, sir.

>> Spelman: Okay. Presuming that both tax credits, things hit.

>> Yes, sir.

>> Spelman: If we were to reduce that \$10.8 million by anything, we would be doing is cutting into shovel ready projects.

>> That is correct.

>> Spelman: Okay. Is there any other source of funding available for those shovel ready projects other than the city of austin?

>> Certainly. I mean there's other grant funds. There's other foundations and stuff. The challenge with that is timing. So federal home loan bank is another source of funds. That has an application process of twice a year, very competitive process and traditionally only subsidizes units for very low-income folks. They have certain populations. I'm not certain right now which one of these applications may or may not have already tapped that source of funds. So I mean there are other -- I mean but they are all very lengthy processes and have different time lines.

>> Spelman: Let me suggest another alternative which is some of these could wait until september because we're going to have a new fiscal year starting on october 1 and it's only a few months from now before we could make decisions about how to spend that money. So it could be when we actually have a little more money to play with in the beginning of a year, if a project which is shovel ready in theory but doesn't have a shovel ready to dig into the ground next week, the shovel ready to dig in the ground in the next 180 days or something like that, maybe the 180 day projects could wait.

[11:11:32]

>> One of the challenges, and I'm not trying to be argumentative, are carry costs.

>> Spelman: Oh, go ahead.

>> If you delay a project for any length of time typically you have some sort of financing in place, you've taken up interim financing so you are paying interest on that. So the project and cost of construction. Gasoline is prime example. Gasoline is currently going up. When gasoline goes up, the cost of every other thing on that project goes up as well. Those are just some of the factors that when we delay projects it can increase our costs. [One moment, please, for change in captioners]

[11:15:55]

>> we weren't be going with the proposal that got put on the line of using a 4 million-dollar amount in our reserve for a one time tax decrease, and I

-- i wanted to address that just briefly because as council member spelman has noted, there is an opportunity for

-- for increasing

-- moving some of this money to reserve if, in fact, the tax credit projects don't come through. I also wanted to mention that the one time funding we are looking at is calculated based on projected 3% growth rate in our sales tax, if i am right, mr. Vandino, i think you told us that last time. That's what you have in your

-- in our budget.

>> Well the \$2.2 million, inclusive of \$2.2 million, we need 1 and a half percent growth in the previous year.

>> And that is a conservative amount of money we are talking about in terms of what is happening with our sales tax this year because it actually has been showing in 11 and 13%

increase so all to say that it looks like there is other opportunities

-- there is opportunities for other reserves to become available because of the high sales tax growth rate so that we are not going with this, with shovel ready projects for affordable housing which is such a critical need. It's not going to make the other option of attributing our reserve funds to a one time tax decrease if we wanted to to

-- to do that. It is not taking it off the table but it is still a possibility. I also want to mention i read an interesting article recently about

-- about the mayor of washington dc, mayor gray, who upon having a rather large unexpected surplus, was taking

-- actually 100 million-dollar investment in affordable housing and what really struck me were his comments and why he was doing that. He said he considered this the extra surplus a prosperity dividend which i thought was very, sort of compelling and touching when we think about when we do have prosperity showing, where do we want to invest that. The other comment he made that I think really is something that we need to pay attention to, and he said we are at risk of becoming not a city is that's the haves and have nots but the city of only the haves and that would be because only the have nots, not that everybody was lifted up to be a have, but then all of the have nots have to move out of the city and so I think it's very important that we continue with a, you know, mr., Many years policy, well beyond earlier when we did a bond of investing in affordable housing and that's why I am supportive of a large amount of money going to affordable housing and I do want to suggest that I think the numbers that were put forward before were that if we are looking at the one time column and we look at everything except for the property tax relief, if we were to do a 10.8 million, we would be about \$800,000 short. And so what I wanted to suggest to the motion maker is to consider the possibility of reducing that 10.8 to just 10 and that would give us, then, the option of considering all of the other items on the list. So those are my comments.

[11:19:39]

>> Mayor leffingwell: If i understand that math right, you said down to 10

-- 10 million even and 800,000

-- say that again.

>> Morrison: I believe that if it were a motion for only 10 million, there would be 800

-- about \$800,000 left, which is about what the rest of the items on the one-time list are.

>> Mayor leffingwell: For some reason, I have 656,000. That's

-- that's with

-- that's with 10,000,008, if that were to pass we would have 656,000, so I must have a mistake somewhere in my calculations because it is not adding up to me. We will get a recap from mr. Vannino.

>> Sure, if I understand it correctly, if we were to remove the consideration of \$4 million of property tax relief and lower the \$10.8 million for affordable housing down to \$10 million, and then if we were to assume everything else on the list were to pass, you would be about \$13,000 short in that one-time funding, so you would basically be there if we to not do the property tax relief and if we were to lower the affordable housing to \$10 million, there is enough one-time money to do everything else on the list, short 13,000.

>> Morrison: Thank you. That was my point and i think that gives us an opportunity to discuss all the others.

>> Mayor leffingwell: Assuming that



-- and i think

-- what I understood you to say was you believe that the estimate is too conservative. Be that as it may, it is what we have on the table right now, so if we were to pass this 10 million or 10.8 million, in either case, we would not be able to set aside \$4 million for tax relief as the item was proposed. We could not pass that item right now.

[11:21:43]

>> That's correct.

>> Mayor leffingwell: So i understand that we think it might get better, but then if it doesn't, then we have basically an unfunded mandate

-- an unfunded item from council if we were to pass that.

>> Morrison: I guess I don't understand why that becomes unfunded mandate from council. It's just something on the table to consider

--

>> mayor leffingwell: Right. You have to forego that and say, but we think it will really come in through additional revenues and then we will

-- then we will do the tax relief.

>> Morrison: That's

-- i don't believe that that's what I am saying at all. I am saying if it comes in, we could then consider it. It's not

--

>> mayor leffingwell: Right. It would not be a part of this discussion.

>> Morrison: It would not be a part of this discussion and frankly I have a discomfort in using one-time funds for tax

-- tax property

-- setting tax property rates when you know you are going to have to undo it. It would rather look at other ways through our budget so we have sustainable tax relief.

>> Mayor leffingwell: Mayor pro tem.

>> Cole: Yes, mayor, I would like to make a substitute motion

-- a couple of substitute motions.

>> Mayor leffingwell: First of all, we have to deal with this amendment, this amendment that's on the table right now unless council member tovo wants to change her number.

>> Tovo: I would like to revise it a little bit. I think in light of the discussion we've had, i think it makes sense to lower it to ament amount to allow us to at least consider the other items on the one-time fund so I will revise my motion to be \$10 million and by council member morrison and mr. Vannino's calculations, that would allow us to support every other item on this list under one time funds and still be, you know, about at the right level. And, you know, I will just emphasize that I really support the efforts to provide property tax relief and I think that that is a very good measure that we need to consider in the budget and I would suggest that the way we do that as we start to begin our budget discussions we make it very clear to staff that we want to see the least amount of increase as possible, or no increase, if that's possible. But that's probably going to mean some pretty substantial cuts that are going to be difficult

-- some difficult discussions but I think that is the way to do it, through our budget, so as council member morrison says we have something sustainable over the next couple of years, rather than trying to use one time funds to provide tax relief at a low level for just one year. I would also note, as i believe the mayor noted at our work session, you know, several of the items on our list

are recurring costs. Several of them that we pass today already are recurring costs and those are the ones we really need to be concerned about as we look at the impact of property taxes and we had planning development and review that I supported and my friends and staff, those are the things that are going to have an impact in the future so I think we do need to be concerned about the recurring costs and the impact on next year's budget, but, again, I think this is a very important one-time expenditure to close

-- to really continue the city's long commitment to creating and preserving reasonably priced housing.

[11:25:19]

>> Mayor Leffingwell: And so you revise your proposal to 10 million.

>> Tovo: To 10.

>> Mayor Leffingwell: I would vote four of those remaining items have very significant annualized numbers attached to them. I just want to say one

-- I understand the desire to spend all the money that we have now and hope for the best and get a tax relief in the budget for next year. I really think there has to be some kind of

-- some kind of padding in there to take care of things that we

-- we know may be on the horizon. We don't know for sure they are going to be on the horizon. We don't know what is going to happen in next year's budget for sure with the pending rate case before the public utility commission, how that will affect the transfer, how that would affect the money that Austin Energy sends into other departments. Right now, that money might have to be made up somewhere else. I

-- I believe that it's a good idea to go into this next budget session with some extra money to be able to take care of those contingencies so we don't wind up having to cut parks, libraries, that kind of thing dramatically just to stay within the pivotal limits on property tax. So I won't support the motion. All those in favor, say "aye." Opposed say no. No. That passes on a vote of 4-3, with myself, council member Spelman and Mayor Pro Tem voting no. I am assuming you voted yes. All right. So 10 million is approved for affordable housing. Other amendments? Other amendments, proposed amendments?

[11:27:24]

>> Cole: Mayor Mayor Pro Tem.

>> Cole: I would like to propose that we add the African-American cultural district to the items. I believe it was left off during air discussion.

>> Mayor Leffingwell: It is on

-- African-American cultural heritage district is on the original sheet. It's 0 one time impact, 80,000 recurring and 237,000 annualized. Okay. So that's a proposal. Council member Riley.

>> Riley: Mayor Pro Tem, I understood in discussions with representatives of the district that -- that they could actually get by with 50,000 in one time expenses for this year and then they would

--

>> Cole: I believe that is correct and I believe the 80,000 was for next year. @

>> Riley: Right.

>> Mayor Leffingwell: Do I have the wrong page? I am looking at 0 for this year.

>> Riley: Actually is Chief McDonald around? It would help to get some context for this request. The context briefly is that this

-- that efforts towards this district have been underway for a very long time. It originated in recommendations from the african-american quality of life initiative. There have been a number of steps taken ever since then to move towards the establishment of this district. People have been working hard at it for a very long time and everything is in place right now to keep the momentum going and to get the district established and they would be able to get it up and running for, what really is a modest amount of \$50,000 this year. I think there is still some additional work to figure out a long-term vision to sustain the funding for this project over time. But I think in light of all of the efforts that have gone into getting us to this point, I think it makes sense to go ahead and put forth that \$50,000 to get the district established.  
[11:29:36]

>> Cole: I will second that, mayor.

>> Mayor leffingwell: Well, you are the proposer, so you've got to agree to amend your own proposal to add \$50,000 to the one-time cost for that.

>> Cole: I will do that.

>> Mayor leffingwell: Is that what you want to do?

>> Cole: Yes.

>> Mayor leffingwell: Okay. So now it's one-time, \$80,000 reoccurring, 237,000 annualized. That's the proposal.

>> Spelman: I misunderstood. I thought it was to reduce that 80 to 50 and not to include -- increase that 0 at all.

>> Mayor leffingwell: I thought it was -- is that correct?

>> Spelman: There would be \$50,000 but no one time only costs and annualized costs which we would pay in next year's budget which would be higher, so the 80 would go down to 50. That was your proposal, wasn't it?

>> Riley: The suggestion i was making, if I may, that we -- we allocate \$50,000 for this year and then we do some additional work to figure out a long-term funding strain, and now that chief mcdonald is here, i would like to get some additional context. We were discussing the efforts that led us to the point of being ready to move forward with the establishment of the african-american cultural heritage district. The request, as I understand it, from representatives of the district, this was that we -- we provide \$50,000 in funding this year and that they would -- they were pursuing other sources to fill the gap to get it up and running, and then we would have some continued conversation to figure out a workable, long-term funding stream. Is there anything else you can add to that?

>> That's correct, michael mcdonald, deputy city manager. Yes, that's correct. This goes back to the african-american quality of life initiative that was started back in 2005. One of the items in that initiative was the creation of an african-american heritage district, and council took some action back in, I believe, it was 2006, 2007, where you established the boundaries for the district and just referly, it's i-35 to the west. It goes down 11 street and surrounds houston till lit son and works its way -- tillotson and then back to north boulevard and then the main road and then to i-35 and then that was the district established by council and then a group of community leaders headed by lisa byrd went to the state and got state designation as being the african-american heritage district, one of the few designations that have occurred like that in the state, and so a lot of volunteer time

went into the effort. The university of texas has been one of the partners as well, where they have stepped forward and provided space and some in kind contribution over the last couple of years to help this group move forward in working with the district from the city's point of view, we sponsored a couple of trips for them to go and look at similar heritage districts to see what went into the best practices that took place there. Since then, they culminated a lot of information. What they have come forward is a plan over a two-year period to try to establish a district and try to even get it to self-sufficiency if they can and so if that request, what they are requesting from our end is i think 50,000. In this budget, they are looking still to u.T., To the chamber and several other sources to try to get additional moneys to help with in component and then moving forward into the next year, their request isor the city to somehow help somewhere in the neighborhood of 200,000, i believe, in our meeting, you know, in future -- in the next budget year, but i think some of that, we are still working through can be in kind. [11:33:46]

>> Okay.

>> Mayor leffingwell: Can somebody tell me what goes in these three columns for this item? What numbers go in there, as it stand right now? Or maybe mayor pro tem should tell me, since

--

>> Cole: I make a motion that \$50,000 goes in the first column of this year and then a recurring expense of 830,000.

>> Mayor leffingwell: And annualized, zero?

>> Cole: The first column is 50,000

-- it is a zero. I can't speak.

-- I can't see it. The first column is zero of 50. Yes.

>> Mayor leffingwell: 50,000, 80,000 in the second column.

>> Spelman: Zero, 50, a player to be named later.

>> Cole: Yes and to be named later. I think the number we currently have is 237,000.

>> Mayor leffingwell: Okay. Council member morrison.

>> Morrison: So my question is

-- I am fully supportive of this item. The question for me is the 237 we have in the out years, did I hear you, chief, say that some the

-- that our contribution would be

-- some of it would be in kind. Does that get folded into this 237?

>> What we are reviewing right now because that budget

-- that portion was recently delivered in a meeting with mayor pro tem and council member riley and one of the discussions we had was taking a look at that because it appeared of that 200,000 because some of the portions of that, they are still looking to get contributions in other places so our conversation was centered on about 200 and we were looking at that and saying some of that in the outer years in the next year, we could maybe do in kind but we still maybe needed to do additional staff work to determine what that would be and we figured we would have time to do that.

>> Morrison: I guess my only comment is sce that last column is going to get really tight, my suggestion is if there is a way to include a smaller number, there would be a way to include the smaller number but I didn't include in the conversations so I don't know if that is practical or not. [11:36:00]

>> Cole: As a practical manner, I would say they have asked for that amount worth over \$200,000 worth of funding for the out years so I would leave that there.

>> My question for mr. Vannino, when you go and prepare the budget

-- and that's coming up very shortly, your briefing for if next fiscal year, what number would you put in for this item.

