

City Council Meeting Transcripts - 5/23/2013

>> Mayor Leffingwell: Good morning. I'm austin mayor lee leffingwell. Memorial day is this coming monday, so today at our council meeting we're going to conduct a brief ceremony honoring one of our local heros and all others who have paid the ultimate sacrifice in serving our country. Ladies and gentlemen, please stand for the posting of the colors by the austin fire department, and remain standing for the singing of our national anthem by ms. Melia daily and the invocation by charles edwards. Post the colors. 🎵🎵🎵
[04:16:15]

>> ms. Daily?

>> 🎵 Oh say can you see by the dawn's early light? What so proudly we hailed at the twilight's last gleaming? 🎵 Whose broad stripes and bright stars through the perilous fight, oer the ramparts we watched were so gallantly streaming. 🎵 And the rockets' red glare, the bombs bursting in air, gave proof through the night that our flag was still. 🎵 Oh say does that star spangled banner yet wave... Oer the land of the free... And the home of the brave? 🎵
[04:18:16]

[applause].

>> Mayor Leffingwell: Fantastic. I've hear lot of national anthems and I think that's the best I've ever heard. Pastor? [Applause].

>> First will you join me in the pledge of allegiance? I pledge allegiance to the flag of the united states of america, and to the republic for which it stands, one nation, under god, indivisible, with liberty and justice for all.

>> The flag of this great nation has come before us with great ceremony. The song of this great nation has been lift understand melody with great clarity. The allegiance to this great nation has been declared with great conviction. Let us pray. Oh mighty eternal god, in whom all generations of human kind live and move and their being, today we pause before you to recognize that without your presence within our lives and your blessings on our country, our nation would not be what it is today. For the freedom that was promised by you and penned by the forefathers of our nation has been protected at great price by many men and women serving in our military who have given their lives that freedom and justice could live. We recall that sacrifices and offer them anew on the alter of liberty. Grant, gracious father, that their deaths are not in vain and that liberty and peace continue in america through our efforts. Therefore on this given day, we gather for the city of austin memorial day proclamation. Today we remember and share memories of men and women who have served as members of the armed forces of a united states of america. And today we remember the deep gratitude and pride of the men and women who have made the ultimate sacrifice. Today we are proud that these men and women did not choose the path of ease and comfort, but accepted the challenge of difficulty and hardship. There were men and women whose hearts were clear and whose goals were high. Men and women who mastered themselves, and today we offer a special tribute to the service and life of one of our own heros, army sergeant jaime gonzalez. Born november the 27th, 1967, in el paso, texas. And departed this earthly LIFE ON AUGUST THE 3rd, 2008. In kabul, afghanistan. We are thankful for his service. As a member of the united states navy, the united states army, and the texas army national guard. We're thankful for his family, those who are present for this given ceremony. Yes, we acknowledge our debt to all those of our nation who have given their lives for their country, for

freedom, for justice and for liberty. And may we never forget the value of their given sacrifice, nor the nobility of their courage nor the quality of their endurance, which they have purchased for all of us. Peace, liberty and the pursuit of happiness. In god we trust, amen.

[04:22:30]

>> Mayor Leffingwell: Thank you, pastor. Please be seated. Today we are honoring the family, service and life of sergeant jaime gonzalez. Sergeant gonzalez served our country proudly in the united states army on AUGUST 3rd, 2008 JAIME Paid the ultimate sacrifice while in afghanistan. Today sergeant jaime gonzalez represents all of the men and women who died in service to our country. The city of austin takes great pride in the men and women serving in the military. Sergeant gonzalez was a local soldier and a local hero. It's an honor for us to remember him and all others who served so proudly and paid the ultimate sacrifice during this memorial day ceremony. President john f kennedy said that a nation reveals itself not only by the men and women it produces, but by the men and women it honors and the men and women it remembers. So today we remember and honor our american service members, ordinary men and women who died while serving their country. Originally named decoration day, memorial day is monday, may 27th. The name for the holiday gradually changed from decoration day to memorial day. It did not become common until after world war ii and was not declared officially as memorial day until 1967. Memorial day is a day of conflicting emotions with the blend of pride and mourning, gratitude and loss. And the deep sense of patriotism. Because we've been at war for over a decade now and have lost so many young men and women in battle recently, the real meaning of memorial day lies deep in the hearts of so many families like the gonzalez family here today. This memorial day let us come together as a community and remember these brave men and women who gave their lives as we stand here today. And let us also honor the courageous wives and husbands, mothers and fathers and children they left behind. God bless them for all their service and their sacrifices and god bless the united states of america. I'd like to ask the family to come for the reading of the proclamation. Councilmember martinez, would you come down and assist? Be it known that whereas the city of austin joins all americans this memorial day to remember and reflect on the sacrifices made by those servicemen and women who have honorably served our country throughout its history. And whereas it is particularly important on memorial day to honor our fallen heroes for their profound contribution to our country's freedom and likewise to recognize their families who have sacrificed so greatly. And whereas this memorial day and everyday all citizens bear a heavy burden of responsibility to uphold the founding principles so many died defending. And whereas on this solemn day we unite in remembrance of austinite and former austin energy employee sergeant jaime gonzalez, junior, who was killed in action in afghanistan. And we pray for him. Our military personnel, our families, all our veterans, who died defending our great nation. Now therefore i, lee leffingwell, mayor of the continue, texas, do hereby proclaim may 27th, 2013 as memorial day in austin, texas. I'm going to present the proclamations to his mother and his wife. Please turn your attention now for a very short video honoring our fallen heroes. ♪♪♪♪

[04:30:29]

>> Mayor Leffingwell: Ladies and gentlemen, please stand for the playing of taps and retiring of the colors. ♪♪♪♪

>> Mayor Leffingwell: Retire the colors. ♪♪♪♪

[04:32:34]

>> Mayor Leffingwell: Ladies and gentlemen, I want to thank gunnery sergeant allen bergeron, the city's veterans' affairs officer for organizing this ceremony today. This concludes our ceremony. Thank you all. [Applause].

>> Mayor Leffingwell: Council, before we begin our meeting today, a point of personal privilege, I would like to hear brief remarks from lord deputy mayor of the city of adelaide, austia, dr. Michael llewellyn smith. Dr. Smith? Yes, sir, please come forward.
[04:35:08]

>> Mr. Mayor, mayor pro tem, councilmembers and city manager, greetings from adelaide, your sister city in australia. It is a very great pleasure for me to be at this meeting of the austin city council. It hardly seems possible that it is almost 30 years since I was here with lord mayor john watson of adelaide and the sister city agreement was entered into between our two cities. At that time I was known by the old english title of town clerk, but this subsequently became city manager. The agreement was signed by mayor ron mullen of austin and lord mayor john watson of adelaide and attested to by acting city clerk james aldrige and by me. Mayor mullen presented us with an excellent bronze statue of a texas longhorn, which still proudly sits in the lord mayor's room. Your city manager at the time was nicholas martha and he kindly made all the arrangements for our visit to austin, which was most enjoyable, including a barbecue with lady bird johnson on the lake. I was very pleased that i was made an honorary citizen of the city of austin at that time, and the certificate hangs in my study at home. I'd like to thank you, mr. Mayor, for presenting me with a key to stint on this occasion
-- to the city of austin on this occasion. In 1986 it was the 150th anniversary of the founding of the state of texas and the state of south australia in 1836. The city of adelaide made another official visit to austin o mark that occasionand this time I was accompanied by (indiscernible). Frank cooksey was your mayor at that time and it was a pleasure to meet him again last night. I remember that we were interviewed on a local radio station and listeners were invited to ring in and ask questions about adelaide. Some were quite funny, such as the lady who wanted to know if kangaroos still roamed the main streets.
[04:37:24]

[Laughter] on that visit the city of austin kindly presented us with a painting by randy peyton, which was called blue ton net time in texas. And this lovelyainting hangs in pride in the lord mayor's room at the adelaide city hall. I should like to take this opportunity of thanking your city manager and his staff for making all the arrangements for this visit. It has been a pleasure for me to meet with the mayor, individual councilmembers, and I understand I can only meet with you individually. [Laughter] but city manager, heads of department, other senior staff and representatives of relevant groups. I would particularly like to thank marian martinez for make all the detailed arrangements and ensuring that everything has gone so smoothly. I'm also a director of the south australian motor sport board and was able to attend the australian super car racing at the circuit of the americas last weekend. I'd like to congratulate everyone involved in putting this great facility together. My favorite quotation is from william shakespeare's play, in act 3, scene 2, one asks what is the city but the people? And the citizens reply, true, the people are the city. I would like to thank all the people of the city of austin who have made my visit so enjoyable and for the opportunity of attending this meeting of the austin city council this morning. I should like to extend an invitation on behalf of the city of adelaide for a delegation from austin to attend adelaide later this year or perhaps in march next year. March is knowns

mad march as we have the festival of arts, the fringe from adelaide and the v 8 super cars. I can assure you of a very warm welcome. Finally, it is my pleasure to present a gift on behalf of the lord mayor and city of adelaide to the mayor and city of austin. It is a piece of glass artwork from our esteemed gem factory and from one of our local artists. Thank you for your attention.
[04:39:53]

[Applause].

>> Mayor Leffingwell: Very nice. [Applause].

>> Mayor Leffingwell: A proclamation in your honor, deputy mayor, it says be it known whereas the adelaide and austin, texas sister city relationship is celebrating its 30th anniversary this year and whereas the long-standing friendship between our two cities is based on many commonalities, both are hill country capital cities, performing and visual arts centers, both strong technology and advanced manufacturing sectors and now both are homes to the v 8 super car series. And whereas innovative exchanges over the years have included a trade in fv news anchors an austin technology incubator a visit to adelaide and educational exchanges, whereas we're especially pleased to have hosted dr. Michael llewellyn smith, deputy lord mayor of the city of adelaide for the past week of visits with staff and council, along with attending our inaugural super car race. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim may 16th through the 24th, 2013 as austin-add lied sister city days in austin, texas. Confusions, mr. Deputy mayor. [Applause].
[04:42:31]

>> Mayor Leffingwell: A quorum is present so I'll call this meeting of the city council to order on THURSDAY, MAY 23rd, 2013, At 11
-- 10:42 a.M. We're meeting in the austin chambers, austin city hall, 3rd 1 WEST SECOND STREET, Austin, texas. I'll begin with the changes and corrections to today's agenda. Item number 2 is postponed until june 20th, 2013. Items 5 and 6 are postponed until june 6. Items 3, 13, 14, 41 and 69, insert the phrase on may 20th, 2013 unanimously approved by the electric utility commission on a vote of 7-0. Item 36, add the phrase on may 20th, 2013 unanimously approved by the historic landmark commission on a 6-0 vote. On item 53 change the spelling of the first name from dr. Ovidu to ovidiu. On item 103 at its 4:00 p.M. Time certain there will be a request to withdraw this item and also for item 110 at its four p.M. Time certain the request to postpone this item. Our time certain items for today, a briefing on the auditorium shores improvement projects and a briefing on the innovation office. One additional correction item is item 15 is withdrawn. At 12 noon we'll have our general citizens communication. At two p.M. We'll take up our zoning matters. At four p.M. Our public hearings.% at 5:30 live music and proclamations. The musician for today, the musicians, I should say, are the tiara girls.
[04:44:47]

[] the consent agenda for today is items 1 through 82. There are no appointments to boards and commissions. The following items have been pulled off the consent agenda. Items 13, 18, 19, and 56 are pulled by councilmember tovo. Item number 27 will be pulled for a presentation by the law department. Item 29 is pulled by mayor leffingwell for an indefinite
-- request for indefini postponement. And if there's no objection to that request, we can add that back to the consent agenda.

>> Tovo: Mayor, I would like to talk about that, please.

>> Mayor Leffingwell: Okay. It will be pulled off the consent agenda. Item 71 is set for a time certain by councilmember morrison and tovo. Items 30, 31, 32 and 33 are pulled by councilmember riley. Item 59 is pulled by councilmember riley for a hearing of a discussion in executive session. And items 69 and 75 are pulled by the mayor pro tem. Additionally item 16 is pulled off the consent agenda due to speakers. Are there any other items that councilmembers want to pull? Correction. Item number 60 is now pulled off the consent agenda by councilmember riley. And I believe I mentioned item 16 is pulled off consent due to speakers. We have several folks signed up to speak on the consent agenda. You'll have three minutes each. First speaker is gus pena.

[04:47:12]

>> Spelman: Mayor? I'll ask later. Go ahead. You mentioned several items pulled by commove. I didn't get all those numbers.

>> Mayor Leffingwell: 13, 18, 19, 56.

>> Spelman: Okay. I would also like to pull item 36 from the consent agenda.

>> Mayor Leffingwell: Councilmember spelman pulls item 36 from the consent agenda. Councilmember riley?

>> Riley: I didn't hear item 105. Is that still on the consent agenda?

>> Mayor Leffingwell: Well, that is not a part of the consent agenda? Pena, you have three minutes.

>> Thank you, mr. Mayor. Good morning. Mayor and councilmembers, gus pena, native -- proud native east austin and proud united states marine corps veteran, I'm here to speak on 21 and 26. Number 21 has to do with a loan to ms. Santos. This is a perfect loan. This is what the epitome of what a good loan should be because this is a lady who owns her company, hires in the community and with good wages. Ms. Santis, congratulations on that. I know, council, that you made a good decision on approving this loan. Item 26 has to do with funding for front steps, the homeless shelter, arch, etcetera. Let the record reflect these might be economic good times for some people, but for a lot of people becoming homeless, not too much affordable housing and that I'll talk about later on in the coming weeks. But I've gone to the salvation army. I've been at front steps and I have a lot governor peims, a lot of good families are becoming homeless. Not enough funding and money and I will talk about that. I've been talking about this for a long time. We do not have a supply of affordable housing. A lot more demand than there is inventory. Mayor and councilmembers, thank you very much for your time. I'll keep it short. Thank you for the presentation, the memorial service dedication to our fallen heros. Anyway, I'll speak later on in central texans communication. Thank you very much.

[04:49:16]

>> Mayor Leffingwell: Thank you. Anthony marquette. Apparently not here.

>> Morning, mayor leffingwell, leave mcdonald and councilmembers. I'm here to talk about the interlocal arrangement for e.M.S. With travis county and city of austin. This week commissioners on tuesday elected to move forward with partial resources. I've been here before council talking about this i believe in january. When we elected to move forward with the interlocal without any of the (indiscernible) that have been approved going forward. In october of 2012 the commissioners' court unanimously approved three full time ambulances to serve the travis county citizens and to maintain our service to austin as well. So far we've had one 12-hour truck that's been granted to austin's colony and that's a known area with a lot of disparity and a

lot of need as per geographic coverage. The court has essentially committed to not provide any other resources and has committed to looking at alternative e.M.S. Providers for austin-travis county e.M.S. So I would ask the council this morning to look into this matter as you are hearing of the status of the interlocal, and potentially invite the emergency management team in travis county to come and present to council their intention for moving forward with e.M.S. In travis county, including any alternative plans and any backup documentation of what might be available for those plans. Thank you.

>> Mayor Leffingwell: Thank you. Kevin kline. Councilmember martinez has a question for you, anthony. A question for you. Councilmember martinez.

[04:51:22]

>> Martinez: Can you remind us what happened at commissioners' court on tuesday with regard to the e.M.S. Item?

>> Yes. I was there to remind commissioners that we had approval of the three full-time ambulances. Travis county hasn't had a full-time ambulance in over a decade. We have spots of geographical coverage that are not being

-- the needs of the community are not being met. Specifically at austin's colony and 969. That area has been identified for some time, well beyond the fy 13 era, that we needed that ambulance. The commissioners elected to go forward with just 12 hours. And that's what the interlocal is about today, to ask city council to move forward with the very diminished version of our resources from what was promised to the taxpayers and what is actually being provided.

>> Martinez: So they agreed to put a 12 hour unit at colony park and at bee caves?

>> No. There should have been a 24-hour truck at austin's colony and they're only providing part-time coverage from eight a.m. To eight p.m. So I guess in austin colony they will have to schedule their emergencies. It's very unfortunate to be here again on this matter.

>> Martinez: Understood. Thank you, sir. Thank you, mayor.

>> Riley: Just a question for staff, and I think chief mcdonald may be able to address this or perhaps others. I just wanted to see if there may be opportunities to make sure we are working with the county to

-- towards adequate e.M.S. Service in the areas concerned. I know obviously to the extent that there is inadequate coverage on the county's side it does affect the city because the city winds up getting pulled in. To what extent should this be a concern on this item and will there be opportunities to work with the the county in the course of negotiating this agreement to make sure we do have adequate coverage out there?

>> I would agree with mr. (Indiscernible) that we do have areas in travis county that are in need of additional coverage and that's the very work we've been doing in travis county and with danny hobby and the city of austin budget team and the county budget team. And I felt like they were very clear in the commissioners' court meeting when I was there and speaking with them this tuesday, that this is a first step. The monies were allocated in the county budget this fiscal year to put a full-time unit in austin's colony and take the 12 hour unit at kel any lane and bee caves and turn that into a 24 hour from a 12. What they agreed to do and what the items are, 21, 22 and 23, implement that 12-hour unit as a starting point and they

-- their focus right now is two things. One, looking at the location of the resources they have and making sure they're adequately and accurately placed. And talking to the small cities of pflugerville and bee cave and lakeway to try to get them to contribute to the funding source. But they were very clear that either way whether the funding source came through from the other

sources or not, that they intend to move forward and they recognize the need for those resources. And I would add one more thing. In the 14 contract that we are in the process of negotiating, at this point they have agreed to a change in the financial model where if we go into the county with the city resource, they pay a particular rate for that so we're not absorbing that cost. So I think we've made significant progress not only in our relationship, but our transparency and how the interlocal looks and how the financial model is created.

[04:55:01]

>> Riley: I know they were concerned about getting a new current cost determination. Have we got there and adjusted the numbers to make sure that the formula is-- that we are getting a fair allocation of the cost?

>> We are. The financial staff and the audit staff and city staff and e.M.S. Staff was there and we built it. And it takes away this formula where what's the percentage of ambulances one person has or the other, and each entity pays for what they're getting. And if one@ of these sides use the other's resources there's a process to charge for that. So I think we've made great progress.

>> Riley: And I know this is an ongoing conversation, but you feel approval of these items today is in the best interest of the city and won't foreclose any opportunities to make sure that we continue to get a fair allocation of costs.

>> I do believe they're important and this is a great next step and we're cont to move forward with the county, yes, sir.

>> Thanks.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Could you help me understand just focusing on the austin colony area, if it's just 12 hours and we're going to be open 12 hours instead of 24. And we heard apparently there's a need for 24 hour coverage. When can we expect to see that happen? Did I hear you say there's a commitment on the county's part to make that happen?

>> They've not committed to the timeline yet. There is a need for a unit there 24 hours. They're willing to fund it for 12 years so we've done an analysis to determine what the optimal 12 hours will be. So 12 hours there is better than no others, which is what we have now and a unit having to come from springdale and webberville road area. And they've instructed danny hobby, the county executive manager, to expedite his discussions with pflugerville and the other cities so we can keep this moving and some decisions can be made as far as a timing is concerned.

>> Morrison: They're concerned about who is actually going to fund that 24 hours and they're looking at

-- is that correct? They're looking to, say, pflugerville or someone else to chip in?

>> Yes. They're concerned that they can

-- from the funding standpoint they can place units throughout the county, but areas such as lakeway and pflugerville and bee caves are so busy that it takes four or five ambulances and they can't continue to fund it and they're looking for the small cities to contribute to the funding to provide resources in those areas.

[04:57:18]

>> Morrison: So why is austin colony part of that discussion if it's clear that they need 24 hour coverage? Are they going to be covered by the small cities? They're not in that area.

>> They would not. I don't specifically know what their choice was. I know from a timing standpoint we wanted to bring our mueller station on and that austin colony station, so from a

personnel standpoint, timing is better if it comes on initially as a 12, but at the end it was their choose to

-- choice to choose 12 and not 24.

>> Morrison: And there were resources allocated by the county for this and they're just not coming

-- [overlapping speakers].

>> In this budget that we're currently in they allocated funds for

-- to put a 24 hour giant at austin's colony and the people

-- the additional people to make bee caves and kelly lane 24 hours from 12 hours. So they have the money. They committed in the budget process to allocating the money, but they've not taken the next step and given the executive manager

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>> Mayor Leffingwell: Chief mcdonald would like to comment. Okay.

>> Mayor and council, I had recent conversations with e.M.S. About some of the council

-- some of the commissioners' recent decisions. To answer your question, councilmember morrison, i think what the chief explaining is that just as we did on the front end of the budget, they did approve the dollars for all the resources he just named, but the appropriation has not come forward. Now, with this recent discussion with regards to the participation from the smaller cities and helping in some of those jurisdictions, some of that is new discussion at this level. That certainly was not discussed on the front end of their budget process. What I would recommend is I'm going to be having a meeting with danny hobby, who is the chief operator over public safety with the commissioners' court, to try to get an update and get an idea of the county's plans moving forward because even though we've worked out this model it still entails

-- even though we'll be reimbursed for it, it still entails pulling resources out of the city to respond that could be available for city calls. So certainly that a concern and if you will allow me to meet with danny hobby and some of the other staff and then I will get an update to council so we would be better prepared as they come forward with additional items.

[05:00:14]

>> Morrison: I appreciate that because I realize that there's a lot of moving pieces here, but as you said, it does impact the city of austin and we know that austin colony is a high use area and we need to put the infrastructure and the support

-- anything we can do to help make that happen is important to us here at the city too. So if you could stress that, I would appreciate it.

>> I will.

>> Martinez: Just to follow up on that, i understand the concept of wanting to have equal parts of the community pay their fair share, but I would be curious to drill down into that because when you're talking about a high density, high dense property area like bee caves and a very poor area like austin's colony, it's not fair just because they pay the same rate. That is a big concern because here we are having the county approve it for austin's colony, but what stands before us is bee caves and west travis county getting full time 24 hour units and poor east travis county again getting stuck with 12 hour we're not sure of when it will be online, but 12 hours during the day and we want to make their they're paying their fair share. That to me is a concern. Unless we postpone these items I'll be voting against all three of them because i think the only way to expedite this is to pull it all off the table and make sure that we give everyone

-- that's why we were they were in here a few weeks ago asking us to annex them and we said

we're not going to. And they said we would like to incorporate ourselves into our own community. We had to tell them no because of our annexation process, but that moves them forward in incorporating their own community. And this is explicitly why, because they need services. So here we are with an allocation that's been adopted by the county, but yet funds aren't being appropriated as they were committed during the budget process. So I hope that we can either postpone this or just vote against them until they can come back in better form. I make a motion to postpone

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[05:02:17]

>> Mayor Leffingwell: Right now we're on the consent agenda.

>> Martinez: I would pull it off consent.

>> Mayor Leffingwell: Which item?

>> Martinez: 21, 22 and 23.

>> Mayor Leffingwell: Okay. 21 and 23 are also pulled by councilmember martinez from the consent agenda. 21, 22 and 23. Mayor pro tem. It's pulled off consent now.

>> Cole: I have a question while here here. I thought I heard you say that the money had actually been appropriated by the county. Is that.

>> That's correct. At the beginning of the budget process as we would do, the money was approved in the budget, but when they came forward with the actual item for approval as we would bring items forward, what they're bringing forward now, it's not what was approved at the front end of the budget process.

>> Cole: So in your professional opinion is it going to help with your negotiating process if we do not approve these items?

>> Well, certainly we're at negotiation with them. I mean, in terms of the ratio, in terms of -- they've agreed to pay whenever our units go in, but certainly, as I stated a moment ago, it is an issue. Even if they're going to reimburse us, it is an issue when our units are having to go into the county and they're not available. So regardless

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>> Mayor Leffingwell: Mayor pro tem, these items have been pulled off the consent, so before we get into a discussion, we're going to have a full discussion later sometime today or tonight.

>> Professor: Next speaker on the consent agenda

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>> Mayor Leffingwell: Next speaker on the consent agenda is kevin kline.

>> Good morning. Thanks for the opportunity to address the council. My name is kevin kline. I'm an austin resident and also a board member of the central texas water coalition. I'm here to speak in support of agenda item number 28. The proposed water management plan submitted to tceq by lcra has several major flaws and fundamentally does not do enough to protect the water supplies like austin. In interpret of time I'm going to elaborate on just one of the flaws, the fact that this plan does not promote conservation by its users. Without a change in prevailing weather conditions, sometime around august the highland lakes will hit a record low level. This will trigger never before seen mandatory cutbacks in water use across the colorado river basin. Certainly the multi-year drought has played a big part in this, but what could have been a manageable drought cycle has been pushed to crisis by pumping the lakes dry. If we are going to survive this in future drought cycles we have to get more serious about conservation. Fortunately the city of austin is a great example of positive conservation behavior. Since 2006 per capita

water uses decreases 25% despite these years being the driest in recent memory. The city has paid hundreds of millions of dollars to help build and maintain the lra water system and acquire water rights and yet uses less than half of the water that its entitled to. Instead the city spends about six million dollars a year to promote conservation and residents continue to invest in conservation efforts like water reducing appliances and xeriscape. This is the sort of behavior that will allow our state to thrive and continue to grow in the face of continuing weather conditions. Contrast this behavior with that of a handful of lra irrigation customers. In 2011 despite record low inflows crippling drought, roughly 200 users used more than enough water to supply the entire city of los angeles while the rest of the colorado river basin was under mandatory river restrictions, just four farming companies used as much water as the cities of pflugerville, leander, cedar park, lakeway, lago vista, horseshoe bay, marble falls and burnet combined. To put it another way, these four companies alone used enough water to supply 200,000 austin residents. This water is used primarily to gice for export and ironically turf grass. Under the proposed water management plan, every drop of water saved by austin residents just becomes a drop of water available for an irrigation customer. Austin may spend hundrds of dollars to spend an acre foot of water, just for it to go to a turf farm for free. In 2011 more water was lost in leaky canals and distribution losses supplying irrigation place operations than was used by the entire city of austin. Water that benefitted no one. The water management p needs to change so that conservation is a priority for all users. We also need a fixed water pricing. Any economist will tell you something that is underpriced will be overused and that's what's happening today. The four users I just mentioned paid about \$70,000 for the water they used. [05:07:13]

[Buzzer sounds] the cities paid six million dollars for the same amount of water.

>> Mayor Leffingwell: Please conclude. Your time sup.

>> I would like to conclude by saying can't go back and change the past, but we can learn from it and we need to make sure that the new water management plan appropriately encourages conservation.

>> Mayor Leffingwell: Thank you. Gavino fernandez.

>> Good morning, council, I'll be speaking to you in support of items 2 and 14, i think, in regards to additional funds or the funds for the cleanup at the holly power plant as the next phase. I also want to mention that

-- in regard to the extension that we continue our monthly meetings with austin energy staff to be included in that extension. The communications that we have with austin energy and their staff on a monthly basis is very fruitful for the communication

-- for the communication purposes in the community. For example, with this eight month extension we were brief add couple of months ago that this was something coming down and so we were able to communicate with the schools and rec centers that come this summer we will still have an opportunity of trucks moving in and out of the neighborhood and that helped us in helping mitigate some of the concerns. Another issue that has given rise during the demolition is vibrations that have been happening to homes adjacent to the holly power plant. So the committee and austin energy put together a little brochure that we'll be passing outdoor to door. I'll give this to mayor pro tem. Sorry, I don't have

-- i didn't bring additional ones, but this is also on the website of the holly power plant and it basically edge indicates the homeowners about vibrations and its effects and it makes a comparison and it has a very thorough explanation in english and spanish. I think this is one of

the fruits of that ongoing communication between staff and the homeowners and the neighborhood and working together as we go through this process. Of demolishing the holly power plant. And the cleanup to us is obviously the most important part of this whole process because we want to make sure that once austin energy leaves that facility that we have a clean facility because we don't want to learn 15 or 20 years that something has come to rise because there wasn't sufficient cleanup of this property. And we'd like to stress that this property be cleaned to top grade level because it is going to be converted or be used as a part so we want to make sure that it is safe and that it is clean for those that will be using it in the future. I do also want to thank trc for their high safety record throughout the whole process and I want to continue to thank austin energy staff, specifically oscar bacas, who worked with us on a monthly basis. And obviously the ceo, larry wise, who continues to work with us as we go through this process. Again, I support these items and thank you for supporting them as we move forward in removing this power plant there our community. Thank you.
[05:10:42]

>> Mayor Leffingwell: Bill bunch. David king? Is david king here?

>> [Inaudible - no mic].

>> Mayor Leffingwell: Those are all the speakers we have speaking on the consent agenda. I'll take a motion for approval. Mayor pro tem moves approval. Councilmember spelman seconds. Councilmember tovo?

>> Tovo: Yeah. You know, I just realized that we could probably move 19

-- if nobody else has questions, we can move 19 back on the consent agenda. I'm just going to vote against it. Mayor mayor pro tem and councilmember spelman, do you object to adding 19 back?

>> Spelman: I had a question on 19. Mayor in favor of the motion say aye. Opposed say no. It passes on a vote of seven to zero. So we've got several postponement items, potential postponement items that we could bring up. First, councilmember morrison wanted to ask a question about the request for postponement. We're not pulling up the item, just the postponement of item 29.

>> Morrison: Yes, mayor. This is the item about austin energy governance. And we had a discussion about it on tuesday. Clearly it's linked to item number 71, which we're going to take up later. But my concern is that it was my understanding that we were through with this and item 71 was going to create a committee to do oversight and start looking in more detail at lots of things that are going on at austin energy. I started getting an understanding, however, that some folks, rather than put this aside, the governance issue aside, wanted to continue the conversation of governance that we were having under item 29 at the committee level. So while that might be fine, if that's the case, I do need to make it clear that i will retract my statement on tuesday where I said that i was not interested in serving on the committee. In fact, I bet I was unequivocally not interested in serving on the committee and I am going to have to reverse that because if we are going to continue to have this conversation in another venue, ie, the subcommittee, then I feel like I need to be part of that. So I guess I just wanted to put it on the table that if we want to have this conversation we can either have it under here, under this where the whole council can be involved, under item 29, or we can create a committee that has, I guess, at least five -- we haven't heard from councilmember martinez as to whether he's interested in participating. This is an absolutely critical issue. So that's why I wanted to pull off and have a discussion of is this

-- is this topic going to continue and if we're going to continue talking about it, should we continue talking about it as a full council or as a committee of five, six or seven people.

[05:14:11]

>> Mayor Leffingwell: Well, it was my intent, I supported councilmember Riley's proposal to establish a committee to do it for several reasons. One, it's more informal setting where the council would actually have

-- the committee members would actually have a chance to have this discussion among themselves in an attempt to work out some of this instead of numerous and ongoing public hearings. And I think that's the best environment to do this. So we certainly are going to talk about item 71 and how that will be set up and what their purview will be later on tonight. It's set for 7:00.

>> Morrison: So we haven't had any public hearings about it.

>> Mayor Leffingwell: Public comment periods.

>> Morrison: I presume if it's going to be discussed by even a committee or the whole council it would make sense to have public input.

>> Mayor Leffingwell: I would assume that there would be public input at the work sessions, but there could be times set aside to do that.

>> Morrison: Okay. So I guess the point is then that I want to make sure that my colleagues are all right and understand that the committee may well be a committee of the whole body. For item 71, and we're all

-- this changes my understanding of what the committee is. I think that what we heard loud and clear and what really got refined during this very good dialogue has been that council needs to spend more time and look

-- and more depth to issues going on at Austin Energy. This committee is

-- it was my understanding that that's what we were setting it up for and we were thinking sort of in tandem with what 29, the revised version that we were going to discuss would be. Now that won't be happening apparently, and we're just going to transfer this long, drawn out discussion to the committee, which if that's the druthers of my colleagues, that's fine, but just to be clear, I think it's a critical issue and the whole council needs to be part of it coming up with anything that we do.

[05:16:35]

>> Mayor Leffingwell: I'll entertain a motion on the proposal to postpone item 29 indefinitely. Councilmember Spelman so moves. Seconded by councilmember Riley. All in favor say aye?

Opposed say no? I think that's 7-0. That item is postponed. So I have a note have a Houston. I didn't call you because the item you were pulled up on was pulled from the consent agenda.

>> [Inaudible].

>> Mayor Leffingwell: Councilmember Riley pulled item number 60 for a proposed postponement. That's my understanding. Item 60 is an item related to ride sharing among other things. And in reviewing that, I noted that we passed a resolution back on March seventh in which we noted they were continually exploring solution and ride sharing may be a peer to peer option and so on and we directed the city manager to explore ride sharing regulations in other cities and make recommendations on the parameters within which ride sharing should be allowed

in the city of austin. The recommendations should address, but not be limited to insurance, registration, criminal and driving background and other matters related to ride sharing. And we asked the city manager to bring the recommendations and proposed ordinance back by june first. IT'S NOW MAY 23rd. If we get those

-- that report and those recommendations by JUNE 1st, THEN I THINK That would be helpful to have in hand as we consider the proposed amendment before us. And so I would suggest that we postpone this item until our next meeting so we can evaluate the proposed amendment in the context of the board recommendations, which speak to things like how our peer cities were handling this issue. I think that was the idea behind the resolution that we passed in march so i think it would be worth waiting for o more council meeting so that we have that report in hand before we do anything that might have a serious impact on the whole discussion about ride sharing. So I would suggest

-- i would move that we postpone this item until our next meeting, which is june sixth.

[05:19:17]

>> Mayor Leffingwell: Councilmember riley moves to postpone until june sixth, seconded by hope. Any further discussion? Mayor pro tem?

>> Cole: I would also like to direct staff staff when we here this back to give us information about whether other cities that have a minimum of one half hour scheduled notice in advance of the trip.

>> Riley: We're on item 60 right now.

>> Mayor Leffingwell:59 will be heard after executive session. Councilmember martinez.

>> Martinez: I have a question on item 60 for staff. Mr. Spillar, I wanted to ask what happens -- what's currently happening right now with ride share and another operation here in town and what happens in the interim now that we're contemplating a postponement?

>> Mayor Leffingwell: Mr. Spillar, we're talking about the motion to postpone now. I think councilmember martinez's question related to what's happening if we postpone.

>> We're contemplating a postponement and what I want to know is what happens to this -- I guess this company that's made this request during this postponement period.

>> Item number 60 has to do with definitions that define what car pooling and ride share programs are versus helping to dry a line between those and potentially illegal taxis. If the question is what does the department do during the postponement, we are currently enforcing our current ordinance as is and we will continue to do that.

>> Martinez: And under that occurrence ordinance and the current definitions, the ride sharing company can't operate unless it's paying their drivers an hourly rate to pick up folks for free?

[05:21:19]

>> I'm not able to comment on that. If a driver violates the current ordinance they're subject to fine and essentially towing of their vehicle. >>nez: MAYOR, I Would prefer that we adopt the definitions and move forward so that we're all on the same playing field. So I won't be supporting the postponement.

>> Mayor Leffingwell: All right, councilmember tovo, the motion on the table is to postpone

until june sixth.

>> Tovo: I have another question for mr. Spillar, please. Along the same lines. Can you talk about

-- i guess when we were talking about the resolution, the initial resolution, we had a discussion about the value of clarifying this issue for people who are car pooling to work, for example. And I just wondered if you could speak to the value of what's before us today.

>> Well, the current definitions that are before you today that would improve the clarification under our ordinance would clearly say that the city is not interested in regulating car pools as defined under the definitions. So people commuting to work, they have common beginning and ending destinations. The folks trying to take multiple kids to either school or soccer and so forth like that would clearly understand that they would not be subject under the definitions of our taxi regulations or vehicles for hire. And so what the definitions attempt to do is draw that bright line so we can easily say what is and what is not vehicles for hire.

>> Tovo: Thanks, i appreciate that. It seems that it is very supportive of our city's goals of encouraging people to share rides in the way you've described, in a car pooling way, and in not having them be concerned about running afoul of the law of our vehicles for higher law. So I'm not going to support another postponement on this issue. I think that this is a pretty basic definition. I understand there's not agreement on that. I've heard

-- I've read all the emails and heard all the concerns from people who support ride sharing, sidebar, but I would like to hear this today. So I'm going to move approval of this item.

[05:23:43]

>> Mayor Leffingwell: Substitute motion to move approval of item 60 by councilmember tovo, seconded by councilmember martinez. Further discussion? Councilmember spelman.

>> Spelman: We have a lot of speakers. We may want to hear the speakers before we actually vote.

>> Mayor Leffingwell: You're correct, councilmember. We'll have to hear the speakers before we vote based on the substitute motion. Alomar began.

-- Al morgan. You have three minutes.

>> I can picture kangaroos and longhorns roaming adelaide's streets I'm the president of heritage hills neighborhood association, part of the heritage hills, windsor hills planning area. My neighbors and I are here to oppose proceeding with the bridge and trail construction over little walnut

--

>> Mayor Leffingwell: Excuse me, mr. Morgan. I have the wrong item here. 60. Yeah, you can sit down. Sorry about that. First speaker is ryan black.

>> Thank you. And based on the number of speakers, we will not get through this item before noon. Go ahead. You have three minutes. You have six minutes if gipsel McDaniel is in the chamber.

[05:25:54]

>> I don't think she's here.

>> You have three minutes.

>> Yeah. So I'm here to speak out against agenda item 60. I've been a resident of austin for a few years now and I think that it's a great city. It's a great technological city. But I think the one big problem that we do have is transportation here. I use all kinds of transportation options. I have a car, but I take the bus, car to go, I take a lot of other options. I take taxis pretty frequently, but I do find that the (indiscernible) lacking. I'm speaking in support of anything that can improve the transportation options here in austin and I see this definition of ride sharing as overlimiting in terms of being able to expand these transportation options. I think a company like sidecar does provide a lot of service and benefit to the citizens of austin. If anyone here has tried to catch a cab on a thursday, friday or saturday night, it's pretty difficult. And people end of you waiting for extended periods of time. There's way more demand than there is supply. And I think anything that we can do to improve the situation is something that we should definitely look into. I do think that the definition of ride sharing here tends to be a little bit overlimiting. That any time that I go to share a ride with a friend i would technically have to pay them 55 cents per mile that I ride with them. And if I pay them more than that, then technically I'm breaking the law. I just think this is too overlimiting. I think it's overstepping the bounds for what is the city trying to accomplish? And if the end goal is to make a more seamless and productive transportation system, then I think that we should be open to all these different options that are out there. And like I said, I think that there are

-- there's a lot of innovation happening in a lot of different areas with things like car to go and I think that taxi system is

-- it just hasn't expanded enough to be able to support what it is

-- the growing population here. And I think that allowing people to carpool and to share rides is a way to offset some of this demand that is exceeding supply. So I'm here to speak out against item 60, and would like to see this definition of ride sharing not be as limiting as it is. Like I said, I think the side effects here, I think it will end up hurting average citizens who do carpool to work and school. Speaking from my own experience I used to carpool to u.T. Quite frequently and it wasn't uncommon for me to give my friend money for gas, for expenses, for parking, you know. And now I'd be forced to actually calculate what those expenses are for me to get reimbursed otherwise I'd be breaking the law.

[05:28:55]

-- Breaking the law. I think it's overlimiting, and that's my time.

>> Mayor Leffingwell: Ron canaan.

>> Tovo: Mayor, while the next speaker is coming up i wonder if we could get our transportation staff to respond. I just want to clarify that if somebody is taking a ride with a definition, a the proposed definition we have before us, if somebody is taking a ride with a friend and wants to reimburse for gas and for parking expenses, that's fully within the law as I read it.

>> Yes, ma'am, that's the way I read it as well. Simply like tolls. If you're sharing the tolls, that's within the definition.

>> Tovo: Thanks.

>> That's what I understand.

>> Mayor Leffingwell: Kate, you have three minutes.

>> I'm a citizen of austin I've been living here for three years. I moved here from seattle. And I don't have a car. I use a scooter, I use car to go, I use skip car, I use the bus. I'm basically against 60 because I'm against anything that's stifling transportation innovation in this city. It's actually quite difficult right now to get around without a car. [One moment, please, for change in captioners]
[05:32:26]

>> that's a good example of why you could not reimburse parking. I'm not sure where he's finding a different calculation in there. Car pooling on only 56.6 cents per mile for car pooling. The cost of vehicle ownership and operation is acceptable and is what should be utilized and is what I would recommend that this council should adopt. However, staff has not looked at, with any effort otherwise

-- staff only had the registered lobby on the behalf of taxicabs. The president is a guest lecturer on transportation issues. Car pooling has been promoted since world war ii, and frankly, it has not yet taken care of congestion. We know that because we are the fourth most congested city in the nation. The failure when you look at studies by true academics, berkeley, others, the failure is attributed to two primary reasons. One, lack of critical mass in the early stages of car pools, ride sharing and the lack of incentive for drivers to balance out the inconveniences of the ingrained habits of people. If you don't have something to motivate people you won't have any progress in the terms of ride sharing and congestion to town. Not all rides are the same. A ride to downtown austin for three miles, could take 20 or 30 minutes and a 20 mile ride could take the same amount of time. I suggest that it would limit for anything other than reimbursement of annual cost of ownership and operation. Triple-a has estimated as recently as april 2013, that car ownership annually ranged from \$69 to \$11,500, depending on the size of the vehicle. One other suggestion to include, if you wanted to, is a cap so that nobody would be earning a living with ride sharing or car pooling. If you capped it at no more than \$10,000 annually, you would at least make sure nobody is trying to make a living when using a wasting asset. Ride share connects people who need rides with local vetted drivers. It is quick, hassle-free. They have safety features, including criminal background checks, insurance policy, they have a mutual rating system where you rate one another. The driver does not rate the passenger prior to knowing what the voluntary donation is. No cash is exchange. Drivers are protected from robbery. No cash exchange. Gps enabled so all the rides can be monitored by friends, family and the side car itself. This is demonstrated by south by southwest, over 5,000 trips and no safety incidents. That leaves us with balancing innovation and choice on the one hand and status quo on the other. I know that is hard. I do believe city staff is dismissing innovation and choice at the cost of status quo and cost of incumbency, i know we can do better. That is why my suggestion of limiting what can be attained in ride sharing to find the right balance. When you think of the education scope, you know, an education area, we know chalkboards are still used and computers are used. Likewise here in the transportation area, we have got to do better. We have over 100,000 commuters every day, coming into our town, 75% of the vehicles are single occupancy vehicles approximately really less than a thousand taxicab permits will make a dent in that or some ride sharing will have impact on the taxicab permits. We can have both. I know we will do better. Fining the balance that activate this area and gain the critical mass, I think a proposal as I'm putting forward today, look at part 4 the definition of compensation, if you would limit it so it reads reimbursement for

the following is not compensation, instead of what is there now, put cost of vehicle ownership and operation in an amount not to exceed \$10,000 annually or the driver can establish the total cost of the driver's vehicle. Something that represents cost and operation will serve as a cap not have people earning a living or taking a risk with transportation. This is why we need a delay council member tovo. Because we don't know what others are doing megan frazee it was before the utc.

[05:38:11]

>> It was on a contentious 2-2-2 vote megan frazee that is what I wanted to point out. My understanding, anecdotally, of course, is the extensions were based on the fact that they didn't have information that had been requested.

>> That is true. The two abstentions were because of no information. A lot of criticism from the two that were against. I encourage you to let it cook another two weeks. Get the information. Nothing will happen, you already heard staff say they would continue to enforce. I would recommend that council member tovo remove the item and get moving.

>>

>> mayor leffingwell: How is retirement?

>> Four days now.

>> Mayor leffingwell: You have three minutes.

>> I'm the founder of ride scout. We're an austin-based mobility company trying to find solutions to show you all the ground transportation actions you have. Side car will be one of them, we hope. To be an integral part of the entire ecosystem of transportation. It encourages them to use their car less or ideally not at all. Capital's bus and rail, car to go, zip share, taxis and companies like side car all used effectively together will solve austin's problems. We support side car as a part of the solution. Ride scale opposes this limited definition of ride sharing but essentially prohibits or confuses car poolers from knowing what is legal or illegal for reimbursement. Austin is a technology town. The change of ride sharing on item 60 will limit the rules and cause us to have a more difficult time to find the best and most efficient way to move things around. As you know, austin ranks high in all rankings, with one exception, traffic. The mayor was quoted with saying it has to be a multimodal solution. While visiting the city of austin during the technology tour, president obama said I'm here because folks are doing something ride, I have come to listen and learn. Companies like side car are not going away soon.

[05:41:15]

>> Austin has a chance to be a leader of positive change in the transportation space to change the lives of many, not just here in austin but serve as a model for the rest of the nation. I encourage the council to take its time, appoint another panel, that has the taxi at the table, that has cap metro at the table to have side car at the table to find what works best for all the citizens and not just protect a particular entity. First and foremost, safety and efficiency. That doesn't necessarily have to come just with regulations and new laws created by the council or the city but to embrace the changes that come along with it and move forward with the city in those changes. We are in opposition to the new proposed language, but we are fully in support of moving together as a

city, including companies like side car. What we are trying to do with ride scout is partner with the city because many of the applications that you can find, cap metro buses, taxis are issues which you have already spent money and time regulating, we want to bring the whole ecosytogether. Thank you for your time.

>> Mayor leffingwell: Thank you.

>> Joseph beers. You have three minutes.

>> Council, thank you for your time. I'm a cabdriver in this city. Maybe everybody needs to figure it out. The problem is he just mentioned a bunch of competition to my business that were not there, but the formula for calculating the number of taxis the road is still the same. The reason we're fighting to stop side car is it basically competes with us directly. And if there is a way to actually account for the number of taxicabs on the road on the alternate transportation, I don't mind. The companies might mind, but me personally. We are getting less rides per day than we did 15 years ago when I started. So, you know, I agree with a lot of what this gentleman said, but there is a lot to be hashed out here. I agree the way the proposal defined what a ride share is, I agree with. Because once you start entering into a for-profit situation, that is direct competition against the licensed drivers in the city who operate under a lot of regulation, a lot of rules. And we actually have licenses issued by the cities and very specific rules in which we have to operate by. That's my time. Thank you.

[05:44:26]

>> Mayor leffingwell: Thank you. Edward car grove. Is chris komen here? Gerald garcia. You have up to nine minutes.

>> My name is ed cartgrove. I have information being shared with you now. I want to state that the ordinance that is currently being considered allows for legitimate ride sharing in the city of austin. In addition to that, I don't think there is any part of that ordinance that says somebody can't operate legitimate ride sharing in the city of austin with the addition of technological enhancements. I'm sure the ordinance allows for that also. What you're hearing from side car specifically, rogue operation operators like them is the argument for the amount of money to be reimbursed to the individual that is sharing the ride legitimately with their friend. The reason they make that argument is because a company that uses drivers that use transportation for hire, they take 20 shares out of every dollar that the drivers share from the riders. They're clearly a cab company. I have a letter from the taxi regulators in the city of san francisco. Christian hiashi signed this yesterday. It is signed and sealed. San francisco has been dealing with them the longest. The reason side car still has a cease and desist in san francisco, although they you they have insurance, the reality is they have not shared that with anybody. They haven't shared it with any of the cities where they have been asked to stop operating. The city of new york asked a citation to the driver and the company. The amount was \$1,500 so it was large enough to get their attention and they stopped operating their taxi service illegally. Next christian explains that trying to manage a regulated system next to an unregulated transportation for service hire company ultimately ruins the transportation system you built and have in place. She said it created a dangerous condition with hostilities between the regulated cabdrivers and side car drivers picking up fares, drive around the airports to pick up fares inspect is not a question of protecting a regulated century from competition. It is trying to protect accessible and affordable people and drivers who are accountable to the public. What side car and others like them are

trying to do is work around the rules in the for-hire xooft.
[05:48:02]

>> Understand the issues. At one point side car was pushing to do a pilot in auftrtin texas. The reality is there isn't a need from the pilot. The data they collected from the other cities they operate in illegally, which is eight of the nine cities they're in, they refuse to share with the city. Some of the reason they didn't make an decision, in my opinion, is they asked three times for the data, side car refuses to provide the information. The most important element is they don't have insurance over the services. Ride sharing is legal. It allows for legal ride sharing and allows for people to make that process better with technology. I would like and hope that side car and others don't continue to delay this process in making a decision because the decision to be have is determine ride sharing. The last page of the second handout has the information from i.R.S. The 56.6 cents per mile allow for different items. The items all include -- we're talking about repair for vehicle, tire maintenance, gas, normal wear and tear. All the facts that one would consider. The definition the i.R.S. Has is consistent with the definition triple-a also shares. I don't know what information mr. Wellon is talking about, that the cost of maintaining a vehicle is in excess of some specific amount. What it prevents takes into consideration all of the expenses side car is telling you the drivers need t recover because it ends up in their pocket.

>> Mayor leffingwell: Damian shelton. You stand against the item. You have three minutes.
[05:50:30]

>> I thank all the council members for hearing my. I was quoted by a council aid that the earlier regulation that was approved in march was supposed to be directed at rogue taxi or transportation services not everyday austinites giving rides for favors. I do agree that there should be regulations for services or illegal businesses. But what's happening is everyday citizens are being affected with the unfair impounding of the vehicles. The tactics is giving people safe rides for charity instead of illegal companies as services. I believe ride sharing is similar to goods or services being offered on craigslist. If somebody wants a quick ride home to or from work they shouldn't be limited to only ground services or taxis only. The main reason people look for other options is customer service of taxis. I will gladly get a taxi if i didn't feel I was being hustled or told I don't want to take you because you're being too far or being passed up for the highest bidder behind me. I do not support regulations done on anybody that uses an unsafe method. Thank you for your time. God bless.

>> Billy carter.

>> Hi, thank you for giving me a few minutes to talk to you. Billy carter, I own super shuttle here in austin. I support the definition of ride share in item 60. You must define what ride share is so we can have a clear understanding of what it is not. We welcome any licensed operator to join our transportation community if there is need there. The technology is not the issue, ride scout, that type of technology for a customer to make a choice of what transportation company they would use is a good thing. We embrace technology and embrace the ability for austin residents to

-- and visitors to be able to make a choice of what properly licensed transportation provider they wish to use. That's a good thing. Side car drivers are logging into a system and taking multiple trips. These are not on a trip they would be taking already. This is not ride sharing. This definition shows that. These drivers are operating for profit. Not reimburse penalty upon side car as a business is operating as a profit. This is not an altruistic entity that is doing this just for something to benefit austin. So thank you, I want to support item 60.

[05:53:47]

>> Mayor leffingwell: Thank you. Hanna rittering. Hanna? Joan cabbely? Joseph ely? They're not wishing to speak. Ok. Those are all the speakers that I have. What we have before us is a substitute motion. Substitute motion

-- what's your name? Joseph, go ahead. You have three minutes. Did you sign up? Ok. You're signed up as not wishing to speak. He can if he wants to. You want to change your mind? Ok. You have three minutes.

>> Well, I'm a driver that drives for austin cab and also a member of the taxicab association. We're against the side car for the very reason that I don't have a problem with ride sharing, but side car is a dispatching service is what they are. And what they're doing is dispatching people who are doing this for making money. Which circumvents the system that we already have established. And we just passed an ordinance recently about illegal taxicabs. And if you allow this kind of side car operation to operate, you are circumventing the ordinance you passed on illegal taxicabs.

>> Mayor leffingwell: Thank you. Those are all the speakers that wish to speak. The substitute motion is to approve the item I do want to add one comment.

[05:56:02]

>> Tovo: The suggestion of putting this off and what we're doing is antitechno or getting in the way of technology and really reaching the future. We need to be very careful about that argument. Because with technology comes responsibility and it is important to understand the impacts of what we're doing. That's exactly what we're trying to do here. So the idea that this is somehow going to fly in the face of the terrific culture we have for technology here, I don't take as valid.

>> Mayor leffingwell: Councilmember riley.

>> That is why I asked for the review much how others are handling this. I appreciate the information brought to us about what san francisco is doing. I find that information useful and helpful. I supported the resolution in march. I look forward to hearing more from staff. My preference is we be equipped with that information before we make any decisions about ride sharing, as we're considering today. I would rather make an informed decision based on the information requested from staff. That is why I will not support this motion.

>> Cole: Mayor?

>> Mayor leffingwell: Mayor pro tem.

>> Cole: I have a question for staff. We heard a concern that people can compete giving rides at

the airport or at hotels. Is there any rules with respect to those locations being reserved for taxis?
[05:58:02]

>> Well, councilmember, robert r, transportation department. We do have a taxi program for picking up people at the airport. Similarly, various hotels have taxi stands nearby where authorized and legal taxis can stand. I will tell you, we did cite
-- we have cited, rather, a number of individual drivers, apparently disobeying our taxi ordinance or vehicles for hire ordinance. That happened to be using electric being techniques to get their passengers. Whether they are providing service to and from the airport or specific hotels, I couldn't tell you off the top of my head.

>> Cole: Mayor, I would not support the motion because i did see it as embracing technology for our high-tech town and I don't think we received adequate information to make a decision at this time.

>> Mayor leffingwell: All in favor

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>> tovo: Wait, wait.

>> Mayor leffingwell: Councilmember tovo?

>> Tovo: I want to emphasize that what we have before us today, to make it clear that people that are car pooling can continue to do so without running afoul of our laws. If we're in the purpose of regulating vehicles for hire that we do it consistently, appropriately and in accordance with the practices we have always used. So allowing our discussion to become derailed by or be reframed by using new technology or not using technology overlooks the system in place. To be fair to those that went through the process, as mr. Beers said earlier, to comply with being the complicated rules for being a vehicle for hire is just unfair. I will obviously support the motion.
[06:00:14]

>> Mayor leffingwell: All in favor signify by saying aye. Opposed, nay. That motion fails with councilmember riley, myself, spelman and mayor pro tem voting no. That brings us to the main motion, which is postponed until june 6. All in favor signify by saying aye. Opposed, no. Passes on a vote of 4-3, with councilmember martinez, tovo and morrison voting no.

>> We have one more item i think we can get through quickly. It is item number 83. The script reads with respect to?

-- Respect to item 83 being a nondescript items, I move that the item being set forth for the public meeting for the public use described therein. Councilmember spelman moves, second by mayor pro tem. All in favor signify by saying aye. Opposed, no. That passes on a vote of 7-0. Now wel go to our citizen communication.

>> Ms. Houston, please come up and speak on item 83. It is already passed.

>> Will it be for the record?

>> Yes, it will be for the record.

>> I'm ora houston, I wanted to say what an honor it was to be in chambers today. I said many times, my son is a veteran and now a federal police officer. It was touching to be here today. Second of all, I didn't know, don't know the owners, but I do know about how the eminent

domain issue and how it is used over time. Although this is late, i would like to remained council that there are few people in the city with the resources of henry whitington to be able to ensure they get market value for the price of their land value. I was going to ask you to vote against it. As long as this is in the record, I guess that's the best I can do. Thank you so much.

[06:02:55]

>> Thank you, ora.

>> Mayor leffingwell: Citizens communication. First speaker is gus pena. I won't read the whole topic. Just say it has to do with memorial day.

