

City Council Meeting Transcripts - 3/28/2013

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>> Mayor Leffingwell: Please rise. >> Councilmembers and mayor we have a free after school program for some of the poorest kids in our city from linder elementary and they helped write the invocation this morning. So listen to their words as we pray together. God, please bless men and women. They are important and make big decisions for our city. Help them to make our city safe for the children and for our parents. Help our city to be a place where all children are safe and a place where all parents have jobs that don't leave them injured and hurting. Help our city be a place where everyone can live with dignity. God, they have a big job, and bless them with big hearts so that they can hear you well. Bless the words of their mouths and the thoughts of their hearts. Amen. Thank you. >> Mayor Leffingwell: Thank you, pastor. Tell them it was very well written, please. Be seated. A quorum is present so I'll call this meeting of the Austin City Council to order on Thursday, March 28, 2013, at 10:04 a.m. We're meeting in the Council Chambers, Austin City Hall, 301 West Second Street, Austin, Texas. I'll start with the changes and corrections to today's agenda. First on items 40 through 44 will be postponed until April 25th, 2013. Our time certain items for today, at 10:00 we'll have a staff presentation on the Barton Springs General Grounds Improvement Project and then a staff preparation regarding an economic impact analysis of urban agriculture in Austin food sectors pursuant to

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resolution 20120802072. At 12 noon we'll have our general citizens communications. At 2:00 we'll take up our zoning matters. At 4:00 public hearings. And at 5:30 live music and proclamations. The musician for today is Janie Balderas. The consent agenda for today is items 1 through 38 with several items pulled which I'll go through in a moment, plus items 58 and 59. Item 28, appointments to our boards and commissions, and waivers, I will read into the record. That item will remain on consent. To our commission on veterans affairs, John Conley is Mayor Pro Tem Cole's nominee. And Cassandra St. John is Councilmember Spelman's nominee. To the downtown commission, Sunshine Mathen is Councilmember Tovo's nominee and to the Sustainable Follow Policy Board, Melanie McAfee is Mayor Pro Tem Cole's nominee. Items pulled off the consent agenda, item 13 pulled by Councilmember Tovo. Item 17 pulled by Councilmember Morrison. Item 18 will be pulled and heard after executive session. That request by Councilmember Morrison. Item 19 is pulled and will be heard after discussion in executive session. That item pulled by Councilmember Riley. Item 25 pulled by Councilmember Tovo. Item 31 pulled by Mayor Leffingwell. There are no items pulled off of consent due to speakers. Councilmember Morrison. >> Morrison: I had not requested item number 18. It was mistakenly understood that I requested that it be

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pulled. I asked that it be unpulled and then the next thing that I saw is that it was going to be on executive session. So somebody else might have asked for it to be on executive session. >> Mayor Leffingwell: Okay. Duly noted. Nonetheless, it will be heard after executive session. So we have one speaker signed up to speak on citizens, Anthony Marquette. >> Thank you. I'm

president of the austin-travis county e.M.S. Employees association. And I just wanted to speak a minute about the classification as you all are moving forward with the consent agenda today. This particular item was pulled in december over contention of the number of people that we felt should be included from the office of medical director. We're going to continue to work on these challenges with labor relations and city management and have every confidence that we'll work through it without a problem. I very much appreciate all of your support for our civil service initiative. We're looking toward to going into contract negotiations and we'll continue to keep you informed and look to you for guidance occasionally. But I feel like we'll be working through most of this on our own without having to tie up your busy agendas. Once again, thanks a lot for all you've done for us and for moving forward with these classifications with civil service for e.M.S. >> Mayor Leffingwell: Thank you. We'll entertain a motion on the consent agenda. Mayor pro tem cole moves approval, councilmember spelman seconds. Any discussion? All those in favor, signify by saying aye? Opposed say no. It passes on a vote of seven to zero. We'll take up item 13, pulled by councilmember tovo, and there are no speakers, councilmember.

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>> Tovo: Thanks very much. I had asked a question through the q and a process about whether -- about rental rates for this multi-family energy efficiency rebate program. And I know that you and i have had a chance to meet and along with mr. Yaber and mr. Vice and I wanted to get an update. We had talked about the interest in doing so and moving forward and starting to block some of the data about rental rates and then revisiting that information after the energy efficiency rates to see whether there is any change, whether we are in fact providing 90% and upwards of the costs of doing energy efficiency rates. And we want to make sure that those apartment complexes are not then raising the rates for their tenants and having -- so that we're in some ways participating and making those units less affordable. So I just wanted an update if you could provide one about where your staff are in terms of looking at that data question. I would be happy to, councilmember tovo. My name for the record is debbie kimberly. I'm the vice-president of distributed energy services at austin energy. I've only been in austin for a couple of months, so I'm still finding my way around. And I'm still looking for a place to live myself. So affordability is something that I am very much attuned to. Councilmember tovo and members of the council, mr. Mayor, one of the things that I directed my staff to do following the first stakeholder meeting that we held february ninth here in council chambers and following our meeting with you, I would say roughly a month ago, was to direct our next stakeholder meeting, which came as a result of the resolution that was passed in september, to identifying the gaps that exist in serving the needs of austin residents who are at or below 400% of the federal poverty limits. So while looking at rental

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rates is a portion of that, what I would like to do is to take a much more holistic and comprehensive look at the issue of what we can do to meet the needs of consumers who fall within a fairly broadband width of income levels and their ability to meet their basic needs. While housing costs are a part of that, my primary focus is on providing energy programs, and frankly solar programs as well, that meet the needs of consumers within that. We've scheduled a meeting for april 6 at six p.M. At the assembly room at austin energy. We're broadening the

number of people who will be invited to that meeting. No one will be turned away even if space is constrained. People will be able to provide information in terms of what they would like to see and context. My staff is working on putting together here are where the programs are and here are where there may be gaps. So I believe, councilmember tovo, that we can try to address that issue in part in that meeting may, but I would like to take, frankly, a broader look at what we can do to meet the needs of people, not just the poorest of the poor, 150% and below, but 400% and below. And frankly, we have a good story to tell. We've made good progress even just within the last couple of months as a result of some of the things we're doing with our best effort.

>> Tovo: I was a sponsor on that resolution to have a stakeholder process and so I am very glad that you are taking a broader approach and looking at where the gaps are and getting input from the community. I think that's great and I look forward to the outcomes. I know you had a successful

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stakeholder meeting a month or two ago. I think that perhaps it makes best sense for me to get more information about how we'll integrate this request. Perhaps offline. But it -- we did pass a resolution asking staffing to forward and develop an ordinance. I know there were concerns about that resulting ordinance, so we are at this point not moving forward and requiring that rents remain stable after energy efficiency updates for a certain period of time. But I would like to see us move forward in collecting the data so we can assess whether or not there's an issue that needs to be addressed. To the extent that will be folded into the stakeholder meeting, that's great and I look forward to receiving an update about how we're moving forward with that and whether it requires council action or it will just become part of the broader approach and the way in which you're moving the program forward. So thank you very much for being here and of course welcome to Austin and we're delighted to have you here at Austin Energy. >> I'm flattered to be here. Thank you. >> Mayor Leffingwell: We'll entertain a motion on item 13. Councilmember tovo moves approval. Seconded by councilmember Martinez. Any discussion? All those in favor, signify by saying aye? Opposed say no? It passes on a vote of seven to zero. Item 17 pulled by councilmember Morrison. There are no speakers signed up wishing to speak. >> Morrison: Thank you, mayor. This is the item about the parking pilot program to work with businesses around town and do a pilot in terms of allowing a reduction in their parking if there are mobility friendly amenities added. We had the briefing last week and what I wanted to do -- and this is an ordinance that kicks off that pilot program. And part of what we talked about last week were the evaluation criteria that

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would be used. One of -- and in those discussions a couple of things were talked about as being part of the evaluation criteria that weren't included in the ordinance. So what I did was work with staff and ask them to help me come up with some language that would actually put those two items into the evaluation criteria in the ordinance so that it's consistent with what we heard about. The one that was missing altogether was to make sure we track the number of parking spaces eliminated and come back with that in the report. What was put on the slide in the briefing was something with regard to changes in residential permit parking areas, what happened I asked about that it was clarified that actually they would be tracking the increase in the number of

requests for resident only parking areas. And so those are the two changes that I'm making here, so with my motion that I handed out, so I'd like to make a motion that we adopt number 17 with the modifications that I have proposed. Mir. >> Mayor Leffingwell: Motion by councilmember morrison. Is there a second? >> Spelman: Second. I have a friendly amendment. >> Mayor Leffingwell: Seconded by councilmember spelman. Go ahead. >> Spelman: Thank you. This is great. I support completely the addition of five and seven. Let me ask if you would admit a possible change in number four. It currently says motor vehicle trips eliminated. Could we add motor vehicle trips and proximate vehicle miles traveled eliminated? >> Morrison: I guess i just would like to make sure staff is comfortable with that and that's something they would be able to estimate. >> Spelman: In addition to people they would have to count the approximate distance between the workplace and the residence

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of people who were participating. >> Morrison: If I may add before you speak, if you could also address is it feasible in that if there are businesses that attract customers, how would -- and the customers say, on bike or walking, how would we know where they were coming from? So that might be a little bit of a challenge. >> George zapalac, department of planning development and review. We could prepare estimates for those -- for vehicle miles traveled based upon typical trip lengths that we have factors that we use for planning purposes and we could come up with an estimate like that. >> Morrison: Actually, when I look it, the exact number of vehicle trips eliminate -- motor vehicle trips eliminated might not be known either, so maybe we could say for number four, make it estimated motor vehicle trips eliminated and vehicle miles traveled. Reduced. Would that -- >> sure. >> Morrison: Yes, that's fine. >> Mayor Leffingwell: So we have a friendly amendment to, say, estimated motor vehicle trips and vehicle miles traveled eliminated. >> Morrison: Okay. >> Spelman: Either way. >> Mayor Leffingwell: All right. Councilmember riley. >> Riley: I'd like to offer what I hope would be an even more friendly amendment, and that is in item seven, which currently reads, based on number of residential permit parking areas with subsequent request for creation of residential permit parking areas, so that would just look at the number of requests, which would be useful information, but i think it would be also useful to look at how many of those requests are actually approved. So I would just suggest we modify the language to read, baseline number of residential permit parking areas, subsequent request for creation of residential permit parking areas, and number of requests approved. >> Morrison: That's fine.

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>> Mayor Leffingwell: Accepted by the maker. Second accepts, so that's incorporated as part of the motion. Any other comments? Motion on the table? All those in favor, signify by saying aye? Opposed say no? It passes on a vote of seven to zero. Let's take up item number 25 pulled by councilmember tovo. And there are no speakers. Councilmember tovo, we're taking up item 25, which you pulled. There are no speakers. >> Tovo: Okay, thanks. Director hensley, I have a question for you. We've received some questions from community about the awarding of this contract. This is a contract with intern. Services. Is this indeed the same contractor we have had in the past. >> Sarah hensley, director of parks and recreation. The answer to that is yes. This is a four-month bridge contract, if I'm correct, and I have troy helping me here who has been helping

us with this, over this effort. It was recently engaged and purchasing is working with the more long-term effort. This is more of a short-term bridge. We did not get any other interested parties, and that's why we're going with the existing. >> Tovo: I see. So you did not receive any other qualified bidders? >> I want to make sure we're confirming. This is troy hatman, the division manager over this project effort. >> Good morning. For the emergency contract we have only one person that's available for us, and that is the current contractor. So for the four months that we're going to be working with him, he was the only one that's available to make

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that happen. >> Tovo: I guess I don't understand whether there's a distinction between availability for an emergency contract or whether anybody else applied. I mean, was this bid out for others to express interest? And no one else did? Or whether because it needed to be handled as an emergency contract, that was the only contractor who was eligible? >> Byron johnson, purchasing officer. The answer is yes and yes. We did this on an interim- basis. We went out, we actually had a proposal conference. We invited over 200 different firms. We actually reached out to the community, even went to yellow pages, those type of things. We thought we had a couple of other interests parties at one time. They clear up to the last minute thought that they were interested in there, but unfortunately they declined to bid on the long-term contract. They declined to do any short-term services. So as mr. Hatman said, we have to continue this. We only did it for this very small section. So what this is is a three-phase approach, is this section must be done, it must be done by a qualified outside contractor. We don't have the capability. Parks is working with staff that they have existing and we're going to rent equipment to do another piece of it. And then we're looking at a long-term approach on how we'll do that for a long-term approach for the rest of the standard maintenance. And we think that we'll actually do another bid for that in the future as we go down the road. >> Tovo: Thank you. That helps me understand the emergency provision. I wonder, since you brought it up, can you give us some sense of why some of those who expressed interest were then not interested in bidding on the long-term contract? >> I can to the best that they've shared with us. Two chief reasons. One is that we don't have a lot of space available, and so it's a market condition. Part of the way they make

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their money is the market condition and how much their volume is. And second is this is kind of a niche business. And if you have big companies like the service corp of america, funerals inc. And some of those, they have their own properties and they don't take on other properties which they don't own the property themselves. And so it's just kind of a very specialized area. Again, we really optimistically, the buyer worked very diligently, as did parks, they went out and beat the bushes, really tried to get people. We thought we had a couple of other people interested, but unfortunately they all declined. >> Tovo: I see. And what is your process from here? I know you hinted at going out. >> One is we're working with the budget office. There's a meeting tomorrow to see ongoing basis how we'll fund this in the future. Second will be a council item for a long-term contract for the internment and burial service. And three, we'll come back probably in the future with some options for going forward with either a contract for grounds maintenance or some specialized maintenance or we'll look at doing some of that internally. >> Tovo: I do have one more question. Thank you for all that explanation. I do have one more question for director

hensley, at least one, I should say. I know there were concerns raised by some of the members of our community, of our cemetery stakeholders group, about certain practices regarding this contractor. Do you have a sense of -- do you have a plan for how to address some of those in this intern contract. One I know was the issues about spoils, which I assume is dirt more or less, left behind at certain sites. And can other questions regarding maintenance levels. >> Yes, councilmember tovo. I've very proud of the staff. Over the last few years we've been going through all of our contracts and scrubbing. In this particular case as you remember, when we began -- byron has worked

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with us in purchasing. Seven different documented that needed to be merged into one that now we have from a restatement point of view. So one, we now have a document that we finally restated, but because we had some other issues is no longer valid. That's why there is the bridge contract. Two, we have now some adequate staffing levels in our contract management that are dedicated to overseeing this and working with whomever is selected, even the existing or the four months process. And third, we have better defined the specifics that need to take place thr our help with division manager troy hatman, cora wright and others, we have a core team not only am internally, but with other city departments, to ensure that we're doing things in a more efficient, effective and sustainable manner. So I think we have things in place. Does that mean there won't be hiccups? I don't want to stand before you and tell you there won't because in cemetery management this is a really strange and rare bird. And for a city entity likes a parks and recreation department to manage and maintain and operate the city cemeteries, it's difficult, but we have a better handle, we have a more strategic approach, and we have our staff with their eyes focused on doing the right thing and making sure that we are following the contracts that are put in place through our help with our purchasing department and our legal department in honoring those to make sure we're doing the right things. >> Tovo: Great. So during this emergency bridge contract does it include some of the principals in the reinstatement? >> It was a restatement that then we couldn't come to an agreement on, but it does have the language in there that will ensure have a burial standpoint exactly what needs to happen. I will say this in defense of the contractor, the burials have always been something that have been fairly supported by most citizens. It was the maintenance and management and upkeep that were the more problematic, which we have a huge handle on. But we still have an eye for being more specific about what we want, when it's done

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and we believe that we'll have a very positive outcome. >> Tovo: Great. So I take that to mean that those are elements that are in the emergency bridge contract? >> Absolutely. >> Tovo: Okay. Thank you. I really appreciate that information. >> Cole: Mayor, I have a question. >> Mayor Leffingwell: Mayor pro tem. >> Cole: I know that we have been seriously challenged with our cemeteries, so I appreciate the fact that we have stakeholders who are helping us watch this. And that y'all are giving it a lot of attention. I was concerned about this particular contract, but understanding that you didn't receive any other bidders, that gives me some consolation. What I really wanted to know, because we have this problem, what about the long-term contract after this four months that you're planning to bring to council? Is that -- is there any way

implicated in this item or what we're going to do so that that contract has adequate maintenance and management and up read? >> Yes. I will refer here to byron as well, mayor pro tem. But the answer to that is yes, and that's through our partnerships. I will say through our purchasing office, the attorney's office as well as the budget office. >> So the answer is yes, they're interrelated and no, they're not. This is just an interim basis to allow more time to evaluate it. We only had one response. They've done the initial evaluation of that response, but one of the key things that councilmember tovo talked about were those items that there were points where there might have been disagreement. Those are not in this contract and they aren't in the contract that we would look at going forward for just internment and burial. Those are separate pieces that we would do. We still will have to figure out how to do the maintenance, how to do the landscaping, how to do the tree work, how to do the parks where we need to do some building work on that site. Those are ongoing issues that you will be seeing brought forward to you over

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the next several months. But this contract does not affect any of those issues today. Did that help? >> Cole: Yes. So those items are separate and we probably are planning on doing those in-house. >> We don't know yet. If I may, it could be in-house. We're looking -- they will be done in-house until such a time as we can do a full cost analysis. >> Cole: Did this item go through the parks board? >> Let may answer it this way. The parks and recreation board had a committee that was actually involved and led the public engagement process, so yes, on an ongoing basis they were actively involved. And I do want to say this to clarify. The staff team that's been together not only internally and externally, have set criteria. So even though we don't have a contract yet for this on maintenance, management and operation, we have prepared ourselves to make sure that when something comes in the queue, whether it's to do it internally or externally, we have guidelines, we have specific standards on what is available for maintenance, checklists, someone in place that goes out and does site visits and makes sure it's in place. So even though we don't have a specific signed agreement, we have the tools in place to ensure that when we do do the work that needs to be done, whether internally or externally, we have modes of checking off is it being done properly, being maintained properly, are we taking care of the inventory of historical property or other assets, capital assets? Those kinds of things the staff has spent months working not only with other city stakeholders internally, but also externally and through the parks and recreation board. Cole thank you. Mayor, I'll move approval. >> Mayor Leffingwell: Mayor pro tem moves approval. Seconded by councilmember spelman. All those in favor, signify by saying aye? Opposed say no. It passes on a vote of seven to zero. Item 31 has one speaker.

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Charlie betts. >> Tovo: Mayor, if I may, we have had some significant work from our staff on that, and the copies are still being prepared. If I could ask that to come up after briefings, please. >> Mayor Leffingwell: Well, it's been called up now unless there's a motion to put it on the table with a second. >> Tovo: I'd like to make a motion to put it on the table. >> Mayor Leffingwell: We'll put it on the table until when? >> Tovo: It's my understanding that the copies are on route, but it's going to be -- we have tried hard to incorporate -- [overlapping speakers]. That's fine with me, but i want to explain for those who are here. I apologize. Mr. Robertson has helped us with

making sure it is a very clear process and we've had several different conversations with law that required several different changes. But I think we're -- I think we're on a path to completing it. So thank you. Thank you all for indulging a short delay. >> Mayor Leffingwell: Councilmember morrison. >> Morrison: I'd like to propose what might be a friendly amendment. And that is that we hear the speaker before we put it on the table so they don't have to wait until then. >> Mayor Leffingwell: I don't know if the speaker wants to speak now or approximate if he wants to speak during consideration of the item. It's up to you, mr. Betts. >> During consideration. >> Mayor Leffingwell: All right. So all in favor of the motion to put this item on the table until 2:00 p.M., say aye. Opposed say no. It passes on a vote of seven to zero. Okay. We'll go to item 39, which is a non-consent condemnation item. We'll have a motion to let the city of austin authorize the use of the power of eminent domain to acquire the property set forth and described in the agenda for the current meeting and for the public use as described there in. >> Cole: So move. >> Mayor Leffingwell: Mayor pro tem so moves. Councilmember spelman seconds.