>> Well, I believe for the 2014 budget, it would be \$237,000, from what I am hearing. The conversation I had with anthony snipes, it was at the

-- the \$50,000 we are talking about right now i think would help the district in regards to some of their one time needs with remarking, signage, things

-- marketing, signage, things of that nature. 237,000 may include ongoing commitments and it would be included as the 2014 budget but we are talking amending the budget with \$13,000 would be a one time commitment with regard to usual marketing, signage, things like that. If it there is staffing involved it gets up to \$237 and other ongoing commitments in the future, that would be part of the '14 budget, so for purposes of today's action, the first column would be \$50,000. The recurring costs in '13 would be zero. You put zero there, but there is just an understanding here from staff that council would like us to pursue ongoing resources to support the district as part of the

--

>> mayor leffingwell: So that's really important. What column that 50,000 goes into? Because that's the column we are working with and trying to work air way down and to fit everything into \$11.5 million. Granted it is only \$50,000, but it is the column it goes into.

>> It goes into fy '13 one-time column.

>> Mayor leffingwell: So it counts against the number we are working against?

>> Yes, it does.

>> Mayor leffingwell: So that's the motion on the table. African-american cultural heritage district with a one-time of 50,000, recurring of 0 and annualizes, from what i understand what you said right now, 237,000. All those in favor, say "aye." Opposed say no. No. That passes on a vote of 6-1, with myself voting no. Next. Council member tovo.

[11:38:35]

>> Tovo: I have a question about the arc of the capital area. I would like to better understand that on our list.

>> Mayor leffingwell: Do we have staff to answer the arc of the capital area?

>> That would be parks.

>> Tovo: It could be parks, parks, health and human services.

>> Mayor leffingwell: I guess we have nobody here right now.

>> Tovo: I am happy to go on down to another one if somebody wants to suggest something else.

>> Mayor leffingwell: We can come back to it. Council member martinez.

>> Martinez: Well, I am going to try to take a stab at some wild fire fuel mitigation funding but i need a better understanding, since we just took an additional 50 out of one-time expenditures, i wanted to ask chief kerr, we have a one-timeline item of 383,000 and that is what i believe is for fuel mitigation, and that's why it can be used as one time. If we were to reduce that by 50,000 to 300

-- what would that be, 33,000, would that get you to the remainder of this year's fuel mitigations, you know, as close as possible? Could you work with that?

>> Yes, sir. Any reduction means just less to be able to do.

>> Martinez: Right.

>> But

-- and always and absolutely since our interface problem is going to continue and the a little bit of rain we have had lately hasn't reduced our risk that much and anything we can take and put towards fuel mitigation is absolutely acceptable.

>> Martinez: Thanks, chief, the 3,383,000, how did you arrive at that number, and is that what you believe you can do or are capable of doing that the next year? How do you plan for that and how do you come up with the eyeing your that is here?

[11:40:50]

>> Okay. All right. So I was

-- sorry

-- when you started the questioning, I was concerned about chief mcdonald and I didn't focus on it right away. But the one-time capital is

-- it is fuel mitigation but it's also vehicles, radios, mobile data computers, equipment, and storage. So all of that stuff that we are going to be buying, that people are going to need to do what we call technical fuel mitigation has to have a place to be stored. We have to buy the equipment to do it so if we reduce that amount with 50,000, we will just do a little bit less.

>> Martinez: Okay, so let me ask a little bit further. In the current memo we received yesterday from staff and I hesitate to ask these questions because the guys on the promotions list are going to be upset. You have two fire cap tapes and two lieutenants in the proposal.

>> That's correct.

>> Martinez: Is it possible to get the division up and running with, let's say, one captain and one lieutenant and does the vehicle purchases apply to these four proposed ftes, the two captains and the two lts?

>> I am going to have to look over my shoulder.

>> Martinez: Yes, thanks.

>> To clarify the answer to the question. The answer is correct because the vehicles are four the four individuals and I apologize chief minardes is not here today but he is in corpus christie teaching a class at the texas fire chiefs association annual conference on wild fire mitigation, so I apologize he is not here but that does do that in that I know his idea of the 2 captains and the two lieutenants was that there would be two programs. One of them is technical fuel mitigation and the other is community outreach and doing some of the self-awareness and self-assessment so you sort of separate those two and i think that the preference would be is that we probably would do either two captains, you know, and eliminate the lieutenants positions until next fiscal year. That way, we can still create the two programs and somebody to run the two programs.

[11:43:24]

>> Martinez: That would make sense. And so if we did that, we would reduce

-- on your recurring line item, 2 million recurring and 3.7 annualized, if we reduced the two new lieutenants, how much would we reduce the two line items and how much would we reduce the line item expenditure for vehicles?

>> That question I would have to refer to our finance expert.

>> Dr. Paulson, are you understanding my flow of questioning here?

>> Assistant director at the fire department. I hope so, if we reduce the two lieutenants that is

roughly \$90,000 out of the personnel cost. And if we reduce the vehicles  
-- let's say we reduce two of those vehicles  
-- I don't have it all added but sort of eyeballing it, it looks like about \$75,000 per vehicle, 70, 75,000  
-- because it has light bars and all the other things with it, so that times the two positions, also.  
>> Martinez: So is the two positions, 93,000 each, correct?  
>> For six months  
-- for six months, it's only \$46,000 for a lieutenant. So that was doubled for the two positions.  
>> Martinez: Right. So on an annualized basis, it is 92,000 per lieutenant?  
>> Yes.  
>> Martinez: Okay. So Mr. Vannino, what is our rolling total for annualized structural funding moving forward after the items we have already adopted?  
>> You would have a deficit of \$1,345,375.  
>> Martinez: We would or we do?  
>> We do. Based on where we stand right now. We started off with a significant gap on the affordable  
-- on the recurring dollars. We had  
--  
[11:45:36]

>> Martinez: And so you would  
-- so if this were adopted by council, your, I guess directive would be to try to fund that in the 2014 budget on an annualized basis, but, again, that would be ultimately up to council's decision when we adopt the next budget?  
>> Yes. If these get approved, we would have to include them in the 2014 budget. You know, what we were trying to accomplish was keep council within recurring funds we would be able to commit to this day, which is \$2.2 million. I believe the totality of all of those recurring needs with the change we just made with the African-American heritage district is \$3,276,000 so there is a gap there with the two biggest items being the wild fire fuel mitigation and the hike and bike trails, are the two most significant recurring costs that are  
-- that are  
-- we are kind of weighing against the 2.2 million of recurring funding that we have identified.  
>> Morrison: I would just like to ask a question to get clarification.  
>> Mayor Leffingwell: Council member Morrison.  
>> Morrison: For the recurring column, let's go all the way to the end. We are starting with 0s on everything and we've added in the PDR reconducting of 299, forensic recurring of 278, cultural heritage district of 237 and that's all. Right.  
>> Mayor Leffingwell: That's annualized, not recurring.  
>> Morrison: The annualized recurring, so we have totaled 814 so far? 895  
-- you are right.  
>> Morrison: It is 814 and we have 1.7 million that is our source so we actually have 886 left, and what you were talking about, Ed, I think you were talking about, let's assume everything is approved and see how much of a deficit we still have, but we decide to start with the zero base. Is that correct, based on what we approved so far, we actually have 886 in that last column  
-- the last?  
[11:47:55]

>> Okay, yeah, you are looking at the annualized column. I think the column we need to be having a focus on for purposes of amending the fiscal year 2013 budget is the one time column and the recurring column. So in terms of the recurring costs, that we are committing to, you know, it's

-- it's actually \$325,336, that's the apd forensic lab, planning and development, the african-american cultural heritage, and that's the amendment that's going to happen right now in '13. The stuff that's going to happen in '14 will happen as part of the '14 budget so we are tracking the recurring column relative to that 2.2 million. The annualized amount is really just there for council's understanding that as we move forward in the '14 budget, those annualized costs are what we are going to have to include in the budget but the column that comes under fy '13 recurring, that is the amendment we need today to do these items.

>> Morrison: Right. And we have 1.9 million source of funds for our recurring for fy '13.

>> Following action you took on a1, yes.

>> Morrison: And we have so far in recurring, putting aside wild fire mitigation, we have approved two things, right?

>> Yes, planning and development review staffing and apd forensic laboratory staffing for a total recurring cost of 325,336.

>> So we still have room for 1.575 million

-- 1 and a half million recurring left?

>> That's correct.

>> Morrison: Okay. So that's my understanding, we have 1.5 million left recurring for that.

>> Right.

>> Martinez: So ed

-- and chief, I apologize. Obviously we are trying to do the best we can here. Let me just ask your professional opinion. If we were to move forward with a one-time funding that is reduced by some amount for vehicle savings and if we were to only add two fire captains, is that going to be enough for you to get the program really ramped up and running?

[11:50:14]

>> Well, let me just

-- I am not quite sure I

--

>> Martinez: I KNOW, IT IS A Hard question.

>> I am totally clear. Are you, out of the proposed personnel, are you also eliminating the civilian burn boss, or just talking about moving the two lieutenants and their vehicles out, leaving everything else in place?

>> Martinez: Yes.

>> Then, yes, we can.

>> Martinez: That's what I would like to propose. I don't know the exact numbers, ed, as they would fall. I presume it is the 383 minus about 150 for two vehicles.

>> And ronnel is working over here on her calculator. We didn't have a lunchtime.

>> Martinez: Thank you. If we pull the two lts out, what would be.

>> The one time savings with personnel and protective equipment would be roughly 143,200 so it drops if 383 down to 239-eight.

>> And then on the recurring of 938,000.

>> Because that's a six month salary, we need to double it, it looks like it takes it from 487381



down to 301,291. That one I am not as confident about, but in that area roughly.

>> Martinez: Well, I am lost, because

-- oh, I see what you are saying.

>> These the phase two personnel. We still have to consider the recurring cost for phase one personnel that were funded in our '13 budget.

>> Martinez: That's where you got up to 938 in your recurring cost is you are adding in all of the phase one personnel as well for the remainder of this year and the phase two.

>> And part of 173 in operating costs is important because in phase one we didn't have ongoing operating costs.

>> Martinez: I understand. So what was that number again, sorry, dr. Paulson, if I take two lps out, it would be 289-eight for one time expenditures.

[11:52:22]

>> No, 239-8. 239-

>> mayor leffingwell: Let's call that 240, even thousands on everything else.

>> Okay, so from 383,000 down to that and then on phase two personnel, 487,381 it looks like down from 301,291.

>> Mayor leffingwell:301.

>> Yes, rounding.

>> Martinez: That is 187,000-dollar reduction. 487 down to 301, about 187?

>> Yes, 187. Sorry. Does that take the recurring to 151,000, ed?

>> Is there still funds in there for the fuel mitigation. You are talking about reducing the costs for the staffing. What is your number?

>> Yes, sir, we still would have to have the funds in there for the fuel mitigation.

>> Martinez: So my motion would be that we would add \$240,000 in one-time fuel mitigation and equipment purchases and then the recurring commitment would be reduced from current number of 938 to 751.

>> Mayor leffingwell:301. Column 2 is 301?

>> Martinez: No.

>> Mayor leffingwell: What is it?

>> Martinez:751 based on dr. Paulson's rough estimates. The 301 number, mayor, is phase two of the personnel. You still have to add in phase one and still have to add in operating.

>> Mayor leffingwell: I am interested in what goes in three columns. What goes in the annualized column.

>> The annualized column would be the recurring personnel costs, including the ones that we've already have in phase one plus the additional two captains and a burn boss. Then it would also include the one-time

--

[11:54:35]

>> mayor leffingwell: Just give me the numbers. One time costs, recurring costs in fy '13 and the annualized costs for the outyears. Because we changed, as i understand it, the first column

-- I am not even going to give the names. Colhum number 1, 240,000, column 2, 751,000. What is in column three?

>> I don't know

-- I am sorry, I am

--

>> Spelman: Is there a reason it should have changed? We are hiring the two lieutenants next year, aren't we?

>> No, two captains, as opposed to the two lieutenants.

>> Spelman: Two captains now but two lieutenants next year, but we will have that for 2014.

>> We will ask for that next year, yes.

>> Martinez: 1.2 million.

>> Mayor leffingwell: So 24751 and 1.2 million.

>> Martinez: That's my motion, mayor.

>> Mayor leffingwell: Proposal by council member martinez. Is there any objection to that?

Objection by council member spelman.

>> Spelman: I am not sure objection is a proper term. Discussion?

>> Spelman: Do

-- and I will ask this question because i am not sure we have the answer here. We have personnel. Assistant director, administration spermist and environmental specialist senior, that's phase one.

>> That's correct.

>> Spelman: Fuel mitigation fund and one time capital purchases, all of that, it adds to 591.

>> That is also correct.

>> Spelman: And none of that is

-- 37,000 of that is one-time purchases. And the rest of it, less the 30,000 for office setup, the assistant director's vehicle, 591 minus 37 is recurring expenses, not one-time expenses?

[11:56:35]

>> The 591,528 there is the one

-- are the expenses that we have already expended in

-- for phase one.

>> Spelman: Okay. So this whole phase one, that's already expended. It is under a bridge?

>> That's correct.

>> Spelman: Never mind. So the only thing we are dealing with, then, is the back page. I want to be sure i understand this because i got a different number than council member martinez did and I want to be sure we are all together here. What I did was I added up the first amount of cost for phase two, the original. We have changed that but i wanted to make sure where we are.

>> I would say as they were originally stated on the original intent.

>> Spelman: Original intent.

>> For phase two. 251 was two captains, two lieutenants and the environmental program coordinator.

>> Civilian burn

-- yes. Yes.

>> Spelman: You call them burn boss, you have a better name for it.

>> That's right, not a right name for it.

>> Spelman: I am trying not to use the colloquial name for it. And that's for six months.

>> Six months, correct.

>> And then we have 469-7 including one time only costs and then uniform, services, operating costs, other stuff, 383 one time only and then 80,000 and change, 86,000 or so is other expenses. And then \$600,000 would be fuel mitigation.

>> That's correct.

>> Spelman: What we have just done here is taken a reduction in one-time capital purchases because we aren't hiring the two lieutenants now.

>> That's correct.

>> We are taking out the 93,000 because that's what two lieutenants would be paid the next six months if we were to promote people into those positions. They aren't going to be in this position.

>> That's correct.

>> Losing 93 and keeping the fuel mitigation fund in its current state?

[11:58:38]

>> Yes.

>> Okay. And the next question is what happened to the fuel mitigation fund and that's what I wanted to get down to is we are still keeping \$600,000 for fuel mitigation in this budget?

>> Yes, sir.

>> Spelman: Got you.

>> Mayor leffingwell: Council member martinez, i have been asked by staff with all of the discussion about numbers, they want to take a few minutes and sit down and make sure everybody is on the same marriage and that all of these numbers are actually -- if it is all right with you, we would like to table this one for right now and come back to it in 10-15 minutes.

>> Martinez: Absolutely. Thank you.

>> Cole: Mayor.

>> Mayor leffingwell: Mayor pro tem.

>> Cole: I believe we still need to add the november elections requirements that are going to

--

>> mayor leffingwell: No.

>> Cole: We don't? It is already included?

>> Mayor leffingwell: The

-- we approved three items in an ordinance first thing.

>> Cole: Oh.