>> Thank you, mayor. Good afternoon, gus pena, proud member of east austin. Marine corps veteran. It should say in the comments to live without oppression. Please remember memorial day the sacrifices our veterans made to preserve life, liberty, freedom and democracy. A lot of military veterans both male and female died to protect us and live without oppression and terror. God bless america and our veterans. Mayor and council. I will speak specifically to the vietnam war but I want to tell everybody remember, if it had not been for the military we wouldn't be living in peace and harmony and the right to speak. One of the things I will mention is number one we talks about colony park. A lot of people call me and say you're the mouth at city council, we need your support. I will tell you this mayor and council members, they're riled up and want to come over here and to the county determine court to say what is going on. Martinez you said disparity. Right on, brother. E.M.S. Needs to be 24-hours. Somebody's hero, every one. Austin is filled with the memory of those in vietnam. The first to die. A lieutenant, the last to day is my good friend, alex killose. We have people that died in vietnam from a local high school. Ray van zandt, allen spinks. Alex grew up a zavalta elementary. It brings me to tears every time. I have done this the last 40 years. The last 40 years at city council not so much the commissioner court. We need to remember what memorial day is about. Safety, freedom, democracy. For our military veterans. Thank you, mayor, happy home day, god bless america. Thank you.

[06:05:36]

>> Mayor leffingwell: Jeff croak. His topic is fayette power plant.

>> Good to be with you. My name is jeff crunk, I'm an austin resident and a member of the austin beyond cold campaign. I want to start with a prepared statement. In the coming weeks, the council should begin the final steps it takes to remove coal from the city's utility generation portfolio. This is something we have been considering and studying for some time as a community, something this council has publicly endorsed and an issue that each of you and your staff understands well. Most importantly, I think, this year is the time to act because we understand better than we did just a few years ago, what the cost of not acting will be. We should hasten the day when austin city leaders can say to their youngest constituents, we took the responsible course of action. At the end of the day, this is something we are morally obligated to do because climate change falls too hard on our kids and grandkids if we do less. And in thinking about preparing the statement and what I would say to you in the time remaining, I kept thinking of the words of former congressman bob eng less. He said in talking about the subject of climate change, at every opportunity, if you get the chance, put your word on the record. And the reason

why I want to drive that distinction for you today is because when we put our words on the record, we have an opportunity to speak forward in time to those who come after us. And I think that kids in austin today, who will be 30, 40, 50 years old tomorrow, they're going to be pretty curious about what we have to say today about our use of coal. They will want to know what it is we think climate change is all about. They will want to know what we think the responsible course of action is. And as you know, there are a lot of kids in this town. It has to be one of your biggest tit titties. I would say in that context retire, do not sell, retire the fayette coal plant or at least our share of the generation of it. Have austin energy demonstrate that the capital city of texas can power itself affordably on more renewable energy and less fossil fuels. That would be a powerful leadership position and one we need today. Thank you very much.

[06:08:24]

>> Bernido fernandez junior.

>> Members of the council, i want to go through the process of educating the community about the parade on june 29. It will start off at ibc bank, chaffing to chicon. It will travelwest. There will be a lot of activity. You can see on the screen the activities holding there. We have francis martinez representing christo rey. We have rebecca with part of the community. Sanchez for the marine. And we have them working with us on a special canvassing, the party department is. This is part of the effort of trying to increase minority participation and recruitment in the fire department. We partner with the fire department and they will be canvassing the neighborhood on june 8, and this is to address safety issues and to do the installing of smoke detectors. We do also want to thank austin energy for being part of this effort. This is our second year that we have been doing the fourth of july parade. We invite the community. It's a walk along, if you will. Skateboards, bikers, like year, people came out in costumes and deliver and participate in the parade. Bring your pets. We expect

-- we also have the grand marshal. This year is brigadier general orlando salinas. One-star general, he will be our grand marshal. I think also ft. Hood. I know y are not allowed to have anyone speak mayor, but can the department say a little bit about the canvassing effort?

[06:10:46]

>> Mayor leffingwell: If there is no objection?

>> Buenos ares. Thank you for the chance to speak to you. We're planning a canvassing of the neighborhood. We are happy with this partnership. They basically came to us and said we have a need. We worked together. We decided one way to address that need was to visit house by house and basically do some home inspections, make sure the homes are safe. Give them tips and if they need a smoke alarm, installing it in each home. We will go to 200 homes in east austin. Buena vista and others. The captain here will be coordinating those efforts.

>> Mayor leffingwell: Ok. Thank you. That reminds me, about six months ago, I disconnected all my smoke detectors because they kept going on in the middle of the night. I got to check on that. I had to take the batteries out. Disconnect the wires. I have to check on that.

>> Mayor, we will have your address and we will do an inspection.

>> We have a free smoke alarm program we would be happy to check your smoke detectors.

>> I will be in touch.

>> I think we might send detective smart. Is that a code violation? Uh-oh. Kim koo yung. Is kim here? Al braden? So he is also discussing the fayette coal plant.

>> Mr. Mayor, counselors, thank you for your attention. My name is al, braden, an austin citizen, I work with beyond call, 350.Org, interfaith environment network and others to develop solutions for the problem of climate change. It is important that austin is a leader in tackling environmental and private issues and we are committed to doing so much more to be sustainable in the future. Today, the governance of austin energy is a prominent consideration. We're fortunate that we own our energy company. And benefit from both its civic and environmental responsibility. Yet, you, mr. Mayor, and several counselors have noted that it is a very large and complex business. The challenge is both time and expertise. The long-serving euv has

[06:13:38]

said about the same: Help! Very complex issues of climate, technology, economics compete for your attention. But since we own the electric company, we have the opportunity of adding a moral dimension to the governance of austin energy that would be absent if it were a for-profit only corporation. Within the envelope of fiscally responsible management we can choose our own path. We can choose the path to a sustainable energy future by working with lcra to close the fayette coal plant, retire it, not sell it. Reduce the carbon footprint of austin and our entire region. It is important that we rid our region of the immense carbon footprint. We can choose to take advantage of the new transmission lines from west texas being built by lcra and others allowing high levels of solar and wind power to replace the fayette climate-warming coal. Solar projects in particular match our peak air-conditioning needs. We can choose to continue the ground breaking efforts by cod street project, mueller development, university of texas to lead in rooftop solar, community solar and microgrid technology. We can choose to increase our efforts in water and energy conservation. We can choose all of these things and more because we have a council and an energy utility that are responsive for our desire for a more sustainable world. These broad policy issues take place now in austin city halls and in the halls of austin energy and will need to involve a much deeper conversation with lcra. The critical issues require representatives keep a firm hand on the public policy.

[06:15:50]

[Beep].

>> Mayor leffingwell: Thank you, mr. Allen.

>> Thank you, mr. Mayor.

>> Mayor leffingwell: Next is jordan vick torio. You have three minutes.

>> My name is jordan matoyer. I'm a student at university of austin. I will finish my junior year as an economic major. Some include the national harriet truman scholarship, having a chance to study in china and d.C. This fall and starting the city relations task force. One of the most noteworthy momentaries I have is meeting with mayor leffingwell and his chief of staff to discuss student issues. A brief word on ut task force. We started this year and a number of themes have come up in this chamber today. Transportation, safety, affordability, technology, climate change, students are well suited to adjust many of the issues and more. We have been throughout the year as we take part in conversation about changes in zoning, affordable student housing and safety in our student populated areas. But there is still more work to do. The university of texas at austin is working with our public peer institutions, acc and houston tillson

to start a mayor student advisory council. As discussed during our meeting with mr. Mayor and andy mormon, we institutionalized this effort through the university of texas at austin and working to do so with the other two peer universities. There is many reasons why this is important to students and the city. The first is that it allows student avenue to advocate for student needs and issues. Second, it improves the relations between the city of austin and public universities, finally, most important, engages young adults in local politics. Today, I'm happy to report that we have institutionalized on our front and I extend the invitation to begin conversations about institutionalizing the mayor student advisory council on the city level. My successor carson jones will be here in the coming semester as I will be away from study and I hope to hear about a proclamation brought before the city to institutionalize the student council.
[06:18:22]

>> Mayor leffingwell: Thank you, jordan. And if you will talk to andy mormon, my chief of staff, we will discuss tha option. Thank you for your community service. A green. Linda green, topic having to do with

-- is linda green here? Yes. Having to do with forrad waste added to our water.

>> Thank you mayor, city council, the last time I was here t talk about removing fluoride waste to be removed from the water. I ended up on the point to east organic food. Because there is also fluoride in pesticides. And I spoke about the drawbacks of using all these plastic bottles, if we want to drink distilled or spring water, we're producing an enormous amount of waste. And particularly when it comes to the pesticides

-- the fluorides in the pesticides. I want to read you a point from dr. Mercola. Research has shown that pesticides and other agriculture chemicals can be produced in your brain. The best decision is to buy organic chemicals, as chemicals are not permissible in the organic rules. We have to remove fluoride from other sources. The best way is for you to vote fluoride out of the water. When it comes to plastics, these are toxic. The most toxic are number 7, 3, and 6. Those that may be somewhat safer include 1, 2, 4 and 5 but then you have the plastic waste that we all have to deal with. The time and energy it takes. Now, when we spoke in front of water district board 17, one of the board members there should we should give up tea or I should give up tea because there is fluoride in city. This is a ridiculous and unnecessarily way to have to deal with fluoride. You also might make sure you are not getting fluoride in the pet food, because there is fluoride in the pet foods that are mechanically derived. Then the water distillers, ruin from \$400 to \$2,000 apiece. Everyone can purchase a mechanical water distiller, made out of plastic or stainless steel. This is all pretty side when all you guys have to do is shut down the machinery that adds fluoride waste to our water.

[06:21:38]

[Applause]

>> since you show no interest in this situation, fluoride-free austin wants to know if your children or grandchildren have unexplained white spots or streaks on their teeth, if your son or daughter grew up in austin, drinking public tap water, we want to know, go to fluoride-free austin.Com and see pictures of dental necrosis.

>> Mayor leffingwell: Ronnie reeferseed is up. Three minutes, you have a lot of ground to cover there.

>> Thank you for finally reading my title.

>> Yes, I'm ronnie reeferseed. Climate change is a hoax, it is a constant. We need to impeach the traitorous criminal. What will it take. Let's start with benghazi. The u.S. Ambassador for him and three others to be killed. What difference does it make? Remember watergate, that second class burglary and subsequent coverup killed nobody. Unlike benghazi gate and the scandal in nixon's time was relatively tiny and focused on several individuals. All the party enthusiasts are targets or focused prosecution by the regime of criminals because they sought reductions in the illegal unconstitutional tax burden. In contrast today, apple core as the richel, biggest company in the world has avoided billions of tax liability by sending production overseas, where, by the way they had to install suicide nets to catch the workers that throw themselves off of rooftops to free themselves from slavery because they work for apple. Apple was bribed to move some jobs here. I guess it is a big surprise to all y'all that lots of people every day continue to move here no matter what, with or without all the bribery paid to corporations like apple. Nonstop widespread abuse by this administration justice department keeping tabs on journalists, phone records, reeks too high heaven of continual blackmail and attempted control of the lame m press-titutes. It is driving many of the so-called liberals to jump ship from the political titanic. It has taken only a few of us to start revolutions. For more events as they try to deceive all of us from behind the curtain like oz. But it will not work this time. To learn more, turn off your press-titutes. And go online to learn about the israel war against palestinians and men, women, children, and babies. Let's stop paying ransom to israel

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[06:25:33]

>> mayor leffingwell: That is a real good place to stop. Thank you. will McLeod. Carlos, could you tone the clapping down a little bit. It is just hurting my ears. Just tone it down. will McLeod, three minutes and you have numerous subjects to talk about.

>> And since the others have gotten a reading on those, can I get a reading on the topics?

>> You certainly may, rosemary lindbergh should resign, repeal obamacare, topic three, stop water wasters, four, capital metro. And five, tbd.

>> Which means to be determined. MY NAME IS will McLeod. I'm here to talk about rosemary lindbergh, she should revine due to conflict of interest. If I worked at hollywood video, I can't work at blockbuster video. Why isthat? It is a conflict of interest. What makes it different for rosemary limburg. People are fired for d.W.I. From their job. What makes rosemary limburg's job so special. We need to replace here and replace here right away. Repeal obamacare. A lot of people's hours are being cut because of obamacare. 30 hours a week, no more. Getting 20 to 25 hours a week. If the democrats want to save the senate. It is in the best conscious to repeal this train wreck that even senator harry reid said himself that those were train wrecks. Water wasters, why are we watering the sidewalk? I would like to commend the city on something

-- finally

-- about getting rid of the water waste on burnett road at teakwood plaza. I saw something more rare than a ufosighting. A water department truck on saturday night a 10:50 p.M. Now the bus stop is no longer flooded. I had to go on to youtube to record the footage to get it done. I will continue to fight water waste. Capital metro wants to raise their fares, even more. I had a passenger today saying he's going to drive a car now. I guess that is where you want us to be, in cars dun-dun-it. YOU KNOW HOW THAT OLD '80s Song is. Last but not least is the bagman, I have a bunch of receipts. If you can load that. It had good intentions, but it violates state law. It

violates. It is discriminating against disabled. Think about it. Walking down a steep hill. One bottle of soda, two liters of dr. Pepper, seltzer water, with a cane, an umbrella. Repeal the bactroban and replace with credits. Let's repeal it now, thank you.

[06:29:11]

>> I'm sorry. You want to talk about evil chem trails, the truth is the truth for a guy, repeat, pray and be righteous.

>> My name is carlos leon. I'm here again today to speak for what's right. In terms of the chem trail, I don't know if you have noticed there have been fewer chem trails in austin in the last few weeks. I don't know who to thank but whatever is keeping the chem trails out of the sky so I appreciate it. I will speak about some parts of the article here from wmdb.Com, the article entitled sheriff joe condive, by bob unruh. The democratic party has forced to claim that he's ineligible, one has to buy into a byzantine conspiracy theory that is vast for minds. If you watched anything in the last few years, if you are going to lie, you might as well lie big. Look at bernie maddof and the amount he booked. People couldn't look at it. It was too difficult. Look at the libor scandal or the latest rolling stone magazine which documents another financial scandal in markets. So you can't turn away from the facts. Let's look at the facts about that maybe there is that byzantine and why does it exist, because most don't want to see it or can't handle it. For example, it's a fact that obama has refused to release his long-form 1961 birth certificate. He ruled a marriage license between his father and his mother. His name change, his adoption records. The records of his mothers repatriation, the return from indonesia. His harvard law school records. Financial aid records. Columbia senior thesis. Columbia college records. Records with the illinois state bar. His passport records. Why does a guy that is the president of the united states seem to be the most transparent president ever, why is he not sharing any of the information about himself with us? In fact, it is the opposite. The government wants all the information on all of us. That is why it is finishing building a data center in utah. Read the article in the matrix from the 2012 magazine from wired. You need transappearance, get ride with god.

[06:32:30]

>> Mayor leffingwell: Ok. We got it. Circle back to kim ku yung. And you have three minutes, the topic is on homeland security in the city of austin.

>> Thank you, sir. Thank you, city council members. I greatly appreciate jesus christ, lincoln and kennedy and mayor leffingwell. I enjoyed coming down without any traffic trouble. We have a perfect road and perfect traffic. I appreciate you. If you run for u.S. Senator or congress or governor, i will make my friend to support you.

>> [Indiscernible].

>> That's the reason I enjoy living here. Your seven city council members, is wonderful, probably the best city council members. City mayor from university austin and university texas and his father's perfect patriot and mother is also perfect patriot.

>> [Indiscernible].

>> And you have two lawyers here and someone had harvard university education. Very good. I was talking about the last semester last session. Democracy. Now I'm going to tell you, discrimination like this. It means the director in direct exclusion. Limitation, refusal, denial or any other differentiate situation in the treatment of the person based on race, color, religion, sex, sexual orientation, gender identity, national origin, age or ability in a public accommodation. Do you think it is correct? That definition is wrong. Definition wrong. You have to change it.

Completely wrong. Why? Proper accommodation means motel, hotel, in restaurant, bar, bakery, store, park, this kind of thing. What happened to the federal government, state just what happens to the city, the local government in the precinct, city, county, state, federal government and government agencies, violation of austin citizens and the home and security in the city of austin or equal employment rights in the city of austin.

[06:35:26]

[Indiscernible] they know what it is doing. Every day he is to sue federal governmentsnd go home why don't you, travis county government, if you violate the human rights [indiscernible] citizen in the city of austin.

>> Mayor leffingwell: Thank you, kim. We appreciate your comments. So next, I want to mention that the briefing on the innovation office will be postponed. We'll not consider that today, if you are here waiting for that briefing. I want to let you know that. But the city council will go into closed session and take up three items, pursuant to 5.517. The city government will consult with legal council. Item fifty-nine, operation of charter services, revising, amending and amending requires. 87, electing the council from single member districts. Item 88, legal issues related to open government matters. Any objection to going into executive session? Hearing none, we're now in executive session.

[07:48:37]

>> Mayor Leffingwell: We'll take up item 59 which we discussed in executive session. Item 59 was pulled

-- pulled by councilmember riley. And we did have a number of folks signed up to speak; however, if there is

-- if there is amotion to postpone, we would not go to the speakers. 59.

>> Spelman: Mayor, I move to postpone two weeks.

>> Mayor Leffingwell: Councilmember spelman moves to postpone 59 until june 6 and that second was by councilmember martinez. Discussion? All those in favor please say aye. Opposed. Passes on a vote of 7-0. Now that the mayor pro tem is here, we can take up the items she wanted to pull. Items 21, 22 and 23 together. And let me

--

>> mayor, I pulled those items.

>> Mayor Leffingwell: You pulled it, councilmember martinez?

>> Cole: Then you should have already heard them.

>> Mayor Leffingwell: I think my computer is frozen. If I could get some help. Councilmember martinez, did you want to say something about item 21, 22, 23.

>> Martinez: We did get into discussion since then, chief McDonald as also offered to agree to postponement so we can further flush out the conversations with the county about ready to provide that in eastern travis county but I'm not sure if mayor pro tem had questions.

[07:50:37]

>> Mayor Leffingwell: Mayor pro tem, did you have yes, sir?
>> Cole: Yes, I did. I have a question about what position it would put us in if we did not adopt the items. I would concur with the postponement.
>> Martinez: He did share.
>> Mayor Leffingwell: Are you making a motion to postpone these for two weeks?
>> Martinez: Yes, mayor.
>> Mayor Leffingwell: Seconded by councilmember morrison. Any further discussion? All in favor say aye. Opposed say no. Passes on a vote of 7-0. And from
-- I need some help with my computer. I guess we can go to
-- although I can't call up speakers, item 69 was pulled by mayor pro tem cole.
>> Cole: Mayor, I'll hear from the speakers.
>> Mayor Leffingwell: There's no speakers. There's no speakers.
>> Cole: Mayor, I saw the revisions that were passed out on the yellow copy this morning, but I was concerned simply about the recommendations that were made by the rmc and the euc and I will not be supporting the items.
>> Mayor Leffingwell:AY. Item 69 you are not supporting or are you making a motion?
>> Cole: No, I'm not making a motion.
>> Mayor Leffingwell: Councilmember spelman.
>> Spelman: I should defer to councilmember tovo. It's her item.
[07:52:38]

>> Tovo: We had asked it be sent to the euc for review and they did vote unanimously to approve the resolution. They suggested a few changes which we've incorporated. To be very clear, the euc voted unanimously to support the resolution. We have made changes since then that I would be happy to discuss, but at least two of the changes were in direct response to items that they wanted to have more clarification on. We also had asked that it go to the community development commission, austin energy did not schedule it for that meeting in time and so it not go to community development commission. They elected, I believe some of the resource management commissioners wanted to hear it so they did hear it this week and I was not able to attend that meeting as I did the euc. I watched the meeting and i don't think there was great understanding what the intent was. So the resource commission approved some of the it and not some of it and the recommendations are too complicated for me to accurately summarize here, but I will say having watched their discussion, i don't think they had a clear understanding what the intent was. And also the discussion got very muddled about what
-- you know, what the potential cost to the city could be of hiring new staff to collect data and it was a very far ranging discussion I would say was not wholly to the subject. But I would be happy to talk a little about the changes. The one thing I wanted to note, it says on the copy we have distributed her, changes initiated by kathie tovo. It is different in language and there was one pretty substantial difference i would like to highlight. We heard some feedback from austin energy that they have concerns about the data collection and be the responsible party for that. We also heard some of those concerns from people in the community. We
-- I had a very productive discussion with our city demographer ryan robinson and after that conversation it seemed to me the most productive thing to do would be alter the language so we're directing the city manager to pull together a team to figure out the best way of getting that

data. So the dates have changed a little bit, but my

-- my idea is they would report back to us by July 1 about their plan, the best way to collect the data and then begin collecting it later beginning September 1. The piece that we've heard concerns about, really the only piece of information

-- well, you know, the whole intent of this, I'll just speak to the intent for a minute. When we have rebates come before us, one, we have some information about what kind of multi-family complexes receiving rebates. Currently we don't have that information and those rebates have been on the agenda. We know what kind of work they are going to be doing and what the total cost is estimated at, but we have no idea what those apartments rent for. And I think that's useful information. For one thing it's useful information for us to know what kind of multi-family properties are currently participating in our program and whether there should be adjustments in terms of how Austin energy markets that program. One of the stakeholder meetings that was held recently identified a high

-- as a high priority providing multi-family energy efficiency rebates to our moderate and low-income apartment communities. So there's a possibility that some of the existing databases that the city has subscriptions to will be able to provide that for particular complexes, in that case they would not need to ask property owners, but this resolution leaves open the possibility if that information is not readily available through a third party source the participants in the program would be asked to provide that information as part of their receiving public dollars. So I think this would be valuable for that reason for allowing us to see how we're targeting different segments but as we've discussed before I want to be very certain that our multi-family energy efficiency rebates are not driving up rents for tenants. One of the express intent is benefit the tenants who live in the apartments and we can only do that if their utility savings are not offset by an increasing rent. That equation needs to work out for the tenant or we haven't fulfilled the stated goal which is reduce the cost for tenants who live in those multi-family apartments. You know, I know that we're all concerned about affordable housing preservation and we need to look very carefully, I believe, at all of the strategies that we've got across the city and all the ways in which we can be proactively preserving the existing affordable housing we have and part of that for me also means that we need to look at our programs and make sure that we are not unintentionally raising housing costs or supporting programs that may have that impact. Most people who have weighed in on this issue say there is no relationship between energy efficiency rebates and a rise in rental costs and if that is

-- if that is accurate, then what we'll see when this data collection

-- as the data collection goes forward, we'll see when there are rental increases, when the rents get raised, it's due to market factors and all kinds of other reasons. But not because a property owner has received a 20,000

-- up to a \$200,000 rebate from the city, put in 10% of 20,000 and turned around and raised apartment rents to recoup that 20,000. Again, that's basically the intent. I would be happy to talk more about it, but I think it's appropriate when we're making an investment of public dollars up to 100 per property owner that we make sure that it is benefiting the tenants who live there and also not having an unintentional consequence of driving up housing costs.

[07:59:23]

>> Cole: Mayor, I have a brief response.

>> Mayor Leffingwell: Mayor pro tem cole cole i can appreciate what you are trying to get at as a goal, but my two concerns I think have been sort of laid out by the council previously and by the rmc. And that is, one, that the data does not include people who don't participate in energy efficiency so we have a whole large segment of the population that is being excluded. And second the correlation between increasing rent and energy efficiency is almost cannot be measured with any science. So that's the reason that I'm not going to be supporting the motion. [One moment, please, for change in captioners] spill spell if we ask people why did you raise the rents and they knew your right answer is because the market demanded it or if everyone else is doing it or something, then they will give us that answer. I think asking somebody the question is not going to get the answer they're looking for. But if you find that rents are going up and the rents as far as taking advantage of rebates and improve the energy efficiency of the apartments also went up by five percent, why they raised rents were not important. They raised the same as everybody else did. I think there's a case for saying they raised them for the same reasons everybody else did. If we have a control group i think that objection is not something we have to worry about.

[08:02:07]

>> Cole: I agree with you adding a control group would help this motion, but i understand it to be simply asking for data collection and after you get that data perhaps I could be persuaded to support the resolution? But I do agree with you, but I think that amendment should be between you and the maker in terms of adding a control group. Or I could add it, but i just want to -- we kind have a few of us add amendments and don't support it.

>> Spelman: If you added that, if we add bennett control group as a friendly amendment, would you support the motion?

>> I knew that was coming.

>> Mayor Leffingwell: Why don't we go back to regular order here.

>> Tovo: I think I'll kick off the process by moving approval of the item.

>> Mayor Leffingwell: Councilmember tovo moves approval. Seconded by councilmember spelman. Any further discussion? Councilmember riley.

>> Riley: I'm not going to be able to support the item. I share the mayor pro tem's concerns about the effect this item could have on participation in austin energy

-- austin energy efficiency programs. Those concerns have been set out pretty thoroughly in the seventh memo from the general manager of austin energy. He reports among other things on a 2013 focus group conducted by ccr market research for austin energy in which apartment owners and managers were asked about a potential rent freeze. And earlier it was spoken of a potential rent freeze. Unanimously the owners stated that they would not participate in energy efficiency rebates if they came with the conditional rent freeze. And they've indicated that just attaching rent data collection would be a deterrent to those measures. And by the way, even the data that we're getting is not

-- I don't believe it's going to be all that useful. We're talking about collecting information beginning on september 1, 2013. The report is going to be provided june 1, 2014. So nine months later we will be looking at data that is supposed to tell us something about the impacts of rental, on the efficiency measures that have been put in place as a result of the rebate programs. I don't see it being very useful data. The risk is comes with is that you deter participation in these

programs and our general manager of austin energy goes on to say that removing owners and their properties from the energy efficiency process could be more detrimental to the tenants than potential rent increases as the increase in energy cost is a greater burden to the household than current standard rent increases. The savings achieved from energy efficiency measures will outweigh the typical increases in rent. In other words, I don't think this is going to be a valuable exercise and it puts

-- it actually runs of risk of causing more harm to the tenants we're trying to protect, than they would suffer as a result of any rent increases that would be associated with energy efficiency measures. I'm not going to be able to support the item.

[08:05:27]

>> Mayor Leffingwell: Let me just say that as much as I would like to I'm not going to repeat everything councilmember riley said, but I basically agree with it. I thought that was the whole point. You reduce the cost of living, which is a combination of the cost of utilities and rent and everybody benefits that way. I think this resolution will not be helpful of that goal that we established so long ago back in 2007. Councilmember spelman.

>> Spelman: I agree with everything that councilmember riley said except the conclusion. I think if rents go up because somebody is \$20,000 out of pocket, from my point of view that's okay. The savings the tenants will receive in exchange for a slight increase in rent in terms of lower utility bills with as a general rule be much, much later in the change of rent. I think that's what the program is about. You have to defray the cost of capital expenditures, but you will see it right away in terms of lower utility bills. That's what I'm hoping we'll be able to verify for the first time not only on the basis of engineering estimates, but on the basis of real empirical data that that is in fact happening. We really don't have much to work with other than engineering estimates on this respect because we haven't measured the effect of the rebates on the energy bills. At the same time we could measure the effect of the rebates on rents as well and verify what I think we both agree going to be true. Maybe rents will go up a little bit. Utility bills will go down a lot and balance (indiscernible) will be much better off. But it doesn't hurt to ask the question, particularly since the big concern that i think we heard from the apartment owners was the worry the staffs would have to go to a lot of trouble to collect the rent information. Somebody told me you have to understand that rents are like airline tickets. And yes, anybody in any seat in a particular airplane ask how much they paid and everybody would pay a slightly different amount. And everybody will pay a different rent depending on when they rented it and their history and so on. That's a lot of trouble for a landlord to get information on. But we can get information that is equivalent through a hands off process, through a database that is already available to city staff and I think that would obviate test the concern from the owners part that they will have to go through the trouble. You apply for a rebate, you get the rebate. You do what you're going to do. Somebody will be looking over your shoulder and verify you didn't raise rents by very much. That's okay. But they don't have to do any work to it other than to do their job, which is to fix their apartment. ' Although I had that same concern earlier on, I don't have that concern now. I think the resolution actually cures that problem and I think it would be a fine thing for you to support it, sir.

[08:08:26]

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I want to thank the sponsors and co-sponsors for putting the work into this to refine it all. I do want to point out that this resolution asks for data to be collected on an ongoing basis which I think is important because a one time snapshot isn't going to do us much good at all, even two years. But I assume everybody will be very open to adjusting things in terms of the ongoing data and how it's collected. As we learn what may or may not be working effectively, what may or may not be useful. And what may or may not be difficult to collect. So I think having this information in front of us is going to be important in understanding our programs and I do plan to support it.

>> I think the other point i wanted to make is that each apartment unit is individually metered. When you're talking about older complexes you're talking about an apartment owner who does an all bills paid rent structure. So the utility savings that is gained by energy efficiency goes to the property owner who is paying that electric bill, not the individual renters. That's the information we need. If the concerns that councilmember riley and the mayor and councilmember spelman and councilmember cole have shared are borne to be true we can carve that out if we have individual meters. It's the all bills paid older complexes who are taking advantage of energy efficiency programs where my concern is that savings is not being passed on. In fact, the cost is being passed on to the all bills paid renters. That's all we're asking for is the data. Show us the data so maybe we can conditional up with a policy that addresses those concerns that have been shared that still allow us to take advantage of our energy savings program and ensure that the poorest of the poor

-- that's what we're talking about here. We're talking about the lowest income earners in the older apartment complexes bearing the cost of it. And I just don't understand the fear with collecting data because to the property owner if it means savings, they're going to go through the trouble of collecting that data and turning it over because it means additional profit to them as an apartment owner.

[08:11:04]

>> Mayor Leffingwell: What it sounds like is we're working our way into possible rent controls. The building owner accident have to have our permission to raise rents for any reason whatsoever, because just I want to, for example. If the property owner wants to improve his property and to lessen the cost of utility bills, reduce the consumption of energy, i have a hard time seeing where that's a good thing. I realize we're only talking about collect thing the data here, but I've heard comments here that indicate collecting that data might lead someplace else.

>> Spelman: Let me give you a story for how data might be extremely valuable towards selling this program. Right now the primary target of a marketing effort is on owners and landlords of apartment complexes. If a landlord sees this might be a valuable thing to do on behalf of their tenants they will do it, but they won't get the primary benefit of it. The tenants will. And the decision will be made by the landlord who will not be getting the primary benefit out of it. Instead if we can verify that a small increase could much more offset by a large utility bill reduction, that gives us another opportunity to

-- another group to market this too, the tenants council and tenants of individual apartment

buildings. Tenants can say I can get a really good benefit out of this, it won't hurt you, the hold,- help me and my friends who live here and now you might have another group of people who will then want to take up this program and take up with the landlord the opportunity to take advantage of this stuff. Right now we're not marketing to tenants, we're marketing to landlords. It seems to me the primary beneficiaries are the ones to market the program to and the best opportunity valuable available for us to get a higher takeup rate and more rebates and efficiency in apartments all over the city.

[08:13:13]

>> Mayor Leffingwell: So we have a motion on the table for approval of the item. All in favor of the motion say aye. Opposed say no. I think that passes on a vote of four to three. So we had a request to go to item 19, which has no speakers. And that was pulled, i believe, by councilmember spelman. It was originally pulled by councilmember tovo who put it back on, but councilmember spelman had a question about it.

>> Spelman: Which number, mayor?

>> Mayor Leffingwell: 19.

>> Spelman: Just a quick question of staff, if i could. Thank you, mr. Snipes. The request here is to authorize the city manager to submit to us fee waivers not to exceed 150,000. They will presumably be an exact number at the time that you do submit the fee waivers to us for approval. This is a negotiate not execute kind of contract.

>> That's correct. Not to exceed the 150. We will come back after the economic impact study has been completed and those numbers would be confirmed, as well as more clarity on the waivers that we would be submitting for consideration.

>> Spelman: Help me understand what waivers would be appropriate? How would you determine appropriate amount of waiver once you've got the impact study?

>> I think one of the things we'll probably do is work with the code da to work with some of the things they need. But in looking at some of the things we've approved previously, such as south by southwest, it could be assistance with some of the patrolling, public safety patrolling. It could be arr, austin research recovery fees that could possibly be waived from trash cleanup. There are a wide variety of waivers and permits that we've traditionally waived.

[08:15:28]

>> Spelman: I'm not surprised to believe that they're asking

-- that they would otherwise be paying fees wells in excess of \$150,000. The question is how do you know, how do you set the waiver amount to? 1, 125, 149? How are you going to determine what's the right cutoff point?

>> I think what we did this time just to give us a benchmark, councilmember, is to look at sort of to arrive at the 150 we looked at the experience of the x games and the economic impact study that was done in los angeles which included as you know 50 million. And of that 50 million, 20 was derived from the x games media exposure that we received through x games, 27.5 hours of exposure. Then we looked at south by southwest, what the economic impact was there. We tried to do a correlation. If it was apples to apples, we looked at about a quarter would be the

equivalent of what we're trying to derive from the x games and that's how we arrived at the 150 because I think we paid about 675,000 in fee waivers for south by southwest.

>> Spelman: My primary reason for asking you this question, anthony, is I'm concerned about the 50-million-dollar figure. 30 million in hard costs and hard benefit seems to me the number we ought to be thinking about, but \$20 million in soft benefits associated with additional advertising for what a wonderful place the city of austin is, from my point of view if there were an item on the agenda today to spend a million dollars to keep out of the news and newspapers around the country and the world what a wonderful place this is, if I could pay people to forget about us, I would do so right now. Since we're now the 11th biggest city in the country FROM 23rd, MAYBE Advertising was a valuable thing. I think it really hurts us. So if we could focus on the 30 million or of what the equivalent number is in terms of hard benefits to the continues, I would like to do that.

[08:17:43]

>> Just a quick note, councilmember, ever little bit helps. Ever little marketing. But if you look at the economic impact study that was done in los angeles, they noted that the \$50 million was a conservative number. And I quote, the estimates of conservatives since they did not include incremental expenditures by local residents nor did they include any of the normal levels of expenditures for entertainment while the x games was in place. So the 50 million, although it's 30, could, because it was conservative, be more than a 30 million. So that's one of the reasons although coda requested 175 to 200, we actually backed down the number to 150.

>> Spelman: I appreciate you backing it down. And if 150 turns out to be the right number, then so be it. I'll be happy to support the right number. But my only concern is that we don't include the \$20 million in more or less advertising for the city. I don't think it's really helping us right now. Every little bit may help us in some ways, but it's also another car in front of us on i-35. The other issue is 30 million as long as as it's the increment of spending by citizens of austin, who only have so much money in their pockets anyway, if this is true to visitors spending it inside the city of austin, I'm happy with that. But I think this is an appropriate focus for us if we're trying to gauge the proper level of fee waivers.

>> Duly noted.

>> Spelman: Move approval, mayor.

>> Mayor Leffingwell: Councilmember spelman moves approval. Seconded by councilmember martinez. Since you brought it up, councilmember, talking about how this might induce more growth, and you mentioned the fact that redid find out about 12 midnight last night that we -- officially found out that we're now the number 11 most populous city in the entire country. Passing

-- we were number 13 before, but we just passed jacksonville, which is an entire county, and indianapolis. So I think that's kind of a feather in our cap. It's national news. And I personally am proud of it. I always say I don't get into this argument about whether I want to grow or not grow because I think it happens anyway. And our job here is to try to make sure that we're prepared for that growth. But I think it is notable and so since you brought it up I thought I would emphasize it one more time.

[08:20:08]

>> Mayor, I would just add that they've stated if we win this thing they're going to make sure they have a specially designed skateboard for you.

>> Mayor Leffingwell: Yeah. Can I use the city facility over on 12th street to practice?

>> We'll work on that, get you some exercise. Thank you, sir.

>> Mayor Leffingwell: All right. Councilmember tovo.

>> Tovo: Mayor, I just want to say I'm not going to support this item because i think it's a little different from south by southwest in terms of waiving the fee waivers. And that lost revenue troubles me at a time when we're struggling to make our budgets work. But that being said, I just want to say that I think it sounds like a very interesting event and i think it will be a great fit for austin. And I think

-- I believe that espn would be very wise to select austin as its site because I think we're a fabulous city to visit. So my vote today is not

-- i don't want it to be interpreted as a vote against the x games, which sounds like a really interesting event. It is a vote about how we use our public dollars.

>> Mayor Leffingwell: All in favor say aye? Opposed say no? Passes on a vote of five to two with councilmember councilmember tovoand morrison voting no. So we're past 2:00. Mr. Guernsey in the hall? If he is, we can go to our consent items for zoning cases.

>> Thank you, mayor and council, I'll go through the two p.M. Zoning ordinances and restrictive covenant items. These are the hearings that have been closed. The first item for consent is item number 89, case c-14-2011-0141. We have a postponement request by the applicant and the neighborhood property owner nearby to your june 6th agenda. Item number 90 is case c-14-0083. This is to rezone the property to downtown mixed use conditional overlay central urban rail district and general office, lo and go district zoning for tract 2. I'll note that this is only read for second reading only today. Tha.'S on number 90. Number 91 is case c-14-2013-0036. And this is -- this is ready for second and third reading. The two p.M. Zoning and neighborhood planning amendments, these are where public hearings are open and possible action. Item number 92 is case nph-2012-0021. This item has been withdrawn. No action is required on item number 92. Item number 93 case npa-2012-0015.01. This item has been withdrawn. No action is required on item number 93. Item number 94 is case c-14-2012-0140 we have a postponement request by staff on this item to your june 6th agenda. Item number 95 is case c-14-2012-0109 for the property located at 1201 robert e. Lee road. We have a applicant request for postponement to june 27th to address some of the staff comments on this particular item. We do still have a valid petition and there's a postponement request on this to your june 27th agenda. Item number 96 is case c-14-2012-0100. A property at 1640 south i-35. Staff is requesting a postponement of this item to your june 20th agenda. Item number 97 is case c 814-2012-0160 for the property at 211 south lamar boulevard. Staff is requesting a postponement of this item to your june 6 agenda. Item income 98, case c-14-2013-0020 for the property located at 2324 wilson street. Staff is requesting a postponement of this item to your june sixth agenda. Item number 99, case c-14-2013-0023 for the property located at 2901 davis lane. I understand a councilmember would like to address this item so I'll skip this item. Item number 100 is case c-14-2013-0028. This is to rezone the property downtown mixed use district zoning. The planning commission's recommendation was to grant downtown mixed use zoning with the conditional overlay. And this is ready for consent approval on all three readings. And finally item number 101, case c-14-2013

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[08:26:08]

>> Mayor Leffingwell: We have two speakers on that.

>> I was going to say there was a councilmember wanting to speak to that particular item. So 99 and 101 I would not offer for consent. And that concludes the items I have offer for consent at this time.

>> Mayor Leffingwell: Item number 95 is a consent postponement until june 27th.

>> That's correct.

>> Mayor Lfingwell: So the consent agenda for zoning cases is to postpone item number 89 until june sixth, to approve item number 90 on second reading. To approve item 91 on second and third readings. Noting that items 92 and 93 are withdrawn. To postpone item 94 until june sixth. Postpone item 95 until june 27th. To postpone item 96, 97 and 98 until june sixth. 96 is to june 20th, mayor.

>> Mayor Leffingwell: Correction, 98 will be postponed until june 20th.

>> No, 96.

>> Mayor Leffingwell: That is correct, okay. So just to go over it again, 96 postponed to june 20th. 97 and 98 postponed until june sixth. Item 100 to close the public hearing and approve on item number 100 on all three readings, and that is our consent agenda. Councilmember spelman moves approval. Seconded by councilmember morrison. All in favor say aye? Opposed say no it passes on no. It passes on a vote of seven to zero. We'll come back to the rest later. And I think we need to go to our briefing on automakers.

[08:28:21]

>> Good afternoon, mr. Mayor and council. Jesse vair gas, assistant director for the parks and recreation. I'm joined this afternoon, my co-lead on the project we're here to discuss with you, ms. (Indiscernible). We've also got members of the cross departmental work group from financial services as well as the city of austin's office. Directly following my presentation if you have any questions, they might be able to field some of those for you if I'm not able to answer them myself personally. We're here to present to you a proposal intended to address in an immediate and sustainable manner the long-standing issues at one of our most highly used park assets, auditorium stores. In short, auditorium shores has been loved to death over the years. This was taken right after our rainy central texan and just before the beginning of our event season. In short this is about as good as the lawn can look nowadays. The turf has been disseminated, the ground has been compacted to the point now that we have a great deal of difficulty bringing it back after events and during its regular use wear and tear during the course of a year. And unfortunately we have no funding on the horizon for large scale renovation of the type that's needed at this point in time. With this moo mind the city has been approached by our long-standing partners, austin parks foundation and c 3 events with a large donation that would allow us to undertake pertinent improvements. We've given it serious consideration. It will only get worse, become harder to bring the lawn back. With that in mind we would like to propose-- we would like to solicit your thoughts on this matter. The background of the park is fairly well-

known. I'll spare the details other than to know that the park is governed by a 19 master plan and the improvements being proposed within this proposal are in keeping with the master plan. To be sure there are some historical considerations that this improvement plan does not intend to address or supplant. As an example, the redevelopment of riverside drive into festival street concept. Again, this plan does not intend to address that issue or supplant it in any way, shape or form. This is simply an improvement plan targeted at the lawns north of riverside drive that is more affected by the continued deterioration. So what factually are the improvements that we have in mind? These are conceptual at this point in time pending approval. We're looking for this fairly large off leash area. About 3.2 acres as envisioned at the moment. That's roughly about two and a half football fields. We're looking at a trail reroute that would take the trail and route it behind the off leash area so we can better avoid dog and trail conflicts as we've had in the past. And the large orange swath shows irrigation and turf improvements to the two lawns. The lawn commonly known as convenient lawn, auditorium shores. We anticipate the improvements would take 18 to 20 months to implement and complete and would come at a cost of roughly \$3.5 million. So throughout this process the work group has maintained its focus on the lawns and the park itself with the understanding that this would be the most beneficial approach for us to affect a positive outcome for the residents of Austin. We feel that we've effectively identified the gains and gifts for each major city group with a great majority of the outcomes falling in the gain category. As an example the daily park user, people going out there for picnics and such, they would have an investment in the area. Over the years the area north of riverside drive has really come into great use by the dog community which we all know and respect. The problem is that entire shoreline is now fairly off limits to the everyday park user, people with young kids and families. They don't feel as comfortable going up. Not because they have anything against dogs, but because they're intimidated by the large number of off leash dog traffic in that area and people are understandably protective of their kids. The daily park users would obviously lose access to the park temporarily during the construction period. The dog community we propose here a significant investment in the state-of-the-art would be the single biggest investment the city of Austin has made in an off leash area. Certainly the biggest in terms of dollars and size. We would see a reduction in the opportunities for trail and dog conflicts to occur. Again, the effect to dogs is just as significant as the trail runners and cyclists. It's not good for them either to come into contact with one another. The give is that we would propose that the lawn on the far east independent of that park along south first street would now become dog-free entirely. The reason for this is because we've come to understand through our grounds people that the essence of that lawn is

-- it's so heavily trafficked by not just everyday park users, trail runners, cyclists, pedestrians, you've got events occurring on that lawn and the dogs. Somethings that to give. Not to say that the dog community is the one giving the most. They are still again picking up a major amenity on the far west end of the park. However, we would like to allow one corridor where people would know that they could access this lawn and the shoreline specifically without having to worry about coming in contact with dogs. This would be an attempt to curtail the level of deterioration that we've seen over the years due to the dog traffic through that area. Event participants. So their gain would be a highly durable sports grade turf installation. This is the equivalent of what we have in Zilker park, comparable if not better. Specifically there's a one-year period as per the proposal where they would have no access to the lawns whatsoever. And the trail users, the trails would remain open. That would be their big gain. Never have to worry about not having access to the trails, but we would have to

-- we would want to reroute the trail inland away from the shoreline to provide that direct access for pet owners to the shoreline. So the partnership opportunity that's presented itself is we would be looking at a trilingual level agreement between austin parks foundation, park and c 3. The cost break down involved in this process would be \$3.5 million. How does that break down. The ol would be 1.1 million and the irrigation and turf grass would be 1.65. There's a delta there of roughly \$175,000. That is made up of design fees for the entire area. Contingency and also project management fees. And we have a detailed break down of that as well. This is all a proposal at this point in time. These are approximations. In terms of the payment methodology, what we would propose is that the city would appropriate \$3.5 million of fy 13 cip budget amendment. C 3 over the course of five years would plaque an analyzed donation to replenish the amount and the project made up of staff members, park and recreation staff members would oversee the design and construction as notated in the traffic there. The impact, assuming that things proceed as planned, we would believe able to begin design permitting this year. Construction would begin in 2013. This would be a phased approach as you see there. We've known when lawns would do down and come back up. The priority for us would be the off leash area as indicated by current construction timeline. In order to ensure that the dog community was least impacted throughout the construction process. In other words, there would always be a lawn available for the dogs and their owners to enjoy during the time that construction is ongoing. The hike and bike trail would remain open during the entire construction period. Of course with detours in mind. And we would have to look at the rules governing off leash areas specific to this area in order to make a sustainable improvement to the lawn. Really by that we mean that we would hate to be back in front of you in four years, five years time singing you the same sad song and asking for an appropriation at that point in time. We feel that really the time has come even as evidenced by this growing population of austin that we need to restore some balance to that park and ensure we're able to better concentrate our efforts and provide for all the constituents and enjoy that property. We would like to come back before out june 6 and solicit your approval for permission to chute a parkland improvement agreement among the three parties involved. We would also like to come before you and ask your permission to amend design contract, increase the scope. At this current point in time our design contract is really mostly relegated south of riverside drive. We would like to move north of riverside drive and bring detail all the way through construction drawings for this project. And last, but certainly not least, we would also solicit your permission to pursue a code amendment to modify the off leash boundaries in that area off of riverside drive in order to bring sustainable improvement to the area. Of course throughout the whole process we have actively engaged our constituents in trying to inform its best approach to this process. Especially as we move through design we would want to consult and we have the animal advisory committee. We also want to talk to the

[08:39:09]

(indiscernible) group which we've already been in touch with. We've scheduled three meetings to better understand what their wants and needs are as we move forward. And we would again schedule more meetings beyond that, public engagement sessions. We also have plans to poll people at the actual park itself and some upcoming dates have yet to be set, but pending your approval to move forward with this project those are all part and par sill to the plan. With that in mind, thank you for your time. We're here to answer any questions that you may have.

>> Mayor Leffingwell: Questions? Councilmember riley.

>> Riley: Thanks for the presentation. Paving and parking for the dog area, I don't see that in these current plans s that off the table?

>> Thank you for your question. No, it's not necessarily off the table. This is all subject to stakeholder input and we would certainly entertain that thought. Obviously we have some considerations of impervious cover, but given the needs and wants of our group we will certainly entertain the designed of a parking area there. We would certainly take into consideration any desire for that.

>> Riley: You're still up in the air on that.

>> Right.

>> Riley: I want to ask, in the chart you showed on page 5 showing the gain versus the give, down in the lowest section about trail users, I missed your explanation of the bullet point about better connectivity. Can you elaborate on that?

>> Sure. I don't have the map up, but if you look at the map as rendered, the upper left quadrant of that map, the northwest corner of the park, there's a rather severe bend in the trail there. So it's fine for pedestrians and even runners, but it tends to be problematic for cyclists. You can see the extreme bend in the trail. In bringing it inland sooner it allows for a straighter course of travel. It may be a small improvement, but it's certainly one we see as a benefit to cyclists specifically.

[08:41:41]

>> Riley: Just a matter of taking the trail and making the turn a little less sharp.

>> Exactly.

>> Riley: I've heard a number of concerns raised in recent years about connectivity issues related to this area because when you're going through this area either on foot or on a bicycle, it's not that

-- the paths are not always clear. The

-- you wind up with things like over in the

-- on the right side of this map in the lower right part of that peach area showing auditorium shores event lawn, for years there has been a goat path in the grass there, known as a desire line that is where pedestrians naturally want to go because they come off of the pedestrian bridge along south first and they want to head over towards the park, and there was no path getting them there. And so they just walked through the grass and it contributed to the erosion of that area.

And it also was a reflection of the fact that we never really gave much thought to how people might be wanting to move through this very large park area. So what I was hoping for at some point as we go through these improvements is that we prepare the same sort of map that we expect of neighborhood plans and all sorts of private developments, we ask for a circulation map that shows the general routes that we expect pedestrians and bicyclists to take as they enter the space at one point and are headed towards another point. What is the general path. And you usually see it indicated with a dotted line, the direction

-- the circulation route that pedestrians or bicyclists would be expected to take. Obviously it would be even better if in addition to showing dots on a map, we were actually actually to provide some signage and maybe even lighting to help people along their way. And I'm not seeing anything like that at this point. Is there any point at which we might consider the paths of people who might actually be moving through this space in the future?

[08:43:46]

>> Absolutely. And through the process of reaching out to different stakeholders we have heard that from

-- you would be number four or five. They have indicated specifically that crossing in that one area and having been in that area myself you do tend

-- you're naturally guided to your right and you end up in an awkward crossing spot towards the long center. We are cognizant of that and it's been passed on to our design team. As we refine the design and move past this 400-foot elevation conceptual, we will most definitely be addressing issues of circulation and pedestrian travel routes, things of that nature.

>> Riley: It's not just that one spot. That one spot is one example. We all know that illustrates a larger on problem that we haven't really given much thought to how people might be moving through this area. I think it would be helpful to give careful thought to that. And both in terms of mapping it and then considering additional improvements like signage and lighting that might make the paths even clearer to users.

>> Absolutely. And not to complicate matters, but we are still spending money south of riverside drive in the alliance children's garden. As part of that we may be affecting connectivity down south of riverside drive, so we're certainly cognizant of those issues and you're right, we should be looking at the comprehensive nature of our circulation patterns in that park.

>> Riley: Thanks.

>> Mayor Leffingwell: Other questions? Councilmember tovo.

>> Tovo: Thanks for this update on this process. I wanted to go back to some of the questions that I had asked actually posted on the q and a under the may ninth agenda before we tabled this item. I had asked a question about the stakeholder process that's been going on. As you know last fall we passed a resolution asking that there be a stakeholder process to look at the impact of of events. Not just on the land, but on the surrounding neighborhoods. And I've heard concerns from several of our neighborhood leaders in south austin that they have not been invited to meetings that they don't know about. That that conversation hasn't really begun in any kind of big way. So I understand that you need to focus your attention on this issue, this more narrow issue first, but i just want to hear what your plans are for really having that bigger, more complex conversation about impacts of events, whether those impacts are physical, traffic related, that broader question.

[08:46:16]

>> I appreciate the question. It's a very good question. Part of this process

-- it serves us well to clarify. The focus of this particular part of the improvement plan is specific to the turf, grass and the other there along the shoreline. There's a second component to this, fairly independent of this process here, although it is connected in the sense we're communicate communicating back and forth. But as per the city council's ordinance this last year that there were back to back, you were directed to undertake a comprehensive analysis of our events basis and commove you mentioned circulation patterns, parking. That is austin parks foundation who will again we were directed to work with, has contracted with (indiscernible) in order to take a longer plane approach and analysis of the park itself. So it's important to notate the difference. We're looking at an improvement to a lawn that's sorely needed and fairly critical. An advisory report will be coming forth in about a year's time and it will inform exactly that. These conversations regarding the overall design of the park itself top to bottom would take place in that forum as well.

>> Tovo: I appreciate that. Thanks. I think it's very

-- i wonder if you could provide us with more information about that stakeholder process. I get questions about it. Probably once a week. What's the status of the stakeholder meetings. We haven't been called. When are we going to be asked to participate. We live two blocks away and have expressed an interest. Especially if they're moving towards a completion date of a year from now, I would like to see more awareness of where the meetings are taking place, who has been invited, when is the opportunity for the broader public to come and have that, what will be a complicated, potentially challenging discussion. Series of discussions about those issues.
[08:48:17]

>> Absolutely. We have at the request of the partners request a list of stakeholders groups and neighborhood associations and such that they would want to be in contact with and pard staff provided them with listing. They just completed the preliminary report, the final outline of the report and what it may look like. And they've got a year now to go out there in the public and engage all of the stakeholder groups and discuss what the plans may be.

>> Tovo: I hope they will keep the parks board in the loop and use them as a resource for promoting when the meetings are taking place so we can be sure we have the broadest input possible. And then I had another question. Again this dates back to the questions I submitted back on may ninth. It talked about there was a recent convenient. I know you probably heard some of the feedback that we heard, which is the concerns about the fact that butler park had been used for an event whereas it had never been used as an event site in the past. So the question I asked was whether pard would consider allowing an event to be scheduled there again and the answer seems to be the answer is quite clearly yes. During the temporary closure it may be used as a venue. So I think that too is something that ought to go to the parks board or something forum. There are

-- we certainly heard concerns about the butler park. There's been a long time discussion about butler park and how it would be used. And there are certainly some members of our communities who believed that that was not one of the intended uses.

>> It's understand that it's an exception, not the norm. It's actually one of the

-- one of the things that brings urgency to this matter is the reason they were moved this year is because the area, auditorium shores event lawn is almost looking like a sand pit. And with the blowing winds that time of year it made it difficult for them to host a successful event. It is the exception. We take great. Care in selecting that. During this closure could it be considered to house an event or two or three? Maybe. But as you just stated, we would definitely want to vet it through our pard board for their review.

[08:50:49]

>> Tovo: I know we had a discussion and those seemed to be well thought through reasons for doing that. The answer we got back on may ninth sounded like I was concerned that that might be the first alternative for the events that are being displaced from auditorium shores. So I'm glad to hear that you plan on having a discussion with the parks board or others about whether that will be a viable alternative.

>> They have taken a process for some of the event venues. I can say there are several venues identified. We're not only relying on butler park as an option. We're relying on other locations as primaries.