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Discussion? All those in favor, signify by saying aye? Opposed say no. It passes on a vote of seven to zero. And I'll just say if that was the intent on item number 31, I think it would have worked a little better if we could have had some advance notice and pulled that item from consent instead of time certain. >> I appreciate that. It. >> Tovo: It had not been my intent and expectation, but we've had a series of different legal interpretations this morning that required some revisions and we're doing our best to get it down here. I think it will be, but I do apologize to mr. Betts that he came down and we're not able to hear it this morning. >> Mayor Leffingwell: We always have the opportunity to pull items from consent on the dais. We've go to our first briefing, which is on the barton springs master plan. >> Good morning, mayor, councilmembers. Kimberly mcneily, parks and recreation department assistant director. I have a co-presenter with me, blaine stanesberry and she is part of the team of the consultants who will take on the second part of this presentation. As you know, barton springs has been a beloved recreation area for at least 100 years and we know that the city of austin purchased this land, including barton springs, in 1917. And while improvements to the bank area were started right away, the construction of the pool as we know it today with the can create dam was constructed sometime between 1926 and 1929 with the pool opening officially may 4th, 1929. So the point being that individuals have been visiting this and loving this spring for many, many, many years. The pictures that you see

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here are approximately taken, we estimate, sometime in the 1930's. As we know today it continues to be a very popular place. It averages over a half million visitors annually. In 2011 with the record hot temperatures we had over three-quarter of a million visitors at barton springs. It is recognized as one of the top 10 internationally as one of the top 10 bodies of water to visit, natural bodies of water to visit with the likes of the great barrier reef. So we don't anticipate there being any less visitation to barton springs. And as such the city recognizes and you as a city council and the city councils before you believe that both a prudent and appropriate for us to take actions to mitigate any negative impacts to the barton springs for a variety of reasons, the least of which is not to preserve the habitat for the salamander and the habitat for all the creatures that live in and around I guess the habitat or the visitation opportunities for all the people who want

to come and enjoy the springs. In an effort to recognize -- to mitigate the negative impacts, council has taken some very specific actions. In 2006, october of 2006, city council directed the city manager to create the barton springs master plan. In september of 2007 city council directed or appropriated, I'm sorry, \$2.6 million for short-term projects at barton springs. In january of 2009 city council accepted the master plan as a resource and directed the creation of a joint committee made up of environmental board and parks board members to help guide the public process to determine the direction of those short-term projects. And specifically the grounds improvement projects that you will see today. In august most recently, august of 2011, city council directed us to

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continue public I am put, but expedite the process. So a year and a half later we are here to bring that to you, those grounds improvement projects. So today the briefing today is to talk about the areas that were identified for improvement, the proposed site plan, give you an advanced look at that prior to the public hearing, to talk a little about the ordinance amendment and variance requests and to highlight specific project components. This area right here is a specific project component. We have some conditions that we feel as though are not healthy for our trees. This is the northside. So we would like to propose in this design a way to provide for better health of these trees and to help the credit debt root zone and allow them to be more healthy. In this design we would like to propose -- you can see that there is an electrical line that sort of runs across -- right next towards the pool. And we do sometimes here in texas, as you know, have some severe weather and we would hate for trees to fall and to knock over that line and have that electrical line land in the pool. So we believe that for safety purposes it's prudent for us to consider a design that would allow us to ensure safety. We have some accessibility issues on the southside and we'd like to improve those accessibility -- we wouldn't like to improve it, we would like to make it accessible. Here on the southside another tree issue where the trees are not in the best health and so this design proposal will help provide better options for these trees to flourish. We have some water quality issues with our current parking situation that as it stands right now carbons and car runoff and those sorts of things sort of lay on top of this particular parking lot situation and then run

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offs into our vegetative areas and into our creek, creating some concerns as far as water quality. And our design will provide a better option for controlling that. Here are some pictures of erosion. This design would help us provide an opportunity to improve the erosion, hopefully to eliminate the possibility of erosion occurring to this extent in the future. And because when erosion happens that means that the water -- that the sediment and the particles are then washed into the water. It would also eliminate the water quality issues. During this process we took the compilation of all stakeholder input, and that included 2006 to 2009, the master plan process. It included four design charrettes. It included over 40 public input meetings. It included stakeholder surveys. Something that's not up here is it also included individual meetings with citizens who are particularly passionate about the project to hear ideas that they had. It included multiple presentations to joint parks and environmental board committee. And that this particular plan that was brought before 11 boards and commissions -- there was a particular plan that was

brought before 11 boards and commissions, and we took all of the input from the 11 boards and commissions and the plan you're going to see today will incorporate not just all of this public input that I've outlined here, but also the input that we've received over those 11 different presentations. In most cases it will actually incorporate the suggestions. In some cases you will find that staff has decided to take a particular design preference and we'll explain to you why. So these are the general grounds improvements, the design we're about to show you, and these improvements are meant to address those issues

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that I talked to you about before. So you will see specific elements about the tree court, a.D.A. Access, underground electrical, new lighting, irrigation, replacement of the ticket booth, bicycle parking, paved parking, landscaping and the pump system and perimeter fencing. And this is a picture of the current design, the design that we're presenting to you today. It is not the design that was originally presented in many different -- because there were many different iterations. This is the final design that's presented for your consideration, but I want to make it perfectly understandable that it's not the design that everyone has seen. People have seen different iterations of this design, but today is the final product of all that stakeholder input. And at this time I'd like to turn it over to my co-presenter, blaine stanesberry. >> Hello, I'm blaine stanesberry, bryan lawson is also here with me, the other consultant here on this project for your questions. But the design that's before you includes the a.D.A. Walkway going all the way from robert e lee along the marking lot down to the south pool deck and it will connect to the pool deck right next to the diving board. It includes bicycle parking, tree court improvements. And the latest parking lot you see has been reduced from what was originally selected by the joint committee to now 80 spaces since we've had recent stakeholder input on the parking. So trying to address those comments. So now I'm going to go through the variance request and ordinance amendment items that relate to this project because given this project's location, really with the s.O.S. Ordinance we couldn't build any of it. Oops, I'm fat fingering the presentation. But because it is in the critical water quality

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zone of barton creek, it's in the recharge zone, the s.O.S. Ordinance prohibits construction in that zone. So that's why we are requesting a site specific ordinance amendment to allow the construction of these five things in this list. The concrete walkway to the pool deck. Underground utilities. In order to just bury the existing electric we would need an ordinance amendment to do that work. We want to replace the ticket booth at the south entry. We want to improve the tree court for the trees. And also we want to put in water quality for the paved parking lot that's proposed. Those same items also -- also require a variance to another section of the code for just basic construction within the critical water quality zone. So both of those items are in the amendment. >> Mayor Leffingwell: Could I interrupt you for a quick clarification? I believe that the critical and the transition is about 400 feet, which would basically encompass the whole park. >> Pretty much. Actually, on this screen you can see the lines of the critical water quality zone is -- >> Mayor Leffingwell: Is that figured from the pool or from the bypass tunnel? >> The center line of the creek, of the pool, is where it starts from. And it's drawing a little bit of a blank, i believe it's 200 feet, 400? 400 feet, that's right. It varies. >> Mayor Leffingwell: 400

including the transition. >> The transition is an additional 200 feet. So 600 feet from the center line of the pool are the berms back zones. >> Mayor Leffingwell: Just to be technical about it, Barton Creek does not run through Springs Pool. It runs through the bypass tunnel. I don't know if that's a big difference in the way you figure that or not. >> That is a good point. Staff and I will be talking about that probably tomorrow. >> Mayor Leffingwell: You may have a chance to

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adjust. >> Maybe so, maybe so. So that might -- might shift those lines 100 feet maybe closer to the pool. But for now I guess we can speak generally about these lines. The blue line is the credit debt water quality zone and inside that area you can see includes the bathhouse and it shows the new walkway, which is highlighted in orange for you. And that is-- those are the pieces that need the ordinance amendment and the variance. In addition, the irrigated areas within the area are shown in green and the orange dots are the locations for the electrical lights. So this is representing the areas where we would have buried utilities. The ticket booth will be moved back about 50 feet further south from its current location, and the reason for this is to expand the perimeter fencing to include that line of heritage pecan trees that run next to the hike and bike trail that you saw in one of the earlier photographs. And this will enlarge the lawn area within the fencing. But we also want to replace the ticket booth. It's old. We'll have a new one, very similar in look to it. It will be just a touch bigger going from six by six to eight by eight. The tree court improvements are shown in orange. Right now this whole area is decomposed granite. We're proposing a suspended sidewalk that will actually be set on piers. And the point on that is to minimize impacts to the roots of those trees. There will be holes to allow for air exchange. What this is doing is providing a hard surface for the large number of visitors to walk on. This will protect the root zones of the trees and provides 50% more green space for the trees than what's there

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currently. Along with native landscaping it will really make a nice entrance. The last item we need for the ordinance amendment and the credit debt water zone is a portion of the water quality control that falls within the critical. As you can see that's in blue. This water quality control will be -- is designed to comply with s.O.S. And it will treat the runoff from the 80 space paved parking lot. In addition to variances in the critical water quality zone we also need a variance to allow construction of the a.D.A. Walkway, the parking lot and the water quality control in the water quality transition zone. And that's what you see in blue now is the larger for the majority of the vegetative filter strip and likewise that portion of the parking lot and a.D.A. Walkway that goes from Robert E. Lee. The part three in the ordinance is -- deals with impervious cover, which has been a tricky thing to wrap one's head around in that -- that this project is not increasing the overall impervious cover of the site. We have found ways to -- for new pavement we found ways for existing impervious areas, however we still need this section in the ordinance amendment so that we can modify the impervious cover that's out there. Right now the s.O.S. Ordinance prohibits impervious cover in the recharge zone from exceeding 15 percent. What's out there now based on a net site area is 48 percent. So this project will actually decrease that by 1600 square feet. Now, when you think about 48% you're like that's not -- that park doesn't have 48% impervious cover. There's no way.

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That's because when you look at the park, this green area is a growth site area. It's 152 acres and the impervious cover based on that entire 152 acres is just under 15%, but that's not the way impervious cover is calculated in the Barton Springs zone. What you do in the Barton Springs zone is you take the area within the recharge zone and you deduct out the waterway setback areas, which are the critical water quality transition zone -- and the transition zones. So you start out with 113 acres in the recharge zone. You deduct out your setbacks and you're left with 36 acres. So you have lower number, smaller denominator,, so that's how we get the 48%. We do have some conditions in the ordinance going above and beyond what just a normal project would do. First of all, no net increase impervious cover. The water quality control will be maintained per an agreement that spells out specifically how it should be maintained. That's exhibit f in your ordinance. We're providing 2,000 square feet of restored riparian area just upstream of the diving board. We're going to increase bicycle parking and also providing 15,000 square feet of landscape above and beyond what's required by code using native plants. I want to talk about how a few specific pieces of the project that have come up in stakeholder input over the last series of public meetings, and first of all is the parking lot. The joint committee recommended expanding the parking lot to 124 spaces because there is such a deficiency of parking out there. But that was before impervious cover came up recently. So we've heard from stakeholders that they want to see parking lot that does not increase the number of spaces. Let's keep it the same.

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The gravel parking lot has many reasons why we need to pave it. It has about 80 spaces. So the proposed parking lot has 80 spaces but it also has the additional benefit that it would meet current code. We could take care of the storm water runoff and dust issues that are out there with the gravel parking lot as well. There's the gravel parking lot, about 80 spaces. In this the 124 space parking lot. The green area is the gravel parking lot that would be restored to pervious. And then there's the 80 space parking lot. So what we're doing is just lopping off the top of that so we'll have a greener walkway from the parking lot to ticket booth, plant it with wildflowers, still keeping it 80 spaces, adding a couple of electrical vehicle spaces up there at the top. And this offsets our impervious cover so that there's no net increase because we're restoring the gravel parking lot, which is considered impervious, to a pervious nature. So the benefits of paving this parking, so we get a.D.A. Parking on the southside that we didn't have before. We will have a parking lot that meets the landscape requirements and offer a reduction the urban heat island. We'll have water quality controls for it that we don't have now that comply with s.O.S. Requirements. You'll have vehicles that have controlled maneuvering. There's a drive aisle, parking spaces defined and emergency vehicle access. >>> We're also adding bicycle parking. Right now Zilker park -- the pool has 16 spaces on the southside and 20 spaces on the northside. We're adding 80 on the northside next to the bathhouse and adding 80 on the southside next to the entry.

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The last component Ms. McNeily will speak about. >> So one of the items in the proposal that has been a concern of our citizens, we've gone -- it's gone before 11 boards and commissions. Six

of those 11 boards and commissions passed the original plan without any sorts of caveats or exceptions. Five of those 11 boards and commissions had some concerns with the overlook trail. And many of the concerns had to do with the master plan specifically saying that we should avoid or we should avoid all temptation to utilize the south lawn for functional purposes such as a.D.A. Accessibility and maintenance. The department sees that as a guide, and to be mpletely frank, the department does not view a.D.A. Accessibility as a functional purpose, we view it as a civil rights issue. So when we took a look at the overlook trail there is a monument that is out -- it's just right at the overlook. And then if you go a little bit to your northeast, there is a sense of place. By admission of many of the individuals who tell us about barton springs, your sense of place on the southside is completely different than your experience on the northside. And we actually have some pictures of that. This is the review that you would receive if you have an opportunity to have an overlook trail, whereas if you didn't have the overlook trail, your view not of the pool, it's just of the grounds and actually looking over at the

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zilker zephyr train and concession area. And so based on this, the department made the decision to continue to have this particular design element in the design and to seek support for it because we feel as though it's important to provide individuals with disabilities the same experience that individuals without disabilities would have at barton springs. So there would be a path that would be of decomposed granite. We've had suggestions that we actually consider making that pathway something other than decomposed granite. Perhaps a very acceptable soil with a very shortcut grass that would make it available to -- make it a.D.A. Accessible. But when you look at our own codes that doesn't make it a.D.A. Accessible. It's not acceptable. When you take a look nationally there are no standards as to what sorts of materials are a.D.A. Accessible. There is information about slopes, there's information about stability, but there's no given material that we can say absolutely a.D.A. Accessible. And so locally our own codes have said maintaining a grass area, we cannot -- they cannot support that in the code saying that that would be a.D.A. Accessible. We would need something more stable that we could absolutely maintain at all times. So we've chosen decomposed granite. Decomposed granite is not considered impervious cover, it is considered pervious. So it would be a controlled path that would not only help direct people to the monument and then to the overlook to have that sense of space, but it also would help direct people away from the critical root zones and perhaps if they followed the path and then veered off to the south area they would be able to save some of the trees and some of the critical root areas. We've also moved that sense back so that we can provide more shaded

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area and meraspis for people to enjoy-- more space for people to enjoy the southside. So we think it's a small concession. When you look at a.D.A. Law, frankly, it's inconclusive. And while I don't want to speak out of turn because I'm not an attorney, the research i have done says that there are some individuals who would interpret this that if we're doing this major project and providing an a.D.A. Accessible path and spending thousands of dollars to do that, why would we not provide an opportunity for people to experience the monument and experience the sense of place that that would be inappropriate and frankly it could be interpreted as not being compliant with a.D.A. There are other interpretations that say well, you don't have a path there right now

and if you don't have a path there right now you don't have to put one in, so you could be a.D.A. Compliant without actually adding this overlook path. The department's position is that we would prefer to provide people the experience above and beyond what is considered complaint and not necessarily what -- would be within the legal lines, but to do the thing that we feel is appropriate thing for people -- for individuals with disabilities. So the overlook path is kind of what I just told you. The layout has gone through the stakeholder process. There's been some opposition. The same site plan has been presented to all the boards and commissions. Six said it's okay, five said they would like it to be removed. This is your sense of place if you would go to the overlook and here's a rendering of what that overlook would look like. If you were standing to the east of that and looking towards the monument, you can see the path comes. It would be that granite-gravel area that you could stand and see the picture that i showed you before. And the other pathway that goes a little bit to the west actually takes you to the monument. So we've decided a as a department to keep this design element in the

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proposal for consideration. >> In conclusion, it was our intention to bring this before you to address the environmental and safety concerns at barton springs. So we want to address the erosion of the southside and the trail to the pool. We want to address the runoff and the dust from the gravel parking lot. We want to address the declining health of the heritage trees, we want to address the other issues and the electrical lines and the lack of lighting. And we believe that the benefits of the design that we have provided for you improve the turf with additional landscaping, improve water quality for the pool and barton creek. We have dust control now in place with this design. We've improved the health of the heritage trees. We've done some restoration of the native plant area. We've provided accessibility, probably above and beyond, depending upon the interpretation. We've decreased the use of portable water through this design and we believed we've improved the safety with having a more secure fence, underground electric and improved lighting. With that being said we're prepared to answer any questions that you might have. >> Mayor Leffingwell: Questions? Mayor pro tem. >> Cole: I have a couple of quick questions. Kimberly, this is wonderful work. I know y'all have been working hard on this, especially taking it through all the boards and commissions and different stakeholders groups. I was in particular curious about how you resolved the parking versus the impervious cover issue? I thought you said you had resolved it, it became an issue -- >> the original plan that was put through brains and commissions, at each board and commission group saw showed a parking lot of 124 spaces. It was actually an expanded parking lot.

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So it was through their input and stakeholder input through that process that we said we understand it's important not to increase impervious cover, which 124 spaces would have done. But instead, to go back to an 80-space plan. And then add other opportunities to even further reduce impervious cover, which is why there's no net increase and actually while we could argue that it's been an additional 1600 square foot of impervious cover reduction. >> So we went back to the original estimate. Okay. You talked a lot about the a.D.A. Issue and how the department or staff decided to comply with a.D.A. I'm wondering was there -- did you receive any legal advice that you had to as opposed to just a judgment call? >> No. The a.D.A. Accessible path, that was

never in question, the path that will lead to the west and then end up with the landing at the very base of the pool deck and where the diving board is. That was never in question. What has been in question is that overlook. And that's why I was saying that the legal interpretations has been mixed reviews. Some say if it was case law and you went to -- you went to court, some interpret this being a situation where they would say -- where the court would rule that it's important for you to provide the same experience to individuals with disabilities. And some say the court could interpret as saying well, it doesn't exist now. You're adding this amenity that you don't have to legally do that. So it's a mixed review. >> Cole: So you received two different legal interpretations and of course we are surprised by that. [Laughter] >> and it may be decided via case law, and i think that's -- I think that's a fair interpretation and a fair direction that we were given. >> Cole: Okay.

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I only joked about that. But I found it interesting that you post it as a civil rights issue and the department decided to go with the holding up of a.D.A. And I agree with that because people with disabilities certainly deserve to have the overlook so they can enjoy it also. So I wanted to let you know that I support that decision of the staff. Thank you, mayor. >> Mayor Leffingwell: Councilmember spelman. >> Spelman: Is there a path to the overlook now? I realize there's no formal path, but is there grass or some so many of informal way there? >> Yeah. There is a path that you can actually see that people have sort of walked that direction. And it's our intention to take this granite-gravel path in that exact same direction. So there has been a worn path, not a designated path, but a worn path that people have. I have to be honest to say I don't know how many people are using that path to go to that monument. I think it's just a convenient way to get on the southside. In all honesty, there are some individuals who don't realize the monument is there. >> Spelman: I understand. But on the other hand if they see a path they might follow it just to see where it goes too. I remember the university of michigan had a big open space in the middle of its yard and trying to figure out where the paths ought to go and they decided not to pave any paths in advance, just to let people walk for the first year or so. Once they figured out where people were walking that's when they decided to put the pavers down and that seems to me kind of what you're talking about here. You know where people's natural inclinations to walk are and that's where you're putting the path and so you will be doing minimal damage to the feeling of the environment, just putting in the decomposed granite in a place where you're already having mashed grass. >> That's our position. With the addition of that overlook, which would be a little bit more area. And I believe rice university takes that same approach. They don't put in their

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sidewalks until they see how the students maneuver through the campus. >> Spelman: Seems to be a very smart thing. I'm not surprised that rice did something very saturday too. I'm not -- very smart too. I'm not surprised that the university of texas has not decided to do that. [Laughter] let me ask you a question about the parking lot. I've asked chuck this a little while -- yesterday. If chuck is still around I would like to ask him now. There he is. I'll ask the question and anybody who wants to answer, including chuck, feel perfectly free. Impervious cover -- one of the reasons why we need an amendment to s.O.S. Is because there's going to be a change in impervious

cover. And not an increase. It's a net decrease, but there will be a change in that. And impervious cover of course just a means to an end of improved water quality. I can imagine a case where paving a caliche parking lot could reduce water quality. I could imagine a case where it would increase it. Which situation are we in in this case? Is it going to be a net increase or net improvement in water quality or the other way around? >> >> councilmember, in this case I would say that there's going to be a significant improvement in water quality. The situation that we have today with the unpaved parking lot, primarily the pollutant we're going to get from that unpaved parking lot is sediment. It has been a problem from the parking lot in the past. It's also a dust issue. There are probably some hydrocarbons, oils and greases and that sort of thing that also run off with the sediment as well. And we have no water quality today. So it has been

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redirected so it runs downstream in the pool, but it is a water quality problem. There's no question. With a paved parking lot we're able to -- the project will include the vegetative filter strip which not only have we eliminated most of the sediment from the runoff. We're then able to start to treat for oils and greases and other pollutants through the vegetative filter strip. So that's a significant improvement. I talked to some of our water quality engineering staff last night and just in terms of pollutant loading, the amount of pollutants that run off of the two types of parking lot, nsaid meant they would expect -- we don't have data on this particular parking lot, but we would expect somewhere on the order of 2 to 4,000 parts per million suspended sediment in storm water runoff from the unpaved parking lot. The situation we have today. The runoff we would have before it runs into the vegetative filter strip off of a paved parking lot would be on the order of about 100 parts per million. So we've got a 20 times less sediment. And in fact, there's so much sediment that would come off of an unpaved parking lot that we would not allow someone to do a vegetative filter strip as a treatment device because it would very rapidly clog it and overwhelm it. >> Spelman: Right. With the vegetative filter, you can't put that in now because it would get clogged with sediment. You could put one in if we paved it. With the addition of the filter strip and having to reduce the amount of sediment by 95 to 97% and a half percent to begin with, how much of it will get down to the aquifer? >> It should be little or none. S.O.S. Is a non-degradation standard, which means the pollutant loading from the runoff from the parking lot should

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reflect baseline predevelopment conditions. And not predevelopment not being with an unpaved parking lot, but with nothing there at all, just truly prodrome. >> Spelman: Tell me about -- truly predevelopment. >> Spelman: Tell me about oil and grease? >> Oil and grease you get from cars and vehicles parking there. Right now probably a lot of that is getting held up in the unpaved parking lot. You might have some vertical migration from the parking lot to the aquifer. Some of it may be traveling off site as it detaches to the sediment particles and runs off and goes into the creek and town lake. You will probably have in storm water runoff an increased pollutant loading -- increased amount of oils and greases for the paved condition because more of it going to sit on top of the paved parking. But what that's going to do is get treated out very effectively by the vegetative filter strip and oils and greases break down very well under natural biological conditions. So what happens is those will get hung up in the near surface soils and the natural

bacteria and microbes that occur in the shallow soils in the vegetated area will break those down and they'll do it naturally. And we should see little or no either vertical migration to shallow groundwater or runoff from the vegetative filter strip itself. >> >> Spelman: So under the pavement with the vegetative filter strip there should be little did he gravel parking in large part because of the biological components of the oils and greases. Sound like it's not a big improvement, but certainly not getting any worse than what we've got right now where you already have

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the caliche holding that stuff from getting in the aquifer now: >> That's probably true for oils and greases. >> Spelman: So it's not any worse, probably not much better for oils and greases, but it's considerably much, much better for sediment. >> No question. >> Spelman: Thank you, sir. >> Mayor Leffingwell: Councilmember Morrison. >> Morrison: Thank you. >> Mayor Leffingwell: Then councilmember Riley. >> Morrison: I appreciate all the work on this and it's exciting to get to see that we might be finally moving on to making these improvements. I have several questions. One, I wonder if we could talk first about the southside fence and ticket booth. I notice we have on the dais a little special -- a separate section that says design iterations. And then on it I'm seeing a slide that shows proposed south gate options. South gate options. >> That has been provided to you as backup because we were specifically asked I believe at the last council meeting what design -- what input -- how did the input that you received change your design choices. So we've provided that information to you so you could see that there was clarity and these were all the options we had. It was a combination of d, which is a very small -- this is what the fence will look like. This was decided after much discussion and many meetings. >> Morrison: So it looks like it's a combination and b perhaps has the columns -- >> without the ornate fence, which was absolutely not supported. >> Morrison: Okay. And can you talk about the columns and what

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that brings to it? >> It is my understanding, and I will hand this over in just a moment, but those limestone columns were an attempt to bring the northside -- connect the northside and the southside so that there was -- while we are a recreation of what you might have seen in the past, it was an attempt to kind of tie those two design elements together. But I'll allow Blaine to speak to that. Bryan Larson. >> I'm Bryan Larson of Larson Burns and Smith, landscape architect. The initial design charrettes we had about two and a half years ago we talked about the elements that could tie the park together. And one of the elements that came out were the columns on the northside, the historic columns, as being very important. So we looked at ways to incorporate that into the southside again just to get the continuity within the park system. And talking with the historic landmark commission they felt we shouldn't flexibility those columns exactly. They're very unique on the northside. They have lights on them. They have stone from all over the state. They're quite interesting and unique and they should stay unique to the northside. But we wanted to emulate that shape and the size at the entrance on the south. We had various columns proposed and like Kim said through the stakeholder meetings and through various input, this was the final solution for the south entrance gates to modify those columns, but to have a feeling of an entrance at the southside. [One moment, please, for change in captioners]

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. >> These are very compelling arguments. Could you summarize for us the arguments from the five boards and commissions that did not recommend it so that we just get a little bit of a feel for what the full discussion was? Because I don't think any of our boards and commissions are not supportive of acceptability for all folks. >> First I want to do a point of clarification about this exact subject. When I talked about legal opinions, we received that legal information from the texas -- I have it written in my hands -- texas department of licensing regulation from rodriquez and county authority, so i want you to understand this isn't necessarily legal opinion from our city and legal department but there were multiple entities who do look at and the design of each and it is from those that gave us the reason and perhaps that's why we received multiple interpretations. The commission -- I think the main reason for not supporting the overlook was based on a lot of public stakeholder input who said they felt as though that particular through play really willing to seal on southbound. By putting in a pathway to the marker and putting in a pathway to the outlook, it dissected the south side. We felt -- so those are about -- I don't know that the roads and commissions were saying don't worry about accessibility. I didn't mean to give that impression. I think they were listening wholeheartedly to stakeholder inputs and dissecting the south side and the master plan says avoid all temptation, meaning it is not good to have the overlook. We support the plan with the caveat we don't support the outlook and it was the

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department's decision to bring it forward anyway because we thought it is not a functional issue. It is an issue of experience. >> Morrison: In fact, was there discussion about two things? One the path to the overlook and, two, the path to the historical marker? Or is it really just -- they are close to each other but they are different paths. >> My recollection is they were one in the same. The path because it takes it to the marker and then it veers slightly to the east and takes it to the overlook, but it was one in the same discussion. That either way, it dissects the south side. One very specific point is that early on in our design iterations, we did have a concrete path that was the overlook and even considered putting an art piece out there and absolutely heard from the stakeholders that that is not acceptable, so it was much paired down to that gravel granite path with is artwork which isn't part of this discussion right now. That discussion right now would be outside of the barton springs area. >> What was take tone the boards and commissions was the path to the path to the granite path or was it still complete? >> It was granite. >> Morrison: It was granite. Okay. I guess another element of that discussion is, as you mentioned, the fence is going to be moved back on the south side to include the heritage trees on the trail so that expands the south side. Do you have any measurements on how much additional square footage and what percent that is that is being added to the south side? >> It is going back about 50 feet. It includes about 20,000 square feet of additional space in the south side, so almost a half an acre from that side where the trees are. Also we are adding about a half an acre in the south woods where the ada trail would go down, expanding the fence to the west there.