>> Mayor leffingwell: A1, item a1, the listing is on there. We approved the funds for the redistricting. We approved the funds for the

--

>> Cole: But

--

>> mayor leffingwell: And approved the funds for the cemetery. They are not a part of this discussion. So the floor is open for, i believe some parks people are here now. Somebody brought that up. Council member tovo, did you want to

-- this has to do with the arc?

>> Tovo: Yes, I would just like to get some context for this budget request, please.

>> Sarah hensley, director of parks and recreation.

>> Tovo: I am trying to get context for this. I am not sure I understand what the 250,000 would fund?

>> As it relates to

-- this is a building that is right next to the annex building that is on lamar

-- further up lamar that we have currently. There is a parks and recreation building that, at one point, was operated and maintained by easter seals, I believe. We retrofitted the building and now have some of our staff in the building. The building behind us is on dedicated park land and it is on a building that has been used by the arc of capital texas for a long, long time, and they are nearing the end of their agreement but they have a few more years left. They have an opportunity to move to another location they feel is a better location for them, knowing where they are is becoming smaller and smaller and parking is becoming a bigger issue and they wanted the city to somehow work with them in a way to see if there was some funding that could be allocated for them to take with them to their new building as they would be getting out of their lease with us, the city, early and the 250,000 is the amount of funding that they believe they need to be able to make a transition to another building.

[12:01:30]

>> Tovo: So would that funding go to help th get

-- help them with the moving expenses as well as the deposit? I am not clear on what we would be doing

--

>> I don't know exactly how they use it but this is sort of what I believe, understand as mother of start-up money for them in a new building they have already tried to secure, for them to move into and the benefit to us, quite frankly, is, one, they are getting out of their lease agreement with the city early and, two, we believe there are other uses for this building for city staff that would benefit city staff instead of using currently being placed in another building, possibly rental or in buildings that may not be up to par as far as conditional assessments are concerned.

>> Tovo: So in having that space available to park staff or other city staff, the city would not incur costs of leasing and other space, so we could break even or

-- anyway, maybe ms. Mcneilly has something.

>> I think the promise there is if there are other city staff or currently other parks and recreation staff in other buildings or places not desirable or or paying rent, frankly, there is a tradeoff there so they don't have to pay rent.

>> Kimberly, assistant director to the parks and recreation.

>> The benefit is not just to the parks and recreation department but it is a city wide process. There is a committee that is comprised of representative from building services from our law department and our budget office. What they have done is they put together an application process, for lack of a better term, where all city departments can talk about the needs that they have for space

-- excuse me. Sorry. Needs that they have for space and that if there are available buildings

-- not necessarily just owned by park but by any city department that could help meet those needs, then the overall benefit to the residents or the citizens of austin is that those departments would not have to pay present but could then occupy space that's already owned and operated by a city entity. In this particular case, it is a parks and recreation building. We would want or desire to have some parks and recreation uses but we wouldn't necessarily have to use the whole

-- sorry. Sorry about that. The whole building and so that process, that application process is occurring right now to identify who could best utilize that space and to answer the first question, i believe the \$250 as it has been

-- sorry. Thank you. Thank you. The \$250

--

[12:04:25]

>> kimberly is not dead.

>> Thank you.

>> Is the seed money, which is how it was described and the seed money is to help them get started somewhere else but the actual use of the money has not been described in any more detail than seed money.

>> Tovo: Okay. Thanks. Presumably some might be moving expenses as well as

-- mr. Lambreras do you have anything.

>> Yes, assistant city manager. I did want to cover some soft points in the previous backup and it was information that council may not recall because we have provided you a couple of applications on it. This lease is a long-term lease we have had where the arc has paid the city one dollar a year. They were not required to pay us anything other than that. It specifically does not have a buy-out provision in the contract and I think what law had indicated is that certainly it's an optional thing if council wants to consider to create that, but that's somewhat after the fact. The other thing that we had indicate said the council has the option and something that is totally your prerogative because we were asked to look at funding options, what are some other funding options, is if you wanted to do something in terms of like a social service contract, where you are, in fact, getting some sort of public benefit, because, at the end of the day there is no buyout provision and there is no way

-- no buy-out provision but a way to create dollars but an avenue could be through a social service contract and the other problem with the buy-out provision is it is not something standard we put in our contracts because, in fact, the benefit for the organization utilizing our city facilities with no lease is, you know, it cuts our expenses and they are obviously not having to pay that but, in this case, we did try to make an attempt to try to see how we could utilize this building and there is a use for it but because we are in the stage of looking at overall

-- all of our facilities being mindful of where we've got a lot of pieces that are moving and who best can fit there, we really don't have a solid, concrete answer, in terms of any true cost of savings and especially in light of the fact that we don't have an actual buy-out provision. So I wanted you to be aware of those issues as well.

[12:06:50]

>> Tovo: Thanks. How much longer

-- I don't remember from the memo we received. How much longer remains on the lease?

>> I think it is a couple of years. Fifteen, a couple of years more.

>> Tovo: Okay. Thank you.

>> Mayor.

>> Mayor leffingwell: Council member tovo, are you finished?

>> Tovo: Uh-huh.

>> Mayor leffingwell: Council member morrison.

>> Morrison: I wanted to thank staff for working on this and remind folks that council member riley and i sponsored a resolution asking staff to look into what options we might have because they were doing, you know, the response arc

-- the arc was doing I think the responsible thing in terms of trying to find a new space for themselves at the end

-- with the end of their 50-year lease coming year, which is pretty amazing that they had a 50-year lease, that they provide such an important

-- they play such an important role in this community, and so, you know, there were

-- it was a matter of, you know, looking at

-- the number 250,000 got tossed out there early on in the conversation and once we got the staff port on the

-- you know, on the options that we had, and especially looking at knowing their needs and the costs of moving into their own space, which i understand they are purchasing, so they will have, you know, a permanent space, this was the

-- the idea was, well, we do have the option of doing social service contract with them, which I am very supportive of and want to put that motion on the table.

>> Mayor leffingwell: Proposed amendment by council member morrison to add in the arc of texas with column one 250,000, column 2, 0, and column 3, 0. So any discussion on that?

>> Spelman: Yes, mayor.

>> Mayor leffingwell: Council member spelman.

>> Spelman: Is there a shelf like on this proposal? Is the arc going to say we were only joking. We want to stay here for a dollar a year for the next three years?

[12:08:53]

>> I don't think so. I think

-- as council member morrison put it, I think they really want to get out and get their own building and are really working hard to get that.

>> Spelman: We can move them out the door a little bit quicker but we also

-- that's a good thing, i understand but we don't have a clear idea how we will use the space ourselves, what money, if any, we are going to be saving, what departments we will be moving in. It seems like it is not cooked yet.

>> That part is not cooked yet. I will say and kimberly put it eloquently that there is a process conducted through the facilities area, greg canali has been doing it in looking at all of the issues dealing with space. Any department that needs e or currently renting space

-- and there are departments renting of space, so economies of scale, there are issues with that where we do have opportunities. I will say, because I am here, we

-- we have an issue as well and are overpacked where we are. So there is opportunity of sharing for space, among other things. But at the end of the day, no, it is not cooked.

>> Spelman: How long would it take before it's cooked

-- by cooked, I mean, who is going to be moving into that space and they are actually ready to move in?

>> I think greg canali is willing to work with us to identify the priority because you are talking about a space that will house probably 30 people, max. Thirty, 32, so you aren't going to be able to move a whole didn't in there but we are looking at

-- again, employs o scale and perhaps an example may be a group that has capital planning unit and we have a capital planning unit that we could work together and save on equipment and things and those kinds of items but we haven't been able to go through that because we wanted that process to take its

-- do its thing and really look at what needs what, see what the cost of the rental spaces are costing us and then look at what is the best scenario to bring forth to the city manager's office.

>> Spelman: How many square feet are we talking about? 9,800. About 9,800 square feet.  
[12:10:54]

>> Spelman: Thirty people max, that's really max.

>> And a kitchen area for a break room but that's included in the 9,000 square feet. pelman:  
YOU HOPE THEY Are short people. That's not too much space.

>> I will be honest, there is limited parking, which i understand because we don't want a lot of parking around it but we have been a good partner with them and shared.

>> Spelman: There is very little parking in the 2800 block of san gabriel, i would imagine. Okay, it seems to me I am going to be opposing this, not because I am opposed to the idea at all. It is not cooked and a few months when it is and we can take it up in our regular budget process and free a little more money for other things which I think we are going to be pressed on.

>> Mayor leffingwell: I will just say that I am not going to support it, either. I think this is something that can wait and be fleshed out in more detail and i don't see the urgency of it right now. Council member morrison.

>> Morrison: I just like to add that my understanding of the urgency has to do with the arc and they are putting all of the pieces in place for their ability to close on their new building and so this is part of their financial picture, and in that regard is helpful in getting them over that line.

>> Cole: Mayor.

>> Mayor leffingwell: Mayor pro tem.

>> Cole: I would similarly like to say for the same reasons that you and council member spelman have spoken, I think we can take care of this in a normal budgeting process and it's important that, although we have many good organizations that are coming before us, that they follow the procedures and go through the budgeting process or the

-- any of our other procedures for receiving funding so I will not be receiving it.

>> Mayor leffingwell: Council member tovo.

>> Tovo: Just one additional question, and I guess health and human services

-- public health and human services committee talked about this, but is that 250 number sort of exactly what they need? We are a little bit over in that first column and so i am wondering if 200 gets them there in terms of finances or is 250 really the request in terms of what made it work for them and allowed the space to revert back to the sparks.

[12:13:02]

>> Morrison: Maybe staff can help but in the conversation that I had, I wouldn't have enough information to answer that and maybe my colleagues would.

>> That was their request. So I can't begin to think one way or another but that was their request.

>> Tovo: Okay. Thanks.

>> Mayor leffingwell: Okay. So the amendment is on the table for the arc of the capital area item 250 in the first column and 0 in the second and third column. All those in favor, say "aye." Opposed opposed. Opposed say no. No. That's passes on a vote of 4-3, council member, spelman and myself voting no. Council member riley.

>> Riley: The next on this list is the hiking program to open the hike and bike trails 24 hours and there are rather large numbers in those columns so I think we ought to talk about that. As y'all know at the time we

--

>> mayor.

>> Do you yield.

>> Martinez: We have the fire staff ready to go. This may take a little bit i want to see if council member riley would allow them

--

>> mayor leffingwell: Okay. With that, we will come back to this later and take it off the table, the item about wild fire mitigation.

>> Martinez: Thank you, mayor.

>> So I apologize, I was not working offer the same documents you all were until after so when you were saying column 1, column 2, column 3, I was going

--

>> mayor leffingwell: No wonder.

>> I apologize. It was my bad. So now, mayor and council, column 1, for one-time fiscal year '13, the cost is \$236,000 rounded off.

>> Mayor leffingwell: Okay.

[12:15:06]

>> Column 2, recurring 2013 is \$845,000. Column 3 annualized remains at 1.2 million.

>> Mayor leffingwell: Okay. So we understand that. Thank you.

>> You are welcome.

>> Martinez: Make that motion, mayor.

>> Mayor leffingwell: So council member martinez proposes we approve the wild fire fuel mitigation at just reading it back, 236,000 in the first column, 845,000 in the second column, and 1.2 million in the third column. Discussion, council member tovo?

>> Tovo: Yes, I guess I need to understand that middle column. I was following the math that we did earlier and it seemed as if the middle column was subtracting out 187,000, which I would have thought yielded the 751,000 we had earlier, so we are off by about \$90,000 and i am not following where that went.

>> We found a math error when we were in the hallway, so

-- we corrected the math error on the cost of the vehicle. Is that right?

>> Tovo: I thought the recurring expense

-- the recurring expenses that were included in the middle column were the two lieutenant salaries at 93.

>> The two lieutenants

--

>>

>> female student: I see what we did, half versus a whole. Thank yous. Thanks.

>> Mayor leffingwell: Other comments? Council member morrison.

>> Morrison: I am going to support this and I know mr. Vannino you said it is not the last column that matters but I am worried about the last column because this does put us over the recurring annualized funding that we found and it does point to the fact we have some hard

-- we are already setting ourselves up for some hard budget questions. Would you agree with that assessment, mr. Vannino?

[12:17:08]

>> I would, except for the part that I said it doesn't matter. The last column absolutely does not matter. It is just not what council is taking action on today. Council is taking action on the budget



for one time column and the last column does matter, it is for 2014 and the annualized for 2014 but it is not something you are taking action on today. It is for information.

>> Morrison: I wish I could take those words back. I know you meant it doesn't matter but I want to highlight

-- I get your point. Thank you.

>> Mayor leffingwell: Other comments? I will just say, you know, with great regret, because this is a very high priority for me, but with great regret, primarily because of the other things that have already been added into this budget amendment, I won't be able to support it, simply because of the money. I will pledge to work as hard as I possibly can to get something included in next year's budget, but, again, because of the situation we are already in, items already approved, i can't support this item or really

-- I don't know if i can support anything else on this list at this point. All those in favor, say "aye." Opposed say no. No. Passes on a vote of 6-1, with myself voting no. Others, council member riley?

>> Riley: Mayor, we were starting to talk about, there is an item on the list for pilot programs to open and select hike and bike trails 24 hours. As y'all were called when this first came up, it did not come out as a proposal to spend a bunch more money to add police to our trails. Really the idea is to simply make legal an activity that we already know is going on to some degree and that is the late night use of our trails which has become more and more of a concern as we have more folks walking and biking to their destinations and as there are growing concerns about the safety of our roads. Every night people are in a position of making decisions about how to get to their destinations and sometimes when the choice is between going

-- using our roads and dealing with hazards of drunk drivers and others on the roads, sometimes trails can offer a very appealing alternative and so the idea was to simply make that practice legal. After the proposal came out, we did hear some public safety concerns related to the fact that we don't have much of a presence of public

-- public safety presence on our trails late at night and so we have had a number of conversations about how to address that concern and I wanted to see if chief acevedo would be willing to come down and consider that conversation. Chief, as I understand it, one part of the concern about opening up the frames late at night relates to the fact that it makes

-- it raises issues with respect to enforcement, especially in regard to people who may not really be using the trails for transportation but may just be there for other reasons. They may just hanging out there. They may be sleeping there. They may just be there for other

-- other reasons. And if

-- if they are always to say, well, I was just strolling through, then that makes it more difficult to deal with that public safety issue. Is that

-- is that accurate?

[12:20:52]

>> That is absolutely accredit. Unfortunately

-- fortunately our system is probably the most pristine and I think it is kind of a crown jewel of city that residents take a lot of pride in, but it is also a transportation system that if we open it up, especially to pedestrians at night, it is a transportation system that will be used by the criminal element to avoid detection by the police. We know that we have some challenges in our greenbelts and there are very adjacent and near our hike and bike trails where we've got some illegal encampments going on already. So I think the largest cost driver in terms of the necessity

for providing additional resources, if we were going to have those pedestrians there, was really driven from our perspective, from the potential of opening it up and having people that would be lying in wait for people. They are very vulnerable in the dark, walking along the location, so that absolutely is the greatest concern and the greatest cost driver.