>> Good afternoon, mayor and council. Cora wright, assistant director. If you don't mind I would like to give you a little bit of an overview with respect to what the department has been doing in

representation for what we're calling the temporary options for events that have -- see auditorium shores as their home. Like Jesse has mentioned, we've been anticipating the improvements to auditorium shores for some time. The events office within the parks department has been very deliberate in our communications with event organizers who call auditorium shores their home by having conversations that date back as far as 2009. We've also had meetings and have done on-site meetings to show event organizers who are interested in the future and who have participated in the stakeholder input process during the master planning process. Kind of what to expect. We've communicated in writing through our contracts. As you know each of the events that occurs on auditorium shores are annual convenient and they require an annual contract, which helps to identify all of the requirements so that when you're using the facility the event organizer understands what needs to be done and what they will be held accountable for. I raise this point because of your concern regarding Butler Park. And as we're looking toward this next year should Austin reprove this public-private partnership, we're helping organizers identify as many convenient as possible. In long terms what I'd like to share with you is that we would have about 16 events on auditorium shores. Of those 16 there are four of them which are free. The Austin Symphony or Fourth of July Austin New Year, South by Southwest concert which is held in March and the Cowboy Breakfast. We also would like to bring to your attention that while we have free convenient that are for the public and some of them Council has supported through fee waivers, we also have private rentals on auditorium shores. And that really institutes the rest of the number. So of the 16, four are free to the public. When we describe the events that occur there, there are there nine walk-runs and triathlons that occur there. Five concerts occur and then we have three that are sort of a mixture of a cultural experience festival and music at the same time. Staff has worked very diligently since 2009 and more diligently in the last few months with the onset of this opportunity through the C-3 and Austin Parks Foundation private partnership. And by that I mean we have identified at least two options for every event that calls auditorium shores home. And in some cases there are up to three or four options for the event organizers to consider. Of course, auditorium shores is a very popular venue. It's beautiful. It is the place to go and hang out. So it's very difficult to match one for one what auditorium shores has to offer. But in our conversations with our sister departments, with the Palmer and Long Center, we've also had conversations with the Texas -- Travis County Expo Center. We've had conversations with AISD. Our effort has been to try to locate as many options for the event organizers to consider. And that's why I wanted to emphasize that there are options to consider. Because these are events that are run really independent of the city, in other words, they rent and they have access to the facility, then those event organizers make the call on which venue they will select for their event for the year. Of these 16, already six or seven have locked in. So we're well on our way. We're about 50% through. I want to share with you -- and if you have specific questions I'm happy to answer them. But we'll be having meetings with several of them in the next -- actually, this afternoon, if we finish. And then in the morning and a couple of them for next week. The intent is to do walk-throughs of the alternate sites, have the event organizers have them without us visit with the other property owners is make a determination as to whether that option matches their business plan. And at the end of the day they will secure and execute an independent contract with that other venue. I just wanted to take the time to stress that we have been extremely deliberate in how we've tried to work with the event organizers and give them as many choices as possible and we are still at the table and will be at the table until we have

secured as many of them as possible. I think we'll be able to do pretty close to all of them.
[08:56:52]

>> Tovo: Thank you for that additional information. I think that's very, very helpful. I wonder, getting back to the butler park question, not to be a single focus on here, but can you give us some sense of how many of those options included butler park? Is it included as an option for a lot of them or is it really going to be an exception?

>> It is definitely on the table. Some event organizers have identified it as their preference, their number one preference? The final decision on that will be, of course, a conversation with the property owner and I'm hearing you're having a request for us to visit with the parks board in that regard as well. But yes, it is on the table. We've talked also with our park managers who manage the butler park area. I know there was a concern about one event that occurred and I will have you know that any concerns that arose at that time have been completely mitigated. The area is in great shape and the terms and conditions for anyone using that site would be like those that we hold other event organizers are responsible for. And that is to return it back to state that you found it. At no cost to the city of austin or to that property owner. The answer to your question is yes, it is on the table because it is an identified first preference for some of these event organizers.

>> Tovo: For how many? Do you have that information at this point?

>> I can globally look at it. I would say to clarify for some of the walk-runs, we're anticipating doing is closing four events, riverside drive and using the street area for walk-runs. So they hey be in front of butler or the long center or palm irrelevant center. For those who have identified the butler park area I'm seeing three or four.

[08:58:59]

>> Tovo: Thanks, i appreciate it. I've been getting feedback and that's important. That was the summing of a very long-term planning effort and master planning effort and there are a lot of people who are very invested in making sure that stays open and accessible to the public on a regular basis and isn't closed off for private events.

>> Cole: Mayor, i appreciate all the work you have done on this, cora and jesse. I specifically want to know what events have not yet been identified for new locations?

>> Let me start with our big events because those are the ones that require a little bit

--

>> Cole: Are there a lot of them?

>> Our big music events. We'll tell you that we know that fun, fun, fun is finalizing their plans. This afternoon we're meeting with urban fest

--

>> Mayor Leffingwell: Doesn't fun, fun, fun have several alternative places to go? I thought the question was what places don't have places to go.

>> Oh, don't have options? None of them. None of them have options.

>> Cole: So every place has an option, including fun, fun, fun fest. Including urban fest.

>> Yes. Every event has at least two, some have three or four options.

>> Cole: Because we had a long dialogue there. Okay. The second question is probably more for jesse or sarah. Do you consider the timeline, especially in terms of labor and the emmitt permits required to be realistic?

>> Thank you, mayor pro tem. We do. We put a lot of time and effort into the timeline and really

our biggest single concern was also limiting the construction timeline as best we could and allowing for an entire one year growing period for the event lawn. It was one thing wearies we willed with internally, whether it was feasible and absolutely necessary. I can tell you if we have an extraordinary growing season, growing period generally runs from march to about october, then we very well may be able to shorten the timeline. At this moment in time we're allowing ourselves the absolute complete window, if you will, in order to effectively make these improvements without having to come back later and allocate more funding because we prematurely opened the lawn and we probably shouldn't have. In this case we are allowing ourselves enough window

-- large enough window to make these repairs and in a sustainable way.

[09:01:39]

>> Cole:Y. Great.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I appreciate everybody who has been working on this. To step back, could you explain the difference between this effort, the larger, broader effort, and how it all aligns with the town lake master plan and the different phases that we have for that.

>> Sure. The town lake master plan completed in '99. It was broken up into four phases. Phase one and two are complete with the exception of the alliance children's garden, which is moving forward in 2014. We're left with then the area north of riverside drive.

>> Morrison: That wasn't addressed in the town lake master plan or you're saying what has to be implemented?

>> That's the background. Where we're at is the master plan was placed on hold, pending a longer term vision that turf partners is helping us solidify. With that in mind we've run across this unusual situation where we've got a lawn that desperately needs attention. And we have talked to the turf partner folks and said listen, we're making some improvements. It will conflict with anything you may down the road want to implement yourself. If we're going to be tearing this thing up in about a year and a half or two and the answer was no. The lawn obviously needs to be repaired. Any recommendation that may come from the advisory report that would then inform the continuation of the existing master plan or whatever the case may be in terms of planning mechanism, the improvements would hold through that and possibly beyond. So really that's how the two pieces fit together.

>> Morrison: Okay. So this is maybe a bit of triage, but we think it's the actions that we're going to take are not going to be inconsistent where we end up

-- with where we end up going in the future.

>> Correct. We hesitate to call it an interim improvement. That implies it's testimony. These are long-term improvements that will give us a lawn for years to come. But in a way you can look at it as an interim in the sense it has to be done now. It's a bridge solution that gets us to an eventual permanent state of being out there.

[09:03:48]

>> Morrison: The permanent state of being may be different on this lawn area, but fundamentally the same. We're thinking it won't be

-- it won't be a waste of money, for instance.

>> No, absolutely not. Absolutely not. In the sense that if we don't undertake these improvements

-- not to scare anybody. This isn't a scare tactic, but you saw the picture. That's as good as it gets and it's worse now than it was in that picture. In essence we're trying to preserve the lawn first and foremost before anything else happens that needs to happen. You mentioned the triage situation, we're stopping the hemorrhaging so we can get to a better place.

>> Morrison: Right. I appreciate that. That's helpful. He had also heard concerns along the lines that councilmember tovo had brought up in terms of folks that were going to be part of the conversation and hadn't really been pulled into it yet. So I guess

-- them I heard you say that the next steps are to continue community outreach. So are you planning to continue community outreach on this early action stuff or

--

>> correct.

>> Morrison: Or it might be different in the end or is it to inform people and not take input?

>> A little bit of both. Turf partners had asked if they could piggyback to our engagement schedule that carries all the way through the year. In the beginning it's informing design and implementation. In the middle it's informing updates and at the end conclusion, of course. We see a place for the turf partners to come in and participate in that process and take advantage of the fact that we've got a the city group gathered. And they can help better inform their long-term advice.

>> Morrison: Now you've confused me. So your the city group that you have formed is for what effort?

>> The turf partners will be engaging the same constituents because really it is in fact the same group, but for the long-term plan.

[09:05:51]

>> Morrison: But I guess so the constituents that you have gathered for this early action, have they been involved in coming up with this plan and discussing this plan? Because I guess I was hearing that they hadn't.

>> Right. So the constituents we've gathered to inform the near term improvements, this has been the old group. We put out a call for participation so they would know what we're looking at. We've all reached out to other people like jeff jack and larry acres. Those are the people we gathered to inform these improvements in anticipation of pulling together a proposal for your consideration.

>> Morrison: Those people have been pulled together. I guess I was maybe misn. I guess folks were concerned that they hadn't really heard much. Could you tell me about the meeting schedule that you had?

>> Sure. We meet with the olac group. We convened them.

>> Morrison: Olac

-- off leash area. That's one thing. Okay.

>> Right. And the animal advisory council as well. We met with the subgroup of the committee. And in terms of the greater outreach to the community out there, we are scheduling a polling session out at the park itself in order to better understand, not just an animal welfare standpoint, but runners and cyclists, everyday park users in how they might have a bearing on the process as well.

>> Morrison: So it sounds like you've worked with the off leash folks and animal folks. Have you worked at this point with any of the very standard people that have been part of every conversation about auditorium shores for the past 15 years?

>> The answer is yes. Sarah Hensley, director of parks and information. I think some misinformation is being given. When we started this process we worked closely with the Austin Parks Foundation and Lori and Josh from Turf Partners. While we know there's two separate paths that are happening here, one is the actions that we're going to hopefully take to improve the area for now, all along we've had discussions with everything from the community surrounding that, Turf Partners bringing people to the table, but also internal stakeholders we would consider. Jamie at the long is center. The Palmer Events Center. We literally stretched our arms around. We kept an ongoing dialogue with the Parks and Recreation Board and even a subcommittee of that, meaning the land and facilities. So what we want to do now is expand that net and have a broader discussion about where the future is. And that will fall more on us being a part of and not the lead of working with Turf Partners. But I will tell you we've done a pretty good job of having dialogue. If we've missed somebody it wasn't intentional.

[09:08:49]

>> Morrison: So for instance, did you talk to the Bouldin Creek Neighborhood Association?

>> If I said we did, I would be lying.

>> Morrison: I understand it didn't happen and there was a lot of concern about that.

>> If not, we need to do it right away. I can't tell you for sure because I would be making it up. If we haven't, we'll do it now.

>> Morrison: Okay. I appreciate that. There was effort before it's laid in stone and before it's approved.

>> Absolutely.

>> Morrison: And there's some

-- I know that there's a much bigger issue, much bigger effort going on that's going to be a much broader discussion and this is much more concentrated just on the land right there as opposed to all the things that go on about it. So yeah, if you could check in with them before you bring it back to us for approval, I would appreciate that.

>> Morrison: Let me see. Also I think that

-- let me see. I think it's on page 3, Mr. Vargas, you went over

-- this is also a very difficult conversation that I know needs to not be bogged down here. I thought it would be a good time to check in on this and that is under slide number 3 under the project considerations, under the item it says new boundary, rental car tax and funding allocations, those are things that you're saying are not part of this. Is that

--

>> right. We met again with the constituent groups that feel strongly about this one particular item and we met to let them know we're moving ahead with these improvements and advised them that there is a time and place for that conversation to continue. This plan does not supplant that conversation. That conversation belongs on the Turf Partners' side, it informs the longer term plans. If we're talking about circulation patterns, broad scope circulation patterns, festival drive concept, venue boundaries and the rental car tax issue, that would be better searched there rather than talking about a lawn improvement, really which is what this near term improvement plan calls for.

[09:11:21]

>> Morrison: Did you want to comment on that, Sarah? I think that the venue boundary and car rental tax issue to me that's more of an internal city issue as opposed to a private

-- public-private partnership issue.

>> You're correct. And I think as you are well aware there was some discussion previously a year or two or so ago that was very specifically described the boundaries and how we could legally define those and using the money for that. The reason we put it in there is that there are still interested parties who we've had dialogue on an ongoing basis who do not agree with that. However, we don't

-- as part of the discussion that we're going to be heavily engaged with with our partners, austin parks foundation and turf partners and this massive cast of the net to get input, this will still come up and we wanted to make sure it was out there in front of you because it will still be brought up by interested stakeholders who want us to make a change. We don't want to make a supposition one way or another, but that we wanted you to be aware that there may be issues brought up to not just be the actual drive itself and the closing of the drive, but also the ideas that we floated in some cases preliminary about possibly only closing for festival events and creating a more walkable area crossing over. But again the funding implications that have not gone away and are still prevalent by some in the community.

>> Morrison: So there is a traffic analysis planned for the bigger study that's going on.

>> That's correct. And that's the good news here is that bigger, broader net. We'll look at everything from the fees, the use, the traffic, the events on the roadways. And involving stakeholders. Even stakeholders, individuals with the daugherty arts center, the par 3. We're casting that broader net to look at the broader picture because we have to

-- and of course friends of the palmer and the long to look at as well as the neighborhood, traffic impacts, walks, runs, you name it, all of that will be looked at in this larger, broader issue.

[09:13:29]

>> Morrison: Okay. Thank you for that. And I think my last question is on the slide talking about how the partnership is going to work and the funding. And we're very fortunate to have some private partners bringing some funding to the table because we've had trouble funding big ticket items like this. It's a three-million-dollar five-year project.

>> Dote nation would be analyzed. The project son-in-law 18 to 20 months total and that's phase. So I don't want to give people the impression that the park will be shut down for 18-20 months. It will be over the course of the 18 months you will see phases come up, come down. [One moment, please, for change in captioners] center,.

>> With your permission, so to ensure that both sides are

-- first of all austin parks foundation gets a design they can live with and they can manage and we in turn see a construction processes that keeping with the design that we originally intended to see.

>> Morrison: Okay. And can you talk a little bit about why

-- it seems like

-- I didn't realize austin parks foundation was really like a construction management firm. It sort of looks funny the way it is divided up in. Can you provide a little rationale for that?

>> They would actually hire a project manager under their purview in order to carry out the work. The idea here is that austin parks foundation could carry out some of the improvements in a much faster clip than parks and correctional could and in projects we all know, the longer the project, the more expensive it gets and because this is a finite donation

-- we don't have the leeway of coming back to council and saying, I need a little bit of money and because we are being cognizant this is a finite budget, which we do all the time, but this one

in particular.

[09:16:00]

>> Morrison: So this is a construction manager at risk? Not really. Just kidding. I was trying to understand what is helpful to bring to the table. Well, obviously it is going to be exciting to have auditorium shores to come up to speed and as you mentioned

-- ms. Wright mentioned is completely in demand and finding the right balance so that people can enjoy it, you know, just go down there as a regular ole park user is really going to be a challenge so thank you for your work.

>> Thank you.

>> Mayor leffingwell: A couple of comments, no questions and you don't need to feel if need to respond

-- feel the need to respond. [Laughter] first of all, with regard to

-- I don't fault you at all for not consulting with the neighborhood association. This park is the city's premier park. It belongs to all of the citizens of austin and i really would have a hard time justifying why one neighborhood would have some say so over what this park looks like as opposed to many other neighborhoods. Just a comment, as I am saying. The other thing is, I really appreciate and support what you are doing in moving towards more public/private partnerships. The fact of the matter is, we can't maintain our parks in this city. And we are not alone. Cities all over the country, most cities, have found themselves in the same situation. They cannot maintain an adequate park system. So they have to resort to other things: Public-private partnerships is another

-- organizations like what we are forming on the eastside here in austin, a conserve antsy, conservancies operate and maintain parks all over the city. I happen to be in new york last week, looking at parks there, central park, which all of us have heard of, that park is entirely operated and maintained by conservancy. It is owned by the city of new york but it is operated, maintained. They raise \$40 million a year. They were just embarking on their annual fundraising effort, \$40 million a year to maintain that park. So if we want

-- if we want first class parks in this city, that is the way to do it and frankly, it is the only way to do it. There is a lot of different ways but we have to have the private sector involved in this.

Council member tovo. I knew I wouldn't get the last word.

[09:18:33]

[Laughter]

>> Tovo: Sorry, mayor. No one should feel like they have to respond to what i have to say. It is just an observation, but I did want to say

-- thank you for talking about the public-private partnerships. I think that is an exciting, good opportunity for our city to explore. I wanted to comment on the point why I would argue that the bouldin creek neighborhood association should be involved. Yes, these are parks that belong to our whole city but the neighbors that live within a block of that park are the most impacted when we have big events that result in spillover traffic that prevent them from getting down nose streets and

-- those streets and enjoying the homes which they pay very high property taxes on and have made the biggest investment of their life to live, to purchase a house or rent and they are making very big investments to rent houses and they deserve to have a high quality of life. They were ensured they would be part of an ongoing stakeholder process to talk about the impact of events

and I think we need to honor that commitment. So thank you for checking whether or not they were invited but it is why i believe we should involve the surrounding neighbors. The council passed a resolution saying we want to involve adjacent neighbors to talk about the impact of events, again, not just the physical impacts but also the broader impacts that big events can have on the people nearby, and, again, who pay their property taxes. They live in the city. They pay sales tax. They deserve to have a high quality of life in their homes, whether they are buying or renting. So thank you, I have to say when we have other parks, we will hear from, because they are on down there walking on a regular basis and when i got a picture of a particular eventn butler park, it came from our neighbors up in bouldin who were concerned about it because they consider themselves stewards of the park so we are fortunate to have people who are concerned about the park and want to support it in whatever way and I am very glad to hear that the promoters have restored any damage and I know that they are, you know, stellar -- stellar examples of the kind of event promoters we want to have working in our city. Thanks. [09:20:43]

>> Mayor leffingwell: Thank you. I just sa former resident of the bouldin neighborhood, I disagree. [Laughter]

>> if I may, staff asked me to think about the wonderful ceremony this morning. It is appreciated. We stand by the sentiments that you said in the invocation, thank you mr. Mayor, nor that.

>> Mayor leffingwell: Thank you. So let's go back to our agenda. Council member riley, you pulled 30, 31, 32, 33. These are all related items. There are no speakers signed up. Do you want to discuss them all together?

>> Riley: I would like to do that, mayor.

>> Riley: These relate to a proposed housing project down at 7,000 east ben white. The project is -- well, the concern that came to my attention is that this is affordable housing that does not appear to be within easy access of transit. It has a ben white address and if you just look at that address at either cap metro's finder or google maps, you find the closest bus stop is about 1.4-miles away. That means that not only residents would

-- if that's how residents have to access transit, that means not only would they been within walking distance of transit but people with serious disabilities living at that location wouldn't even have access to cap metro's metro access services because they aren't even within the three quarter mile corridor of the transit line, so we would be providing low income housing that were acquired everyone

-- that would acquire

-- require everyone living there to have a car. Since I raised questions about this, I understand there has been some communication between the people involved with the project and capital metro, and I understand there may be some other potential solutions in the works, and so I would just like to get a report either from staff or from anyone else who may be here who can address those concerns.

[09:22:55]

>> Absolutely. Director. I have someone here, ron cowl, from the housing authority, city of austin. I think they can explain your project and your questions.

>> Riley: Thanks.

>> Good afternoon, I ammaron cwall and the vice president of housing and asset management for the housing authority for the city of austin. . I appreciate you having me here. In the 11 years of the housing authority, this is the first time I addressed you all. That's a good thing. It means we have doing really cool stuff and so i wanted the opportunity to answer your questions for you. If it would help, I have a

-- and I apologize for not knowing when to distribute these things or not, but we do have a little site map of the location of this property which might help give you a better idea of where this property actually sits on ben white and we can discuss it from there.

>> And while she is doing that, I wanted to stress that this is the first new development that the housing authority is going to venture on and it is an exciting time for us and we are not your typical developer. We are not in this to build, collect a fee, and turn around and sell the product. With our partners lgd development is structured so that we are 100% owner of this property. We are in it for the long haul. Our vision and mission statement is to build and protect and continue to provide as many long-term affordables and sustainable houses that we can and also provide social services that go with that, and transportation obviously is key to

-- is part of those social services that the housing authority provides. I wanted to just touch base that this property sits just west of the intersection of ben white and riverside and just east of the intersection of montopolis and ben white, and actually, we are 7/10 of a mile from the last bus stop at riverside and ben white and we are 7/10 of a mile from the bus stop of the va hospital there at montopolis. In visiting with

-- in visiting with cap metro, they've alsod us that we are eligible for the

-- the transit eligibility services that

-- the metro access service on the

-- on the property, so that is something that we have plenty of experience with through our other properties that we have, through public housing and through somof the other developments that we assist our residents that need those types of services. We also have a plan that

-- a lot of our properties now have private transportation that we prode through our own funding sources and through our own means, whether that's van pools, whether that's staff that makes sure every one of our residents goes to wherever they want to go and I think that's going to be

-- there is going to be no lack of that at this development as well. We also have the option of looking at a potential bus stop at the intersection of thrasher lane in riverside, which is on the back side of our property. It's about 2/10 of a mile to that location. And we

-- we are talking with cap metro and they are very positive in maybe putting a bus stop there, that our residents can access to, and so it's critical in this development that we have very good connectivity throughout the property that connects all of the exit points of the property, also ada compliant and see what improvements we can make there. I think in the long run, we are going to stay in very close touch to the neighbors to the west of us that front to montopolis and ben white as they look at potential developments to see if we can connect with them in the long run to montopolis, and, also, we are also working with cap metro a little bit to talk about a car route on ben white

-- we are fortunate we had 31-acres on this property and we have 6-7-acres frontage on ben white that we can do potential for long term. If there are ever any plans for cap metro to

-- right now it doesn't seem likely in the current situation and especially the way the road design

is, but in the future, we certainly would have no problem designing something there that could be implemented 4 or 5 years down the road. So

-- 4 or 5 years down the road so I think the housing authority has every good intention in mind to make sure that our residents get to where they want to go and we will have a cares team or a supported services team there on the property as well that

-- that will make sure that happens. So, you know, it's not as far remote as you would possibly think. This property is in a pretty busy area. We think it is a great option, a great alternative for us to provide some not only multifamily affordable housing, but also a senior population, and we have some great ideas of what we plan to do there with the residents that we want to serve.

[09:28:27]

>> Mayor leffingwell: Yes, go ahead.

>> Riley: Thank you for your presentation

-- is that the end of your presentation?

>> I am just going to answer questions.

>> Riley: Okay. Well, first I want to thank you for all of your work on this and for your comments today. Just want to make sure i understand the

-- what your

-- understand your comments about the nearest bus stop. How far away are you saying?

>> To the corner of

-- the last stop at riverside at ben white is 7/10 of a mile.

>> Riley: 7/10 of a mile. 7/10 of a mile and that is sidewalked to montopolis. It is about the same

-- it is parked right in front of the va hospital there is the closest and that does not have sidewalk access to it. I mean, that's mapping

-- that's driving it.

>> Riley: Just driving it. Whatever it is worth, whenever I have

-- every search I have tried through google maps or through cap metro's route finder, the closest thing I find is 1.4-miles. Either case we are talking at least 7/10 of a mile to the nearest bus stop?

>> That's correct. That's correct.

>> Riley: Is that

-- do you generally expect all of your residents to own cars?

>> Well, this is

-- I guess I need to clarify. This is not subsidized housing in the terms of public housing. This is a tax credit, 4% noncompetitive tax credit deal that we are putting together that will cater to families, it is 60% median family income and below. I suspect some of the mulz family residents with the exception of anybody with disabilities or

-- or special needs will probably have cars. The

-- the senior site that we are doing is 55 and over. It is not assisted living. It's not critical care. It's to provide a need that we see as rapidly approaching and especially for our residents and the community of austin, at 55 ahead of an affordable product that we have as well. With the ability that we have to access the metro access service and do the assistance there for people who aren't eligible or can't get to a local bus stop then with our private services that we are going to provide through our social services we are going to put on the project, I think we should be able to meet everyone's needs and I hope that we will be able to get that access out to thrasher lane which

backs to the back of our property to riverside drive which in meeting with cap metro, they felt very favorable about that so we will be looking into that as well.

[09:31:09]

>> Riley: I am glad you raised that point because this is an area in which council has taken steps to try to develop a little more connectivity. Currently threa bounded by ben white, montopolis, and east riverside is essentially a large

-- a large area that is not very developed that has a few streets poking into it that are essentially service cul-de-sacs currently, and we have spoken previously about trying to develop some degree of connectivity within their

-- moving in the direction of more of a standard grid that you might expect in any

-- in most neighborhoods. With the 31-acres that you have, have you given thought to furthering any

-- any of

-- any angles along those lines of developing some sort of turbine grid within the area, or have you gotten that far

--

>> we are still trying to get out of permitting but we are closer to getting that done and we are in landscape and design talking about some of the cool things we can do with 30-acres of land.

Certainly with smart housing, connectivity is a very important point to get

-- that we were able to get to their approval. Talking about things that we needed to do so. So I think it gives us a great opportunity to do something in that neighborhood that doesn't have anything at this point, so we are going to be look into that with our development partner and i know more specifically, i think maybe ldg can address that as well, but we

-- we feel that we are trying

-- I say "we"

-- our residents, especially the voucher holders are getting turned away more and more and more now because landlords don't need vouchers at this point. They are able to take private, you know, citizens and not voucher people, so we are

-- we are really trying very hard in being diligent in developing some areas that we feel are important location wise but also provide some of that housing need that we are getting passed, and we felt this site, being as close as it is to the airport, being close to riverside, being close to south congress, our residents are getting pushed out of riverside as the rents are being raised there as well. This is an opportunity to develop a corridor between riverside and montopolis, the vast program which is va voucher program, we are getting more and more of those and with the close proximity to the va hospital, we felt it would be a good partnership on this site by providing housing for our veterans. So we have some good ideas there. I gISH I COULD

-- I COULD Tell you that I had perfect transportation issues, but i can assure you, and i only

-- I say this on our record of

-- our 19 public housing sites and all our other developments, that we get our residents where they want to go and it doesn't matter if they are at 30% of nfi or 60% of nfi or 80% nfi, if they need transportation, we will provide it and that is the essential goal of the housing authority and so first and foremost we will be aggressive on the private services to ensure that

-- how that lays out, I am not sure how it will be structured and grosslies. I think we will have a

very independent and lively group that will have automobiles and for those who don't, we will make sure they get to the places they will need to go and we are hoping thrasher lane exit which is a short walk from the back of the property is something we can develop as well.

[09:34:52]

>> Riley: Of course, it does doesn't currently have sidewalks?

>> That's correct. Past carson ridge, there is a street and it has gravel there.

>> Riley: I do have a question

-- betsy

-- spencer? I have a question. It's been a while

-- there was a time when we saw a lot of smart housing applications and we haven't been seeing as much in recent years but I assume you are familiar with the standards that are applicable to smart housing projects and I know those projects when we were seeing, they were typically further along in the planning process than this project is. Is it possible to know based on what we know about this project, whether this project would meet smart housing standards if those were the standards we were applying to this project?

>> [Indiscernible]

>> I am going to let Justin Harts, our development partner from LDG and he can describe that.

>> Justin Harts, LDG development. This department did receive a smart housing letter. It has been submitted to the voting department and some of the departments go through the site plan, approve the process. That is occurring, being reviewed right now. The first round comments have not been released yet. There has been some questions about interconnectivity on the site and Jason Rogers, which is the civil engineer is actually addressing the comments. Once those get addressed, we can further detail the interconnectivity you are questioning about with the 31-acres.

>> Riley: I am not sure I understood that answer.

>> Yes, we received a smart housing letter.

>> Riley: That is a letter from city staff saying you meet smart housing standards?

>> That's correct.

>> Riley: Can I get a sense from someone as to what the reasoning was, the transportation element of that decision? Because when I first read this issue, I got the impression no one has even given it any thought, the lack of bus services in the area?

[09:37:09]

>> I apologize. I cannot answer your question because I did not review that. My staff does that and so I can't answer directly for you, but the rationale was I have to assume that a staff issued the letter, that they felt that that requirement had been met, because we have denied requests for when that requirement is not met. I would have to go back and check with the staff that issued the letter to ensure that. Was

-- it wasn't me so I can't answer for you. I apologize.

>> Riley: Thanks. I continue to have concerns. I would like to see connectivity in this area. It would be great if we can provide service near Thrasher and that would be an access point for this process. At this point I am skeptical about the transportation aspect of this project. It does not

strike me as

-- as one that is well suited with regard to transportation. It doesn't seem to me that much thought has gone into the transportation access and I

-- I would prefer that we not be expecting all of our

-- all of the residents at a lower income housing project, especially one that is expected to serve seniors and people with disabilities, to own cars. I don't think that's the direction we ought to be heading in terms of creating a compact and connected city, just to be assuming that

-- that all of our low income folks, including seniors and disabilities, are going to own cars so I am afraid I am not going to be able to support the project. So I

-- I doubt I am

-- the majority of that, so I will leave it to somebody else to make the motion.

>> Mayor leffingwell: You own a bus company. You can fix that.

>> We certainly want to work with capital metro in every way and we have looked at the transportation issue and even talked to cap metro which they said I had the ability to do the metro access service, but I

-- i don't know how else to tell you that we

-- we

-- we serve the poorest of the poor and this is this is

-- our mission is to make sure the services are there and over the course of the years the housing authority

--

[09:39:28]

>> mayor leffingwell: I think the other things you mentioned, proximity to the va hospital, the outpatient facility, whatever it is, it's supposed to be one of the biggest in the country of its kind whenever it's finished and these other factors. Plus the fact that the transportation issue has been addressed, maybe not to everybody's satisfaction, but I know the smart housing standards are pretty stringent.

>> Yes, I would like to move approval of this item. I appreciate the concern that is council member riley has raised about transportation and i appreciate your answers and your willingness to continue that commitment, to making sure your residents get where they need to. I have been at lakeside and seen some of the transportation to get residents to the grocery store and so I know

-- i know that you will carry through on that commitment to make sure people get

-- get where they need to go and it sounds like you've got a great project to create so much needed senior housing and housing for families and other individuals, so it's a good

--

>> mayor leffingwell: Motion to approve items 30, 31, 32, 33 by council member tovo. Second by council member martinez. Sorry to cut you off, but you do have a tendency to go on a bit there. All those in favor, say "aye." Aye. Opposed say no? Passes on a vote of 6-1, council member riley voting no. So let's go back and take up item 13. Item 13, I believe, was pulled by council member tovo. I am double checking that.

>> Tovo: Yes, I am still laughing about your comment. Did you say 19 or 15? Nineteen.

>> Mayor leffingwell:13.

>> Tovo: Thirteen. Sorry. I have a couple of quick questions for the staff, so this is to authorize

use of the design build method for a proposed office building. I had asked a question, i think during

-- no, I didn't ask a question during that q and a. I wonder if you can talk a little bit about -- we recently received a memo about an austin energy tract at --@ on ryan drive and there is an ongoing discussion about if we did move forward in redeveloping that site, where those uses might go and the answer we got back from staff, austin energy has done some thinkibout where they may relocate those uses. They are primarily reclamation and some other more industrial uses but i guess I wanted to hear from austin energy, as you contemplate construction on office building, how are all of these plans fitting together? In the memo we received back, we got information about how some of these indoor needs would be met by leased space and I think it was leased space for several of those uses that are currently on the ryan drive tract, and so is there an opportunity in what is before us to consider

--

[09:42:33]

>> yes, from austin energy, item 13 speaks to a different tract of property. What you are speaking about is known as justin lane within our department.

>> Tovo: Right.

>> Which is possibly going to be used by the crestview neighborhood as a park or some other city use.

>> Tovo: Right. The correction between the two, I guess

-- sorry I am not being clear. Leer is the connection between the two. In the memo where austin energy might relocate those uses, they talked about well they can relocate them to potentially other leased space and before us we have something related to designing and building a site to move leased space into an owned track. I guess I am trying to see, help me see the strategic vision here for ae with facilities use. It seems there is an intent to move out of leased space. And with that in mind, are you also considering in the item before us today whether you can accommodate any of the ryan tract

-- ryan drive tract uses? Again, I know they aren't office uses primarily but

--

>> yes, carry over to deputy general manager austin energy, the answer to your questions with regards to what processes are we going through to consider moving from leased space to own our own building, the item before you today is regarding moving office space that's

-- where we occupy 70% of lease space on 811 barton springs road and we are looking, proposing to get out of the lease space because of the magnitude we are spending so far on the lease, tuild on land that we already own and the riverside montopolis tokyo building area. The items you are referencing is completely different use. That lease space is not the magnitude of the dollars and nor will it house the number of employees that we are trying to do in comparing of the lease over on the riverside property. We did take that in consideration, but I think the lease space that you are speaking of on the justin lane is much, much more minimum process than our total space than what we are looking for at the riverside project.

[09:44:56]

>> Tovo: Thanks, so

-- but i guess I am still wondering whether you have given any thought many I if any of the uses on the ryan tract could be accommodated on this tract as well. It seems to me if we are going to have that conversation, we should have it with the design

--

>> before I answer that, i will let facilities speak to that more, but in terms of total demand and making sure we don't lease this additional space outside of 2016, we know it will not meet our needs within our analysis of the justin lane space.

>> Tovo: Sorry, I don't understand the last answer.

>> Meaning the space you are looking to use on riverside, we could not convert and use that for the same purposes of what's

-- what's there available on justin lane.

>> Tovo: So you couldn't

-- there is not space enough, for, say a reclamation area and some of the other uses?

>> Well, the reclamation space, I think there are some considerations there, looking at the warehouse is completely different. We know we have a

-- there is two separate needs. Our need for the office space to move out of barton springs, again, we already are occupying over 70% of that building. We have extended that lease twice over at least 3 or 4 year terms and we are now approaching over \$22 million of expenditures in the lease and if we renew it again, we could be up to 30-35 million, and so this particular use is not the same use we are looking for in justin lane.

>> Tovo: Yes, I think

-- i am well aware of that and i want to say I am not disputing at all that it makes great financial sense to stop leasing over on barton springs and design and build so you can arch come date those employees.

-- Accommodate those employees. I just say I hope you are looking more long term to help the space needs of austin energy, particularly the use on tyrannosaurus drive tract, to see if they should be folded into this project

-- that's my question

-- I am not making myself clear, I think

-- are use on this ryan drive tract.

[09:47:09]

>> Currently that would not be suitable for the activity at riverside campus. What takes place at ryan lane is warehousing of industrial type equipment and things like that. That's not things we want to introduce in that neighborhood. So currently we are looking at other avenues right now -- at other avenues right now which could be potential warehouse leases, while we search for a piece of property to build a warehouse on.

>> Tovo: Okay. Thank you. That's very helpful. And there really aren't

-- i walked the site. There aren't really many

-- there aren't offices and that kind of thing out there so it makes sense, the point about those being incompatible about the surrounding neighborhoods.

>> Yes, in our mind it would be incompatible with the neighborhood association's desires.

>> Tovo: Whereas office is compatible?

>> Yes, offices would be welcome in that neighborhood, yes.

>> Tovo: Great. Thank you. I move approval.

>> Mayor leffingwell: Council member tovo moves approval. Council member martinez seconds. Discussion? All those in favor, say "aye." Aye. Opposed say no. Passes on a vote of 7-0. Go to item 18. There is one speaker. This item was also pulled by council member tovo. Do you want to go to the speaker first? Carol brisky, and you have three minutes.

>> Good afternoon, mr. Mayor and council members. My name is carol bajisky and the executive director of texas roads and I signed up to speak in favor of this particular item because i support weatherization programs for low income people and I am very happy to see@ that they are finally getting started, but a question that I have is what has happened to a portion of these expenditures that we

-- I discussed with all of you at various times last year, to try and use some of these funds in combination with the housing repair coalition, to make sure that homes that were in poor repair would be able to qualify for the program. And what I have distributed before you is just a fact sheet that we used during that project from july. Another set of talking points. A copy of a resolution that was passed by the community development commission, supporting this project. I have before me, I didn't provide copies to you, a presentation that was done by austin energy in september that showed the \$125,000 being set aside for this program and I have been following these contracts and I am looking for some information about where this particular aspect of the project fits in and I can't find it. So I am hoping that, you know, you can do that. At the time that we made this proposal, we suggested doing an ordinance, outlining how such a program could be done and requiring it, we were told it wouldn't be necessary. So if we didn't really get a result after this past year, then, I would just ask you to please look at the possibility of actually adopting an ordinance by the council to make sure these kind of programs happen. That concludes my remarks.

[09:51:01]

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

>> Tovo: Thank you, ms. Bajisky. I have some questions from our staff, too. I, too, am wondering about the status of the pilot program and what roles the housing coalition is going to play and some of these other issues that were raised by the previous testimony.

>> Debbie kimberly vice president, distributed energy services. Thank you very much. The weatherization systems program, in my opinion, has been a huge success. We are currently targeting for this fiscal year weatherizing 705 homes. We have a number that we are backlogged as we work through era grant funding. There are roughly 6 homes that are in the pipeline. The purpose of the specific issue that is before you today is the ability to go in and spend money on repairs on homes that otherwise would not be eligible for weatherization because there are unsafe conditions in those homes, because there are problems with the foundation, with the roof, roughly 20% of the homes that require weatherization have gas leaks, so it is the effort to make those homes eligible for weatherization. It is our hope that as we go thugh this pilot with the \$100,000 that is dedicated to this, that it would be able to lift the number of homes we are able to weatherize and hopefully serve as a big metric by which we can gauge future efforts to carve out some of of our weatherization funds.

>> Tovo: Thank you. I agree. I think it's a great program and I think it has great potential to

really improve the everyday lives of many members of our
-- or at least some members of our community. Can you
-- can you tell for me how the housing repair coalition will be involved in this effort?
[09:53:12]

>> Housing repair coalition will be involved in terms of
-- and I am not familiar with all of the history, having been fairly new here, but will have the housing repair coalition as well as austin water and texas gas services participate jointly in this effort, to determine how best to dedicate the funds. And I call on
-- I'd call on others as well to
-- to provide additional information in that regard and I can certainly follow up as necessary.
>> Tovo: Yes, I would like to get a clear sense of how they will be involved, what the process will look like, and I
-- I believe
-- one of the offices is working on a potential ordinance and so certainly if that will provide some right direction, I will be happy to sponsor that. I remember the previous
-- the budget being 125, rather than 100,000. Can you explain whether there was a reduction in that budget? 100,000 is all I have been aware of, just the 100,000 is all I am aware of.
>> Tovo: Maybe it is in some of our preliminary meetings that 125 was talked about. Okay. And so, good. Thank you. When do you expect that you might have a report back? Or some additional information
--
>> I can do that within the next couple of weeks very easily.
>> Tovo: Great. Thank you very much.
>> Mayor leffingwell: Council member morrison.
>> I recall this from a long time ago, having a discussion, I believe, at public health and human services and I am wondering if my colleagues on that committee remember that, and there was a plan that was laid out there, not sure when it was, but it was many, many months ago, and so I guess
-- are you familiar with that plan that we all agreed upon?
[09:55:15]

>> No, no, I am not. I only have been here four months. [Laughter] so I haven't looked that far back in the reading material.
>> Morrison: Okay. I wonder if we could get
-- is there anybody else here who can help us with the bigger picture of where this program
-- the agreements had been made, what has been proposed and we had extensive discussions about it? Because it sounds to me like things happened many months ago. Things were laid out. As I recall, we had really
-- maybe carol can we mind me. There is a flowchart very complicated how the money is going to flow and it sounds like perhaps all of that has been lost now. And, you know maybe we don't need an ordinance if we do have something like that. I apologize to you

-- to

-- I realize this is all new to you and it means that there must have been something that was dropped along the lines.

>> Perhaps I can offer if we come back in a couple of weeks just as an opportunity to provide more information pursuant to council member tovo's request, that we could look into that as a staff and provide an update.

>> Morrison: Okay. I guess specifically I would ask that we get the presentation and the agreement from that public health and human services meeting and figure out what has happened to the program since then and I gather one step isaybe nothing happened until you were hi or until you came on and welcome by the way.

>> Thank you.

>> Morrison: And I wonder if we can get a comment from the assistant city manager on this, or deputy city manager.

>> Mayor leffingwell: Question for you, chief.

>> Morrison: I don't know if you are familiar with this issue, but it was discussed at length, at least in a public health and human services committee and with austin energy and very detailed agreements were made and presentations made about the flow of services and funding and how the services were going to be coordinated and I want to make sure that gets revived and frankly I would like to get an understanding of why that get dropped and water under bridge, maybe here we are now and how we can make sure that that does get moving. It looks like we have mr. Vice here. I am not sure. If you want to comment? Do you know what I am talking about?

[09:57:55]

>> I do, jeff vice, government relations with austin energy. Council member, I don't believe it has been lost. I just believe it hasn't made its way to perhaps the new vice president, and i don't know that the

-- the details are not here but i certainly can talk to staff, joe guerrero, for example, who is involved the intimate details of the arrangements. I just touched base with austin water and texas gas service. They are partnering with us on this. I recall a chart.

>> Morrison: And home repair folks.

>> And home repair

--

>> Morrison: You understand that the funding is flowing and everything is working fine?

>> That we are going to do that with these projects, yes.

>> Morrison: We are going to do it. My question is, when are we going to do it? Because it was discussed months ago of when it was discussed.

>> With these contracts, sorry.

>> Morrison: With these contracts. It has taken this amount of time from then until now to get the contracts in place to do it?

>> Yes, ma'am.

>> Morrison: That would be great. If we can get that revived and make sure everybody is on the same table of how that's all going to work.

>> Sure will.

>> Morrison: Thank you.

>> Sorry.

>> Mayor leffingwell: Okay. Motion anyone? Council member morrison moves approval. Council member spelman seconds. Discussion. All those in favor, say "aye." Opposed say no? Passes on a street of 7-0. Go to item 36, pulled by council member spelman. There is one speaker.

>> Spelman: I just have a couple of questions from city staff.

>> Mayor leffingwell: Aura houston, aura houston. I am given that she is not here. So staff? Questions for staff?

>> Good afternoon, alice mcghee deputy reservation officer.

[09:59:55]

>> Allison, I am looking looking

-- a moment I will look at exhibit a in the backup which describes the buildings that were deficient in the documentation and some of which are no longer deficient and this is a list of 7 properties that question would now be awarding partial tax exemptions to. Is that correct?

>> Yes.

>> Spelman: Deficient in some sense, I want you to describe for us what kind of deficiencies you are talking about.

>> There were a variety. I don't know specifically on each property, but it was things like paint that was beginning to fail or decorative wood that was rotting or down spouts that were not connected or missing and things like that, and what we found with most of @ these, which were ones that we had not

-- we had communicated with and they had not responded about the deficiencies in many cases, they had taken care of the deficiencies. They just hadn't let us know, which is why we gave them one opportunity. We reached out to them. You will see nearly all of them had already taken care of the deficiencies. There is one that has not but has plans to do so.

>> Spelman: Okay.

>> And we feel confident that they will do that.

>> Spelman: I actually have got 2 on this list. They made a more recent version of the list. The progry house

-- that was addressed

-- the next was william green hill house. It says deficiencies will be addressed.

>> And the william

--

>> yes. Can you give me more information.

>> The william greenhouse, there was paint failing on part of detached apartment and they send a letter to mr. Gordowsqy and they said they would do it summer or fall, as soon as they get a contract lined up, and the other one

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[10:02:10]

>> there is one, glazing or putty on windows is failing and tree limbs and other debris in the yard and they indeed they fixed down spouts and removed tree limbs and debris and they will be taking care of the glazing putty but it is a very time consuming project and it will take some time to do that.

>> Spelman: Okay. Do either the owners of the hill house or the Keuhne house, do they have a contractor to fix the deficiencies?

>> I don't know if they have a contractor in place but many of these properties, we rely they will do it on a timely manner and if next year, they haven't taken care of the problems, we would recommend they be denied next year.

>> Is there a procedure for

-- well, denying them next year would be denying them in the future year and of course not this year and if they are deficient all during this year and all during next year, then that's an extra year that they got that they really shouldn't have. Is there some way of being assured that these two houses that are still currently deficient will not be deficient by the end of the year?

>> We can certainly do an inspection in a couple of months and see what's happening and if they aren't making progress in dealing with deficiencies, we could do a code compliance violation against them. So there's that avenue as well.

>> Spelman: Okay. You would not need any further

-- oral direction from the council would be sufficient to trigger that code inspection?

>> Correct. Yes.

>> Spelman: You would be consider that direction given by me, I very much appreciate it. I want to be sure all deficiencies will be corrected. It is accurate that these deficiencies need only be corrected before the beginning of the next calendar year for them to qualify for a partial tax mitigation for next year. Is that right?

>> Correct. So we can

-- there is a code provision in the duty to preserve and repair city landmarks that gives us the ability do code violations against a property that is not being maintained properly so we can go that avenue if we need to.

[10:04:24]

>> Spelman: I would very much like to.

>> I will put that on my calendar.

>> Spelman: If you get back

-- I don't think we need a formal presentation but if you get back with us in email a couple of months to validate these two have been addressed, I would very much appreciate that.

>> Okay. Thank you.

>> Spelman: Mayor, move approval.

>> Second.

>> MAYOR LEFFINGWELL: Council member Spelman moves second by mayor pro tem. All those in favor, say "aye." Opposed say no? Passes on a vote of 7-0. And we go to item 56. Fifty-six pulled by council member Tovo. There are no speakers.

>> Tovo: Thanks. I have a few questions. We received a concern from the neighborhood association

-- the neighborhood contact team in this area about the proposal

-- excuse me, about the
-- specifically about the one involving barrington elementary. I think you are aware of the concern. I wonder if you can speak to what the plans are and why there is
-- why there is a proposed demolition on that site.
>> Yes, tony arnold, facility manager of parks and recreation. The issue at barrington, the information that was received
-- the information was out based on a response or a question from council member spelman, and what we provided in there was a part of a
-- apart of a report from a safety inspection that was performed, and in there, it recommended that we demo that play scape and then consider putting in a like piece of equipment due to aids installing a new playscape there, about two years ago, but it is not to indicate anything will be done without first meeting with the community and working through the community. So I believe that was the question and concern from the community, was public engagement and this is a contract for service agreement to provide us the ability to procure commodities and to work with our in-house construction crew, and this is just a list of possible projects that we can use there.
[10:06:44]

>> Tovo: Thank you. I guess it was
-- I guess the concerns were really about barrington, sanchez, and possibly norman.
>> Yes.
>> Tovo: And there is an intent to provide replacements at barrington and sanchez but not certain whether there was an intent to provide a replacement at norman.
>> Correct. And we will continue to work with those community groups in determining exactly what goes there. Barrington, for example, there is a playscape within 20 feet of the existing pard play structure that was installed by aids. So what we recommended from a safety perspective, and that is only one consideration here, is that we put in something that would complement what aids installed instead of a traditional playscape that is already there.
>> Tovo: I don't know what usage they have there. They may need to accommodate lots of kids and need additional equipment but i am fully support of more innovative play equipment, and I know that's something we have talked about or the parks department have talked about in moving toward. I think that is a great direction. My concern is the same one that was expressed by the neighbor, which is getting rid of
-- getting rid of equipment before there is anything positive to replace it with, and so what what will your process?
-- Obviously if something is unsafe, it needs to be removed as soon as possible, but is there a way to make sure the transition is seamless, so you have got something ready to go before you remove those structures?
>> Correct. And council member tovo, that's what these contracts are for. What is presented and before council today is the approval of contracts that are serviced there. It is \$280,000 for this year, up to total of 2.6 million over the five years, which provides us authority to spend that over the five-year period, which makes those commodities available to us so that when we go into address those, we can address them more quickly and more smoothly, so we can work with those vendors and the community in determining how to get what they need and then ease the process

of getting that installed. So that is directly in line with what you are asking for, I believe, is that we streamline a process that, as we work with the community, we know what it is we are going to put into those playscapes.

[10:09:09]

>> Tovo: Before you remove what is there?

>> Yes, ma'am. Definitely before we remove anything. This contract is not to demo anything today or anything in the near future but after a full planning process and a design process goes in, we would not demo until we know what is going in there. Yes.

>> Jesse Vargas, assistant director of parks and recreation. An additional thing to ask, your question is why are we demolishing the play scape prior to ready to go, twofold, play scape deemed a safety priority, one, it cannot be utilized any longer. Repairs to the play scape or what the equivalent of what to cost to replace it is roughly \$50,000. We are in the catch 22, do we leave it up and risk somebody getting hurt? Do we take it down and know there is a aid play scape not 20 feet away to hopefully tied us over with the intent, as was mentioned, in dropping a new recreational amenity, is possibly a play scape if that's what the community asks for and the community is growing to the point that a capacity is required we have two different play scapes we can do that. But in terms of the immediate fix, the only option we are left with is to leave it up knowing it is a safety one priority risk and that's the reason we have to move on it, council member Tovo.

>> Tovo: That makes sense, obviously nobody wants a playground equipment out there that is unsafe but I hope it will be a priority to get something else available to the community as soon as possible. And because we just had a discussion earlier this week at our audit and finance meeting, talking about park land dedication funding, I assume the park land dedication funds can be used to purchase

-- to make expenditures such as play scape or other alternative play equipment?

>> It can, and I guess really the one point

-- one thing to point out as well is the safety evaluation report, if it had come through sooner, we would have been able to initiate an overlapping solution rather than where we are at now. We are having to reduce capacity because the PLD funding, we look at it as a mechanism to either maintain or increase capacity, if you will. That's the spirit of the PLD funding. This would clearly match that definition.

[10:11:29]

>> Tovo: Is there a close overlap in the planning going forward

-- when you sit down with the community, are you looking at how much fund

-- are you looking at how much funding you have available through the park land dedication and say, yes, we have to demolish this playground equipment quickly at Barrington, but we have x dollars so we are going to get some

-- are you using

-- is there a close coordination between the park land dedication funding and the planning process with the community?

>> Right. The short answer is yes. Especially now as we discussed in the audit committee, we are consolidating our pld into the planning and development division. It will be more automatic, for lack of better way of explaining it, it will be absolute tie-in to what we are doing in these communities.

>> Tovo: Great. This is a long list of projects but I hope the priority will be on those where they are having the equipment removed and there is no, as you said, overlapping solution, in the place where there is no overlapping solution, I hope those will be the highest priority.

>> Exactly. As an example we came through two slides replacement and the slides were metal and it is even outdated even though i particularly like metal slides but it is considered not in vogue and a safety hazard and we used pld funding to replacehat. Ramsey.

>> Tovo: Thank you so much. Move approval

--

>> mayor leffingwell: Council member tovo moves approve of item 56. Seconded by council member morrison. Aye aye. Opposed say no. Passes on a street of 7-0. So now it's passed the hour of 4:00 o'clock. Mr. Guernsey, or whoever, take us

-- we have some postponements, et cetera, from the public hearings that we can get rid of now.

>> Guernsey: Thank you, mayor, and council. Item number 99, c14-2013-0023, this is for a 6.11-acre tract of land at 2901 davis lane.

[10:13:46]

>> Mayor leffingwell: Excuse me, 99? We are on the 4:00 o'clock items but 99 you read before was

--

>> Guernsey: Sorry, i thought you were talking about

--

>> mayor leffingwell: No, just talking a 4:00 o'clock items, the postponements only. I can go over them if you don't have them.

>> Guernsey: I know that there may have been a change shortly before I

--

>> mayor leffingwell: Let me just read you what I've got.

>> Guernsey: Okay.

>> Mayor leffingwell: Earlier

-- I am going to change this in corrections, we know that 103 at 4:00 p.M. Would be withdrawn.

>> Guernsey: That's correct.

>> Mayor leffingwell: Proposal to now postpone item 105 until august 8,o postpone item 107 until june 6, postpone item 110 until june 6 and to postpone item 115 until august 8.

>> Guernsey: Yes, I have that in addition

-- I could offer item 111 be postponed to june 6, 113 could be postponed to june 6, 114 postponed to june 6, 116 could be postponed to june 6 and 117 could be postponed to june 6 if it's your desire.

>> Mayor leffingwell: Okay. So in addition, postpone

-- in addition to the ones i previously read, postpone 111 until june 6, item 113, 114, 116, and 117 until june 6? Council member martinez moves approval of these consent postponements. Is

there a second?

[10:15:52]

>> Cole: Second.

>> Mayor leffingwell: Mayor pro tem seconds.

>> Cole: Mayor, did you also say 115?

>> Mayor leffingwell: 115 is on the list, postponed until august 8.

>> Cole: I didn't hear you say it. Okay.

>> Mayor leffingwell: 115.

>> Spelman: Mayor, could you go over the entire list? That might be helpful for all of us?

>> Mayor leffingwell: All right. 103 is withdrawn, 105 postponed until august 8. 107, 110, 111, 113, and 114 postponed until june 6. 115 postponed until august 8, 116, 117, postponed until june 6. So we have a motion, a second on the table. All those in favor, say "aye." Aye. Opposed say no. Pass

-- passes on a vote of 7-0.

>> Guernsey: And mayor, i understand you could possibly do 101n consent. I think there has been

-- this is a zoning case where I think there was one neighbor that was in opposition that she's been resolved and

--

>> mayor leffingwell: 101.

>> Guernsey: 101.

>> Mayor leffingwell: I currently have three people signed up to speak all in favor.

>> Guernsey: Okay.

>> Mayor leffingwell so and those would be

-- this item is about to be proposed for consent, which means it is going to be approved, so david king, greg gasar and william kookanakus. Do you still wish to speak?

>> [Indiscernible]

>> mayor leffingwell: 101.

>> [Indiscernible]

>> mayor.

>> Mayor leffingwell: Excuse me, 101.

>> Riley: Mayor, I would like to discuss this one.

>> Mayor leffingwell: Council member riley wants to discuss it. So forget it. So now we will go to

-- i believe it's item number 75.

[10:18:09]

>> Cole: Thank you, mayor, i have a quick question

--

>> mayor leffingwell: Mayor pro tem.

>> Cole: Of staff, sarah, i believe, of parks. Let me ask the sponsors of this resolution. We had a

presentation on auditorium shores and I want to make sure that the language in the be it further resolved clause is not obligating the city man to come up with funding

-- any additional funding other

-- for events that may be privately sponsored.

>> Martinez: Mayor.

>> Mayor leffingwell: Council member martinez.

>> Martinez: We are on 75, correct?

>> Mayor leffingwell: Yes.

>> Martinez: As the main sponsor of this, that is 100% true. This item simply allows the city manager to sit down with mabry to see if we can come up with options for mabry to be used as a site for events, as we get uninundated with more events. Camp mabry since 9/11 closed down, and prevented the public from jogging on tracks and hosting events. Now it is fully open and you can go jogging, walking and public events can be held there and community isn't aware because since 9/11 it has been closed so they came forward and asked us to sponsor this so we could have discussions. They did have parameters and limits. They can't host any event but for a small nonprofit, they will be happy to entertain 5ks, walks, festivities of that nature and size. I thought it would be an excellent opportunity for us to maybe help some of these small nonprofits and move them off of our streets that we end up closing and waive fees or charge fees where we can do it on a contained environment on the site of camp mabry. It may be a point where it is of value to us. I would certainly like the option to consider whether or not we would cover the costs of the event moving to mabry, so if we waived \$5,000 in fees in closing south first street and it only costs \$1,500 to move to camp mabry, we still have options to cover the fees, as you will, as we waive them for street closure events.

[10:20:30]

>> Cole: I have a two part response to that.

>> Mayor leffingwell: Council member cole.

>> Cole: First this is not designed for us to change infully way our normal process of sponsoring -- in any way of our normal process of sponsoring events. We are trying to utilize cost cutting measures of the utilization of camp mabry?

>> Martinez: Yes, when a group approaches us and says we he an event, we would like to host it. Mabry will be listed as an official facility that they can have their event.

>> Mayor leffingwell: And I

-- I

-- motion to approve by council member martinez. Second by mayor pro tem. I just want to say I am going to support it. I do want to try to manage expectations. It's a small event venue

-- venue. They can do a 5k. They can't do a 10k. They can do 2,000 people. They can't do 5,000 people. In addition to that, most events are

-- of that type are on the weekend. This is a national guard base, and on most weekends, they have units that are going to drill out there, so on most weekends, they are not going to be available. They do some events now, but I guess there is no harm in entering into this, although they have been very successful and one on one with the event operator in the past. When they can do it, they will, and to manage expectations even further, camp mabry is not wide open. It is open to the public after they inspect your papers, basically. So you can't just drive on there as

you did prior to 9/11. Council member martinez.