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>> Morrison: So give us some context, do you have any numbers on what the south side currently is in acreage, so we know what the percent increase is? >> I don't really have that number. >>

Morrison: If you guys can find that because that will help -- >> percentage. >> Mrison: -- A sense of the change. >> I also might note the path right now to the overlook has another tension, too, just in terms of stability -- stability of the ground. Like was mentioned earlier, right now there is no path going out there so there is a lot of worn paths and erosion started and if people start on the south gait and go down the ada path to the pool, and there is grass there. A lot of people are there to the a gate. If you don't have some sort of walkway there, there will be an issue with the roaded path very shortly. >> Morrison: Okay. Thank you. I have a couple of questions about impervious cover. We are decreasing the overall impervious cover by 1600 square feet, so we are actually moving impervious cover around? Is that correct or are we leaving everything alone and removing some? >> It's -- we are removing a large portion of the gravel parking lot when we pave it. That's about equal to the new pavement that will go down for the new parking lot. There is also a -- the bike lanes on the north side are going to be replacing a paved area, with -- and the bikes will be sitting on decomposed granite which would be pervious, so couple of areas we are doing that. >> Morrison: Okay. Thank you. With regard to parking, when you pull into the parking -- the southparking lot, right now on a hot sunday afternoon, there are hundreds of -- I don't know if there are hundreds, but dozens of at least car that

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is g to the right and -- that go to the right and park on either side of the roadway that takes you to the ball field. Is that still going to be happening? Those are not parking spaces that showed on your parking diagram. >> Probably -- probably so unfortunately. Parking has been something that has been discussed as an issue at the -- at the site. The parking along in the in-paved area. However, there has been a lot of discussion on the planning commission of why do we need to keep adding more parking, do we need to keep away from that. So we are trying to find a balance with the stakeholders but we were -- that area is not -- not part of the scope. There is some internal discussion with part on that. >> That is not part of the scope of the measure. How, the department does -- however, the department does see value in what you discussed. So there is money in the 2011-12 bond package for a zilker park master plan and as part of the master plan, that you are speaking of there, the right of the ball field, we want to address that during that master planning process. And also I had the pleasure of meeting a few citizens who had some really great ideas that I have taken those diagrams and those ideas to talk with our planning and our design and our construction individuals to see when we start the process of the zilker master plan, to make sure we are incorporating this because it makes sense to do so. It is just outside the scope of this particular project. >> I think that relates to another issue that I have heard, questions about how -- why it wasn't addressed, and that is, pedestrian access to the neighborhood on the south, that this doesn't really address any safe way for folks necessarily to get in from across the street in robert e. Lee, or maybe -- maybe there are some improvements there. >> There is a proposed

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parking lot -- sidewalk. It is the same ada access that goes to the south pool deck. It will connect directly to robert e. Lee on the west side of the parking lot and hug the parking lot so somebody can walk down and get down to the south entry from robert e. Lee. >> Crossing the street is also probably an issue? >> Crossing the street is that's -- on the north side of the robert e. Lee, the

parking lot. >> Morrison: Right. Kimberly, is there a way to highlight that with our transportation department as we make these improvements? >> Certainly. We can certainly talk with them about that. >> Morrison: Okay. Great. And then I have a couple of more questions, and that is you identified where the lights are going to be on one of these diagrams. Are they just standard street lights, or what would we expect? >> In our construction documents, we have the details of the lights. The lights in the pathway are going to be lower profile led lights. The lights in the parking lot will be higher standard parking lots. And then we have lights for the pool are going to be placed on the existing poles at the existing locations, and there will be two fixtures per each pole. >> Morrison: So if we wanted to -- okay. There might be some interest in sort of getting that delineated and if you have diagrams of what they look like or whatever, that tends to make that -- to make that available to folks, I think that will be helpful. >> Okay. >> Morrison: Is the same true for signage? Do we have detail on what signage there might be? >> Yes, we are working with the nature center. Clark is coming up with a signage package that will be included within the working drawings, the interpretive signs on the north and the south side.

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>> Morrison: Great. >> Included within that. >> Morrison: And I think this is my last question. And that is, the issue was raised about what about the north side and handling those hot summer days when there is 100 people in line waiting to get in -- pay their money and get in. I wonder if there has been any given any thought of how the crowds will be handled through the tree court there? >> Well, the tree court is wide enough to accommodate large groups of people. There is going to be additional seating that's not there right now for people. And it will probably be lines similar to what they have now in those -- on those days, because we are going to one entrance on the north side, so it's narrowed down to a five foot walkway as you get up to the ticket booth there. >> Morrison: Okay. So the -- so the room and the accessibility you are saying is not really any different than it is now? >> Right. Yeah. >> Morrison: Great. I appreciate the work on this and of course looking forward to the -- when this will be actually on the -- when the ordinance and the adoption of this -- is it planned for the 11th or for the 25th? >> Eleventh. >> The 11th. I will just end by commenting by I really appreciate all of the photographs that you included. They certainly make where certain council member anyways, wish they were somewhere else right now. [Laughter] >> mayor leffingwell: Council member riley. I have to leave so if you don't mind I would like to say a couple of words. >> Riley: Of course. >> Mayor leffingwell: I won't be here for citizens communication, either, and i know there are a bunch of folks signed up from the friends of barton springs pool here who have done such great work over the last five years. They get out there on a periodic basis and get volunteers to help clean the pool. They have been very

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instrumental in making positive improvements for suggestions to make, what i think has been a badly neglected city facility, an iconic city facility, really for a number of years. It really is in a sad state of affairs right now so I am glad to see these efforts on the part of the parks department to come up with a plan that makes it what it ought to be. Frankly makes it what it -- look almost as nice it did when I was a kid swimming in that pool. I want to say that. Impervious cover. And I heard you say you will reduce the parking from the approved lot from 120 to 784 spaces. Is that

about right? 124 to 80. Yes. >> Mayor leffingwell: Yes, 124 to 80. Did that result in a reduction in impervious cover of about 2%? Is that right, overall? Because I am remembering the numbers 32% versus 30. >> I am not sure where the 32, 30s range is coming from. It is a .1% reduction in impervious cover. >> Mayor leffingwell: The current design is. But the previous design with 124 spaces was a little bit over -- >> oh, correct, yes. >> Mayor leffingwell: It is about 32 -- about 2%, as i recall. And that's a little bit concerning because the number of spaces that we have right now, which I am not sure what the number is, probably closer to 120, is% by all observation not really sufficient because there is a lot of overflow parking. People parking on the grass and so forth. My concern, I guess, i certainly understand the need to keep impervious cover at a minimum, but i also understand we are going to exacerbate this problem of overflow parking on to the grass, and eventually i believe according to

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watershed rules, areas that are consistently used as parking spaces, whether it is improved or not, are eventually going to have to be counted as impervious cover. I believe that's correct. >> Yes, it is. >> Mayor leffingwell: Going way back in my memory. >> And the impervious cover calculations do include the areas of unpaved parking in that number, so the numbers that you were hearing today. >> Mayor leffingwell: My concern is we are still going to have the overflow. It's just going to be parking on grass and dirt and exacerbating those problems instead of containing that and being able to treat that runoff before it gets down to the pool. The runoff is pretty awful, by the way. I don't know if many of you have been down there during times of heavy rain. There is literally a gusher of mud that runs down that ravine almost directly over the diving pool indirectly into the pool. I believe one of your slides showed a huge mud area in the pool. So it's just a question of tradeoffs there. That's an area of concern. Not major concern. It is an area of concern for me, is now we aren't going to have adequate parking and that's going to create other problems. >> Just a point of clarification, the gravel parking space is about 80 spaces, so -- >> mayor leffingwell: It is about -- okay. So -- >> we are keeping the same paved parking, but -- but it is a problem. With 750,000 visitors. >> Mayor leffingwell: Yes, I mean, let's face it, there is over 800,000 people in the city of austin alone. That's not counting all of the folks who hear about barton springs and come into town in the summer time and use it. I heard the suggestion about remote parking and shuttles. I don't really think that is a viable option. Nobody is going to choose that option. I think we have to be careful about that, but overall, I think it's a great project that you have going here and I want to

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thank you and, again, the friends of barton springs for doing all they have done to really save our great parks springs pool. Thank you very much. Chris -- council member riley, excuse me. >> Riley: Thanks, mayor. First I join you in thanking the staff and consultants and the community groups and everyone else who has invested so much effort into -- into this project. It has been a long time coming. I know there has been hundreds of hours of work invested in it and I am very excited to see it getting this far. I have a few questions about parking and then I have a few questions about other little things. First on the parking, I know there were -- you have several options that were considered. I didn't hear any mentio of -- of types of pavement. I know that sometimes we talk about impervious papers and we know that that wouldn't really be pervious,

over time, that they would actually -- that the surface is covered by pervious pavers tend to become impervious when parked on numbers of time. Nonetheless, the city has at times used impervious pavers, including cross hatch pavers including near the lake and the fun result is it has a normal appearance. It looks like it has -- it has a more grassy appearance. I don't know how the effects compare in terms of the runoff. I just want to ask, did you look at the pavements like the cross hatchett impervious pavers? >> Yes, we have and the paper mentions the impervious pavers or paver system and the draw back is you could get the vertical migration that we heard

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about. It does sit over the recharge zone so you have the hydrocarbons in the pervious areas that in small rain events could be pushed further, further down. The heavy rain events, they wash off. With that potential issue, and the salamander habitat, we felt that a paved -- a hard paved surface would be a wiser decision and also have a -- choosing concrete to be a better longer term maintenance. Having less maintenance over the long term. >> But the surfaces -- the runoff will be directed where? >> It is going towards the athletic field, which are to the east of the parking lot. >> Riley: How would that be better environmentally than having those materials seen down in below the parking itself? >> Chuck lezniak, city environmental officer. Good question. With the impervious papers, the vertical pie migration is what we are concerned about. And the vegetated filter strip which is where the runoff for the parking will go, it is designed for treatment and to meet the nondegradation treatment of nonsos and even with the impervious papers code allowed it, which it is not the way it is written currently, it is not designed to get biological activity and the vegetation you get with the design filter strip. So it might be possible to design something like that. It is not allowed in our current criteria manual and with the way our code is designed currently, and to be honest, the technology is probably not quite there yet. There is some value with it, but in my opinion, with our proximity to the springs, we

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need to be conservative here. We need to make sure what we are doing we know works. This is not the place to put in an experimental system and that's not what we are doing. >> Riley: We did recently amend the commercial landscape ordinance, based on the idea that runoff in parking areas can be utilized to water some of the landscaping that goes in. I know with this plan, there are a number of trees that are proposed to go around the lake -- around the parking and in the median that's in the middle of the parking. First, can you just give us an idea of how many trees we are talking about? >> It -- 80 new. >> Morrison: Eighty new trees, in a place where -- >> Riley: Eighty new trees where it is bear right now and do you expect this to comply with the current landscape commercial ordinance to reduce the runoff including trees including the trees meeting there? >> Yes, there are trees meeting around the parking lot and we meet the commercial landscape requirements. >> Riley: I know there has been some discussion about the fact the number of parking spaces we have landed at are not expected to be enough to accommodate the demand, so with that in mind, as well as considering the need for ongoing maintenance in this area, has there been any consideration of managing the parking with the installation of kiosks, and and having a park benefit of some kind to direct proceeds to ongoing security and maintenance in the area? >> Yes. Jesse vargas the other assistant director in the parks and recreation, we are coworking together identifying what we call central parks direct --

benefit district, identifying possible -- we haven't been conclusive but possible areas that would be a part of that that would be appropriate for key yosks

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and that would be -- for key for kiosks and an appropriate parks benefit district and we would expand where we currently have parking meter at the mac eastward and so we are exploring the options and so the answer to that question is yes. >> Riley: We do charge for parking on the north side so this would be a matter of charging something for parking on the south side with the idea that we would make use of the proceeds to benefit the park. One thing about the parking for if bikes, I am assuming they will choose the bike parking that is chosen for those locations? Will that be the case? >> Yes. That will be the case. >> Riley: Okay. Great. And then it's excite to go hear that the utilities will be placed underground instead of spanning over the pool. I want to know how are we going to do that and the lines that currently run across the pool, how will those be placed underground? How would those get -- how will they get across the pool? >> The power from the north side to the south side. Right now it is coming from the north side. So we will have a new power supply from the south so it will eliminate crossing of the pool with the power lines. >> Riley: It will actually run under the pool? >> No, there will be no -- no, the service will come from the north and the south. >> Riley: I see. >> Right now, it is just the north. That's why there is a need to put the wires across the pool. >> Riley: So there won't be any need to actually dig down and bury the lines across the pool? >> No. >> Riley: Good to hear. And then on the -- on the north side, I know there has been a lot of interest in the entrance and, in fact, we did this as part of the

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last bond election, they approved funding for -- going back, for renovating and making use of the old ticket booth instead of using the entrance that's currently used. I want to get an update on where that stands. >> We wanted to perhaps launch this set of projects before we started the public process for the next but absolutely it is on our radar. We know that the money has been appropriated. It has not -- money has not been -- the bond appropriations -- we haven't received the allocation for the first year. It won't be in the first year but I believe in future years but certainly we can start the public process and think about those designs. I want to make sure -- i don't want to give you a false hope we are starting it tomorrow. It won't be in the first year allocation of moneys but absolutely, we notice on the radar and we have had preliminary discussions with stakeholder input prior to this with just some other -- with some design concepts and some ideas, so we have some ideas of what it might look like but we haven't actually started the process and probably won't do so for at least a year. >> Riley: I see. So the idea is to go ahead with these improvements, fix up the tree court and the other thing on the north side and then proceed at a later date with actually moving the entrance over into where you -- >> yes, in 7 years we will come back -- just kidding. We will come back with that design in the future. [Laughter] >> Riley: Thanks again for all of your work on this. >> Cole: Thank you. Council member tovo. >> Tovo: Thank you very much. This has been a great discussion. I appreciate my colleagues' questions and I think you have answered nearly all of mine. I have a couple of quick once. I wonder if you can get back to the question of the permitter fence and explain what it

would like like all the way around? I don't know if we have a diagram all the way around but I wondered if you can give us a sense based on illustration that was up

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earlier. >> Yes, 80% of it would be the wire mesh fence, that is 6 feet tall. That's for the visible areas of the park. Through the south woods, we are going with a more -- a higher, more secure@ fence. It should be an iron picket fence, which will be 8 feet tall through the south woods but not really visible from the park. The -- the a black line there is the circumference. That is the whole perimeter of it. So from the area that gets into the south woods there, all the way down to the dam on the western side will be the more secure 8-foot hyphens and that's where a lot of concerns are with that. The rest will be 6-foot hyphens. Except if it crosses the dam it will be four feet, removable sections across the dams. >> Tovo: Okay. I assume the columns are just at the entranceway? I mean the columns won't continue along the places where you have -- >> no, it only would be two columns. >> Tovo: Okay. Thank you. Is there a final diagram of the new ticket booth? >> Yeah. That's -- that's -- is it in this presentation? Yes, there it is. >> So that's the final design? >> That's the final design for the ticket booth. Right. >> Tovo: I wonder if you can talk a little bit about lighting. One of the questions we received from swimmers at the pool is they would like a little more information about lighting and i wondered if you could address that, please? >> In the design documents we have all of the late footcandle readings from the new lights. What we tried to do with the pool is get a more unified even light across the pool deck and the pool surface, with the new light fixtures. Right now there are some dark areas out there.

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We wanted to correct that. We didn't want to increase the light at all with the pool, just a more unified light for the pool. And then the walkways, the only lighting outside the pool would be the two walkways. One on the north side and one on the south side to the woods out to the two gaits. South lawn will not have any lights on it. >> Tovo: Okay. Okay. Thank you very much and thanks to the staff, consultants and the community stakeholders who have been a part of that, and the board and commissions, I appreciate that. >> Cole: Thank you. >> I don't know if it was mentioned earlier but since council member tovo was asking about the fence. One of the reasons for the change in the fence is for security purposes, and this newer fence hopefully will be much less breachable and not climbable as well. >> Right. Exactly. >> Martinez: Is the material substantially different so that bolt cutters can't be used? I don't know how it is being breached right now other than climbing under it and kind of kicking -- digging dirt out but we do have some security issues specific to the south woods area? >> Right. That's where we looked, the south woods and the pickett fence we had, suggested that the south woods would be something very hard to cut through. The other fence is a wire mesh fence that's welded together. Unlike a chain-link fence where you can cut it and lift it, this will be very difficult to cut through it. >> Martinez: Thanks. >> Cole: Any other questions, colleagues? Thank you guys, again, for your great work, hard work, and long work. Next we will have the presentation on economic impact of austin's food sector, and we will still break for 12:00 o'clock citizens communication. So we may have to come back and finish up the presentation. >> Good morning, kevin johns, taketor of economic growth, redevelopment services.

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We are very excited about bringing you first ever snapshot of the city's food systems and how that might relate to the future health and growth of the city. You may recall that city staff asked us to look at the economic impact of the food sector a few months ago. I want to give a history of where this came from and introduce the presenter and the project manager and some of the team that have been working on this project. Excuse me. Over -- over a year ago, the health department came to egrso and brought us maps they called mortality maps and the maps laid out the census tracts in austin where people died so much sooner because of diabetes, of health issues relate to -- to not having appropriate food. And so they asked if we would be helpful in trying to diagnose a way to get groceries into the neighborhoods to look at a way for food markets and best practices. So we began a process that has led us to today. And initially, we looked at best practices from the american planning association and other cities across america that were already beginning to tackle these particular issues, and everything from seattle's pike places as a hub and portland and their public market system to the chicago system of having mobile buses that would go into the neighborhoods, all sorts of initiatives are happening nationwide that are trying to improve the health of those people who are at a disadvantage of getting healthy food. Egrso has applied and we are waiting for a new market tax credit application that will

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be used to fund public markets and groceries at the nexus between food deserts and the transit station, so people who didn't have cars would have access. We also jump started, as you know, the family business loan program, looking at lighted inner city commercial -- blighted inner city commercial areas that are in designated areas that are in the mortality maps in the documents you will see. Perhaps at a later time, the health department can have that conversation with you. But throughout our efforts it was apparent that food touches everything. We convened a meeting months ago after finding out what some of the best practices were and we took -- I think it was the medicine wisconsin analysis, of how food is grown, distributed, sold, how it helps people who don't have money, how it helps grow the community. And at that meeting, we found an enormous turnout of people in austin who are really keen, who are already working on this issue. So everybody we work with is in support of this strong system -- a strong system in central texas and everyone is very committed and some of those people are here today. I would like to recognize, before I turn it over to john hawkin. Of course, margaret shaw who is the project manager who led the team of the park department and john haul kenyose to do a complete debrief of the seattle and portland systems to find out how they are financed, what their private-public partnerships are, where does the food come from, how does it get to people who need it. How does it generate small businesses, and what is the money that came from and what are the implications how to make that transferable and look at the profit systems in portland to see if any of that is

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transfer usual also to austin and I would like to recognize austin and she may -- if you have questions respond after john's presentation. And I also want to recognize sarah in the parks

department who supports community gardens and farmers in their needs and participated in the analysis. Shannon Jones in the health department who first raised issues of food deserts and how many people in Austin are actually dying because of the lack of access to clean and healthy food. The Austin Resource Recovery System, Bob already has a pilot project. Victoria Lee is working on biospheres for food and wetlands areas. Luchia has been a lot of pioneering work and keeping us on track to make sure that this sustainability component is in all of the economics of the food system. Greg Guernsey is looking at all of the planning issues related to that. You just can't take lots and convert them into farms and of course Lorraine Razner who is looking at real estate implications of this. I also want to acknowledge the leadership and assistance of the Sustainable Food Policy Board. They have done a bang up job. Haven't gotten as much recognition as they should but I think as this moving forward, they certainly will. There is willing 18 local farms that are participating in this whole initiative and so trying to pull all of these people together, the leadership of the city has really been fantastic. Ergo, thp and our consulting firm you are familiar with prepared a report and I am proud to present John the president of this to prepare this. He created the range study analysis which is a \$4.3 billion analysis of all of the creative industries and I think you will find that what we learned in that study was that the arts and culture generates money and creativity and carried us

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through the recession. There are some similarities here. I think you will be pleased with his work this time. There is a lot of information and ideas over here so I will turn this enter Hawkinsose with that brief explanation. >> Thanks, Kevin. Mayor pro tem, the first time I ever stood at this dais, can I ask a procedural question? You all normally break at noon for citizens communication? Is that right? This presentation is probably 25-30 minutes long. Do you want me to go and start until you are ready to break? What is your preference on that? I am certainly happy to do whatever you want me to do. >> Cole: I think that I would prefer that you start and break and I will take any comments from council objecting to that, but we have about 10 minutes -- well, it is only 10 minutes, I guess we can take a brief recess and start citizens communications. Let's do that and then we get our questions at once. Thank you. >> Thank you all. I see you soon. >> Cole: We will take a brief council, council and begin citizens communication at 12:00.