>> Riley: Part of the problem is many of the trails are not well lit at night. And so

-- and pedestrians and joggers often aren't carrying lights with them and so

-- and that could be a real issue?

>> Council member, I think we have a rule

-- a real poignant example of the challenge, and that is the pfluger bridge open to pedestrians at night and if you talk to the folks who use it for legitimate reasons to cycle and as a transportation point, they will tell you that the pedestrian element is the challenging element, where we have people defecating, people sitting down across the roadway and right now we have the tool to actually run people off if they are causing problems, but that would create a great challenge for us.

>> Riley: At the same time, we recognize the

-- the trails we are talking about were funded by transportation dollars and there is some

-- and we are likely to see increasing expectations in regard to those trails, especially as we approach the opening of the boardwalk about a year from now, and so as we have tried to sift through these concerns and figure out how to best approach the problem, one idea that we have talked about relates to restricting this pilot to bikes only, and Mr. Wald mentioned that in his comments a short while ago. There are a couple of reasons we talked about that. One is, it addresses the problem that we just talked about, about people who may be on the trail for reasons other than transportation. If you have to be actually moving through on your bike, it becomes a little easier to tell who is actually there for transportation and who is not. And at the same time, it also relates to the lighting issue, because under state law, bicycles are required to have lights, both in front

-- in front at night. Whereas pedestrians are not. Isn't that right?

[12:23:48]

>> That's correct. And those lights are really more for folks to be able to see the cyclists. Not the other way around and unfortunately, pedestrians at night, you can come up, like fast and speed like cyclists like to do on trail, you come up to the person and you are going to have a lot more conflict and the potential for people to get hurt. The last piece is you are much less vulnerable at night in our trails, especially if there is a police presence on a bike moving at a high rate of speed than you are as a jogger or as a cyclist. Even though you aren't completely

-- I don't want people to think they are not completely not vulnerable because you can be knocked off your bike if you are surprised. But from this standpoint, it is much more preferable and I think you are accomplishing what everybody else is trying to accomplish by limiting it to cyclists and you do it in a way where it reduces the need for lighting greatly because the cyclists have their own lights, which I think we talked about keeping the

-- the nature

-- the trails as close to its natural state as possible, so I think that it would be very beneficial all the way around.

>> Riley: Okay. And so, then in your judgment, restricting this pilot to bikes only and the three trails we have discussed with Shoal Creek below 38, Johnson Creek and the Ann and Roy Butler trail along Lady Bird Lake, those trails restricting and to bikes only, for purposes of this pilot, that would help mitigate the public safety concerns?

>> Yes.

>> Riley: Okay. Okay. Now, we also talked about

-- previously when we talked about this pilot, one idea that we talked about was expanding the presence of park rangers and you and i have talked about potential issues associated with that and -- and my sense is, based on our conversations, that may not actually be the best approach to dealing with this?

[12:25:49]

>> Well, I would be his about to put park rangers who aren't armed, a lot of them are very young, in that environment at night. I don't plan on putting police officers by themselves that are fully trained and armed. We are going to put them in teams of two. So our recommendation would be, especially if you reduced a footprint, the posepy footprint is to limit it to police officers.

>> Riley: Okay. The number we had talked about with respect to the park rangers was 350,000, and that, I believe, included some equipment needs that they had. If instead of spending that money on park rangers, if we were to make that available for the police for any overtime needs that might arise in relation to this pilot, would that help further mitigate the public safety concern associated with the pilot?

>> Absolutely. I think if we were to limit it to cyclists, with that overtime program, we could put some folks on atvs or on armed bicycles, depending on the environment, and we can have a presence out there. It won't be a huge presence, but it will be a presence, nonetheless, that would have a deterring effect. But secondly, by limiting it only to cyclists, it has the opportunity to spot potential problems. If you are

-- this is a warning. If you are on a bike, we expect you to be on it riding on it, not in the park because we know sexual predators hang out in the park and other malfeasance hang out in the park and are up to no good in the middle of the night. So I feel a lot more comfortable that we could do this. We will monitor it very closely. If we saw that

-- that the 350 becomes a big challenge or a huge problem, I think we would have the duty to go back to this body with concerns with the city manager to tell you, here is what we were seeing, here is what is unexpected or either we need to adjust our strategies and we need additional support or we need to reconsider it but we would have to monitor it very closely.

[12:27:55]

>> Riley: With all of those provisions, do you feel like this pilot would put us in a better position to be ready for additional use of the trail when the boardwalk opens next year?

>> I think it would afford us an opportunity to assess much more accurately what the

-- what the challenges will be, what's increasing traffic at night. But, again, even with the other boardwalk, really

-- it's a different environment right there where they are building it but limiting the cyclists and having police presence, I think those two really helps us with what we need to do to keep people safe and I really believe it's in keeping with what

-- I don't want to speak for you, council member, but I know what you are trying to do. We want to support it and we think that would be in keeping what your initial intent was which is to remove the vulnerable road user, which is the cyclist, off the streets.

>> Riley: I appreciate that. I would like to ask a couple of questions to the instructor, I see you have mr. Lazarus in the back. And the questions relate to lighting. There have been a number of questions

-- and I see director hensley there, too, and so I encourage here to offer any opinion she has to say about this. A number of questions have come up about what we can do about lighting, even if -- recognizing that with a bikes only pilot that we would have -- state law would require lights on the legal users of these trails and light at night, still, it would be helpful from a public safety standpoint and general approximately from a public safety transportation standpoint as well to have better lighting on the trails and I know there has been a lot of discussion about that in the past. In fact, in the 2012 bond election there was some funding for our trails and I understand there has been some talk about directing that towards lighting, especially along bridges on the trails. Could you speak to whether there -- to what extent we could look to those or any other bond funds to -- and make improvements in the lighting among the -- along the trails that we talked about as being part of this project?  
[12:30:13]

>> Lazarus, public works director, the 2012 bonds approved by voters provide 13 and a-half million dollars for bicycle facilities and urban trails. The funds have been committed to certain efforts but are not obligated wholly right now. If it was the intent of council to use the money to light some of the trails. Generally you are looking at a cost of 250-\$300,000 per mile to put in full mounted solar lighting. I think the big concern not so much is the technical challenge but some of the trails run through neighborhoods and there is likely to be neighborhood opposition. Parks board, which Sarah is much more capable of addressing, would also have some concerns about the impact of lighting on the natural setting of those trails. So the short answer to that be used for that. Something else would not get done in its place.

>> I understand that there is a draft project list for the 2012 trails bond money and there actually is some

-- 2012 trail bonds money and there is actually money set aside for lighting, at least on one bridge along the trail, that was at 24th street.

>> That's correct.

>> On if shoal creek trail.

-- On the shoal creek trail. The concern I heard on super bowl creek is not so much lighting the whole length of the trail. It is more about lighting, particularly at the bridges.

>> Generally, council member, when we have trails that cross right-of-way or urban areas or built-up areas we do generally light those sections of the trails. It is just the portion of the trails that are adjacent to neighborhoods or as these trails are either on park land or park easements or recreational easements, that's where the challenge comes as to whether you will light them or not. From the parks commission standpoint, from the neighbors standpoint. Not really technical challenge to it.

>> I know there is a lot of work along the shoal creek trail and significant work on the horizon with respect to the long-standing gap on the shoal creek trail between fifth street and west avenue. Do you expect the lighting along that trail will continue to be a subject

-- that your department will be paying attention to as we make

-- as we continue to make improvements to the trail?

[12:32:32]

>> I do. I think the section of shoal creek that is about 15th street south into the connection, tie over by the cross town bike ride, I think that will be led and we are going to continue pursue that. We

also have parallel to that the bike boulevard or the

-- the rio grande which is obviously regular street lighting on and when the bridge is lit, to make that connection. That will be lit and the hike and bike trail that goes from third down past new central library will also be lit.

>> Another issue that has come up is lighting along the boardwalk expected to open next year and i understand it will have lighting on the portions that go over water, as for the portions that go over land, that will be conduit that will allow lighting to be installed at a future date but there is currently no plan to move forward at this time with lighting on the trails that are no over water. Is that correct?

>> That's correct.

>> Riley: Do you expect that is also an issue, that we could revisit adds we get closer to -- as we get closer to the opening of the trail and that your department would be interested in monitoring?

>> We will work with the parks department to do what is the appropriate thing in terms of lighting those sections of the trail.

>> Riley: Do you see any value in a pilot that would allow lawful use of those trails, even with the existing provisions for lighting, in terms of getting ready for increased use of the trails in the future?

>> Council member, if you are asking me to make a comment about public safety, I am not going to do that because it is not my strong point. What I will tell you is we are capable of lighting sections of the trails to meet the needs and uses that the community desires.

>> Riley: Okay. Mayor, with all of that context, I would do ahead and move that we

-- of course we are not

-- we already approved the pilot, allowing use of the trails. What I would offer is that on not this week but at the meeting on the

-- on february 28th, that

-- assuming I can find a cosponsor I can bring forth an item to modify the pilot to restrict it to bikes only, understanding that long-term vision would be to allow full use of the trails and other trails potentially on a 24-hour basis. But for purposes of this pilot, given existing funding constraints, as well as the lighting and other public safety concerns that have been raised, that we would restrict this pilot to

-- to bikes only and i would, for purposes of our discussion today, I would suggest that

-- providing some amount of

-- for police overtime that might be necessitated by increased activity on the trails would be helpful and would respond to the public safety concerns that have been raised and the amount of -- in the amount of \$350,000 seems like a reasonable starting point, given that was the amount we were talking about with staff previously and the chief indicated he could work with that amount to address any concerns and adjustments could be made at some point in the future but for purposes of getting started on this pilot, \$350,000 to allow for additional police overtime to address any public safety concerns would be helpful.

[12:36:09]

>> Mayor Leffingwell: Which column?

>> Riley: I would

-- we are talking about police overtime, I do not see that as being a continually recurring expense. I would suggest that

-- i would suggest that we put that in the one-time column and then we will need to have a discussion as we approach next year's budget about  
-- about increased staffing  
-- police staffing needs, especially as we get closer to the opening of the boardwalk and that  
-- and that  
-- but the better way to address this for the long term would be to integrate it within the regular budget opposed is to just paying for it overtime. To answer your question, i would put it in the one-time column.

>> Mayor leffingwell: What are you putting in the recurring?

>> Riley: Actually at this point iut 0 in the recurring.

>> Mayor leffingwell: How about mr. Vannino, which number will you use in the third column to formulate your 2014 budget?

>> When is it anticipated that the pilot would conclude?

>> Riley: Sorry.

>> The pilot would be concluded end of fiscal year or continue on into fiscal year '14.

>> Riley: It would be a one year pilot starting june 1st.

>> So we would have to plan for overtime costs into fiscal year '14 as well. If it's \$350,000 for six months of '13, I would anticipate we will need another 350 in '14 and that would be the out years annualized column.

>> Mayor leffingwell: Chief acevedo, can you provide the safety you argued for the last two times we discussed this pretty strongly for \$350,000 for six months?

>> I can provide additional patrol. It is nonexistent now with bikes only. My comfort level is much higher, mayor.

[12:38:10]

>> Mayor leffingwell: Go ahead. Kind of

-- what do you think you need?

>> Well, if 350 should

-- the 350 should give us sufficient to put two teams of two, two officer teams for a six-month period on probably atvs so they can cover a lot more ground on a daily basis for 7 hours a day.

>> Mayor leffingwell: All right. So you are comfortable with \$350,000 one-time cost to get us through the next six months?

>> Yes, sir. For the fiscal year.

>> Mayor leffingwell: And \$350,000 in the next fiscal year. Plus, you know, something is going to have to happen. It's going to have to be more than 350, is, mr. Vannino, because we do it for the whole year, not just for six months? Are you counting on the

-- would you be anticipating that the pilot would end and this project would end after six months and we have to go in for a budget amendment in mid 2014?

>> N I don't think I would recommend doing a mid-year amendment again. [Laughter] I think we would have to talk to the chief and getting a feeling if we think the pilot is going successfully, of course we would want to budget in the anticipation that t program would continue and we want to set aside funds in the budget for a full year of cost.

>> Mayor, the caveat we will throw out, there is unknown. We don't know 100% certain what the impact will be in terms of service loads, so i would say that I would be directing my staff to give you a lot of information so we can make a better assessment for the actual bucket going forward in 2014. So we report back on where we are at, younow, if there is any shortfalls or

maybe it is sufficient. We will be watching it very closely. My job as marc ott always tells me to make your policies and decisions work. We will work our very best at resources at 350 and if it starts packing us, we will report

-- if it starts impacting us, we

-- impacting us we will report back to you we need more help.

[12:40:33]

>> Mr. Mr. Vannino, i realize we don't to deal with the annualized number but as we all said it has a big impact because we know it's going to come back to haunt us, so to speak, so for your purposes, just tell me what number you want to put in there so we can vote on it.

>> The number

-- I will give you logic for the number. If we starting talking about the pilot in june and \$350,000 of cost anticipated for the current fiscal year

--

>> Spelman: Six months i have heard and we have four months after june, soe may not need 350. We may be able to get by a little less than that. You aren't working for two of the months? 350, I was under the impression that was for the pilot project. That is how we did the math. The pilot project for this fiscal year.

>> Spelman: Okay. I heard you and some other people saying 350,000 for six months and then I did the math we are starting in june, july, august, september and then weave a new fiscal year, four months so maybe you maintain the same patrol levels for each of those four months at something like \$250,000 rather than 350 that you would need to do all six of those months.

>> If I may.

>> Spelman: How much is it going to cost per month to actually patrol these three trails and multiply by four?

>> Well, the math that we did, council member, was 350 for the four months of this fiscal year.

>> Spelman: Okay, not for the six months?

>> Correct. That's the premise we were operating on when we were doing the math.

>> Spelman: Okay.

>> My math would be three times that amount for a full year if we are going to continue that program for a full year in 2014, twelve months, you need three times that amount or \$1,050,000.

>> Spelman: I was trying to make a case for multiplying by two but not three but i see your point.

>> Mayor leffingwell: Council member riley

-- wait a minute

-- go ahead.

>> Riley: Just to complicate this a little further, somebody pointed out to me the resolution we passed actually did not speak to a one-year pilot. It spoke to a pilot for calendar year 2013, starting june 1st, which by my account works out to a 7-month pilot, june, july. For the calendar year 2013, starting june 1st.

[12:42:59]

>> Okay. That's how I understood the resolution from council as well. It puts us in the same budgetary dilemma for '14, though, in that if we expect the pilot to be successful, that council will want to continue this program past the

-- past the end of the calendar year, in which case, we would want to set aside funds in the '14

budget to do so in the event that the pilot is successful and we want to continue it. Otherwise we wouldn't be able to commit to having the money available to continue the program past december 31st.

>> Mayor leffingwell: So council member morrison.