>> Martinez: I want to add this item is only on the agenda at the request of camp mabry, it is not something I brought forward.

>> Mayor leffingwell: Got you. All of my remarks are directed at managing public expectations that this is a great safety valve. So all in favor say aye. Aye. Opposed say no? Passes on a vote of 7-0. Takes us to item number 16. Sixteen was pulled because of speakers, we will go ahead and go to the speakers now. Al morgan. He tried to speak earlier and we wouldn't let him but we will let him now. So you have 3 minutes.

[10:23:25]

>> Okay. I am hustling. Mayor, council members. I am al morgan, president of heritage hills wood bridge neighborhood association, part of the her stage hills windsor hills neighborhood planning area. Some of my neighbors and i are here to oppose proceeding with the bridge and trail construction over little walnut creek and three north acres park. Nearly 300 parents north of the park affected by the loss of bus service to hart elementary because of the brppose the bridge feeling crime in and near the bridge and north acres park will threaten their children's safety when walking or biking to and from school. We have 450 homes and families in the associated area, almost all oppose the bridge. The planning area is approximately 12,000 in population and by consensus oppose the neighborhood plan of the bridge. And we have this, safe bike routes through neighborhoods are in general a fine idea but the route through north acres park is fundamentally flawed and a fundamentally flawed site should not be built upon and the flaws propagated. North acres park is our only park. It's very small, 2.4 or 5-acres, beautiful, forested, a creek runs through it. Wildlife is abundant. A place to enjoy peace and nature, rejuvenate. The bridge and trail are disproportionately large, too large and hey will dominate the park. Bridge dimensions are 10-14 feet wide, 450 feet long. The unattractive bridge and trail is all that visitors to the park will see. I will walk an extra mile to save this park and creek as is. Alternate bike routes and two nearby bridges already exist. A third bridge is not needed. A large and unsightly bridge will be detrimental to community use of the park, including neighborhood meetings, workdays to restore the park in little walnut creek and outdoor educational natural science and art activities. Other opposition concerns include environmental damage to the park and creek is likely, as is damage to an archaeological site, crime gra vandalism and trash near the park increased and city funds could be spent on beneficial projects such as restore runberg projects and we ask you to discontinue the bridge of this city and save the city the expense of construction. Consider more beneficial alternatives.

[10:26:28]

[Buzzer alarming] show some courage. Please show courage and represent us. Thank you.

>> Mayor leffingwell: Thank you. Next speaker is kim foster. Kim foster here?

>> Yes.

>> Hello, my name is kim foster. I am the chair

-- I am the

-- you can do it. I am chair of the contact team of the heritage hills wood bridge neighborhood association. We went over to

-- we went over across the creek last night to get the children to make these signs

-- these signs for us. They were awesome kids, and the first thing here I have: Don't take our hart elementary buses away and on these

--

>> mayor leffingwell: You are going to need to get somewhat closer to that mic to be on the record.

>> I am sorry. These kids ride buses, animal buses, that's how they know which bus they need to get on to go home or get to the school. One is a turtle right here. And one is an ostrich. This is another ostrich. Look at those. Those are great pictures, and

-- and this is pre-k, second grade and third grade. And they also

-- they also wrote, I feel safe goi to hart elementary when my mom takes me to school. They aren't going to

-- they don't feel safe unless they are being brought to the bus stop by their parents and they are going to

-- they

-- they are not going to feel safe walking across the bridge by themselves. They have told us that. When my mom takes me to school, when I ride the bus

-- he's 8 years old, 9 years old

-- they want to feel safe driving

-- walking to school. When I think about walking to school, it will be tiring because I have to walk around a lot. So these are just great kids but they don't want to walk across the bridge by themselves. And once they get to the other sof the bridge, to go to school, they are going to have a walking bus, but what happens when there is

-- they have to stay late after school? Who is going to take them home? Who is going to take them to the edge of the bridge? The parents are going to be there, hopefully. I just want to ask you to postpone this bridge for

-- for a little while longer, five years would be great.

[10:29:22]

>> Mayor leffingwell: Another five, you mean?

>> Yes, another five. We will take two and we will take another month, too. But this is our neighborhood and we've already seen crime go up in our neighborhood. I see all of these people walking the neighborhoods we haven't ever seen before. That's good. We have a ready verse neighborhood and we all

-- real diverse neighborhood and we all love that, we just all love that. If this bridge goes in, we will see our property values go down and that's going to cut into the city of austin's profit margin, too. So I just want to

-- [buzzer alarming] that's all I wanted to say. Thank you.

>> Mayor leffingwell: Thank you. [One moment, please, for change in captioners]

[10:31:39]

>> and continue to ignore the very real safety concerns of those who live in the most dangerous neighborhood in austin. The staffing officials at hart elementary are in agreement with our safety concerns. Despite concerted efforts to find a safe bike and walking path from north of the proposed bridge to hart, they have concluded that th is none. These sentiments are echoed by letters which represent the feelings of residents and apartment managers of windsor hills. They too are in opposition to the bike/pedestrian pathway and the bridge sites as proposed. I would

like to read a quote from the book "how we make decisions" by jonathan lair. The only way to counteract the bias for certainty is to encourage some inner dissonance. We must force ourselves to think about the information we don't want to think about, to pay attention to the data that disturbs our entrenched beliefs. When we do not, we will make the correct decision only 33% of the time. I encourage you to listen to your constituency and change your course. Make a wise decision for the benefit of all of austin. Build a bridge in a location that is safe for cyclists and pedestrians and children and preserved the only park in the heritage hills neighborhood. Thank you.

>> Mayor leffingwell: Thank you. Question for you, ms. Hernandez? Council member tovo has a question for you.

>> Yes.

>> Tovo: I believe I heard you say that hart elementary's personnel

-- could you tell me again what you just said about hart elementary? You're fine.

>> Yes, I said that having spoken to hart officials they have been looking at safe routes to school because they've been concerned, and given the tions with this bridge and the streets that lead up to it, they have found that there are no safe routes to hart elementary.

[10:33:51]

>> Tovo: And so I wonder if we have staff present who could respond to that, and, you know, the discussion about whether or not to provide buses is really one that aisd will make. They will make the decision about whether or not to provide bus service to students after a bridge

-- if a bridge were to be built. So

--

>> mayor leffingwell: E.

>> Howard lazarus, public works. Council member, your statement is correct.

>> Tovo: And so are there

-- has aisd or has hart elementary officials expressed any concerns to you about the proposal?

>> We have a letter of support from aisd for the project. We've also committed to crossing guards at the

-- provide crossing guards at the bridge as well as a common massing place with the students and walk with them to the school. All those things have been discussed with aisd and as a result they have supported the project.

>> Tovo: Thanks. I thought I saw a letter in our backup at point.

>> There is.

>> That is from the central office, and hart elementary has been trying to work on

-- with the central aif because they are not on the site.

>> Tovo: So your decision is based on both the officials at hart elementary

--

>> that is correct.

>> Who may or may not be in agreement

-- who not in agreement.

>>

-- Because they have walked the routes.

>> Thank you. And again, just to clarify, aisd, and, in f all of the parents in this area will have an opportunity to communicate their concerns to aisd about bus transportation service and whether it should be continued if there is a decision to go forward with the

-- with a bridge. Is that again

-- just to verify, that's

--

>> that's correct.

>> Tovo: Thank you. Thank you very much, ms. Hernandez.

>> Mr. Lazarus, let me get this straight in my mind. The idea is that a school bus that currently takes these kids to the elementary school could be discontinued with the addition of this bridge because there would be a walk route to school. Is that

-- am i understanding that right?

[10:35:54]

>> That's correct, mayor.

>> And aisd

-- the front office wants to do that. Of course I have no comment from the local elementary school.

>> That's also correct.

>> Mayor leffingwell: Council member tovo.

>> To clarify this again, at this point aisd has not made a decision about whether or not to continue bus service if there is a bridge?

>> Correct.

>> Okay. So at this point aisd has not weighed in on whether or not they would continue bus service?

>> Once the bridge is constructed, the route to school for most of the children north of the creek will be within a mile, which is within walking distance. Aisd could conceivably discontinue the bus service, but they've committed to have a discussion with the parents before they do that.

>> Tovo: Thank you.

>> Mayor leffingwell: All right. Next speaker is hector hernandez.

>> Mayor and council members, I'm hector hernandez. I'm here to speak against item 16, against the construction of the bicycle/pedestrian bridge over little creek. I think council member

-- i thank council member spelman for acknowledging his concern for the safety of the elementary students walking through a crime ridden area. As a resident of heritage hills, I have stood with parents and their children at 6:30 in the morning waiting to the school buses to drive them to hart elementary. We fear and concern for the safety of the students, it's obvious. They wanted to be here but their conditions

-- the economic conditions and work did not allow them to be here. We'll request your consideration for the well-being and safety of 548 hart elementary students living within two miles of the school who would lose the school buses, according to the 2007 2006

-- may 13 memorandum from howard lazarus from the department to the mayor and city council, mr. Lazarus appears to have more influence in deciding the fate of the bridge than the consensus of

[10:38:48]

[inaudible] constituents. 800 signatures, which we provided you with packages there, from residents of windsor and heritage hills does not seem to carry any weight, nor does the apd crime report in the 2014 report, which chose 170 violent crimes in windsor hills, and only seven nonviolent crimes in heritage hills. Based on these reports alone it is reasonable to conclude that

it's not safe for little students to walk rundberg, north plaza, park plaza, in the proposed bridge to hart elementary. Hart elementary

-- I repeat this. Hart elementary officials agree that the route and bridge are not safe walking route to school. It would be

-- a bridge connecting the bridge of heritage hills neighborhood, our neighborhood, and most especially the parents of the children of hart elementary want you to know that the life of their children and the safety is more valuable than the

--

>> mayor leffingwell: Mr. Fe mr. Fe rnandez, that was your time.

>> Mayor?

>> Mayor leffingwell: Council member spelman.

>> Spelman: Mr. Hernandez, a question for you. You sat in my office

-- you said it in my office and said it again, that some kids would have to walk two miles to school.

>> That's correct.

>> Spelman: And I wondered if you knew

-- I've been unable to pull it up on-line. It may not be available on-line. Perhaps you know the attendance zone for hart elementary school so I could just mark it. There's a woman back there who knows it? Mayor, is there some way i could ask somebody in the audience if she could describe it for me and then nothing else?

[10:40:53]

>> Mayor leffingwell: Sure.

>> We're talking about the

--

>> mayor leffingwell: Come on down. Don't do it from back there.

>> You have to do it on the microphone.

>> Are you talking about the school boundaries?

>> Yes, ma'am. Introd introd uce yourself and then you can answer the question.

>> And I can talk in a normal voice here.

>> Spelman: Thank you, ma'am.

>> My name is maria raper and I'm a neighbor

-- I live in the heritage hills neighborhood. According to david dean, the assistant principal of hart elementary, the school boundaries for hart elementary run, the southern boundary is

rutherford lane. It will actually go to 183 when the new apartments are built, the pad ok, which is

-- it will be built on the corner of norwood park and 18, so that would be included, but right now

it's rutherford, 183, and it goes across rundberg. There is a little patch

-- there are some apartments right on the corner of 35 and

-- 35 and rundberg, back behind the gas station. Those children go to hart, and then the line runs all the way down to

-- from rundberg down to cameron road diswhroos so noorls rund perfecting

-- more or less rundberg on the north with a patch just north of rundberg to cameron, to rutherford, but then will eventually go to 183, and it's basically the box

-- i-35, cameron, rundberg and 183. Yes.

>> Spelman: Gotcha.
>> And there actually is a mobile home park
-- i believe it's on the corner of rundberg and cameron.
>> Cameron.
>> That also go to school there.
>> Spelman: Mobile home park at the corner of
-- is it rundberg and cameron, you said? Got it.
[10:42:53]

>> Yes.
>> Thank you very much, ma'am.
>> Mayor leffingwell: I'd like to have the next speaker
--
>> to your answer, we were talking with neighbors on childress, which is north of rundberg.
There are parents there sending those children back there. The only thing that probably the
students will be not within the two miles distance, so they probably will still would have bus
-- bus routes going to the school. But at this point it's not clear. Most of the kids that will be
affected are the ones that are rundberg/cameron/i-35 area.
>> Spelman: Great. Thank you, sir.
>> Mayor leffingwell: Maria raper? And you have three minutes.
>> Okay. I'm maria raper, as you know, and I'm here to ask you to reconsider building the north
acres bridge and pedestrian
-- bicycle and pedestrian bridge. A little background. The original goal of the north acres
bicycle/pedestrian bridge in 1987 was to close a significant gap in bicycle route 57, which is a
major north-south route that's east of i-35. At that time an advance funding agreement between
txdot and the city of austin was made in the amount of 272,000
-- \$272,712, and it was also agreed if at any point that bridge was not built this money would
have to be returned to txdot. As of november 7, the@ previous
-- I left it at my desk
-- or left it at my chair
-- there was a memorandum from howard lazarus. 79% of that money was already spent in the
design and environmental tasks, and today based on what you're doing you're going to authorize
\$751,673 of our taxpayer money for construction of this bridge. I ask you today to postpone or
change your decision for
[10:45:05]

these reasons: Number one, the original goal of this project has already been achieved. An ada
compliant sidewalk is being constructed with federal funds. The sidewalk will stretch from the
intersection of i-35 and highway 290 east all the way up to i-35 and braker lane a both the north
and southbound access roads. Today if you drive there they're actually constructing a sidewalk
right now that goes over the little walnut creek bridge. And that bridge will provide the
connection for bike route 57. Reason no.2, the taxpayer money that will be saved. If you agree
that the ada-compliant sidewalk that's being built right now meets the original goal of closing the
gap in bike route 57, \$479,000 will not have to be spent, and

-- [applause] I arrived at that figure by subtracting the original 1997 funding from txdot from the \$751,773 you would be approving today for construction of that bridge. And of course as you've heard, the green space. The proposed bridge

-- you already know the size because people have told you. We've worked a long time, at least three or more years

-- it seems like a long time

-- on cleaning up and beautifying this park. We're in a drought. People can walk across

-- i walked across yesterday over to windsor hills. It's not that hard for people and for kids and for people to come enjoy that park. So I ask you to save the taxpayer money and reconsider building this bridge. Thank you. [Applause]

>> I have a question for you.

>> Sure.

>> Mayor leffingwell: I just want

-- I thought I heard you say is that bike route 57 had an alternative plan, 57 could be completed without building this bridge.

[10:47:10]

>> Yes, sir.

>> Mayor leffingwell: That's all I wanted to know. Thank you.

>> You're welcome.

>> Mayor?

>> Mayor leffingwell: Council member riley.

>> Riley: Ms. Raper?

>> Yes.

>> Riley: I want to make sure I understand your point in that regard. Are you saying that the sidewalk along i-35 would close the gap en route 57?

>> Yes, it would.

>> Riley: Because the cyclists going both directions would be using that sidewalk on the east side of i-35?

>> Yes. And right now that particular area between rundberg and between hermitage drive, which is just south of the creek, they're building

-- it's got protection handrails on

-- well, of course across the bridge it's got it on both sides. It's ada compliant so it is wide, and when they

-- when either cyclists or people walking come off the bridge, they go down into the right-of-way, so into the grass

-- there is a grass path that separates them at that point from the access road. So I consider it a safe route, an alternative.

>> Riley: Do you know how wide it is? Does it cross the creek?

>> I don't know at this time, but it's ada compliant.

>> Riley: Okay. Thanks.

>> Okay?

>> Mayor leffingwell: Okay. Next speaker is james stevenson.

>> Mayor, council, my name is james stevenson. I live at 1002 weeping willow drive, austin, texas 78753, and I've been involved in opposing this bridge for a long time. I've lived in the neighborhood for 20 years, and I'm here to read a couple letters from people who couldn't be

here. This first one is from davis wells, lives at 1401 east rundberg, no.54. And he's saying to the austin city council, due to my obligations to my employer I'm unable to attend this meeting in person. Issue 1, until mrs. Hernandez presented me with a protest petition i had no idea there was a proposal to build a bridge in my neighborhood. I've not been contacted by the contractor nor a representative of the contractor nor any communication with the city department of public works concerning the construction of this bridge. Issue 2, access provided by this bridge will redefine school bus routes in the area. Students who are more than 2 miles away now will be denied bus transportation in the future if this bridge is built. Elementary school children and the age when they are most vulnerable to traffic, gangs and sexual predators will be forced to walk to school. At this writing there are 64 registered sexual predators in the 78753 zip code area, and no telling how many unregistered predators. And each day a child walks to school and back home again will be open to possible did he deduction by these people. Gangs will join the neighborhood to avoid the i-35 police zone and will carry drugs have these children and recruit them. The only group that will benefit them will be the gangs that will use it for easy expansion into new territory. It should not be built. Another letter here from vanessa hadley. Says my name is vanessa hadley and I'm living a 1007 east rundberg lane and I'm not able to come in person so I'm writing you this letter to express my feelings and concerns about the bridge across little walnut creek. The bridge is not right for our neighborhood, and the money could be spent elsewhere, either improving safety or on things the children could use. Secondly, I do not feel aisd should discontinue the use of buses to and from the school. This causes parents to have to take their children to school when it was previously provided. You also are putting the children at risk, not only from the weather but from predators who can easily take a child off the street, not to mention the fact that they could get hit by a car and possibly killed. This is an estimated 150 children in my neighborhood who attend hart elementary. Due to the socioeconomic background of these children they may or may not have other transportation to school, causing them to become behind in school.

[10:51:50]

>> Mayor leffingwell: Thank you. I do have one question for you. From your remarks I got the idea that you were against building this bridge. Is that correct?

>> Yes.

>> Mayor leffingwell: Because you're signed up in favor of it. I just want to let you no that he.

>> I'm sorry, mr. Mayor. That's a mistake.

>> Mayor leffingwell: I just want to be clear in my own mind here.

>> Okay.

>> Mayor leffingwell: Aaron holland? And donating time to you is will macleod. So you have up to six minutes.

>> Thank you, city council, for listening to me, and you're welcome for my patience. I've been here all day. My name is aaron. I live at 1007 east rundberg lane, no.128, and i basically didn't know about this issue until ms. Hernandez came to my door and discussed it

-- i discussed it for a long time with her. I think it's, you know

-- for me it's the busing situation, and if you go into the backup information, whm sure you all have, which I got up there about this item 16, it says, this

-- I don't know who wrote this. Actually I tried to find out how this got on the agenda. None of you proposed it. It's from the contract. I mean, I think someone should be responsible for putting things on the agenda, like a person's name should be involved, but apparently with this they are

not. But it says on here some ghost author wrote, this project will complete a critical missing piece in the pedestrian and bicycle network in northeast austin. It will also provide a safe route for students of hart elementary. Whoever wrote this doesn't know anything about my neighborhood, because there is no safe route, just like

-- just like ms. Hernandez said the school officials were saying, there is no safe route right now from my apartment complex to hart elementary. It says there's been significant public outreach and communication efforts occurred? I mean, I don't know anything about this. What is

-- what does that even mean, significant public outreach? Who were they out reaching to? It was people in my neighborhood. It was people in my apartment complex. After they came to my door i asked them for a petition paper, and I went around. Every single person I talked to about it in my very

-- a lot of it was in spanish, in my very poor spanish, but the second I could get the idea of what they wanted to do, take their kids buses away and make them walk through this dangerous neighborhood every day, they were all again it. Every single person I talked to signed my petition. I didn't spend a lot of time on it because I don't have a lot of time. I work full-time for minimum wage. I had to take the day off today to come sit here and listen to a lot of bureaucracy, but hopefully we can get something done. I'm a cyclist. I don't have any kids. I ride my bike every single day. I'd be like the person to benefit from this, you know, and I don't want it. I think that the sidewalk on 35, I think that's very important. I've often complained that there's no sidewalk there and how am I supposed to get through here. What I actually end up doing is going up georgian and there's ways to go. It's not so hard. Let's see. From the time I've been in my apartment complex I've seen three car accidents right in front of it on rundberg. I've heard reports of two separate sexual predators around my neighborhood. I've witnessed shootings, stabbings, right there. I mean, this is not a safe place for kids just to walk through the woods. These woods are full of homeless people. I've seen them. I've seen their camps. You know, I don't know -- like one of the other speakers said, you know, of all the registered sexual predators, well, how many are unregistered? Let's see. I would really like to know what the police would weigh in on this matter. It doesn't look like in the background information I see anything except that the police department says they're going to apply some crime prevention through environmental design techniques on the project, which I guess means, what, lights and cameras. I don't know. That

-- I haven't seen a police officer say that they think this is going to be a safe route for kids. And I guess

-- I guess that's about all I have to say on that except for the fact I hope you realize I'm serious. You got me off my couch and I'm in here, and I don't think

-- I hope you don't want me to come back again because if you guys pass this, I will be back again. All right?

[10:56:44]

>> Mayor leffingwell: Yeah, just a quick comment. You don't have to answer. I'm leaning toward supporting the neighborhood position on this, but frankly, the tone of your remarks has made it more difficult. Next speaker is joseph de leon.

>> Mayor and council, thank you for your time. Apologies, I have my notes on my phone. Thank you. I support a healthier more well-connected community where children can walk and bike to school and residents can walk and bike to parks, and where bicycle commuters, like myself, can choose a safer way to reach their destination. I do ride my bike pretty often. I live in windsor

hills north of the proposed bridge project, and I'm also on the committee for community garden that's under construction right now at Gus Garcia Recreation Center. Gus Garcia is north of the proposed bridge and would benefit from an increase in access to that location, and so would the North Acres Park. I've been to the North Acres Park. It's quite

-- it's quite lovely and I would love to be able to enjoy it a little more obvious. There is wildlife there and I think people north of that spot deserve access to that place as well. For that reason I'm asking you to make a priority the construction of the proposed bridge, and the safe route is actually a

-- it doesn't literally mean a safe route where no danger can happen. Safe route is actually a phrase that is used to describe a type of program that encourages people to

-- children to walk to school. And so there are efforts in place, proposed efforts by AISD to provide a walking bus that would basically escort children, you know, to and from during designated times. I'm not aware of many preschoolers or like first and second and third graders that have to stay after school often, so I don't know that that's a legitimate argument, but I do know that I grew up walking to school in a dangerous neighborhood on the west side of San Antonio, and, you know, I do struggle with that. That is, you know, hearing those comments from parents and from people who, you know, send their children to school, that is a struggle for me. However, I do also struggle with the idea of access and a healthy lifestyle, and adding a bridge where people can walk and bike I think is a good thing. We have a child obesity problem, and encouraging people to walk and bike through this area I think would be a good thing. I ride my bike

-- I would love to take 57. It goes like a block from my house. I would love to take route 57 south of Little Walnut Creek but I've got to go all the way across 35 to Georgian and a sidewalk along 35 is not safe. Traffic going by 50 miles an hour when you're a cyclist, not fair.

[11:00:28]

>> Mayor?

>> Council member Riley.

>> Riley: Mr. DeLeon? Thank you for being here and four comments, and time was running out right as you got to that very important part right at the end where you were starting to address the suggestion that bicyclists could use the sidewalk along I-35. Can you elaborate briefly on your knots on that?

>> Yes, sir. I

-- on your thoughts on that?

>> Yes, I commute to work at Rundberg and 35 to Mopac at Howard, and the most dangerous stretch of my commute is along the access road of Mopac. There's sidewalk there. In order to get to that sidewalk, I've got to take the side street of Scofield Bridge, I believe it is, and there is some pretty fast-moving traffic. People are in a rush to get where they want to, and they're not concerned about what's on the sidewalk and their eyes are looking at the road and not at what's on the sidewalk. So when I make that turn, that is the pinch point where I am most concerned about being run over by a car, and I follow that access road for about a quarter mile north to Howard and then I get back on the street, and surprisingly enough I am actually more safe on the street because I'm visible and I'm taking up a spot in the lane. People that

-- you know, motorists when they enter and exit driveways and parking lots, they are concerned with the fast-moving traffic on the street and they do not look at the sidewalk. And it's not because of any other reason than because that is where the danger to them is. There's no danger

to anybody in a vehicle from the sidewalk because, you know, we're soft-bodied. Pedestrians and cyclists are not going to hurt a car but the other way around, it's -- there's obviously no contest.

>> Riley: Have you tried the sidewalk on i-35 right there over little walnut creek?

>> I will not alternative that sidewalk. I will not -- it's not safe.

>> Riley: Okay.

>> I will go the extra distance to georgian if i have to because that's the only way I can get south of little walnut creek. I've tried using cameron road and that's practically a highway. It's a three-lane divided

-- the speed limit is 45 miles an hour but nobody drives that speed. Most people go about 60, and there's a sidewalk there, but again, the issue of entering and exiting from a driveway, the drivers do not pay attention to

-- and they certainly feel they have the right-of-way to just cross through a driveway intersection. [11:02:56]

>> Riley: All right. Okay. Thanks again for being here.

>> Thank you.

>> Mayor leffingwell: Tom walt?

>> Good afternoon. Good afternoon, mayor, mayor pro tem and council members. My name is tom walt and I'm the executive director of bike austin. I urge you to approve the construction contract. These will include the only one more north site between i-35 and east cameron road. This improves oh those who have retired their driver's licenses and roughly 10% of the workforce in this area without access to a car in their household and anyone wishing to make short or long trips by bike or on wolf. This would make access to school on foot thus making it a neighborhood school. The shortest route from park plaza drive to hart is currently three miles via cameron road or 3 1/2 via i-35. These improvement would shorten it to one-half mile.

Furthermore, it provides

-- allows resources to be devoted to classroom education. Nationwide the percentage of children walking or biking to school has dropped precipitously from approximately 50% in 1969 to just 13% in 2009. At the same time childhood obesity has soared. More than a third of our children are overweight or obese or at risk of becoming so. The prevalence of obesity is so great that this generation may be the first generation in over 200 years to live less healthy and have a shorter life span than their parents. This connection would give younger people access to daily transportation. Walking or biking to school fights childhood obesity and helps improve students' performances at school. The bridge would serve several of the imagine austin priority programs including invest in the compact and connected austin, use green infrastructure be to protect environmentally sensitive areas and integrate nature into the city, develop and maintain household affordability throughout austin and create a healthy austin, among others. Providing convenient public access to the park would make the area less hospitable for illegal activities. While this improved connectivity would serve the nearby neighborhood it would be an important asset to the

[11:05:32]

[inaudible] city. I ask you to approve the construction contract to these improvements can be built. Thank you.

>> Mayor leffingwell: Okay. That's all the speakers that I have signed up. Questions? Maybe pro tem?

>> Cole: I would like to talk to apd first. Can you speak to the crime issues in the area?

>> Sure. Good afternoon, mayor, mayor pro tem, council members. Brian manly, chief of the austin police department. We've been looking at this now for a couple years and the crime in this area. What we've done is we've broken down the crime for this

-- this response area, 251. Over the period there has been slightly less than 1% increase in the part 1 crimes, and that's the homicide, rape, robbery, theft, auto theft, burglary

--

>> cole: I'm sorry, you said

--

>> just under

-- from 2009 to 2011 we saw just under a 1% increase. When we dig

-- we went a little deeper into the data and we looked at the streets of park plaza and north plaza. These are the two streets that will directly connect to the northern portion of the bridge, and what we saw from 2009 to 2011 was a 12% drop on those two streets in the level 1, part 1 crimes, and then when we looked at 2011 and 2012 we saw an additional 9% decrease on those two streets. So while the area itself as a whole saw an increase of just under 1%, the two main streets that connect, we did realize some gains there. Most of the crime north of the bridge is occurring in three different apartment complexes that are right there on north plaza and park plaza. That's where we're seeing the significant number of crimes occur in that area.

[11:07:40]

>> Cole: Okay. Can you tell me if you all took any proactive steps to actually reduce the crime in the areas that are immediately impacted?

>> Yes, what we do is we've got the district representatives have done a lot of work in this neighborhood, working with community members, getting neighborhood watch meetings going, we've dne a lot of directed patrols in this area. When officers do have some time away from priority calls for service, we're directing them into this area to look for, you know, any indicators of crime occurring. We've done some zero tolerance initiatives in the area. Most recently with the restore rundberg grant that we got, as you all are, i believe, well aware of the three-year grant for enforcement in this part of austin, we are putting a lot more resources in the areas of rundberg and just across the highway on the west side as well.

>> Cole: I want to commend you on your efforts and the fact that it has actually had an impact and all that you have done with the outreach, especially for the neighborhood watch program, and I know that rundberg, the rider sector

-- that isn't the charlie sector?

>> You were correct, it's edward sector.

>> Cole: Okay, has had some real challenges but I know the police department is working on that so I'm grateful for that. Now I have a couple questions from mr. Lazarus.

>> Do you have time

-- since the police officer is here if you wouldn't mind if i ask a couple questions.

>> Mayor leffingwell: Council member spelman?

>> Spelman: I'll give it right back to you as soon as I'm done with it. I'm looking at a crime map

which is included in our backup, this one.

>> Yes, sir.

>> And it's got three little clouds on it, one rather scary-looking cloud up here at the corner of rundberg and 35. I presume that's what all the fuss is about. That's the whole rundberg area initiative is aimed at reducing that hot spot. Am I right?

>> Yes, sir.

>> Spelman: Okay. And equivalent hot spot on the other side of i-35, i suspect, although it doesn't show up on this map. There's a small cloud here near the corner of park and north park -- north plaza.

[11:09:47]

>> Yes.

>> And that's what you were just describing a few minutes ago as a 12% reduction over the last two years.

>> Right, and that's where the apartment complexes are situated.

>> Right in this cloud.

>> Correct. There's a cloud over here on i-35 and fenelon.

>> That's along

--

>> apartment complex here?

>> No, there's businesses over there. You've got

-- that's in the neighborhood of where the hena chevrolet and i-35 is you've got businesses, parked cars, things like that that make potential burglary targets in the evening hours.

>> Spelman: Got it. Okay. So this is a residential neighborhood here, the one

-- north plaza and park plaza that you were talking about a minute ago.

>> Yes.

>> Spelman: It is a higher than

-- what qualifies this for being in gray here? Is it a higher than average crime neighborhood

--

>> right, and that's the challenge with that being in the packet is there's no scale and it doesn't show you the representative. And so what that just showed is given the crime that was occurring in that pra, those were the hot spots within that pra. Now, I will also in the same breath say we all realize the challenges of the rundberg neighborhood because we did qualify for that grant basedn what's occurring. That's why all the extra attention is being given to that area.

>> Spelman: I notice a gap here between the rundberg hot spot that is famous, and I expect great things from you guys over the next couple years to reduce that, and this considerably milder-appearing hot spot in

-- park plaza. Can you have describe briefly what kind of crimes are taking place in this second hot spot?

>> When we're looking at the apartments, we'll be looking at more significantly some of the property crimes, the burglary, vehicles, the thefts, things like that. As you're well aware when we get apartment complexes with the dense parking lots, they just

-- they're just unfortunately prime for burglaries of the sort, so that's what we tend to see in the apartment complex. When you get further up to the rundberg area, that's where we tend to see a

lot more of the narcotics activity, things of that sort, and that's where we've got our halo cameras in that area to try to intercede those.

[11:12:01]

>> So narcotics, violent crime that goes along with narcotics sales, that's likely to be up along rundberg.

>> Yes.

>> But you don't get much evidence of narcotics sales or violent crime in north and park plazas is that

--

>> not as significant

-- it definitely occurs but it's not as significant. I think what is also important is to look at the time that these crimes are occurring, and when we looked at the times, what we saw is in the area north of the creek, so

-- what we'll call the rundberg area for lack of a better term, north of the creek what we saw was in three-hour increments the majority of the crime was occurring between midnight and 3:00 a.M. And they again from 6:00 p.M. To 9:00 p.M. So not saying that crime will not occur during the times when the kids may be accessing this area, but the lion's share of the crimes are occurring in those windows.

>> Spelman: That's interesting, because usually when you find a burglary from vehicle or a theft problem, it's because kids are taking themselves out of school and sort of not going through

-- going through cars to see what they can find. This doesn't look like kid stuff, looks like adult stuff in the evenings.

>> Based on the hours, adults or young adults potentially not the elementary

-- probably not as many of the junior high kids either.

>> Spelman: Okay. If you can't

-- cannot answer this last question i have for you, feel free to say no, but if you can answer I'd like to hear your opinion. In your professional opinion is this crime map going to change substantially if we build this bridge?

>> I am confident that we are going to do everything that we can to continue to police this neighborhood as we police all of the neighborhoods and ensure the safety of the individuals that live there and let them maintain their quality of life. I will not make any promises that rates won't go up a percent or down a percent, that's the nature of crime, but I will commit we will work with this enabled as we have in the past to ensure that we keep an eye on it and we react if we see changes.

[11:14:01]

>> Spelman: I certainly want to commit you to a percentage, but I would like to push you a little bit further. Percent up or down, things like that happen and we know crime is a random event, and things go up and down without warning, without real reason, just because it's random. Is there good reason for expecting a substantial increase in crime south of little walnut creek as a result of putting this bridge up?

>> I don't anticipate that.

>> Spelman: Thank you, sir.

>> Cole: Okay. Mayor

--

>> mayor leffingwell: Mayor pro tem.

>> Lazarus, I had a few questions for you. First I know the overall goal of the bridge is to increase connectivity for bike and pedestrians, and i notice that we have a letter from aisd transportation department to that effect. But could you help us understand exactly how the bridge is so critical to that?

>> The bridge is part of connected bicycle network throughout the city. It provides 10-foot wide off-road or protected network for both bicyclists and pedestrians to maneuver consistent with the imagine austin tenet of providing a compact connected city, and also providing healthier choices and more transportation choices. It's the best location for the bridge to occur. The sidewalk along ih-35 is only 5 feet wide, which is substandard for a combined use facility and along much much its length it's not even grade separated from the roadway, nor is there a physical barrier. So from a connectivity standpoint, the bridge and the trail, it's consistent with the intent of council when it approved the bike master plan back in the '80s and most recently the amendment to the bicycle plan in 2009. With regard to school children, the provided transportation option for children who do want to walk to school or have their parents walk to school, it provides an opportunity for parents to be engaged. As I said before, it decreases the commuting distance for many of the children to about a half a mile. So that's an important part of getting them engaged as well.

[11:16:16]

>> Cole: Well, I'm going to push you a little bit, like council member spelman pushed or officer a little while ago. So in your professional opinion, and we have some questions about who brings items forward, our construction or approval of this item is consistent with our imagine austin plan and our bicycle master plan.

>> That's correct.

>> Cole: Thank you, mayor.

>> Mayor leffingwell: Okay. Council member morrison?

>> Morrison: Thanks. I have a couple of questions, and, howard, i don't know if this one is for you, but one of the things that has been discussed is about the design and the attention to crime reduction in the design. I wonder if we could get a broader explanation of what that means.

>> Council member, I'm going to do two things. I'm going to ask that we pull up some of the read renderings we have of what the bridge is designed to look like, and then in terms of the technical aspects of the design, I'm going to ask our project manager, jack craiger, to come up and respond.

>> Thank you, chad craiger, public works. Once we found that the bridge needs to be -- meaning we looked at four different locations for the bridge, then we could dive into the design. When we first designed the bridge, it didn't have certain aspects that it does now, such as illumination and such as designing the abutments so that people can't get under 'neath bridges like you see at i-35, having worked with the neighborhood and neighborhood plan in 2009 we approached apd with their crime prevention through environmental design and those two elements were the key ones that came out of that. Lighting the bridge is no small feat. As far as I

know, I've checked with pot as well, there's only one lit bridge in austin and that's the
[11:18:16]

[inaudible] pedestrian bridge. So we went back, we redesigned part of the bridge to accept the lighting and we also redesigned the abutments and that's what we accomplished for crime prevention through environmental design.

>> This is a relatively unique design you're putting in?

>> Correct.

>> Morrison: I actually also have a question for apd. Sorry to have to pull you back up here. But I remember when we were here, I guess it was in 2009 when it was first discussed, and the issue -- the neighbors had brought the issue of crime up, and one of the things we asked was -- that the council asked was to ask apd to spend some time and effort and see what could be done to reduce the crime. So it looks like that was in the -- in the area, it looks like there's been some good -- good progress on that front. But can you

-- I don't know if you were involved in that particular focused effort in response to council asking that there be some focus on the area. Could you talk, if you do know about that, could you talk a little bit about what was done to try to deal with the issue right then?

>> I was not on the project back in 2009, but having all the historical information here, a lot of it will reflect what we talked about a little earlier and that's going to be directed patrols in the area, looking for the hot spots and addressing them as soon as we saw a crime pattern shift toward crime. They have been moving the neighborhood meetings regarding setting up neighborhood watch programs, and then as you all are well aware we hold commanders' forums in that area, we hold them quarterly, again trying to encourage participation and putting out just safety messages of how to keep yourself

-- yourself safe. And then on top of that just proactive patrol when time and call-out allows.

>> Morrison: So were there some things that were done when this issue first arose that hadn't been done before?

>> Not having been a part of the project in 2009, i really don't have anything to compare to that prior, but I can just speak to what I know was done subsequent to 2009 when we started looking at what we could do to improve crime in the area.

[11:20:28]

>> Morrison: I don't have my papers with me but if i recall properly, there was a hot spot. It was bigger than the hot spot that is on the

-- that is on the map right now that was closer to the creek, and there did seem to be a shift in terms of intensity and also farther away from the creek.

>> There is, and just to put it in perspective, our hot spots do shift around and that's why the actual pin maps tend to give a better picture of where the crime is occurring, and when we look at that as well we see similar disbursement, we see clustering in some of the areas we would expect based on the high density apartment housing and things like that.

>> Morrison: Great. And then just one other comment or ask that you confirm. With the rundberg, restore rundberg program, that's not just about moving crime somewhere else. It's -- is that correct?

>> Correct, it's an innovation grant, and so the whole purpose of that grant is to come up with some innovative solution, we number one want to see work in the rundberg corridor andd

hopefully two or three years from now once we've identified successes we can roll out to other parts of austin and see some success there, and of course reporting all this back to the federal government, the reason for their investment is they're looking for opportunities to share with other agencies across the country.

>> Morrison: Thank you.

>> Mayor leffingwell: Other comments? Council member riley?

>> Riley: Mayor, this project has been a long time coming. I know back at the time when we approved the bicycle plan, I say we, I mean, the council, it was actually before I came on the council, just a few months before we approved the bicycle plan in 2009. There was some discussion about this bridge, but council approved it and left it in the bicycle plan with some provisions about addressing crime, and I'm very grateful to apd for all its done in coordination with the community to make sure we do everything we can to address crime in the area and I'm gratified to hear we've seen an 11 to 12% drop in crime in the immediate vicinity of the bridge, in particular those streets immediately north of the bridge that will provide the connections to the bridge. I'm also grateful to everything that public works has done to adjust the design to make sure we're doing everything we can to provide a safe crossing of that creek with both the lighting and the adjustments

-- and the abutments being tailor-made to address potential crime issues in advance, and I'm confident that apd will continue being vigilant in watching for any crime patterns in this area and making sure we're doing everything we can in coordination with the community to make sure that this remains a safe neighborhood. I've been to this area a couple times to check it out. I went back in 2009 when the controversy first arose to see what it was all about. Enjoyed the ride through, pushed my bike across that creek bed and down the bank on the other side and did that again a year or so ago, and I can certainly see why everyone is so devoted to the neighborhood and passionate about protecting it, because it is a wonderful neighborhood. My hope is that it remains an area of town where people can continue to enjoy their homes and in particular i hope that people will have even more opportunities in the future to enjoy the neighborhood on foot, or on bike, and that means not just folks on the south side of the creek but folks on the north side of the creek who will now

-- who with the construction of this bridge would have a very safe and convenient opportunity to come down and enjoy that park, to access the school, and really to come down to

-- all the way down to the central part of austin. It is a very important bike route for all the folks not just to get to that school but all the folks in that northeast part of austin to be able to access our entire bike network coming down the east side of 35. If you want to

-- if you want to ride your bike through east austin, anywhere around here, this is the route that you will take. It is a critical link in the bicycle network. I can see why it was an important point of discussion during the adoption of the bicycle plan, and I'm very hopeful that people will see this bridge as a tremendous asset, not just to the community

-- to the austin community in general but to this area in the future. And I feel some degree of confidence that people will be walking around more. You will have kids

-- I know kids may resist the idea of walking to school, because it is

-- it does take some work, but there are good reasons why that

-- why that is something we want to encourage. I know with our

-- we recently installed a facility on bluebonnet in south austin and we've been hearing stories from parents who now ride with their kids to zilker elementary in the morning and then ride with them home. It's not

-- kids don't have to go by themselves. They can be accompanied by parents and people are getting more physical activity and enjoying their ride to and from school. The aid has communicated with us, as has been mentioned. They are supportive of this bridge. They say they believe the addition of the bridge will promote more walking and biking programs for the children of the school, they arrive at school more alert and ready to learn. Providing infrastructure that allows for those opportunities serves the goals of our comprehensive plan and a number of other goals that we've discussed for years. I'd be glad to move approval. Howard, is there anything else you want to add? I see you standing there and wondered if there's anything else you want to add on behalf of public works.

[11:26:47]

>> Second.

>> Mayor leffingwell: You said you'd be glad

-- you would be glad to move approval. You did move approval?

>> Riley: Before I do that can I ask a question of mr. Lazarus?

>> I think our job in the public works department is to take direction, both policy and guidance from council and apply best practices to what we bring forward to you. I think what we've done today is provide the facts that are associated with this project, but, you know, we're also people, we also live here, and we would not bring anything forward to council that we didn't think was appropriate and in the best interest of the safety of the citizens of austin. So it's not really our job to be advocates. It's our job to deliver services, but in this particular case I think we've done all that we could to address the community concerns, through an active outreach program, with apr and apd, and I've had conversations with neighbors of the neighborhoods that we will continue to be there for them to address additional concerns as they come up later. So we brought this asking for your approval and that's as much as I can say.

>> Riley: Thanks, howard. With that I'll move approval.

>> Cole: Second.

>> Mayor leffingwell: Council councilmember riley recommends approval, second by pro tem coal. In favor of the motion say aye.

>> Aye.

>> Mayor leffingwell: Opposed say no. I'm going to say no. I'm going to vote against it. So it passes on a vote of 6-1 with myself voting no. And with that we stand adjourned

-- or not adjourned. We stand in recess until 7:00 p.M.

[11:42:26]

>> Are you guys ready? All right. Good evening, folks. It is after 5:30 and it's time for live music and proclamations. With us tonight is the tiarra girls. They are three sisters, tiffany is 15, she's the bass player, sophia is 13, she's the drummer and tory is 11 years old and she's the lead vocalist and plays electric and acoustic guitar for the band. They all attend ann richards school here in austin, texas and yesterday I was able to present this proclamation for them in front of their entire school at assembly in the morning before school started so they were big shots all day yesterday at school. They also played an event at sxsw called tiniest rock stars of texas. It was an awesome event. [Applause] I believe this is where it all starts. For me it was very similar at an early age playing guitar and trumpet and who knows, maybe someday you'll serve an elected officer and be a leader in our community, but nonetheless, we know you'll be great musicians. So today it is my honor to welcome the tiarra girls. They'll play one of their original tunes and then

I'll ask you some questions after you guys play. So take it away.

[♪♪ Music playing ♪♪]

[11:46:14]

[applause]

>> girls, thank you so much. I know it's not easy to have such courage at such a young age to be in front of a group of strangers, and guess what, you're on live tv right now. So thank you all so much. That was wonderful. Do you have a web site or a facebook page or somewhere where we can go learn more about you?

>> We have a facebook page and instagram and

--

>> we just go look up tiarra girls, t-i-a-r-r-a?

>> Yeah, and we're working on a web site and we're starting to get more out there, like for our fans.

>> Is there a place where you're playing soon that we can go check you out?

>> We're going to be playing at an airport. I'm not sure what it's called, but on our facebook you can find

--

>> at the airport here in austin?

>> Yes.

>> Austin-bergstrom airport? That's awesome. We'll go look for that show. We'll go check you out. [Applause] so I know I did this yesterday at school but we got to make it official here today so I'm going to present this proclamation and you already know what it says, but I'll read it again anyway. 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're pleased to showcase and support our local artists. Now, therefore, I lee leffingwell, mayor of austin, texas, the live music capital of the world, austin, texas, do hereby proclaim may 23, 2013 at tiarra girls day. Congratulations. [Applause]

[11:48:29]

>> mayor leffingwell: Before we get started I want to announce that we're going to change the order a little bit. We're going to do this first one, employee safety month, and then after that we're going to do distinguished service award for johnny limon. So johnny, you're next after this one. So we're going to start off by celebrating employee safety month, and we have a proclamation in honor of the folks behind me, are representatives from different departments around the city whose job it is to keep everybody else safe and keep an eye on them and tell them if they're doing anything that's unsafe, which sounds to me like a pretty good idea. Anyway, it's a very important function. They are the safety reps in their departments, and after I read their proclamation and present it to jo ann cowan.

>> That would be me.

>> Let me read it first. [Laughter] joann can come up and tell us a little more about it. So the proclamation reads, be it known that whereas the city of austin recognizes the importance of health and safety of its employees and its duty to provide a safe and healthful work environment,

and whereas the city also recognizes the city of austin employee safety association, and the city occupational safety and health network as leading forces in employee safety advocacy, and whereas the city of austin employee safety association is coordinating and promoting a city -- promoting city-wide activities related to national save council's annual observance of national safety month. Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim june 2013 as employee safety month in austin, and frankly, they're all going to be employee safety months. So with that I'll let joann say a couple words.

[11:50:58]

[Applause]

>> I like that. Okay, thank you. I liked what he said. Every day should be safety day. That is for sure. We are a small group of people that represent an entire city. There's 50-thing of us in the whole organization, but

-- and we work so hard. We care so much about the safety of the employees. We really do care, and the people behind me, they are so talented and we come together and bring each our own best talent together and we form a fearsome group. We sponsor the june 5 safety conference every year and we do it for free, with no money, and we pull off a first class rate, everything professional safety conference. It's going to be great this year. This is the 100th year of the anniversary of the national safety council, and we want to celebrate that as well, and I want to recognize sharon, david, melvin, mark and they're part of my core team and i couldn't do anything without them, and again, they're awesome. The city of austin is awesome and we're glad to be employees of the city, and we want to make it the most livable city in the world.

Thank you. [Applause]

[11:53:15]

>> mayor leffingwell: It's a great privilege for me tonight to present a distinguished service award to my good friend, johnny limon. I have known johnny, really, ever since I started in politics here in the city of austin about eight years ago, and of course johnny, being a community activist on the east side, and also having the largest family you've ever seen in your life.

[Laughter] with a lot of friends. Of course if you go into politics he's a man you want to talk to, and he's a man you want to have on your side. And it's been my privilege to have johnny as my friend, my privilege to know you. You do so much for our community. I want you to know that it's very much appreciated. I have gone

-- the limon family has a reunion every october, and I think I've been to almost all of those reunions. It's webberville park, and in october

-- usually on ou weekend, unfortunately, but everybody comes out there. There's, it looks like, a thousand people out there in the limon family. I'm sure it's not quite that many, but it's a great encampment. They all have a good time. We eat a good meal. Johnny has a mass for the family, and folks watch football and I go out there and socialize with them and get to enjoy. It's been a privilege for me to do that all these many years. So this distinguished service award for his service as a community development commissioner, my appointee, by the way, from 2008 to 2013 for his commitment and collaborative efforts to ensure that the most vulnerable of austin citizens are represented. Johnny limon is deserving of public acclaim and recognition. During his tenure mr. La money served as chair of the c

-- limon served as chair of the cdc. He is a well-known and activist for east community of austin and served on several commissions and advisory groups previously. This certificate is issued in

knowledge. And appreciation of his public service this 23rd day of may in the year 2013 by the city council of austin, signed by myself, lee leffingwell, mayor of the city of austin. Johnny, this is yours. Would you like to say a couple of words?

[11:55:50]

[Applause]

>> thank you, mayor. Well, I guess first what i have to do is I want to thank mayor lee leffingwell for having the confidence in me, you know, in appointing me to serve on the community development commission of the city of austin. You know, I did get involved because I was very concerned about what was happening to many of my friends and elderly people in our community, but I can't take all the credit by myself. I have two great

-- two great people that helped me. They're the ones that grabbed me by the hand and they showed me and taught me what was needed in the city of austin, what I could do to help them, and so i really want to thank two of my best friends that helped me, and I have one other -- ms. Ruby rojo, I don't think she's here today but also karen paul. They were both community development commissioners when I met them, and without them I probably would have been lost, but they're the ones that actually took my by the hand and they showed me the ropes so that I could do what I wanted to do for my community, and again

-- so I do also want to thank the staff of neighborhood housing for the years that i did serve, you know, as

-- as a commissioner, and also as a chair of the commission, for all the great support that they gave me and all the commissioners. And I think one of the basic privileges I had was serving people from all parts of austin and this community that they had the passion for doing what was right for the less fortunate of our community. Thank you very much. [Applause]

[11:58:41]

>> riley: Hi there. I'm austin city council member chris riley and the mayor is having to leave at this time so it's my privilege to present a couple proclamations related to public works. And the first one is particularly

-- actually both of these are exciting ones for me in particular, since we've had a lot of great advances related to public works including a case we just considered and it was made a lot easier by the fact we have such an amazing public works staff here in austin that makes our work on the council so easy. So I'm going to go ahead and read this proclamation related to public works. It's one of those things that none of us really thinks about. Everybody just assumes that it works out just fine. But really, it really takes a very competent and dedicated staff to make things go smoothly, and so this is an opportunity to recognize that and give credit where credit is due. So with that I'm going to read the following proclamation. Be it known that whereas public works service provided in our community are an integral part of our citizens' everyday lives and affect everyone's health safety and comfort and whereas the support of an understanding and informed citizenry is vital to the operation of public works systems and program such as water, sewer, flood control systems, streets and public buildings. And whereas the quality and effectiveness of these facilities as well as their planning, design and construction are wholly dependent on the efforts and skills of public works professionals. And whereas it is appropriate to recognize the contributions that public works professionals make every day to our quality of life through their

positive attitudes and understanding of the importance of the work they perform. Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim may 19 through 25, 2013 as public works week here in austin. [Applause] [one moment, please, for change in captioners.] (cofa9-27-12.Ecl)
[12:01:30]

[applause].

>> I am glad howard mentioned that last part because I happen to have my handy public works cap here showing shovel ready. Our public works has a mascot, shovel ready and i will get howard to say a word about that in a minute. Before I go further in public works, I know there are a few must be lick works folks in the room. If there are current or former public works staff, i encourage you to come down here, to be closer for this next one. This one is just a very exciting one, an exciting opportunity to recognize the great work of somebody we are all very proud of and the guy who spoke, lazarus howard lazarus, he not only become a great friend, doing amazing work but a cheerful and happy about it and i went to netherlands to examine the bike facilities and you should have seen his fa when he rode around on a bicycle in the netherlands and in the process was learning all sorts of things that have potential application and will eventually benefit all of the citizens of austin. Howard, we can tell what howard brings to his job, it is an amazing level of competence and excellence in his work and others recognize that as well and that's what brings me to following certificate of congratulations I want to present on behalf of mayor and the whole city council. It reads as follows. Certificate of congratulations, having been named the american public works association's national top ten public works leaders of the year list for 2013. And howard lazarus is due for public acclaim and recognition. They recognize public works officials across the u.S. And canada, for dedication and service, professionalism and knowledge of public works infrastructure management. The association took into consideration howard's leadership as well as some of his key initiatives, like accelerate austin and the neighborhood partnering program. The selectionchi also cited howard's progressive approach to multiple modes of oriented public works projects, including his emphasis on bicycle infrastructure. We celebrate in a top caliber leading to this great designation. Signed by the mayor on behalf of the mayor and whole city council for may 23, 2013. And.
[12:04:16]

[Applause] and

-- and

--

>> [indiscernible]

>> sure, sure, and a few more comments from

-- presenting about the award from richard ridings.

>> Thank you, I am richard ridings, past president of the american public works association, it is my distinct pleasure as part of national public works week, which is this week today, to be here in austin with you and celebrate national public works week by recognizing lazarus lazarus, director, as top ten public works leader. The american public works association is recognized by 35 members nationwide and the members represent all public workers throughout the united states and canada, public workers in traffic, streets, engineering, solid waste, inspections, administration, water, wastewater, public facilities and grounds to name a few and especially administration, most employed by local, state, and federal governments but many employed by

private sector services. Each year for the last 53 years, a committee of previous apwa top ten winners reviewed over 300 applications of top ten people around world serving in public works and two of those winners are here with us today, john german and danny cardenas, the city of san antonio, when they were nominated and named. Bobby byee, who is representing the texas public works association and I am representing the american public works association. The purpose of the award is to honor the recipients and enhance and recognize the profession and inform the general public about the quality of their public works leader who represents their staff. By recognizing the outstanding achievements of public workings professionals, where the top ten public works lead of the year award, we seek to inspire excellence and dedication in public service. When recognized by your peers as one of the best in the world at serving the public, reactions varied. I can't tell you what howard thought when he got the call, but I can tell you the many people that I called in the past and had the pleasure of doing that, to inform them of their selection as one of the top public works leaders in the world, it's a very humbling recognition. It's a time that his staff, who support him and make him look good.

[12:06:57]

[Laughter] and howard and his family will never, ever forget because it goes on with you forever, the way recognition does, and many times selected people are called speechless so we call them in advance. We let them know and send award to them and say you better get ready for this because people will be patting you on the back and another humbling experience on tuesday when the governor presented him with award from the state recognizing his outstanding contributions to the state, and finally, as a taxpayer and a property owner, i can't tell you how happy i am to be and glad I am to be a property and business owner in austin, texas, a city that today recognizes howard lazarus as one of the gre public servants. For whom shall be called the greatest, let them be your servant. Howard lazarus, top ten, public works leader. [Applause] >> years ago, when I was in high school, our arresting coach, charles wagner said i am not one to making speeches and then he would launch into 30 minutes to get us fired up, so mr. Riley, as representative of the city council, I think after making us wait until 4:30 tonight to address with the council, I can take a couple of minutes of privilege. [Laughter] awards like this one are really a reflection of the quality of people that you get to be surrounded by, and this all starts with family and I am proud to introduce really three remarkable women to you. My wife carol and my daughter dana who are here today and my daughter becky who is in new york, seeking fame and fortune selling paper towels for bounty.