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It is it is

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>> I would like to call to order this meeting of the Austin City Council and begin citizens communication. Our first speaker is Paul Robbins. There you are. >> Let's go. Please start my time after they queue this -- >> Cole: Please start your time. >> Okay. >> Cole: You are good. >> Council, I am Paul Robbins, environmental activist and consumer advocate. In the recent past, I criticized a briefing on W conversion that was held late -- conversion that was held late last year because the public was not able to give alternative information. This is a third of series of speeches to provide for that, so I -- the state drought has continued. This map shows that 85% of

texas is in some stage of drought and that travis county is in severe drought. Slide. This is the lera drought monitor for the highland lakes. Earlier this morning. 810,000-acre feet, 30% at capacity. Slide. We all wish the drought would break tomorrow but forecast show the opposite, continued lack of rain, at least through june. Slide. I have frequently criticized the austin water utility for not doing enough to save water. I will briefly mention four separate strategies to do this. There are many more. Slide. Austin could save about 2% of its water if it converted to water efficient toilets. In 2007, council approved a

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strategy to mandate this, but it was never carried out. For a while, there were rebates for toilet changeouts which gave excessive amounts of money. But mandates in more reasonable rebate amounts, which were effective strategies which were never implemented. Slide. A third of austin's water use is used in commercial and industrial buildings. Yet, only about 1% of water conversion savings came from this sector last year. There had been -- there is not been a full-time dedicated staff person for this program since 2008, since one-third of the conversion budget was -- conservation budget, there would be one person to do this. There is only enough money budgeted to replace or repair about 15-miles per year, but the last two years, 28% of the money has been left on the table. Slide. Austin has considerable money -- has spent considerable money building a pipeline system to provide reclaimed water. But last year, only about 4% of austin's wastewater was reused. The amount of water we used in 2012 was actually less than the amount used in 2008. The idea for the utility to fund the customer side of the reused water line, which would be more of an incentive for customers to join the system has been ignored. Council. [Buzzer alarming] all of the half billion dollar treatment plants in the world do not mean anything if there is no water to treat. You can ignoree. Slide. >> Cole: You are out of time. >> You cannot ignore a

[06:07:41]

drought. >> Cole: Thank you, mr. Robbins, next we have ronnie reeferseed who is going to speak on peace, liberty, and fluoride. >> [Indiscernible] i believe. Yeah. Anyway, yes, I am ronnie reeferseed yelling [indiscernible] according to a long time hero of so called worshipping feminists who are the actual killing of one's own offering is now the sack sack remeant to just say no to the man. No, killing babies is never okay to accomplish some goal or delusion. Each zygote deserves our appreciation as a living human being and thereby the so called choice to execute your baby for any so-called reasons or convenience sig ending smelling a stench of sociopathic death to all and that's what it means, people, sociopath, like so called [indiscernible]. It is the perfect example, by [indiscernible] is part of ongoing manipulative scheme of talking us into sleep, while killing everyone. His first act, this so called president was to send frantically funds to planned parenthood in africa to get the death follow slime of so called abortions turning out the dead babies, african babies. Those are black babies, people, as are all of the somalian babies, muslim babies everywhere. Often it is not always nonwhite colored people. Why kill them? I will tell you why. These easy builder burger banksters, ie israel wants everybody dead, except themselves, of course. But knock, knock, you scheming sociopaths you are all going to be killed, too.

[06:09:43]

Study history. You folks will probably be the first to be rounded up and killed. That's how it works. Death is nothing new to tyrants. In fact, it is the norm. Ritualistic sacrifice of innocent offering is absolutely evil and cherished by death so called feminists today. Equal pay, less discrimination. Yes. Death toll worshipping, so-called execution of babies: No. It is life or death, good versus evil. Joy versus sorrow. Every baby, ever conceived in our origination has a home. Disabled babies of every ethnic persuasion has a line of parents stretching around the block eager to share lives through adoption. The abortion industry just said, no, kill their babies and do you know what? They market those dead baby parts. Pepsi uses it as a flavoring. Let us do whatever we can to stop this celebration of death to babies. No, it is never, ever justifiable. Now matter how mad you are at your boyfriend, ladies. To learn more online visit info wars.Com, ron paul.Org. Campaign for liberty.Com. Lew rockwell.Com. Call me, 512-264-1729. I want to hear your ideas, complaints, insults, suggestions, poems, songs. Per. Puns. >> Cole: Please wrap up. 512-264-1729. >> Next is matt mcclure to talk about certifying the yoga bear -- >> yoga boat. >> You can call it yoga bear. >> Cole: Sorry, yoga boat. >> What we have for you is a handout. Good afternoon, everyone. My name is jesse allans and this is matt mcclure,

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business partner. So -- go ahead. >> Clearly the idea is simple. It is taking people out on the water, lady bird lake, lake austin and doing yoga on it and nobody has done that in austin anywhere or anywhere to our knowledge. Jesse had the idea. I said that is genius. I want to hop aboard. I think austin would like this because austin is a huge yoga town, as you are aware of this. You see yoga everywhere. It is crazy these days. There is demand in the city and demand to be on the lakes, too, and there is not easy ways to get on the lake. It usually costs a lot of money but a simple yoga class, a way to enjoy the yoga and the water, and potentially austin's greater thing. >> I have been working on this a little over year now. I am in the middle of construction. I am building this boat completely by myself. Owen never built a boat before but googins can teach you a lot. Put a lot of time and effort of the planning of how the business structure is going to be and, you know, so in the sense of will we be able to accommodate that? Yes, we have put the time and effort in making sure this business will work. What we are here for today is for your help in getting the correct permits to do business out on these waters, and we spoke with park and recreation. It has been a few weeks. We are still waiting to hear back from them so we are looking for hopefully a little push in the right direction to get our name out there and get this permit so we can start the yoga boat. >> It is pretty simple. All we need is your guys help. Anything you can do, we are willing to do anything on our end to make it happen. We appreciate your time. >> Martinez: Mayor pro tem. >> Cole: Council member martinez has a question. >> Martinez: Thank you for a unique business. We get folks that come down all the time that have great ideas. What I would suggest to you

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is to go to our parks and recs board. They are an advisory group of volunteer citizens who vet things like new concessioners that are wanting to get into our park system and they will make recommendations to the council as to whether or not this is something they would be supportive

of. So I think that's a good starting point. You had met with park staff but I would suggest you call any of the parks and rec members, sit down and meet with them and ask if they will place that item on the agenda so this can be publicly discussed. In the end, though, what more than likely will happen, if this is something that council would support, it would have to go through a competitive process. We couldn't just enter into some sole source agreement with y'all. We have to put it out there and let others who likewise would want to engage in this type of business, you know, compete for that same ability. So I want you to be aware of what you are heading towards. It is not as easy as it sounds for us to say, great idea. Let's do this, put you on the lake. It is going to be a long process, but I am willing to help however I can introduce you to those folks and see if we can at least get an agenda item going so we can start a public discussion about it. >> I have spoke with jesse vargas -- I have spoke with jesse vargas who is the assistant admin for parks and recreation. He thought the idea was great and explained different ways to go about it. We are at a stand of waiting for their return. We are here to push this idea forward and keep the name out there and get it going. >> Martinez: If you will call my office and ask to speak to andy moore and we will facilitate how far we can help out. >> All right. Thank you. >> Cole: Thank you, gentlemen, what an innovative idea. Mr. Gavino fernandez.

[06:15:55]

>> Good afternoon, council, my name is gavino fernandez and I am speaking to you today as lulac district 12 director and coordinator for the coalition of the mexican ican neighborhood associations and we are basically wanting to educate bringing an audience of our second annual prefourth of july parade to celebrate the fourth of july and also honor our veterans who served for our country who grew up in navar dominques. That will be scheduled june 29 and starting at ibc bank on chicon and pleasant valley, we will be marching towards chicon and end up at the gardens where ewith will cristo rey festival. This is a great prefourth of july parade. We had success last year and we expect more success this year from many organizations and groups from the neighborhood joining us this year. I also want to speak about a proposal that was brought to us. I attended a meeting that has to do with bike lanes. It is being proposed between second and santa rita, santa perdinalis. We have safety concerns. We have a track running down perdinalis at this time. The proposal calls for angle parking. Like I met with tom -- i think his name is moorewood today to share with him the issues of safety. Perdinalis is very narrow. We have the tracks in the middle and then come to learn that the reasons they are wanting to do angle parking is to accommodate one business that this council gave a conditional use permit and that is a

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tango facility and I will say to tango, which they were also at the meeting, we told you so. You don't have sufficient parking. That's why we were against you receiving a conditional use permit. But now we are offering this bike path -- these bike lanes with angle parking. I don't know how we are going to travel down that street if you have all of this. I did tell tom that we would consider bike lanes without more parking. It is kind of hypocritical for a bike organization to come in, do bike lanes with parking, when the agenda is zero parking. Our community is bike friendly, walk friendly, not because of choice. It's nothing new to us so we are willing to work with the bike community, council member riley in doing this, but we need to do it in a safe way and we will take the bike lanes but no angle parking. Thank you. >> Cole: Thank you, mr.

Fernandez. Buzzer bundled. Next we have John Beall to speak about the Barton Springs road improvements. >> Good afternoon, I am John Beall, ever serve on the environmental subcommittee considering the Barton Springs master plan for the first several years. We met and posted public sessions to consider the alternatives and much problem has been made. Let me tell you about the reading on the artistic proposals at the south entrance. I favor art in public places. When first encountered, artistic enhancements like the philosopher's sculpture at the north entrance touches in a way that brings out a smile. Over time, these moments will create an emotional attachment to our common areas. That day, these artistic

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proposals met with strident opposition that objected to everything about them: The fence. It was the same opposition that was voiced by the same people about every aspect of the Barton Springs pool master plan. It's a waste of money. We don't need it. We don't want it. Don't do it. They angrily denounced everyone in favor of the improvements and the process has resulted in what is left, which is just these two stone pillars. There will be many people who deserve credit for helping to preserve and preserve Barton Springs pool. Dan Crow, Emily Little, Peter Steinhart including those people who would show up to our meetings and shout at us. Thank you. >> Cole: Thank you, Mr. Beall. Mr. Thomas Weber, Barton Springs master plan improvements. >> Good afternoon, the honorable mayor pro tem, council members, Mr. Ott. My name is Tom Weber with the Friends of Barton Springs Pool, a long-time resident of South Austin as well. I was very -- I very urban much appreciated the briefing you got today. I thought it was one of the promising opportunities where you got to consider sort of an objective analysis of the issues and heard -- heard things in a very factual basis, so, you know, I come here primarily to be an opposing voice to a lot of the innuendo and the

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extortions that have seeped into what the public impression is of this. I think this council has a different, more objective impression of this, but -- but I am not so sure that the public at large is hearing -- hearing things in an objective fashion through the media and things. Public process. It was extensive. It was several years long. The staff showed tremendous flexibility. No one was shut out. Quite the opposite, actually. I think a lot of what you heard today was the result of public input. It wasn't a my way or the highway process. The parking lot, this was not originally part of a -- part of a general grounds improvement in the master plan. It resulted from public input, and I think a lot of the initiative came from city staff. As we heard this morning, paving will greatly eliminate a source of sediment runoff but I will say that if there is still concern among the council about the larger issue of access and mobility around the Zilker Metro Park overall, then carve that out and study that as a whole, how people get to that park, what they do in that park, where they need to be where that park, where they come from and develop that overall. A lot of people who use that parking lot are not going over there to swim. So it is not necessarily what we have been advocating for to go on inside the fence. I will say, however, that I think the water quality arguments are quite overwhelming in terms of the mousness that -- the positiveness that would come from that. Impervious cover. When council considers a variance or amendments to the ordinances that are needed in this case, please make it clear to the public that there is no proposal to

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make -- to take undeveloped land and pave it over. The issue is land that already has tramped on and driven over by vehicles and causing gullies and dust devils swirling around. There is not a situation where we are trying to cut out undeveloped land. And I will end with. [Buzzer alarming] just saying that I really appreciate the careful consideration and the vetting that you are getting to these issues, threw very much. >> Cole: Thank you, mr. Web. Mr. Robin cravey. >> Council, city staff, friends, members of the public and swimmers. I am robin cravey, former friend of barton springs. I have been looking forward to that. Staff gave a great presentation today and council, I want to thank you for the great attention you have given to this project. In to 10, the friends of barton springs submitted proposals and council commissioned a master plan and asked the friends of barton springs to work and others and of course mayor pro tem cole, you were a leader in that. Mayor leffingwell was as well and council member martinez. In 2007, we wrote the master plan and I am tempted, like my friends, to talk about all of the meetings but i want to say positive. [Laughter] we identified short-term projects and long-term projects. In september of 2007, the council appropriated \$6.2 million for short-term projects. I hate to correct kimberly. She did a great job but it was 6.2 million for short-term projects and this was one of the series of those short-term projects. Many of us were out at the pool on tuesday for the announcement of the completion of the bypass

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tunnel repair, which was one of those projects completed, by the bay, with the -- by the way, with assistance of funds from the texas commission on environmental quality. We got a big boost there from senator kirk watson on those can you understand. Last november, city voters approved funding for the first of the long-term projects which is the renovation of the bathhouse and friends of barton springs pool will soon be raising additional funds for that project. This project goes all the way back to our 2006 memo calling for, among other things, removing the unsightly and dangerous tangle of electrical wires thrown accross and around the pool, providing arbor care to the trees and council member morrison you have have helped us with the our tree funding events and soon we will have an announcement how we will spend our money during this project. We will improve the facilities for cleaning inside of the pool and council member spelman, council member riley and council member tovo along with all of the council have helped us clean the pool and you know what it takes. It is a hard job. These are all exciting things. Tree work and the renovation of the tree corridor in this project. Ada access trail for greater access to the south side is in this project. This project, by the way, was scheduled for construction the fall of 2011 postponed for more public input. Scheduled construction fall of 2012, postponed more public input. It is scheduled for input this fall. I look forward to final public hearing on april 11 where we can puck talk about this one more time. Council will be posted for action and I look forward to fall when we can actually see something happen. Thank you very much for your attention. >> Cole: Thank you and thank you for your work on this. Mr. Chris anderson. >> Thank you, council. My name is chris anderson.

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I have lived in austin the last 11 years. I have been a city employee for the last 6. I also worked for austin isd, university of texas. Experience working with families, pursuing a masters degree in social work at u.T. I want to talk about affordable housing in austin. I was disappointed when prop 15 failed last election. It would dedicate \$15 million towards affordable housing.

Unfortunately I think that vote represented some of the worst instincts of austin, a tendency perochial and marginalize the poor. I am speaking from the low income coalition, austin has the highest in the state, one bedroom apartment costs 830 a month on average and two bedroom costs \$1,050. That is more than \$200 per month more than the state average. No matter how you slice it, the average rate in austin costs nearly \$10,000 a year. It is very important because we have a large population of poor, working poor in this city, according to 2010 census, 18% of our people are poor or at the poverty rate. Nearly 150,000 people. For an individual means if you make \$11,000 a year for a family of four, that is \$23,000 a year. The 2009 austin housing market survey found there was a city wide gap of more than 48,000 affordable housing units. There is an enormous need for affordable housing that is not going away and in fact it is growing rapidly as the real estate market is booming. I applaud council for the vote made last month to dedicate \$10 million in surplus towards affordable housing. I think it was a courageous decision in light of the backlash that mayor pro tem referred to in your testimony. The failed proposition vote shows this is an issue that can't be left for the voters entirely because it affects

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silent and visibly minority of people. There needs to be a large dedicated amount of funding for affordable housing facing the working poor. We need to find a way to leverage the popularity and growth in austin so the cost and benefits of this explosion to the development are distributed equally to all people. It is sales tax on hotels that goes directly to funding of affordable housing. Right now the working families of this city have not benefited from the growth of this town. There is a el follow it will get worse before better. Although population of austin has grown since 1970, the scale in this in austin has led people to leave the locus of power is not in the hands of people or the elected officials but belongs to developers and affluent who have benefited recently from the recent boom. We proud ourselves of being open and inclusive city but we can be better towards our friends and neighbors who are most vulnerable. Thank you for your time. >> Cole: Thank you, chris. I couldn't agree more with your comments. Thank you. Rick luna who will speak of light pole damage from your car. >> As you see across the street on the top, you see a little pool there. They are saying they are not negligent and why didn't they look at that pole and, you know put this on there.

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We found a recent there, after this pole came down and hit my car and another car. I talked to channel 7 that day, the 25th, at 12:30 that this hand. They are telling me it was an act of god. God didn't have anything to do with it because it was not a storm and then you consider it a storm, high winds, but that was about it. And that was on a pole and fell down and then high winds and I think we would have had more poles falling down on, you know, on this -- on this neighborhood. Well, anyway, I am hear to plead a case that I know -- it is up to y'all and i actually need to look at it in a -- and, I mean, in some -- it is only fair that people understand that this is -- there is liability -- they are saying they are not liable. I mean, it's liable, you know, and

you can tell if y'all look at the pole and everything and that's what i am here for. Thank you. >> Cole: Thank you. >> Spelman, martinez. That's all I have got to say. >> Martinez: Can I ask you a couple. I have been talking to this with my office a couple of weeks ago since this incident happened. I want you to talk about us of what happened with austin energy to try to make a mends to mr. Luna and the damage that we caused -- the pole caused to his car.

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>> Council, we aided him. In terms of service outages and falling poles and so on and the utility regulations provide no gross negligence is involved. It is not liable for such property damage as he's described today. >> So wasn't there another vehicle involved in this same incident that was damaged. >> I just heard mr. Luna say that. I wasn't aware of that. >> Have you within approached by anyone else about a claim? >> Did anyone else approach austin energy about a claim from that incident? >> Not that I am aware of. I will double check. >> So what will happen -- i know this is hypothetical, but god forbid he was standing next to his car and the pole hit him. How would our liability have been -- would it shift and would we bear the burden to bear the medical expenses, should he be hit by the pole? >> I might ask the city attorney if she is aware of that particular circumstance. We have our claims department that serves on these issues and god forbid such a thing would happen but I believe that the circumstances would still hold, sir. >> Martinez: I completely understand that we have a -- we are in a very generous position, if you will, as it relates to liabilities as a city. I just didn't know if -- if having someone injured as opposed to their vehicle would change our internal policy of how we respond to that question. >> Cole: Thank you, mr. Luna. Does the city have any comment on immunity?

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>> [Indiscernible] >> and council member tovo has -- >> Tovo: Yes, I have a question about what happened. You parked in a parking lot and then the telephone fell down and damaged it? >> What happened was i stopped at the store to buy a sandwich, a taco and a lady came out and said, hey, there is a pole that fell down. I walked outside and I saw the telephone pole fall down - - I mean, it already hit my car and so then what I did was called 9-1-1. The police came and they couldn't do a report because nobody was injured -- thank god nobody was injured. This happened around 12:30. So then when I called the austin energy department and told them what happened and they said, look, it was a storm. I said, no, no, no, so i called channel 7. Channel 7, I talked to the person that does the weather. And he said, no, we didn't consider that day a storm day. It was windstead but it was no storm. So negligence is -- it was windy, but it was not storm. So negligence -- I used to work [indiscernible] many years ago when I was young and I used to put telephone poles in the city of austin. We used to support or secure the old poles with another pole, and then they would come and change them out. Why did they across the street, knowing it is a brand new pole, look at this one and say, hey, we need to secure this one? Why don't they? I call them negligent because they weren't doing their job. >> In the image you showed us. You referred to an image in the right-hand side of the pole across the street. >> Well -- >> and so that is the example you are talking. Is that the upper right-hand corner? >> It's next to it, also. There is -- we have a new pole up front and across the front there is another new

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pole but because of mr. Max -- there is a sign right there next to that pole, grocery site so i guess they didn't think nothing of it but you can -- look how old that pole was and then they didn't get a number on it because you can tell, you know, the number how old that pole is. And then on the bottom, how it -- how it's wet and how it just snapped, you know. >> Tovo: Okay. Thank you. I have a couple of follow-up questions. Can you explain the wind issue? You said there was a storm but a lot of wind that day. I don't remember the date. I think we heard it was february 28, is that right? Twenty-fifth. Thank you. And austin energy, was it a result of high winds that day? >> I understand there were records provided to me by the claiming department, -- claims department and during a recent windstorm that vehicle had fallen on his vehicle. I don't have a record of the conditions -- actually, i know the file that I saw which was about an inch thick, they had actually produced some weather-related data and i will be happy to provide that information or a summary of this case to mayor and council, if that's desired. >> Tovo: I think that will be helpful and does the summary also include how old the pole was? >> I do not know. >> Tovo: Okay. I guess I would be interested in knowing how old the pole was since the assertion has been made by mr. Luna that it was an older pole than some others around it. >> Even if that's the condition, council member, we do maintenance throughout the system and I don't believe that would be a factor in this case. >> Morrison: Thanks. >> Yes. >> Thank you. >> Cole: Next we have

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mr. Gary beyer speaking on grounds imprvment for project of barton springs. >> Thank you, mayor pro tem and council for hearing me today. I am here in support of the grounds and permit project that you had earlier. The presentation, I would like to commend city staff for being very responsive and for doing sump a great job -- doing such a great job of shepherding this thing through the process and bring it to retribution. We at friends of barton springs are exciteddant this project and look forward -- we are excited about this project and we look forward to a time when the project will go forward. I will liken this to this -- being in love with barton springs is kind of like -- it's kind of like your mother. It's kind of like the -- a lot of people think your mother looks good the way she is. She doesn't need any improvements and that everything is wonderful, but in our case, we feel that our mother is sick and needs some help. Our mother just had bypass surgery on the bypass tunnel, and hopefully she will survive that and things are looking well there but there is still some additional work that needs to be done. Trees are dying and need water that pumps that are being installed will help water the trees and the grass is dying. It needs water that hopefully the pumps will irrigate those. There will be native plants and trees planted. It will definitely go a long way to restoring barton springs to being the beautiful place that it is and we hope that you will support this project on april 11. Thank you very much. >> Cole: Thank you, mr. Beyer. That sends citizens communication and go back to the briefing and after we finish the briefing, then we will go into executive

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session. >> Mayor pro tem and members of council, thanks for talking me ability this topic. I was eating a ruben sandwich across the street and fortunately you are far away from me not to feel the effects of that and so there is orally difficult not to use food related puns in in conversation, so if you feel inclined to drop the flag on me and say don't say apples to apples to

me at this time. I will certainly respect and appreciate that. >> [Indiscernible] >> you've got one right there. Perfect. And so this is ache purr from iphone 5. I am a horrible photographer and I am glad that technology gives us lack of skill and we will talk more about that as we go forward and I think it is pretty interesting to see the diversity that is reflected in that photograph. All right. So let me see if they can roll this forward here. Trigger underneath it. Got it. You think I would remember that. Kevin talked a little bit about this and it is sort of the backdrop on why this analysis was undertaken, and

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from a economic development, there are lots of issues in and around food, food security, I am not expert in that and not qualified to talk about that and rilly we thought the purpose of this report and this analysis is really focus on the food sector of austin as an economic development engine. What that means is, the second bullet point there, is we concentrating on activities that bring new money to austin which an economist define as primary activity or allows us to not buy products from elsewhere which is the classic idea of import substitution. We went through this process as we often do. We sort of wrote everything out we can find. We talked to lots of folks and looked at best practices and took that field visit to the northwest and we did a fair number of -- their amount of number crunching and what I suggest this report does is set a context to the rule that local food place in our economy, does the impact assessment that is called for in the resolution, and really develops a set of findings and some recommendations that are focused on economic development related to the local food sector. There will clearly -- i think -- I will be surprise if there are not more recommendations that happen over and above what we sort of offered here adds the initial round. -- As the initial round. Other thing also come out of is and when people see what we have done here and how important this overall sector of the economy is of what makes city of austin. This is the technical input stuff. How we measured this. This is something not to be focused on but the view of the primary activity stuff, everything related to agriculture as agriculture as primary activity. We counted everything as manufacturing as primary activity and then we discovered that there is a substantial volume of food related acuity in our tourism sector. I guess at some level, that is intuitive but there is