>> Morrison: Is

-- ed, can you tell me or maybe the city manager can, is that generally how we budget when the council passes, adapts an endorsement for a pilot project? Do we assume the pilot is going to be successful and plan that it's going to be in our budget? Because it seemed

-- I guess I am just a little

-- I know it's all going to have to be hashed out later. I just wondered about consistency, because I guess I always sort of had in mind that it is a pilot. Let's try it and see how it fits into the rest of our priorities and other considerations. I realize we can come out this differently. Do you have other examples where we adopted plans for a pilot and then we just assume that we will be budgeting for it?

>> Not

--

>> I don't

-- I don't have a recollection of doing that, and of course the budget development, if it's a new program, we simply budget on an annua excuse me, on an annualized basis for a new program. When we do pilots, it is usually because of some proposal that has come midyear, at some point in the course of a fiscal year, like we are talking about right now.

>> Morrison: Okay. By the way, ed, I think it I thinks this fun. What do you mean you don't want to do this year?

[12:45:00]

>> Mayor leffingwell: It would be fun if it wasn't so serious. Any o comments? So the vote will be on the pilot program for hike and bike trails with 350,000 in the first column, 0 in the second column, and 1.05 million in the annualized column. And I will just say that obviously I can't support this. There are a lot of good projects on here that I have already voted against and i really like the project. It is just a matter of their urgency and their absolute need and I don't see it in this cas so with that said, all those in favor, say "aye." Opposed say no. Did you say aye, mayor pro tem?

>> I said aye.

>> Mayor leffingwell: That is 5-2. I didn't see anything from council member martinez. You with aye.

>> Martinez: Yes, sir.

>> Mayor leffingwell:5-2, with myself and council member spelman voting no. Next. Council member tovo.

>> Tovo: Yes, I would like to move that we include the austin play house in our midyear funding needs as a one-time expense at 150,000, which is the that are figure here. I will just say I know that their actual need is greater than that, but I think we are going to

-- there is probably the best we can do right now and I think it is a very

-- very important project for the miller development and the surrounding community and i really appreciate the work that they are doing and the benefits it will bring to our community.

>> Mayor leffingwell: Okay. Is there

-- I will ask for a vote in this in discussion and begin the discussion saying, again, it is not the



project. I have enjoyed local austin theater many times. I have seen mr. Toner out there in plays here in austin. I appreciate what he does. But, again, the urgency and the need to -- the absolute urgency, the need to spend this, I just can't vote for it.  
[12:47:17]

>> Martinez: Mayor.

>> Mayor leffingwell: Council member martinez.

>> Martinez: Likewise. I think I share some of your concerns but I want to ask a follow-up request because the funding request is 450,000 one time funds and all of the emails I am receiving is a request for 750,000, so this is identified at gaap funding but would it truly fund the gaap or would it not only create a 550,000-dollar gaap or whatever that number is?

>> Mayor leffingwell: I guess staff will have to answer that question.

>> Martinez: 600,000-dollar gaap.

>> Mayor leffingwell: Council member morrison.

>> Morrison: Thank you. I know mr. Turner is out there if there are any specific questions but I can explain my understanding of the issue, and that is when they first came to us, to talk about this funding plan, they were looking at a nge in terms of what amount they were hoping to be able to qualify for in terms of a loan from the bank. And given that range, if they were able to get the maximum amount from the bank, they would only need 150 to fill the gap. If they got minimum amount, they were thinking they would need 750. So

-- and it is my understanding at this point as far as they know, they are at the minimum amount from the bank, so their need existing is 750 and I guess maybe it would make sense if you don't mind to ask mr. Toner if he thinks that it would be worthwhile to have 150 or are they really basically left in the same boat.

>> Martinez: Mayor, for me, I certainly think it is a worthy project but if it is \$150,000 that's not going to get to a finished project and not let the project be built, that's where I remain hesitant.

>> Morrison: Mayor, would it will all right to ask mr. Turner to come up.

>> Mayor leffingwell: There is no objection. Do you want to come up and respond to the question very briefly. This is not an opportunity to make your case. 150,000 would get us that much closer to being able to fund the project. It will not get us there. I would just simply say that you

-- \$150,000 now would leave us with 600,000 to raise otherwise. Whether or not we can do that, I can't guarantee. I think we have a banking interest willing to lend if the city is

-- is in for 750,000. I don't know what their answer will be if I go back and say it is 150,000, to be honest with you.

[12:49:57]

>> Mayor leffingwell: Great. Thank you. That's very clear.

>> Tovo: Mr. Turner, if i could just ask one follow-up question. I guess my rationale is i really appreciate the discussion. I think it is a challenging situation if we are putting a little bit of money forward but not closing the gap. My hope was

-- I know we had staff earlier from economic growth and redevelopment and I think they were going to look at some other opportunities that may exist where this would fit into some of the programs that they support. I hope that that will continue. Do you

-- my hope in proposing this at 150 is that that may send a signal to your lenders that the city is -- the city is supportive within its very limited means. We are very supportive of the project and

we think it's a viable one and that may give a signal to the bank. Is there any

--

>> I think you are absolutely right about that. I think that the lenders would take a zero allocation on the part of the city as a deal killer. I think that \$150,000 would encourage them to know that the city is at least approving of the project and aware of the good it can do to the community.

>> Tovo: Thank you.

>> Mayor leffingwell: Discussion? Council member spelman.

>> Spelman: While you are close-by, sir. I will just ask it and maybe somebody else will answer it. How close is the austin playhouse actually being shovel ready? How far away from actually breaking ground are you, sir?

>> Next week.

>> So if you have the cash in your hands, everything else is right, ready to go. You have permits pulled, site plans, all of that stuff. You just need the cash?

>> Yes.

>> Spelman: Okay. Thank you.

>> Mayor leffingwell: Council member martinez.

>> Martinez: Would the

-- well, can we make a friendly amendment to

--

>> mayor leffingwell: No. You can suggest that the maker revise their

--

[12:51:58]

>> Martinez: I object. [Laughter]

>> mayor leffingwell: It would be funny if it wasn't so serious.

>> Martinez: So I would suggest that maybe we put a contingency on this, that if they are that close, a week away, a couple of weeks away to get a final answer from the lending institution, that if it's not, that this be put back into I guess the reserve fund so that council

--

>> mayor leffingwell: You are putting a time limit on the available

-- it is up to council member tovo.

>> Martinez: I am just making a suggestion.

>> Mayor leffingwell: Council member tovo.

>> Tovo: So if I understand that

-- if I understand your amendment, we would agree to fund 150,000 of that gap contingent upon their securing other financing for the

-- for the project to go forward?

>> Yes.

>> Tovo: I think that's certainable. I am happy to make that adjustment.

>> Mayor leffingwell: I will simply

-- 150,000 asked by council member tovo

-- well, all of this is contingent but it is ifically contingent on their being able to recur another 600,000 for the project, 0 recurring and 0 annualized. All those in favor, say "aye."

>> Spelman: Hang on.

>> Mayor leffingwell: Council member spelman.

>> Spelman: Until when? Council member martinez, what date did you set?

>> Mayor leffingwell: He didn't. Just contingent.  
>> Spelman: Well, I think we need to have a deadline.  
>> Mayor leffingwell: Council member tovo.  
>> Tovo: I would like to ask mr. Turner huh we might structure that.  
>> Mayor leffingwell: Mr. Turner, come up here, please. I hate to have you moving so much but we've got to get this on the record.  
>> Our contract with catella's expires end of march and if we cannot get the rest of the financing put together by then, we will do something else but we are very urgently trying to raise all that we need to make this happen because it's not only for austin play house. It is for a lot of other arts organizations and to bring art space with 40 affordable  
-- 40 live work spaces, affordable live work spaces for arrest tests that will be a part of this second phase of this project.  
[12:54:16]

>> Tovo: Thank you very much. So it sounds like march  
-- end of march.  
>> Mayor leffingwell: March 31st. All those in favor, say "aye." Opposed say no. Council member martinez? Is aye. So that passes on 6-1. Mayor pro tem what was your vote? Six-1 with myself voting no. Next. No more  
-- council member morrison.  
>> Morrison: I would like to make a motion that we consider the funding for child inc. And I had originally suggested it as 557. I know there is some wiggle room in there and I am going to suggest maybe that we take 25 off of that. No, I am sorry. Time out. Mr. Vannino, do we have  
-- can you tell me what we have in the last  
-- in the last  
-- in the one-time column? Is it 420? Something like that?  
>> I wanted to clarify the stin play house is \$150,000.  
>> Mayor leffingwell: 150.  
>> That's right. Then the remaining amount in the one-time column is 366,353.  
>> Morrison: Okay. Can you run down those numbers for me so I make sure  
-- I am getting  
-- we started at 11.5, right?  
>> Yeah, I am going to give you the exact numbers.  
>> Mayor leffingwell: Before we vote on the  
-- on the basic motion, we are going to take a break and let them refine those numbers.  
>> Morrison: Okay. I guess I want to  
--  
>> mayor leffingwell: Do you want to do it now?  
>> Morrison: I would like to so I can make my motion based on what is left?  
>> Mayor leffingwell: Any objection  
-- without objection, we are in recess for 15-minutes. Rappaport and I work at the centers for disabilities.  
[14:00:06]

>> If there's anybody in the audience that would li to introduce themselves.  
>> Hi, my name is judy wallace and I am [inaudible] in the human resource department. I've

been with the city for nine weeks now, and I say relatively new because last week we hired another assistant director so I'm not the newest one. I'm here as the executive liaison and look forward to working with all of you and, of course, Dolores and I work closely together. Any questions?

>> I'm Bryson Smith, a concerned citizen and I work with the coalition of Texans with disabilities.

>> I'm Katie Levine, a community partner and volunteer.

>> And I'm John [inaudible]. I'm with the department of assistive and rehabilitative services.

>> Norman Kieke with the Texas department of licensing and regulations.

>> Kathy Keller, I'm with department of family and protective services.

>> Dolores Gonzalez, coordinator Americans with Disabilities Act.

>> And Jesus Lardizabal. Chair of the Austin mayors community for people with disabilities. With that I would like to approval of minutes. Discussion or any changes we need to make to the moments?

>> I move we accept as is.

>> We have a motion to accept the minutes. Do we have a second?

[14:02:06]

>> I'll second.

>> All in favor please say aye.

>> Aye.

>> Any opposed? We are moving on to old business and we have which is visitability. Stewart, would you like to speak before or after our discussion? Okay, please go ahead and welcome.

>> Chair members of the committee, my name is Stewart Hirsch and like most in Austin I rent. I'm profoundly disappointed that you have not posted on your agenda the no step entrance policy be integrated into the subdivision deliberations for the land development code. Your posting suggests that you are supposed to post staff and stakeholders' suggestion, that no step entrance be included in the 2012 national code adoption, although I note that you are posted for action today. No detailed discussion of fair housing standards for no step entrances in multi-family housing with the exclusions that are now in place there for steep topography and multi-story housing without elevators. Instead we have a staff recommendation presented at the building and fire code board last week where some of you testified where practical standards that would allow every [indiscernible] viewer and city inspector who checks each single-family home, duplex or town home to make their own individual situation on interpretation. I ask you not to adopt when you finally have this posted for action the staff and stakeholder suggestions for a vague standard by 2016 but instead once again encourage a imagine Austin discussion by 2014 as part of a land development code deliberations. I know you are not posted for action. I'm available to answer any of your questions.

[14:04:21]

>> So Mr. Hirsch, what is the benefit of going through the imagine Austin process versus what you see going through the international residential code?

>> The critical issue in the 15 years we've had a visitability ordinance and the 20 some odd years a fairing act is getting the topography that exists as flat sloped as possible so you minimize the number of exemptions from people claiming that they don't have to make their housing at any level of accessibility. If you don't address that as part of the subdivision stage relative to the integration of on-site accessibility to drainage requirements, what you end up with is land that

will be platted and improved that takes into account drainage and takes into account accessibility in the public right-of-way but doesn't take into account potential benefits relative to accessibility and visibility on the individual private property side. And by delaying a conversation on that as part of imagine austin, you remove the opportunity for hundreds or thousands of lots potentially being in play because drainage is integrated with accessibility on si you instead end up with an approach where we end up taking all those improved subdivisions as givens and we lose many opportunities to provide people an opportunity to safely get in the housing and use that housing on the first floor because the bathroom and all the other facilities are there. So my disappointment here and last week at the building and fire code board is you simply had a posting that could ask the council to initiate it because the imagine austin is under a two-year deadline and you are posting today and their posting last week failed to allow you to do that so I'm hoping at some point in the future instead of the topic in front of you today you will take up the topic that could move this through sooner rather than later.

[14:06:27]

>> And both could still happen concurrently, we could tackle it from both ends.

>> Subdivision amendments could not be started without initiation of either the planning commission or the city council. This commission and no other board has the ability to recommend amendments to the subdivision regulations of the land development code except for the pc and the city council. So by not asking them to do that you delay that process from beginning. Mr. Hirsch, I'm not sure I understood what you said, that this committee could not recommend something? I thought as an advisory committee we could make tonight number of recommendations related to accessibility for citizens with disabilities to the council. We're not a sovereign commission, we're an advisory commission, so i didn't understand your last statement. Could you clarify it?

>> You could

-- if it was posted on your agenda to make recommendation, you could do that today, but this week, just like last week at building and standards, there was no posting on the agenda for you to take up as a topic making recommendations to the city council and the planning commission to start the ball rolling on the visitability conversation relative to subdivision regulations. And every month that goes by where you don't do that is a month of delay for that community conversation beginning. So I'm not asking you to do it today because you are not posted for it, but I am asking at some future point you put that on your agenda just like I tried to at the building and fire code board so that this ball starts rolling after what has been a year of stakeholder conversations about the integration of topography and subdivision with the visitability no step entrance issue. Every month that goes by, you are not properly posted is a month of delay.

>> Sure. This is listed

-- this agenda item is listed as old business and at a previous meeting we had discussion of a recommendation. So I'd have to talk to a city attorney or the city clerk's office to find out what we are and are not able to do under old business for a previous agenda item that involved a recommendation, but it would appear that my reading would be we could make whatever recommendation was necessary. But I concur with our chairman that the two recommendations don't appear to be mutually exclusive. And I'm reminded of the cliché a bird in the hand is worth two in the fist and if we have an action taking place that would require a no step entrance that's already some momentum behind it, why set that aside and go for something that doesn't have any momentum behind it right now. Why not go for both? It's not clear to me how the two initiatives

are mutually exclusive.

[14:09:26]

>> Well, I'm no attorney, but I read your agenda and you are posted for discussion, you are not posted for action even on the visitability so you couldn't act on anything today from the way I read your agenda. So they are not mutually exclusive. I can't act on either one today the way your agenda is posted, if I'm reading it correctly. Based on what they handed out to us when we walked in the room today.

>> Okay. But in terms of the imagine austin initiative and the recommendation for the amendments in the international building code to be adopted, how are those two mutually exclusive? Why would one preclude doing the other?

>> Because the recommendation that staff presented last thursday to the building and fire code board, which isn't part of any backup that's available to you today, suggested that that conversation start sometime prior to 2016. The city council has directed the planning commission to take up the topic of land development code regulations in the 2013-2014 time framework. So a decision to postpone to 2016 is a decision not to necessarily take it up two years earlier like you could, and that makes no sense to me at all.