[12:09:12]

[Laughter] for those of you who have had a hard time sitting through a 30-minute meeting with me can only imagine the patience and tolerance it takes to live with me for 30 years. Carol is really pretty exceptional. How would you like to move 9 times in the first 12 years you were married when we were in the army together? After settling down and living in the new york area for 16 years, came home one day and told her we wanted to pack up the car and move out to texas. And she was -- she was game. The funniest part of that at the time is that dana was bouncing around the desert with a band of bedowins teaching them sustainable lifestyles and it took us a while to catch up with her. The phone call went like this. Dana, you need to come home, we are moving. What? She came home, we packed her stuff and dropped her off at school and drove out here and never looked back. I want to thank the mayor and council who on by half of austin have placed the

trust of hands in the public works department and one we strive and honor and respect every day as we come to work. Also want to acknowledge our city manager, who I am not sure knew what he was getting when he interviewed me and said I want a public works department who knows how to say yes and go out and be fearless and bold, don't be a

-- and bold and don't be afraid to make mistakes because I will be there and I tested him on that and done it numerous times and also work for a pretty exceptional city manager and the thing I appreciate about the relationship with Robert Good is he teaches me at times how to throttle down the passion and the intensity, and so the candle not only burns brightly but doesn't burn out.

Within the department, I am very privileged to work with an exceptional executive team, Carrie, Hobbe, Effort, Hinojosa,

-- Robert Hinojosa, James, Sheryl Hartley and Robert and they are not afraid to push back and put me on a new idea moratorium every now and then when I go over the deepened. Many of my fellow directors actually showed up this afternoon to be with me at the reception I didn't get to go to.

[12:11:26]

[Laughter] and I want to thank them for supporting me as well. We also have people from the greater community here, consultants, contractors, stakeholders. I never had the opportunity to work in an environment where the lines between us and them get merged, where we all join together as we, to try and advance the common good. And I appreciate all that you do, not only for the public works department for all of the citizens in Austin every day. Before we are also joined today by several members of the TPWA, starting with Richard, including several past public works directors and award winners. We are fortunate here in Austin to be working in a time where many long-standing projects, including North Acres Bridge, are actually moving to construction now, so while we get the joy of ground breakings and ribbon cuttings, we always need to remember that we stand on the shoulders of all those who came before us so I am glad we are able to span the generations here and have us all together at one place and I look forward to having everybody come back together as we go through dedications of the new facilities next year. Finally, as this is public works week, I do want to thank all of the members of the city public works team but I am going to be a little selfish and focus on the public works department. I never had an opportunity to work with such an extraordinary group of people from the field crews to partner executives, from bottom to top, stem to stern, they are the absolute best I have worked with, whether civilian, military or local government. I am proud to work with you. I am glad to have your support and I thank you all very much. [Applause].

[12:13:32]

[Indiscernible]

>> all right. We still have some more proclamations. I don't know how we are going to follow the great arrest in the world but we will give it our best shot. Congratulations, Howard. Well deserved. The next proclamation, I have to present to George Cofer from the Hill Country Conservancy and also Jody Jay and Deanne Williams, please join me up here and George dressed up for this occasion, so you know. He wore a collar and a shirt underneath it. Every year we have -- and the council just dropped this morning, the fee waivers for free swim day at Barton Springs, so every year we have a free swim day but this year coupled with that is National Trails Day and so with what you will around Austin, north, south, east, west is hundreds of volunteers out there working and enjoying our trail system throughout the city and even into some of the county areas

where we have some dedicated land for developing trails, so it is my honor to present a proclamation to George Kofer of the Hill Country Conservancy and thank them for all of their efforts in preserving this incredible value that we have in our city in the trail system that we have in and around Austin, so with that, I am going to read the proclamation presented to George and ask him to say a few words for Barton Springs and National Trails Day. The proclamation reads: "Be it known, whereas Barton Springs is an important gathering place for Austinites and bears great historical and cultural significance as an immeasurable community treasure and whereas Barton Springs also come to meet the commitment of the people of Austin of the preservation of their environment and the appreciation of the great gifts of natural beauty which help make our city the special place it is and whereas June 1 is National Trails Day and whereas I urge all citizens to join me in recognizing and celebrating the cultural and environmental significance of Barton Springs and Barton Springs Barton Creek, I, Lee Leffingwell, the Mayor of City of Austin, waive all entrance fees to the city pools and claim June 1, 2013, as Barton Springs and National Trails Day."

Congratulations. Thank you, George.

[12:17:25]

[Applause].

>> Thank you, council members. On behalf of the Austin Parks Foundation and the City of Aquatics and the Austin Parks Department and American Youth Works, we encourage all people to participate in National Trails Day and you can sign up at the Austin Parks Foundation website. This is a great tradition and a great way to get involved in the community. We have been celebrating National Trails Day here in Austin for more than 20 years at Barton Springs and there will be a nice thank you luncheon and party for the volunteers. Sign up for June 1st and again our thanks to the City of Austin for their fabulous sport. [Applause].

>> Cole: Come on down. Where is Fred? All of your friends, family, neighbors. Yes, everybody. Come on down.

>> Erica.

>> Cole: Yes, stand behind. Show your support, like at church. We are set. Okay. It is my honor and pressure to recognize a community member and a City of Austin long-term employee with a distinguished service award, along with all of her family and friends that have come with her. I would first read the proclamation and I understand that there is

-- first here to say some additional remarks but first I will read the proclamation. Distinguished service award, for her untiring service and commitment to our citizens during her nearly 32 year tenure as a dedicated employee of the City of Austin. Debra Thompson is deserving of public acclaim and public recognition. Debra has served with competence, professionalism, patience and tact as she assisted customers, citizens and fellow employees alike in her many positions. Debra is widely known for her volunteerism and employee involvement, working on affirmative action, deferred compensation, retirement system nominating elections, African-American heritage, leaps committee and serving as a liaison with the city's tutoring program. We congratulate Debra for her accomplishments and thank her for her valuable contributions she has made during her year. Presented on the 23rd day of May, 2013, the City Council of Austin, Texas, Mayor Lee Leffingwell, Mayor Pro Tem. Temcole, Riley, Spelman, and Tovo, and Morrison. There you go.

[12:21:09]

[Applause]

>> good evening, my name is fred yabra and I direct the efficient services at austin energy and on behalf of everyone at austin energy, I want to dedicate

-- I want to

-- i brought an award

-- on oscar award. [Laughter] for debra. For all of her dedicated service. We are going to miss you very much, debra. [Applause].

>> Cole: Do you want to say anything?

>> Also, in addition with what fred has stayed. I am karrio overton, and i speak to all of our employees and executive team who has not only been coworkers but friends of debra, based on the work she has done, she has made a great commitment to her professionalism and contributed to this community and helped us be the organization we are and so behalf of of her family members, coworkers and friends and, again, I want to state the work you did for the executive team, we want to thank you for everything you've done. [Applause].

>> First I would like to thank god forgiving me strength for

-- for giving me strength for 32 years to go to work and then I would like to invite my husband to please come stand by my side.

>> Awe.

>> I would like to take this opportunity to thank all of my friends, my very dear friends for being there through the good, the bad, and the ugly. I like to thank gayle chavez for never saying no to me. I like to thank kay godia for the person that she is, but most of all, I would like to thank the leaders at austin energy. They gave me an opportunity for me to be there and to be able to support my family and I would like to thank my son for being there by my side and my better half for understanding for all of the times that I needed to be at austin energy and the city of austin and thanks for everything that I've done. Now that I have the opportunity to do more for the citizens of austin, i would just like to thank everyone and all of my friends for being here today and for making this day very special for me. Thank you.

[12:23:44]

[Applause]

>> Cole: Can I have the representatives of the national lines on mental illness to come down? Thank you. We have a very healthy young city but that is not the entire story. Many people in our community are challenged with a mental illness, whether they are schizophrenia, bipolar, paranoia or just any list of mental illnesses, and often they do not have a champion, but there is a champion that we are going to recognize today. There is a champion in the national lines on mental illness and I will read the proclamation for them, in light of the fact that this is mental illness month. The national lines on mental illness is the largest mental health organization dedicated to improving the lives of families and individuals living with mental illness and whereas n.A.M.I. Works to dispel the stigma on mental illness and champion it is message that treatment works and recovery wellness is possible and whereas n.A.M.I. Our local affiliate, the local association in mental illness awareness, self-care, encouragement and pathways and support to mental illness and this month is to show public interest in mental illness and to treat wellness and therefore, I lee leffingwell, mayor of the city of austin, texas, hereby proclaim may 2013 as mental illness awareness month.

[12:26:40]

[Applause]

>> thank you.

>> Hello and thank you so much, mayor pro tem, and the council and the community at large.

On behalf of the directors of the

-- the board of directors of n.A.M.I. Austin, the local affiliate, I want to thank you for this proclamation and especially the leadership role this city has taken with regard to mental illness issues. From the creator of the mayor's mental illness task force and the monitoring committee, we see us striving collaboratively to impact the lives of the community with regards to issues of criminal justice, schools, youth, early recognition, access to health care, homelessness, and housing. All of these issues often affect individuals and their families who are coping with mental illness. We thank you for supporting the organizations like n.A.M.I., That champion the message that treatment works and recovery and wellness is possible. Today I am here with cat reynolds, new executive director of n.A.M.I., Texas, our senior state level organization and also our board members, ramona gray is behind me, brand new staff member who will join us in june, karen raynas and the first time ever full-time staff, jazell schaffer as well and I want them to stand me on this proclamation. Proclamation. N.A.M.I. Is a local affiliate and we strive to improve the lives of individuals and families living with mental illness. The impact is huge, as you know, both in the home, the community, the schools, every place that people live and breathe mental illness is available as a nondiscriminatory illness that surrounds us. We thank you for your participation every year in our annual walk, the largest community mental health event in the central texas area. This annual community walk for mental health awareness shows the lives that n.A.M.I. Shows through support, education and advocacy program and thanks for your leadership positions, for those who can't always speak for themselves and the families that support them and we prejudice to you that n.A.M.I. Austin and n.A.M.I. Texas are here to serve our community. Thank you.

[12:28:55]

>> Thank you. [Applause].

>> Cole: I just want everyone to know that mayor leffingwell is going to be delayed but we are going to ahead and hopefully start the council meeting at 7:00 o'clock. Coil cole we will go ahead and

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[13:05:36]

>> Cole: We will go ahead and take up item 99 for speakers. This item was previously on consent, but we had two citizens still waiting to speak. You pulled it? Kay grace, are you here? Kay, will you hold up one second. This was a zoning item that I think we need to have an introduction from our staff. Hold on one second. Greg, are you ready?

>> Mayor pro tem, greg guernsey, planning, development and review department. Item number 99 is zoning case c-14--2013-0023. This is for a 6.11-acre tract of land at 2901 davis lane in the southeast corner of westgate boulevard and davis lane to rezone the property to sf-6. It's currently zoned rr. The planning commission did make a recommendation for

-- the zoning and platting commission did make a recommendation to approve the staff recommendation with some additional conditions that would prohibit the vehicular access to kintiz drive to the south, immediately across the street from cowan elementary school and also to permit access to westgate boulevard. And would require pedestrian access to kintiz drive. The access were not part of the staff recommendation, however they also endorsed the 2000 trip limitation. The property right now is vacant. It's in the contributing zone, the barton springs zone. To the best of our knowledge it is subject to current code so it would have an impervious cover limit of 25% of the net site area. The proposed purchaser of a property, we understand, would like to develop a detached condominium type use, townhouse condominium residential use of approximately 32 units. That would come out to be about 5.23 units per acre. This would be slightly more than the harris condominium development that's further across westgate that's already zoned sf-6, but probably not as much as the existing single-family sf-2 zoning to the east. It was recommended to you by the commission. There were two dissenting votes, as I understand. There was some general concerns about traffic. This property does -- it is located at the intersection of davis and westgate. Westgate was recently improved through a capital improvements project to go through. Davis is not yet improved along its northern border. It would be improved sometime in the future. It's currently a two-lane roadway, but would be an arterial intersection at some point in the future. If you have any questions, I'll be happy to answer them. I believe that the -- that the owner is here, the agent is here as well if you would like to hear his presentation. [13:09:10]

>> Cole: Mayor pro tem?

>> Spelman: Before the presentation, a quick question for you, greg. What was the justification for refusing access to westgate boulevard?

>> I think there was concern by some of the neighbors were and the parents of the children that go to the school across the street. If you look at there's an access drive from kin into the school property. Kids are picked up and dropped off in the morning off of kintiz drive. And so that's where you just have a lot of children going back and forth across that street during those times when the kids get out and when the kids are dropped off in the morning. Thank you. Okay. We'll go to speakers. Ms. Kay grace.

>> Mayor pro tem, councilmembers, thank you for the consultant to be able to speak regarding this item. I have lived in the area for 29 years. I am a former president of the (indiscernible) neighborhood association. So I was part of our long fight to get things done that the city promised us after we were annexed in 1984. Davis lane was one of the things that we were promised initially that would be fixed along with dittmar road. Dittmar was finally fixed several years ago. There have been two bond packages passed to fix davis lane. Both times it was set as priority five and the money was diverted to other projects. The road is narrow. So narrow, in fact, that capital metro buses won't drive on it. The reason that westgate was taken out for ingress and egress in this area is because it's only 300-foot long. Kintiz is out of the question because of the school and also that you cannot turn left out of incidents because there's a median there. You to enter off kintiz, go to the left turn lane off westgate and loop back around. Davis lane is an east-west corridor, the west direct one other than william cannon and slaughter. It has probably 10 times as much traffic as westgate does. And I know westgate is new, but when you take into

consideration that davis will take you to mopac and it will take you for easier access for i-35, there's a whole lot of traffic there. I was apprehensive about coming here tonight because I'm only one person and many years ago I was told by former councilmember jackie goodman that if you want city council to listen to you you have to come in mass. So my hopes aren't high that anything would be done differently, but I believe what I have to say is important. Davis lane starts manchaca road. On that portion of davis lane after 29 years there are still four homes that don't have sewer connections. Three out of those four homes were sold against city policy. And in 2007 after I was promised in 1999 those homes would finally get sewer connections, found out in 2007 they didn't. And the reason I found out they didn't was because the city thought we were part of tanglewood forest, which was annexed in 1999.

[13:13:07]

>> Cole: Your time is up, but I have a couple of questions for you. I'm trying to understand how your concerns about davis lane fit into the planning and zoning commission's recommendations for additional access.

>> I live a kintiz, right across from the property.

>> Cole: Okay.

>> And I'm very family with the infrastructure. I feel like the infrastructure is not in place. And not only is it the road bad, the only access that you're going to have is off davis lane. It's narrow, tree lined, has a lot of traffic and I don't think it can support more.

>> Cole: Okay. Councilmember morrison.

>> Morrison: So your position is that we shouldn't rezone this for anything more intense than what's allowed.

>> Not unless davis lane is fixed. I just was told that there's in the permitting process for davis lane, but I don't know if it's funded.

>> Morrison: Okay. Great. Thank you.

>> Spelman: One last question, mayor pro tem.

>> Cole: One second.

>> Spelman: How big a road is davis lane right now? Is it two lane or four lane?

>> It's two, very narrow two lane. Castlewood forest, (indiscernible), when they were built, I believe my former home was built in 1971, they were out in the country. So your talking about -- you're talking about small country roads, very narrow, no shoulder, no room for anything. Tree lined. And there's also pipelines that run right beside davis lane on a part that can't be developed.

>>>

>> Spelman: The zoning and platting commission suggested no access

-- recommended no access onwestgate boulevard. Do you agree with that recommendation?

[13:15:07]

>> Absolutely. That portion is only 20 yards wide. And also one of the dissenting votes was bettie baker. She's familiar with davis lane. If any of y'all were familiar with davis lane and had to drive on in, in good faith you wouldn't approve it. And that's what ms. Baker said was that it was in horrible shape, it was a terrible road. Anyone with the city I've ever talked to said davis is

terrible. It should have been fixed 30 years ago.

>> Spelman: Westgate will support a lot more traffic than davis will obviously.

>> If you pull out of westgate out of this proposed multi-family housing you will be right where you have to get in the left turn lane. You can't turn south because there's a median there. You can only go north.

>> Spelman: There's no room to go north.

>> There's no room to go on westgate and go south.

>> Spelman: If you want to go south you have difficulty getting in the left turn lane at davis. I got it. Thank you, ma'am.

>> Cole: Thank you. Our next speaker is susan parker lay. Sus san parker lay. Not here. Did you sign up to speak?

>> No. Mayor pro tem, councilmembers, my name is vince hehren, I'm representing the applicant. I think the owner was here, but left. That was suzanne. So I was going to give you a real quick presentation on this and I forgot to sign up.

>> Cole: Okay. Well, we will hear from the applicant now.

>> Okay. Thank you, thank you, councilmembers. I think I have a few things to show you on the screen. This site is bounded by two arterials, davis lane as kay was talking about, and westgate that was just extended through on the other side. On the back side is cowan elementary and kintiz drive. We have also what it looks like a driveway, but that's a buffer and utility strip on the east side. Buffering us in single-family. This is the site area. You can see it's given right-of-way to westgate lane from the survey. It's long and narrow. Around it shows the existing davis lane right-of-way there that varies. It shows cedar trees and you can see the davis lane improvements. When they built westgate they put an intersection at davis, but stopped short of improving the whole site. You can see the width of kintiz drive and westgate. This is currently zoned rr. We're asking for sf-6 because sf-6 allows you to cluster. A lower density wouldn't be really good for the impervious cover that the barton creek contributing zone allows. It's really more of a compact, less than 25 percent area that we're trying to be in compliance with the water quality and those things. I think that's about it. What we did agree to at planning commission was when kay was talking about kintiz and the school traffic, we agreed to go ahead and prohibit access to that at that time and we have permitted for it from westgate all the way up to the existing two lane. So we propose probably two little small cul-de-sac access points off that site. If you have any questions, I'd be happy to answer them.

[13:19:22]

>> Morrison: So you are planning something like 32 units in.

>> That's the proposed. I don't know if we can get that, councilmember. Its net site area is going to be kind of taken away from 25 percent on the perimeter boundary roadway deductions. As you can tell we have three sides of roadway. It will be less than that. My guess is probably be less than that, in the 20's.

>> Morrison: So you're just doing rough calculations at this point.

>> Yes, ma'am.

>> Morrison: And i understand wanting to cluster because you can do things that are environmentally sensitive and everything. I think those are the only questions for the applicant, but I do have a question for staff members.

>> Spelman: You're proposing two access points, both on davis lane?

>> Right now we have a sketch somewhere off the center line of zeke because that's where we have to go to get wastewater service. And a little bit closer to the middle of the tract will be another small cul-de-sac that's line nine, 10, 12 units on each one. It's a very compact, very low density and a lot of open space.

>> Spelman: You're not talking about any connection, just two cul-de-sacs deadheading.

>> Yes, sir. We tracked looked at trying to connect them, but it eats up too much impervious cover with the roadway. I just don't know how it would be connected feasibly, so it would just be two short cul-de-sacs providing fire to turn around and those things.

>> Spelman: Thank you.

>> Martinez: Vince

-- i% was expecting a last name, sorry. Vince, I'm mike.

[13:21:25]

[Laughter] since you're representing the property owner, I wanted to ask you does the property owner actually have a project ready to go? Is there a site plan? Is there anything other than the zoning request on this tract.

>> No. We're filing an csr for the wastewater because this is the last piece of parcel in this area that's been developed so we kind of got left out. The only thing we got filed so far is the zoning case and csr. This is a difficult site to be with in the contributing zone, so we haven't gone forward with any site plan. We have a concept sketch i could put on the screen, but it doesn't really-- not much detail.

>> Martinez: Mayor pro tem, with that, I think there's some legitimate concerns and I would rather see davis lane fully finished out and I would rather see a site plan much further along and a real project on the ground. So I will make a motion to deny the zoning request.

>> Cole: Motion has been made. Is there a second?

>> Cole: The motion is made by mar and seconded by councilmember morrison.

>> Morrison: I do have a lot of concerns about the site and what actually can be built on it. My -- I've heard various people take a wag at it and come up with numbers significantly less than 32. So I'm very concerned that we're leading down a track that's just completely unrealistic. And with the additional concerns of the city not having finished out the work that needs to be there, i think I could support not going forward.

>> Cole: Councilmember spelman had a speak.

>> May I offer a statement on davis?

>> Cole: No, sir. If councilmember morrison has a question for you. >>E've been tracking davis line cip project for awhile and it has gone through the permitting process. So I believe it's approved. And we were going to coincide our development and our site plan once that is either under construction or underway in a bid.

[13:23:43]

>> And that would be significant information. Mr. Guernsey, do you have something to add to that?

>> I was just telling you our transportation planner and he had been talking to the public works department. The davis lane improvements go to bid next month in june and expected to be under construction sometime in august with a planned construction period of about 240 days. We're maybe a year away from the actual, but going through and getting a site plan approved, going

through the permitting process for what would be in this case a commercial permit for this type of construction, it will take quite awhile for them to get that as well.

>> Martinez: I think i will remain steady in my position until we see this project actually come through.

>> If the project is denied or the zoning is denied you have to wait 18 months to bring it back. There's other possibilities of postponement that

-- coming back at a later date and we can probably be back with plans on the roadway and give you an update on that.

>> Martinez: Can you go through the timeline go ahead? What did you say about august?

>> It goes to bid next month. It will be then under construction in august. And construction would take approximately 240 days.

>> Martinez: I would entertain a postponement to the end of august at some point. Skilled move to postpone this item to september 25th, 2013.

>> Cole: Char has made a motion to pope to september 26th and councilmember morrison has@ seconded that motion.

[13:25:49]

>> Morrison: And I'd like to ask staff if they could help us when it does come back, if there can be some kind of analysis. I don't know how much can be done actually in terms of estimates of what the net site area might be. And roughly, you know, because it will be significantly less than six acres. And then secondly I know that

-- we know it's in the contributing zone. I understand it may also be in the recharge zone because there's a buffer with regard to the recharge zone as i understand it. So some of it actually may be in the recharge zone. So if you could just give us

-- I know you can't do a whole site plan and everything. A much better idea, round numbers of how many units might be able to get

-- we might be able to get on it. That would make me feel a lot better. Because I don't want anyone to be heading down the road with the zoning case thinking they can build 32 units and then turns out they can only build five. I think that would need a discussion.

>> That project had closer to the recharge zone, across the street about 3.2 units per acre. Just so you have an idea.

>> Cole: Councilmember spelman?

>> Spelman: I would like to point out even if the two lane stays two lane for awhile, we're only talking about a couple hundred trips a day. We're not talking about a large amount of traffic being dumped on davis lane by something like 25 units. It seems to me that we're being needlessly cautious here. I'd like to make a substitute motion to approve the zoning and platting zone commission's recommendation, mayor pro tem.

[13:27:49]

>> Cole: There's been a motion to substitute on the table by councilmember spelman and seconded by councilmember riley to approve the planning and zoning commission recommendation. Councilmember riley?

>> Riley: I would just say we do not require site plans at zoning. It's currently zoned rr. That is not an appropriate zoning. That is ripe for rezoning and subsequent development. Right across the street, across the other one on the southside of davis lane, right at this intersection, is fs-6-co, so it's consistent with the zoning right there. I don't see any reason why we should delay it at this

point. Mayor pro tem?

>> Cole: Councilmember martinez.

>> Martinez: Let me say this this might be a three-three vote. We've now disposed of this item and killed it for 18 months as opposed to moving it to september and letting the project live.

>> Cole: Councilmember spelman and then councilmember tovo.

>> Spelman: If in fact this vote is killed on a three-three, I will move to reconsider it. Or somebody can move to reconsider it and we can take up your alternative motion. Tow I'm supportive of moving it to september.

>> Spelman: I give up, you win.

>> Tovo: If it makes it less complicated, I'll let you know.

>> Martinez: I did have one more question of staff. Greg, do you have a co and a trip counts per day on this tract? Does that change at all once davis lane is complete?

>> Actually, because there are so few units there's no traffic impact analysis that would be required. If all the trips were going to a street zoned (indiscernible), a neighborhood traffic analysis perhaps, but this doesn't rise to the level of trips that would trigger that. Mr. Rusthoven just told me that if you go ahead and if you were to take the zap recommendation staff would still ask that emergency access for fire equipment, if it was requested by our fire department, that access could be taken to kintiz if that ws actually owe in the site plan stage if that was necessary. It sounds like you are going going to postpone this.

[13:30:16]

>> Cole: It's my understanding, let's make sure we're procedurally clear, that councilmember spelman has withdrew, is that correct, councilmember spelman

--

>> Spelman: That would be a perfectly reasonable interpretation of I give up. [Laughter]

>> Cole: Okay. So clearly we have on the floor the main motion to postpone to september 26th that was made by councilmember martinez and seconded by councilmember morrison. Now councilmember morrison has something to say.

>> Morrison: Thank you. I have a question, clarification from our city attorney, and just for future reference. If somebody wants to vote to reconsider a motion, isn't it true that you can only move to reconsider a motion that you have actually voted in favor of, is that right? So that would still work. Councilmember spelman could have voted to reconsider.

>> Spelman: [Inaudible].

>> Cole: So we will consider a vote on the main motion. To postpone to september 26th. All those in favor, signify by saying aye say aye? That motion passes unanimously with

-- I'm sorry. That motion passes on a vote

-- on first reading only

-- no, it's a postponement. Greg! I need help. The vote passes on a vote of 5-1 in favor with councilmember riley voting no and mayor leffingwell off the dais. Thank you.

>> Thank you.

>> Cole: I didn't know that was going to be so interesting. Now we'll bring up item 101, skyway studios. I believe you said

-- studios. Studios is misspelled. And I believe councilmember riley had some comments.

[13:32:27]

>> Do you want me to introduce it quickly? This is case c-14-2013-0046 and it's under -- it's 68way cities for property located at 2005 to 280768way circle and 2800 south lamar boulevard. It's a rezoning request to community commercial mixed use for tract 1 and that would be for the properties fronting on south lamar boulevard. And gr-mu community commercial mixed use for tract 2, and that is on the tract that's fronting on y circle. It was -- skyway circle. It was recommended to you by the planning commission to grant the zoning with some conditions as recommended by staff. And those conditions included certain prohibition on uses as they apply to tract 1. And also the vehicular entry and access is prohibited to the property from skyway circle except for emergency vehicle usage. Basically this would prohibit only motor vehicle. It would still allow pedestrian and other access in the future. And also to limit tract 2 to residential and parking uses only. And I'll pause and see if there are any questions.

>> Cole: Councilmember riley? We do have speakers.

>> Riley: I can save my comments until after the speakers.

>> Cole: David king. We have speakers all in favor.

>> Good evening, councilmembers and thank you for the opportunity to speak about this topic tonight. I am here representing the zilker neighborhood association, and we've worked together with foundation communities, goodwill on this project and the neighbors to come up with this plan that's before you tonight. And so I'm not going to go into all the details, but just speak about one component of that and that's the vehicular access to skyway circle. Right now there is no vehicular access to skyway circle. And the concern about allowing vehicular access would be that traffic on could now flow through from the new development here, the folks that park there and could go back into skyway circle and into the neighborhood and with traffic backing up on lamar boulevard some drivers may decide to cut through the parking lot and use that access to go into skyway circle and then back into the neighborhood. So we're concerned about vehicular traffic being allowed and that's why we came up with a plan to have just the emergency vehicle access so they could get in if they needed to do that. There's a bit of person about pedestrian access to the extent that that is a parking lot and lots of vehicles moving around. And just a little bit of concern there that that could create some risk and liability if there's a lot of pedestrian access. And some of the neighbors that live directly behind the development here on skyway circle have expressed concerns about that creating a throughway for people to cut through skyway circle and cut through their neighborhood to get to lamar boulevard. So that's why we have some concern about pedestrian access there. So those are my comments. Thank you for your consideration tonight.

[13:36:03]

>> Cole: Thank you, mr. King. Greg cesar.

>> Good afternoon, council, my name is greg and I'm here representing the workers defense project. We're a nonprofit organization that represents over one thousand low wage working families. And we support this development and the rezoning that will be necessary for it because of the entire comprehensive package and how great of a development it will be. But I did want to highlight one additional community benefit that the development will bring, which is that since 2011 foundation communities has dedicated itself on every development ensuring that all of the construction workers employed by all the contractors and subcontractors will receive a living wage, will have access to safety training, will be safe on the job and will have worker's compensation insurance. So this when we're talking about community vitality and community

benefits, this is really a great additional benefit on top of having permanent supportive housing you're helping people have the ability to afford to live in austin, to be safe on the job, and these are sometimes some of the most low income and vulnerable populations we have in a state that's rigged with problem in the construction industry, foundation communities is said setting a standard for all kinds of commercial development, especially for profit development considering this is nonprofit development. I know there's been discussion recently about whether this has to do with zoning. I strongly believe that it does. If you go and check why the state of texas gives cities the ability to zone, it cesar chavez that municipalities can encourage ingful, healthy and orderly development and what is more disorderly than being hurt on the job, not having worker's compensation insurance and not being able to support your family. And the city's own standards say that zoning should incorporate strong community standards such as creating good employment opportunities. So we're creating great employment opportunities when you're considering all the supportive can services in the development, but also great employment opportunities in the construction, which is not something that we often say about construction in austin, so I'm happy to say that about this development and really excited to hopefully see skyway cities being built soon. Thank you so much.

[13:38:12]

>> Cole: Thank you, greg. William (indiscernible).

>> Thank you for pronouncing my name so beautifully correct. I'm a real estate broker and I've been managing one of these four-plexes on skyway circle since 2000 as a personal investment. And these guys have done a really good job working on the overall investor neighbors and the occupant neighbors. The package all passed and it came to my attention that there's been a little change last minute to allow the access for pedestrians and bikes through the parking lot. Can you put the plat back up there, please? For skyway circle. Skyway circle is just a little cul-de-sac, has 10, 11 four-plexes on it. And I've been managing over there, like I said, since 2000. There is a lot of pedestrian traffic already cutting through between the buildings from barton village drive and the apartment complex behind there. I firmly believe for the security and the welfare and the benefits of all the citizens at all hours of the day, including the evening, that line should be a solid property line like it's been between the residential on skyway and the commercial on south lamar. The proposal for the emergency vehicle, that's great, but to make it a mandatory pedestrian and having bikes and children and families going through parking lots with cars backing out with moms and kids and all that, I think it's just going to add to the liability and the safety of the general public both for the business of goodwill and that. So I'd like to that last amendment for the car access to be withdrawn. It was negotiated in the original package and it came to my understanding was stuck in the last day or two or maybe in the last few hours. As you see, the orange line is where the ends of the complex would be. Any pedestrian or bike rider would only have to go one more four-plex to get to the corner where the commercial building is. So it doesn't hinder any general transportation both on foot or with the bikes through that neighborhood since it's a dead end street that doesn't go anywhere anyway. Do you see my point? It looks like I confused a few of y'all. You get my point. And also at night there's a lot of pedestrian traffic. If you're going to have pedestrians walking through some commercial into the residential and also 2801 and 2803 skyway circle have no parking lot at all. So in the evenings those cars stack up two and sometimes three deep, nose to tail. Now if you will let cars drive through there it's just going to add to the entire mess. And actually, I think put a cauldron of more unsafe activity or pedestrians and cars going through and in the evenings car theft is a

crime of convenience, and my years of property management. We'll encourage them to go walking by the cars, we're encouraging the theft.

[13:41:31]

>> Cole: Thank you. Councilmember morrison has a question for you.

>> Morrison: Actually, i have a question for staff. I wonder if you could address this issue. And tell me what is in the ordinance with regard to access on to sighway?

-- Skyway?

>> The provisions right now, vehicular entry and exit will be prohibited from the property to skyway circle except for access for emergency vehicles with that usage. And that applies to tract two for the two lots that have the four-plexes on skyway circle. >rison: OKAY. SO I Thought I heard you say

--

>> I thought it was changed to allow either mandatory car and pedestrian or mandatory bike and pedestrian.

>> If someone wanted to walk from the property to skyway circle or an ambulance or a fire truck showed up they would still have access from skyway circle.

>>

>> Morrison: Does it require that bike and pedestrian access be given orust allows it.

>> No. It prohibits motor vehicle access, but it doesn't, i guess, mandate those others. It just makes them a possibility.

>> Morrison: So that's something that can be worked out.

>> We would still, if it comes up and we go through the site plan process and we need that for fire access, that's still going to be a fire access.

>> Morrison: Absolutely. Anything else can just be worked out as the development goes along and it could be there, could not not there.

>> I believe the property owners in the future they decide that there is a security issue they can certainly handle it.

>> Morrison: Okay. Great.

>> We still [overlapping speakers]

>> Morrison: I think we're good. Thank you.

>> Cole: Our next speaker is frances ferguson. Thank you, frances. We have one more speaker, david pritty who signed up not to speak, but in favor. Okay, council, that is the end of our spurs. Comments, motions? Councilmember morrison moves approval on all three readings. And that was seconded by councilmember spelman. Councilmember riley?

[13:43:56]

>> Riley: I would like to offer an amendment. I don't know if I will get a second on this or not, but i need to try. And it does relate to access. First with regard to allowing bicycle and pedestrian access. Before I even go through, let me say I think this was a great project. I'm very glad to see foundation communities taking this on and i appreciate the neighborhoods working with them to make this work. It is a difficult location and so I appreciate everybody's efforts to work together to make it work. This

-- for those who aren't familiar with the case, this is right on the west side of south lamar right across from where manchaca empties and hits south lamar. And it's closer to barton skyway so it's this and one other site. There's only one small side between this and barton skyway. It is a

challenging location because you have manchaca entering south lamar right there and you have barton skyway meeting lightsey just down the road. South lamar, as everyone knows, is a very challenging corridor. In fact, in a recent survey we heard from our transportation department that this is the one corridor where most austinites feel there are real challenges and issues that need to be addressed. People see lamar, the entirety of lamar, as being very problematic. We are about to undertake a corridor study on south lamar to figure out a lot of issues about how we are going to try to make it

-- ensure that it works smoothly in the future. More and more people are getting anxious about that as we see more and more developments going in. And one thing that is apparent to me is in order for it to work smoothly we have to strive to make south lamar more accommodating to pedestrians and bicyclists. It is not a very pleasant place to be either walking or biking now, but once you add all of those residents and all of the mix of uses on the corridor the only way it's going to work without creating a real calamity there on south lamar is if people are able to get the places they need to go by some means other than getting in a car, and that's going to mean figuring out how

-- all sorts of creative approaches to the street scenes along south lamar. I don't know what that's going to mean for this particular location, but I think it is going to require some careful thought and I'm concerned that in connection with this case right out of the gate we would be foreclosing the possibility that access might be out of the back of this project, where there's already a parking lot on to a cul-de-sac on skyway circle. We would instead be mandating that access be provided directly to south lamar right at that very challenging place where manchaca intersects with it. I can't say at this point that the access on to the skyway circle would work better. I don't know that that's the case, but that's exactly the sort of issue that can be dealt with at site plan where we can sift through the issue and figure out what works best. And that can be done in the context of the corridor study that we will have

-- that we'll be looking at all of these issues along south lamar. So I would move that we approve the planning commission recommendation except in regard to the prohibition of vehicular entry and exit on to skyway circle. If that is going to be

-- if that's not the right place to have vehicular access, that can be addressed at site plan, but I would not want to foreclose that possibility at this point.

[13:47:21]

>> Cole: Are you making a friendly amendment, councilmember riley? Because there's a motion and a second.

>> Riley: I would offer it as a friendly amendment.

>> Morrison: Just to clarify, I zoned out a minute there, are you saying you want to allow vehicular access?

>> Riley: No. I'm saying I want to remove the prohibition on vehicular access. That does not mean that it would not necessarily be allowed. That would mean we would consider that at site plan?

>> Morrison: Yeah. And because that is at the very crux of the agreement between the neighborhood and the applicant

-- in fact, if I could ask mr. Morrow to come up and talk about how that played a part in balancing all the concerns, that could be helpful.

>> Walter Morrow, the executive director of foundation communities. We're grateful for this project and the city's support. Understand we've been working for about five months with zilker

neighborhood association as well as barton hills and south lamar neighborhood association and are grateful to all three neighborhood associations for their active engagement in helping us really design a great project. And everyone's been consistently clear that they do not want cars cutting through the goodwill store to get back into the neighborhood, that they want that closed.

So we agree. That's why we are

-- and we are anxious to get the zoning approved and keep us on schedule to leverage the housing credits from the state. I'm happy to answer any other questions.

>> Morrison: I don't think I can accept that as a friendly amendment. I think to pull the thread that could unravel what is being presented to us as an agreement on all parties would not be a good way to go.

>> Cole: That amendment was not friendly. Do you want to take a vote on the amendment?

>> Riley: I don't have a second on it. If there were a second, yeah.

[13:49:21]

>> Cole: Okay. There has been no motion made. Okay. Any other comments? Questions? I think this is a wonderful project. I've enjoyed watching it come together and I want to thank mr. Morrow and all the housing advocates and other community leaders that have supported it. We definitely need this type of housing in our community and I'm pleased that we are able to do it today. All those in favor of the motion please say aye. Those opposed say no. That motion passes unanimously with mayor leffingwell off the dais. [Applause]. On all three readings. Greg, I hear you have something to tell us.

>> Yes. On item number 90 earlier today you had taken this on your consent agenda on second reading only. And I misspoke and I didn't clarify the second half of the district on tract 2. So staff would respectfully ask for your reconsideration of this item.

>> Cole: I'll entertain a motion.

>> [Inaudible].

>> Cole: I'll entertain a motion to reconsider and then

-- the motion has been made and seconded, made by councilmember spelman and seconded by coember morrison. All those in favor of reconsideration say aye? That motion passes unanimously with mayor leffingwell off the dais. Go ahead, greg.

>> Thank you, mayor and council

-- mayor pro tem and council. Very quickly, item number 90 is case c-14-2012-0083. This is for the property located at 800 west sixth street. And 602 to 702 west avenue, which should

-- what i should have read into the record earlier is basically this is a rezoning request to downtown mixed use central urban redevelopment district or dmu-cure zoning and for tract 2 and this is ready for second reading only.

[13:51:25]

>> Cole: Item 90 has been moved for approval by councilmember morrison, seconded by councilmember spelman. All in favor say aye? Item 90 passes unanimously with mayor leffingwell off the dais. Thank you, that concludes our zoning cases. And now we will go to our public hearings and possible actions and take up item number 102, which has two citizens waiting to owe several citizens. Ora houston, texas gas service's proposal on gas rates.

>> Good evening, members of the council. I'm here at the right time and I want to thank councilmember spelman for asking the question about item 36. I think we needed to have more teeth in it because it's kind of porous there for awhile. So I'm here tonight to speak to item 102

about the gas rates increasing. And I've been here before to say to this council that at some point growth needs to take care of itself. And here is another example of where rates are going to be increased, property taxes

-- not for this rate, but property taxes are going up. We've got bond proposals coming up in november. We've got a health science center that's coming up. We can no longer

-- on our backs fragile. Another rate increase after the water increase, I've had to keep mine under a thousand gallons because i can't afford to go up to the next rate structure. So please, please, please, I'm blessed that I have two retirement incomes, but many of our people don't. And every time this comes up this is to help other people come

-- we pat ourselves on the back and say we're doing a great job and so many people are moving here, but it's killing those of us who have been here. So I ask you not to approve this cusmer rate increase. Thank you so much.

[13:53:40]

>> Cole: Thank you, ms. Houston. Mr. (Indiscernible). Tell low. I also rise in strong opposition to this rate increase for texas gas services. You're looking at

-- I had it over here. You're looking at at least \$12 for a customer service charge and some more money. And it's kind of interesting. I read an article on boston globe that says fracking is good, leads to lower oil and gas prices. And I was watching in the media on msnbc, they're depicting explosion for

-- from fracking. I think part of the problem is we're not looking at solutions to keep the gas prices down. If councilmember riley raving about compressed natural gas, I'm wondering how would this gas increase affect bus service around austin because compressed natural gas comes from somewhere. I wonder if it will come from texas gas service. That's a good question. I think the solution is we need to do more fracking and we need to cut salaries at texas gas service. More importantly I would like to see an audit. Let's audit texas gas service and let's not do anything until we get that audit. Thank you.

[13:55:56]

>> Mayor Leffingwell: So it looks like that's all the speakers who have signed up who wanted to speak. So coupe, either discussion or a motion on the ordinance. Councilmember morrison.

>> Morrison: I wonder if we could hear from staff, just a review summary of the ordinance.

>> This item is regarding texas gas service's proposal to increase their customer gas rates, but it's by applying an interim rate adjustment which is allowed under the gas utilities code. This in particular related to the gas reliability trail runners infrastructure program of the texas utilities code. And the statute allows a gas utility to recover additional invested capital costs and related expenses that they make into their system in between rate case proceedings. There are no operational or maintenance costs included in this filing. And we did complete a thorough review. We had a rate consultant who reviewed the filing and indicated that texas gas services proposal, it does comply with the code and is reasonable with respect to the plant costs and the rate of return. And all the schedules are in compliance with the code and the increase is accurately allocated to the customer classes as well as approved back in the full rate case by the city in 2008. And the current residential monthly charge of \$11.33 would increase by \$1.29 to a total of \$12.62, and the rate would be

-- become effective can meters read on or after november 27th. That does conclude my presentation and staff does recommend approval of the proposed ordinance granting the rate

surcharge by texas gas service.
[13:57:58]

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: So the

-- given the plant investment, this is a reasonable

-- this is a reasonable rate for texas gas service to recover its investment in the plant. Tell me about the plant investment itself. What do they do?

>> Well, it was upgrades to their infrastructure, replacement of old infrastructure. They installed a wireless

-- it was a wireless meter reading system. It was those types of investments. Large scale.

>> Spelman: Did your third-party rate consultant also weigh in on the appropriateness of that investment?

>> Yes.

>> Spelman: And what did he h.R. She say?

>> They recommended that it was reasonable and compliant with the statute.

>> Spelman: Okay. Thank you.

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

>> Spelman: Move approval.

>> Mayor Leffingwell: Councilmember spelman moves to close the public hearing and approve on all three readings. Second by mayor pro tem cole. Further discussion? All in favor say aye?

Opposed say no? It passes on a vote of seven to zero. So now we'll go to item 104. [One moment, please, for change in captioners]

>> we have two speakers. Thirst is throm wald. Is tom wald here? The second speaker is will mccloud.

[14:00:26]

>> Okay. Item 104, conduct a public hearing and consider an ordinance considering various code and item 25 to look at clarify definitions and regulations related to bicycle and motor vehicle parking requirements, calculations and reductions and establishing a bicycle parking fund. We ate taxing vehicles already, parking downtown, so we are going to add bicycles to the use, too? What has the city done to lower their cost of operation? Because all I see is just a walking atm machine. Everywhere ycu go, we are charging you. Pretty soon, what's next? Are you going to charge us to walk down the street? We are going have a toll like that? I heard new york was considering something like that. And not too long ago. I think bicycling is important. I wish I could bike. I can't because I live in an inaccessible side of austin. That to tax cyclists, i think that's counterintuitive. I don't think you are going to see a lot of cyclists want to come downtown, other parts where we are going to have bicycle parking being fund

-- funded. I think we are going to go

-- they are going to go out to the outskirts, where you are not going to be charging for parking. The way this seems to be written, it's like

-- i think we need

-- we need to know the costs involved and alternative measures, where we can cut. Where are these definitions and regulations? Where can we

-- where can we end that? When do we have enough regulation? I am getting sick and tired of being taxed and regulated to death and that's the way the current administration is going

federally, a little bit at the state level and especially at the local level. That's why I am here. I am against a lot of things. There are some things I am for. But we need to ask -- the question is, is this essential. I will leave that up to you. Thank you.
[14:03:27]

>> Mayor leffingwell: All the speakers that we have. We do have staff. There is no presentation. They are here to answer questions you may have or a motion on the ordinance.

>> Spelman: Mayor.

>> Mayor leffingwell: Council member spelman.

>> Spelman: Mr. Riley needs a main motion to hang his amendments on so I will move approval -- move to close the public hearing and approve item 104 on all three readings.

>> Mayor leffingwell: Motion by council member spelman, close the public hearing, approve all three readings, second by council member martinez. Council member riley.

>> Riley: I want to start off by thanking staff for all of their work on this. This package of amendments has been in the works for a very long time and an awful lot of effort has gone into it and I appreciate all of that. I do have a few technical amendments to -- to suggest and that I hope will be considered friendly. The first would be that we amend schedule a as follows: Commercial off street parking requires one bike parking space for every 10 motor vehicle parking spaces. This is to simply ensure when we have parking garages and other off-street parking facilities, that there would be bike parking provided in such facilities, and that has

-- that has been an issue in the past because we have not

-- we have had garages with

-- they would provide great shelter for bikes but

-- even though they are housing many cars and they have enough room to shelter bikes but there are often no racks at all in those garages, so it is a straightforward matter that would allow for bike parking in those off-street facilities.

>> Spelman: Mayor.

>> Mayor leffingwell: Council member spelman.

>> Spelman: Remind me if you could, council member riley, approximately how many bicycles could you park on one automobile parking space?

>> Riley: I am going to turn to expert help on that. Could you shed any light on that?

[14:05:27]

>> Good evening, public works department. If I

-- could I clarify your amendment? Is it for schedule a related to off oocyte commercial park

-- off site commercial parking facility?

>> Riley: , Yes, yes.

>> Mayor leffingwell: Right now the current code requires no bicycle parking if a commercial parking garage is built and i believe you said that you wanted

-- the amendment is for every 10 parking spaces that would be in a commercial garage, there would be one bicycle parking space required, so essentially it's 10% of the parking requirement for an off off site garage.

>> Onslaught by slot basis, but what percentage of square footage would it be for bicycles?

Bicycles are obviously much smaller than cars.

>> That's a good question. Let me think about that for a second. Are there any other questions?

>> Mayor leffingwell: Council member
-- are you finished?
>> Spelman: My only
-- my only question is, as more of a statement I would like to be able to make
-- the statement I would like to be able to make is you can get 10% of your parking on space by space for bicycles by allocating x percent of the total square footage and i don't know what that x is.
>> I can get you the calculations.
>> Spelman: I am sure it is much smaller than 10% but i would like to know how much smaller it is.
>> It is smaller. For example, the bike parking room you are familiar with here at city hall that is down in the basement is probably about 300 square feet, give or take, and maybe holds 30 bikes, give or take, so just give you a sense of
-- it's a small area. You can get a lot of bikes in a small area.
>> Spelman: So something like 10 square feet a bicycle?
>> Yes, yes.
>> Spelman: And I can probably work out the size of a parking space for an automobile myself, but i would like somebody to work that out and give me a number if they could.
[14:07:27]

>> Okay. I will do that.
>> Mayor leffingwell: Are you finished?
>> Spelman: Do you want to
--
>> mayor leffingwell: Council member riley wants to speak, but only when you are through.
Council member riley.
>> Riley: I was simply going to offer the example of bike corrals, I know often when we install a bike corral in a parking space, we say you often can accommodate
-- 7.
>> Seven?
>> Sorry, accommodates 7 racks so 14 bikes, two on each rack.
>> Riley: Typically on street parking space with a bike corral, you can get 7 bike racks there?
>> Correct.
>> Riley That
--
>> it typically on average is 18-20 feet in width and about 8 feet
-- sorry, in length and about 8 feet in width.
>> Riley: All right.
>> Riley: Okay.
>> Spelman: Mayor, would you like to hear three amendments in a row and then three yeses or nos, whether they are friendly?
>> Mayor leffingwell: Yeah, I just want to know who wants to have the floor. I mean ...
>> Spelman: I will accept the first amendment as a friendly amendment if it is on the table.
>> Riley: Great.
>> Mayor leffingwell: Council member martinez. Okay. Go ahead.
>> Riley: And the second amendment would be with regard to schedule b, and the language

here, and the suggestion was that

-- that the end of the paragraph in schedule b, we provide a sentence saying "a minimum of one bicycle parking space shall be provided for any use except single family residential or two family residential and that's just to clarify the minimum requirement for odd uses or uses providing very little or no automobile parking. When you get just down to a fraction of parking space, we still expect to see one bike parking space, biking space provided.

[14:09:35]

>> Mayor leffingwell: Council member martinez.

>> Martinez: [Indiscernible]

>> mayor leffingwell: Okay. What's next?

>> Riley: Lastly, I was going to suggest we anticipate part 7.25

-- well, .25-6-478f and that is the provision about automobile parking that allows for reductions in excess of 40% of the site's required parking in exchange for providing bicycle-related facilities. Currently the proposal would require approval by the applicable land use commission with the application and I would suggest that we delete that phrase, the applicable land use commission, and aphow the director to

-- allow the director to make this decision. This is a technical decision that could be made administratively by staff without requiring people to go through the hassle of going through a public hearing at a land use commission.

>> Could you clarify which director? Public works or planning development and review?

>> Riley: This would probably be planning development and review in consultation with the public works division. It's what I would expect.

>> Mayor leffingwell: You want that

-- that entire phrase all in there or do you want to make it out to

--

>> Riley: If staff feels that would be

-- that would be important to include, then I would be happy to suggest that we include that.

>> Do you have it be an administrative decision rather than a

--

>> Riley: That's right.

>> A [indiscernible] decision. We are okay with that.

>> Riley: If we say

-- if we go by the director, is that adequate? And you can establish rules exactly how the director makes the decision?

>> Yes.

>> Riley: Okay.

>> Mayor leffingwell: Okay.

>> I have one question.

>> Mayor leffingwell: Mr. Martinez.

>> Martinez: Can you give me an example of where an applicant might request a greater reduction than 40% of their parking?

>> Sure.

[14:11:35]

>> Martinez: And how it applies to 25-6-478d?

>> Yes, so, for example, if this were to pass, this last amendment, it would only be allowed in conjunction with the shower incentive. So we have taken

-- there has been a shower incentive in subchapter e since its adoption in 2007. What we have done here is we've pulled all of the parking sin

-- motor vehicle parking incentives and put them in 47628e, a one stop shopping if they want to take advantage of that in the urban core and revised the reading of how it's triggered to be square footage of the building instead of employees which is why it was in subchapter e and it is hard to interpret which is why i think it hasn't been used that much. So an example would be, let's say a site plan

-- somewhere in the urban core near north loop which has a really good bike network, really good bike lanes, really good neighborhood streets in combination with bike lanes on busier streets and they are trying to get a small new development in and they are

-- if they could just reduce by one or two spaces and they realize, oh, we could put in a shower for the office spaces that leasable here and they would be able to do that,

-- to do that, that site plan would then

-- in order to go

-- to reduce more than 40% of what would be required, would have to be reviewed by planning transportation staff in consultation with public works staff to

-- to determine that it was in a place that was realistic to attract folks to ride to work. So for

-- on the inverse, if it was someplace sandwiched between two txdot highways without a lot of bike access currently, that might not be something that we would approve.

[14:13:36]

>> Martinez: So the only other infrastructure that you can add to bike parking facilities to get approval from the director in this instance is greater than 40% reduction?

>> Right. Right. It is just the shower at this point. And in the bike program we have heard for many, many years that just our climate that we have to do something to incent more showers if we want more biking to work. We saw this as a way to do it in the right location so you have a good point to ask, what would we be considering and that is mature bicycling structure that would be conducive to realistically attracting good bike commuting.

>> Martinez: I will accept it as friendly.

>> Mayor leffingwell: Okay. Is that all? Anything else? So we have a motion on the table with three amendments. Is that correct? And you can furnish all of that to the clerk.

>> Spelman: Mayor.

>> Mayor leffingwell: Council member spelman.

>> Spelman: I just did the math. Itns out if we accept mr. Riley's first amendment, then one biking

-- bike parking space for every 10 motor vehicle spaces means we are using 99.3% of the total square footage for cars and 0.7% for bicycles, just another reason why bicycles are a lot more efficient than cars. Thank you.

>> Mayor leffingwell: Whatever tt means. [Laughter] all in favor of motion say aye. Aye.

Opposed say no? Passes on a vote of 7-0. So we go to

-- I believe it's 106

-- do you have a brief presentation you want to make? Any questions for staff before we go to

public hearing? If not, we will go to the public hearing. Aura houston, first speaker.
[14:15:47]

>> Laura houston, and this time I am coming to say i support something. [Laughter] I think this is a great idea. I think that historic districts, the rainey street project has
-- has been done something
-- something has happened to it and I would love to see houses move into another area rather than demolished because I think that's important history and I support the moval rather than the demolition. Thank you.

>> Mayor leffingwell: Susanna almanza. Navardo

-- labrado almanza. Corozone rentaria. Francis martinez. Francis martinez. Rebecca kubiartay

-- rebecca tubiarty. G moreno. Will mccloud.

>> Okay. This is about relocating historically significant buildings on rainey street. Conducting a public hearing considering an ordinance amending city code chapter 25-2 to encourage such relocation

-- to appropriate locations outside the subdistrict in lieu of demolition. There is a lot of things i would like to

-- first of all, I am against this, because there is a lot of buildings I would like to be moved instead of demolished. One has to be in my grand parents' house. I couldn't take that with me. I couldn't take their 1987 console tv set from zentih. I wish I could but I have to deal with the facts of life. The city is changing. The city is growing and it is very expensive. In san antonio, they moved, I believe, the fairmont hotel a couple of decades ago or so, and that move was very, very expensive. As a citizen, I have a right to determine where my tax dollars go that I am paying for in increased rent. When I moved to northwest austin as a secondary residence, my rent was 635 bucks per month. Now it's gone up to 785. There is a reason why I am here, because when property taxes increase, city spending, rent increases. There is no free lunch. Heck, I would like to have 610 by astro world in houston have those little funky street signals, street lights that were in place through the '80s and '90s, near the astro dome, but went they widened the lanes, that had to go. We have to embrace change. We are not embracing change by moving these buildings. You can move a house or a home, but, really, do we

-- do we need to do this? It's not

-- it's not the alamo. It's not barton creek. It is an important piece of history. True. Native-americans. They would like their homes back as well. Their homes weren't moved. They were destroyed. Think about it. Progress.

[14:20:12]

[Buzzer alarming]

>> mayor leffingwell: Council member martinez moves to close the public hearing, approve on three readings. Second by council member morrison. Discussion? All those in favor, say "aye." Aye. Opposed say no. Passes on a vote of 6-0 with council member spelman off the dais. Next we will go and hear

-- do a public hearing for items 108 and 109 together, since they are related so i will call speakers on the list for 108 and then I will cross check to make sure that covered everybody on 109. We will consider motions for the two items separately, but we will conduct the briefing and the public hearing for both simultaneously.

>> Thank you, mayor, good evening mayor and council, my name is leon barber, the building

official. I know we have a number of speakers and I have a brief presentation but it repeats what is on the rca. I will be happy to pass that out if you don't mind.

>> Mayor leffingwell: If you could just give us a brief thumbnail, I would appreciate it.

>> Would be happy to.

>> Item 108 is proposed residential amendment to our international residential code which is item 109. This gives you a history of some of the meetings we've had concerning this particular item. We started in june of 2012. We ended up on february 7 at the building and fire code board of appeals. It was a 4-0-1 vote. This requires visibility

-- visitability, bathroom on first floor. You have to have a bathroom on the first floor. Previously if you had a first floor bathroom, it wasn't required. The second item is wall blocking reinforcement is required in the bathroom and also a 30-inch year opening. That particular requirement is in the code. It has been there since 2009. And the light switches, receptacles, anything in that particular bathroom has to be 48-inches high on the switches or no higher than 15 inches off the floor off the receptacles. The fourth one which is more of the bigger issue is we require visibility route in that particular design. They have to have a common route that leads to kitchen, living room, and visible bathroom and requires visible door handles on that particular route. The last amendment that we want to add, which is a little bit more difficult, is a no step entranceway. We propose by january 1st, 2016, all new subdivisions are required to provide visibility. The idea of the thought is between now and that date a need to modify and adjust, what the waivers are going to be, decide what the advantages are going to be, and decide what appeals process we want to take place and decide the incentives for this entryway, this is the time now and then to make the stakeholders come together and make any changes that they can see

-- they can work with

-- visit ability. And finally the transof the side or back of the dwelling would be accessed by a visitable route. That's it. Questions.