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data out there that shows this credibly when you roll together both grocery stores and restaurants, about 15% of their gross sales come from folks who don't live here in austin. So we use that information, you know, apply that back also to the wholesale side in calculating what is going to be fed into the economic impact model. When you run this out, the table on top, that is total activity estimated in 2011 across these five segments of the food sector. That's everything. That's tourists and also all of us as individuals who live here. You see it is more through \$10 million -- \$10.6 billions, almost \$100,000 jobs, when -- almost 100,000 jobs and i described almost \$2.2 billions in activity comes from folks from residents in austin and by extension, it is therefore, primary activity. So, again, bigger than we would have initially thought. When you take that information, run it through the economic impact model, you get impacts that commiserate that we found on creative sector side which is interesting to me and looking through this, it is north of 4 billion-dollars and what economists call output. That is literally the top line of economic activity, analogous to sales. We talked about value added and worker earnings. More than \$63

million in city tax revenue and about 43,500 permanent jobs along the way and I included the multiplier effects there because in part they were called out. Those were actually averaged together. Each of the individual segments has a different multiplier effect but I want to call it out because we will talk about more multipliers as we get to the findings. Most of this is with spending and some of it is related to agriculture and some to manufacturing. As I discussed in the past, I think the same thing is true here, I will talk about it at length, these are very much together. These are very much connected to each other and so trying to separate them

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out for silos and with analytical pur when thinking about it from a policy perspective, probably not the thing to do in my opinion and so the local food and the local economy intertwined here and irthink about this as a pyramid, where the smallest part of the pyramid in the agriculture census of 1.3 million dollars is directly sold from local growers to individuals, and it's tiny. That same time, that same year, and we have them and do it one time, apples to apples, in 2007, and we had ability \$1.3 billions in tourism related food and drinking sales activity, so 1,000 fold difference. One of the things we found is we talked across all of this, and I will read this. A substantial part of the appeal for visitors is the sense the food and drink they consume is grown, processed or provided by a local source. That is a crucial point. And we can talk and I can jump on this again, when you say local food in austin, it means different things to different people. You have folks who have agricultural folk saying it is locally produced using sustainable growing practices. You have folks here a long time who say gosh, it was fill in the blank iconic restaurant I used to go, whether it was I hawk or others or the trailer that serves egg rolls and corn tortilla wrappers and people keeping it weird and to doing food innovation, and the other who are saying mexican and barbecue, that's what we are known for. A brand extended through a range of activity and so the point is I think it reinforces the notion about the food sector with this holistic thing, rather than saying this is just what we grow here or do value added manufacturing to or the

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restaurants and they all fit together along the way. This is the second big finding and I had sort of a hypothesis that I wanted to test out. If you look at the introduction of the report, there is extraordinary volume of media coverage being paid to the austin food scene right now and we've touched a little bit on it. I asked folks I know over at ino communications -- i actually contracted with them -- to really do social media analytics on me with this and look at what the social media conversation is around the topics related to austin food. There is a fairly extensive appendix in the report that discussed this but what they basically found is it is increasing important element of the overall tourism asset package and social media and more traditional media channels, actually reinforce each other, maybe 6-8 months ago, the conversation on social media ar austin food is now bigger outside of austin than it is here in our city itself so again i think it is making a point where it is increasing part of our brand. We are not just about music. We are not just about film, we are about creativity and lifestyle increasingly and ceci more and more people across the nation and around the globe that are finding that appealing. I wouldn't be surprised if we find the recent south by was record level of attendance. It felt like that to me. I don't know if all of you saw that as well. The fourth finding is that it really is interesting to us. There is very strong

demand for this idea of local food. I was -- I have seen this in so many different ways. Some had to do with direct conversations, with individual chefs at restaurants. Some cases was retailers, some with institution alibiiers, a local country club -- local golf course country club saw this the other day -- it is a high dollar club, advertising they will devote a piece of their acreage to grow their own vegetables to be served

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in the restaurant. Hey, man, get with the program, right, and so it is really interesting that there is this strong desire and demand to access this and what that means is there is a tremendous need to help the sector grow and so we say there is an awful lot that can be done for growth and economic development within the local food sector along the way. Hopefully what will happen when you expand demand growth supply, one of the things that happens is of course you get bigger economic effects. You hopefully ultimately create price drops which would obviously be ben official to everybody in the equation -- beneficial to everybody in the equation and finally, this is important to lots of folks and although not in the scope of the study to fully measure it out, but largely, increased food will have multiplier effects than foods that brought from outside the region. We can give you reasons why. It gives justification to say if we can expand cost competitive agriculture, as well as increasing what we call artisan food processing and production, it is better for development because the ancillary effects would be greater than the case if we had to import things from outside the region. Key words in that: Cost competitive. It would be nuts to try to subsidize the growing of vegetables here that don't make sense from a climate and soil point of view. That's clearly something we would have to pay attention to. And having said that, you know, it -- there are some limitations around that but clearly there is room for development here and that's part of -- that moves towards some of the recommendations we are talking about. Again, it is not things that are grown with. And so, I am not qualified to talk about the social IePLICATIONS OF ACCESS Issues. Hunger related issues. I think.

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this recommendation, again, this was one that we just ran across that we thought was interesting. Again, other people are looking substantially at access issues, but one of the things that struck us the mobile vendor idea being done in portland and new york city is a relatively low-cost way to get into the process of providing greater access to fresh foods in certain neighborhoods, certain sectors of the community. It's example, new york city they have a thousand new permits expedited every year for street vendors to sell raw fruits and vegetables. There's already conversation internally among staff what can b analogous to portland. I put this only because i hadn't seen this discussed elsewhere. I just wanted to sort of add to the conversation about trying to deal with some of these issues. And then finally, recommendation 6 is I think one that I have been thinking about for some time is that I'm really sort of blown away by sort of feels like instantly to me, it never truly is instantly, but it seems like we have become a food town and are being celebrated across the country and the world for the incredible volume of food -- sort of

food-related activity we have. I believe the most recent number I saw 1700 food trailers. That may be the -- certainly the largest number for a city of our size in the country, and then becoming an important part of why folks want to come to austin. I just think our external branding should reflect these -- this broader sort of lifestyle thing. There seems to be an awful lot of folks who want to access part of the austin lifestyle so that's part of it. The second piece really is, and this is an ongoing effort, is the education and outreach going on is that we -- we well understand the connection between overall health and well-being and

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the foods we eat, but we have to continue to press that point. And press that point in a variety of ways. The city is ultimately doing that in a number of areas but there's more to be done and I think there's an opportunity for the city to provide leadership, convene school districts and other institutional actors and if there are goals we can agree on, for example at local hospitals increase the volume of fresh local food being sold, what are the barriers, how can we make we work together to make that happen. The conclusions are fairly straightforward. It's clearly a source of economic development and growth and it's also an area we express ourselves. We were sitting at lunch today and I'm not a native texan but been here long enough to know what frito pie. It's kind of a texas thing. Some of the food sector really is greater than the parts. The parts are interconnected, but the ties could be stronger for sure. And so if local farmers and food artisans are able to produce and sell more to customers, restaurants and institutional buyers, the whole community is going to benefit. So as always we've started the process here of thinking about how to do this. We have some preliminary recommendations which i think you can act on relatively quickly but i hope this goes forward into an ongoing dialogue so we can maybe perhaps better understanding what this is all about. We can continue to find see investments, policy that can create progress towards strengthening the ties to the benefit of all. With that I'll close. >> Cole: Thank you, mr. Hockenyos. I'm sure we have questions. Councilmember martinez. >> Martinez: Thank you. This is just affirmation we feel already is going on in austin as relates to local food sourcing. So the recommendations that you make I think, one, they

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are spot on recommendations. But two, they are conversation that are already going on and existing in our community that I think we can nicely dove-tail into. We have a request from the montopolis neighborhood to create some type of concession at the rec center that relates to food access whether that's prepared or organically grown produce and things of that nature. We're having these conversations right now. I think it fits right into these recommendns. You know, my aide is always at the forefront of sustainable food policies and, you know, he would like to see us take old cap metro buses and gut them and make mobile farmers markets around the community. >> That would be cool. >> Martinez: We've had things in my neighborhood, the rosewood community market has opened up so there are little, I guess, in those food deserts there are folks taking efforts to try to bring that source of products closer to those folks in those areas. The one thing, though, that we have to keep in mind that I notice the most is those folks that are on snap, they can't afford some of that locally sourced product because it is very expensive. But we can do the doubling of snap dollars as we do in some farmers markets and other areas. And I really think that has to be one of the highest priorities of any of these recommendations that we adopt is

really trying to get that financial assistance to those folks that we're trying to impact in those food deserts. So the question that I do have is you mentioned the different areas around the country you went to in seattle and other areas. Would those public ventures or were those solely private and did you come cross public-private partnerships? >> The [indiscernible] is a public redevelopment

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authority. I remember was founded in 1907. There's 300 plus affordable housing units. It's a very interesting governance model. They have some of the vendors have a say in the governance of pike place. You can become a friend of pike place by paying \$10 and then you have a partial say as well. So that's a case of a public redevelopment authority. In portland, all the markets are privately held. I think that's one of the reasons why it would behoove us to think what makes sense for austin. There are a number of ways to not only structure what's inside the market but the business organization and governance of the market. Can I comment also on a comment you made about the cost. Clearly as an economist what I see is the more we can grow this market, the more we can glow the opportunities for local artisans and producers, local growers, to sell their profits, inevitably prices are going to come down. So I think snap doubling programs and things like that are terrific in the short run, but ultimately we hope this stuff becomes cost competitive we'll say why in the world wouldn't I pick something grown in travis county and with sustainable growing practices that's the same prices as everything else. >> Martinez: The other thing councilmember morrison pointed out is things like storage facilities for these small farmers. We had an opportunity to purchase a huge, you know, storage facility that we lost out on that I think cooperatively could have helped so many farmers in this area. If they don't sell their products, it goes bad, they throw it away. They don't have a place we can join them all together, and it's not just the land and access to water. There are other things we can do infrastructurally that I think would help this movement continue to grow. >> I concur and I see that

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as part of the food hub discussion. I mean, you can see overlap between a permanent market and the food hub and I think that would be part of evaluating what for, how many, where to be located, what's there on the food hub side of the product. >> Martinez: Lastly, in another capacity at cap metro we're about to issue an r.F.P. For the 12 acres around plaza saltillo and a marketplace just like in boston and l.a. And seattle is exactly part of that vision. I don't kn if the board will ultimately make that decision, if it will make it into the final decision that we choose a developer, but that is certainly something that we're talking about as a way to really create a world-class transit and access that space through open air market. >> That sounds terrific. >> Cole: Councilmember morrison. >> Morrison: Thanks, i really appreciated this. Very interesting. One of the recommendations promoting food vendors as a way to access, one of the ideas that came out of dove springs, I think mr. Johns was in that same group was the idea of actually coupling that with a program where there is high unemployment and seeing if there isn't some -- some interest among folks with initiative to actually put a program together to provide food access plus provide jobs. Did you see any programs like that around? I imagine there's lots of ways to tie goals together like that. >> I did not see that specific program, but there's nothing that I can think of that would be a sort of, you know, a deal killer on that. Why wouldn't we talk

about finding ways to both improve access and create jobs at the same time. So yeah, I would say. >> Morrison: It looks like mr. Johns is coming up to the podium. >> Margaret reminded me in

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pike place there were 90 to 120 mom and pop businesses there. So in the case of dove springs, if you were able to set something up, even if it was 50 mom and pop businesses, they take care of themselves and they grow. In the pike place model just like the los angeles farmers market and the vancouver grandville island, they draw 10 million visitors a year. A football team might do 3 million, a professional football team. So the economic impact can be great if it's instructed in such a way that it helps the communities in poverty to get jobs, get businesses started and really grow from the ground up. >> Morrison: Yeah, and with the foundation that you provided in terms of the numbers and the huge economic impact, and did i hear you say it is on the same level as our creative -- >> commensurate. >> Morrison: That's pretty incredible. >> I was surprised, frankly, when I ran the numbers. >> Morrison: What that says to me, it makes sense for the city to invest in it, it makes sense for the city to invest in a forgivable program for developing a mobile site or something that plays into this. And it has the added benefits of helping to improve people's health. And just like investing in the creative economy here brings different kinds of rewards. I think it's very exciting. And then the other one, other thing I wanted to mention that I find really interesting here is your assessment of what the outside world -- how the outside world perceives the austin food community because I guess I didn't have any context for that. I'm just here and when people mention it when I go out of town. I think in the report you have specifics, but can you talk about how you assess the fact that austin has

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quite a brand for local? >> You can literally go through some of the traditional media channels. If you go to the travel channel, they will episodically have something about austin food. If you go to southern living magazine, they were doing an analysis of the top 10 food markets in the south. We were one of the top 10. It talked about all the things going on. You have all this visibility around award winning chefs that you see going on. I thought it would be interesting for the social media conversation to engage folks who do this for a living. They employ a range of analytical tools to look at tweets, google searchers and media channels. One of the -- is 20 minutes ago. It hasn't been around all that long, but what you saw was, and this was interesting to me, a real sort of intersection between every time a traditional media outlet would do some sort of a story, and increasingly stories are about south by or fun, fun, fun fest talk about where to go eat, don't miss the trailers. Then you would see a spike in the social media conversation around all that. And so my assessment of that is -- it's my assessment obviously in looking at all that data which is right out of detail in some report, i want to go on vacation, what am I going to do, what am i going to see, are there people there I know, what kind of event is going on, where are we going to eat, what's cool. And what's really interesting about that is everybody looks for authenticity. Everybody looks for things that are at least some degree unique to that community. Nobody wants to eat at a chain restaurant unless they have to. We all when we travel try to seek out things that feel like an authentic experience and we are very well positioned on that front. So I

think understanding that really means we understand that our face to the rest of the world is bigger than just some of the

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traditional things, includes all the traditional things for sure, but it all comes together. And I'm firmly convinced we are well on the way to being one of the leading tourist destinations in the world in the very near future if we aren't there already. >> Morrison: Thank you for that. The social media analysis, was that a comparative analysis? Did they say how much is the austin food world being talked about compared to? >> No. I didn't have quite enough budget to handle that part. >> Morrison: And then one last question, so this whole realm has apparently sort of evolved very organically. >> Yes. You can't help it, can you? >> Morrison: I couldn't help it. Do you have any thoughts on, like, why here, why austin? I think we could probably all throw some things out about that but I would love to hear your thoughts on how come it's so great. >> I think I would say what many of us would say, this is a place where creative people basically want to live, work and to some degree raise their families. It's a place where creativity flourishes. It's about expressing how your life ought to be and what we've seen in the food world food is -- the way food is produced, what it entails, how it's put together is very much a part of this notion of how a life ought to be. So you put all that together with the fact that while we, relative to other texas markets are fairly expensive, cost of living here is still relatively cheap, it's still relatively easy compared to some of the other places strong in this area, relatively easy to be entrepreneurial here. You put that together and i think that's to see degree what's happened here. >> Morrison: Thank you. >> Cole: Councilmember riley. >> Riley: John, thanks so much for all your work on this. It's exciting to get better understanding of our local food sector and its potential in terms of what it can contribute to our community.

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I have just a couple questions about it. First, in terms of economic support for farmers markets, you did mention farmers markets a couple times in terms of the role that they play and there was recommendation about providing economic development support for local farmers. In the past we have -- one way that we have supported farmers markets is by waiving fees. I think the downtown farmers markets is up to -- there are other fee waivers we have for other farmers markets this year. And my hunch is fee waivers and that sort are consistent with the recommendations that you are presenting today. I don't see it expressly identified so I just want to get your impression. >> It is consistent. Some of that was because we were trying to call some things out that were sort of building on what was already being done so yes, it is absolutely consistent with what we recommend. >> Riley: Okay. Great. And then I also wanted to ask a question about models. This is a very interesting area to see how it's evolving. The food trailers, they are fairly recent innovation in the way they've grown. It seems like there are innumerable different models with with respect to local food and I keep pondering one particular model that i saw in boulder actually along with running -- we were able to visit this one place out -- outside boulder where there is a local business that goes -- goes around and helps people, especially people with properties on the outskirts of the city who are not necessarily farmers, they have relatively large properties that are able to support fairly small farming operations. Not on the scale of a community garden or farms as

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we typically know them, but able to make use of their own lots. And then they help with the establishment and even sometimes the maintenance of those lots and then those -- those property owners then provide those foods to local restaurants or farmers markets. And there are multiple benefits because in addition to providing additional product at those venues, it also helps those property owners retain those properties and be able to afford them and be able to put the land to agricultural use and, of course, there are environmental benefits to farming especially when done organically. So I just wanted to ask, have you looked at an array of models that would include things like that to get an understanding of the potential impact of operations like that? >> I think that's really consistent with the recommendation at looking at public lands to make it available for urban agriculture. I remember mention of that particular -- that particular program. The idea really is to grow the capacity to provide additional supply. And so whether it is through a model that accesses public lands through some sort of process whether it's a model that says we're going to take unused tracts of privately held land and make it accessible, all of that consistent with each other. >> Riley: We have spent time looking at publicly available lands but we haven't focused on helping private property owners make use of their own land on a small scale that can contribute to the local food economy. >> I think that would be a very logical thing of this to go forward is bond it out and say how do we deal with public and nonpublic lands. >> Riley: Thanks again for your work. >> Cole: Any other questions, colleagues? Thank you, john. What a wonderful presentation. >> Thank you. Thank you very much. This is one of the more -- i like I of this stuff you, but I had an awfully good time with this. Thanks.

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>> Cole: I'm going to announce -- councilmember riley. >> Riley: There is a lot of interest in this report and the study and I just want to see would these materials be made available online to those who want to take a closer look? >> In fact, kevin johns, director of economic growth, I think you will be pleased that because of this information what we've done is -- we hope the public who is listening will begin to participate in the discussion. On the forum www.Speakup.austin.Org and we're going to start soliciting ideas and feedback immediately. >> Riley: Great. And then the presentation and the study, will those be -- >> margaret shaw, yes, all of this will be posted on the website within moments on austin.texas.Gov. We'll start on monday with a speak up austin where our public information office has a forum by which folks can exchange ideas. As john mentioned, this is a broad scope. There's a lot of enthusiasm around it and we're looking forward to a discussion. Also specifically to your question, we made some great connections with the institutions, the major purchasers of food. So from the university of texas, the hospitals, and we do look forward to having a conversation with them about how to use their lands. Rodney brought the boulder example. We thought that was an area where the city can show some leadership with our institutional partners as well. Thank you. >> Riley: Thank you so much. >> Cole: City council will go into closed session to take up five items pursuant to section 551.071 of the government code, the city council will consult with legal counsel regarding the following items. Item 18, legal issues related to city code title 25 and adopting site specific amendments to

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25-8-514 for a project located at 7701 bee caves road. Item 19, legal issues related to project duration, project dormancy, and amendments of chapter 25-1. Item 47, legal issues related to open government matters. Item 48, legal issues related to the november 6, 2012 election. Item 49, legal issues related to austin fire department cadet firing process. Hearing no objections to going into executive session, we will now go into the executive session.

[11:21:57]

>> Mayor Leffingwell: We have out of closed session. In closed session we took up and discussed legal issues related to items 18, 19 and 49. Items 47 and 48 were withdrawn. So with that, mr. Guernsey, we'll take up our -- real quick our consent agenda. >> Yes, mayor and council, greg guernsey, planning, development and review department. First item I would like to offer for consent is item 50 for the property at 2111 fort view road. Staff is recommending a postponement of this item to your april 11th agenda. Item number 51 is case c-14-2012-0146. Sh for the property located at 1044 norwood park boulevard. This is a zoning change to commercial highway services conditional overlay neighborhood plan combined district zoning. Staff is ready to offer this for consent approval on second and third readings. Item 52, case c-14-2012-0083 for the property located at 800 west sixth street and 602 to 702 west avenue. Staff is requesting a postponement of this item to your april 11th agenda. Item number 53 is case c-14-2012-0100. This is for the property located at 1640 south i-35. Staff is requesting a postponement of this item to your april 25th agenda. Item number 54, case why ú814-2012-160 for the property at 211 south lamar boulevard. Staff is a requesting a postponement of of this item to your april 25th agenda. And mayor, if I could, under the 4:00 staff on would also offer item number 57 for postponement to your june 6th meeting.

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We're asking that it go back to the codes and ordinance subcommittee of the planning commission to get considered adding cbd in addition to d.M.U. On item 57. >> Mayor Leffingwell: Okay. So the consent agenda that we're going to consider right now is to postpone ITEM 50 UNTIL APRIL 11th. To approve item 51 on second and third readings. To postpone item 52 until APRIL 11th. To postpone item 53 until april giveth and also postpone item 54 until april 25th and to postpone item 57 until june sixth. >> That's correct. >> Mayor Leffingwell: Councilmember spelman moves approval. Second by councilmember morrison. Or mayor pro tem cole, correction. Any discussion? All in favor say aye. Opposed say no. It passes on a vote of seven to zero. >> Mayor, also on item number 56, I don't believe you have any speakers. That is the conduct a public hearing for limited purpose annexation of estancia annexation area, approximately 600 acres in southern travis county west of i-35, approximately eight-tenths of a mile south of the intersection of i-35 south and onion creek parkway. This would be the second of two hearings. You already had one hearing. >> Mayor Leffingwell: Right. Confirming with the clerk there's no one signed up to speak in the public hearing for item 56, is that correct? All right. I'll entertain a motion to close the public hearing. Councilmember spelman so moves. Seconded by councilmember morrison. All those in favor, signify by saying aye? Opposed say no? It passes on a vote of seven to zero. >> Thank you, mayor and council. >> Mayor Leffingwell: Without objection we stand in recess for live music and proclamations until approximately 6:45.