>> Okay. If the 2016 change were recommended and then the imagine austin initiative recommendation went forward, it would supersede any action that was going to take place in 2016. So I still don't see that they are mutually exclusive unless council chose to read it that way.

>> Well, they are mutually exclusive because they deal with different parts of the code and the only way boards that make recommendations to council on code amendments is to do so is through proper posting. And a posting to just deal with the single-family code adoption which is what you are going to post today is different from a posting of other parts of the land development code which is solely in the purview of the planning commission and the council and not this board and

-- you can make recommendations just like many of us as citizens but the formal hearing has to occur through a different process.

[14:11:42]

>> Have you approached the planning commission on this issue?

>> I was hoping not to do that until I had affirmative votes both from this commission and from the building and fire code board, but so far we don't have that. That ultimately could be the way to start the conversation, but since the mayor's committee cares deeply about this issue, I thought I would try one more time to see if you would be willing to support that. But yes, I can proceed on my own if that's your pleasure.

>> Now, you seem to have access to information that we didn't have or don't have regarding the specific inclusion of the no step entrance in the residential building code and how exceptions or variances would be managed. Can you speak to that information that you have from city staff where you said that it would be up to each inspector to determine, and have they said what criteria those exceptions would be based upon? Is it a measurable criteria?

>> Let me answer that two ways. They handed out a staff recommendation last thursday at the building and fire code board that used only the term "practical" so it wasn't specific.

>> Okay.

>> And what we deal with currently in multi-family and in the visitability ordinance is extremely specific in terms of what exceptions are made based on topography and I know you haven't

received that and when you have such vague language that only uses the word "practical" instead of what we've normally dealt with in fair housing and visitability, then you lend itself to whatever that particular reviewer or inspector has in mind. I think we have standards that have worked both at the national and local level and I'm frustrated as can be that this conversation isn't about which of those specific standards should or shouldn't be integrated into new construction standards for single-family and duplexes.

[14:13:53]

>> So why not work to change this initiative to get the city staff recommendation to be more specific on what exceptions would be granted? Because it appears that the city staff recommendations are a moving target.

>> They have been. We got a hanut last thursday that was different than what the staff actually presented orally last thursday. I don't know how to impact that anymore. Every step I knew to do as part of a stakeholder process has proved unsuccessful so I'm coming to you to tell you that.

>> I think the challenges were going from general to specific and you are going from specific to try to come up to a general level with us and we did not have the specific information that you have that you are acting upon today with your recommendation to us about what the specific variances or the

-- I guess your biggest concern is there is lack of specificity in how those exceptions will be decided.

>> We started this conversation with a copy of the visitability ordinance and a copy of what the fair housing standards for multi-family are and what the current international residential code amendments on accessibility say. But when decisions that are being posted on your agenda and on the agenda of the building and fire code doesn't contain any of that as part of the deliberative process and that's extremely frustrating.

>> I want to make a couple comments. First, november 28th meeting which all stakeholders were invited to, we met with the home builders association to try to hammer out some of that wording. So the language that was proposed by staff was included in that and it was meant as more or less a place holder or a starting point for deliberations. I believe it was originally present that 40% of homes would meet the visitability standard. Then we started going back and forth as to topography and how to determine that. As a place holder it was decided to use the word "practicable" and at a later date to define that, something along the lines of fair housing or smart house to go better define that so it would not come down to an inspector, it would not come down to a reviewer to make that call, it would all be laid out just like in any other code and it would be easy to follow. Somehow along the way with what was presented to the board excluded that statement and that's where we decided to go and present to the board, that board and tell them no, we want this wording back so we can continue to wordsmith that paragraph because that's the best we could come up with at that november 28 meeting. There were some things added, other things taken out, but that's what we agreed to move forward with. So the intent is not to exclude or to make it so vague that people can find a loophole for it, but at that meeting that was what we could come up with. So it was definitely not meant as a loophole.

[14:17:04]

>> More importantly, it's not the word "practicable" was taken out it's the words "no step entrance" were taken out and we were left with a light switch which I can't imagine anybody buying a two-story house without a downstairs bathroom. So we were essentially left with

nothing every after waiting another five years to revisit this topic. So I agree with our chairman, we're trying to get back to the fair negotiation that we were at before, before a major stakeholder made a single phone call to a department and said take this out. I appreciate your expertise on this issue and more importantly I appreciate you working with us before our monthly meetings to shape our agenda so that it could be meaningful and so that we can be more agile in terms of taking action.

>> Thank you for your time.

>> Thank you.

>> What I'm trying to determine here, do we need to put it on the agenda for next month to meet the

-- because I thought it was already in place to make these recommendations. For the no step entrance.

>> For the international residential code, that's already happened, but I believe what Stewart is bringing up is a different issue. He would like to see action where we make a recommendation to council and planning commission to take this up via a different route, to go through the Imagine Austin process to look at the land development code, if I'm correct. We're talking about two different things. We've accomplished what we set out to do last meeting. This is a different issue for us to consider. Do we want to recommend to the council or planning commission they look at visitability through the Imagine Austin process and the land development code?

>> If I understand you correctly, Stewart, is that the recommendation that you would like to see?

>> Yes.

[14:19:05]

>> So can we make that recommendation to put it on the agenda for next month so we have time to see how our only agenda is being addressed and if it's stone walled we can add this as another way to approach this.

>> Sure, if that's your motion.

>> I want to make sure I word it correctly. If you could help me with that.

>> I think you are going to take up your future agenda items like you normally do and one of the topics you could put on there is consider visitability as part of the Imagine Austin discussion, something that big that gives you great flexibility as to how you are to do that. I just don't think you are posted to do that.

>> I would make a motion we address the visitability issue in the support of engaging Imagine Austin in that concept. Does that make sense? With no step entrance.

>> With the possibility of making a recommendation.

>> Yeah, because

--

>> I guess I need to go back to my board and commission training to figure out what exactly we can make a recommendation because the word "recommendation" doesn't always appear in our agenda when we've been doing that. I'll second that as long as

-- where the possibility of making a recommendation being added to that.

>> Okay. But I would also want to chase the other option that we're exploring now and loop back to city staff and see where we're at on specificity for the variance or the waiver of a no step entrance to make sure that going forward as we get ready to go to city council that

-- I still see this as a two track process. I don't see Stewart's recommended path and the one we're on being mutually exclusive.



>> We have a motion and a second. Any discussion?

>> No, but I'd like to see if we can do a subcommittee meeting again and we don't have to -- that can be one agenda item for next meeting, but that doesn't have to be the only agenda item for next meeting. And we may want to make a motion for another agenda item before the 72-hour posting for the open meetings act to make sure that the other path that we want to explore is still open to us.

[14:21:28]

>> Right, and I also like to do this because I think Stewart, at the previous meeting is the first time I heard of going through the Imagine Austin process. When you brought it up at that board meeting, that was the first time I had heard of it. I would like to flush it out a little more and see how that Imagine Austin process works and how we can get things rolling. So I think a subcommittee meeting would definitely be helpful.

>> I think the same stakeholders that opposed the no step entrance through this process will oppose it in the other process. I'm not naive to think they are not watching it through both processes and so I just view it as same stakeholders, different boards and commissions.

>> Right.

>> So let's vote on that motion. All in favor say aye? Any opposed? So that passes. And so let's go back to our old business discussion. So just to be clear, through the international residential code, we got wording put back on to the proposed ordinance to include the no step entrance. And it was the wording that had been removed previously which kind of caught us off guard and so now it's back, it's back and it is a little vague in what it specifies, but that was done on purpose so we could hammer out the details as part of the stakeholder process. So that's -- that's where we are now.

>> Okay, and one of the things I guess I would like is when we have a subcommittee meeting if we could have city staff come and talk about how the hammering out details process works and how much of the detail needs to be in the ordinance and how much can happen at the department level in terms of any rules or regulations that are not part of the ordinance. It would be my hope that we

-- when we last tried to have a subcommittee meeting we didn't have a quorum so we weren't able to do that. I think we have an extra commissioner now, it will be easier to achieve a quorum and pull that off.

[14:23:35]

>> I'll certainly commit to that too.

>> I think last time was my fault we didn't have a quorum. I'll blame it on the flu epidemic. That's where we stand on visitability and the no step entrance. I'd like to thank all those people that came out to testify. You know, some of us came out twice because we didn't hear about the moving of the meeting, but thank everybody that came out to speak for the no step entrance. Anything else on visitability? Anything anybody would like to add?

>> I would. There's an interfaith group that meets about making churches and synagogues fully accessible, and they also are working on the no step issue. So we might want to talk with them because they seem to be ahead of us a little bit at this point.

>> Well, if they see the value in it for their religious buildings, then maybe they would also support this for Austin homeowners and might be an important stakeholder to ultimately testify at city council. If you have a contact name that you could email to Dolores so that she could share

that with us, that would be good.

>> Okay. And our next item under old business is to approve our annual report. Thank you, dolores, for putting the report together. I know it takes time and eft to do that. Do we have any comments about the report? Other than to thank dolores, of course.

>> Thank you, dolores.

>> I make a motion that we approve.

>> Second?

>> I'll second.

>> We have a second. All in favor please aaye.

>> Aye.

>> Any opposed? It passes. And we're on to new business. And we have a presentation by nicole harmon.

[14:25:40]

>> This was changed to randy

--

>> can we sit here?

>> Yes.

>> That's better than standing over there.

>> Do I need to do anything to this?

>> No.

>> My name is randy hester. I am president and c.E.O. Of a nonprofit called variety, the children's charity of texas and I'm here today to sort of pick up the ball from

-- take the ball from nicole without hopefully fumbling it and make you aware of an effort that we are trying to accomplish that I'm not sure you are aware of, and I think that was the original purpose of this meeting was for her to explain how at that time the core foundation which she ran at the time wanted to start an initiative to build all access playgrounds in public parks around austin, and we joined up with nicole a few months ago and we became aware of the effort because our mission, variety's mission, is to enable children with special needs, and we began to work together with a plan. So the core foundation, however, has now gone a different direction, they are not really supporting any initiatives, so they've handed the entire project over to us.

That's fine. So that's why I'm here instead of her. They will continue to support us with their ideas and their experience and their knowledge, but the effort will be carried forward by us. So let me tell you who variety is. We're a nonprofit that started in 1927 when a woman, an unidentified woman left her infant baby in a movie theater in pittsburgh, pennsylvania, the sheraton theater, on christmas eve. They found the child in a basket with a note that said this is my child katherine. I have too many other children to care for. I've heard that entertainers are kind-hearted people and I pray to god that you will take care of her. Signed, a heart broken mother. So the owner of the theater, sheraton theater, had just started a club for entertainers, just a social club called variety club. And at that time it was a true club. I had to be in the entertainment business to be in the club. So theater owners and actresses and actors were all in the club. They changed the mission to support katherine. And they named her katherine variety sheraton. So for four years they took care of her until she was adopted. During that time, being good entertainers that they are, they got a lot of publicixy about the new charity called variety club. Other entertainment groups around the country started their own and in 1936 variety of texas was started so we've been doing this 77 years in the state of texas. If you are not in the

entertainment business, you've probably never heard of us. We're headquartered here in austin. So we

-- we are number 17 of 23 and we have a camp or what we call a retreat, peaceable kingdom retreat for children about 10 miles south of killeen. 122 acres. We serve 6,000 kids a year through that camp. Camp bluebonnet, if you've ever heard of that, that's one of our camps that are supported by folks in austin. We also do direct giving to children with special needs. Let's go back to the story of baby katherine. At age 4 she was adopted, it was prior to, and until 1980, during that time 22 variety organizations sprung up in the united states and 14 more worldwide. England, australia, new zealand, israel, tokyo, barbados of all places, all with the same mission, to help special needs children. 9195 they per waded her at thible dinner held in -- hosted by frank sinatra and grace kelly. And from the rest of her life through 95 she was helping variety raise money around the world. So my background is in the movie theater business. I started out with the old presidio theaters in austin, I don't know if you have been here long enough to remember that. We ended up 13 years as cinemark. In 2010 a couple of directors came to me and said we need a new executive director, we're going to expand our presence, would you consider doing it. I was semi half retired and said let me think. In 2007 in austin they -- a man called and said I want to talk to you about variety. At the time he was the c.E.O. Of gatti's pizza. I went up and had coffee with him, talked, said let me explain about variety. He said I know all about. I said how? You are in the pizza business. He said katherine sheraton was my mother. The baby they found in the theater in 1927 was his mother and he lived about a mile from me. So I said, wow, that's good, mike. If you are willing to serve, I bet I can get you elected to the board. He said if you will take the job, I'll serve. So I've been doing this two years. That's how I got here. Okay. We moved to austin, moved the office from dallas to austin about a year ago. Sara record is here in the austin offices. She's our executive assistant, which means she tells me what to do. Okay? Amy lewis is at bannockburn baptist church. He's head of special needs ministry. And we're here to talk about the term I like to use is all access playgrounds. Because all to us means not only children with special needs, but their families too. There are families who -- adults have special needs. The adults have disabilities, they have access issues. The children do not. But to us those are special needs children. Because they sometimes are affected by the lack of access that their parents have. So it's for everyone. And that's our mission. So when you ask why are we doing this, this is what we do. Not just in austin, we do it in the whole state. So what have we done so far? Well, core did a lot of work, okay? They finally went out and like any good idea they think this is a good idea, we think there's a need for this. So they began to cultivate knowledge from groups around and determined there was indeed a need. Then they went out and looked to see how it was being served in the public sector and came back and said it's not really being served. So now what do we do? Well, let's not just trust ourselves, and I'm not asking to you take my word for it, let amy tell you. She knows a lot more about the needs of the public than I do and that's where I get my information. So let me turn it over to her for a minute. [14:33:10]

>> Thank you. One of the things that I do at bannockburn is we provide support to families that have special needs. The director of special needs is deaf at bannockburn. We serve families from infant all the way to adult, some of the adults that we have at bannockburn are up to 70 years old. One of the things nicole has come to me, we had chatted about this, and the need when we looked at the demographic of austin, one of the things is that we were kind of looking, round rock just opened up a NEW PLAYGROUND, WHICH IS THE Outskirts of round rock, and then

the next closest inc. Was morgan's wonderland in san antonio. That's, what, an hour 10 minutes, 20 minutes away. So we were kind of looking at the demographics of south austin and realized, you know, there's really not anything around in the south area, at least south of the river, for children and families that have special needs. So when we looked at this, we talked to several people. I thought, well, I'm going to talk to a couple people i know from our church that are with city of austin, and we started working with them, talking with them about, you know, what was up for renovation, just trying to get details about it. And just asking questions. And so there were several, several things that, you know, that needed to be updated in the south area as far as -- or even central south, and they had talked about it, the city what talked about it so it wasn't a new idea to them. They knew there were some accessibility issues that were coming about and as far as the surfacing and just all the details that ges into a playground area or a recreational area. And so then what we decided to do is we would love -- we looked at the demographics. First she asked me what i thought about the independent school district here in austin, and one of the things that we had talked about is there is about -- right now, let me give you a exact number, i want to make sure I get this right. I looked it up and talked to some people at aisd, and right now -- well, in 2009 we served -- there was 83,000 students just in austin independent school district. As the total number of students serving special education, this is physical, all spectrum everything, was about 7,852 kids. And that's just in the austin independent. So it's about 9.4% are served with special needs. So we noticed, I mean this was 2009, and basically these numbers are rising daily because people are moving to austin and because of the educational opportunities that's offered with austin i.S.D., And that's why we just looked at it and decided, you know, this is something that when we talk to our families, the city said, you know, let's get a top five. What are you looking for in a playground? And so we did do kind of a survey of our families of what they thought a playground would look like for their family, and it was astounding to me that -- that this could be possible, that we could actually do something with the city alongside them and, you know, have this place for families to be together. And you know, talking to a family, just for an example, you know, the economy, we talked to several families where the economy is really hitting hard in austin. I think they are really feeling it. And with the new year coming about and people out of jobs and stuff. And the playgrounds to us was free recreation more or less for them. That they can go to a place and be and not have to spend \$50 to go to movies. I don't know how long the last time you went to the movies.