[14:24:16]

>> Mayor leffingwell: Could you show that last slide again? So the second bullet. The second bullet says the developer shall predetermine and identify lots that will comply with this section. Does that mean all lots will not comply? Or explain that to me.

>> We expect all lots to comply, a job of engineer and developer is to regrade the properties and cut as they need to, to make the lots more available to be visitable and that's our hope, if there is a particular lot, if the grade is really steep there or there is a really small lot, there is a possibility they could get waiver to a no step entryway not I know every lot is probably different but do you have an average cost that that would add to the cost of an average home?

>> We have been hearing anywhere from the range of 1,000 to \$2,000.

>> Mayor leffingwell: I will ask that same question to speakers who talk about it, too, to see if they are

-- council member morrison.

>> Morrison: Thanks, leon. You say you expect every lot to comply with the no step entry, but the code that has been proposed says to the extent practicable, everyone will

-- everyone will comply. Is that correct?

>> That's correct. We

-- that

-- it is a gray area, we do realize that, but we are hoping between now and 2016, that we would be able to come up with that criteria that says we cannot get a waiver, or can't get a waiver and also we have to have an appeal process in place and we would also want to look at incentives again.

>> Morrison: So

-- but i guess it's your intent that if there is some topography that's not going to be amenable to have a no step entrance or access to it, that's the kind of thing you would be looking for?

[14:26:21]

>> Yes, for example, 10% is what is considered to be the kind of breaking point. If it is 10% before or after construction, that usually gets a waiver.

>> Morrison: Another question. This is for few subdivisions. So we aren't

-- new subdivisions so we aren't talking about if you are building a house in the inner city or -- is that correct?

>> That's correct.

>> Morrison: And you aren't talking about remodels or anything like that?

>> Remodels are not included.

>> Morrison: And the last is it applies to subdivision, when I think about a subdivision, I think about a big empty plot of land and you divide it up and build 16 100 houses. So can you talk a little bit about what happens when you are planning a subdivision in terms of controls that you have or what you might do for grading of the land that would make it easier? I mean, at least if you are thinking about having this no step entrance, what would you do when you are looking at planning the subdivision? >>S an engineer, you would need to keep that in mind when you do the design of your development. You have streets you've got to build, you have got sewer lines and wastewater lines and the infrastructure that has to go in and you want to minimize your cut and fill, obviously because that costs money but as you are doing this grading and selling the utilities and streets, there is a way for the designer to design better set of subdivisions so we with work around large heritage trees and the lots aren't so small and they considered visitbility in their work

--

>> Morrison: That's not something I am very familiar with but it is important to keep in mind that there is a lot of control in terms of designing a subdivision when you are moving dirt around, basically?

>> Yes, there is.

>> Morrison: Thank you.

>> Mayor leffingwell: Well, you know, no offense intended, but when I asked you that question, the answer you gave me was misleading because you said we expect all lots to comply with this provision. In fact, you envision a waiver process.

[14:28:25]

>> Excuse me.

>> Mayor leffingwell: There is no point in that, I have to say that?

>> There are areas that it will be physically impossible. Like sleeper
-- steeper slopes and large number of heritage trees. There are ones we want to protect.
>> Mayor leffingwell: I think that answer is much better one than the one you gave me. Any other questions of staff?
>> Spelman: Yes, mayor.
>> Mayor leffingwell: Council member spelman.
>> Spelman: I am running on a rabbit trail and I want to give you an early opportunity to stop me before we get too far from the stream. It seems to me we have a list of things we are asking the developers to put in the first floor houses or first floor apartments. Some of which be done much more cheaply at the time of construction and some of which can be
-- can always be retrofitted but some are much more cheaply done at the time of construct somebody than if you retrofitted them. Is that good so far?
>> Yes.
>> Spelman: On the other hand, some of these apartments will never need all of these things, some of them will need all of these things, probably most of them will not need them immediately, so there is an opportunity for retrofitting downstream and it seems to me one way of thinking about this is what needs to be done now because it is going to be so ubiquitous or so cheap to do in construction and so expensive to do it retrofit, it realistically needs to be done at construction and what can we realistically hold off until later because the cost on holding off until later and retrofitting is relatively minor and maybe it won't need doing nor the next 10 or 20 years. Does that seem reasonable?
>> Yes, sir, it does.
>> Spelman: Where would i get a good estimate for the cost of 30-inch doors, two by six woodblocking, 34-inches above the floor and so on at construction? I assume we can get that information for retrofitting, because we have a retrofitting
-- we have a program, architectural bare yell removal program has a record of this kind and we now how to do this stuff a a retrofit. Am I right?
[14:30:43]

>> What we did find out
-- i did ask that question. It is about a 12,500 cost on average to retrofit an existing 16 square foot home.
>> And is there any way
-- to do that retrofitting with the woodblock something i would have follow it up. I don't have that information. That's easier to ...
>> Spelman: Seems preoccupied.
>> He may be busy.
>> Spelman: But he is startled and looking in this direction. If I can ask you a quick question, that would be helpful.
>> I wonder.
>> Spelman: It is that time of night, we are all startled. I just heard it is going to cost \$12,500 to retrofit the regular house to those specifications. Do we have
-- we have a barrier removal program. Do we have a breakdown of what it costs for each piece, the 36-inch door and the 3 by 6 blocking and so on?

>> I don't have it off the top of my head, I can tell you if we do the construction, there is little to no cost difference. All are so common, the 30-inch door, the handles, that stuff. There is no real cost difference in any of those things if we do them at construction but for repair or for renovation, I would have to go back and itemize that but we can certainly do it for you.

>> Spelman: The reason I am going down this rabbit trail is because I am pretty sure in a few minutes we are going to hear from the home builders that there is actually a significant cost difference so I am trying to figure out if there are some things it is so cheap and so ubiquitous we weight to do it

-- we ought to do it right now and some which we prefer not to do them at all because it is going to cost a whole bunch of money either now or later, so if there is a way to get a sense on what these will cost on retrofit basis, that would be real helpful?

>> If I could sir, the cost difference argument is a value possibly is the no step entrance. Everything else, in my opinion, should not have a cost impact.

[14:32:46]

>> Spelman: Okay, so the ramp is going to cost money in construction

-- the ramp, not the door? Both?

>> The

-- the accessible route is where there could be

-- really varies

-- it depends on the actual site.

>> Spelman: Of course. I will stop talking. Thank you.

>> Mayor leffingwell: While you are up there

-- and maybe it would be better to ask the home builders when they get up here, this question, but the routes to all of the common areas, would that preclude certain home designs? I have heard that perhaps you couldn't have a sunken living room, for example? You couldn't have a split level? Is that the case? Would those not comply with this requirement, should it be adopted?

>> I don't know if I could answer that very well, because in affordable house, we don't often offer those amenities. In my experience, having done this for a long time, as long as you design stuff on the front, getting

-- getting the house accessible, remember that all of this stuff, universal design, it's to make the house available to folks at all stages of life. If you design a property on

-- design it properly on the front end, it benefits everybody but I apologize i could not answer directly on the sunken living room or some amenities like that, i am not sure.

>> Mayor leffingwell: I am sorry, I didn't know this applied only to affordable housing?

>> It does not.

>> Mayor leffingwell: All houses or

-- these regulations apply to all houses.

>> All houses, yes.

>> Mayor leffingwell: All houses, so it wouldn't necessarily be just an affordable house?

>> That's correct.

>> Mayor leffingwell: Okay.

>> Mayor based on my review, it would limit your living room being a step down.

>> It would?

>> Yes, it would.

>> Mayor Leffingwell: Okay. Any more questions for staff before we go to the public hearing?

First speaker is Harry Savio. And donating time is

-- Harry is here. Kevin Pop. Is Kevin here?

[14:35:03]

>> [Indiscernible]

>> Mayor Leffingwell: Debbie

-- Is Debbie here? Kathie Comer? Is Kathie Comer here? You have 9 minutes.

>> Good evening, Mayor and Council, my name is Harry Savvy and I work for the Home Builders Association in Austin and our builders build over 97 homes in the metropolitan area and the best thing working for Home Builders Association is everybody believes importance of homeownership. We will have expert testimony here tonight to explain how many households are actually, though, taken out of the market for every \$1,000 of increase in cost. The HBA is here to speak on visitability, the electrical issue and subcontracting and hot water heaters, which has been deferred until next Council meetings. But all our abilities to the local international codes. Now, those codes are promulgated by the International Codes Council and the idea or the objective was that the builder working in Austin, Round Rock, Kyle or San Marcos should be able to buy one set of standards and verify public safety concerns. So my knowledge, all of the cities in the metropolitan area with the exception of Austin adopt the international codes as written. Now, we acknowledge tonight that the codes before you all went before the technical committees and frankly that is our first problem or challenge to the process. Mechanical Board does not have a single

-- does not have one single family residential home builder on it. Electrical world does not have a residential builder on it. The Building and Fire Code Boardover sees all codes

-- oversees all code and has one family builder on it and he recused himself when it came time to vote on this issue. To my knowledge, the contractor participants on each of those boards that it work in single family residential production construction is also very limited. Again, I would assert that the stray responsible for over half of the activity by dollar, volume, and significantly more than that by permit volume is

-- is essentially excluded from the technical code delivered its process. Second process challenge I have is on the affordability impact assessment that is supposed to provide cost. Now, according to the city's own website, there have been 181 proposed code amendments since 2005. In all of those code amendments and every time that I have been here to testify before you, I can only recall one determination that would be any cost whatsoever associated with any ordinance. If you look at the local code amendments tonight, there are three that we have significant challenges with. We asked for cost assessments and, again, they determined that there was no impact from any of the changes. Now, everyone at this dais knows that's plain flat wrong and it is a disservice to this deliberative body. Before we get to the

-- directly to my comments on the ordinances, I would like to correct information published in the Austin American-Statesman just because it might be considered fact. The paper asserted there are five other cities

-- I am sorry

-- I did not intend that

-- I did not intend for that to be a ding
-- but the paper asserted there are five other cities with visitability requirements and san antonio does not have visitability requirements but have volunteer requirements and there are in saint peters burg and long island as far as I can tell but if you know your geography, they are landlock cities with a bay on one side, an ocean on the other and essentially no single new family construction. The fifth city is tucson and I have not been able to talk to a knowledgeable person there. We have a series of specialty speakers lined up for presentations tonight and each with specialized knowledge and experience from working in everyday respective fields. I think you will find their input reality based and fact am. I hear all too often from people who never professionally built a home, dealt with a customer, managed a crew, designed a building to talk about how change is easy or not very costly. Tonight you are going to hear from people whose businesses will live or die by the accuracy of their assessments. First on the code agenda are two visitability items or ordinances, board of directors, hba supports voluntary options but strongly opposes mandates, including these, specifically lived handles, describe the heights if mandated and ramps are problematic. In this testimony my task was to remind you of the
-- just in complying with current codes. Now we passed out copies of regulations for exceptions on
-- onramps, and
-- on ramps and, again, this is
-- this is current city code and it was the first item in your packet. You note it limits the maximum
-- the number of exceptions that can be granted per subdivision to 5%. I highlighted that for you but at the very top of the page, it limits it to 10% or greater slope. Again, this
-- this particular set of exceptions is virtually impossible to meet. The second portion of your packet was just the word
-- is the international building code specifications onramps. Now, the
-- the requirement onramps, people tend to
-- again
-- on ramps, again, it is easy to oversimplify when you think about ramps installed as far as a housing program because people specifically look for flat lots, flat topography and lots that can be customized to that use, but, in fact, with ramps you have to worry about cross slope, maximum slope, maximum width and whether or not you have to have rails and we will have much more intense testimony, more detailed testimony on that later. There are other requirements that we have to deal with
-- in your packet, I have not handed it out
-- I hand it out but in your packet is the agenda copies of the amendments of the residential code which in itself is fairly significant. I didn't bother to make a copy of that for you tonight. That was for other people, but that's
-- that's extensive and then to comply with all of that and we had the building criteria manual and this is the building criteria manual that is up. It also addresses, has issues and items that have to be addressed with respect to the codes
-- and you don't have the packet but you are familiar with the tree requirements and the residential standards and those can be an issue when installing a ramp because you have to worry about trees and maximum impervious cover, both of which are issues for folks trying to do onfield construction and I will not disappoint
-- i might as well do this because I am accused of this, I included in your packet, series of

pictures, and the top one was used in the kvue news story and i notice current because they were shooting pictures as people under construction. One thing we ask you to do is keep a sense of proportion, so we included census bureau data, not to say it shouldn't be sympathized with but at one point I highlighted, 5% of the population, over the age of 15 at one point uses a wheelchair and the handouts, I got comments and input from different people directly because a lot sought out by me but I ended up doing a lot of news media and I was contacted by a number of people who said, listen, I have

-- I am in a wheelchair and have problems but you expect everybody else to adapt their house to accommodate me. I did include one last email that came from someone. I asked for permission to copy his email and provide it to you.

[14:43:48]

>> Now, you hear complaining and whining about staffing and the problem with regulation on top of regulation is the difficulty of compliance increases geometrically and this is going to impact the intake staff and those folks who have to administer it. One last data point before I -- point before I leave visitability is we only build 1% of the homes in the housing stock, so again if your goal is to impact visitability

-- [buzzer alarming]

-- you aren't going to do it just through new home construction. Again. Thank you. I know you have a long item on your agenda. I hope you will, again, take the testimony from the witnesses that we have lined up into account.

>> Mayor leffingwell: All right.

>> And many of them are builders who have actual grant

--

>> mayor leffingwell: We will do all of that.

>> They will have it better than me.

>> Cole: I have a quick question.

>> Mayor leffingwell: Mayor pro tem.

>> Cole: I didn't completely understand what you said when you said we only build 1%.

>> Total number of houses built in austin each year as new homes is approximately 1% of the housing stock.

>> Cole: Thank you.

>> Mayor leffingwell: And I've

-- you mentioned the fact that atlanta and san antonio were called out as cities that had already enacted these regulations. You said that is not true?

>> It was alleged in the newspaper that they already had them and, in fact, they are incentive-based programs.

>> Mayor leffingwell: So there are no absolute requirements, they are all incentive based?

>> That's correct.

>> Mayor leffingwell: Do we not have an incentive based program right now?

>> Yes, you do. We are very supportive of that program. In fact, that's one of my witnesses who was not able to be here tonight, but said

-- is a participant in that program, and is actually here

-- would otherwise encourage a stronger support of that kind of program would go a long way.
[14:45:52]

>> Mayor leffingwell: Well, just comparing the

-- would you say we are about on the par with their incentive program with those two cities I just mentioned?

>> I would say you are on par with san antonio. Atlanta actually doesn't provide any monitoring incentives, which the city of austin does. I would say you are at the forefront, if you can only identify one other city in the united states that provides incentives for this kind of

-- monetary incentives for this kind of construction. I don't know who does it

--

>> mayor leffingwell: That's saint petersburg, you think?

>> San antonio provides financial incentives to do it and then the other cities either do not provide financial incentives, as in the case of atlanta. They have a program not unlike the green building program, that recognizes accessibility in installation.

>> Mayor leffingwell: Okay. Thank you.

>> Thank you.

>> Mayor leffingwell: Laura houston. You have 3 minutes.

>> Esteemed members of the city council, thank you so much for your service, because after this one, I am going home. I have been here with you all day today because there have been really interesting and critical issues on the agenda. I stand here not because i am a builder or a construction person or that I know anything about that. I stand here because of humanity. We never know when we are going to need to have a home that everybody can get into. We never know when our veterans are going to come home and need to have a home that they can get in. You never know when your parents are going to move in with you, like mine did and needed a chair to be able to get in and out of the house, and we had steps that I had to pull her up and push her down. You never know when you are going to have a leg amputated because of diabetes or some other chronic medical condition and you find yourself in need of an accessible home, and so I

-- when we have these discussions about how much it's going to cost and how old the ordinances are, I want you to always think about my friends and neighbors, who the only way they have to get around is in a chair. And that so many places are denied access because they can't get in to see friends and relatives and neighbors, and so

-- that's

-- that's my last comment tonight. It's about humanity, and i thank you your service again.

[14:48:43]

[Applause]

>> mayor leffingwell: Thank you. Stewart hurst. Stewart, you have 3 minutes.

>> Mayor, members of the council, my name is stewart harry hurst and like most in austin, I rent and I am here to both oppose the staff recommendation and harry savio's recommendation. I am here to support the mayor's committee on people for disabilities, because these recommendations came over a stakeholder process where we all sat in the room and costed this out and the numbers that have been floated are just flat inaccurate and mayor, I have been work on this for

15 years since the first visitability rules and I think I have the numbers you have and we have been doing mums family for many years in this town without significant cost. I am here for adoption of 2012 rules with the visitability amendments recommended by the mayor's committee, not the staff recommendation. I think it's wrong. It is too unpredictable. It is not certain. We have been in the city for 15 years made it clear that your topography is too steep, if you are in a historic district, if your lot is too small, you automatically get a waiver from visitability, no step entrance requirements. The staff didn't recommend replicating that language that you adopted previously. The mayor's committee did. We said that all of the other issues were consensus the process, the issue of the blocking behind the wall and the bathroom on the first floor, the builders did a survey for us and found most people were doing that anyway. It is not an additional cost and so the whole issue comes down to no step entrance and the truth of the matter is, we have had 10 variance requests in 15 years. We granted every single one of them and none of them were appealed. This is not difficult stuff. But because it's a learning curve for people who haven't been doing smart housing, we thought it reasonable to take two and a half years before we required the first building permit to be subject to those new no step entrance regulations. If we got it wrong in our language because we based it on what we've done as a city for 15 years, it gives us two and a half years to get it right before it affects any building permit. Affects no permit application you will get this year, next year. The first application will be on January 2, 2016. That's what the mayor's committee gave you. It is reasonable standards. The cost things you are going to hear tonight are inaccurate. They are based on three scenarios that no one has to comply with. One, somebody takes a flat lock, adds a bunch of fill and, therefore, they are not eligible for a waiver. Shame on them. Second circumstance, they have a steeply sloped lot and they build a very expensive ramp they are not required to. Again, shame on them. Third circumstance is they aren't eligible for a waiver but they build the ramp in an area where they didn't have to because they could have easily gone from the garage right into the house with a very inexpensive ramp and be done with it. And the major beneficiary in the 15 years I have been dealing with, I heard from haven't been from people with wheelchairs, it has been people with young children who are very grateful their strollers can help take their kids from their cars into their houses

-- [buzzer alarming]

[14:52:09]

>> Mayor Leffingwell: Your time is up, but I want to ask you a question.

>> Yes, sir.

>> Mayor Leffingwell: So can you explain to me the difference between the two recommendations with regard to a step entrance?

>> Yes, sir, the staff has very broad practical language in its recommendation. It talks about practicality. In there, the language specifically says, if I can read it to you, it has definitions for what is an accessible route, what is a ramp, what is habitable space. It about where that ramp has to go and it references the standards and then it says doesn't grandfather the lots in existing subdivisions. It says every lot that doesn't have topographic issues that get a new house or a new duplex, because we are talking about single family residence here, multifamily already regulated and has been for a long time, but it says if it has steep, they don't have to comply with that at all. The staff recommendation says we are talking about only new subdivisions and we aren't going to require any no step entrance on any existing subdivision on any flat lot anywhere. I don't think the staff recommendation is reasonable. I don't think it is easy to understand. I don't think it is good public policy and as someone who had to lift someone up a flight of stairs because bathroom

facilities were not available on the first floor, I am telling you, this is safety, pure and simple. That's what residential codes are about.

>> Mayor leffingwell: Okay.

>> And I urge you to adopt them.

>> Mayor leffingwell: Got it. Thank you.

>> Tovo: Mayor. Mayor. [Applause]

>> mayor leffingwell: Council member tovo.

>> Tovo: Mr. Hersh, at the conclusion of your speech, you told me in your experience, you have gotten a lot of feedback about how this works for families of children. I wonder if you might finish up on that point.

[14:54:11]

>> What people normally do on lots without steep topography, they put their garage relatively on if same level on the same part of the lot as the house itself. And so what that means is that most people, when they go into their house

-- if they park their car in the garage, they go through the garage and most of those garages have one step. What most people have done that have to comply with the current visitability ordinance is they took out the step, put a little bit of concrete or wood there and be done with it and therefore the stroller g right into the kitchen usually.

>> Tovo: Thank you.

>> Mayor leffingwell: Next speaker is will mccloud. Is ronnie reeferseed here?

>> I think he is outside.

>> Mayor leffingwell: You have 3 minutes.

>> Okay. Well, I've got a question. I am wondering where the disability community was when we bagged

-- banned plastic bags? I mean, that is a very

-- it is very inaccessible with persons with bad backs, arthritis and they have to walk with a cane, or - or

-- or another assistive device? This bag broke on me and the response I got from jennifer mcphail about a couple of months ago was, dc has banned plasticags. Why don't you try a cloth bag. We are supposed to have compromised immune systems. We are supposed to be accessible city but banned plastic bags. If you haven't met me before, I am will mccloud and I live in a very inaccessible part of all the called arboretum. It is full of parents that are lacking sidewalks of ada standards and are upwards and downwards in hilly terrain. I can't believe

-- I can't have people with mobility impairments visit me where i am at, yet the austin facility think they have complying with the disabilities act. You notice clearly false and misleading. I cannot equally enjoy the same goods and services as people without disabilities. I have to walk up a very steep incline to get to the nearest bus stop, which is almost a mile away. I also have to climb upstairs. The apartment complex i reside in where I am in austin, great hill apartments, doesn't have one single apartment that you don't have to climb upstairs to get to. The building has recently been remodeled and represent cently

-- and recently built in 1986. They steered away with the help of capital metro. As some of you council members can attest, I have made repeated requests to get bus service down miranda mirada circle and it is all 235u8 on deaf ears. I guess accessibility is not important to the city of austin. I have friends with wheelchairs and other impairments that affect their mobility. I could receive 300-dollar furlough credit for people who move into my apartment complex, thanks to

city and capital metro, my access to the referral credit is denied. If you really care about accessibility, you need to cease the back ordinance, which was march 1st becausev you are denying equal acces to accommodations which is state law under chapter 42 of the texas human resources code, rights and responsibilities of persons with disabilities. A person who lives in a food desert who cannot drive and has prostate cancer cannot function independently now that retailers are not offering these bags. And what does council care? They can afford maids and butlers. We cannot.

[14:58:07]

[Buzzer alarming]

>> mayor leffingwell: Next is nancy carrather? She is here. Oh, okay. You have 3 minutes.

>> [Indiscernible]

>> for the past 30 years, i came here and would not leave. I rented for 20 years, a duplex which had to have some accessibility added to it. I rented that duplex for 20 years because I felt like no way in hell I am going to find a house that's going to meet my needs. Not in austin. And guess what? I went out, five years ago, looking for a house. I went to houses with steps like that one. Everybody that tried to help me went, ooh, sorry. They are all steps. And I went, but I found a house. It took me about 20 tries or not but I found a house with a step at the front door this high and I thought, ah-ha, I can make that work, and I did, and do you know what? You can't even tell there is a ramp there. I bought the levers for my doors. I have the whole place refurbished just for me. It costs a lot of money, but by golly, everybody can come to my house. I can't say the same for me. I don't think I can do that. I wanted to just let you know that I want to make sure that it's not just the subdivisions that receive these requirements but everything because I am sorry, folks, we are all getting older. We are going to need the adaptation. Having a disability is a reality. I -- I need to warn you of that.

[15:00:27]

[One moment, please, for change in captioners] my last statement, and I'll try to hurry up, but I know an 85-year-old woman and her husband who is 84.

[Buzzer sounds] they're really nice. And their looking for a new home because of their age and they're having a heck of a time trying to find one that will meet their needs. Thank you.

[Applause].

>> Mayor Leffingwell: Mary messer. And iaw sawifitz. Okay. You have three minutes. Let's see if I mispronounced that.

>> It's okay. Everybody does. I won't take offense. My name is (saying name). I'm an organizer with adapt of texas. Has she said we're all getting older, but also as it was said too, young single mothers benefit from this. And single parents with disabilities benefit from this. And when I started looking for housing 20 years, some-odd years ago, maybe more, and I would go to apartment locators, renters, and they would take me out and assure me that apartmene accessible. When I got there they would go, well, do you really need to get in your bathroom? Well, if it's my bathroom it's kind of important. And universal design is for everybody. If we were to live up to the phrases that we espouse here in austin about true community for all people, not just people with disabil visitability is important whether you're disabled, whether you're of african-american or latino accident. I want to be able to visit my neighbors. I want them to be able to visit me. I have a portable

[15:03:46]

(indiscernible) voucher and I want to be able to take that voucher throughout austin and not have to worry about if housing is accessible because I know anywhere I go it will be. Thank you.
[Applause].

>> Mayor Leffingwell: Next speaker is melanie voigt? Albert metz? He's here? Albert, where are you? Okay. Easy there. [Laughter]

>> do you want me to interpret?

>> Mayor Leffingwell: Go ahead.

>> My name is albert metz. I'm also with adapt of texas. I have a new place. I used to have a duplex that I myself made accessible. For me and my ex. It's hard making it accessible in a retrofit. Is that what you said? Some of it is being done through avrp and the rest i did myself. Thank you.

[15:06:25]

>> Mayor Leffingwell: Thank you. Next speaker, jennifer mcphail. How about james casey? James, are you here? All right. You have six minutes, jennifer.

>> You should have received a packet from us that has

-- this is the front page. Behind that you'll hear or you'll see information about people's testimony about what it meant to live in inaccessible single-family homes. And I want to make sure that you understand that this particular issue is not about apartments, it's about single-family homes. And you you have a visitability requirement in place for publicly funded homes. And you've been providing that feature in the most difficult type of housing to provide in affordable housing, so expanding these basic, basic features to homes being built for a great deal of profit only makes sense. There would be a waiver process in place so that if physically it was impossible you would have that ability to get t requirements waived. I also want to make sure that you understand that we're most supportive of the mayor's committee version because we need to have these types of homes built citywide. If harry is right with his numbers and only one person of all new construction is taking place every year, then it looks like generations before we see sizeable change in this community. But it has to start. It has taken too long to have serious discussions about the personal price that people have paid in their families throughout generations of time in austin, texas because we see this as a fringe issue that's why it's taken this long to get this far because it's still seen as a fringe issue. Well, I'm here tonight to tell you that my neighbors would love to have me over. My family would love to have me over for thanksgiving and not have to leave in two or three hours because I have to go home to pee. You'll see in that packet of people's personal stories. The first line says I was 19 years old before I was able to get into the bathroom myself. That was my testimony. That causes a problem, serious physical problems for people throughout this community. And those things are embarrassing to talk about. That's why you don't see those thousands of people coming here tonight. They can't get out of their homes. They have to rely on others just to leave their house. That was my life at one time. It is not pretty. It is shameful that we have not had change on this serious issue. I can tell you my own personal story on the many years of relying on oth people to get to the bathroom caused me a great deal of physical suffering. If I wanted to be active i had to hold it. I have digestive problems, i have kidney problems. Those problems are not going to go away. I wasn't born with those problems. Those problems were made by prejudice in our codes. Those problems were created and they threaten my life because we were too short sighted to plan correctly. We're an aging community

and I can tell you in my own personal story that the night that we first realized that I had significant digestive issues I was 14 years old. I couldn't finish my bowel movement that night. I had no idea what I was in store for. I called my mother into the room. I was saturated in my own blood. She had to rush me to the emergency room holding a towel, driving me as I was in the back seat, she was holding a towel to my rectum and driving me to the emergency room. It's taken many years to get healthy and get to a place that allowed me to go to the bathroom and there's nothing more enjoyable than to be able to come home, flip on a switch to read a book without having to get a broom stick, be able to go to the bathroom when I need to and not when it's convenient for someone else. Those are what we've lived with my entire life. I would love to go to a superbowl party when I'm invited. I would like to know that my disabled neighbor's children can go trick or treating. Unlike me, I was never able to go trick or treat. I can count the number of non-disabled friends that i have on one hand. It because I can't get into their home because I can't be a part of their infinite lives. That's sad. In the day and age of a.D.A., Of 504 of. Visitability, of publicly funded housing, I can't be a part of my neighbor's life. When you go to house parties to raise money for your campaigns, I'm not there because I can't get in the door. That's shameful. It's keeping me out of the political process, it's keeping me out of social lives. It's segregating me and killing people when they fall, crack their head open, when they break their hip a and get sent to a nursing home because they can't go home, because they can't fit in the door. All those things cost. Those have dollar signs too. That has fiscal notes as well. We've been short sighted for too long. Thank you.

[15:12:56]

[Applause].

>> Mayor Leffingwell: David witty.

>> Good evening, council, my name is david witty with adapt of texas and I've lived in austin basically since I was a university of texas student and that was more than 34 years ago, so I've been here a long time. I've lived in a variety of housing situations, rental houses, duplexes and a lot of apartments. I've lived in some of walter mauro's community foundation housing as well. I've lived in a variety of accessible housing situations and I can tell you owe on he I can't elaborate any more spectacularly than jennifer did, but some of the comments you received from me as well. It's embarrassing to go to your friend's home and ask them if you can use their bedroom as a bathroom. It's embarrassing to have to go in the backyard. It's embarrassing to not have to go at all to the restroom. And what's really most embarrassing is when someone invites you over and they want to enjoy your friendship or companion and that moment of realization on their face, the reaction on their face when suddenly they realize oh, you can't get into my house. And I already know that because 98.5 percent of the homes that will be built are basically not for people in wheelchairs because that's the numbers he has. We're not talking about building homes for people in wheelchairs. We're talking about building homes that people in wheelchairs can use. We're talking about building homes that people in wheelchairs can visit, that people in wheelchairs that have mobility issues can rent. And you know, austin has had a lot of success lately with sharing houses and having short-term rentals. None of those houses are going to have accessibility if we don't make them have it. They're not going to do it just because they have a business going on there. So that means the city will be losing out on tax revenues. Business people are not going to be serving populations that they should be serving, and it just makes sense that you should support as I do support the mayor's committee's recommendation for

visibility. Thank you.
[15:15:38]

>> Mayor Leffingwell: Danny saenz. Are you here? Okay. How about alaina duro.

>> [Inaudible - no mic].

>> Mayor Leffingwell: She has reneged on her know donation of time to you. Marian (indiscernible)? Is marian here? David cortez. David cortez is here, so you have nine minutes.

>> I'm danny saenz and I've lived in austin since october 14 1986 and I've lived in three places, three different apartments, and i know that because I've lived there and that was the most accessible place I could find. So like everybody else has been talking about, it's hard to find a duplex or single-family homes that are accessible. And I just want to share my part of how inaccessible homes have kept me from participating. I have received, I know, from at least three of y'all, received from the campaigns invitations to go to campaign

-- to home parties, but I can't get to it. I don't even

-- I just delete them when I see the house parties because I know I'm not going to be able to get in there. And I want to participate. I have participated in various groups besides adapt. I've participated in other activities and in part of my community, but it's very difficult when people invite their friends to their homes and I can't go or like somebody else was talking about they have to lift me up. And I know it's hard on them on their backs. The wheelchairs are very heavy. And again, I'm going to say, everybody else has been saying it, but that's a reality. It's embarrassing when I have to ask can you empty my urinal? I'm going to have to pee in your bedroom or else I will have to leave. And so I think it's a civil rights issue. And I'm not a real expert, but I bet these guys are going to make money on this anyway. They have to make a whole bunch of money. And so to ask that there be at least one entrance that people in wheelchairs and mobility impairments can use, I don't think it's asking too much. I don't know what

-- what else I can say. Like I said, the number of times that I've been invited to houses, to come over to the apartments

-- come over to the houses, and in my mind if somebody invites me to their house I say can i get

-- and me it's so ingrained in my mind that I'll ask automatically is it

-- am I going to be able to get in? Even if I know the person uses a wheelchair because that's just my

-- am I going to be able to get into your house? Am I going to be able to get into your house? Probably not. And I didn't need all that time, but I appreciate it. I would support the mayor's committee recommendation definitely. Thank you.

[15:19:17]

>> Cole: Thank you, danny. Frank stacy. [Applause]. Katherine cranston.

>> Thank you. I would just like to say that I'm in support

-- my name is kathy cranston and I'm with adapt of texas, but I'm also with personal attendant coalition of texas. I would like to support the mayor's version of the visitability, but I just want to share briefly just my own personal story. My husband has a disability and he uses a wheelchair to get around. And when we first came here to austin in 1987

-- well, before we moved here we looked for accessible housing. And unfortunately we didn't find a house without a step. And so he was having to

-- we were having to come quickly because he found a job and so we went ahead and rented a house that had a step. And we were in there for awhile, but it was really creepy because that

time our daughter was

-- she wasn't a baby, but she was a toddler. And it was really scary because going to the store something would mean I would be leaving my husband there in the house which means that he couldn't get out of the house. And so those are things that people don't think about, and that's why this ordinance is so important. And I was part of the push for visitability with public funding in the '90's. And at that time the arguments that you heard here are the same arguments that it's going to be too expensive. Well, that is so untrue. Because at the same time we presented the information that was necessary and at that time the city council realized and Stewart Hersch was part of that, Bill Spelman was part of that. Jackie Goodman, many people who aren't here before, but that history has been played out already. And it is the right thing to do. And I just wanted to say I really support this. And working as an attendant for people with disabilities in the community, I've been doing that for 30 years. And let me tell you, it's really hard lifting a manual or also an electric wheelchair, trying to get a chair in and out of the house that has a step. You just need to keep that image in your mind, and with our population that is aging having a no step entrance as well as that accessible route makes everyone's life easier. When you're moving you don't think about how it will impact you directly, but when you move furniture, moving things, oh, this is so much

-- it makes yourself a whole lot easier so thank you so much for your time.

[15:22:36]

>> Cole: Thank you, Katherine. Dolores Corolla.

>> She's gone. She had to leave too.

>> Cole: Stephanie Thomas? Tomas. Stephanie Tomas? Is Bryson Smith here? Is Karen Hayden here? Stephanie, you will have six minutes.

>> My name is Stephanie Thomas and I'm also with Adapt of Texas. I really urge you to support the mayor's committee version of visitability requirements and to support visibility in general. And having it in the building code. Set off in a separate ordinance it gets lost and if it's in the building code it will be there and in there about building homes and a new way of visioning our private world because A.D.A. And 504 have required access in the public world, but in our private lives and in our private worlds, that's just not there. We're not talking about fancy accessibility. And the visibility ordinance is extremely minimal in what it requires. It's just one no step entrance on any door into the house. You heard Stewart saying it could be right through the garage. It an easy way to go or there could be an easier alternative entrance that could be done. But it's not making some 75-foot, 800-foot ramp up the front. People when they think of access, there's a freakout thing that goes into their heads. I think with a little creativity, very simple solutions could be found. For 14 years now, for 14 years in this city the affordable housing housing builders here have been doing this. And as you heard from Stewart only a handful of waivers were requested and granted. I think that should tell you something. Those are the builders that are doing it on the narrowest profit margin and doing it for the lowest costs. And if they can do it there's really no reason why everybody can't do it. And when everybody do it it will bring down the cost for everybody. And that's something that you should be thinking about as well. In Stewart's experience the cost was about \$200 a house. There may be some change -- some variances in that, but these thousands of dollars for this and for that are just not the way it is when you do it from the beginning. When do you do it from the start. And when you think about it before do you do it, yeah, you could make it for thousands of dollars if you want to, or if you're just going to be a slob about it. You know, but you don't have to do that if you're creative

it doesn't have to be that way. We're talking about very minimal things. We're talking about that no step entrance. We're talking about a way to get through the house. I challenged that statement about the sunken living room. You could ramp it or you could have a path along the side of the room that you could get through. There are

-- let's just think about it for 10 seconds instead of just going oh, no, no, no, that's so bad.

[15:25:49]

[Laughter] harvey saveio says he supports what he calls the incentive program. It's not an incentive program. It's saying if you're getting assistance from the city you need to do this. And he says he supports it now. But I can tell you 14 years ago he was throwing out the same red herrings that he is throwing up today and he was doing it in 2008 when there was another attempt to do this. And he's going to do it again and again and again, as many times as this comes up. That's his job.

>> Cole: Thank you, stephanie. Your time is completed. Next we have jodi jones. Jodi jones.

>> Got to have plans. Thank you for giving me a few minutes of your time. My name is jodi jones. I'm the vice-president of operations for (indiscernible) homes. We've been building homes in your jurisdiction and surrounding for over 17 years to the tune of 250 to 300 custom homes. Our clien when you look at this, this ordinance to build no step accesses, they will just not be accept accepting of the cost ramifications involved to make their home accessible to one percent of the general population. We've heard a lot of arguments about how cheap it is to do this. Most every argument I've heard here today is probably for a house that has got a foundation that's only 12 inches out of the ground. I could do it for 200 bucks and it wouldn't be a problem if my house was only 12 inches out of the ground, but that is not the norm in the city of austin. The city of austin has a lot of towography and

-- topography and hill country, even in the productions home where houses fall from the front to the back four feet, five ft, six feet. So the front of your house is five and six feet out of the ground. So I presented to you a plan that is the house that we are actually building, the first three pages show you how we have it designed with the simple steps coming down to the driveway. If you'll notice to make this driveway meet certain city codes the garage has dropped four foot from the main level of the house because the slab is five foot out of the ground. Had we put the driveway up where it needed to be it would be too steep. And then you will see the site elevation on the side next showing the steps required to make this happen. The following shows the ramp necessary to make a no step access to the house. Five foot out of the ground at the porch, but by the time you got out ramps involved, by the time you look there's an additional five feet in slope from the front of the house to the street. So now you're talking about 10 feet of fall, which is going to require 180 linear feet of ramp and the switch backs and the landings associated with that. You just took something that cost \$1,600 to build and made it cost \$16,000 for one percent of the population to come see me. I have never had a person with wheelchair necessity in my personal home. If you look at the cost involved in what we're talking about here. The cost ramifications, they're not practical for the general home. I've heard about smart homes. I've heard about low income housing, but not the general population of the city of austin. Not only are we talking about some severe costs involved with this, but you're talking about impervious cover issues. This house has designed just 39% impervious cover.

[15:29:54]

>> Cole: Thank you, jodi. Councilmember spelman has a% question for you.
>> Spelman: You committed a major political faux pas there. I want to be sure you recognize that.
>> I understand that.
>> Spelman: This is
-- you've given us a worst case scenario.
>> No, I haven't. I want you to understand that is not a worst case scenario.
>> Spelman: Because I've never seen a ramp with that many switch backs on it in reality.
>> Because you've never seen one on a residence yet. This is the first time this has come up.
>> Spelman: If you're talking about a four foot drop it seems to me it's reasonable for the staff to grant you a waiver for a four foot drop, just because having that many switch backs doesn't make a whole heck of a lot of sense.
>> Okay.
>> Spelman: Approximately what percentage of production homes have a four-foot drop?
>> I would be estimating at that, but I would say 40 plus percent, 50 plus percent.
>> What kind of a drop is necessary to
-- if you're talking about a flat lot you said a few minutes ago you're talking about a 12-inch raised foundation
--
>> the arguments so far have been on a slab that was probably 12 inches of the ground.
>> Spelman: You're talking about a couple hundred feet to put in a ramp is what i think I heard you say.
>> I said for that drawing right there it's five feet out of the ground.
>> Spelman: This is a different story. If you're talking about something on a slab, essentially free. If it's a foot off the ground it will be cheap. Two feet out of the ground it starts to get a little hingecky and four feet you've ground or five feet it's insanely expensive.
>> Correct.
>> Spelman: Do you have a sense for how the expense increases as the height of the foundation above ground level increases?
>> I don't have that. That is about 136-foot of ramp, \$136 per foot of ramp.
>> Spelman: So what's the cost of a foot of ramp? Are there standards in your industry?
[15:31:55]

>> No, sir.
>> Spelman: Okay. Because we don't do ramps, we do sidewalks with steps. If we were asked to do regards we would gladly put them in, but we have not had that asked of us.
>> Spelman: I think I know the answer to this question, but I'll ask it anyway. If I were to write a hard, fast standards, above this kind of slope you will get a waiver, below this kind of slope we'll hold your feet to the fire and make you build a ramp. And I would like that to be at least somewhat based on economy. Then is there some number like a two foot, two feet above the ground, one foot above the ground where you could say no, that's not going to cost me very much. I can live with that. But once you get over two feet or three feet or some number of feet you're talking about huge expenses.
>> Two feet would be a fair estimate.

>> Spelman: If it's two feet or less
-- probably marginal.
>> Correct.
>> Spelman: Thank you, sir. Appreciate it.
>> Cole: Next we have bryan row mow. Mention is nathaniel wright. Frank cesarez. Ross salazar. Joseph tristan. Carol baker.
>> [Inaudible - no mic].
>> Justin (indiscernible). West wiggington?
[15:33:57]

>> First let me say that i am
-- my heart goes out to the stories you've heard tonight and I have a lot of respect for what these people have to deal with in their daily lives. I have two homes in my life for people with needs so i understand what it takes to build a home for people with needs. I have two nephews who have been wheelchair bound their entire lives. I've done remodels for them too so I understand what it takes. However, I'm here tonight to talk about what we do. We build custom homes that are presold to people like yourselves. They come to us and we deliver them what they want. But I'd like to say tonight is if you were going to be saying we want to build you a new home, I would say we have to start to talk about a new ordinance that was passed in the city of austin, visitability and how that would impact you as a new home buyer. First, we must designate at least one bathroom in your first story to be constructed to meet visitability requirements. And quite honestly most every house we build has a bathroom on the first floor, so that's not really a big deal. However, I'd like to address the issue of accessibility to that bathroom. The dreams and desires of what you had in your own personal house are all changed based on this new ordinance because the ordinance is print active in saying that you must have an access to your bedroom, dining room and kitchen. So any desires and dreams you have to have a multilevel house on a lot that has a typographical challenge is out the window. Or it would take quite a bit of design changes to make that work. The other issue that I have with the ordinance that you will have to deal with is the fact that the use of the route really isn't found. When you work with the architect they'll be making judgment calls on what that means and present to their building application for permit, and that's open for interpretation and then you might get that get pack bah and then you will have more money to redesign your house to meet these prescriptive requirements. So you can spend a lot of money trying to get this to work before you ever break ground on your home. So there's a lot of challenges that will drive costs beyond just getting to the point where you can build your house and make sure you have an accessible route. So the challenge we have again for you is what you wanted is no longer what we can do for you. We have to do what the city is telling us we can do for you.
[15:37:01]

>> Thank you, wes. Any questions?
>> Cole: Marion motak, are you here? I understand you donated your time, but you didn't use it and now you want to speak and you're all signed up and ready to go. Okay. Come on down.

>> I'd just like to make a brief comment. I wasn't planning to speak on this issue, but I have noticed that this was set for a public hearing for 4:00, and many of the people who are speaking here tonight have come in wheelchairs and either need to get public transportation homes or rides home. And I really would appreciate if any time you have a public hearing where you know people are going to be speaking who have accessibility issues that you take them right at 4:00 rather than making them wait five, six hours to speak. That's all. >> Cole: THANK YOU. Aubry rivera. Robert serapa. Margaret gilbreath. Margaret gilbreath. David witty.
>> I used to be a home builder and now I'm a realtor. We did build a lot of homes in austin. But now I would like to speak against this proposal to visitability. From a realtor's standpoint I don't think it would be very well accepted. I appreciate your time.
[15:39:17]

>> Cole: Thank you. Marcus barock.
>> Hello members of council and thank you very much for allowing the time to speak tonight. I'm with david weekly homes, and I've been in mueller for several years. And mueller has worked
-- i know it's been a test case in smart housing and it's worked because the lots are flat and you can
-- you can go out the garage to the alley, but even with minimal topography with mueller it does create challenges with going
-- if you have a front to back sloping lot. If you have a garage that we only have seven and a half feet of a driveway to deal with so you can have high center issue on getting into the garage. So that is something to just keep in mind that only mineral topography does create a challenge. The other thing I would like to just point out is on flat lots one thing that you have is drainage issues can come up anding I think that's what we're hearing tonight is visitability and it does work on flat lots. But those challenges do come up, even this those areas. Another thing I would like to point out on some of the feedback we've had from homeowners is not everyone wants lever handled hardware. Something in mind for taking that to the general public. The last thing is on the no step entrance the current visitability ordinance allows an inch and a half on the thresh hole. This ordinance does not appear to have that in there. I would like to bring that up because the actual half inch threshold if it was to be used on a true exterior door that is ex-posed to the weather, would leak. I would like to bring that up. I'm sure that's why it came up in the last
-- in the last 2008 visitability ordinance. That's all I have.
[15:41:43]

>> Spelman: The standard in the ordinance is one half inch.
>> That's correct. The current visibility ordinance, the current one that is
-- that you can
-- that you can
-- that you can use, for example, in mueller and other areas where there's financial incentives from the city to do so, it's an inch and a half. And it's not in the new one. Thank you.
>> Thank you. Gary wagner.

>> Thank you, council. Gary wagner, architect and principal with dansy and davis architects in austin. We've been in business since 1960 and we have always specialized in residential architecture for both home builders and for custom home buyers. So we've done a lot of the work in the residential field both in smart housing and multi-family housing that has to comply with the fair housing act. And of course we've done a number of custom homes for people with disabilities. But we do have to take exception with this ordinance as it's proposed because of the cost considerations, as has been brought out by a number of the builder community. And also because just knowing how we have to deal with various site conditions within the city is very challenging. We do a lot of homes in the McMANSION OR SUBCHAPTER A Area. And those can have very little drainage problems to quite a bit of drainage problems. And if you throw in the issue of a ramp, all you've done is complicate the issue quite a bit. I believe that people should be able to have their homes designed to meet their specific needs, and that's what we've always tried to do. And we also include that with people with disabilities. And we'll design a home to meet their specific needs, but we don't believe this should be imposed on every homeowner in the city. Thank you.

[15:44:20]

>> Cole: Thank you. Next we have madison (indiscernible). Come on down.

>> My name is madison (indiscernible) and I'm an economist here in austin. The number I bring to the table is 1500 and considering the impact this has on the consumer, there's a study done by the national association of home builders that shows for every 1,000-dollar increase in home cost, that's 1500 people in austin who are priced out of buying power based on their income. And the current qualification standards in the housing market today. So when considering land prices, when considering the current cost of ordinances put in place by the city and then throw in rising interest rates when the federal reserve starts their program, these are the scents that face the consumer on the affordability of it and the costs incurred by this ordinance would be just another in that manner. Thank you.

>> Cole: Thank you. Councilmember spelman.

>> Spelman: The home builders have suggested that the requirement for the low step entrance will on average add between 1500 and \$2,000 per house. Are you familiar with the cost of putting visitability in each of these components into a house yourself? You say it will cost a thousand bucks, most people won't be able to buy a house. Here is how many and so on.

>> The fact they came out with an incremental 1500 per thousand dollar increase in home price over the median home price of the market was how they gauge that in this study.

>> Spelman: So it was based on the median home price in the market.

>> Yes, sir.

>> Spelman: Thank you.

>> Cole: Alex petite. Sab at flores.

[15:46:29]

>> Good evening, council, i am a principal at (indiscernible) architects. We too have been in business since 1987 and we are the largest residential home builder and architect in austin. I am

here because I don't want what the city of austin is doing as far as putting a blanket tax or blanket over this visibility ordinance and hoping that it covers everything. While I'm very sympathetic for these individuals, i believe the city of austin has not thought this through. The current (indiscernible). My concern is now that this person has gone in they're trapped because if they are in a wheel they're they cannot reach and open that door again. We do not have the turning radius. We are not doing full a.D.A. We're just letting them in there. If my mom was in a wheelchair and she was visiting me and she wanted to take a shower, the powder bath doesn't have a shower so she wouldn't be able to do it. If she wanted to go to spend the night she would not be able to go to the bedroom because that's not required. I'm saying that this has not been thought all the way through. If it's going to be a.D.A. There's a lot more regulations and a lot more different areas whether they're visually impaired that need to be address now we're coming up with this new ramp issue and identified heard tonight that we can put a ramp in the garage to make it all work out. We combined homes with the garage because of the slope on the lot has been dropped five to six feet. That's going to require me to have 50-foot of ramp in the garage to make it work out. So that's not feasible. You saw the plan earlier where we -- I'm designing a house right now that has an 18-foot drop from right to left. That again will require 30, 40 feet. So to have something that covers all this and just say that every house requires it is not feasible. It just -- it just doesn't work. We also do a lot of subchapter f houses and adding the ramps, the first thing that's going to be affected, these lots are small, is impervious cover. Depending on the slope of the lot, we just can't meet our requirement for a handicapped accessible route. That needs to be in one in 12, so for every

--

[15:49:33]

>> thank you.

>> Thank you for your time.

>> Questions?

>> I don't believe so. Thank you. Mr. Hank smith? Hank smith.

>> Thank you. My name is hank smith. I'm a resident of the city of austin. I've lived here since way back in the 60's. What makes austin great is the diversity of this city i look at the people behind this dais. I look at the people in this community and it's a very diverse community. We have all types, all colors, all races. We have everything in this community. That's what makes it great. The regulations you're trying to impose are going to try to make it all homogeneous. You want everything to be the same. We have to promote diversity. There are people who don't want their house to be accessible for whatever reason. Cost, esthetics, whatever reason. They don't want it to be accessible and you shouldn't make them do that. You have a waiver policy that's been talked about. If you look at the waiver policy that's on the books right now, 5-1-133 says the lot is located in the registered national historic district. Has an area of 3600 square feet or less and that is a 10 percent or greater slope. You have to meet all three to get a waiver. There's not a house in austin that will meet all those criteria. So the waiver criteria needs to be closely looked at. There's a lot of these things that I think makes sense. There are a lot of things that you can't retrofit later on very easily and you come in and you make those mandatory now and you say the bathrooms have to be accessible, hallways, doorways, those are all great things. If I want a round

doorknob on my house so my kids can't open the door and go in with a lever easily, that's my business. I don't want them to be able to go into every room. If I want to have a levered handle I can go down to home depot for \$10 and put it in whoever I want to. The front accessibility there's a lot of things that go into building a home that you have to look at. You have to look at energy efficiency. You have to lay the house out in certain ways. If you want a one story house and spread it out you will have topography issues. There are times it's not feasible I believe. I have a lot of handicapped people who come to visit my house. My father-in-law when he walked my wife down the aisle he was in a motorized wheelchair walking her down the aisle. He's been in every home we've ever had while he was still alive. My mother-in-law lost her leg to diabetes. We built a ramp. We widened some doors and built some ramps. Not a big deal. My parents are older, in their big 80's. They can't get around very well. We've added ramps to their house. I tried to build a pathway up to my parents' house, to their house, I get hit with inspectors saying you have to meet with create and this create. All I want to do is build a walkway from the edge of the street to the house so they could get out of their house and in and you guys were the biggest constraint at times. Don't make every house be the same. Allow the diversity that's in this community to prosper and to succeed. If I don't want to have to have an accessible house I shouldn't be made to have one. If I want to have one, I can build it. You can retrofit most of these things in there, but there are some things again that should be put in the code. Some things that should be left as options. Where if you were a home builder and you should be able to offer up any of these choices that want to build and pay for them, but don't make someone's hospital have to build a ramp into their house. Thank you very much. I'm finished.

[15:53:09]

>> Spelman: No, you're not. I want to ask you a question.

>> Sure.

>>

>> sounds like you're thinking about this similar to a I'm thinking about this. Some of these things are cheap. You might as well do them now. It will be expensive to retro-fit. Some things this will it will be expensive to do it now. Maybe you're better off leaving the whole thing out unless you need it because fewer than 50% of the houses will need it I will guess. I don't know what the number is. I don't know whether it's between five percent and 45 percent, but I think it's less than 50. There are some things that it seems you could wait until you need them. I want to nail it down on what's what. 30-inch door to

-- first the bathroom on the first floor. Is it unreasonable to require a bathroom on the first floor?

>> I don't know that I've ever seen a house that doesn't have a bath on the first floor.

>> Spelman: I can imagine designing one, but it seems stupid to do. We can do that. A 30-inch door into that bathroom is that unreasonable?

>> The cost is probably negligible. They're all going to be the same ballpark in terms of cost. I'm not an architect. I don't know. If you get into the room is that going to be an issue. If you fit in the door that's something that needs to be looked at. The cost of a door frame itself I don't think that's a big deal.

>> It's probably an architect's issue as to whether this will include some design possibilities if you need a particularly wide door and once you get in it's up to the architect as to whether or not you will be able to navigate the space. I think that's one of the reasons it's not written in the

ordinance is it's too hard to write the code for that. 30 inches, that's no big deal.

>> The wood blocking, 34 inches above the floor is not a big deal.

>> I think it's required and not a big issue to put in the block ahead of time. It's hard to do later on.

[15:55:12]

>> Spelman: Exactly. It would cause me to think this way in the first place. Light switches. The light switches, the environmental controls, receptacles, what have you, are limited in height to 48 inches or less, but only in the bathroom. Not anywhere else in the house. I think there are a lot of people thinking 48 inches, it's just in the bathroom. And nobody puts environmental controls in the bathroom anyway, do they?

>> Not in my house. [Laughter]

>> I agree. A lot of people do think about that. Everywhere it would be a problem. And if you're talking about just in the bathroom a couple of outlets and switches to me that's not a big issue. Spill spell some people have to bend over more than they're used to. They'll get used to it. Lever handles.

>> A 10-dollar handle. If you want one, put them in. A lot of people like antique doorknobs. Let them put in a round doorknob. It's they're choice. It's they're house. Let memotherm do what.

>> Spelman: Doorknobs are cheap. Here's the hard one. How do you get into the place? I can imagine

-- now, an earlier speaker said if you're on a flat lot, ramp or making it visitability is relatively cheap. Cheap now, cheap later. If you have a steep slope on the lot it will beensive however you do it.

>> Depends on what you're diagnosis building your house for. There are a lot of things to look at when building a house. The thing I have with making accessibility an issue is the biggest gripe I hear about builders is we go out to a neighborhood and we build a subdivision, we bulldoze it down and level everything out. That's what you're encouraging here. You're saying go out to the neighborhood. Fha criteria says a two percent slope from the house to front. That's what they prefer. It's in the federal criteria. What you're encouraging is people to come out there and level the neighborhood, level the ground and make it two percent slope from the house to the street. Remove every tree, remove everything in the way and build a nice flat house so it can be accessible. That's what you're encouraging here by adopting these regulations. A lot of these things can be retrofitted later for ramps in the garag the garage is a logical place. I've retrofitted several houses for the garage. My parents house I can't do that. The garage is down here, the house up here. They cannot get in. My parents,ky guarantee you will not leave their house unless I'm carrying them out when they're dead. They have lived in that house for 50 years. They love it. They got older I had to build a ramp. You adapt to what their needs are at that point in time. But you don't do that for everybody at every house.

[15:57:57]

>> Spelman: Would it be

-- some houses you don't need to build ramps for because they're built on ground level.