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>> Mayor Leffingwell: It's time for live music at austin city hall and joining us today is -- is this true, texas sweetie country songstress, janie balderas, born in austin. She grew up singing hymns in church, showcasing her talent at every opportunity she could get. She's since been done with the slogan country music with a little attitude. We'll see that soon. She captivates audiences with her strong vocals. They're a little bit country and a little bit southern rock and blues. In 2011 she was featured on the covers of southern music scene magazine and her single sweet memories debuted earlier this year. A true to heart country artist, balderas will leave you wanting more, guaranteed. She's the real deal when it comes to country music. Please become janie balderas. -- Please welcome janie balderas. [Applause]

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>> thank y'all. Mayor thank you for janie. Now you have a little opportunity to promote yourself, tell folks how they can contact you, where you're playing, what's your website, etcetera. >> Actually, after this we're playing at aladora downtown, we're having an after party for the celebration. We'll be there seven to 10. Tomorrow I'll be at earl campbell's sports bar in the airport and tomorrow night 290-bar and grill and then check out our schedule at janie balderas.Com. And then be a fan at janie balderas music. We'd love to see you guys. >> Mayor Leffingwell: Great. [Applause] >> Mayor Leffingwell: I have a little proclamation for you. And it reads, be it known that whereas the city of austin, texas is blessed with many creative musicians whose talent extends to virtually every musical genre and whereas our music scene thrives because austin audiences support good music produced by legends, local favorites and newcomers alike. And whereas we are pleased to showcase and support our local artists. Now therefore i, lee leffingwell, mayor of the live music capitol of the world, do here by proclaim march 28th, 2013 as janie balderas day in austin. Congratulations to you. [Applause]

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>> Cole: We recognize that health and fitness to our entire community, so it's also important that we recognize the leadership that we have in promoting health and fitness. So I'm going to ask reverend mcclendon to come down and -- reverend clemons to come down while I read your proclamation. Be it known that whereas for the sixth year, st. James missionary baptist church is living up to its moniker, the community, by sponsoring mission's 5k and one k run and walk to benefit of our local community and whereas in our city, which aims to be the fittest city in the nation, st. James offers participants a chance to compete in age groups in all c@urses that are suited to their abilities. And whereas we join the church in encouraging everyone to take advantage of the health screenings and nutritional education which are provided at the health care accompanying the races. And whereas proceeds from the races benefit the alzheimer's

association capital chapter as well as the health and wellness outreach efforts of the st. James missionary ministry. Now therefore i, lee leffingwell, mayor of the city of austin, do here by proclaim march 30th, 2013 as st. James mission 5k run/walk day. [Applause] >> thank you. On behalf of the st. James congregation, we receive this citation, proclamation from the great city of austin, our mayor, all the city councilmembers. Thank you so much. Reverend robert clemons is my assistant to the pastor and he heads up our health and wellness ministry. He is a runner, as you can tell. I am a walker. Amen. So on saturday morning we'll have our run and walk. And we believe in

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holistically in the whole body, spirit, mind and soul. And so if you can come out saturday morning and be with us. Great time of fellowship and fun and it will help us be better maintaining of t body, which is the temple of our god. Thank you on behalf of all of st. James and on behalf of the city of austin, we appreciate you recognizing us. >> Cole: You are most welcome. Let's take a picture. [Applause] >> Mayor Leffingwell: Okay. We're back with our small business development program, whose mission is is to foster job creation and support the growth of new and existing businesses by providing capacity building information -- capacity building information tools and resources. Most services, even personalized coaching services are provided at no cost to our small business owners and operators. Each year they assist hundreds of people as they embark on their journey with a small business. Getting connected a the name of the program and it's just one way they assist the development of small business here in austin. I want to introduce vicky valdez, who is the manager of our small business development program. Before you come up to tell us a little bit more about the event, I have a

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proclamation for you. Which reads, whereas business owners who are starting out, ready to expand their businesses, have a great opportunity to meet, network and learn from local organizations that assist business owners at the sixth annual no cost getting connected business resource fair and whereas exhibitors at the fair include nonprofit organizations, government agencies, area chambers of commerce and community development corporations whose mission is to help business owners succeed. And whereas we encourage all small business owners to take advantage of this opportunity offered by the city's small business development program. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do here by proclaim APRIL 11th, 2013 AS Getting connected day in austin, texas. Congratulations, vicky. Let's give her a hand. [Applause] and why don't you tell us about the event. >> Thank you, mayor. Hi. Again, my name is vicky valdez with the small business program here at the city. Getting connected is a wonderful opportunity for individuals that are looking to either start a business or business owners looking to expand their business to find a lot of resources in the community, not only from the city of austin, but other organizations that provide wonderful, wonderful help. THIS EVENT IS APRIL 11th, THURSDAY APRIL THE 11th. It's from 3:00 to 7:00 at parmer events. It's an event that is no cost to anyone that attends, including parking. For more information you can visit our website, www.Gettingconnected.Info or call our number, our office number is 512-974-7800. I encourage all of y'all to attend. Last year we had almost 40 exhibitors and we had almost 400 businesses attend. Great event, mayor. Thank you again for all your

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continued support for the small businesses in austin. And council as well. Thank you. [Applause]
>> Mayor Leffingwell: It's my privilege now to honor another distinguished austin employee with a distinguished service award. It's always kind of a bittersweet situation and I'm sure for the folks who work with ken behind me. On the one hand they're very glad that he's going to enjoy a retirement and not have to come to work everyday. On the other hand, they're sorry that he is leaving their company, but I'm sure y'all stay in contact. So it's a distinguished service award for his service and commitment to our citizens as municipal court's it manager during his 23 year tenure as a dedicated employee of the city of austin, ken clonts is deserving of public acclaim and recognition. Ken led the court through two major computer software upades and the creation of

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interactive web pages to assist the general public, law enforcement and defense attorneys. He also served on the management team that implemented document imaging to streamline operations and oversaw the support services division which include finance, maintenance, human resources, purchasing and contracting. This certificate is presented in acknowledgment and appreciation of the multitalented mr. Clonts and his many contributions to the mucipal court during his career there, presented this 28th day of march in the year 2013 by the city council of austin, signed by myself, mayor leffingwell. Congratulations to you, ken. Do you want to offer a few parting words? >> Yes, sir. It has just been a real honor to be able to serve the municipal court and the city of austin through these 23 years, and I just wish them well and thank you very much. [Applause]

[11:46:50]

>> Mayor Leffingwell: National public health week is coming up. I'm sure most of you knew that. So we're here today to honor that occasion with a proclamation. And our city employees who are members of the city's health and human services department who do such a great job in so many different areas to serve those who are in need in our community, and of course promoting the goals of the health department. The proclamation reads: Be it known that whereas the public health works through many collaborations to protect us everyday from prenatal care to immunizations, from the water we drink to the parks we play in, from the restaurants where we eat to infant seats and their helmets, and edge indicates us about the benefits of living healthy. And whereas public health is a framework of relevant resources, safeguards and protections ensuring that all austin and travis county residents have a safe community in the freedom to make choices that allow them to live long and healthy lives. And whereas the theme for this special week, public health, is return on investment, save lives, save money, promotes a resilient public health system through prevention efforts and is the most cost effective means to fight disease, illness and injury. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do here by proclaim april 1st through the #th, 2013 as national public health week in austin, texas. Congratulations to all of you and now shannon, do you want to come up and say a couple of words? >> Thank you very much, mayor leffingwell and city council. On behalf of carlos rivera,

the director of health and human services, I'm joined by a staff of health and human services here today to accept this proclamation.

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In thanking you we would like to remind that you during the observance of this -- this special week, community members are providing the opportunity to learn more about the significance of public health in our everyday lives affecting all our community members. Public health is the effort to protect everyone. And everyone's well-being and everyone's health. It is a service provided by the state, federal, local government or by our collaborating partners. Public health promotes a resilience in our system of prevention efforts and is the most cost effective means to fight disease, illness and injury. Public health plays a key role in disease prevention, promotes good health, works to provide a safe and healthy environment, increased access to health care through all partnerships in parts of our community. A number of special events are scheduled throughout this week, which is april the 1st through the 7th. We call your attention to some of them. April the 2nd we'll have an event at the wal-mart at i-35 and norwood between 1:00 and 5:00. April the 4th a community health improvement presentation here at city hall to talk about efforts to address the improvement of our health in our community. Sunday april the seventh the travis county tobacco free work policy implementation includes all travis county property, workplace, parks, vehicle and maintenance, will be celebrating and providing information on that. So we encourage you to come out and participate in our national public health week. In closing, we would like to remind you that the words of the late surgeon general, the health care is vital to all of us some of the time. But public health is vital to all of us all of the time. Thank you very much. [Applause]

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>> Morrison: Welcome, everyone and congratulations. We have a few more people. Everybody friends, everybody spread. Well, this may be the most complicated proclamation of the year. I'm not sure, but it's definitely my most favorite time of the year, and that is when we are making our awards for our gtops grants. Gtops stands for grants for technology opportunities program. And it is a program that was designed in 2001 by our community technology and telecommunications commission. And the goal of the program is to provide seed money to nonprofits and other organizations so that they can help to enhance digital inclusion, digital literacy, computer skills, especially for underserved folks. And over the past -- since 2001, since the very beginning, in the past 12 years, gtops has awarded over \$1,325,000 in grants, but I've of those grants has to be matched by -- each of those grants has to be matched by the grantee -- yeah, the grantee, and the 1.3 million in grants has -- the grantees have raised more than \$2.5 million after matching funds, including 24,000 volunteer hours and \$1 million in in kind and cash match. And overall it increased for each of these programs, they increased computer literacy rate, the average was an increase of 100%. So talk about getting bang for your buck. And the wonderful work that all of these organizations do, they he served under these grants more than 22,000 people, and the city of austin is proud to be able to fund the program.

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At this point we're funding it at \$175,000 a year. And with that I would like to be able to introduce the chair of the community technology and telecommunications commission, the chair who is also, I'm proud to say, my appointee, and he's also the master mind behind keeping gtops going. So I wonder if you could say a few words. >> Thank you, councilmember. [Applause] appreciate it, thank you. Definitely thank you to everyone here in the audience today and especially the recipients of the gtops grant. I apologize, first and foremost at being tardy. We can all blame it on traffic. >> We need to do something about that. >> We definitely do. With the gtops awardees that we have here today, it's actually an incredible opportunity for us as commissioners and especially representing the chair for the technology, telecommunications commission. Each day these individuals that you see up here and those at home on tv, these individuals every single day, they are working for their respective and individual causes. Us as public servants for the commission and in representing the city and these individuals I mean, it's just amazing what they do on a day-to-day basis. You will see based upon the awards and each of the specific grants that they will be receiving, be it known that whatever biases you may have, opinions you may have, we see exactly the impact that it has for the community, the joy that it brings to the city and the development you will see years to come with these organizations. >> Morrison: With that I'll introduce john spear who is on our staff in the terra department, but you will have to say what that is, who is going to announce and talk about each of the

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organizations. >> Thank you, councilmember morrison. Tara is telecommunications and regulatory affairs and we advocate for the bridging of austin's digital divide, to our office, one of our many functions, is to work to advocate for austinites to have technology access for them to be literate in technology usage and we are proud that the city of austin is able to fund this program. So we will kick off our award presentations today. First up is austin free net. [Applause] and gtops will support their technology education at arch and trinity center. Austin free net will provide free access to internet-connected computers and free technology education to austin's homeless at arch and trinity center. Representing austin free net today is juanita budd, executive director lori williams, director of programs, cameron (indiscernible), grants writer anne mitchell gibbs, the executive director at front steps. Next up we have austin habitat for humanity with an award of \$16,000. [Applause] gtops will support their housing counseling, incorporating technology, online resources into its established housing counseling classes by making computers available to low income residents in austin. Participants will improve their computer skills while also gaining access for life changing literacy resources. And representing austin habitat for humanity today is kimberly griffin, their grants manager. >>> Next up we have austin speech labs.

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[Applause] austin speech labs received a 25,000-dollar award under gtops supporting their intensive speech therapy for stroke survivors who are underserved and uninsured stroke survivors where they learn how to talk or learn alternative modes of communication through intensive speech and language therapy. Therapy provided using technology like computer software or the internet to regain independence and help to relieve -- relieve once they learn to communicate. And representing austin speech labs today is shelly adair, a speech therapist. [Applause] next up

we have boys and girls club of austin and travis county with a 14,000-dollar award. [Applause] gtops will support hot spot, hands on technology, boys and girls clubs of austin and travis county, enable young people to realize their full potential and they work with disadvantaged youth in areas of academic success, character leadership and healthy lifestyles. Hot spot lectures youth intellectually and creatively giving them invaluable skills for their schools and future careers by teaching them computer hardware knowledge and software skills. Representing boys and girls club today is mark kiester, their ceo. Clap

[12:00:29]

i. >> And inclusion of ipads in their computer labs specifically designed for people with disabilities in their computer literacy courses for adolescents with disabilities. Easter seals. [Applause]. And I should note they receive \$9,500 for the gtops award. N up representing film society of austin is katy, the director. And they received an award under gtops and the afs film club and after school program featuring digital media workshops at 18 east area austin schools. This program has engaged 100 disadvantaged students equipping them with vital 21st century skills in digital media and nurturing their ability to observe and interpret the world around them. Sum society of austin. [Applause]. -- Film society of austin. Representing literacy coalition of central texas is lindy taylor wompler director of support services. They received \$22,000 under against award accept -- on the gtops award and it has more employable workforce by serving underadvantaged of evidence based online learning tools at public access computer labs. They improve digital literacy skills and explore austin pathways and job trends and further the reading and math skills to further their education. Reading coalition of central texas. [Applause] representing river city youth foundation, mona gonzales, executive director and a few guests as well.

[12:02:31]

I just want to. [Applause]. And the guests would be the children of dove springs. River city youth foundation will receive \$25,000 under gtops this year and we will support their tech in dove springs, a bilingual digital and empowering program for low income parents and children in southeast austin through a culturally sensitive community learning mobilization approach, families gain three things: Confidence, basic skills and a tech product, access to immediately improve their lives and their community. River city youth foundation. [Applause]. Last but not least, we have the alliance represented by casey smith, their senior director and brenda collin. [Applause]. Skill one alliance received \$23,000 under gtops funding this year, supporting power computer literacy program, the award winning program provides rapid beginner and intermediate computer training for adults at multiple school levels. Day and evening classes are offered in english and spanish levels at multiple locations, including their mobile learning center is satellite equipped trailer that serves as mobile computer lab. Skillful alliance. With that, I wish the 2013 gtops grantees my congratulations. I look forward to working with all of you. [Applause] >> Morrison: Just in closing, I want to say also congratulations to all of you. I am looking forward to seeing all of the work that's going to be done and we were joined by another one of our commissioners,

[12:04:34]

ramsey, and we have hawkins who helps us also with all of those things, so thank you, everyone. Thanks, guys. [Applause].

[12:06:43]

>> Well, we have another proclamation to do. I believe it is the last one for the evening. It is in recognition of community service by a wonderful gentleman. It is rare that I get a call that says you haven't recognized somebody deserving of a claim, and when I get that from ms. Guerrero, I jump. Why are you back there? Why aren't you up here? Come on, come on. So I will read the distinguished service award. For conceiving of and organizing the annual fire department's senior holiday luncheon, tim la fuente is deevening of public acclaim and recognition. Tim, a retired austin firefighter came one the idea to hold a special luncheon during the christmas holidays to honor local seniors in 2003. The luncheon's popularity has increased through the years and tim has found sponsors to help him feed the growing crowd. Thanks to the interest and cooperation of the austin fire department, amrigroup, community care, 1-800 board up, h-e-b, and countless more donors throughout the years, this very special occasion continues. This past december's event was a tenth anniversary luncheon. We are pleased to recognize mr. Tim la fuente and his supporters for their outstanding commitment to serving the austin senior community. This certificate is presented in acknowledgment and appreciation thereof, this 28th day of march in the year 2013. The city council of austin, mayor lee leffingwell, mayor mayor pro tem sheryl cole, council member members, riley, tovo, and spelman. [Applause].

[12:08:48]

>> Thank you, council member cole. About ten years ago when this started, we never knew it was going to take off like it did. And I -- when I was nominated and told about this honor, I said that i will accept it under one condition, whether the people who stand behind it and support it monetarily and support it as a whole get their recognition as well and even though I said it here, I have to mention it didn't take but a couple years to realize this is going to be a big event and we are going to need support, not only from the austin fire department, which has been there since day one in support of me in this endeavor and continues to. Even though I am retired, they allow me to keep doing it and want to do it for years to come. For the austin fire department for their support, thank you. We needed money. I can plan all I want to, but without financial support, this doesn't get done, so amerigroup -- representing amrigroup, i want to thank them. As we grew, a couple of years later we needed more financial support when kevin bomb, 1-800 board up stepped in, and they give us more financial support, but from day -- from the second year we did this, the austin firefighters outreach fund probably has been with us the longest, besides the austin fire department, the outreach fund came in with the first monetary donation and representing them is eric and bob, the president and past treasurers. With that said, I humbly accept this knowing -- letting everybody know that I couldn't do it without the folks behind me. Keith, thank y'all. Appreciate it. Thank you council member cole. >> Cole: You are most welcome. Let's take a quick break.

[12:12:34]

>> All right. The last proclamation of the evening, I have the honor of presenting, and so it's a really cool event. Next Sunday, it's taking place right in East Austin. It is the Children's Picnic and Real Food Fair. It's put on by Edible Austin, Sandy Youth Project, Children's Environmental Health Institute and the French Ligation Museum, putting on a free fun food event with fun activities and music vendors and information about healthy food and I want to present this proclamation to Myra Camp and introduce you to the others that are here and joining this fun day. This reads: "It is known that 20% of the people known in Austin Travis County are overweight or obese and therefore have a right of developing chronic disease such as heart disease, cancer and stroke and whereas, First Lady Michelle Obama's Let's Move Initiative challenges families, schools and communities to join together and seek solutions to end childhood obesity in a generation and whereas local and national organizers are working to educate children and adults about healthy eating and creating models that make the healthy choice the easy choice and whereas the Children's Picnic and Real Food Fair is a fun and EDUCATIONAL LET'S MOVE EVENT To raise nutrition awareness, introduce children to farmer, provide access to locally sourced and produced foods and to inspire kids to lead healthier lives. Now, I, therefore, Mayor Lee Leffingwell, Mayor of Austin, Texas, proclaim April 7, 2013 as the Children's Picnic and Real Food Fair Day. Congratulations. [Applause]. >> Thank you so much Council Member Martinez. I am so grateful and honor to be partnering in this event with the Children's Environmental Health Institute, and the Youth Project and the French

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Ligation Museum. This is a free event for the entire community of Austin and we are in East Austin to celebrate access to and the abundance of and helping to raise awareness for affordable, healthy, sustainably raised local food. We will have vendors. We will have farmers markets. You can talk to a farmer. All kinds of gardening activities, how to grow your own food in Austin. It's going to be a festival. We will have music. It is the most iconic Austin has, the best of reasons, our children and our future. Thank you. [Applause].

[12:28:45]

Sess.

[12:51:38]

Is. >> We are out of recess and since we have four members on the dais, now five, we will take up item number 55.

[12:53:39]

We have several folks signed up to speak. And we are going to have a staff briefing first. . >> Thank you, Mr. Mayor, my name is Kevin Shunt from the floodplanning office. Number 55 is a request at 4515 Speedway which is in the Waller Creek Watershed. Okay. This is Speedway, the property there is outlined in the red area there, Speedway between 45th and 46th. This is obviously well upstream of the lower creek tunnel area, and so as you can see, the dark area, the 25 year flood plain with the lighter blue being 100 year flood plain, we have a lot of properties in

the floodplain in this area. In this area of waller creek, there are in the flood creek now and the waller creek tunnel will not have any effect on them whatsoever. There is a close-up of the property. The green polygon is the existing house as it was built in 1934. It is about a 672 square foot single family house that sits on the lot currently. The entire lot is in the 100 year floodplain and the

[12:55:40]

majority of the lot is in the 25 year floodplain. One clarification I need to make is that the item before you has nothing to do with the demolition of the existing structure. So you are only here to hear the floodplain variance request for the proposed structure, and the demolition is a completely separate permit that hasn't been given yet. While they will have to demo the existing house, in no way does the decision tonight have to do with the demolition tonight. I want to clarify that. >> Mayor leffingwell: They can demo the house with or without this variance, in other words? >> That's correct. Thank you. Here is a picture of the existing house. Now, the proposed development -- there is a residential building permit application so build a duplex structure on the lot. It will just be under 3,000 square feet. As you can see there, the pinkish polygon is the outline of the proposed structure, and, again, the structure, duplex on either side, on the top part there even, carport area there for parking so it does -- when you look at it in plans, it seems like a long structure. It is structurally connected all the way across so it will cover up a large portion of the lot, proposed impervious cover for this application is about 44%. With obviously the property being 125 year floodplain, proposing new building in the floodplain, it requires that it comply with the floodplain regulations. The fact this entire property is also the right-of-way and in the property is the floodplain. There is really no way for this property to get safe access out of the floodplain. It is one of the variances, to allow the duplex to be constructed without having

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safe access according to the code. In addition to that, the code prohibits altering a structure or property that increases the nonconformity on the property and we have been consistent in the way we applied this rule, if you are conditioning the conditioned area of the building, whether it be an addition to the building or a new building that is larger conditioned area, it is increase in nonconformity because it doesn't comply with the floodplain and doesn't enact with the flood plane. And now, this one is a little different what you may typically say see, in typical, they use the drainage easement to early childhood move the footprint of the building of the foot plane, and now here they are asking it from a drainage easement on the entirety so they didn't do a drainage easement at all on the entire property. I want to talk a little bit about the safe access rule. The safe access rule in the floodplain management regulations state you have to be able to walk from the house to a point on the right-of-way, essentially, all at an elevation that is one foot above the floodplain. What we are trying to do with that rule is trying not to create islands. You can build a house elevated above the floodplain but if you are surrounded by flood water, it makes it difficult for occupants -- for you to leave the house in time of a flood or even first responders to get to a house to help those occupants. It is trying to reach those two key things right there. The depth of the water in front of the house in speedway is about -- is just over two feet deep. Now, I had these pictures here, this is not speedway, but this is the would be mobile

home park over on oltorf in the west bouldin creek watershed and then the circle over there is the mobile home and then that leading out of the property is a picture of what it

[12:59:41]

would look like to go down the steps by the resident that took this. And when we talk about 2 feet is not a lot, in addition to flooded roads and area you have to walk through, you can't see through the flood water. You can't see if it is 2 feet deep or ten feet deep. You can't see where you are walking. So the safe access criteria is making it better for citizens, homeowners or anybody in the area in addition to making first responders safe access to the structure, in the case they may be evacuated or whatever during the time of the flood. [One moment, please, for change in captioners] imlap >> it's about the increase of density in this case going from an existing about 700 square foot single house to a proposed conditioned complex just under 3,000 square feet. So just to summarize things, a summary of our findings, the applicant's engineer did submit engineering information that indicated that there's no increase in flood lights with this proposed development and we agree with that assessment so there's no adverse flooding by this development on other properties. However there's no safe access out of the floodplain and it is proposing additional occupancy in the floodplain. The finished floor elevation of the building itself is more than the required amount above the floodplain.

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The required amount is one foot above that. So it's elevated above the floodplain, but again you don't have any safe access to get out of the floodplain. So hardship conditions exist for this property and fema kind of has some rules and some guidance on hardship. If there's an existing use on this property, obviously there's an existing house there, so fema's guidance is if you don't grant the variance and it renders the lot undevelopable, they would consider that a hardship when they evaluate some of our variances that the city has. So there's no hardship condition for this property. The watershed protection staff recommends denial of this floodplain variance. Now, there is a draft ordinance in your packet and if you see that you would like to pass the variance, i did want to point out one thing regarding the draft ordinance and it has to do with the drainage easement. The applicant's request was to a variance for the drainage easement if its entirety. The draft ordinance in your packet is written such that it's only a -- a variance to allow the building to be out of the drainage easement. So we crafted the ordinance in such a way that we would strongly recommend if you wanted to consider the variance to please consider the fact that we really recommend to do the variance for the drainage easement just to remove the building footprint from the drainage easement and not the property in its entirety. In addition to the drainage easement requirement, there is an requirement to provide an elevation certificate once the structure would get built and that's in your draft ordinance as well. I'd be happy to answer any questions. And I do think that the owner is here to -- signed up to speak social security their agent. I'd be happy to answer any questions. >> Mayor Leffingwell: We have a number of folks signed up. We'll hear from them. Councilmember morrison has a question for you. >> Morrison: Thank you. Can you help me understand

[13:03:44]

the drainage easement issue? Is there always required a drainage easement if you're in the floodplain or just in general? >> The land development code requires that when somebody develops property, the portion of the property that was -- that is within the fully developed 100 year floodplain is required to be contained within the drainage easement. >> Morrison: And what does that mean from a practical standpoint for the floodplain to be in a drainage easement? What does that get the city? >> It gets the city as far as floodplain managers goes the assurance that this property owner as well as future property owners who may buy the property in that they're buying a property that has floodplain on it. >> Morrison: I see. And you can't build on the drainage easement? >> There are limitations to building within the drainage easement. Certainly if you wanted to put a shed or an addition you would need a building permit for that. If you wanted a porch flat work is allowed in the drainage easement. So there are certain things allowed in the drainage easement and we talked with a lot of commercial land property owners about that a lot. >> Morrison: Okay. That helps. >> Mayor Leffingwell: Shaw hamilton. >> Mayor, councilmembers, my name is shaw hamilton. A little bit about myself, i retired from the city in 2003 and for a (indiscernible) as well. So I know what's involved in designing and building these things: The floodplain through here, compared to shoal creek at 45th, the flow going through shoal creek is 16,000 cfs. The flow here at waller creek is 3,000 cfs. So the difference in flow and velocity is quite a difference.