[14:37:46]

>> [Inaudible].

>> That's right. It's just something that, you know, where families could be together in a safe place for their children and that's what was important for them.

>> So, you know, we have 10% of our school children that we know of for special needs. I look back as you were talking and the word "all access" is really a good name, particularly in austin. It applies to the concert business and music business. The same thing applies here. So what have we done? We've taken the research, we've taken the knowledge that the need we thought existed actually does exist. We know it exists for about 10% of the school population and probably more. That's a big bulk of our population. We also know that it's really not being served. And when we found that out, we didn't decide, well, we're going to rush down here and ask y'all to solve it. That's not what we're asking for. We want to

-- what we're here for is to tell you our ideas on how we would like to solve it because before we get too far down that trail, we need your input. Because we're not going to get very far if it runs contrary to what you think the solution should be. So we took this information, we started consulting with other variety organizations around the united states that have done this and come to find out there were several. From that we learned about three, the three largest developers and builders of these projects in the united states. We've consulted with all three of them. We haven't chosen one yet because we don't center a project yet. But do we have our drawings? Let us -- we're going to hand out hard copy, electronic, sorry, of just some ideas. And when I say playgrounds and you say, well, what's it like? That's like me trying to describe what a football stadium is like. You know, I can describe a high school stadium, then i can describe cowboys stadium. They are different and so it depends where it is, how much land we have, where the users are, all these kinds of variations. But the key thing is the usability for everyone and it's something that would compliment what already exists in the park system. So the last thing we did, obviously we've done this, the last thing we met with staff in the parks department and sort of floated this trial balloon about this idea. Which they liked. And what they came back with is, look, we'll give you five spots, park spots that we think this could work. And then you come back with some specific plans because they are all going to be different depending on the size and stuff that we have to work with. And come with that. So that brings us to what do we need -- what are we asking for today. Well, for one, we're just asking you to listen and understand and know what we are trying to do, and particularly if you see some flaws in it or a direction that's not a good direction, we would like to know it before we go there. Secondly, we haven't gotten our five spots from the staff yet ande've been waiting two months. I hate to come in here with that kind of information, but we're sort of stuck. And interestingly enough we're not stuck for money and we're not going to ask you for money. We've got money. We want to spend it and we want to spend it in austin and in the park system for something that works for everyone. That's what we're here for. So once we've got the spots, then we'll come back with a plan, and what we would like at that point is your input. Because we don't want to start going through the system and then all of a sudden you guys go wait, that's not what we were thinking. We would rather have it in the beginning so we're not -- you know, this stuff costs money so we want to draw something up and start going down the trail and have to redraw it, obviously. And then help us where the with the process. We're not familiar with it, not experienced with it of where to go and how to get this accomplished. So I'm open to questions or comments or

--

[14:42:22]

>> I had a couple questions, and starting off with who are you working with? Is it through the parks department?

>> Yes, sir.

>> Who is your contact?

>> Well, I've got a list of five or six people I've met with. I can send it to you.

>> Okay. Great. The other issue is there's the a.D.A. Guidelines, the a.D.A. Standards and then there's the texas version.

>> Yes, sir.

>> [multiple voices]

>> I'm well aware of that.

>> I'm assuming you are going to meet all of those standards.

>> Absolutely.

>> Meeting those standards, is that what you are calling all access park or are you going above and beyond those standards?

>> Well, you know, i honestly can't answer that question. Those to me are a minimum. And then you are going to have the wishes of your stakeholders, like you talked about. So I'd have to -- I don't know exactly what these are as they relate to a.D.A. Regs, okay? But that's not the only thing we're looking at. We're look ago the the stakeholders, what the city wants. You know, our vision here is, you know, we want people to come to this city and look at this and go this doesn't exist anywhere. Here's another thing that austin has done that no one else has done to be commodating.

>> Because I know the parks department here has sort of been leading and making accessible playgrounds.

>> Playscapes.

>> Yes, playscapes. Even when the requirements weren't in place, the parks department was moving towards those and telling designers you have to meet these

-- even if they are guidelines, not standards, you have to meet them. So I think you will find the parks department is a good ally in terms of accessibility. I just wanted to point that out. Bryson.

>> I like the idea you are doing it over five different spaces as far as building one super mega place which would require more transportation, lack of access to neighborhood kids, at least getting there. Are you thinking of doing this like building around existing equipment or by attrition with other equipment or

--

[14:44:35]

>> well, the selection of the spots is really the parks department role because, you know, we're not familiar with them, and secondly, you know, they have a spread sheet of what's there, what it's like and all that sort of thing. They just kind of picked through and came up with five just like that. I can't even tell you where they are. And they were

-- the available land was different in every one of them. Some of them had nothing and some of them had existing playscapes. We can do either one. The pros we talked to have done either one. They've done both.

>> I have a question. Have you gotten any feedback from either morgan's or any of the other facilities that have actually attempted something like this and what they feel is working, what works well and maybe what didn't meet their expectations?

>> I haven't, but the professionals have because they build these all over the country, all right? And as they do, they evaluate what works and what doesn't. So that

-- that experience really lies wi them, not us. And that's why we consulted them.

>> I'll add to that. You know, when we were looking at these

-- i actually have a list of parks here that we have

-- district parks and then the metr parks. And the ones that were up for renovation. And one of the things that came up that was really a major issue too was looking at the

-- an overhang or having something that, you know, for a pervious cover type of thing because it gets so hot here in austin and just in texas alone, that that was one of the things they really were looking at as far as adding to a lot of the parks is to have those systems in place for pervious cover, you know, the cover. I don't know if that's the right terminology, but

-- so I know that was one of the improvements they wanted to make as far as a lot of those parks if they were going to add to what they already have is definitely covering those because of the heat.

[14:46:49]

>> School districts in texas have been working on this SINCE THE EARLY '90s. Playgrounds of certain texas schools are already accessible, at least as far as the standards were at the time that they were built. San antonio is pretty far advanced in terms of using moisture -- water systems and I think that that's probably part of what they are using at morgan's wonderland. And I think that what you are doing is fabulous.

>> I would like to echo that. I think the public-private partnership is really great in this time where city budgets are not growing or being cut and parks budgets are viewed as a luxury wen compared to public safety. Would the birth of my first child in 1997, I became an immediate expert in terms of opinions of accessible playscapes throughout austin, and I was impressed with how accessible the northwest district park playscape was. It had a play surface where a wheelchair could access at least one of the swing sets in it. Also had ramped play structures for integrated play. Not all the features of the playscape were fully accessible, but that would be true anywhere I think and also meet the intent of the regulations. What I would encourage you to do in developing this idea further is identify key stakeholders and I guess in the architectural world they call it a charette where you have kind of a planning meeting to envision oncyou have settled on what parkproperty you are going to work on, what that looks like and go for supporting the access needs of different disabilities, not just disabilities of people are mobility impairments or people who are blind or visually impaired or people with autism and include stakeholders representing that disability in your planning. I think innovation is what austin tries to put forth is that and keeping ourselves weird, so [indiscernible] to try to envision your playscape as well. I'm excited for what you are trying to do. In terms of being holistic, I always count on our parks department following or leading regulations on accessibility because we -- we don't want inclusive playscapes to be a one off event, we want it to be true throughout the city but it's only as true as the era they were constructed.

[14:49:41]

>> Of the five sites you are only looking now at the parks department or are you investigating the aids site or any of those?

>> We have not because they are not always accessible as much as a park, okay? We are going to build one at our own place in peaceful kingdom, and that's

-- that's happening no matter what. And the number five came from the parks department. We didn't ask for just five. We said just give us the ones you thi, if it's seven or it doesn't matter, let's take a look and see. Ultimately we would want to cover the full landscape. And that's what we do. And we also

-- to your point about others, we have other ways of serving those populations. We do special needs movie screening. And they are mostly for autism. They don't like it dark so we keep the lights at half level. They don't like it real loud so we turn the sound down. And the families come, the kids get in free and their siblings and their friends and the parents buy the regular ticket. And so we do that. We also have a full week at our camp. They are all diagnosis different each week at the camp. We have one that's called

-- high pressure me, sara.

>> Out on a limb.

>> Out a limb. Every child is missing at least two limbs. They come to camp, spend a week, we have high ropes, swimming pool, a big lodge, an indoor theater with stadium seating and the whole thing out there two miles in the million dollars of the woods south of killeen. You drive up and down highway 2484 the rest of your life and never know it's back in those woods. Okay? Plus, we've got about a half mile frontage on the lampasas river. We cover lots of different populations with things that we do.

[14:51:49]

>> A tad off the subject but I think it's relevant, on your, like your movie screenings with the lighting, I remember hearing about that a couple years ago, I thought it was a great idea. I never hear it being promoted

-- maybe I'm just not listening in the right places, but how much is that promoted or talked about or

--

>> it's promoted and it's on markets. We do it in san antonio, houston and dallas. And we're trying to get it started here.

>> Okay.

>> So

--

>> and there are some

-- like barton creek square mall, they will have those. I'm on the autism society there, they send out

-- i mean usually monthly they have those. As far as a screening.

>> Right.

>> I'm norman kieke. Congratulations on where you are at this point. You mentioned that you have multiple contacts at parks and rec and the key is going to be eventually once you keep hammering on the door, finding that one contact. I ran a nonprofit in austin for a number of years and we had a national fraternity group that came through austin out of the east coast and did accessibility projects and I was lucky at the beginning of that process to be able to be directed toward a project manager at parks and rec. So every january when i heard this group was coming through I would call this fellow and say where will you be working in june, I've got 20 volunteers coming through. What you are talking about is much larger and I think once -- whether through your efforts or through partnership with us, I'd like to think that our membership would also be willing to advocate for you with parks and recreation to help you identify that key contact person to help move this along because it sounds like you are ready, perched.

[14:53:55]

>> We're ready to put some plan together to present and stand back and watch it either be praised or not. And it's interesting that you mention that. We have a program at peaceful kingdom called alternative to spring break. We get kids close to this time of the year come down and instead of going to spring break to fort lauderdale or south padre or whatever they go, they come there and spend an entire week working on projects at the retreat. And they are from michigan and ohio state and rice and schools all over the country. And we'll have a

-- you know, two or three weeks of different groups come in, spend a week and that's their spring



break. And then a lot of them come back as counselors in the summer.

>> I would encourage you whether through dolores, we're all listed on the austin mayor's committee web page to continue the information flow to us, the benefit of communicating dolores is that she can communicate with all of us without violating some of our guidelines whereas if you communicate with us we have to communicate with dolores and then we can communicate with the rest of us.

>> Let me hand out, we have some cards, we didn't bring enough, but we'll send more. Those are really picture books when we debated on how to put it together explain what we do and who we are and we decided the pictures work way better than a bunch of words. So you can see these kids not only the ones at peaceable kingdom but also the ones, the others we just do direct support of children.

>> Are you familiar with camp for all?

>> Yeah, similar.

>> Are you modeled similar in terms of accessibility?

>> Yes, we are, but also if a kid can't pay, they can come anyway. We're a nonprofit. You know, we'll make

-- we try to serve as many as we can and we're not driven by the same business model. Although not that we want to waste money. We're good stewards of our donor's money and get it to go as far as it can. Our goal is to be at capacity or beyond and then expand to capacity. We have 122 acres out there. We've got some room.

[14:56:28]

>> What age do your camps serve?

>> Up to age 18. But we also take the soldiers from fort hood and the warrior transition brigade and they come out and do training out there through a third party. We don't do a training. It's called resiliency training. And that's the entire brigade of about 800 soldiers so they come out and use it and they are certainly not children, but that's okay. They will do the high ropes and low ropes and the zip line and climbing wall and all that sort of thing.

>> I guess bottom line how can we help you as of ight now?

>> Well, I think you've helped confirm one thing that we're not on the wrong path. I wanted to make sure we had alignment, for one. And then secondly, you know, we need if there's a role you can play in getting us the response from the parks department, that would be great. Even if it's just direction on what to do. Because we just haven't been successful through the normal process.

>> And I think if you sent dolores the contacts you've had with pard, I think that would give us a good starting point to guide who to go talk to. We can definitely help you there.

>> And I understand they are busy and we just came in, they didn't know us from anybody and started talking about this, sounded like a good idea, but, you know, they've got other things to do.

>> And getting a list of supporters such as us and others such as adapt, children's museum, texas rowing, you know, center, i think would be helpful to spur this along and also as you interface with those organizations I think you will broaden your horizon as far as what's out there. And each of them have some

-- a little dime in there to find.

[14:58:34]

>> We've headquartered in dallas for 75 years and now we're here so we do need to expand our horizons.

>> I'll send you those contacts.

>> Great.

>> I think for at least each district park there's a friends of park association where the neighborhood or the citizens adopt a park, and once you've identified or settled upon a property, working through or with that group will probably gain you a lot of important allies in terms of the neighbors that live right in that area. So that's another thing that we can research is identify those friends of the parks organizations for the five properties that are being named.

>> Great. We need all the help we can get. Sara doesn't have enough to do.

>> Anything else? Well, thank you all very much.

>> Thank you for your time. Thank you for your efforts.

>> And so we'll head over to subcommittee reports. I know tanya is not here to talk about access and youth initiatives. There was nothing to report there. And then employment and awards subcommittee?

>> Yeah, this past month i served on a diversity task force talking about employment of people with disabilities through the city of austin. That was hosted by the city of austin's human resources department. I thought it was a pretty good opportunity to make an impact on some of our city's leaders and remind them about including people with disabili and employment diversity. One of our past employment award winners was there, seton hospital, and they were speaking on the same topic in terms of hiring people with disabilities through their training to work program that they have. So looking forward, I didn't want to set the date for our job readiness group until i was able to hear from good will about when their community expo is being planned in may. We want to kind of tie our planning to that event. At the next meeting I'll let you know that.

[15:00:49]

>> Okay.

>> They may be partnering with the city's job fair, which is in april. So we may need to check out and see if they are even planning on having their career expo this year or if they are just planning to partner with the city.