>> You may have three doors that aren't, one door is and you simply take care of that one door. But you do that at a point in time that you need it, not for everybody.

>> Spelman: Okay. So basically most of these requirements from your point of view are not free, but they're cheap.

>> Yes.

>> Spelman: The levered handles, buy one whenever you need one and the ramp depends on the slope.

>> Depends on the slope and you put that in when you need it. If you don't need a ramp, don't put it in. My mother-in-law's house we added a ramp. It cost me \$50 to build a wooden ramp. We sold the house and people are like I don't want the wooden ramp. I hauled it off. It was easy. It was a simple retrofit that took care of her need to get into an accessible house. It was inexpensive and we solved the issue and it was something that I could take away when I didn't need it. It wasn't required. It was just an easy solution. And most houses you can do this. There are a lot of houses where you can't. You're simply not going to be able to make the house accessible because of the other issues you're looking at when you're trying to -- looking at the sun pattern and the solar patterns and laying your house out east to west and try to preserve the trees and everything else you want to do. You simply can't do all that and add accessibility in on some houses. It will happen. [One moment, please, for change in captioners] retrofit,.

>> Katz builders have been building and remodeling homes for more than 30 years. We have a valued name in the industry because of the care and attention we have given to clients, often resulting in life longhorn relationships. I was with the state of Texas when this law went into effect and approximately job was to teach corporations about the reasonable options when this act went into law and we started principles from the very first home we built. We are consistently encouraging the homeowners to design a home so they can stay in their home indefinitely, always keeping budget, building design and site as a consideration. A year ago while remodeling a home that rebuilt 15 years ago for our homeowners, our homeowner had a stroke, not because he was remodeling his house.

[16:00:51]

[Laughter] as a result of this stroke, he had been confined to a wheelchair. The site didn't permit a code complaint ramp. We had to take the consideration of the client's ability to maneuver on the ramp and the site conditions we encountered while building the ramp. If we had to meet accessibility code mandates, the ramp would not have been able to be built because of the setback in the trees. When people are in homes so a disability can be accommodated, we need to be able to think outside of the box. Our company is an advocate for building homes that are accessibly friendly for those individuals that live with them. We totally get it of how difficult it is for somebody who has a mobility disability to get around, but having said that, to build permanent ramps around for visitability and main mandating them across the board is excessive. Each owner should be allowed to make that decision on their own. There are issues of lot size, soil conditions, setbacks, impervious covers, trees, to name a few conditions, as well as hard dollars that can make this a tremendous burden on some homeowners. I provided you with some photos of a portable ramp. That was used in one of our homeowner's homes and this can be very affordable and very inexpensive and easy. It's portable. I think that thing cost maybe \$75, so that was not a big deal. Additionally there are two more images I provided you with. One that was created that had a major impact on the exterior of the home and the other one is an

affordable ramp that was done at the time that the house designed and built. [Buzzer alarming] finish?

>> Mayor leffingwell: That's it.

>> Thank you.

>> Mayor leffingwell: Thank you. Mary steel. Going on borral steel, i assume. Nelson pete. John sparrow. John sparrow is here.

[16:03:15]

>> Good evening mayor, council members. Thank you for allowing us to be here this evening and listen to the testimony that has been presented. My name is john spar row. I am the president elect for the home builders association greater austin. One thing that I would like to try and clarify with the visitability ordinance is the mean issue is the ramp condition and the no access to the front

-- to the entry of the home, wherever that may be, whether it's the garage or the front or even possibly in the back, which has been suggested. One of the problems we have with the ordinance is that it is so open ended. There is no criteria spelled out. There is nothing that tells us what we need to neat so we can even

-- meet so we can even come to you guys and really put up a clear, and concise argument. Whoa can only give you facts and data, sometimes worst case scenario and we can talk about the possibility of getting into homes at one-third above grade or two foot above grind. There are different things you have to consider when you look at raches. You have to look at the setback. You have to look at how far the home is from the curb. That's where the ramp starts, from street level and then we go up to the home, to the garage. Then we have to get a ramp potentially if the garage is dropped where it is not feasible to get the ramp from the garage into the home. We have to try to get the sidewalk out a step to the front entry of the porch. We've heard that, you know, a percentage of 10% is possibly an acceptable amount, but, again, at 20 feet back, 30 feet back, or 25 feet, 30 feet, regular setbacks that we have, this is going to dictate the level of the home on how far the slab connects to be out of the ground. If we have a 10% slope and then we tie in a sidewalk to go to the front entry because we can't get into the garage, the slope of that sidewalk, as it ties into the

-- to the driveway and actually to turn to get to the front entry is going to be at 10%. You can't make it level because then you create a step. You can't flatten it up because you can't get a car in your garage. And to flatten off to get enough space to come out of the garage flat and then come down, with your grade and with the distance from the curb to the garage, then exceed the 10%.

So there is a lot of complexities that go along with just, you know, making a home come a certain distance out of the home a bring a step that goes out of the front. We would like clear and concise information on what you would like us to do. If we can look at the data and see, we have a maximum, a maximum height in which we can start from the curb to the garage or to the front entry so that we can determine whether we can actually make the home visible for the ladies and gentlemen here, if you want to be able too get into any home

-- [buzzer alarming]

[16:06:19]

>> that we could then be able to discuss it further, but that's not what is presented to us.

>> Mayor leffingwell: Thank you.

>> Cole: Mayor.

>> Mayor leffingwell: So

-- council, without objection, I would like to table this item temporarily for the purpose of entertaining a motion to extend the meeting, modify our rules and extend the meeting past 10:00 p.M.

>> Cole: So moved.

>> Mayor leffingwell: Mayor pro tem, so moves, second by council member spelman. All those in favor, say "aye." Aye. Opposed. No. That passes 7-0. Now, go ahead with your ...

>> Cole: I was going to make that motion.

>> Mayor leffingwell: All right. Thank you.

>> Thank you.

>> Mayor leffingwell: Ray tongis.

>> Thank you, council members. My name is ray tonjis and i won't tell you how long i have been around austin building. You know, from hearing the testimony tonight, i certainly have a height and appreciation for some of the limitations that our current housing has and I think it's given me a heightened awareness on some of the things t we can do better in our planning stage. I am not opposed to the concept at all. In fact, you know, most of my clients do a certain amount of universal design. I really think that

-- I do see a couple of inconsistencies here, and i do like council member spelman's track of thought about doing things now that are cost effective, at a little expense, makes it easily adaptable down the road. And we have talked about, you know, blocking for grab bars. Well, why isn't there grab bars in the ordinance? Right there, the concept is for future grab bars and then we go to having ramps as mandatory, when ramps can easily be added to the future because they are completely potentially external to the rest of the house. And what it comes down to, the real issue, as I see it in some of the way this is written, is to the extent practical, that sounds very good but what the heck is it? It's kind of whoever is making that decision decides it's going to be. It seems like this is not an emergency. Why don't we define what those parameters are, where a waiver makes sense, where it's practical to do some of these things and do that in advance instead of having another conflict down the road when it's really uncertain on what that's going to be. Another is the thing that mrs. Barbara brought up which I thought was a spantas tick idea -- fantastic idea which is incentives. They work really good. We did it for energy conservation and solar and water and other things for quite a few years and one of the basic point criteria in the green building program, universal design, there is a lot of points available for design of accessibility and doing what council member spelman is talking about, planning for the future. Unfortunately, most of my clientele is my age and they think about a lot of these things and it's pretty common, you know, especially a full bath, because we think about parents and ourselves being limited, so we do want a full bath with a shower and that type of thing. So it seems like the biggest problem we have tonight in this discussion is the uncertainty on the ramps. It seems to be the overriding issue and that seems reasonable at some point, it gets to be unreasonable. Why can't we determine that prior to the

-- adopting the ordinance instead of.

[16:10:19]

[Buzzer alarming]

>>

-- putting that ball down the road. Thank you.

>> Mayor leffingwell: Quick question. I heard this term several times tonight, blocking the wall.

What does that mean?

>> It is putting the 2 by 6 in the wall 34-inches so you can easily screw grab bars into the wall instead of doing it in the sheetrock. That's the inconsistency here. We are planning for the future for grab bars, you know, but then making it mandatory for lever handles when that can be adopted and it seems to me if you are going to make it accessible, you would have the grab bars.

>> Mayor leffingwell: It would be smart to block the wall?

>> Yes, simple

-- we do it all the time.

>> Mayor leffingwell: All right. Ross britain.

>> Thank you mayor and council. I am going to address one thing quickly, in such an r3

-- in section 4320 of the ordinance, r320.2.2, there is a statement regarding environmental controls and bathrooms. It's unclear to us whether that involves prescribed thermostat heights so I want to say as a licensed texas heating and air contractor who has held a license for 20 years, that the hva supports the city of austin's staff recommendation to not set a standard for thermostat heights. Thank you.

>> Mayor leffingwell: Dallas webster. Dallas webster. All right. Francis ferguson.

>> So far it has been an interesting conversation. I name

-- my name is francis ferguson as an individual and as a general advocate for accessibility. This is clearly a naughty issue because it is time to increase visitability across austin. Clearly every public good thing we do adds cost to the housing, and so as I am just listening to it tonight, you know, they approach the

-- council member spelman was going down and some of the other speakers

-- I mean, it seems like you are pretty close, actually. It doesn't sound like what's before you is quite it, but it seems like, you know, you are pretty close between some clarity around waivers, some expedited processing, if certain public benefits are included in a subdivision. It seems like custom homes are sort of custom homes, you know, but that's not where necessarily the biggest volume of mainstream middle priced housing is. And it's those large subdivisions that you particularly want to influence, and so I would just encourage that, you know, that the folks get kind of encouraged to find this middle ground because it just seems like you are very close but that mandating things across entire housing does, in fact, result in engineering costs and grading costs and things that worked at miller because miller was flat and still needed a 5% waiver and yet it sounds like the people who want accessibility already knows there is going to have to be waivers so it doesn't seem like this is an unbreachable agreement to reach and i hope we can because the accessibility

-- the affordability concerns with the home builders, you know, are real when things become mandated across and waivers aren't clear. Thanks.

[16:14:14]

>> Mayor leffingwell: Thank you. [Applause].

>> Mayor leffingwell: Steve crusoff.

>> Good evening. My name is steve crusoff, a member of the board of directors for if home builders association as well as a president of scott felder homes. There has been a lot said regarding this and I don't want to be redundant but i think what we really need to focus on is the -- maybe what

-- what council member spelman and hank smith were going back and forth on, because I think you were really making some progress. It is really all about choice and
-- and, you know, this is your home and people should have choices and
-- and, you know, whether you want levers or round doorknobs
-- I have young children and I can tell you people with young children don't want levers because little kids can reach up and grab the lever and get in different rooms. But anyway, I think that's a good direction to go on. On a personal statement, i have a 14 year old disabled daughter and she's cognitively challenged and has some mobility issues and my house would not qualify under the visitability ordinance. However, we have made modifications to address our own specific needs. I appreciate the purpose of this ordinance. However, I disagree with
-- with putting it in place in such a harsh, harsh way. I think what hank was saying earlier, it is going to cause a lot of the new communities in their subdivision design just to go in there and
-- and level it so that
-- so that the ramps and whatever can be built in a
-- in an affordable way and that's really what is so pretty about austin, is the topography that we have here. So anyway, keep those things in mind and thank you.
[16:16:29]

>> Mayor leffingwell: Thank you. Karen matazoosky.

>> Here.

>> Hi, my name is karen, and I'm am a licensed realtor and part of the board of directors of the greater austin home builders association. I I was asked to come because I represent people who are looking to buy homes and some of the people have been physically challenged clients. Austin is known as come as you are and live and let live city. We are known for independent thinking and for our progressive culture. We don't judge a book by its cover and that's why so many people want to live here. Rather than regulate or demand that these items be included in a new home, i believe it would be more readily adopted if home buyers were both educated and incentivized to include these items in their home. I currently visit with all my new home clients easy additions to their home that can be done cost effectively during construction, that would make their home more livable to them should they suffer a temporary physical challenge, something as simple as breaking your leg or a more permanent event. When home buyers are educated about the benefit of a feature, they are likely to consider it. Many of the items listed on the list to be mandated are things easily changed if and when somebody would need them to be but they are also items that could cost significant for a person for a home who does not need them. I don't know no home builder who does not include a bathroom on the first floor. Some of the visitability changes can pose a problem with people as young children, as we have heard. Low amount of thermostats are attractive placing for child. Lever handles make it easy to children get out of the house and I recently learned pets can open the lever and let the children out and endanger pet and children. The custom builders have offered a great job offering more options for those with physical challenges to make more livable. Sixty years ago, a friend of mine suffered a cycling accident that put a 38 year old man in a wheelchair for the rest of his life. When we went to purchase a wheelchair, the folks already had options and features that made their home completely accessible but they did not leave the home looking like it was built for someone with a physical challenge. Which was important to them. Even those folks didn't want

an entry ramp because they didn't want their home to say to everybody passes by, a physically challenged person lives here because he didn't perceive himself as physically challenged. People in austin embrace new ideas and want to have their homes be adaptable to lots of different life circumstances and technologies, even though they may not be ready for these features either personally or economically from the very first day that they move into their newly built home. The city of austin has done amazing job of incentivizing homeowners to incorporate energy efficiency with appliances, ac systems, insulation and lighting, because of the education incentives homeowners, suppliers and builders have adopted the changes. We are a nation bounded on the idea of freedom of choice. Let's continue to educate and incentivize people building new homes as well as people remodeling their existing homes. Let's let austin be a city to live and let live. Thank you.

[16:20:04]

>> Mayor leffingwell: Thank you. Mark.

>> Coming.

>> Good evening. My name is mark zopan. I got hurt when I was 18 years old. My parents retrofitted our house that I lived in. We aren't here to talk about retrofitting houses. We are talking about new build. You look at what has been said today. Isn't this about choice? If I want to go talk to a home builder and get a new house built, they will make those concessions. How many people in wheelchairs are going to buy a two story house? Not many, unless you have the money to put in an elevator, which is fine. It boils down to choice. I wrote down a lot of things tonight, just listening and

-- just, you know, listening to what people h to say. I went to school to be a civil engineer. As a civil engineer, you understand the practicality of building houses, grading a lot, what do you have in front of us. Now, if you mandate everything to be accessible and accessibility

-- my house

-- I have lived in three different houses here in austin. My first apartment, was it accessible? No. Did we make it accessible? Yes. Was that a new apartment? No. My second house, I bought a used house, did I make it accessible? Yes. Third, again, you make it accessible. What do you have to do? You throw down some concrete, you widen the door. Fine. What we are talking about here is making every house

-- if I had to go and buy a house that was made accessible, I don't know if I would buy it. Now, the fact of the matter is, we have topography here. Topography is the beauty of austin. The idea of trying to put a one story slab house on a lot that has 8 feet of fall across it, it's not

-- not feasible. That's just the idea behind it. Now, I agree with some of the

-- the ideas in the accessibility ordinance. I do. But, again, it boils down to choice. Do I want lever handles? No. But, again, it is my choice. Do I want my thermostat to be lower? No, because if I had children, I don't want children playing with my thermostat. Do I want the light switches to be lowered? No. It's not very difficult to go that to that. The light sockets to be raised? Again, choice. That's all we are talking about here, is choice. The home builders give you that choice when you buy a new house. Yes, can you make it

-- like I said, there may be some models that may not be able to be made accessible. Is that reality of the situation? Yeah. But to force every home builder to make every single model of

theirs accessible, doesn't make sense.

[16:23:28]

[Buzzer alarming]. So I just want you guys to think about just, it is about choice.

>> Mayor leffingwell: Thank you, mark.

>> And mayor, I did yield my 3 minutes to him earlier.

>> Mayor leffingwell: And what is your name?

>> Carol baker.

>> Mayor leffingwell: Did you sign up?

>> Yes, sir.

>> Mayfingwell: Okay. You have another 3 minutes.

>> I am not going to take 3 minutes. Again, what it boils down to is choice. You have those options. When you

-- when you are to purchase a new house from a home builder, you have that choice, to have these things done and they will make those concessions, so let's just remember what's at hand. I mean, every single one of you, do you want a ramp in the front of your house if you wanted to go live in the hill country? Not necessarily. So thanks for your time, guys.

>> Mayor leffingwell: Thank you.

>> Yep.

>> Mayor leffingwell: Mitch schwartz. Mitch here? Ron waley. Tom smith.

>> Mayor, council members. My name is tom smith or submitti, I am here

-- smithy and I am here as a private citizen and a senior citizen in training. [Laughter] I am the son and the grandson of people who ended up in their lives having to use wheelchairs. Both of my parents used a wheelchair. All of my great aunts, several of my great uncles. Several of them had strokes. One of them, an amputation, parkinson's, arthritis. And they are not alone. When you look around, 22% of us are going to be 65 or older by 2030 in this town. My parents had a hard time going to the toilet, bathing or cooking on their own. We adapted some of the houses my relatives lived in. Others couldn't be adapted and they had to go to a home, a place where somebody could help them get in or out or use the bathroom. They wanted to stay at home. 95 percent of senior citizens stay at home but the people who care for them are often elderly and frail themselves. And unable to push that wheelchair up the stairs and as a result the family unit begins to suffer from significant isolation because not only can they not get in or out but they can't go visit other people, and that's what this is about. Isn't very much we are asking. We are asking for minimums to be designed with accessibility in mind. Wider doors. It took a lot of money and some real bad remodeling to make the doors go from 24-30-inches in my parents homes. There is blocks blind the sho behind the showers, in the bathrooms, where you can put the access ramp. I remember when my dad pulled the rail out of the wall because we didn't do it right the first time. The ramps, they were dangerous and imperialed my mother and father when they went in and out of the house and the handles. And we are not alone in looking at this. Every country

-- civilized country has looked at this and I had the pleasure of traveling to my mother excessively after she was in a wheelchair. You went some places like new zealand, where they had adopted these standards back in the early 1960s, and the difference in accessibility when you went to new zealand was phenomenal because you can get in places. Almost every place you went was designed for accessibility and a mother could take care of her own needs without the embarrassment of asking her son for help or others. We came back to the united states and we

were stunned by how backward we were in terms of planning not only for those who have disabilities or different abilities from day one, but for planning for those of us who intend to live a long life.

[16:27:45]

[Buzzer alarming] we support this ordinance and thank you, mayor, for bringing this forward.
[Applause].

>> Mayor leffingw alana.

>> Hi, I wasn't going to speak tonight but I was going to yield my time to my friend danny, I don't know if he left

-- hi, danny. But I got a little ticked off so I thought since danny didn't need all of my time, I would speak. There has been a lot of talk about the 1.5%, the minuscule population that is disabled but apparently the architects and home builders don't have friend who have disabled and it is concerning to me, one time i had a friend who is african-american saying not directly experiencing racism is experiencing racism. Not dirty experiencing ableism, is, in fact, directly experiencing ableism. So if you don't have nip friends or relatives who can't get into your home, then I don't know that you have the ability to speak on this issue. Maybe you ought to speak some people who have a hard time getting

-- I was in the same boat. Before I met wonderful people like danny and sarah and people that I really care about, I didn't think about the fact that certain people couldn't get into my home. And now when I have a party and I invite my friend sarah over, my neighbor, a member of my community, she can't get into my home and that's a loss for me. It's not

-- I don't think it is necessari loss for her and it makes me think about the design of my home in general. It is hard to get furniture in and out of my home, for instance. My home is a 1940s home. We have made advancements since then. I don't see why we can't go forward and frankly I feel that the architects and builders in this room are a little whiny. It seems like you

-- it seems like if you are challenged with something

-- and I kept hearing about the challenges this is facing in front of people but then i look at my brothers and sisters here who took the bus and had

-- told their, you know, touching stories about having to hold their urine, that's a challenge. Taking your education and applying it to do good for your community, that's an honor. That should be something that you embrace. So this is a civil rights

-- several people have said this is a civil rights issue. This is not

-- [applause]

[16:30:25]

-- not

-- this is not about money or this is not about whining and what people might want. There are lots and lots of ordinances and regulations that some people may not want in their home. Maybe somebody doesn't want a fire extinguisher in the home. I don't like my smoke alarm. It goes off every time I am making a pizza but it has to be in there, there it is. Stop w, move forward and let's be inclusive of everyone in our community, even the people you don't anticipate that you are going to grow to love one day. That's all I have to say. [Applause].

>> Mayor leffingwell: Robin schneider. Robin schneider.

>> Good evening, r schneider, I didn't intend on speaking, either, but in october of 2010, my mother in law who was in her 90s came to live with us and although she was not completely physically disabled, her

-- she was limited in her mobility and we used a wheelchair

-- she used a wheelchair often, and I live in a house built in the '60s and we, you know, had a friend volunteer to build a ramp for us but there was no way to change our bathroom. We have a one-story house. The

-- and luckily, she was mobile enough through

-- to the time of her passing in february, that she could get in and out of the bathroom. She could stand up enough to do that. If she had gotten to the point where she couldn't do that, I don't know what we would have done. And I have been kind of

-- i have never built

-- bought a new home. I always bought a home that someone else built, and so for people to say, oh, well, you can choose your home and what it looks like, I mean, I get there are some people

-- I guess there are some people who can build custom homes. I don't think most of us do that. And I think there are some people who have the opportunity to choose how their new home

-- the layout and the features but I think the lion share people at some point in their life move into a home that they didn't choose to buy as a new home. And so what we are talking about, all of these things about

-- this is about choice. Some things that are core values in your community, and say in austin, impervious cover over our aquifer, we need a choice as a community that protecting our environment is not just a choice that you do with incentives. It is an important community value for ourselves and future generations and for future people who are going to live in those homes. That's, I think, the same with this. This isn't a choice that

-- yeah, I am able-bodied now and I am going to be able-bodied for the rest of this house's life. It's not realistic. Other people are going to live in that house or your condition or the people who live with you or come to live with you or want to visit you need to have certain standards met. And I just think tha it's

-- as I understand it, there has been delay on this council before and it is time to stop the delay and recognize that our community needs to include all of us. Thank you.

[16:34:05]

>> Mayor leffingwell: That's all of the speakers we have sign and up who wish to speak.

>> Cole: Mayor, I have a question.

>> Mayor leffingwell: Mayor pro tem.

>> Cole: Betsy, can I ask you a couple of questions?

>> Forgive me, my name is mitchell rappaport and i serve on the mayor's committee and I am here to testify on behalf of

--

>> mayor leffingwell: Did you sign up to speak?

>> I did. I wasn't called.

>> Mayor leffingwell: I do not have you on the list here. I just refreshed. When did you sign up?

>> When did I sign up?

>> Mayor leffingwell: Yeah.

>> Yesterday. Tuesday, rather.

>> >>Professor: Go ahead and speak and

--

>> mayor leffingwell: Go ahead and speak and you will have to register with the clerk when you get through

-- three minutes.

>> Thank you. I am in support of this ordinance but more so I am here to answer questions. I am the cocreator of the field of rehab architecture which comes into play the coding standards, specs and principles that, although, it has been modified since 1988 are still in existence today and I am also the american who coconceived and named the americans with disabilities act.

>> Mayor leffingwell: Okay. Thank you. Council member morrison.

>> Morrison: Thank you. Threw for coming. I

-- thank you for coming. I assume you are familiar, then, with the recommendation of the committee?

>> Yes.

>> Morrison: I want to see if you can help me understand the difference between the mayor's committee recommendation and the staff recommendation? I understand there is a lot of

-- a lot of things that are exactly the same but some very important ones that are different.

[16:36:16]

>> The mayor's committee recommendation does not go into all of the specifics that the other does. It basically is more

-- is more principled. It is an expression of what is still felt to be needed in terms of accommodations in visitability, rather than a statement of what is specifically needed, and all that

-- all the other things are already spelled out in existing codes and they

-- they should all be known by all of the people who are builders here.

>> Morrison: Okay. But just to be specific, i think

-- so we have this on a yellow sheet in front of us, I believe. It is all of the whereases, and it says the attached. When I read in number one, it says that you all agree that the language, the staff recommendation fo ro3.1.2.21.2.2 and 3 are acceptable. Is that correct?

>> Those

--

>> yes.

>> Morrison: So that means we are going d section

-- building entrance and that's the only place we have a difference?

>> Yes, exactly.

>> Morrison: And what i understand is the applicability is very different, that the staff recommendation for applicability is only to new subdivisions where

-- where the mayor's committee is for any new construction.

>> Right.

>> Morrison: But then there are some exceptions that you all reference that aren't referenced in the staff recommendation.

>> Right. It went beyond and it was done for several reasons, one of which was to make sure that people with disabilities who didn't have access to their homes or had difficulty access to their

homes would finally be able to have

-- under the americans with disabilities act, under american with disabilities act, architectural guidelines, which the principals from the field of

-- the principles of the field of architecture were woven into, that the existing codes that

-- that that cited did not specify all

-- did not specify intentionally all of the different standards and specs. That was meant to be hammered out by lawsuit, by need, and it was to be determined. By

-- as the years went on. It was originally passed so that it wouldn't be challenged. We wanted to make sure that everything was

-- was set in the way that it wouldn't be challenged by

-- by a quarter of existing law and it was passed. And that's why it's been hammered out specifically over the years. All this is doing is asking for better accommodations with people with disabilities so they can access

--

[16:39:46]

>> Morrison: Okay. But I do see

-- I guess i need to pull you back around a minute because I do see in the mayor's committee a definition of

-- let's see. An accessible route to the building entrance that does have a no step entrance.

>> Yes.

>> Morrison: Okay. That's specific and also

--

>> but the accessible route is

-- the accessible route, quote unquote, is already specified.

>> Morrison: You are saying it needs to be an accessible route and we don't need to define what accessible route is.

>> Correct.

>> Morrison: So there is no disagreement on what needs to be done, just how it is crafted.

>> None whatsoever.

>> Morrison: I think i noticed one conceptual disagreement or one thing that the mayor's committee added that I think was suggested was missing in the

-- in the staff's recommendation and that is that from the building entrance that's a no step entrance the, well, there is an accessible routes that required through the house but that has to be connected to, in some way to the building entrance that is a no step entrance.

>> Yes, I believe so.

>> Morrison: Yes. Okay. I think that's missing from the staff recommendation.

>> Okay.

>> Morrison: Okay. I have a feeling that if we get anywhere tonight, it's only going to be on first reading and we are going to have an opportunity to delve into this a little more but I wanted to point out what i think are the main differences besides the way it's presented are the

-- the applicability, whether it is all new construction or just new subdivisions, that one is mentioning, to make sure there is an accessible route from the no step entrance to the first floor bathroom and I guess the treatment of

-- the treatment of exceptions.

>> Yes.

>> Morrison: Okay. Thank you.

[16:41:47]

>> Spelman: Mayor.

>> Mayor leffingwell: Council member spelman.

>> Spelman: Let me broaden on the last one, treatment of exceptions, because I get a very, very large difference between the two of them. The staff recommendation, again, it says, as council member morrison pointed out, it is for subdivisions and not for all new housing and you are talking about all new housing in the mayor's committee. The

-- all

-- all subdivisions, the applicant for subdivision approval will identify lots for which compliance is appropriate, for which compliance is not appropriate, and that appears to be entirely up to the applicant to identify, basically waiving

-- it is a self waiver policy, I will do these but I will not do these and then the mayor's

-- the mayor's committee is a very stringent waiver policy which requires among other things, it has to be a small lot, on or adjacent to a corner with access from a rear alley and a 10% slope, all of the above.

>> No. No. Stewart, would you help me, please?

>> If they allow me to.

>> Would you allow him?

>> Spelman: I would like stewart to help me w through what looks like plain language to me.

>> Because I wrote it. I wrote

-- it comes from the ordinance you already passed. Let me walk you through it. This is to

-- this language comes from the visitability ordinance you passed in 1998. Okay.

>> Spelman: Tell me about it.

>> Let me walk you through it. There are three kinds of waivers. One is based on topography. That means for all of the examples you heard tonight, the slope of the lot is too great, automatic waiver. That's built from a reference to what we have in the building code and the fair housing act for apartments that says the same thing. Says you don't have to have accessible entrances.

The slope is too great. That's in our standard for that waiver. Then we have what I call the historic district east 11th and east 12th street waiver, which says that when you have historic districts with certain slopes on certain lots, you don't make those new homes visible because the standard slopes and the lot sections and the third exception is the miller exception, which is because you have small lots in an airport that is flat and you added topo, but you literally can't make it work in certain areas that are close to the corner and one not. So what we did different than what the staff did at the mayor's committee is say the council has already approved this waiver policy. Let's not invent something new. Let's take something that's adopted code language. It's in very technical terms and it references all kinds of things that 16 of us in the room probably understand, but it's very specific and it is easy to interpret and it is based on pictures of those kinds of things. It says those things are all waived and ramps are never required and no step entrances are required on the house.

[16:45:00]

>> Spelman: Help me, Stewart, be the 17th person in the room. I am looking at 5-1-133, waiver of exterior accessibility regulations, which is exactly what we are talking about here.

>> Are you looking at the staff document?

>> Spelman: This is the code. I believe this is the code. What you handed out is this

--

>> that is the visitability ordinance, the current visitability ordinance.

>> Spelman: Right.

>> Which we took the language you will see in the mayor's committee on

-- you have to start with definition. This is only part of the code. This is the waiver position of the code, but this handout doesn't include all of the definitional stuff that is in the early part of the fair housing chapter in 5-1. All you have handed tonight is the waiver provision.

>> Spelman: Right.

>> Which you can't understand unless you were given the balance of chapter 5-1 which includes the definitions, which is why we stuck them in here in the draft for the mayor's committee.

>> Spelman: This seems to me like the sort of thing

-- i can probably haggle with you over

-- for 10 or 15 minutes and become the 17th person in the room or maybe in the country or maybe in the world who understands this stuff, but it seems to me that wouldn't be

-- that would be a waste of my time, your time and everybody else's. It seems to me, though, there there is good things about the mayor's version, i like the fact that it would extend to all single family houses and all duplexes that are newly built. I think there are at least potentially some difficulties with this in that the waiver policy, it appears on its face to me, before you have had a chance to tell me otherwise, Stewart, it appears on its face to me to be extremely stringent and it seems to me, given we are talking about something which may be thousands of dollars of requirement

-- requirement of thousands of dollars at least in some houses in some lots somewhere, we need to be really careful about what we are waiving and what we are not. I am not in a position to sort that out right now. I don't think anybody else on the council is. Okay. Council member Morrison is telling me right, then she is not in the position to do either and she is the only person that might possibly be willing to do it. So it seems to me willing to find some way of sending this back to the staff and helping them sort out the waiver policy. It seems to me the big critical issue here is the waiver policy and the applicability and I like the applicability of all houses, not just subdivisions but i also think we need a sensible waiver policy which at least this at first blush doesn't appear to be.

[16:47:33]

>> I completely agree with you.

>> Spelman: Cool. Okay.

>> Where are we?

>> Is there anything else?

>> I guess not.

>> Mayor.

>> Mayor leffingwell: Council member spelman.

>> Spelman: Somebody has to do this and I am being egged on by council member morrison who apparently doesn't want to do it herself, so let me try. Mayor, I move to close the public hearing and adopt the staff recommendation on reading with direction to report back to us on second and third reading. The staff

-- the staff version

-- well, let me make one change that I know i want in the staff version of the ordinance, on section r320.3, that fourth line says bathroom grip or half bath, must have an

-- and interior doors must have lever handles. I think that is unnecessary. Mr. Smith is right about this. If you want to change your handles, change your handles. I would like to strike and any interior doors must have lever handles. We can remove that, section r320.4, is the one that covers ramps and other accessibility to the outside area and what I would like to do is adopt this on first reading in its current form with two directions to staff and I am more than amenable to any other directions that others want, but the first direction is that I believe that the entire ordinance should be applicable to all new single family and duplex construction, not to just those in subdivisions, and, second, that we need a waiver policy which is less stringent, at least from my reading of the current waiver policy in 5-1-133, which takes into account in a reasonable way the topography of the lot and other issues which bear on the difficulty and expense of putting in a ramp. At some point a ramp would be necessary in some of these houses and some point they have to put one in but it necessarily doesn't have to be all of the houses and at the time the house is originally built. So think harder about the waiver policy and think about some way of extending this to all single family houses and duplexes.

[16:50:06]

>> Mayor leffingwell: Motion by council member spelman to close the public hearing and approve on first reading the staff recommendation with several modifications and directions to staff. I am not sure that i understood the modification on the exterior ramps. That you are proposing.

>> Spelman: It is probably because I am not sure i understood it myself. Two issues here. The first issue is the staff recommendation only applies for subdivisions, basically houses built in mass, and i think it should apply to all houses.

>> Mayor leffingwell: Got it.

>> Spelman: Second issue is, the waiver policy, the current version of staff waiver policy is a self waiver, basically, I will do this one, this one, this one, which might be appropriate if you are talking about a subdivision. If I want to extend this to all houses, we need to find only other sensible way to identify which ones need to build ramps or otherwise need to build no step entrances and which ones do not. And I would like them to think harder about finding some way about drawing a sensible distinction between which ones ought to be built now and which ones ought to be built in the future if we are going to extend this to all houses.

>> Mayor leffingwell: Okay. So

-- [multiple voices]

>> mayor leffingwell: The ramp proposal that you are making is basically let's study it and determine if there is a way to figure out which houses it would be required on, which it would not?

>> Spelman: Yes.
>> Mayor leffingwell: Is that basically it?
>> Spelman: That sounds good.
>> Mayor leffingwell: Okay. And second by council member morrison. Go ahead.
>> Morrison: And if i could
-- I do want to add the one that
-- that other piece I think I am missing and if I am wrong about this, I am sure staff will tell us,
and that is from the no step entrance to the bathroom, there should be an accessible route. Make
sure that
--
[16:52:08]

>> mayor leffingwell: Accessible route from the no step entrance to the bathroom.
>> Morrison: It has to be on the first floor.
>> Mayor leffingwell: Yeah. Right. But is there already a requirement in there to require
accessibility throughout?
>> Morrison: There is, but except for it doesn't hook up the no step entrance. So there is an
acceptable route once you get in but i don't think that it can
--
>> mayor leffingwell: What I am getting at is you are proposing it just to the bathroom?
>> Morrison: No, to the whole accessible route inside, yes.
>> Mayor leffingwell: To the whole accessible route.
>> Morrison: If I can make sure it makes sense to staff. Yes, I got a nod. Okay. Good.
>> Mayor.
>> Mayor leffingwell: Council member martinez.
>> Martinez: I have a couple of questions based on the motion that was made.
>> Mayor leffingwell: Wait a second. Council member spelman, do you accept that?
>> Spelman: You bet.
>> Mayor leffingwell: Okay. Council member martinez.
>> Martinez: I want to understand the rationale between the difference for staff's
recommendation for subdivided homes as opposed to individual permits. When I asked mr.
Guernsey how many permits are pulled a year, he said we are tracking 3200 this year. Can you
tell me the difference between the subdivided and the ones that would be exempt from this
-- of that 3200 and what the numbers are and what the rationale behind leading to that
recommendation was?
>> Council member, I did answer some information before the meeting and i don't know
-- I asked asked how many permits were issued last fiscal year for all single family and duplex
construction. We issued 2,179 permits. We had more applications but not everybody pulled their
permitting. Of those 2,179, 1,792 were regular
-- were not smart housing, we had 387 smart housing. And of those 387, we did not get a waiver
request for no step entryway.
[16:54:10]

>> Martinez: Can you tell me the difference between those that were in a subdivision and those that were not within those numbers?

>> I would

-- betsy would have that information.

>> Martinez: And maybe that's something to come back on second reading, because the next question i am going to ask you to look into is, we were given some information that may be anecdotal and may be factual but the number 50% of a four foot grade slope of all permits was thrown out there and I would like for us to do some research

-- I don't want us to look through all 2100 permits but get a sampling because I would like to get a feel for just how many of those permits come in with a slope that's larger than 3 or 4 feet that would cause for all of the cutbacks in the ramps. Hink it would help us make a better policy decision in the end if we had a good sense of just exactly the number of houses we are talking about, or at least a better understanding.

>> We will give it a shot. I just want you to know how staff arrived at this recommendation that we took to the building and fire code board of appeals. We had the stakeholder meetings and one point in time, most everybody in the meetings were in agreement with what was being proposed. We did take it to the board in february of this year, and that's the recommendation we took concerning the subdivisions, and then later others decided that they didn't want to support our recommendation. That's where we are today.

>> Martinez: So leon, the home that the last one i lived on, on tire trail that I still own, it was 100% visible. It had all of the requirements you are talking about, except for maybe one exception, that is the ramp in the garage was simply a wooden ramp that traversed the lip from, you know, the main drive entrance into the entrance to the house and it was an inch and a half. Is there a provision that would allow for something like wooden structured ramp that's maybe \$20 in wood, as opposed to \$1,000 in concrete, make that compliant with visitability standards?

[16:56:20]

>> We have seen that done before. We didn't really support it because they can easily take it out after we do the final inspection. That was our rea on that.

>> Martinez: Okay. It just seems like there are other options available to us and in a hardship case, where maybe finances are an issue, that could be something that staff could use as an alternative compliance, maybe not in every case, but I think we really will get to a good point with this policy so i will support the motion on first reading with additional information coming back before second. Yes, sir.

>> Mayor leffingwell: Mayor, mayor.

>> Mayor leffingwell: Mayor pro tem cole.

>> Cole: I want to say that I agree with council member martinez, that we need to think about some less costly alternative compliance as an option, even though I am definitely supporting this on first reading, but I am thinking of the things that you talked to

-- I think it was dave about. We talked about the fact that definitely a bathroom had to be in the first floor. We needed 30-inch floor on the bathroom and then we talked about lever handles. We heard speakers testify if they have young kids then those are sometimes difficult to deal with because they can get out and may not want those so i would definitely like to see a version that we start to thinking about not including those and maybe some people want an option of antique

doorknobs, different type of doorknobs and not lowering the thermostat because they have young children. This has just been a very difficult case to listen to when you think about affordability being pitted against visitability and accessibility and trying to come to some reasonable ground on both sides because they are both big policy issues, which is the reason I wanted to ask betsy to talk a little bit about

-- in neighborhood housing, i know we have an architectural barrier program. Could you briefly explain that?

[16:58:32]

>> Yes, ma'am. We use federal funds and local funds to remove barriers in existing homes. The majority of work we do is either provide a ramp to the house because there is no one step entrance and there is no accessible route. We widen front doors. We widen doors on the inside. We modify kitchens so that we lower the cabinets and we provide

-- the radius in the kitchen, we widen when we can so folks can get around in their kitchen. We also modify bathrooms. And so that's the bulk of what we do. We provide 15,000 to do that work. The average is \$12,000 to do that. We used to actually do it only \$5,000 a year and we are going back year after year after year, so now we do it once so we can do it right but it is a lot more costly to come and do it after the fact than if we do it right the first time are.

>> Cole: I was struck by the testimony of the fact that we are only addressing 1% of the issue of visitability, and I think the program we have in neighborhood housing actually covers more people than with immediate needs for accessibility, so what i want to ask staff to do is to develop a fee in lieu type calculation and bring it back to us on second reading so that we can thi about an option of where we are not

-- where we give the choice to a builder or a developer of actually complying or putting a sum of money into neighborhood housing program to help us with immediate problems that we have throughout the city as opposed to just dealing with the, as we age or populations of people that are visiting. I am kind of pry tiding in my mind that the

-- prioritizing in my mind the people that don't have these accessibility things right now need to be put at the forefront of our discussion as we deal with this.

[17:00:44]

[One moment, please, for change in captioners]

>> Mayor Leffingwell: ... I actually think that is an excellent idea to explore, mayor pro tem.

>> Cole: Would you say that again? [Laughter]

>> Mayor Leffingwell: You said it was off the top of your head but I think it was an excellent idea. It's obvious that there are a lot of unresolved issues here. So

-- so it's a good thing that we're

-- we're only doing this thing on first reading. In addition to that, your comment about existing homes that may be needed for people that actually live in homes that need this kind of thing is especially germane. Some of you may know that we've had a mayor's task force on aging, which kind of runs parallel to this, it's been in operation for

-- for about a year. They are wrapping up their process now. They are due to present to the council in august of this year. I think it would be useful to discuss these issues fuher if we got their recommendation, their reports and recommendation before we take this up again on second

reading. That would also give us a lot of time to explore some of these unresolved issues. We've heard a lot of numbers thrown up in the air about what this might cost, they weren't all of the same numbers. I would like in the interim before we take this up again to come back with some consensus numbers, what do these items cost? What do these changes, what are they
-- because we have this tension between t community goals, affordable housing over here, visitability standards over here. And we got
-- in order to know how to balance those two community goals, we're going to have to know what the costs are, what the effects are going to be on each of doing the others. So
-- so just a thought. A couple of thoughts and i just I'm going to support this on first reading and hope that we can get some better answers and some more additional
-- some more information before we take up second and third readings. Councilmember tovo?
[17:03:39]

>> Tovo: Yeah, I like the idea, mayor pro tem cole of looking for ways to increase the pool of money that we currently have available for people who need to make their living spaces more accessible. I hope, though, when staff come back with some additional information about that, they can also help us understand, I think what i heard director spencer say is that it's more cost effective to do it at the outset. So I would hate to see us allowing fees in lieu at the expense of doing it right in new construction from the outset and then have to pay for it later and pay higher costs when we're helping people retrofit their homes. So I'm not sure if those things are
-- are something that you could provide us with information about when come back. What is the relative cost of doing it, of retrofitting versus doing
-- requiring it to be done at the outset. Does that
-- does that make sense? Am I right in
-- in my summary of what I think that I heard you say, that it is more cost effective to plan, to do it in new construction versus retrofitting?
>> Yes, ma'am. If I could, just
-- just universal design really isn't just about individuals who currently are in a wheelchair. It really is about
-- if you are carrying two bags of groceries and you want to get in your house, a levered handle is a lot easier to do. It's a lot of
-- it's not just about one issue. And so
-- but yes, my point earlier was if you plan it and design it right on the front end, it is far cheaper and easier short of the ramp issue. If we do it on the first end.
>> Tovo: Thanks.
>> Mayor Leffingwell: I think it's very clear that it costs more to retrofit than it does in almost all instances for just about all of these different requirements. But the question that i posed and that mayor pro tem posed is that in the one case you are spending more money but spending it on somebody that really needs it as opposed to spending the same amount of money for five people who don't need it. You see what I mean? Requiring visitability on five new homes who aren't going to use those standards versus putting that same amount of money to retrofit the home for somebody that really needs those changes. So I think that's something that we need to think about two.
[17:06:29]

>> Mayor?

>> Morrison: Councilmember morrison.

>> Morrison: I think we need to mention things real briefly. One we seem to be going between accessibility and visitability and I just want to go back to the very compelling testimony that we've heard from folks who can't go visit other people and I think it's really important that we remember about social fabric, especially if we're talking about elderly folks, veterans, growing populations and my numbers disagrees with smi tty's, i think ryan robinson told us 16.5% of the population in austin is expected to be over 65, but being able to maintain your social connections is extremely important in maintaining your health. Lastly, I just wanted, I was thinking today as we were getting ready to come down here, I took this seat after

-- after mayor pro tem dunkerly retired from sitting here a she and some of her last work that she did was trying to get visitability standards in place and so I just think that it's nice that finally five years later we're back at it and it looks like we're going to make some good progress and I thank her for her wisdom in trying to get that started. It's good to know that we're making some progress.

>> Mayor Leffingwell: Okay. We have a motion on the table. I think we all understand it. All in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. Passes on first reading on a vote of 7-0. Now that brings us to item 109. We've already had the briefing, we've already had the public hearing, so i will entertain a motion on the related item 109. I would suggest that maybe the same type of action [17:08:31]

[indiscernible] councilmember morrison moves to close the public hearing and approve on first reading, seconded by councilmember martinez. Further discussion? All in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. Passes on a vote of 7-0. That brings us to item 112.

>> Item 112 is an amendment to our electrical code. Our current code is a 2011 version, this amendment will create a process for registration of a person or company offering to perform electrical work in the jurisdiction. It gives staff the authority to suspend registration of electrical contractors who are not compliant with this code amendment. And we're basing this on these particular items of the law. There are other municipalities that do this kind of things for us, i just wanted to share these cities with you.

>> Mayor Leffingwell: All right. That's your briefing? Are you

-- your clicker isn't working. One or the two.

>> There it is. This is a chart that we put together for you for that other

-- that other communities have and what they do with the situation that we currently have in place. The bottom line is if you are a contractor in the city of austin doing electrical work, you have to have a contractor's license and you also have to be a master electrician or have somebody on your staff that is a master electrician. If you choose to do work for a contractors you have the meet the requirements. You also have to have a master's license on staff or be a master's licensed electrician yourself. The proposal we're going to provide today to you will be complaint driven, it will create industry consistency, it will create a safer environment because work will be performed by licensed contractors. That's the end of my presentation.

[17:10:59]

>> Mayor Leffingwell: Okay. I have a kind of a basic question.

>> Sure.

>> Mayor Leffingwell: What problem are we trying to fix? Because I've anecdotally that there were abuses of the present system and that people were doing these jobs and their workers' comp was not withheld, their social security, their income tax withholding, et cetera. That there were basically things that were impossible to regulate under our present system. Is there any substance to that?

>> That's what we've been hearing. Unfortunately we don't have the resources or didn't have what we felt were the necessary requirements to be able to enforce that. What we understood is that we were having other folks coming from other places that didn't have an electrical contractor's license nor were they master electricians, yet they were contracting with the applicant that pulled the permit in our jurisdiction.

>> Mayor Leffingwell: You don't know anything about the failure to withholding.

>> That's what we've heard, yes, sir.

>> Mayor Leffingwell: Okay. All right. We do have a number of speakers signed up. If we could -- we could go to those if there are no more questions of staff. We begin with Harry Savio. And donating time is Kevin Papp, Kevin here?

>> [Indiscernible]

>> Mayor Leffingwell: You just need three minutes. All right. Chris, here are the ones we are checking off, Chris Gillett, Robert Brown and Debbie [Indiscernible] you have three minutes.

>> Thank you, good evening, my name is Harry [Indiscernible] I work for the Home Builders Association in Greater Austin. The current work practices that a home builder will hire a master electrician who takes out the permit and is responsible and liable for the work. The electrician oftentimes in current practices will usually turn back around and hire specialized subcontractors for example the yard line is usually put in by someone who owns a rock saw because the electricians don't particularly like having to mess with rock saws. The

-- they will hire other work, subcontractors to turn back around and pull the wire on the jobsite. And oftentimes they'll hire another subcontractor to go in and do what's called trim out. Now, the allegation is, it should not be defined but although this ordinance would not change, to the extent that's checked or not, that those subcontractors are not licensed. In fact, the

-- the people working on the jobsite are required under Texas Department of

-- TDLR, Texas Department of Licensing and Regulation to have some form of licensing. Usually they are working under a journeyman licensed contractor. That's where at least to me it becomes incredibly confusing as to what is the term meant by the licensed contractor on the job. But the -- but there are tremendous efficiencies, the quote to me was that if electricians are required to meet these requirements as put forward that it is going to increase the cost of wiring a home. I'm sorry, an entry level home by 20%, that's not 20% of the cost of the home, that's 20% of the electrical costs. And so as a

-- the last point is we believe that this is an attempt at restraint of trade to keep those journeyman contractors and their employees out of doing business in Austin. We provided the city manager's office a briefing memo with detail citing case law some of which we think is clearly applicable. Again, I understand the fact that the attorney's office may have determined that doesn't meet the letter of the law. But again we would suggest that you meet the spirit of the law and recognize this for what it is, an attempt to keep journeymen electrician with their own crews out of

business. Thank you.
[17:15:20]

>> Mayor Leffingwell: Thank you. Randy [indiscernible] please feel free to correct my pronunciation of your name.

>> That was good. Thank you. I am the chair of the electrical board here in austin. And these amendments were the product of almost a year of meetings and work groups. That we had. And these work groups consisted of city staff, electrical contractors, both independent contractors and neca contractors, international brother of electrical workers were involved in this, harry was involved in it. And it was just ongoing, it wasn't something that we dreamed up of overnight. It was a lot of work to come up with this situation. The problem that we're having in the city is that whenever an electrical contractor elects to use a subcontractor to do a portion of his work, then he's giving up at this point in time all supervision of that work. He has to. Subcontracting, ditching and rock sawing and tract work, you don't have to be an electrician to run a backhoe, that's pretty typical, that doesn't apply. But hiring a contractor to install electrical work and giving up the supervision, then there's nobody watching what he does, there's nobody checking his work. Some will argue that there are exceptions on these jobs. An inspection is not supervising the work. An inspection is coming through here and searching up through this dark ceiling to see that the covers are on and everything else, but whether the work was put in right or not, you won't know until something fails or does not fail, which is a big issue. Another thing that's not really mentioned and a lot of the problems at the state level, at the tdlr, which I'm on the tdlrrical safety advisory board as well. A lot of people don't understand our industry and how you progress and how you grow through our industry. 20 and a background check and a social security number will get you an apprentice license. There are apprentices that are being subcontracted to. Now they are contracting. And after that, you have to work you have to turn in 8,000 hours of time, under the supervision of a master electrician. Whenever these contractors elect to contract with an apprentice and hire them, put them on as an employee, they are no longer supervised. What I'm telling you 10 years from now there won't be one electrician in town. Not anywhere. They are not being trained. They won't be able to go to the next level and take a journeyman exam because they they are never being supervised. This is really taking us down. You are probably hearing about how this is going to cost more to wire 20% of the electrical price. I don't know what that is, i can't tell you that. I couldn't tell you.

[17:18:46]

[Buzzer sounding]

>> Mayor Leffingwell: Any questions for randy? Thank you. David johnson. Is jim [indiscernible] here? Okay. So you have six minutes.

>> Thank you, council, mr. Mayor. My name is dave johnson, I'm the executive director of the central texas chapter of the independent electrical contractors association. I'm representing 70 electrical contractors that employ hundreds of electricians working in the austin area. And we are in favor of the proposed amendments to the austin electrical code sections 2512-113 and 25-12-114, today's agenda item no.112. A little bit about me. I've lived in austin my entire life. I was born here, been here, a resident of austin, always has been. I've been an electrician since 1976 and I've seen a lot of changes in the trade and the city. Some great, some not so great, but what

we're talking about here is a practice of misclassification of employees. A misclassification of employees is appalling, it's out of control in this city, that's what we're talking about here, what mr. [Indiscernible] was talking about. According to a report released this past january by the workers' defense project and department of community engagement at the university of texas, there's a statement in there that says nearly 40% of the construction workers in texas are thought to be categorized as misclassified. That is workers being hired as contract labor, 1099 employees or 1099 workers, self employed individuals in the trade slang that was used is excuse me subs or subcontractors, if you will. And in the w-2 bona fide employees. This type of employee puts both the citizens of austin and electrical construction workers at risk for two prominent reasons. One, like mr.

[17:20:59]

[Indiscernible] was talking about, the independent self employed contract labor 1099 person is no longer supervised. They are unsupervised. In many of the cases these are apprentices that are out here that are just signing these pieces of paper saying that we're subs, okay? Under the state licensing law 7310 a journeyman, electric shall ... Is not allow unsupervised. The citizens of austin rely on city ordinance to keep them and their property safe. These changes in electrical ordinance will prohibit an individual who is not a texas licensed and insured electrical contract with the tecl and registered within the city of austin for performing or to offer to perform electrical work within the city. The second is worker abuse. Electrical workers that work as 1099 workers in many cases do not receive appropriate minimum wage or overtime wages. These self employed individuals are not covered under osha and most likely have not received any safety training and texas unemployment taxes are not being paid on these workers, so a laid off person may go down and try to collect unemployment and can't. Okay? So under the texas electrical safety licenses enact statute 1305201 d local jurisdictions such as the city of austin is permitted to adopt and enforce local amendments to% the state's statutes regulating electricians, it is critical that this practice of employee misclassification or subcontracting to improperly licensed individual not be allowed to continue in austin. Currently, there is no city ordinance that I'm aware of that prohibits this practice. There's nothing for anybody to go up to file a complaint on. So we urge you to do the right thing and approve the city of austin electrical code changes as stated 12-12-113 and 114 on today's agenda. This will give the citizens and workers in austin, along with the inspectors, an avenue in which to file a complaint to code enforcement on those misclassifying their workers. And that's my statement. Any questions?

[17:23:20]

>> Mayor Leffingwell: Stewart hirsch? He is apparently not here. Robert bown? And how about kathy komer, is she here? So you have six minutes.

>> It works. I mean, she can donate time, but you are signed up for and she's signed up against.

[Laughter] whatever.

>> I won't take three minutes. Okay. [Laughter]

>> Mayor Leffingwell: Are you for orainst?

>> I will let you know.

>> Mayor Leffingwell: All right. [Laughter]

>> mayor leffingwell, mayor pro tem, and austin city council members, thank you for this

opportunity to speak to you. My name is bob baum, I'm a resident of austin and the owner of baum electric incorporated doing business in austin for 27 years. I'm here to let you know that I support the proposed amendments of the city of austin electrical code sections, specifically I'm here to support the revision to 80.37 b and section 80.39 a 9 this amendments will help stop contracting electrical work in the city of austin to persons who are not licensed as electrical contractors as required by the texas electrical safety and licensing act. Prohibiting the current practice of some contractors of contracting with improperly licensed individuals will provide for proper supervision of electrical working performed in austin. It will also prevent the abuse of electrical workers who are not being given the appropriate minimum wage over time, medical coverage, unemployment tax coverage, osha, education and workmen's compensation coverage. The city of austin is permitted by the texas electrical safety and licensing act to adopt and enforce local amendments to the act and it is crucial that this practice of contracting to improperly licensed individuals not be allowed to continue as this would undermine the purpose of electrical licensing. The cities of houston, dallas and san antonio have similar ordinances, these revisions have been recommended by the city of austin electrical board. They have the support of the centex independent electcal contractors association, they have the support of the national electrical contractors association, the support of the international brotherhood of electrical workers local 520. We believe this will help our city of austin electrical inspection department to properly identify those who are acting as electrical contractors in accordance with the law. Thank you very much.
[17:26:12]

>> Mayor Leffingwell: Thank you. So we have a little over an hour's testimony left with people who have signed up

-- excuse me, a little over an hour's testimony of people who have already signed up to speak. So I'm going to call you up one at a time. I would urge you not to feel like you have to repeat what's already been said. If you had

-- if you have something new to say, let's hear that. And definitely not required to use the whole three minutes. Gary frasier. Gary frasier. Greg caer. Robert smith. Greg caser is here, so you are next.

>> Good evening, council, i will keep my comments very brief. I'm going to try to simplify what we've been talking about with a quick anecdote. You guys over thre on my left to illustrate what -- why workers defense project really favors these changes. So currently if the mayor pro tem wants to do electrical work in the city of austin, she would, she's a great electrical contractor, has a master electrician working for her, proves she's going to be safe for her workers, also for all of the people that are in the building, she can pull a permit, she registers an electrical contractor and pulls a permit to do work in the city of austin. But let's say that she's really busy or for some other reason decides she doesn't want to do some of this work, she just has councilmember bill spelman's electrical contracting company do the work instead and writes a subcontract. Currently the city of austin doesn't require councilmember spelman with his evil hands to register with the city at all. I think this is really closing an obvious loophole endanger people whether it's workers, electrical construction industry itself or people in buildings. It's clear that the your certain code is that you meet certain standards, there's a really big loophole where a contractor that pulls a permit could subcontract to somebody else. That subcontractor

-- it all changes if the subcontractor comes and registers with the city. I hope that is self explanatory, sorry for keeping you up so late. Thank you very much.
[17:28:44]

>> Robert smith and how about [indiscernible] goss? No, nelson garrett? You have up to six minutes.