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I think what I've done here is designed a house to basically withstand the structural adequacy of the flow, to be above the floodplain and to be a better structure that's existing there now. The owner would like to speak to you a second about what it took to get here. >> Mayor Leffingwell: Okay. So I guess -- you had more time left, but we'll ahead and go to the next speaker. Jane (indiscernible). >> Garamati. >> Mayor Leffingwell: It says gyar -- >> it's a tough one. Really tough. It's hungarian. >> Mayor Leffingwell: You have three minutes. >> I also have shaw here basically to answer questions. I kind of wanted to appeal to council in that I feel like I've done -- I started this project in 2007, bought the property in 1996. Duplexes are on both sides of this property. It's -- I think I have a photo, if you want to kind of get an idea of the street scene or kind of what really kind of prompted this. This is a property north of me. The green duplex on that side, 3200 square feet. And then the next slide is on -- I'm in the middle there. And then this is property to the south of me. I don't know the square footage on that property. Th was built in '86. The one to the north of me, which is huge. If you can see my backyard, it's essentially shadowed by that building. So it really came down to can I build potentially a guest home, and this is 700 square feet. I live there currently and have lived there for 15 years. And it really just is a matter of what can be developed on this piece of land. What is possible? And so in the, what, six years that I've been working kind of back and forth with the city as far as

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developing the plan, i contacted shaw, we did a civil engineering report and extensive, what, engineering reports, I guess. And again, he is here to answer technical questions because this is way out of my realm, but from what i understand the current home is impeding the water flow and the new home with the engineered foundation will not impede. So I guess I'm just asking for you to consider the request. >> Mayor Leffingwell: Okay. Thank you. Mr. Shaw, I thought you

were finished speaking? >> No. I just wanted her to -- she started this in 2007 -- >> Mayor Leffingwell: Well, you've been around the city a long time. You know what our procedures are. One person gets time or donates time and then the next person gets time. Without objection, I'll give you one minute. >> Okay. I just want to show what we've done. If you look at the area in yellow underneath the house, that's where the floodplain is going to go now. It will completely go underneath this structure as opposed to the existing building which will create a dam in the creek. I've not only elevated the finished floor one foot above, but the entire house is above the floodplain. So there's no obstruction of flow. I think this is a better structure forker to live in. I think it's a better structure for anyone to live in. It's a new structure compared to a 1936 house which is falling apart. So this is basically all she has left for her property. And the first thing I did was got the engineer and architect to talk together, which is almost impossible. And by using them talking together, this is what we created. I think it's a great structure for the area. [Buzzer sounds] great structure for the floodplain. Thank you. >> Mayor Leffingwell: Okay. So the proposed structure is on piers, is that right? >> Yes, sir. >> Mayor Leffingwell: And it's open to flow.

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It's not shielded. >> Yes, sir. >> And the current house is on a slab, is that correct? >> Yes, sir. >> Mayor Leffingwell: And one more quick question. I think I saw this from the previous schematic presentation by staff. It looked to be reinforced on the photos that were just shown, it looks to me that they're similarly large structures on each side? >> That is correct. >> Mayor Leffingwell: Are they equally -- >> I don't know when they were built. I think one was built with today's regulations and i think it's elevated. The other one I don't think it is. I think it was built prior to some of the ordinances that are in effect now. >> Mayor Leffingwell: They look pretty new. >> Yeah. >> Mayor Leffingwell: Any questions for mr. Shaw? Okay. We'll hear from those people who are against. John williams. Donating time is claire young, mary engle, linda guerrero. Linda? She's left. Okay. So you have nine minutes. >> Thank you. Thank you, mayor, thank you, city council. My name is john williams. I'm the current co-president of the hyde park neighborhood association. We are asking you to deny this variance request for several reasons. First off, the safety concerns of this are an issue to us. We're taking a smaller house where two, maybe three residents could live, two, maybe three cars, and we're building a duplex with six bedrooms. We know from experience in our neighborhood that these are marketed to college students and many times more than six students live there only though six are on the lease. That's at least six new cars that will be in the floodplain, least six new residents of this property. We have concerns that it's a matter of when and not if the next flood comes. Those that have been around hyde park for a long time remember the 1981 flood. Water creek swept off some cars and deposited them on bridges and roadways. We feel like, again, it's a matter of when and not if

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that will happen again. The other comment that we would make is to my knowledge they have never been to our development review committee to talk about their plans for this. We like to talk to the developers in the neighborhood who have plans for their structures. Maybe at some point in time if they've been working on this since 2007 or 2006 that they had come to development review committee, we could have worked out something of that maybe something a

little bit more compatible with what we feel is appropriate in our neighborhood, but again to my knowledge we have never seen them at our development review committee. The hyde park neighborhood plan that was adopted in april of 2000 mentions specifically this block of speedway. Addressee ocean and flooding issues at 4500 to 4600 blocks of speedway and avenue d in the hyde park annex area and include the following elements and concern. Excessive erosion, movement of the floodplain, skeet streetscape elevations, flood prevention, building elevation and impervious cover issues. Also mentioned in the hyde park neighborhood plan, any work or alteration of the floodplain or channel of waller creek should be of such a nature that improves the general nature of the stream and minimizes erosion and flooding. We feel like this is in violation of our neighborhood plan and we would ask that you up hold the hyde park neighborhood plan. The final issue that I would come up is allowing this variance request would make it more easier for the developers to be building in the floodplain when we feel there are serious issues with that. Thank you. >> Mayor Leffingwell: Okay. Clay dafoe. Those are all the speakers that we have signed up to speak. So council, I will -- discussion? I'll entertain a motion on this item. Mayor pro tem. >> Cole: We've had a little bit of discussion about how the waller creek tunnel is not going to fix this portion of waller creek and I think that it would not be a good idea to

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densify in the floodplain. So I'm going to make a motion that we deny the floodplain variance, which is consistent with staff recommendation. >> Mayor Leffingwell: Motion by the mayor pro tem to deny the variance. Seconded by councilmember martinez. Further discussion? All those in favor, signify by saying aye? Opposed say no? It passes on a vote of seven to zero. I'll take up item number 31. We now have three folks signed up to speak. I pulled this item from consent, so I don't have anything to add until we hear from our speakers. First is charles betts. >> >> mayor leffingwell, mayor pro tem cole, members of the council, I'm charles betts. I'm here representing the downtown austin alliance, the downtown property owners' organization. And I'm here to respectfully ask you to vote no on this resolution which would have the effect of turning the staff loose to complete their work on this effort to codify the density bonus. We really understand the time frame and the anxiousness of the council to get the density bonus codified and we do not have a problem with that, but we would urge you to consider the option number four that was given to you by jim a day or so ago. Option four does the most important thing. It gives time to do the economic modeling and the

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measuremts to make this -- to give this density bonus program the best chance of success. What - I believe what the resolution would do would move you to option number two, which would not leave sufficient time to do the economic modeling. And we just think this would be a mistake. What it would do would simply be to use the 2009 economic consultant recommendations of \$10 a square foot for the bonus square footage and just plug that in. We all know that since 2009 costs have gone up considerably. We think it's to everybody's interest to do the economic modeling. Let's get this right. If we hit the sweet spot it might work. And we might get the kind of density that we want in our downtown and also the affordable housing and other community benefits too. We might be able to have our cake and eat it too. But to do that we have

to do the economic modeling. So I would urge you to support option number 4. And incidentally, the estimate is only two weeks more than option two. So for two weeks let's try to get it right. Thank you very much. >> Mayor Leffingwell: Quick question for you. Actually, you're signed up against the resolution. And if you preferred option four, that would be to disapprove the resolution and we'd revert to the current plan, is that correct? >> Yes, sir, that's correct. >> Mayor Leffingwell: Stewart hersh? Also signed up against. >> Mayor, mayor pro tem and members of the council, my name is stewart hersh and

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like most in austin I rent. Unlike most housing advocates who spoke to you about this issue, I'm here to oppose using the downtown density downs ordinance, what I like to call the ddbbo, as the tool for evaluating downtown developments. The reason is simple, the affordability goals in the ddbbo are the wrong goals. The poorest among us are not those individuals and families earning more than \$40,000 a year or more. They are people on ssi or ssdi who earn # hundred to \$800 a month and less than \$15,000 a year. They are families earning less than 25,000 a year. They need affordable rental housing that is safe along transit routes, just a few miles from downtown. The proposal before you will not get these people the smart housing they need. It will go to higher income people because that's what the ddbbo allows. So I ask you to reject today's well intentioned suggestion, place on a future agenda suggestions some of us have made before to fix the downtown affordability, the rainey affordability, the strategic use of surplus city property and financing challenges that still exist for t housing trust fund. So please vote no today. Put the other things before you so we get this right when we codify the downtown plan that you approved a year ago december. Thank you very much. >> Mayor Leffingwell: Thank you, stewart. I have a question for jim. I guess your the appropriate staff person. It will be a real quick question and hopefully a quick answer. Mr. Betts said that going with option four was essentially deny the resolution, stay with the current plan, would just take a few weeks more. Do you concur with that? >> He's referring directly to a document that I wrote.

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I think it would probably be a bit more difference than that it's really hard for me to say right now before i got into the weeds of it. Think even though those were my estimates, I think we would expect a greater difference between the speed with which we could get the two options to you. >> Mayor Leffingwell: So he got the information from you and you're now distancing yourself from that? >> Yes, I am. [Laughter] >> Mayor Leffingwell: Councilmember spelman. We do have one more speaker, by the way. >> Spelman: I understand. Since you're here, jim, and on the subject I was going to ask you about it anyway. Remind me, on tuesday i asked you a question about how long it would take to go through option four, the whole nine yards, what charlie was suggesting is doing it right. And it would take two or three months on your end plus whatever time it was going to take with the codes and ordinances subcommittee and the planning commission. So that would probably be a couple of months or so on the back end, but two or three months on your end, is that right? >> Yes. >> Spelman: How long about do you think it would take right now to do the version outlined here? >> As described in the resolution that's before you now? >> Spelman: This is basically option two. >> I'll use that same disclaimer, which is until we get to the codes and ordinances committee, at which point we lose volume of

the project and are subject to posting rules and so forth. I think we could get to that point pretty quickly the way this is set up, in about a month or so. >> Spelman: Okay. So the difference is between one month on the one hand or two or three months on the other hand? >> I think that's a more reasonable difference even though -- charlie was not incorrect in how he cited my earlier document, but this is a pretty streamlined version that we're talking about here. And I think it would be a lot faster and I think, you know, you might expect at least a couple months' difference there.

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>> Spelman: And the difference practically speaking between this version and the larger version, the larger version you would have a chance to talk about what the content of the alternatives would be. >> Yeah. The reason the larger version takes a lot longer is because it has all of that whole list of community benefits, open space, affordable housing, historic preservation, housing -- you know, cultural uses and so forth. And for each one of those we have to develop in essence a sort of mini criteria manual as to what are the rules for those. The streamlined version does not have those. And so that's the big difference in the time package between the two. >> Spelman: And with the second version as well, with the option four version, you would also have the time to do the economic analysis that charlie was talking about. And that would not lengthen the time any further, the realtime is taken up -- >> right. We talked about that the other day. Our version would be done simultaneously as opposed to incrementally adding on at the tail end. >> Spelman: If we did the streamlined version at some point at some future date you would have to do the second part of it anyway, is that right? >> That's correct. >> Spelman: Thanks. >> Mayor Leffingwell: Councilmember tovo, i believe you were asking to speak. >> Tovo: I did. I think that you answered the question I had, but i had a second part of that, and I just want to clarify. We're talking about a process that would be one to two months shorter probably than the longer process, and the work -- work that you would be doing for this part of the process, as was brought up I think on tuesday, adds to that bigger process. It's not wasted work because it's work that would have to be done anyway, so it will contribute to that larger codification. >> I think that's generally true, given that the two options are not sort of literally, you know, one and the same, one added on to the other. There's a little bit of the time we spend on option two,

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which is not literally you can't just take that and add the balance. You're going to have to tweak it some. But there is some repeat -- there is some common shared work between the two. And I would hope that, yes, if we proceeded with what we're calling option two and that was put in place, then it would be an additive process to get to the full blown program as recommended in the downtown plan. >> Tovo: Right. We're not asking you to develop an alternative and redevelop -- a different alternative in a couple of months. >> Yeah. We're not talking about make an apple and then go make an orange. >> Tovo: Thank you. I just want to be sure that that's very, very clear. >> Mayor Leffingwell: Councilmember morrison. >> Morrison: Jim, can i ask you -- sorry. I think I heard mr. Betts say that in terms of the fee in lieu and the economic analysis that's going to come out since the other ones were from 2009, I think I heard him say that he thought it would be higher now because prices have gone up once we're through with the economic assessment. Do you have an idea if you think it's going to go up or down? >> I really don't and

I'm reluctant to do that. Charlie is closer to the literal economics of the downtown development than i am right now. I really don't think i should wade into trying to speculate whether a number would come out higher or lower. >> Morrison: But in fact if it were to come out higher, folks that use the current number would be given a special -- getting a special deal. But the -- so you're saying that at this point you're thinking that the economic analysis, you can just do that in parallel at the same time you're doing the other bonus numbers, is that right? >> Yes. >> Morrison: So the way this -- would there be any reason to not have that economic analysis done, say, this past -- to not have it done while this effort is going on, so we could actually plug in updated numbers? >> I haven't -- I think -- i

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tentatively say the answer is yes, you could do that. I've not had a conversation with our economic consultant team in the last couple of days. I would want to weigh in with them because they're a lot more sophisticated and smarter than I am. And have them say is there any reason we can't go ahead and just do that now. I think -- >> Morrison: It's a possibility? >> Yes. >> Morrison: I guess i just want to point out to my colleagues that councilmember tovo has put two yellow resolutions on the dais. One of them is -- they're both the same. One has track changes and one does not. And basically it's clarified what option two is and then it makes it option two. And I just want to mention in there that the reference to the fee in lieu is in the last whereas as it says a fee in lieu per square foot as identified in the downtown plan or as updated. So if we did this resolution and it turns out you can get the economic analysis done in time, it could come back and feed right into as an updated one. >> That's right. P assuming there are no pitfalls in going ahead and doing the so-called calibration right now in essence, then instead of plugging in the numbers that came from the downtown plan, the earlier study, you would plug in more updated numbers, whatever they are. >> Morrison: Right. So this allows that flexibility. Thank you. >> Mayor Leffingwell: Frances ferguson signed up for. >> Eye name is frances ferguson and I'm here on behalf of housing works austin and we're grateful that you're considering this issue because, of course, you adopted the downtown plan in december of 2011 and this was a part of it. In addition, this reflects an agreement, a policy recommendation that housing works advanced along with rica, the urban land institute and arrow in a report that we presented in

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june of 2010 that basically recommended that we -- while, quote unquote, cure remains in place as a tool, it should be modified to include requirements that match the density incentive program. Clearly the funds that this would generate would help with affordability, but it would also -- part of possibility is helping to solve the housing downtown so this could make a difference on that. And to the point that was just being discussed, the calibration was done in 2008 as part of that debate, and there was an agreement that reached -- that was about \$10 a square foot. Then it was done again by hra in 2009 and once again the debate after the crash still came out at \$10 a square foot. So it seems to me the point being discussed that this doesn't prohibit you from updating calibration, it just gets going on what y'all have agreed upon repeatedly at this point. So we really are in favor of you taking this action. Thank you. >> Mayor Leffingwell: Questions? I had a quick question. The speaker earlier, i thought if I heard correctly, said that we're really not getting the bang for our buck impacting super low housing in the central business district. That it

would be preferable to have affordable housing, below affordable housing outside, a little further away downtown, on transit lines and so forth. >> I don't believe that this actually affects that issue. Some -- downtown money, if I recall correctly, can be used within a range outside of the -- outside of the immediate central business district. So it's a very flexible form of money because it's city money, so you can use it towards permanent supportive housing. You can even use it because

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it's the Austin Trust Fund, you can use it to help pay rents, which is one of the things that you'll particularly need to find to solve permanent supportive housing and you can use it in a radius around -- which gets you out into some lower density areas. So I think you could still use it to reach extremely -- to target in that way. >> Mayor Leffingwell: Thank you. Those are all the speakers that we have. Councilmember Riley? >> Riley: A quick question about the procedure of that's contemplated. >> Mayor Leffingwell: Frances? Not for her? >> Riley: No. I guess it's really a question for Jim. The resolution that's before us directs staff to present the amendments to council for consideration no later than June sixth. It also calls for presenting the amendments to the community development commission, downtown commission and planning commission. When I look at your memo, it indicates that for option 2 with no public engagement other than presentations to the community development commission and the downtown commission, you indicate that it would take you 10 to 12 weeks just to get to the planning commission's codes and ordinances committee. So my question is based on -- is this a tenable timeline that is being required by the resolution? >> A tenable timeline? >> Riley: Yes. >> Mayor Leffingwell: It should be yes or no, Jim. You can try that. >> I'm just working dates in my head. >> Riley: If it takes 10 to 12 weeks to get to -- >> I think I'm cautiously optimistic that we could get to codes and ordinances faster than 10 or 12 weeks. But let's assume it one month to get to codes and ordinances and that would put us at roughly the first of May and it would have to

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proceed through codes and ordinances and back to the council agenda. I think it's pushing it, the June sixth date. I can commit to you that we will put all the resources I can marshal into this, including not only my group, but hopefully the law department and so forth in drafting. I think June 6th, given that I think -- that once you get the code and ordinances you're probably looking at, you know, a month, six weeks, eight weeks by the time you go through the committee, the full commission and then get to council. So I think June 6 is pushing it. >> Riley: And how would -- if you went down that road, how would that compare in terms of the public input with the process that you were undertaking anyway? Absent this resolution. >> Well, I'm -- if we have any prayer of getting back to you by June sixth, I think there's -- you know, I would -- I think the outcome would be we would probably have to have minimal public input. This wouldn't be a whole series of stakeholder meetings and a big town hall and things like that. The most expeditious way would probably be to use the publicly posted codes and ordinances, meaning the publicly posted planning commission and then the posted council as a main mechanism to provide you opportunity to hear from people about this. >> Riley: And absent this resolution, if we did not have this resolution, what sort of process would you be undertaking to get further input in the course of developing the -- in terms of working towards the codification and the

calibration of the bonus program. >> Of course all of this is based upon work that was done in the downtown plan for which there was very robust public participation. So in some way we have done a lot of public participation on these topics. For the full blown downtown density bonus program our plan had been -- is

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currently that we would do some sort of participation. We were going to come forward, as I mentioned, with some hopefully well thought out, explicit in essence a little criteria manual for each of the public benefits. Option two, the subject of this resolution, does not include that whole host of public benefits. It's a lot simpler. And so I don't think there's as much of a public education process going on. >> Riley: Okay. Thanks. >> Mayor Leffingwell: Motion, anyone? Councilmember tovo. >> Tovo: I'd like to move approval of this item. >> Mayor Leffingwell: Councilmember tovo moves approval. Seconded by councilmember morrison. I'll just say I'm not going to support the motion. I do support the option four and I think it gives us a time to proceed in an orderly way and as mr. Betts said, makes sure that we get it right. Mr. Betts -- no. I'll ask you a question. Come on up.

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Councilmember morrison. >> Morrison: I would like to make a point and ask mr. Robertson to confirm this for me. Under what we adopted under the downtown plan, if we were to -- if a developer wants to use what we're now calling option two, the modified cure, in fact, it can be administrative if they choose to only do affordable housing. Is that correct? >> I -- my mental version of this is not a whole lot more developed than what I've shared with you, but I think yes, if a project that was seeking additional height or density sought to do so simply by paying a fee that would go towards affordable housing, that could be done administratively. The way I've outlined it here, it would only be if they proposed other community benefits, non-affordable housing community benefits, that i was setting it up to that would go to the council so that council would have the say as to whether we're accepting that as a genuine community benefit. Short answer I think it could be administrative if they simply paid a fee. >> Morrison: Thank you. >> Spelman: Mayor? >> Mayor Leffingwell: Councilmember spelman. >> Spelman: Jim knows not to back away from the podium. Good call! [Laughter] >> I'm learning. >> Spelman: Another way of thinking about this is we're actually -- this resolution could be asking for is option four, but just in two pieces. The first piece is give us the structural stuff first a and the second piece that could come out a month or two later, adding on the obvious time to get through boards and commissions, would be the -- what was the word you used to describe the content of all the pieces? >> It's just all the different community benefits that are listed. >> Spelman: Criteria manual is the word I was looking for. >> I don't know literally,

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but the criteria for each one. >> Spelman: Is there any reason why going to boards and commissions after having done the first piece of this, which you think would take a month or so, if going to boards and commissions after the first month, but before you do the next piece of it, which is defining the criteria, doing the economic study, is there any reason why going to boards

and commissions would slow you down for the second half of it? Is that so time consuming a process or so, bandwidth consuming a process that it actually gets in your way to continue moving forward? >> Are you referring to the second piece of it and assuming we put the option two in place, if we came later and added the further? >> Spelman: I'm thinking not very much later. I'm thinking we do option two now and then immediately after you send that over to boards and commissions you start working on option four. >> Right. >> Spelman: Would the expected time of arrival for option four be approximately two or three months or would it be extended because you were going to boards and commissions with the option two part of it first? >> I don't think it would be substantially extended by sort of simultaneously going to boards and commissions on option two. >> Spelman: So one way to think about it, and tell me whether this makes any sense from your point of view, whether I'm saying this in a reasonable way. Is we're actually asking for option four, but we're -- we're asking for option two first. >> It's an early deliverable on an overall project is how I'm thinking about it. >> Spelman: Something like a progress report, but it won't change the expected time of arrival of the whole thing. >> Probably not. I mean, I -- we've got fixed bandwidth and it's not literally time spent on one is time that you don't have to spend on the other. It's not a literal translation that way. But I think more or less yes, once we deliver the first piece of it, we just continue our efforts right

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into the balance of it. >> Spelman: Thank0 you. >> And hopefully we would structure that first piece in a way where in essence it's a component system where you're plugging in the balance of it. You're not coming forward with a whole new framework. >> Spelman: Actually, that means that if you came up with a new component or somebody else came up with a new component, we chose that we wanted to plug that in, you would have to set it up in such a way that you could add it. >> And we always envisioned it in that way. We always envisioned that these community benefits may in some ways come and go. Additional ones might get added. We might decide that some are no longer needed and then get pulled out. >> Spelman: Thanks. >> Tovo: Mayor, I have another question for you, mr. Robertson. >> Pull up a chair. [Laughter] >> Tovo: By the way, i neglected to thank you for helping us kind of tease out some more specific language. Councilmember morrison explained really what has been added to this and it was with your help that we were able to be really specific about what that earlier deliverable would look like. Thank you for your help. What's the normal process. If you're asked to come back to council on a date and it turns out that the work isn't ready to come back, can you just tell us what the process is? It's been any experience that you typically ask for more time and it's granted. >> I would think yes, we would provide you either in person or via a memo an update on where we are, an estimate of when we can get here, and ask your indulgence for more time. >> Tovo: That's at least been in my experience been 100% granted. No one wants you to come with an ordinance if you haven't finished it. Thank you for letting us know that that date might not work. I would say let's keep it at least with the understanding that it is a goal and if -- if certain things happen they may need a little bit more time. >> I don't mind having my