>> Okay.

>> That's on april the 16th.

>> Where will it be held?

>> It's going to be at the parmer events center on APRIL THE 16th. I think that's the right direction they are doing, but we can confirm that.

>> Do you know who in the city is on the lead for planning that?

>> Yes, I can send you that contact.

>> Thank you.

>> Moving to citizens communication. We have mr. Roy whaley signed up to speak to us about the barton springs master plan. William, mr. Whaley.

>> Howdy y'all, my name is roy whaley. I'm the chair of the austin sierra club conservation committee and I appreciate the opportunity to address you all today. And this ian issue, and I'm not sure how much information y'all have on it. I'd like to be able to start a dialogue, it's about the ongoing master plan over there and what I want to talk about specifically is the a.D.A. Access on the south hill. As you know, we have a.D.A. Access on the north side, which is really

the west side. And the south hill is actually on the east side. But that's what we call it. So we'll just keep on calling it that. I did speak and I've been to several planning meetings on this over the last couple of years, and at environmental board last week I feel like I spoke very poorly and did not communicate clearly. And I want to say today austin sierra club doesn't like and does not want approval of all of the changes at barton springs right now. We, however, do completely and enthusiastically support the a.D.A. Access plan that they have. And I'm sorry I grabbed the wrong file as I ran out the door and I don't have the map to show you, but as they are rebuilding the fence and the entrance at the back side there, they will take a path and it will go along on arroyo that has trees, there will be species removed there and it's going to be a pretty nice walkway and a wide enough path for everyone to be able to use it. Everyone will be able to use this path. And it will take people down along the arroyo and down to the pool and it will be behind the diving board, if you are familiar. Now then, we did go through a process of making certain that that transition, there's an existing concrete walkway there and that that transition is within the proper grade to make sure that it is a safe transition off of the trail and then along the concrete walkway by the pool. And then once you get there, we need to make certain that there are places for people to use to park their

-- their vehicles, their wheelchairs, et cetera, whatever they need to make sure there's safety for the people that are using them and the other users of the pool. You've got a lot of children running up and down through there so we want to make sure it's safe for everyone even though shouldn't run by the pool. They are kids and they will do that. Where we have a disagreement is that there is a proposed granite trail to go over to an existing monument

--

[15:04:58]

[buzzer sounding]

-- may I continue?

>> Yes.

>> To an existing monument. It's on a fairly flat ground and then that's really where the slope down to the hill starts. And it is a pretty overlook, but what is being proposed is a granite path and then a large

-- a fairly large area for an overlook. Now then, originally it was going to be part of the arts in public places and there was a great outcry against that. Everyone supports art and so it was moved to the outside of the fence. And they are going to expand the fence in the back to increase the inside area of the pool in part to take in some trees that are having their root zones impacted and its impacting the tree health. That will little take place at the monument

-- will also take place at the monument because that's at the critical root zone so these trees could be negatively impacted by anything that happens there that adds any kind of compaction. They are doing a whole process on the tree court to aerate the roots and then build an area that will keep the trees healthy but still make it available for a really nice shady spot for everyone to visit.

They also have information kiosks about the springs and how they work. What we would like to see is the same thing on the south side and have that same information and take that monument, the historic monument and move it also to the outside of the fence so that you don't have to pay to get in to find out about this information. And then that will also

-- the south side is not natural, and that has been bandied about quite a bit that we want to leave it natural. What we're saying is that we want to leave it as natural as possible as it is today. The south hill was built up with fill, trees were planted by the parks department and individuals and

our most industrious foresters in the city, the squirrels, had a part in planting some of the pecan trees over there. There's a website over 1100 people have signed up against the overlook trail. I have gone out and done very unscientific polling on three weekend, talked to over 300 people, the folks that use the pool all the time, mostly college students, and everyone supports the a.D.A. Access by the arroyo. However, there is not the same feeling about the overlook. So what we would ask is that we have a compromise and have a cut out on the access trail that would also work as an overlook for the pool so that there is a turnout there so people can stop, sit in the shade, see how beautiful the south hill is and still preserve the best plot we have there. What everybody wants to enjoy. And so I know that's not on your agenda today. I wanted to have this conversation. I don't know how much information y'all have about that at this time. I'm certainly willing to answer any questions today and I'm certainly willing to leave my contact information and communicate with any of y'all about that. One of the things that unfortunately during the series of meetings, it seems as though everybody is trying to talk about what the a.D.A. Community wants except for people in the a.D.A. Community. And so everyone is trying to give this perspective, we need to know what people really want. And so that's what I'm asking for today. [15:08:54]

>> Mr. Whaley, I do remember several of those meetings and I attended most of the joint committee meetings, the parks board and I think we sat through some of those contentious meetings and name calling and all sorts of stuff so I am very familiar with the process. And the last time that we heard about it was that the parks board had voted to remove the decomposed granite trail out to the historic marker. I believe that was the last word that we had gotten.

>> Okay.

>> And I believe the parks board was thinking that they didn't have to have an accessible route to it per a.D.A. If, and so they were going to consider moving that to a different location and providing an accessible route to it to wherever it got moved. And I think that's the last we've -- we heard of that decomposed granite trail. As of wednesday at the end of the environmental board, it's still on the plans. I'm an old carpenter. If something is on the plan, I'm going to build it. That's the way most people do it. It needs to be taken off the plan, the actual site plan itself if it has been removed from the plan. I'm afraid there will be miscommunication on that so that's a great concern. When I say that there hasn't been the a.D.A. Voice there, I'm aware that there has been and you are right, some of these meetings have been downright unpleasant. And there's no reason for that and not everybody shouts during a meeting. So maybe the a.D.A. Voice got a little drowned out by some of the ill mannered folks, myself included.

>> I wanted to get your opinion on why you think the decomposed granite trail is a bad idea.

>> Well, like I said, once again it comes back to canvassing the folks that are out at the pool.

There's several reasons. The majority of users want to just leave the hill a wide open green space without pathways through it. And so that's the reason the a.D.A., The access path -- i keep calling it the a.D.A. Access, but it's really access for everybody, over by the arroyo, that would make its way down through a beautiful area. Nobody is opposed to that, and it doesn't take away from the green space. As one gentleman told me as we were leaving a meeting that was held at barton springs one evening, he was

-- I was riding my bicycle and he was waiting at the bus stop, and boy howdy, when he told me how long it was going on the take him to get home, i thought my gosh. What a tough

-- I complain about traffic taking hours to take a very short trip, it just was unbelievable to me. But that aside, what he told me was we

-- and he spoke in the plural, we want to enjoy what everybody else is enjoying. We don't want to see big changes over there, and i know this one individual speaking and cannot speak for a whole group, but this is what he said. We want  
-- annoyed the and and used the terminal. We want to enjoy the same thing everybody else enjoys. And we want everybody, austin sierra club, and the sierra club is the oldest environmental organization in america, founded by john YURE IN THE 1890s. We want everyone to be able to enjoy barton springs. So yes, absolutely good with a.D.A. Access. It's just  
-- the other problem is one of e problems that we have over there is an erosion problem. They are part of master plan is addressing that. Part of the problem with having a path go over to a specific place is that that's when other people follow that path and that's where the  
-- they start disembarking. And then trails get worn down the hill and then water runs down the hill and then the pool becomes cloudy with silt and the hill starts to erode. As it is now, you come out of the gate and everyone just dis% across the hill. There's one area that exists where everyone, and it's over by the arroyo, everyone follows that and walks down and it's eroded out because there are exposed roots, there's an erosion, there's a drainage problem. Part of that will be addressed and once you have the sidewalk over here, the concrete path way, we won't have that problem. If you have a disembarkment point on the hill, then people will, like we always do, follow the path of least resistance and we will start having erosion problems again. That makes the hillside ugly, it also gets into we have to go back and readdress that and it's a financial issue for the parks department that's already under budget and under financed as it is. So there is that problem also.

[15:14:27]

[One moment please]

>> ... I don't mind that as long as we're saying that this is the good of the park because what good is a park out trees and soil. But if this were intended as an alternate means of access route for citizens with disabilities to enjoy these same amenities and we were talking about taking that away, I would disagree. I tend to think people with disabilities and any other citizens should use the same path. Are you saying your recommendation to remove this path is due to the fact the feature it's going to is already being moved out so it's sellerly a path to nowhere, it's not going to the monument you were discussing?

>> We are asking that the monument be moved out. I'm not addressing the proper body to do that today, but it would

-- to me, having the monument outside the trail

-- outside the fence makes it accessible to everybody and makes the history of the springs accessible to everybody. That's the way it is at the tree court on the north side right now. You have the historic markers there, you have the information kiosk there on the history of barton springs and how the springs work also and we're going to be asking for the same things on the south hill. But if you move the monument out, it makes it not a destination point on the hill. Most of the time it's boiling hot in austin and you can't wait to get in the pool.

[15:16:39]

>> I think the original for the pool there was going to be the art in public places feature there which was basicallyly meant to be climbed on and basically almost like a playscape. And the monument was going to be there so that's why we were

-- if that's going to be there, there needs to be an accessible route to it. So things have changed a

little bit as to what's happening. And I do recall the monument changing from horizontal members to almost like a bench area with a cover on it and I just didn't realize it had been moved outside.

>> It has not been moved. We're asking for that. The existing monument we're asking it to be moved and we're very happy that the art will be moved out. You go there, everyone knows barton springs itself is the artwork there. And we're certainly supportive of having that on the access trail up to the gate to go into barton spr that's something everyone can enjoy, the whole -- whether you are a swimmer or if you have an aversion to cold water like a lot of people do, you can still go there and enjoy everything else about the park.

>> Mr. Chairman, given the late hour of our agenda, what I would recommend is that we either have the access committee take this up, study it and come back with a recommendation or that we put this on the agenda for a future meeting. But it looks like our previous recommendation may be tied to a moving target.

>> I think it is.

>> And my philosophical stance remains in pe that if this is going to be a feature or all citizens to use, it should be accessible. But if in the best interest of the park to prevent erosion and preserve trees, we're talking about eliminating it for everybody, I don't oppose that. On principles it's fine, but it's not on our agenda to take this up.

>> And I appreciate the fact that this was not an agenda item and we've had a good discussion and you have given me your attention and I appreciate that.

[15:18:46]

>> I think commissioner hole made a good point. If you could summarize your points in writing and then them to our city staff liaison, dolores gonzalez, that would allow our access committee to take this up, understand it completely and come back to the committee as a whole for a recommendation.

>> Very good. Thank you. I can't ask for mo than that. Thank you for your time.

>> Dolores, we're at staff briefings.

>> Okay, I will be brief. Since this is a briefing.

>> And you are staff.

>> And I am staff. We don't have any expenses this month so at least our balance is \$6,105. Last month I report about we were working on our implementation report. It has been completed and i will be sending out an email when it is posted on our web page. It's very large so I don't want to send it to you by email. If you would like a hard copy, I'm happy to provide one to you. Then I was going to talk about your participation, ron, in our city's diversity symposium.

>> Pretend I didn't say a word about it.

>> I wanted to personally thank you for participating on the panel and we got great comments about your presentation so I wanted to let you know that.

>> Thank you.

>> Our annual report was approved. It is due by march 31st so I'm going to send it as soon as I get back to the office because it's been approved. I can send that out to the rest of the committee, i think I just was sending it to the commissioners. Now that it's approved, I'll send it to the whole distribution l. And that will be all.

>> We're down to future agenda items. I think we've got our visitability issue to tackle. And any additional calendar items? Ron?

[15:20:51]

>> No, I think I'll leave it up to you and dolores if you want to plan a subcommittee meeting and let us know what date that would be good for. We may need city staff support from the affected departments to bring us up to speed on the detail because it appears the deaf senior citizen is in the details on these things. If we wanted to make it a marathon subcommittee meeting we could tackle the park issue and visitability meeting in a two, two and a half hour meeting but we would have to have soft drinks or pizza or at least soft drinks.

>> We do have on a future agenda item the housing community development to give a report. I haven't spoken to them, but they are on the list. We could move them maybe to april. If you want.

>> I would like to bring up an issue that has come to my attention over many months and that is the needs of seniors in this community, seniors especially with disabilities having a lack of available accessible devices, et cetera. And I particularly have noticed that in having visited several senior centers and I think that we need to look at that more closely.

>> So when you say devices, you mean durable medical equipment.

>> Durable medical equipment.

>> All right. Would there be a particular department or group you would want to speak on that?

>> I could actually invite a couple different.

>> Because coming to mind, the architectural barrier removal program does provide some dme like shower chairs, grab bars. Of course, medicare covers dme and most seniors are covered by medicare. Apparently if dme has batteries, if it uses electricity like hearing aids and seniors with vision impairment, that's not covered. We have an antiquated system when it comes to what is covered. I understand the need is there. I'm trying to see the city angle in terms of what the city does.

[15:23:17]

>> Is this intended more as information we could share?

>> Perhaps it could be more informational, but I see the need and I see it's unmet so I'm thinking we might be able to do something.

>> My general philosophy is and this is just one man's opinion if there city of austin cost issue and there's a department in that irrelevant area I like to take up th issues or if we identify a resource that can help with those needs, i like to hear those sort of presentations as well. If it's just kind of a this is a big unmet need, we know about it, you know, it's -- is it something that we can make a difference on is i guess the question.

>> I think we could.

>> Could you maybe shape the idea a little more and get back to our chair?

>> Sure.

>> Any other calendar items?

>> Yes. The ctd convention is going to be the 3rd through the 5th and there's going to be a texas medicaid matters MARCH ON MARCH 5th, Tuesday morning, from the south end of the congress avenue bridge all the way to the capitol.

>> Any other calendar items?

>> Yeah, february 23rd is the easter seals 2013 gala so just in a couple weeks, FEBRUARY 23rd. You can find out information about that by contacting me, norman k. At austin rr.Com.

>> A couple. A public hearing of the house appropriations committee, subcommittee, , will begin public hearings on thursday, FEBRUARY 14th, AT THE JOHN H. Reagan building located at 105 west 15th street. Agency presentations and then public testimony to follow. So

this will be involving the future funding for many of the services provided by dars at this time. And then also on tomorrow night at the mary lee foundation will be sponsoring family training for individuals and families with brain injury and also caregivers. The first part will be alternative therapy techniques involving a holistic approach. And then talking about opportunities for families to help in important research in the field of brain injury. Then we'll also be giving away presents for valentine's so individuals can pick either for themselves or loved ones. Tomorrow night from 7:00 to 8:30, february 12 at 1327 lamar square drive. Call myself at 443-5777. Thanks.

[15:26:32]

>> Okay. Any other calendar items? So we're down to adjournment.

>> I have one and that's the brain injury alliance is sponsoring a bowling tournament on FEBRUARY 24th. Here in austin.

>> Where?

>> I'll have to provide the details.

>> Okay. We're down to adjournment.

>> Motion we adjourn.

>> We have a motion.

>> I'll second.

>> And we have a second. All in favor please say aye.

>> Aye.

>> We are adjourned.

[15:30:47]