>> Mr. Mayor, councilmembers, I think as you said I think everything has pretty well been said. I think you in a edo speak first or they will speak for you. Everything that I was going to say has pretty well been said. I have been in this industry for 50 years, I'm the co-chair of the electric electrical board. What's going on here has gotten out of hand. Houston has changed, san antonio has changed, all got on board. I have personally been involved in two deaths, a nine-year-old boy and an 11-year-old boy, caused by electricians who didn't know what they were doing. For the safety of the city of austin, electrical board, that's what we're here for as a board. We have to put a stop to it sooner or later. I'm afraid the same thing that I have seen before, i don't want to see this again. That's basically why I'm here. You're going to hear about it from staff I think, about the enforcement part of it. That's going to be a problem to enforce it. If you talk to inspectors, some inspectors will tell you they are doing a 15 minute inspection, used to doing 15 minutes, takes them two hours because they don't know who the contractors are. This is taking all of their time up. This will help free them up to get them involved to do more in enforcement. Everything has been said that needs to be said. I appreciate you all, look at this amendment and please pass it as it is. We worked so hard to get it in front of you all.

>> Thank you.

>> Mayor Leffingwell: Thank you, jack peen.

>> Good evening, council, i too, appreciate you taking the time to hear us out tonight. I know I've been an electrician in austin since 1969 and I know in the '60s we were wiring houses with aluminum wire with the blessing of this city council. Many of the people that now own those houses that have aluminum wire regret it. I think if the city would have had the foresight back then to outlaw aluminum wire those problems wouldn't have happened. Now we're faced with good forward today, you have the opportunity to fix a problem that may be coming our way with the unsupervised electricians or workers, subcontractors out installing electrical when they're not qualified to do so. Thank you.

[17:31:23]

>> Mayor Leffingwell: Thank you. Chris wagner. And how about karl bettencourt. Not here, so you have three minutes.

>> I won't take that long.

>> Mayor Leffingwell: Okay.

>> My name is chris wagner. I am the business manager of international brotherhood of electrical workers, local 520. Just wanted to repeat what has been said quite a bit. We've got electricians and inspect contractors all supporting this. I think in 31 years of working in the electric trade, I've never seen all three of those groups of people coming together on an issue. That's how important this issue is to

-- to all of us. And I
-- I urge you to
-- to pass this amendment. One thing randy said that we have been
-- I'm also on the electric board. Randy said that we had been working on for it for a ye the very first meeting two years ago this was being talked about at that very first meeting, so thank you councilmembers.
>> Brian roamer. Nathaniel wright. Frank cassaras. We are moving along. Ross solers. Ross? Joseph tristan. Carol baker. Justin vallejo. Aubrey rivera. Robert samaripa. Wilma cloud. Even wilma cloud went home.
[17:33:39]

[Laughter] john sparrow. John sparrow? Allen anders. Three minutes.
>> I was going to say good morning, it's still evening. I am a city employee. City electrical inspector. It is a problem. Over 40 years in this industry I have spent, 15 years as an educator at the [indiscernible] instructor association. I'm out there working and i run across these people. Who do you work for? Um this is who I work for. Oh, okay. That's who you work for. Do you know what you are doing because I can't figure out what you're doing and I'm really afraid of what you are doing to this person's house that you are working in or this commercial building. I see this every day, twice a day, someone today is without power because an electrician couldn't answer the questions that I needed to hear. So their 911 call went unanswered and they are out without power today. He felt like well maybe we'll do it tomorrow. I said that's a good idea, we'll do it tomorrow. We'll try again. This law we're trying to get passed is what I have worked all my life for. You become an apprentice to become a journeyman to tell the apprentices what to do. You become a master electrician to have journeyman work for you do your job. We need this in our industry to make it better. Without this our industry is going to go south and we're not going to want people to do electrical work. We have today's job, an apprentice did something. When the owner found out he goes he's not working for me but I guess that I will take responsibility. But who is going to fix it? You know? It's scary when you are going to be in your house and you're not sure who you have working for ya if they're not going to be licensed and bonded and insured, electrical contractors. I thank you for your time.
[17:35:49]

>> Mayor Leffingwell: Thank you.
>> Any questions?
>> Mayor Leffingwell: Apparently not. Thanks. Ross britain.
>> Thank you, mayor, thank you, council. I spoke earlier, I run a company called [indiscernible] I'm a managing partner, also a licensed hvac contractor, 25 years, four different states around the united states, including texas. I was an executive for the largest hvac national new construction heating and air company in the united states. I certainly would never pretend to be an electrician. But I had the ability to hire electricians under myself, I also ran an open shop in cleveland, ohio as a sheet metal shop with union contractors who worked as subcontractors. And once again, I don't want to pretend to be an electrician, I don't want to pretend to
-- to compromise the safety issues, I would be the last person to do that because I've had all of that training myself. I just think there's some issues here that are not clarified. We're using the word subcontractor as if it's a dirty word. I took a subcontractor program that I worked very unsuccessfully in san antonio, took it to cleveland, ohio, which is a very heavy union market and

voluntarily turned 75% of my employees into subcontractors because they chose to be subcontractors, their wives were nurses or teachers or that kind of thing and they didn't want the benefits, they wanted more money. I also hired subcontractors that were members of the union, paid their union dues but worked as subcontractors to give them the freedom they wanted to do. I also want to make sure that the council understands that in hiring subcontractors it seems to me very unfair to paint it with the broad brush they do not get supervised. I can tell you when I worked in Cincinnati, Cleveland, San Antonio and Austin, myself, my subcontractors were supervised. Okay? Because I carried a license, I was responsible. And once again, I have all of the respect for the business managers, the inspectors here, I'm a part of this group. But my life experience just is a little bit different than what I'm hearing here. I just want to make sure that council understands that there's another side to this. Subcontractors can be supervised. Union electricians can be subcontractors. Hourly employees sometimes are better than union employees. Subcontractors are sometimes better. Union training is probably the best that's out there. But that doesn't mean these people are the best employees for the rest of their lives. It's just I'm hearing a lot of broad brush statements and I want to tell you that my life experience as somebody who has done this for years and years, had a lot of national experience in safety, executive, tradesman myself has been a little bit different. Thank you for your time.
[17:39:01]

>> Mayor Leffingwell: Thank you. Steve [indiscernible] Steve Crasoff. All right. Let me double check here. That's all of the Pearce

-- all of the speakers that I have signed up wanting to speak. [Indiscernible]

>> Mayor Leffingwell: Councilmember Martinez moves to close the public hearing and approve on first reading. Is there a second to that? Councilmember Morrison seconds. Any further discussion? All in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. Passes on a vote of 7-0. Okay. So it's

-- so it's 6-1 with Councilmember Spelman voting no. On first reading. Ok. I believe that brings us to the last item. Which is item no. 71. Pulled set for a time certain by Councilmember Tovo and Morrison pulled. Do you have any comments before we go to our public comment period?

Lynnette Cooper. Scott Johnson here? All right. You have three minutes.

>> Mayor, members of the council

--

>> Mayor Leffingwell: Hold on just a second. Could I ask you to hold down the conversation until you get out so we can go on with the meeting. We

-- it would be much appreciated. Go ahead.

>> Thank you for your kindness, Mr. Mayor, members of the council, I'm Lanetta Cooper, here on behalf of the Gray Panthers, we stand in support of the resolution to the extent that it creates a new council committee to address Austin energy concerns. We believe that the committee's focus should be even widened to all utilities that are provided by the City of Austin services, such as water, wastewater and trash recycling. The council has several committees that provide more focus on certain council activities such as public health and economic incentives, it's time for the city's various utilities to come under greater council scrutiny. And we think that a committee would do a very good job of doing that. It would also help addressing the economy of scope as well. As to the specific items listed for the committee scrutiny in the resolution, we recommend deletion of the governance of the utility issue. We believe, as we have stated so often before, that

the current governance structure is significant and substantial enough. Alternatively, if the council determines the
[17:42:06]

[indiscernible] should continue on this issue, then we think it should be before the full council. And lastly, we encourage that you add to the itemized list of utility matters to be reviewed by the committee the issue of customer protection. The fact that you have on at least two prior occasions, unlike any other subissue involving austin energy, have made emergency decisions relating to customer protection, highlights our request that this become a listed item of the utility [indiscernible] for the committee. And thank you so much for allowing us to talk.

>> Mayor Leffingwell: Thomas smith. Carol geiger. Is she here.

>> She's gone.

>> Jeffrey jacoby. Carol

-- you have three minutes.

>> There's only one carol geiger as best I know. I'm tom smith or smitty, i want to thank you all for the time that you have taken to look at austin energy governance. We are here tonight against this particular motion but not against the basic underlying concept of having a subcommittee on council. The only reason we're against it is we simply think that the issue of governance is something that the entire council ought to debate and come to a resolution before creating a subcommittee. This is kind of like dealing with your teenager and saying y'all figure out what your hours are, what your allowance is, how much gas you get to use in the car, and let us know. And any a good parent knows that you set the limits first before you let the teenager out of the house. That's what we're asking you to do. Having the subcommittee makes a lot of sense. Being able to deal in-depth with the issue on a regular basis at a time certain makes a lot of sense. But figuring out this governance piece is something that the entire council ought to do before sending it off to subcommittee. And then, you know, I think the rest of it can work out. This has been a really interesting debate we've had and a very long one and i appreciate the attention that you all have given to it and the modifications that you have made. Part of the reason that we got into this whole issue of whether to shift governance was because of concerns raised by some that you all weren't doing a good job. And when you look at your colleagues in san antonio and compare what you have done, you all as a council have done a magnificent job. You didn't have rate increases because you didn't need them because you were prudent. You didn't make bad investment decisions when they did. You did not end up having people deny you the information you needed at the same time they did down in san antonio and you didn't get into a lot of short sighted policies in terms of your long-term generation plan and your renewable energy plan because you all were involved deeply. That's really a critical change that you have made in the last several weeks to say we as council want to retain the authority to do that. And so what we're suggesting here is create a subcommittee, but before you create that subcommittee, figure out what the long-term governance strategy ought to be. By pulling the

-- the

-- by tabling the amendment today, you added a layer of confusion to this whole thing that i think can be resolved in a couple more meetings, you know, perhaps after

-- in terms of figuring out what it is that you want the council

-- the subcommittee to do, what kinds of authorities they do, what they have to report to you and all of those other kinds of things, thank you all very much for your time.

[17:45:50]

>> Thank you smitty, I mean mr. Smith. Karen are you ready.

>> Any questions?

[Applause]

>> thank you.

>> Cole: Karen, you're next and michelle vaughan is gone, diana webster, carol lynn homer. You have six minutes, karen.

>> Good evening. I'm karen hadden, the director of seed coalition and also serving as an euc commissioner. We're still here. This process has been grueling and if I didn't know better I would think that might be some people don't want austin energy governance discussed at a reasonable hour. And I

-- I hate to think that that's true but, you know, the evidence is starting to add up. We've had one meeting here, it was not a public hearing, but it was a council session that was valentine's night and still we came. We had hundreds of people to line up and testify may 9 and this got moved, hum, what do you know. Okay, so we get people organized, informed about what's going on and we try to get here tonight. We deal with the fact that the newspaper has reported that it's all over and we spend the day talking to people and saying, no, it's not. Because guess what? The subcommittee that we had originally thought would be one that would dive deep on austin energy issues and achieve some accountability, that was the vision and i want to salute laura morrison and others who have worked to make that happen. A lot of you have worked really hard to make things better. But when you pick up the ordinance two days before this meeting, the resolution before us tonight and we find that it includes governance, I have to tell ya that my blood pressure went through the roof. Because why on earth would the full council, after getting resounding no after hundreds of letters come in, after editorials in the statesman come out, when it's clear that this community does not want a change in governance and that clearly you need to go

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[applause]

-- you need to go to a charter amendment before these changes get made and then we see that some people here at council believe that governance can be discussed in a subcommittee? Where did that come from? While everybody in the community thinks this is done, here we have a back door deal. It's like we can't get things straight. Now, some of you are catching on. Some of you are getting it. Some of you are listening to the community and again I'm going to say we're really grateful and that's really great. But to those of you who insist on trying to slide things through, now, this is the

-- an illustration of the exact problem that we worry about. With an independent board. This is how it happens. Bitty steps. This is what happened in san antonio. Oh, gosh, you know, we're just going to slide the meeting oh, gosh well no you can't speak because of this or that. This morning, I'm going to have to tell you, I have to just point the finger because I was literally appalled at what I heard mayor leffingwell say. I took it as an indication that he did not want to hear from the citizens any more. He described the subcommittee as a chance where councilmembers could talk and left hanging the fact that that meant citizens wouldn't. And it took a councilmember pointing out the fact that there would in fact be public comment, thank you and it took a councilmember to point out to him that in fact we haven't had a single public hearing on

austin energy governance to this date.
[17:49:51]

[Applause] it's almost midnight and people are still here. I believe this is the last item on the agenda for the whole day. Weekend we are still here and we are still saying no. And if this certain members of this council think that governance can be snuck off into a subcommittee where people can't track it and can't follow what's going on, then's flat out wrong and I hope that this will end. I apologize for being angry about it, but really this is our city's largest asset. This matters to the citizens of austin. This matters to our well-being, health and well-being and safety, our city funding, this matters to having air that we can breathe from clean energy. This matters! Why is this being discussed at midnight? Why is the subcommittee even considering that? It's the wrong time. I oppose the creation of a subcommittee at this time. The concept is not a bad one and I'm going to thank you again for going there because there are many issues that need deep dive, they need full attention and the council digging in. But to those of you who think governance should be snuck off on to a subcommittee, I would say no.

[Applause]

>> Cole: Thank you, ms. Hadden. James casey, james casey, still here? Come on down.

>> Good morning mayors, councilmembers. It's hard to follow that up. The current resolution is of great concern. And the network and coalition that I worked with on this issue, we cannot support a subcommittee being created as it's written right now. In the primary

-- and the primary reason is that governance appears to still be on the table. Governance of a utility by any unelec non-accountable entity should be taken off the table entirely. I mean, it's just not the thing to do with the city's

-- with the citizens of austin's largest asset. What are you thinking? Well, oh, some of you have some problems. Well, I've got some suggestions for some of your problems. Pardon that it's late. I'll try to get through this. But, you know, you could meet at least once a month with only this on the agenda. Because it's only a multi-billion dollar operation. And maybe, as the city's largest asset, it deserves a little special attention. I don't know. You know, consider that. You could make city staff and austin energy staff accountable to you. You are the people's representatives. You have to hold them accountable. That's your job. When you ask them for information and they don't give it to you, I would first of all provide a carrot and give them some incentive to do so. But if the carrot doesn't work, then I would have some consequences for failure to meet their obligations, you need accountability to do your job. I understand why it's hard to do your job when you can't get the information that you need, that's not hard to understand at all. A subcommittee as an advisory, deep dive advisory deep deep and commenting type of organization is a great idea. So why don't you form that organization? Why don't you form an advisory committee, put a utility expert on it, put a finance expert on it, a green and renewable energy expert on it, a housing builder efficiency expert on it, a [indiscernible] income advocate on it, all of the competing interests that are probably going to have to work things out for you to get a recommendation that everybody in this city is going to be happy with. Form that commission. Don't give them your authority. But charge them with the task of coming back to you with the recommendations that

-- that have been worked out by the competing interests. After they've studied the issue when you apparently don't have time to do yourself. Ask the staff for information. Tell the staff they have

10 days max to get information back to this commission or you're going to be that body which would be the best thing, but why don't you hold your own staff accountable.
[17:54:37]

>> Cole: Thank you, mr. Casey, paul robbins. Claire deyoung, thank you. Danielle [indiscernible] you have six minutes, paul.

>> Good evening, austin. It's 11:56, we are now here for our 7:00 time certain. That was a joke. [Laughter] regarding the merits of this proposal, personally, i really seriously don't see it as all bad. The thing that annoys me is that

--

>> Cole: Could you repeat that? [Laughter] that's high praise from you, thank you. [Laughter] go ahead.

>> The thing that annoys me up

-- to those in the studio excuse me in the audience watching on tv, it's midnight, we're all slap happy. So

-- so this may not seem as funny to you. But

-- [laughter] I really don't see this as all bad. The thing that annoys me is one of the committee's missions is to discuss governance again. Instead of forming a committee to talk about austin's governance, why don't you use the time to govern? [Laughter] there are a lot of things that need your attention and they need to be addressed and I'm going to seriously recommend four. They can be taken up by your new committee or in a regular council meeting. They could result in millions, possibly tens of millions of dollars for

-- in new revenues for the utility each year. I'm not exaggerating. First, we need to institute capital recovery fees. All electric utilities that border austin have them. They directly charge new buildings for increased costs and hookups instead of including them in the rates base for all customers. Austin needs to establish a conservative [indiscernible] charge immediately while it undertakes a long-term study to determine the real costs which will be much higher. Two, we need to revise the franchise fees which we have given to six utilities surrounding austin. Since these people in these cities are already receiving a rate break, these franchise fees, which are paid by the profits of austin energy are double dipping. They collectively amount to about \$1.2 million a year. These cities can receive the fee as a add-on, on top of the bill, just like texas gas service and telecom providers do now. Third, we need to inure austin from further challenges at the public utility commission. One idea is to reduce the number of outside customers through annexations, customer swaps with neighboring utilities and other strategies. Another alternative to this is to have a representative of this out of city ratepayers vote on our rates along with the rest of council and I'm not at all sure these ratepayers will want to participate, but we can ask. Fourth, we need to have two sets of books. One for inside city ratepayers and one for out of city ratepayers. This is how it's done for the public utility at brian, texas, this way out of city ratepayers are cost based. Regarding this last strategy, it is my educated guess that these out of city ratepayers will end up paying more in the long run because there is less density. However they brought this on themselves with their requests for separate rates. We didn't want this. As you know, I was outspoken against it. You know, be careful what you ask for because you might get it. That concludes my remarks. I appreciate you being sort of awake at this hour. Good

evening.
[17:59:43]

>> Cole: Thank you, paul. [One moment please for change in captioners]
>> ... Is governance, and that should only be heard by the full council. It should only be heard from the full council after there are real public hearings, not even like this, at midnight, that there should be real public hearings. This is obviously important to the people of this city and it should be treated different than other items and there should be publish hearings and there shouldn't be these tricks of putting it at midnight and establishing a subcommittee where you take up first -- the first thing you take up is the whole issue of governance, this playing games with us should really stop. I really want to thank you for all of the hard work that a bunch of you have taken to make the proposal better, and I know you have taken it seriously and I and other people appreciate that but this whole thing of putting governance in the subcommittee is not a good idea and I hope that you do something tonight to end that. Thank you. [Applause]
>> Cole: Thank you, jerry. Maryian. Marian. Did I say that right? Say your last name for me when you get to the mic.
>> I live and hope my name will be called correctly. It is marian malotok.
[18:01:54]

>> Cole: Okay. Thanks.
>> So I woke up at 4:00 o'clock this morning, not able to sleep because i was so disturbed about this. I saw this resolution tuesday evening, and saw the governance thing in it and just about flipped out. Then wednesday I was in a workshop
-- I was in a workshop all day tuesday, yesterday, and yesterday
-- yesterday night I got to watch the work session and when I saw the work session, I saw what was happening where, oh, we had this first end run around the voters of austin which was going to be, oh, let's have kirk watson and eddie rod and paul workman carry this around the voters to the state. That didn't work. That died in the water. Now we will have another end run and we will put it in the governance according to the committee. And so I watched people saying who wants to volunteer to be on the committee? And sheryl says absolutely not. Robert says absolutely not and I am screaming at the computer. Laura, yes, say yes. And bill says yes and then mayor leffingwell is talking seniority and he says yes and kathie says yes and chris says yes and mike wasn't there and I said, oh, this isn't going to work out so if people that wanted to carry the water for c-care and the industrial customers in the first place were leffingwell and spelman and we have them on the committee now. This isn't going to work out very well at all, especially with governance in the committee, so I just about went ballistic and I heard later on that once laura realized what was happening, she said she did want to be on the committee, oh, yes, wonderful. Thank you and I heard that mike martinez now wants to be on the committee, so now we have 6 out of the 7 council members who want to be on the committee and so i don't see why we are having a committee. There is no reason for this committee.
[18:04:18]

[Applause].

>> And you don't have to come. It is a quorum without you. It can be monthly meetings of the city council with no committee and the governance issue, as we all know, can't be dealt with without a vote of the people of austin. We had this morning

-- i watched the thing this morning, a fine man from australia came in and quoted shakespeare saying what is the city but the people. [Buzzer alarming] and the people, true, the people are the city. And I leave you with that.

>> Cole: Thank you. Carol pedisky. Carol, are you still here? There you are. Come on down. I know you have been here all day. We appreciate it. I know. It is hard. It is hard. It is hard. I can think of a lot of places you could be.

>> [Indiscernible]. Sign up for time. .

>> Cole: RUBY ROWA AND Debbie.

>> I hope to finish less time than I was given. My name is carol bajisky. Good morning council members. I am the executive director of texas roads which is texas ratepayer organization to save energy and I want to start out by saying I agree with everything else

-- of what everybody else has said up to this point in time and I want to express the fact that I really struggled with trying to figure out what

-- how I wanted to position myself on both proposals, both 29 and 71, and I found that, you know, I was really comfortable with having to say that I need to oppose both of them for the same reasons that other people have expressed here tonight. Now, one point that nobody else has made that I would like to make is one of the reasons we are even looking at this governance issue is because of transparency and I am beginning to think that maybe this process itself needs to be a little more transparent. And I say that because everything just seems to be so muddled and we have an original

-- an original ordinance that was looked at, and we have a discussion draft, and at this point i don't see where we have anything, and so, number one, I would like to recommend that we have a point of reference for this discussion, and that that reference be the discussion draft since that seems to reflect a broader range of ideas and a range of ideas that seem to be more acceptable to a larger number of people than the original ordinance. So I just think it's confusing. I think that if you are going to dss something and try and form something, you need

-- you need a point of reference that you are looking at to work from, and we don't have that here. Now, the second

-- my second point is about the resolution to create the subcommittee, and I agree with everything that everybody said here, that a subcommittee

-- a committee is a good idea. It should not be involved in governance, and I have

-- i had some papers passed out to you because I looked at this and I thought, well, you know, if you really find that you need to study this subject of governance in the committee, there are some things that are not on this list of priorities or, you know, like the scope of activities that I think should be. And the first one is the establishment of an office of consumer affairs. This is a subject that has been raised, you know, like time and againut our other points of reference. If this resolution is all that we are looking at, i think it's very important that we maintain the idea that we have to do a better job of representing residential and low income customers and also that an office of consumer affairs can serve as a resouet, you know, like a board, or the council or a committee. The second thing is the establishment of the rate hearing process, which actually has been included in all of the proposals, so if this is the only document that we are looking at, this resolution for the committee, then I strongly urge us to include the rate hearing process on that

list because this issue has arisen because of the sort of haphazard process we had in place for the last rate hearing. I would ask that you add that to the list and I believe that Ms. Cooper brought this up, but I also have it on my list. We need to be looking at disconnection and reconnection of service and other customer protection policies and practices, and you already have the low income programs on the list, and

-- and as

-- likely borrow a little bit of Paul's language, I don't think this is the most terrible thing in the world that can happen. There are some aspects of this that are good but we need to be careful. If this is the document and we are looking at governance, then the governance discussion has to include the consumer affairs office, the rate hearing process and customer protection. Otherwise we will be leaving out what to me are the most important elements of the discussion. And I think that

-- on that note, I will conclude my testimony.

[18:10:49]

[Applause]

>> Mayor Leffingwell: Clay McElby. Kiaba White.

>> Mayor, council members, thanks for having us here so late. I wish we had fireworks like Paul McCartney did last night, it was much more exciting. But any case, I would like to thank a lot of you who worked on the Austin energy governance that was indefinitely postponed this morning, though I had concerns about it, it was greatly improved

-- greatly improved, it was thanks to all of you and public input on that matter. I am opposed to item 71 tonight, I do hope that this resolution can be offered so that I can support it. I think that there are a couple of important changes that need to be made and the committee and others have spoken to the biggest one, and that is that governance really should be discussed in front of the full council. It is a really important issue and it's one that we have been discussing the past couple of months. I see no reason why we would benefit from bringing that to a limited subcommittee where others may not be able to participate. I think others have addressed that issue sufficiently. The second thing I would like to see changed in the resolution is that I think this is a really important committee, and having the opportunity to spend more time on these Austin energy issues is definitely valid important and is a good direction to be moving. I would prefer the full council engaged in that process. But if some members of council don't wish to do that, for whatever reason, and a subcommittee is the best way to go, I would like to see the committee be open to all members of council, so basically if any member of council wanted to participate, I think they should be allowed to do so. I don't think it should be omitted to three members and I don't think it should be based on seniority. With all due respect, I don't think seniority necessarily equates with knowledge or expertise or a sense of fairness, although it can. So, you know, I would ask that that would be

-- that would be one thing that could certainly make this a subcommittee that could better reflect all of Austin and I think we will be officially true as we move to single member districts to allow the decisions that are made about Austin energy to be in the best interest of our city as a whole. And I thank you for the time and opportunity to speak.

[18:13:35]

[Applause]

>> Mayor Leffingwell: Susan Almanza. Jason Dameron. Stacy Goodry.

>> [Indiscernible]

>> jason, if you want to speak, you have to come on down.

>> Thank you for listening. I've got to go. I've got to work in the morning but I would like to donate my time to craig nazer. Is that okay?

>> Mayor leffingwell: Sure.

>> Thank you very much.

>> Mayor leffingwell: Ellen friedman. Mr. Dameron, mr. Dameron, i told you wrong. You can only donate time if you are in the chamber, so if you are not in the chamber when mr. Nazer speaks, you won't be able to donate time.

>> Then can I donate to ellen?

>> Mayor leffingwell: You can donate to ellen right now, yes.

>> I may use a tiny bit of it. It will allow me to slow down. Thank you.

>> Mayor leffingwell: Ellen, you have up to 6 minutes.

>> Thank you. My name is ellen friedman. I am the founder of common spark, collective dicated to reclaiming and protecting our commonwealth. I moved to austin in 1979 to attend u.T. And like so many people, I fell in love with the city, with the lakes, with the parks and the people and I made austin my home. I was shocked to hear about the mayor's recent attempt to privatize the austin botanical gardens and am concerned about the current effort to private size bergstrom. I am very angry about your attempt to give governance of the people's largest asset to private interests. The state must act as a trustee for commoners, for the people. It must consciously maintain and protect shared interest from enclosure from privatization and must ensure those assets are accessible to everyone on fair, nondiscriminatory terms and that commoners have the authority and space to in in genuine commonning or participatory governance. The resources belong to the people, not the state. As a trustee, the state has obligations to assure maximum possible transparency, participation and local stewardship. I have had enough of the enclosures, the privatization, the colonization and the literal power grabby bad actors who put date upon us on all we share and old dear. I will be silent no more about the unholy marriage between the market and the state. The market state colose the corporate takeover of our city, state, national and plantory commons, you can call it enclosure or privatization or deregulation. What it is in simple terms is that's private plunder of our commonwealth. Republican alaska governor walter hikle said if you steal \$10 from a man's wallet, you are likely to get in a fight but if you steal billions by commons and coowned by descendents, he may not notice, especially if it happens in the middle of the night.

[18:17:32]

[Applause] mr. Mayor and council members, you have a duty to be good trustees of our assets. To consider giving away governance of our assets is an abuse of the public trust. It shows contempt for the people and for your office. The attempt to remove discussion of austin energy governance from the public view is morally reprehensible. The only ethical action is to hold public hearings to engage the people and allow us the opportunity for self-determination and participatory governance. Robert f. Kennedy jr. Said: The first sign of tyranny is government's complicity in privatizing the commons for personal gain. I urge you to consider taking principled action rather than being complies sit in the private appropriation of our collectively owned assets. Thank you. [Applause].

>> Mayor leffingwell: Mathew waldin.

>> Thank you for the opportunity to speak. My name is mathew waldin. On if board of directors

at solar austin. I am also a resident of austin but I actually do not receive electric service from austin energy. I would like to point out paul's suggestions. I would gleefully entertain some of them, so that i could receive service from austin energy. I did take time to watch the tuesday work session. I took away a different message from some of my companions. The things that struck me most was mayor leffingwell's statement that there is no time constraint right now in terms of, you know, do we seem to be in a different mood now that the state session has ended. I would like to actually take advantage of that and revisit some requests i made, and that is just to revisit the process by which we are considering changes in the governance structure. Better state the problems we are trying to solve, and then having agreed upon such a problem statement engage the public in a more formal way, in a brighter time of day to discuss those and get some feedback, give and take on that. And then once that process is in motion, it would be a wonderful opportunity for you all to shift your energy from

-- shift your energy investment from change in the government structure to digging into the austin energy issues and cultivating the technical resources you need to make informed decisions. So I look forward to both the problem statements and the public interaction. Thank you for your time.

[18:20:39]

[Applause].

>> Mayor leffingwell: Will mccloud. Andrew dodds.

>> Hi, good evening, mr. Mayor and council. Andrew dodds of texas campaign for the environment and the austin inner waste alliance. I appreciate y'all being here so late. The last time I addressed everybody was the bag band and that was actually later than this, which is pretty incredible. I think that

-- I join with what other people have said here. I really do love this city. I know everybody here does. One of the things I learned recently is that this is really special, the process we are going through right now is very special. Most cities do not give this much consideration to public input. It's just

-- we take for granted here is considered really weird in other places, and we should keep austin weird on this front. As texas campaign for the environment in just about three weeks of total letter writing on this generated 2,454 letters to y'all from the city

-- from residents of this city. We generated an additional 418 letters to legislators, telling them to oppose sb410. I did not hear anybody say that anybody was not interested in this. That it was pretty much universal, we want elected control over austin energy. So thanks for dropping item 29. That's a good first step. This subcommittee cannot be a backdoor to unelected

-- a board running our utility. Like mariam said

-- and it sounds like everybody has some interest in this. So let's make sure

-- why not just have an extra council meeting

-- I know, maybe not as intense as this one but maybe have a meeting a month to talk about austin energy issues, to dig into that. The fundamental thing here is the basic idea of democracy, which is that people are more capable of determining their own interests than experts. And that more accountability and more accountability is better. That when you have

-- that

-- that experts can be tricked a lot more easily than somebody who has stood before the polls and who is going to stand before the polls and I think that the people of austin had a good idea

-- or had some reason for putting everybody up on this dais, okay. And they

-- and they are telling you that they want you to keep
-- that they want you to keep control of this so hang on to it. And please make the change
-- at the very least
-- either get rid of this
-- this
-- this resolution or make the changes to strip governance out of its
-- out of its purview, okay, because that's what is going to keep
-- that's what is going to make us happy, at least, and hopefully this process will take a different,
nicer tone going forth. Thank y'all so much.
[18:23:50]

[Applause].

>> Mayor leffingwell: Mona mady. Lisa fitheon. Aaron childers. Craig nazer.

>> Hello, austin city council. My name is craig nazer and i only on the austin sierra club
committee and the neighborhood association of austin and I agree with everything that has been
said so far and I want to tell you why I believe this is so important. For the past 8 years, our
neighborhood has had a fight with austin energy about 7 beautiful oak trees in an important park
in our neighborhood. And we have been stonewalled. We have
-- it's been a miserable process until heritage tree ordinance. They have been forced to
-- the forestry board came in and when they stepped in, we finally got answers from austin
energy, but still nothing really changed until some members of austin city council got word
somehow to austin energy and austin energy is now finally talking to us and we may resolve the
problem. What has this done? The people in our neighborhood see austin energy as a part of the
city and when they try to do things and things don't get done and trees got hacked and chopped
miserably and threatened to cut down and the grace wood neighborhood association couldn't do
anything about it, they quit. There are people I know now who will not be part of the gracewood
neighborhood association because they are so mad of what happened in the past. They have
pulled out of the process that makes austin a great city. This is bad. This is really bad. The city of
austin views austin energy as an asset of the city and if they have no control, no say whatsoever
about it, they withdraw from the entire political process, particularly when it starts to do
something that they see every day. These trees, people walk by every day. And they hack them
-- 80% of the canopy gone, it's been twice. The last time they didn't do it. But I am telling you,
this really makes people mad. This destroys the democratic process in the city. The whole way
neighborhoods bring their ideas forward. So
-- and if that happens, when austin energy is controlled by the city council, what do you think
will happen when it isn't? So I say that, you know, it's great to look into this. I understand it is a
big problem. It is a big issue and it's very complicated and i understand all of that. But we cannot
just let it go because if we do with the kind of culprit
-- corporate culture that's in austin energy now, I don't think it will be good for the cit I really
don't think it will. So I just want to thank you for looking at this
-- this issue really well and for being up so late and I hope you do the right thing.
[18:27:20]

[Buzzer alarming]. [Applause]

>> mayor leffingwell: Did i call rob smith? Rob smith. Okay.

>> [Indiscernible]

>> mayor leffingwell: Right. I know.

>> Thank you, mayor, council. With all due respect to tom smith, the reason why we are here is because council saw the rates for austin energy going downhill. They saw the financeness at austin energy going downhill and

-- saw the finances at austin energy going downhill and put after it year after year after year, so after being a routine part of business, which is setting the price of your product turned into a desperation move to stave off bankruptcy at the utility. Now, the biggest favor that you all could do, and your first order of business, should be to put up a charter amendment saying that the council will review and adjust the rates every five years, regardless of while things look, you are going to review the market conditions and reset the rates and make it again a routine part of business. That's how every other business does it. The lanker, the anger, the angst, all that you hear in this council chamber today are a direct result of that and we do ourselves no favor, not the council, not the city, not austin energy by putting ourselves through that kind of process every 15 or 18 years. You will do

-- you will do future councils a great kindness if you take the question of timing of rate reviews off the table. That will free them up to deal with a lot of other stuff and it will once again become just a regular order of business. Thank you.

[18:29:34]

[Applause]

>> mayor leffingwell: Robert singleton.

>> Good morning, council. I received a lot of sage in the dais of what should and shouldn't be in the speech and I will ignore this sage advice because it is late and I am tired. I would like to make pop culture references and do things I normally don't do, disagree with smitty and agree with the mayor. Welcome back, mayor, it is the first time I heard you to speak on this issue.

>> Mayor leffingwell: It is not, believe me.

>> All I remember is the empty chair butiv want to go back

-- but I want to go back a couple of hours in the council meeting or several hours when you had all of the people from the real estate community testifying ability that other issue and I can tie this in. Basically what they were telling you is how little they could do, despite all of their technical expertise, they didn't know how to do a lot of things. It reminded me of updated phrase from the '60s, and the new version would be, when you put a man on the moon, but when he gets back and retires, we can't figure out a way to get him in and out of his bathroom. I think the problem is those are the kind of technical people you were going to put in charge of the governance people, the kind of industry experts who were going to give you sage advice, the people who can't figure out how to build a bathroom. [Clapping]

>> a couple of things about the process. First is a story from ellie son, a science fiction writer who went to hollywood and found every idea he had got twisted and distorted, he described hollywood and i would describe council in sort of the same terms is being one gigantic dung heap at the top grows a perfect rose. By the time you get to the top, you discover you lost your sense of smell. That is the first pop culture reference. The second is, I don't know if you've seen the movie mosquito coast but harrison ford in that plays a man slowly descending to madness and part of his life in the jungle he thinks what the indigenous people need is ice, so he built an ice plant and he gets a block of ice and wraps it in banana leaves and cracks over mountains and the jungle so arrive in a village only to show the indigenous people he unwrapped the banana leaves and all he has is a pile of wet leaves, the ice melted. That's kind of what the process was.

What you are finally looking at tonight is a bunch of wet leaves. That's why I am saying i agree with the mayor, because I think in his heart of hearts, he sees what you are looking at tonight is a pile of wet leaves, not what he had in mind when he started. I want to disagree with smitty because he says go ahead and talk about this issue again. I say no, don't ever talk about it again. I for one am tired of talking about it. I will do it if I have to but I don't want to. Just a few odd thoughts to give you on a night but

-- [buzzer alarming] don't talk about this anymore. Just drop it. It's just wet leaves.

[18:33:00]

[Applause]

>> [indiscernible] [laughter]

>> mayor leffingwell: So coughing is okay

-- clapping is okay but the whooping is not and I would ask that you get that under control or we are going to have to take a recess or do something. [Laughter]

>> [indiscernible]

>> mayor leffingwell: I am waiting for everybody to calm down, get over their giggles. Lauren ross. Michelle nannano. Michael anybody, michael nannano.

>> Hello, my name is michael and I am here to speak against the creation of an advisory committee for austin energy. We have a good community in austin but I wish we had better leadership. No sooner did we get through the wildly unpopular plastic bag fiasco, now more city council drama. I can't help but question the sensibilities of the city council for drawing all of this negative attention to itself in the media, but thankfully, with the help of the media, people are slowly waking up. They are austinites. They are intelligent and they realize that with regards to the governance of austin energy, the city council can't be trusted to put the people first. As a matter of fact, we were ready to speak about this agenda item hours ago, but the city council put us last. One can't help but wonder that if the city council has any part in the governance of austin energy, they will put the citizens of austin last, too. Mayor, that's not the kind of austin we want to live in.

[18:35:31]

>> Mayor leffingwell: I a

-- I paused your time. I did not

-- I did not put last. This was requested by two council members to be the last item on the agenda for the 7:00 o'clock time certain. That's the reason why we are hearing this item last. Daniel yanez.

>> Tovo: Mayor, while mr. Yanez is coming up, as one of the council members who asked that this be a time certain, I just want to clarify, the time certain was for 7:00 p.M. It wasn't that this item come up last in our agenda.

>> Mayor leffingwell: Well all of the other items were set for an earlier time certain. That's what I am saying. Daniel yanez.

>> You know I am daniel yanez and I appreciate your hanging in here and everybody else. We are all part of the same city, right. So earlier in the week, i sent you all an email. I am sure you read it, sheryl. [Laughter] I am just kidding. It is so late. I have to keep it light. And in that email, I said pretty much what I

-- what everyone is saying here, is any governance body needs to elected officials so that we, the people, we the government have direct accountability to you all and I also said, like someone

else has mentioned, that if any experts

-- well, make a committee of experts that will advise you and

-- but do you know what? Sense I sent that email, i actually would like to ask you all to table this, to leave it alone, to not do it. Let the 10-1 council deal with it, because it will be really representative and really democratic. Unfortunately, all of the councils, including yours, prior to -- to 2014 are all advocates of the 1%, you know. I do not feel as a citizen of austin that this city council has the interest of the regular people, the 99% at heart, trammell crow, you gave that away. The list is the list. I am saying blow it off. Don't do it. Let it go. Let a new council, a council that is really represented of the people deal with this. Thank you.

[18:38:09]

[Applause].

>> Mayor leffingwell: Roy waley. Robin schneider.

>> Good evening, mayor and council, robin schneider, executive director of texas campaign for the environment. I want to thank you for the work that you folks have done on this ordinance. I was here, oh, whenever it was, a couple of months ago. I was at the state legislature, at the senate hearing when the bill came up and now that that legislation is dead, I hope it's clear to every that -- and through this process, that we need

-- any change in governance really does need to go through our charter amendment and I hope that this

-- this message gets through to everyone and that there is no attempt to undermine that by going to a council committee. I do think that you have been through this and if there can be some learning from it, I think that will be helpful. There is a lot of interesting ideas coming out tonight, despite some of the silliness, that I think it would be good not to lose those ideas. But I do think that, you know, the shape of this council is changing dramatically in a year and a half, and so I am not sure that it actually does make sense for this council of 7 to make some long

-- some changes when we are having a council of 11 come to be seated in a year and a half or so. So I would urge you to take what lessons you've learned, the ideas, whether it's do the rates every five years or some of the proposals that paul robin put out, let's not lose those but let's not try to really tamper with the governance before the

-- the new council comes in and definitely before or after that new council comes in without a vote of the people. Thank you.

[18:40:33]

[Applause].

>> Mayor leffingwell: Carmen yanez palito.

>> Hello, council and mayor. Thank you for your perseverance tonight. Thanks to all of the civic minded people who have stayed here all night. I am not going to go on for my whole 3 minutes. I just want to support many of the comments I have heard. At the end of the day, this is about accountability and the governance issue is obviously a huge by important issue to all of us. This isn't just about our energy rates. It is about our parks, our pools, our libraries, our clinics, fire and ems and police, for goodness sake a, this is a hugely public decision. It affects all of us for many, many years to come. As many have said, we are going to have a change in the council structure and it doesn't make sense to do this

-- to bring this up in a subcommittee. We need to have public hearings on this. We aren't going anywhere, obviously, so keep that in mind. Thank you and good night. [Applause]

>> mayor leffingwell: [Indiscernible] martin. Those are all of the speakers that I have signed up wishing to speak.

>> Mayor? [Indiscernible]

>> mayor leffingwell: What is your name?

>> [Indiscernible]

>> mayor leffingwell: I just called your name.

>> [Indiscernible]

>> mr. Mayor and council, my name is phillip martin. I spoke here before on this issue a while ago and I was very, very strongly vocal about my opposition to it. I appreciate the direction y'all have taken and I think that the idea of a subcommittee is actually a good one, personally. Council member tovo, i apologize you weren't here before when I spoke but one thing I want the whole council to know is I spoke very directly to the mayor before. One of the reasons I did is unlike probably most of my colleagues in this room, i voted for the mayor over br shay in the last election which isn't a popular opinion for my wife and others in the environmental committee and the reason I feel the mayor in his heart believes in the strong environmental legacy and that's one of the values we can get out of a subcommittee. I think the subcommittee has an opportunity to look at issues and look at ideas further and study this more. One of my mn concerns when I spoke before is we are rushing the process. We are no longer rushing the process. I appreciate that. Another one of my main concerns was an unelected board. I don't know what the subcommittee will hold. I understand there is an open meetings provision in the resolutions before us. I apologize I didn't have time to look into what that includes. I would hope certainly that involves public input. There is two things specifically that I think could be

-- I don't know if they need to be amended or simply discuss the recommendations to the resolution. The first is, it says at least three members of city council should be involved

-- or could be involved in the subcommittee. I don't know if it needs to be written again or what the formal structure is to ensure that any member of city council who wants to be involved in a subcommittee process has the opportunity to be involved. I think any member of city council, especially those when they go on to hold additional elected office, whether it is mayor or otherwise, want to be involved from the beginning. I know several of you have spoken, at least according to my friends, spoken of interest of wanting to be mayor one day. I would expect any mayor i want to vote for would be involved from the beginning of the details throughout the whole process. I am watching the situation. I believe the next step could be good. I believe the subcommittee allows more discussion and more ideas and as I said last time I spoke, every time I talk about this, we understand the process better, the government structure and the opportunities we have with austin energy. My first proposal for an amendment would be to ensure any member of the council that want to participate in the subcommittee would be allowed to participate and the second recommendation is there is a certain finite list that the subcommittee could discuss. I would suggest adding another item that says other items deemed important by the subcommittee to be deemed to be brought to council. Because if there is something or parts of the discussion itemized in the I don't want to jeopardize that as not being recommended because it wasn't specified to the subcommittee. If you want the subcommittee to report to any council, let me make sure they report to any issue. That's my time, thank you for working on this and i look forward to going to the future.

[18:45:24]

[Buzzer alarming]

>> mayor leffingwell: Thank you. Those are all of the speakers. [Applause]. Council member riley.

>> Riley: Thanks, mayor, and thanks so everyone who stayed so late to address this important issue. This is really a fairly straightforward item that would just establish the council subcommittee, give at least three council members to address issues that concern our electric utility. Obviously there are a lot of issues that our utility needs to deal with and that we need to address. I think a committee would be very helpful in terms of providing a forum for us to be able to focus on those issues in depth. Historically

-- well, let me just say with those issues, there are a lot of issues, and there are so many issues and some of them are very difficult issues. We are going to need some help in dealing with this. The council has a few other things on its plate and we generally don't do much of anything on our own. Most of anything the council does, we have some committee that helps us with that. We have about 60 boards and commissions. We often rely on the hel of

-- of our citizen boards to help guide what

-- guide us in whatever we are doing. And historically, we have relied on the electric utility commission to help us make decisions about the electric utility. One problem that we have is the electric utility commission has been telling us with increasing degrees of urgency for a number of years now, that they are not able to effectively engage

-- carry out their job of conducting oversight of the utility. They tell us that they are not able to fulfill that role and I

-- I don't see how we can responsibly ignore that advice

-- guidance from the eoc, if they are wanting us to help them and we can't, that strikes me a lot and it is something that the committee needs to talk about and try to find some kind of solution and I think that's why it is important to have at the top of the list of the issues that

-- that the council

-- that the subcommittee would deal with is

-- the word is governance, that that would encompass, in my mind, whatever

-- whatever form,

-- whatever forum, whatever body is providing guidance of how the utility is run, whether it is the euc or the eub, whatever it is, we need someone to help us guide decisions with the utility. I think the committee is an appropriate place to discuss that. This is not an end run around the city council. Anyone who can come

-- any council member can come to the council subcommittee. There is no limit in the language of the resolution on how many council members can serve on the committee. I am not aware of any council member ever been turned down for serving on any committee. I don't know that that

-- i would be surprised if there were any plans to prevent anyone from being on the comm. That wouldn't make any sense, anyway, because all the committee will be doing is making recommendations to the whole council so we have to vote on whatever the committee recommends anyway so if you can get the council member's participation at the committee, why wouldn't you? So it is not an end run. There is no backdoor for the city council. The only backdoor that we have to be worried about is that if we don't have an effective means of overseeing the utility, then decisions regarding the utility are going to be made behind closed doors by staff in a way that is not transparent at all. That is the default. That is what happens when

-- when we don't have an effective way of carrying out oversight of the utility. The best thing we

could do would be to have these open public discussions and establish a better process for having further open public discussions about issues affecting the utility and I think approving the resolution tonight will move us further down that road and so I am going to move approval of the item.

[18:49:25]

>> Mayor leffingwell: Council member riley moves approval. Second by council member martinez.

>> Martinez: Sure. Mayor, I just want to follow up on a few items. Council member riley touched on a bunch of them. First I want to thank everyone who participated. Carol you and lynette and i met back in january on this item and in that meeting you asked me what do you think

-- what do you think is going to come out of this. I said well, if I've got to pick my way, I would actually like to see maybe a subcommittee of the council with a new constituted board with some broader authority and here we are and that's

-- a and lynette somewhat agree, varying from the expenditures and others and we've gone through different iterations and I think everyone here, at least from what I can hear from the testimony, you are achieving exactly what you all intended to do.

>> No.

>> Martinez: You actually are. Because

--

>> no.

>> Martinez: Because what you are asking for tonight is for the entire council to take up any issue that comes

-- that is related to austin energy, that elected officials remain in control of that. That's exactly what is happening. A council subcommittee

--

>> mayor leffingwell: I am going to ask you to not speak out from the gallery.

>> Martinez: A council subcommittee, again, as chris mentioned, all council members can attend that and participate and then whatever happens at the subcommittee must go through the entire council. Some of you have asked for once a month meeting. Andrew I think you saidnce a month meeting with just ae. That's exactly what the subcommittee will be. It will be a committee of the whole or whoever shows up and there will be one agenda item or one

-- one austin energy agenda of items. So that to me is exactly what

-- what is being suggested. You know, I know that there is a huge concern over the issue of governance over ae, but, again, any decision that's going to be made, it is going to have to come to this entire body and I think it's pretty clear we we have

-- where we have ended on this item. Many of us shared the exact same concerns. We expressed that publically and from the dais and we will continue to hold those feelings. I don't think anybody has changed on that. So I know you guys have some concerns. I know you don't trust pretty much anything that we do.

[18:52:00]

[Laughter] you know, but from where we started and to where we are today, I think you guys have achieved almost every single thing you wanted to do and i don't see how adding the subcommittee hurts what we are doing. I see it as the ability for the public to have more input, for you to have daytime meetings as opposed to midnight meetings, which, by the way, I wanted to explain as well. I am not defending the mayor, but every item has a time certain, and when you ask for a 7:00 p.M. Time certain, that's the last time certain of the day. So every other item must be taken up before you get to that last time certain. It doesn't mean we are holding it until midnight. It's just by virtue of requesting a time certain, we can't take it up before 7:00 p.M. But every other item has a time certain before 7:00 p.M. So we have to go through them before we get to this one. That's why it comes up at midnight. It is not a trick. It is the process. Again, I am going to be supportive of this because i do think there is a lot of good that can come out of a council subcommittee, specifically dedicated to austin energy. It is a critically important issue, and then the last thing I will end with, because so many people brought it up is we all know full well that there is a new council coming in 2014 of single member districts. But under the logic of not doing something because council is going to change doesn't make any sense. That would mean we never should have made a decision the entire time we were here in office because at some point it was going to change. We know that the governance structure is going to change here on the dais and that council will have full authority to do whatever it is they would like to do, overturn any action we have taken or any other council has taken up to that point. We can't stop being council members just because a charter amendment has taken place and a new council member will be elected in 2014. We have to make difficult decisions. This is one of those. I think this is the right decision. I think there is good things that can come from this council subcommittee and i dang sure want to serve on it and hopefully my colleagues will want to serve on it as well.

[18:54:19]

>> Mayor leffingwell: Mayor pro tem.

>> Col WANT TO SAY THAT I appreciate all of the testimony that was had tonight and marian is here, I am willing to serve on the subcommittee. [Laughter] and I really appreciate the austin energy issues and I've worked hard on them and I have no intent of abandoning them and I also do want to say that we do have other utilities that many of you guys often come and give us expert advice on and I don't want y'all to forget about that because i am concerned about those, also. And so I just thank you for your time and being here late tonight.

>> Mayor leffingwell: All in favor of the motion, say aye. Council member morrison.

>> Morrison: Thank you, mayor.

>> Morrison: I

-- I agree with my colleagues here, that there are some really good things that can come out of having a subcommittee. I think that, you know, my

-- what I had been envisioning is what I hope happens and that is that there will be lots and lots of deep dives and in depth discussion about different policies and

-- and keeping tabs on finances and watching what's happening. My frustration comes from the fact that we talked about governance for the past months and now, you know, I would hate to have this new committee just be a continuation of a discussion about governance because there is so much more good work that a council committee can do. [Applause]. But I do

-- I do think that there is a lot that can come out of it. I do want to mention specifically, though, with regard to adding additional things to the resolution as it sits right now, the actual scope says

it will provide oversight and policy recommendations on utility matters, including, colon and it says

-- which also means including but not limited to, so it is policy matters and oversight, so all of those other great

-- great things that you brought up, I think, are also fair game for it. So with that, I guess we are going to be having a monthly austin energy work session and we will see what comes out of it.
[18:56:47]

>> Mayor leffingwell: Council member tovo.

>> Morrison: Thank you for being here and thanks for all of the testimony but i am going to come fast that every time there was somebody that wasn't here and gets a little faster, it was

-- it was a long night. It was a long night. So thank you.

>> Mayor leffingwell: Council member tovo.

>> Tovo: Thanks. I need some clarification from the sponsors of this item. The posting language talks about membership. Are we actually approving the entire council here tonight as members of this

-- of the committee?

>> Mayor leffingwell: Council member riley.

>> Riley: I am trying to recall how we typically do committee appointments. I don't remember -- I don't remember the committee appointments actually being handled at regular council meetings.

>> Mayor leffingwell: No, no, we just handle that through a different process and I understand that any council member who wants to be on the committee will be on the committee.

>> Tovo: I would like confirmation, that that's what we are voting on today. I am agreeing any council member who wants to serve on this committee can serve and we are not setting a maximum number.

>> Riley: That is certainly my intent.

>> Tovo: Great. But the listed language talks about appointing members.

>> Mayor leffingwell: I think we just did.

>> Tovo: Okay, so I would like to say a few things about this as well. I agree with the comments that have been made before. I think it is really an advantage to have

-- we have heard again and again that the public would like to see us spend more t on austin energy issues and we would like to do this. It is not really another subcommittee, it is another meeting of the council of a month. I would like to express a few additions, really. I understand the language that says including allows for other things to

-- to come up within the range of the

-- within the scope of the committee but I think there are a few that are worth adding in so that they remain priorities. And I will just read through them and offer these as friendly amendments, hopefully. Customer protection, which i think would include the issue that carol bajisky brought up as well as connection, but customer protection, fuel hedging and related financial strategies, key accounts and special tariffs in competitive matters. These are related to financial policies and the financial status of the utility but I think they are important to call out because while we get quarterly reports on finances

-- we get financial quarterly reports, we typically do not address competitive matters, and i will just offer as an example, when the navigant consulting report was done, looking at chiller and others, I don't believe that was ever presented to council in any kind of briefing until we

specifically requested it during the rate process. So I think it is important, you know, if we are looking at improving our decision making with regard to austin energy and really, you know, looking at governing austin energy more directly and
-- and with more thought to that process, then I think we do want to give more
-- more attention to some of those areas. So that's my suggestion. Shall I run through them again?
[19:00:13]

[One moment, please, for change in captioners] >>... We've heard concerns tonight, I think they're valid ones with regard to that first bullet points. It's an empty bullet the governance of the utility item. I would propose we change it to the following, this is not fancy language, but i think it captures my point. I would propose we change it from the governance of the utility to mission, scope and responsibilities of relevant advisory committees. I believe that will allow us to talk about the future of
-- of the electric utility commission, the resource management commission, whether that should be one or two, should be reconstituted as an electric utility board and be given additional responsibilities or additional scope. So I think that language does not
-- does not invoke
-- the kind of concerns that the word governance does. But gets at the same thing. We want to talk about, we want to talk about what the advisory committee should be that are providing recommendations and sound advice to the council on issues related to the electric utility. I specifically didn't call out the electric utility commission because we have been talking about renaming it. Or renaming some body that would advise on electric utility issues.
>> Mayor Leffingwell: Again, you know, you can p that language in if you want to, but the
-- but the committee would have purview over any matter relating to austin energy.
[19:02:17]

>> Tovo: Just to clarify I'm proposing substituting out the first bullet under the city council committee on austin energy will provide oversight and policy recommendations on utility matters, including
-- I am suggesting that the language change from the governance of the utility to what i proposed or some [indiscernible] version.
>> Mayor Leffingwell: That would be fine. But again, I don't think it would change the original intent of the originally worded
--
>> I think it's
-- I think it's an excellent suggestion. It was one that I certainly wanted us to address in our first committee meeting but if we can do it tonight that's fine. The term governance is what's giving everyone heart burn about anything that we are doing. It's going to be removed. We've removed it for all intent and purposes so taking the language out of the resolution I think is just an added step so i appreciate that suggestion.
>> Mayor Leffingwell: All in favor of the motion say aye.
>> Aye.
>> Opposed say no. Passes on a vote of 7-0.
>> Mayor Leffingwell: Without objection we are adjourned at 1:03.