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feet to the fire. It gets people's attention. >> Tovo: Mayor, I just want to speak to my motion for a minute unless there are more questions for mr. Robertson. >> Cole: Why don't you stay there,

jim -- >> I need to fasten a seat belt that attaches me to this. >> Mayor Leffingwell: She's just going to speak to her motion unless she had questions. >> Tovo: Did you have questions. >> Mayor Leffingwell: Councilmember tovo, you yield to the mayor pro tem? >> I'm sorry. >> Cole: We talked about this extensively on tuesday and it was generally my understanding that the plan was for option four by staff. And the main reason for that is because you needed the time to look at the structural requirements and use those as a foundation for the calibration. Am I right in that summary? >> Yes. I've had a little time to think about my answer to that since then and I think the calibration is less tied to the structure of the program than I was thinking on tuesday. Fundamentally the calibration is just a look at a set of hypothetical downtown projects of different types and different locations, examine what the return is on those project and once you know what the return is, then you can say yes, it appears that these projects can sustain and still be financially viable, a fee. And I don't know that that's as dependent upon the actual structure of the program within which that takes place than I thought on tuesday. I was a little bit maybe overabundantly cautious on tuesday about that. So I think you can -- you can do the calibration largely independent of having the guts of a -- that this total framework of a program worked out. >> Cole: Are you saying now that you can do those

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calibrations and -- this is a lot different than what you said tuesday, jim. Are you saying that you can do those calibrations and that work would stand for the rest of -- for the rest of the work that needs to be done? >> Yes, I am saying that. Cole and we can do that in a shorter time frame. >> We can do -- we can do -- I believe we could do the calibration in conjunction with what we've described as option two. We don't have to have the full blown program with all its component parts to do the calibration. >> Cole: And the gate keeper requirements that aren't going to be part of the analysis if you do it under this ordinance would not impact the calibrations that you bring forward in a short a time frame. >> I think we probably would plug those in to the analysis. In other words, assuming that the projects did great streets and that sort of thing. And we would build those costs into the project. , Into our hypothetical projects. >> Cole: And this resolution would say under your view, staff's opinion, save two months from us being able to receive the calibrations in order to use the density bonus for an application. >> That's my best estimate. As I discovered when I -- when we started really working on the details of the program as it was in the downtown plan, it was a bit like peeling an onion. It was like oh my gosh, this is a lot more than i thought. That's why I'm being somewhat cautious in my time estimates now. But I believe there's a substantial savings between two and four, perhaps on the order after couple of months or -- with a substantial sort of plus or minus probably there. >> Cole: But you're not anticipating that there will be much difference in the numbers that would have been generated by having that additional time. >> In terms of the calibration. >> Cole: In terms of the calibration. >> No, I am not. I think the numbers are the

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numbers. They're basically a look at projects. >> Cole: Okay. >> Mayor Leffingwell: So you are underpromising two days ago. How do we know you're not overpromising now? >> I'm doing the best I can. I've had a little more time to think about it now. >> Mayor Leffingwell: I can see that. Councilmember riley. >> Riley: Jim, I do have one more question. Option two contemplates

that an applicant would still go through a public process that includes planning commission and city council hearings, isn't that right? >> In order to -- if we proceeded with option two, that would involve that? Yes. I think any code amendment i believe is required to go to codes and ordinances. >> No. With the program that would result, that would be in place. >> Only if a project was proposing community benefits other than the fee in lieu. I think it could be purely administrative if a project says here are my numbers, here's what my -- my amount is. I'm going to pay that in a fee in lieu. I don't see any reason why that couldn't be administrative. It would only be if they came up with, say, another community benefit. I'll pick an example. Let's say making a trail connection that didn't exist and they want to propose that that's a community benefit, it has certain value to the community, it costs us money, but we want you to evaluate whether you believe that's a community benefit and verify our cost. Then the way I envisioned it that would be a decision we would bring to you, but if they're simply writing a check I don't see why that wouldn't be administrative. >> Riley: So we would get the entitle the administratively. >> I think so. >> Riley: By simply writing a check. Okay. Thanks. >> Mayor Leffingwell: Any other comments? Councilmember tovo. >> Tovo: I realized I have another question for you. So right now we have an interim downtown density bonus program that provides for an administrative

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process whereby a developer could go through an administrative process, 50% of which would accrue to an affordable housing benefit fund and 50% who would accrue to a community benefit fund. And there are community benefits specified in the ordinance along the lines of child care and some others. I wonder how those are -- what was envisioned for those? >> The interim program doesn't have the flexibility in proposing community benefits that even option two would have. In other words, a diversion that would require us to come to council, to planning commission and council, would be if they were proposing sort of coming up with their own proposals of community benefits. The interim density bonus program does not have that flexible option. It simply says if you want additional far, you pay this amount. If you're a residential project, 100% of that amount goes to affordable housing. If you're a commercial project then it gets split 50/50 between a -- the so-called affordable housing trust fund and the fund which I can't -- the communicate benefits fund or something like that. It doesn't have that flexibility. It is like once -- once you want that, write a check, here's where it goes. >> Tovo: Thank you for reminding me about that point. Mayor, if it's appropriate now I would like to say a few words about the proposed ordinance before us. We have talked about cure for a very long time as a community and I know that the council has dealt with it a long time as several people have mentioned. There was a very extensive public process before the adoption of the downtown plan. Ms. Ferguson talked about the report that was put together in I think 2010, which was a collaborative project between the uli,

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rica, housing works, that made recommendations that are very aligned with the ones that we eventually put into the downtown plan about cure and the extent to which it should not be used as a tool for increasing height and density. So we have had this discussion about cure for a long time. It has been the option that developers have selected 100% of the time. None have used the

interim downtown density program. I think we did a great job as a council when the plan was being used to come to compromises on what the new density bonus program would look like. The plan as far as i remember was adopted unanimously and we have continued to have the dilemma as the couple of cases have come before council about what to do and the extent to which we could require or at least encourage developers to honor the outline of the plan that is -- was in our downtown -- our council adopted downtown plan. There is no doubt that when you look at the list that mr. Robertson has put together, allowing cure to continue as an option has cost this community millions in affordable housing. Just the case we considered a few weeks ago was estimated would have netted \$450,000, something like that, in affordable housing, or as much as almost \$900,000 if they had chosen to do 100% of the -- of the density bonus as affordable housing. And it is fair for the development community to say, you know, we need consistency and a clear message on this and we have one, we adopted it in the downtown plan. All we're doing here today is saying, as mr. Robertson said, that we want an early deliverable on a larger project. We don't want to continue to have this argument every time a cure case comes about the extent to which that project is complying with our council adopted downtown plan. So I really urge you, I know that we all care about affordable housing. We all voted for that

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density bonus program and its revisions. Let's ask the staffing to forward and do this early deliver rabble on the larger project. The work will feed in. It will get that back to us at a sooner basis -- on a sooner timeline and then we can really start to -- i think we can close that chapter about having cure available as an option. It seems to me that there are no down sides here. We've already agreed to it. All this does is make sure that we can start to implement it as soon as possible. >> Mayor Leffingwell: Well, I don't want to drag this on any more than it needs to be, but I do want to say it's kind of an assumption to say we would have had 4 fist thousand dollars. We would have -- \$450,000. There were alternatives involved. There were choices on the part of the applicant in each case. One of those choices would be not to exceed the limitations, not to exceed the far limit, not incur this. And that would be a bad result for us. It would be a bad result for austin. Because we wouldn't be achieving the density that we're trying to achieve. So the other alternative is to not build anything at all. So I think it's at best presumptuous to say that this money would have been in the housing trust fund otherwise. I think to me it's very clear if we're going to do this we've got to make sure it's correctly calibrated so that it does not discourage density downtown, it does not discourage people from building downtown. It does not incentivize them to build smaller or it does not incentivize them to build outside the downtown area. Those would be negative results and they're possible results without being very careful about this. So that's why I'm not going to support a truncated process. >> Cole: Mayor.

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>> Mayor Leffingwell: Mayor pro tem. >> Cole: After having discussed this at length in work session and for now several years, I can say that this is all about the numbers. And I agree with the mayor's statement that the applicant would have a choice about whether to increase density and whether they're going to contribute to the affordable housing trust fund. And because they have that choice, they may very well decide not to do that if the fees that we are assessing to participate are too high because this is a market driven industry. At the same time, we all value

affordable housing and we have made a great commitment to that, and we have passed the downtown plan and we want to be consistent with what that says. And based on professional staff statements tonight that we could shave two months off the process of getting real numbers and an economic analysis and that those numbers that they anticipate would not be markedly different than what would come to us two months later, I believe that we should go ahead and move forward and I will be supporting the motion. >> Mayor Leffingwell: All those in favor, signify by saying aye? Councilmember morrison. >> Morrison: Thank you. I just wanted to briefly echo the comments that councilmember tovo made, but also for me it's very important that we stress that especially after the election we've done a lot of work -- the bond election. We've done a lot of work on saying where can we -- how are we going to be strong on affordable housing? How can we do our best at making sure we're taking advantage of every tool is it? And the fact of the matter is whether it's two months or four months or six months that we would get this tool in place earlier. And I do believe that there's going to be a lot more public process and discussion about the additional community

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benefits that have to come in phase two because the criteria manuals that mr. Robertson was mentioning, there will be a lot of discussion about those. So I think that it's really imperative. If we really want to be on the path of being as strong as we can about affordable housing, that we need to move forward with this resolution. >> Mayor Leffingwell: All in favor of the motion say aye. Opposed say no. So that was councilmember riley, martinez councilmember martinez and might self voting no. And everyone else voting aye. So the resolution passes on a vote of four-three. >> May I ask a question? >> Mayor Leffingwell: If anybody asks you a question. >> Morrison: I have a question. >> Mayor Leffingwell: All right. Go ahead. >> I just -- I don't know exactly what is the protocol here, but given the discussion that occurred, what I'm taking the approval of that motion -- of the resolution to be would be to that our work should include the calibration simultaneous with the other work we're doing. >> Absolutely. >> I think that's correct. I just wanted to make sure -- >> Mayor Leffingwell: I have a copy of the resolution right here if you need one. >> Thank you. >> Mayor Leffingwell: Let's go to item 31. It has no speakers signed up. -- I mean, excuse me, item 19. >> No, let's do it again. [Laughter] >> Mayor Leffingwell: Item 19. >>> Mayor and council, item 19 is to approve an ordinance amending the city code chapter 21-1 relating to project duration and project dormancy. The public hearing has been closed for this item. I think you have outside legal counsel available. I'm available. Your legal counsel is

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available. If you would like me to go into a presentation, i certainly can. >> Mayor Leffingwell: No. Not for me. But since the only thing new that we haven't heard in the previous session, open session, I'd just like to ask the hired independent counsel team to give us their recommendation on this item. >> Good evening, your honor. Mr. Mayor. Sorry, that's a professional hazard. Casey dobson, outside counsel for the city. I sent my partner, sarah clarke, to be with her family for dinner. Figured you just needed me to handle this. And I'm here if you have any questions. >> Mayor Leffingwell: My questionas what is your recommendation? >> My recommendation is that the council repeal article 12 of city code chapter 25-1 regarding project duration and direct

the city attorney and the law department as well as our firm as your outside counsel to immediately begin working together on a new ordinance regarding permit and project expiration consistent with Texas local government code chapter 245 that we could come back and present for the council's consideration as soon as reasonably possible. [One moment, please, for change in captioners]

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>> and that we strike part 2, 25-1-552, and we keep part 3 and part 4, and we give direction to staff to work with Mr. Dodson and consult with other experts in the field so that we will have an updated permit ordinance in short order. >> Mayor Leffingwell: Okay. So if I can just summarize that, the motion would be to essentially adopt the ordinance proposed by staff with the exception of striking part 2 of that ordinance. Is that correct? >> Yes, sir. >> Mayor Leffingwell: And I will second that motion. Is there any further discussion? >> Riley: Yes. >> Mayor Leffingwell: Council member Riley. >> Morrison: Mr. Dodson, thank you for your help. >> Mayor Leffingwell: Council member Riley, would you like council member -- >> Morrison: I got my name mixed up. >> Mayor Leffingwell: You look a lot like. [Laughter] >> Morrison: No, please, council member Riley, please go ahead. >> Mayor Leffingwell: All right. I was recognizing council member Riley. I wasn't. >> Riley: If you would like to go first -- I would like to ask a couple of questions. >> Mayor Leffingwell: Go ahead. >> Riley: As you know, there was some period of years, some ten years or so after enactment of chapter 245 that the project didn't enforce project duration. In fact it wasn't until now that it began to force project duration. One option before us would be to direct staff to return to that fire practice, simply not enforcing it, while we are working on

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something that could be put in place of the current ordinance. I am trying to assess the relative benefits of the two approaches, one being simply repealing the ordinance out right and the other being suspending enforcement while we work on something, and the specter that we have to worry about involves no matter how you describe it, it is going to be involving zombies. >> Mayor Leffingwell: Council member Riley if we are going to go into that, I suggest that we go into executive session and discuss it. >> Mayor Leffingwell: I want to get a brief answer, if I could, about a very simple question. I don't need to go into the -- >> Mayor Leffingwell: Not asking for an opinion. A legal opinion. >> Riley: Well, actually, just about anything, I would ask Mr. Dobson would involve a legal opinion, I think, so if you are saying legal opinion is off limits for this discussion, then I guess I don't have a question for Mr. Dobson, but ... >> Mayor Leffingwell: So go ahead and ask your question. >> Riley: I won't belabor it in any further. If you understand what I am asking, can you give us some sense of the relative merits of repeal versus simply suspending enforcement if we are concerned about the effects of what might happen in the interim period during the time we take that action and the time we get something else in place? >> Mayor Leffingwell: And Mr. Dobson, please feel comfortable saying you don't feel comfortable answering that question if you are not. >> This is what is known in my business as a tough spot to be in. >> Mayor Leffingwell: Well, I think the safe harbor is to go back into executive session to discuss it. >> It's y'all's privilege. Not mine. I am at your pleasure, but there doesn't seem to be consensus on the dais as to what y'all would like me to

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do. >> Mayor leffingwell: Well I just simply asked you for your recommendation, which is what I think we have a right to expect, and i didn't want to go into the various legal rationales for various other options that might be considered. Council member morrison. >> Morrison: Mr. Dobson, let me ask you a question that you may or may not feel comfortable answering. You actually presented options to us and one of them is your recommendation. Would you please describe the other option? Would you be so comfortable describing the other option that you presented? >> The other option that i presented is what council member riley described, and that was a suspension of the enforcement of the ordinance while we work on a replacement. >> Morrison: Thank you. >> Mayor leffingwell: Council member spelman. >> Spelman: I actually frequently am mistaken for council member riley, although not so far by my wife. [Laughter] we had a long, long public discussion about this last week. Lots of people showed up. Lots of people had things to say. Several lawyers had a legal opinion they threw at us. Here you are, yet another lawyer, coming at us and giving us yet another recommendation. I wonder if you can help people who have not been in executive session with us understand what background you are bringing to this table and what the basis for your recommendation is. >> Council member spelman, in terms of chapter 245, i don't believe that there are many law firms in the state that have had more experience with chapter 245 than my law firm. I have personally been involved in several chapter 245 cases, the same lawyers working with me on this

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case. Sarah welder clark and jean jane weber. The three of us won one of the most important municipal litigation in the history of chapter 245 in san antonio in a case called in saho, in 1979, when it pasas well as chapter 245 of the government code, it was my law firm that was hired by the city to conduct an exhaustive investigation as to the constitutionality of house bill 1704, and whether we could challenge it on any number of bases as we were then currently doing, the quality protection zone case, a case that we ultimately won in the texas supreme court, which was another state law challenge to austin's home rule land regulation power. In the years since -- in the years since the 1999 passage of house bill 1704, we have repeatedly been consulted by the city of austin, city of san antonio and other cities with regards to chapter 245 controversies, including litigation. On the other side, we have also less frequently, but not infrequently, represented developers who have questions about chapter 245 problems with cities other than austin and san antonio and my other municipal clients, and so for I guess going on 15 years, we have had extensive experience with chapter 245 and the city attorney sided that experience as one reason why she reached out to me last friday. >> Spelman: Your firm has had lots of experience, you had lots of experience. You have represented both sides of this, both cities

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and developers. >> Yes, sir. >> Spelman: At the time you were called -- I remember, you have been making the argument, you have no dog in this hunt, that you can be completely independent. Is it true that you had an opportunity to talk with advocates for both sides, people who showed up on both sides of our public hearing last week? >> I not only watched the whole public hearing on tape, starting -- I got this assignment last friday afternoon, starting friday

evening and continuing through the weekend and right on up through this morning. I spoke in person or by phone, sarah clark and i combined spoke by person or by phone probably to 25 people including many lawyers on the development side, on the environmental side, your staff, staff from the county, all kinds of people that have lived this issue since the late '90s and esl people who were present at kind of the seminal events back in the late '90s we talked to. >> Spelman: Okay. At any time did anyone on the city staff, city legal staff, city manager staff attempt to persuade you to see things one way or another. >> Ms. Kernard's instructions were to get it right, whether we agreed with her office or not. >> Spelman: Do you- let me start a slightly more nuance question than the one the mayor did. It is not exactly the same thing, although it may sound similar. If you -- you gave us a recommendation that you thought the best option for us is to repeal our project duration ordinance. >> Yes, sir. >> And accept the ordinance in front of it as -- with the caveat of taking out section 2 as suggestioned

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by -- as suggested by mayor pro tem cole. If you were a judge, knowing everything you know about the city's ordinance, the historical background of the city's ordinance, the arguments made by people on both sides of the ordinance, if you were a judge on the texas supreme court, would you vote that our ordinance was valid and enforceable or that it was null and void? Or if you cannot answer that question, perhaps you can answer another question which you feel more comfortable asking, sir. >> Mayor leffingwell: So you can frame your own question, mr. Dobson. >> Spelman: This is a rare occasion, you want to take advantage of it, casey. >> My recommendation to the council this evening that i gave in response to mayor leffingwell's questions is based on the concerns i expressed to you in executive session, and i don't think that I would like to articulate those concerns any further out here. Including by predicting what I would do were I a judge. [Laughter] >> mayor leffingwell: Supreme court judge, at that. >> Spelman: Okay. Thank you. >> Riley: Mayor. >> Mayor leffingwell: Council member riley. >> Riley: Casey, how long do you think it would take to come back with a proposal for something to replace the project duration ordinance? >> I think if we work hard, we could be back -- we could be back with you and with mr. Guernsey and his staff, because of course we will need their input as well. We could be back with them by the end of the month and hopefully back with the -- with the council, with language that y'all can consider and vote on not too long thereafter. >> Riley: So by the end of april. >> I think by the end of april, we should be far

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along in the legal work such that I would be optimistic about getting something to the council for consideration in fairly short order after that. >> Spelman: And then let me. >> Riley: And then let me try what I would hope would be a yes or no question. To the extent that there are concerns about what might happen in that interim period, while there is nothing there in place of project duration, do you believe that we could craft an ordinance that would address these concerns? >> Yes. >> Riley: Okay. Thanks. >> Mayor leffingwell: Motion on the table. All those in favor, say "aye." Aye. Opposed say no? >> No. >> Mayor leffingwell: Passes on all three readings on a vote of 5-2 with council member tovo and morrison voting no. Thank you. Item 18. No speakers signed up. We have a presentation or -- >> I will give a very brief presentation, mayor, council. Item number 18 is to approve an ordinance waiving certain requirements of the city code title 25

and adopting specific amendments to section 25-8-514 which is a portion of the sos ordinance for the project located at 7701 bee caves road. It is located within the barton creek watershed in the barton springs zone. The property is the one world theater property and the agreement that -- or the ordinance that you have before you speaks to an agreement for an existing development, and the agreement is conditioned upon allowing for a minor

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expansion on the property and that would -- for additional runoff that would be treated from old bee caves road, slight vegetation, remortar, resurfacing, biofiltration pond, street mortar runoff of all of the impervious cover on the site including the portion of 2244. It is brought to you as a recommendation by staff. I have the requiremental officer here and -- I have the environment officer here and legal staff here if you have any questions. >> Mayor leffingwell: Any questions, council members? So this is a motion to approve an ordinance that essentially is a variance to sos and requires 3/4 majority of council, which is 6 votes to pass, although it would not go on the first reading. I will entertain a motion. >> I move approval. >> Mayor leffingwell: Council member martinez moves approval of the staff recommendation. >> Second. >> Mayor leffingwell: Second by council member spelman. Further comment? Council member tovo? >> Tovo: Just a quick one. I just thank you for pointing out that it's an amendment to the sos. I think our posting language didn't say so and the ordinance in the q and a deleted the response to my question, which had asked if it was an sos amendment. Thank you for clarifying that, mayor. As I looked at the terms under the agreement and i looked at what would be required under sos, I could not be comfortable to the extent with which this would be in variance and just -- i will just point out a few of them if the council passes ordinance it would allow impervious cover of up to 32% of the gross site area, which is about 67% of the net site area. You know, I understand that some of that impervious cover is already out there

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on the site, but that is cause they built out of compliance with their site plan. I think one world theater is a value to the community. I appreciate the work they do. I know they -- I know there are many, many people who benefit from the events that they have out there and i appreciate -- again, i appreciate them as an organization and I am glad they have been successful but I can't support -- i cannot support the motion. >> Mayor leffingwell: Okay. Question for staff. So council member tovo just mentioned this of 32% of gross and over 60% of net. What is it now approximately? >> Chuck lanza environment officer what they have right now is 65% net tied area. >> Net tied area, about 30% gross? >> Approximately 30% gross tied area. >> Mayor leffingwell: What happens if this is denied? Does that situation that's on the ground there go away or are they required to restore or what? >> It's currently on the ground today, that almost all of the impervious cover is on the ground today, and we do -- the site is under a red tag. They've -- we have been trying to get them to come into compliance for a number of years and the -- the -- in some ways this is similar to the barton springs pool. Much of their parking is a compacted caliche parking lot. They have a failed water quality pond. The city would settle they pay for the parking installed bioinfiltration according to city code and street trustee off site runoff as well so it would

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be significant water quality improvements to the status quo. The site has been from an environmental standpoint and environmental code compliance stand standpoint has been in disrepair and noncompliance for a number of years and in agreement would get them at least in -
- from a functionality stand point -- environmentally functionality standpoint significantly improve the situation out there but it would not bring them into compliance with current code.
>> Mayor leffingwell: So if this ordinance is not approved, are they required to restore current areas that are impervious cover? Restore the parking lot to -- >> mayor leffingwell: That is the city's position that is currently subject to litigation. >> Mayor leffingwell: What is -- what is the staff recommendation on this, or do you have one? >> Mayor leffingwell: We do recommend that you go ahead and approve how the ordinance, if the item is not successful this evening, we would proceed to litigation. Free to court. >> Mayor leffingwell: So motion on the table to approve the ordinance. All in favor of the motion say aye. Aye. Opposed say no. >> No. >> Mayor leffingwell: You voted aye? >> I noted aye. >> Mayor leffingwell: Passes on all three readings of 6-1 with council member tovo voting no. And I believe that -- clerk, that completes our agenda for tonight. Without objection, we stand adjourned at 8:20. @